

DOMESTIC VIOLENCE ACT (DVA) MONITORING REPORT

**Report on the status of DVA implementation and compliance by the SAPS
from April 2016 – September 2016.**



**civilian secretariat
for police service**

Department:
Civilian Secretariat for Police Service
REPUBLIC OF SOUTH AFRICA

OFFICIAL SIGN-OFF

Submitted

MS MF MATHOMA
DIRECTOR: PERFORMANCE
Date:

Supported

MR T RAMARU
CHIEF DIRECTOR: COM&E
Date:

Recommended

MR AP RAPEA
SECRETARY FOR POLICE SERVICE
Date:

Approved

HON FA MBALULA
MINISTER OF POLICE
Date:

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TABLE OF ACRONYMS AND GLOSSARY OF TERMS

ACRONYM	DESCRIPTION
CSC	Community Service Centre
CSPS	Civilian Secretariat for Police Service
DVA	Domestic Violence Act 116 /1998
DVAT	Domestic Violence Act Monitoring Tool
FPO	Final Protection Order
IPO	Interim Protection Order
PO	Protection Order
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

1. INTRODUCTION

The Domestic Violence Act, 1998 (Act No.116 of 1998) herein referred to as DVA, places a number of obligations on the SAPS with regard to implementation aimed at providing victims of domestic violence with the maximum protection from domestic abuse. In terms of the DVA, specific duties are prescribed for the South African Police Service (SAPS) and other state departments.

The Civilian Secretariat for Police Service (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 with the DVA. This is done through conducting police station monitoring visits (herein referred to as monitoring visits) and engagements with civil society organisations.

2. OBJECTIVE

The objective of the report is to provide information on the status of DVA implementation and compliance by the SAPS.

3. SCOPE

The scope of the monitoring visits focused on looking at both regulatory and administrative compliance on the implementation of the DVA by police stations. The CSPS together with the Provincial Secretariats (PS) conducted a combination of announced and unannounced monitoring visits at two-hundred and forty-six (246) police stations across the country during the period 01 April – 30 September 2016.

The monitoring visits were also focussed at identifying challenges with the implementation of the DVA by police stations and to equip the police stations with information on how compliance and implementation can be improved.

4. METHODOLOGY

The DVA Monitoring Tool (DVAT) was developed for use in assessing DVA compliance and implementation by police stations. The DVAT is administered through perusal of relevant documents and interviewing the various component heads and members that are responsible for implementation of DVA at the police stations.

At the beginning of the assessment process, the monitoring team meet with the police station management for a briefing session on what is expected and what will be required throughout the monitoring process. After the completion of the assessment, a debriefing session is held with the police station management to provide feedback.

The aim of the debriefing session is to highlight the key findings emanating from the monitoring visit as well as areas that need immediate corrective action.

5. FINDINGS

5.1. Regulatory Compliance

Regulatory compliance assesses the police station's level of compliance as set out in the National Instruction. These include the following:

- a) Checking the availability of documents in the Community Service Centre (CSC) and in the vehicles used to attend to complaints as per section 3(5 a-e) of the National Instructions;
- b) Record keeping with specific reference to maintenance of registers and proper filing of documents (forms and protection orders);
- c) Submission of relevant monthly returns; and
- d) Accessibility and maintenance of the Victim Friendly Room (VFR).

The regulatory compliance levels are distributed in four (4) levels as follows:

- a) Level one is full compliance which is equivalent to 100%;
- b) Level two is significant compliance which is equivalent to 70 - 99%;
- c) Level three is partial compliance which is equivalent to 50 - 69%;
- d) Level four is non-compliance which is equivalent to 49% and below.

Table 1 below reflects the number of police stations per various levels of regulatory compliance.

PROVINCE	TOTAL NUMBER OF STATIONS VISITED	FULL COMPLIANCE (100%)	SIGNIFICANT COMPLIANCE (70% - 99%)	PARTIAL COMPLIANCE (50% - 69%)	NON-COMPLIANCE (50% and below).
EC	52	0	16	23	13
FS	30	0	1	20	9
GP	23	0	11	12	0
KZN	27	0	9	15	3
LP	52	0	22	27	3
MP	19	0	0	17	2
NW	21	0	12	9	0
NC	14	0	0	8	6
WC	8	0	0	6	2
TOTAL	246	0	71	137	38

Table 1 Compliance per Province

According to Table 1 above, there is no police station that achieved full compliance (100%). However, majority of the police station (137) achieved partial compliance level, which is between 50% and 69%, while seventy one (71) police stations achieved significant compliant level (i.e. between 70% and 99%). Notwithstanding, it is concerning that thirty eight (38) police stations achieved a compliance level of 49%

and less (i.e. non-compliance) in terms of adherence to the regulatory obligations as imposed by the DVA.

As indicated in Table 1 above, thirteen (13) of the non-compliant police stations are from the Eastern Cape Province followed by the Free State with nine (9) and Northern Cape Province with six(6) police stations. Limpopo three (3) stations and Mpumalanga and Western Cape had two (2) stations each that fell within the non-compliance level.

5.2. Compliance Levels per police station

Table 2 below shows the list of police stations audited and the levels of compliance per police station based on regulatory compliance variables and record keeping.

EASTERN CAPE (EC)			FREE STATE (FS)		
POLICE STATION (EC)	%	COMPLIANCE LEVEL	POLICE STATION (FS)	%	COMPLIANCE LEVEL
Aliwal North	92.50%	Significant Compliance			
Port Alfred	90.80%	Significant Compliance	Tierpoort	85.70%	Significant Compliance
Zamuxolo	89.30%	Significant Compliance	Hoopstad	79.70%	Significant Compliance
Humewood	88.20%	Significant Compliance	Reitz	79.10%	Significant Compliance
Motherwell	87.30%	Significant Compliance	Rosendal	78.70%	Significant Compliance
Coffee Bay	87.30%	Significant Compliance	Theunissen	77.70%	Significant Compliance
Macleantown	87.30%	Significant Compliance	Wanda	76.40%	Significant Compliance
Maletswai	86.00%	Significant Compliance	Petrus Steyn	75.90%	Significant Compliance
Beacon Bay	85.60%	Significant Compliance	Arlington	75.80%	Significant Compliance
Lusikisiki	84.60%	Significant Compliance	Bayswater	74.50%	Significant Compliance
Kat Kop	84.40%	Significant Compliance	Gariepdam	73.10%	Significant Compliance
Algoa Park	84.40%	Significant Compliance	Heilbron	72.50%	Significant Compliance
Mt. Frere	84.40%	Significant Compliance	Viljoensdrif	66.80%	Partial Compliance
Bethelsdorp	83.20%	Significant Compliance	Fouriesburg	64.30%	Partial Compliance
Mlungisi	80.20%	Significant Compliance	Steunmekaar	61.80%	Partial Compliance
Madeira	79.40%	Significant Compliance	Bloemspruit	60.00%	Partial Compliance
Alicedale	76.50%	Significant Compliance	Boithuso	56.20%	Partial Compliance
Ngqamakhwe	75.40%	Significant Compliance	Hertzogville	56.20%	Partial Compliance
Cradock	74.50%	Significant Compliance	Roadside	55.30%	Partial Compliance
Bridge Camp	74.50%	Significant Compliance	Parys	52.80%	Partial Compliance
Qumbu SAPS	74.50%	Significant Compliance	Cornelia	54.90%	Partial Compliance
Ezibeleni	73.50%	Significant Compliance	Tumahole	50.60%	Partial Compliance
Bityi SAPS	73.50%	Significant Compliance	Vierfontein	48.20%	Non-Compliance
EASTERN CAPE (EC)			FREE STATE (FS)		

POLICE STATION (EC)	%	COMPLIANCE LEVEL	POLICE STATION (FS)	%	COMPLIANCE LEVEL
Sterkspruit	73.10%	Significant Compliance	Goedemoed	47.90%	Non-Compliance
Baviaanskloof	73.00%	Significant Compliance	Tweeling	46.30%	Non-Compliance
Indwe	71.10%	Significant Compliance	Ladybrand	41.20%	Non-Compliance
Sulenkama	69.70%	Partial Compliance	Edenburg	30.70%	Non-Compliance
Jeffrey's bay	64.80%	Partial Compliance	Fauresmith	49.20%	Non-Compliance
Fort Brown	64.80%	Partial Compliance	Verkeerdevlei	47.00%	Non-Compliance
Cathcart	62.60%	Partial Compliance	Vredefort	43.40%	Non-Compliance
Kwa-Ndengane	58.10%	Partial Compliance	Excelsior	42.60%	Non-Compliance
Jamestown	53.10%	Partial Compliance	KWAZULU-NATAL (KZN)		
Patensie	51.30%	Partial Compliance	POLICE STATION	%	COMPLIANCE LEVEL
Mzamba	62.90%	Partial Compliance	Ntabamhlophe	93.90%	Significant Compliance
Elliotdale	62.90%	Partial Compliance	Glencoe	92.50%	Significant Compliance
Humansdorp	62.80%	Partial Compliance	Umhlali	92.50%	Significant Compliance
Committees Drift	62.80%	Partial Compliance	Ixopo	91.10%	Significant Compliance
Lukholweni	62.80%	Partial Compliance	Dundee	88.40%	Significant Compliance
Msobomvu	62.50%	Partial Compliance	Eshowe	88.40%	Significant Compliance
Thornhill	47.90%	Non-Compliance	Hattingspruit	86.40%	Significant Compliance
Seafeld	46.30%	Non-Compliance	Nkandla	84.30%	Significant Compliance
Balfour	39.30%	Non-Compliance	Cramond	80.30%	Significant Compliance
Scenery Park	35.90%	Non-Compliance	Ematsheni	76.50%	Significant Compliance
Addo	48.70%	Non-Compliance	Harburg	75.20%	Significant Compliance
Burgersdorp	43.20%	Non-Compliance	Durban North	67.80%	Partial Compliance
Afsondering	43.20%	Non-Compliance	Gluckstadt	67.30%	Partial Compliance
Bluewater	43.20%	Non-Compliance	Hlabisa	66.30%	Partial Compliance
Alexandria	39.80%	Non-Compliance	Evatt	65.40%	Partial Compliance
Ndevana	39.80%	Non-Compliance	Ngome	60.40%	Partial Compliance
Gelvandale	29.30%	Non-Compliance	Charlestown	59.50%	Partial Compliance
Ilinge	29.30%	Non-Compliance	Brighton Beach	56.70%	Partial Compliance
Nieu Bethesda	29.30%	Non-Compliance	Harding	56.30%	Partial Compliance
			Kwamsane	53.40%	Partial Compliance
MPUMALANGA (MP)			Hluhluwe	50.50%	Partial Compliance
POLICE STATION	%	COMPLIANCE LEVEL	New Hanover	46.90%	Non-Compliance
Charl Cilliers	75.00%	Significant Compliance	Hillcrest	41.30%	Non-Compliance
Davel	75.00%	Significant Compliance	Muden	17.60%	Non-Compliance
Mhluzi	71.90%	Significant Compliance			
Breyten	68.80%	Partial Compliance			
Witbank	68.80%	Partial Compliance			
Mahamba	68.80%	Partial Compliance			
			GAUTENG (GP)		

Graskop	68.80%	Partial Compliance	POLICE STATION	%	COMPLIANCE LEVEL
White River	68.80%	Partial Compliance	Hekpoort	91.80%	Significant Compliance
Balfour	65.60%	Partial Compliance	Carletonville	85.60%	Significant Compliance
Grootvlei	62.50%	Partial Compliance	Bronkhorstspuit	83.60%	Significant Compliance
Embalenhle	62.50%	Partial Compliance	Kameeldrift	83.40%	Significant Compliance
Emzinoni	59.40%	Partial Compliance	Muldersdrift	82.80%	Significant Compliance
Evander	59.40%	Partial Compliance	Eersterust	81.80%	Significant Compliance
Elukwatini	56.30%	Partial Compliance	Cullinan	80.40%	Significant Compliance
Ogies	56.30%	Partial Compliance	Sinoville	80.30%	Significant Compliance
Secunda	53.10%	Partial Compliance	Welbekend	80.20%	Significant Compliance
Piet Retief	50.00%	Partial Compliance	Fochville	80.10%	Significant Compliance
Trichardt	40.60%	Non-Compliance	Khutsong	80.00%	Significant Compliance
Kinross	40.60%	Non-Compliance	Boschkop	79.20%	Significant Compliance
LIMPOPO (LP)			Magaliesburg	77.60%	Significant Compliance
POLICE STATION	%	COMPLIANCE LEVEL	Mamelodi	76.80%	Significant Compliance
Morebeng	89.80%	Significant Compliance	Kagiso	75.00%	Significant Compliance
Musina	87.40%	Significant Compliance	Wedela	74.40%	Significant Compliance
Tshilwavhusiku	84.90%	Significant Compliance	Mamelodi East	73.60%	Significant Compliance
Makhado	82.60%	Significant Compliance	Krugersdorp	70.50%	Significant Compliance
Levubu	81.30%	Significant Compliance	Tarlton	69.80%	Partial Compliance
Tshamutumbu	80.80%	Significant Compliance	Westonaria	68.90%	Partial Compliance
Pienaarsrivier	79.80%	Significant Compliance	Ekgangala	63.10%	Partial Compliance
Modjadjiskloof	79.60%	Significant Compliance	Randfontein	57.60%	Partial Compliance
Ohrigstad	79.10%	Significant Compliance	Bekkersdal	54.80%	Partial Compliance
Senwabarwana	78.90%	Significant Compliance	NORTHERN CAPE (NC)		
Waterval	78.20%	Significant Compliance	POLICE STATION	%	COMPLIANCE LEVEL
Ritavi	78.20%	Significant Compliance	Kuyasa	68.80%	Partial Compliance
Marble Hall	77.70%	Significant Compliance	Paballelo	62.50%	Partial Compliance
Tzaneen	77.00%	Significant Compliance	Servern	62.50%	Partial Compliance
Sekgosese	75.00%	Significant Compliance	Deben	59.40%	Partial Compliance
Lulekani	73.00%	Significant Compliance	Fraserburg	50.00%	Partial Compliance
Bolobedu	72.90%	Significant Compliance	Steinkopf	50.00%	Partial Compliance
Botlokwa	71.80%	Significant Compliance	Hanover	50.00%	Partial Compliance
Villa-Nora	71.70%	Significant Compliance	Roodepan	50.00%	Partial Compliance
Naboomspruit	71.00%	Significant Compliance	Danielskuil	46.90%	Non-Compliance
Northam	70.60%	Significant Compliance	Douglas	43.80%	Non-Compliance
Tomburke	70.00%	Significant Compliance	Pampierstad	43.80%	Non-Compliance
Nebo	69.10%	Partial Compliance	Plooyburg	37.50%	Non-Compliance
Gravelotte	68.70%	Partial Compliance	Williston	37.50%	Non-Compliance
Malipsdrift	68.70%	Partial Compliance	Lime Acres	25.00%	Non-Compliance
Magatle	68.10%	Partial Compliance	NORTH WEST (NW)		
Mecklenburg S	66.40%	Partial Compliance	POLICE STATION	%	COMPLIANCE LEVEL
Tshitale	66.00%	Partial Compliance	Mmabatho	81.30%	Significant Compliance
Maleboho	66.00%	Partial Compliance	Ottosdal	81.30%	Significant Compliance
Dennilton	65.90%	Partial Compliance	Ganyesa	81.30%	Significant Compliance
Waterpoort	65.00%	Partial Compliance	Huhudi	81.30%	Significant Compliance

LIMPOPO (LP)			NORTH WEST (NW)		
POLICE STATION	%	COMPLIANCE LEVEL	POLICE STATION	%	COMPLIANCE LEVEL
Vaalwater	63.80%	Partial Compliance	Pudimoe	81.30%	Significant Compliance
Mankweng	63.40%	Partial Compliance	Taung	81.30%	Significant Compliance
Mara	62.40%	Partial Compliance	Jouberton	81.30%	Significant Compliance
Burgersfort	61.40%	Partial Compliance	Klerksdorp	81.30%	Significant Compliance
Zaaiplaas	61.00%	Partial Compliance	Khuma	81.30%	Significant Compliance
Tinmyne	60.80%	Partial Compliance	Mmakau	81.30%	Significant Compliance
Cumberland	60.80%	Partial Compliance	Mogwase	81.30%	Significant Compliance
Rankin's pass	59.40%	Partial Compliance	Rustenburg	81.30%	Significant Compliance
JaneFurse	59.40%	Partial Compliance	Mahikeng	75.00%	Significant Compliance
Saselamani	58.90%	Partial Compliance	Ottoshoop	75.00%	Significant Compliance
Roedtan	57.90%	Partial Compliance	Mothotlung	75.00%	Significant Compliance
Dorset	56.50%	Partial Compliance	Marikana	75.00%	Significant Compliance
Saamboubreg	55.70%	Partial Compliance	Morokweng	68.80%	Partial Compliance
Bulgerivier	54.90%	Partial Compliance	Lomanyaneng	68.80%	Partial Compliance
Roosenekal	53.70%	Partial Compliance	Biesiesvlei	65.60%	Partial Compliance
Dwaalboom	52.20%	Partial Compliance	Kanana	65.60%	Partial Compliance
All days	51.60%	Partial Compliance	Ikageng	62.50%	Partial Compliance
Mokwakwaila	50.60%	Partial Compliance	WESTERN CAPE (WC)		
Tubatse	43.20%	Non-Compliance	POLICE STATION	%	COMPLIANCE LEVEL
Elandskraal	38.00%	Non-Compliance	Athlone	78.10%	Significant Compliance
Mogwadi	29.10%	Non Compliance	Mfuleni	78.00%	Significant Compliance
			Lamberts Bay	75.00%	Significant Compliance
			Delft	75.00%	Significant Compliance
			Maitland	68.80%	Partial Compliance
			Riversdale	68.80%	Partial Compliance
			Nuwerus	43.80%	Non-Compliance
			Laingsburg	43.80%	Non-Compliance

Table 2 Regulatory Compliance level per station

5.2.1. Service of Protection Orders by police stations

The other area which police stations were assessed on was the ability to serve Protection Orders (PO) immediately after it is issued as stipulated in the DVA. In assessing this area, records were checked as to whether there were any PO outstanding for longer than two (2) months within a police station. Figure 1 below shows the status of serving PO.

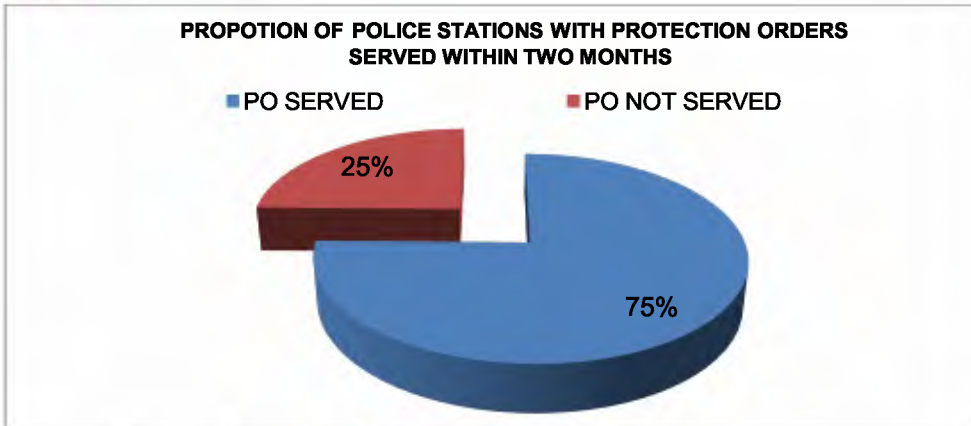


Figure 1: Service of Protection Orders

As depicted in Figure 1 above, there were POs that were outstanding for longer than two (2) months in 25% (62) of the police stations visited, whilst in 75% of the stations protection orders were served on time. This raises serious concerns taking into consideration the scourge of domestic violence in the country and the intended role of the PO in contributing to the reduction of domestic violence.

5.2.2. Compliance level per focus area

Figure 2 below illustrates the level of compliance in relation to the various focus areas namely; regulatory compliance, VFR, recording of domestic violence and implementation of the DVA.

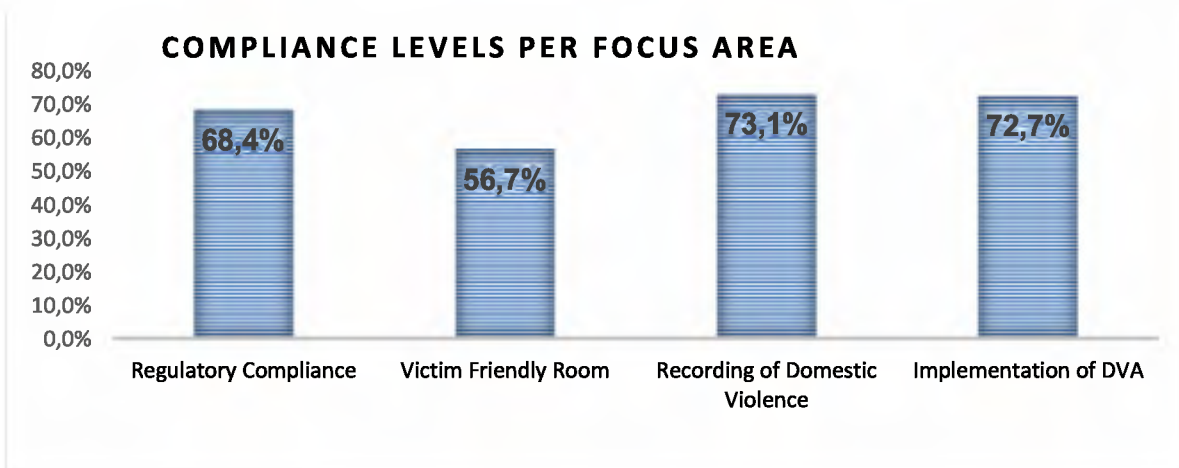


Figure 2: Compliance Levels per Focus Area

The assessments indicated an average level of compliance for the police stations visited to be at 73.1% and 72.7% (significant compliance) on recording of domestic violence and implementation of the DVA by members respectively. A partial compliance level was achieved with regard to regulatory compliance and VFR, with 68.4% and 56.7% respectively.

In assessing the implementation of DVA, questions were posed to members exploring the different steps that should be followed when assisting a person reporting a domestic violence incident. The aim was to assess whether members have an understanding of how to properly implement DVA in line with the requirements for providing service to victims as explained in the DVA and National Instructions (7 of 1999). The findings show that members have a fairly good understanding of implementation of the DVA as all the members that were interviewed demonstrated knowledge of the SAPS expected obligations as outlined in the National Instructions for Victim Empowerment (2 of 2012). An average of three (3) members per police station was interviewed.

Furthermore, the average functionality of the Victim Friendly Rooms (VFR) was rated at partial compliance (56.7%) out of the police stations visited during the period under review (see Figure 2 above). This was based on assessing compliance as stipulated in the Victim Empowerment National Instruction No. 2 of 2012. The Victim Empowerment National Instruction stipulates that every police station must have a 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 office¹.

Figure 3 below provide the status in terms of the availability and functionality of the VFR.

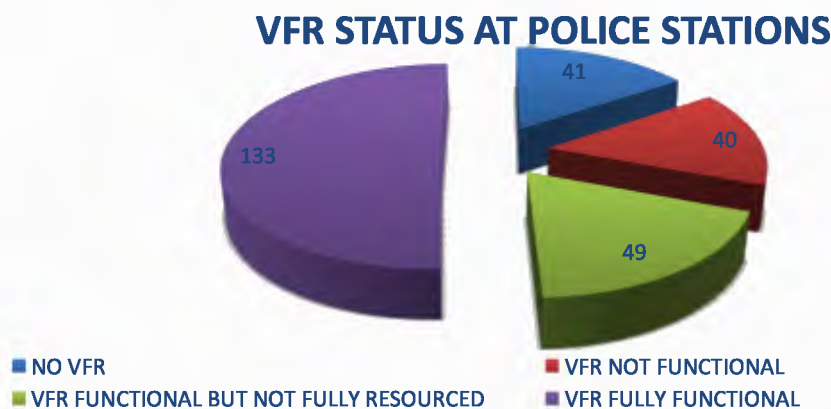


Figure 3: Status of VFR

The above figure indicates that 84%² of the police stations visited had a VFR but the status of functionality varied. The VFR was fully functioning in 50% of the police stations, indicating that it was open and available for use 24 hours and had resources as stipulated in the National Instructions 2 of 2012, whilst 15% was not functional and 19% had functioning VFR that are not resourced as stipulated in the Victim Empowerment National Instructions 2 of 2012. Furthermore, 16% of the police stations did not have a VFR. According to SAPS even though some stations might not have

¹ Section 8 (2&3) – Victim Empowerment National Instruction, No 2 of 2012
² 50% + 19% + 15%

the actual room, they are able to provide a victim friendly service by ensuring complainants are not interviewed at the Community Service Centre.

5.3. Non-compliance by Members

In terms of the DVA, failure by SAPS members to comply with the duties as outlined in the DVA and National Instruction constitute misconduct. The Station Commander is expected to institute disciplinary action against such a member unless exemption has been granted by the CSPS³. The National Instruction further urges Station Commander to submit monthly returns of non-compliance cases received and to register such cases on the SAPS 508 Register.

Table 3 below shows the number of members that have failed to comply with the DVA in the police stations visited during this reporting period.

PROVINCE	STATIONS	NUMBER OF MEMBERS	DISCIPLINARY PROCEEDINGS	OUTCOME
FS	Ladybrand	16	16	Verbal warning
NW	Mmakau	5	0	0
LP	Cumberland	1	1	Still under investigation
	Tshilwavhusiku	12	12	No results provided
	Senwabarwana	13	13	3 on job training 10 verbal warning
	Modjadjiskloof	4	4	Verbal warning
	Tzaneen	19	19	Verbal warning
	Sekgosese	7	7	Verbal warning
NC	Williston	1	1	Outcome pending
WC	Delft	6	6	1 verbal warning 5- no steps taken
	Riversdale	28	28	20 - written warning 4 – found not guilty 1 – corrective counselling 3 – pending
Total		112	107	

Table 3: Non-Compliance by Members

There were one-hundred and twelve (112) non-compliances recorded in eleven (11) police stations of which one-hundred and eleven (111) were administrative non-compliances and one (1) operational non-compliance. The latter was recorded in Williston Police Station where a member refused to assist a victim of domestic violence. Eastern Cape, Gauteng, Mpumalanga and KwaZulu-Natal did not have any records of non-compliance.

The above table further indicates that one-hundred and seven (107 or 95.5%) disciplinary measures were instituted against the members out of the non-compliances recorded for the period under review.

³ Section 18 (4) (b) – Domestic Violence Act (116 of 1998)

There was one police station, Mmakau in the North West Province, which failed to take any disciplinary steps against the five (5) members that failed to comply with administrative obligations and the station management could not provide reasons for not taking action. In Delft police station in the Western Cape, no steps were taken against five (5) members as the misconduct was not clearly stipulated in the disciplinary register. Further investigations are in progress.

5.4. Members as Offenders

During the monitoring visits, it is often found that there are members who are offenders, i.e. have committed acts of domestic violence against their partners. In terms of the DVA a domestic violence offender should be subjected to the same process irrespective of whether they are a police official or not. The DVA further stipulates that a victim of domestic violence has an option to open a criminal case against the perpetrator or apply for a Protection Order (PO) to ensure that the perpetrator does not continue with the abuse. If willing, the victim can also opt for both the criminal case and a PO.

Figure 4 below details the breakdown of actions taken by the complainants against the SAPS members who have incidents of domestic violence reported against them.

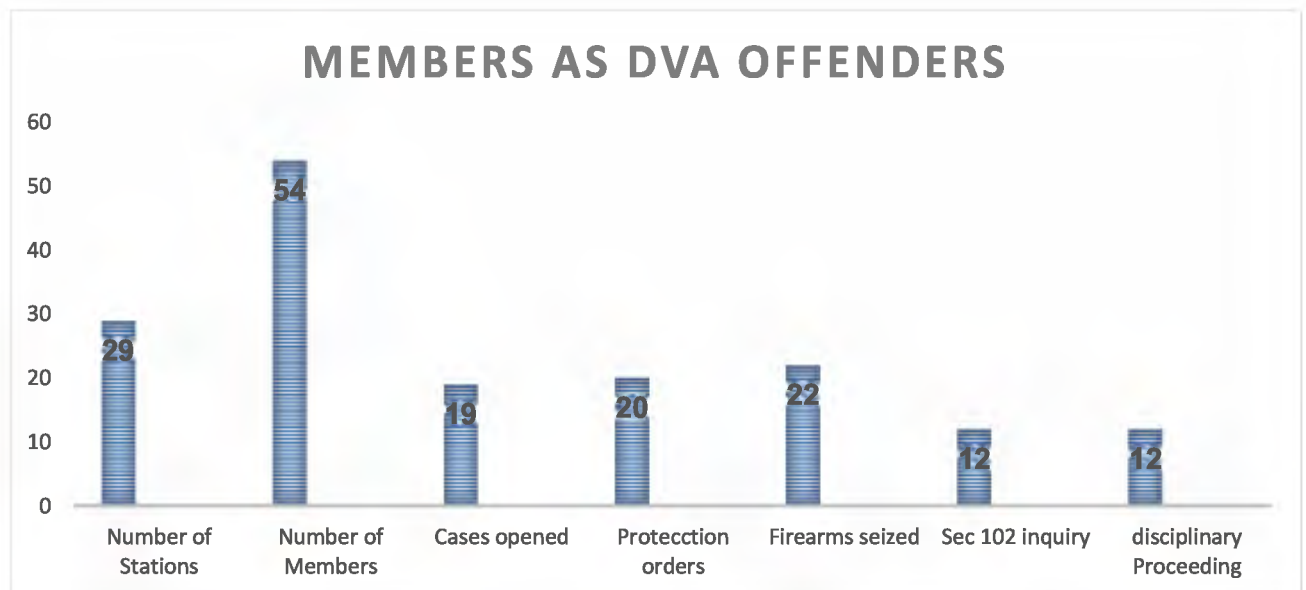


Figure 4: Members as DVA Offenders

The findings indicate that majority of the victims (20) opted to apply for a PO of which two (2) were final and eighteen (18) still interim during the time of the visit to the affected police stations. Nineteen (19) criminal cases were opened against members of which two (2) were later withdrawn by the complainants.

Table 4 below provides a breakdown of firearms seized per province and Section 102 inquiries⁴ conducted in relation to members who possess those firearms.

PROVINCE	STATION	NUMBER OF MEMBERS	NUMBER OF PO IN PLACE	FIREARMS SEIZED	SEC 102 INQUIRY	DISCIPLINARY PROCEEDINGS
EC	Humansdorp	3	0	0	0	0
FS	Tierport	1	0	1	1	Member arrested, investigation pending – not suspended
	Bayswater	1	0	0	0	0
	Edenburg	2	0	0	0	0
	Excelsior	1	0	0	0	0
	Bloemspuit	2	0	0	0	0
GP	Etwatwa	1	IPO ⁵	0	0	0
	Kagiso	1	IPO	0	0	0
	Randfontein	2	0	1	1	1 member found not guilty and remedial action taken against another member
	Khutsong	1	0	1	1	Case withdrawn by complainant
	Bekkersdal	1	0	0	0	0
	Westonaria	1	0	1	1	0
	Mamelodi East	1	0	0	0	Member resigned
	Ekgangala	1	0	1	0	0
KZN	Hluhluwe	1	0	1	0	0
LP	Mecklenburg	2	IPO & FPO ⁶	1	1	1
	Sekgosese	1	FPO	1	0	0
	Bolobedu	2	0	2	0	0
	Levubu	1	0	1	1	0
	Musina	1	0	1	1	0
NW	Mmabatho	14	12 IPO	4	1	0
	Ikageng	4	2 IPO	0	0	0
	Klerksdorp	2	0	2	2	One case referred to DPCI. One member received written warning
	Mmakau	1	IPO	0	0	Not yet finalised
	Mogwase	2	0	2	0	0
	Rustenburg	1	0	1	1	1
NC	Williston	1	0	0	0	Written warning issued
WC	Riversdale	1	0	0	0	Case withdrawn by complainant
	Milnerton	1	0	1	1	Case pending finalisation
TOTAL	29	54	18 IPO & 2 FPO (20)	22	12	10

Table 4: Seizure of Firearms

According to the above table, only twelve (12 or 22.2%) Section 102 enquiries were conducted against fifty-four (54) members, which is a cause for concern and non-compliance to statutory obligations. Another area of concern as reflected in the table above is the minimal number of disciplinary actions instituted against members who

⁴ Section 102 of the Firearms Control Act 60 of 2000 (FCA): Declaration by the Registrar of person as unfit to possess firearm

⁵ IPO – Interim Protection Order

⁶ FPO – Final Protection Order

have DVA incidents reported against them. Furthermore, the findings reflect that only ten (10) disciplinary processes cases were initiated from the total incidents reported during the period under review. Two (2) cases were withdrawn by the complainants and in one incident, the member resigned.

In terms of the Firearms Control Act 60 of 2000 (FCA) a person who has in the past five years been served with a PO in terms of the DVA or visited by a police official concerning allegations of violence in the applicant's home, does not qualify to possess a firearm⁷. The findings show that only twenty-two (22) firearms were seized despite the fact that twenty-six (26) PO applications (resulting in 18 IPOs and 2 FPOs), were made by complainants.

5.5. Training

The SAPS offers a five-day DVA Training which also forms part of the Basic Training Programme. In order to assist members who have not yet been called up to attend the five-day DVA training, a three-day workshop on DVA and a one day information session is provided. It was reported that all members in all the 246 police stations visited have undergone DVA training.

6. CONCLUSION

The report shows that there are more police stations (63%) falling within the level of partial compliance and 22% that falls with the level of significant compliance. However, the number of police stations that are non-compliant with regulatory and administrative obligations is still concerning. Serving of PO is one of the key processes for effective implementation of the DVA. The failure by the SAPS to serve PO with immediate effect could be an indication of serious gaps in DVA implementation. As reflected in the findings, in 25% of the police stations visited, POs received were not served within two months of receipt. The level of compliance on the availability of the VFR is encouraging. Notwithstanding, the level of functionality of the VFR require significant improvement.

The SAPS is recording more administrative non-compliances by members as the report reflects that 111 administrative non-compliances were recorded. This is a positive step and an indication that SAPS management is committed to address non-compliance by members with the provisions of the DVA. SAPS still face a challenge of members who are reported to be offenders of domestic violence. Based on the low number of internal disciplinary proceedings initiated against these members, it appears that SAPS' handling of this process does not effectively address the challenge nor ensure that members are held accountable for actions that are not in line with the SAPS discipline regulations.

⁷ Regulation 14(1)(a) – Regulations for the Firearms Control Act 60 of 2000 FCA, 26 March 2004

7. RECOMMENDATIONS

There are some positive strides that can be noted in SAPS implementation of the DVA but some areas are still requiring further improvement. Noting the positive advances and challenges, it is therefore recommended that:

- a) The SAPS Provincial Commissioners should strengthen their internal monitoring mechanism to enable timeous identification and provision of remedies for areas where SAPS is still failing to comply;
- b) The Station Commanders should ensure full adherence and compliance to the provisions of the DVA and related National Instructions, and take decisive disciplinary action against members who fails to comply or are themselves offenders in domestic violence incidents:
- c) The Station Commanders should ensure that members serve PO to the alleged perpetrators immediately after it is issued by the court, or at the earliest possible time;
- d) The SAPS Provincial Commissioners and Cluster Commanders should take decisive disciplinary action against Station Commanders who fail to comply with the provisions of the DVA and National Instructions. This considering the low number of firearms seized despite the issuing of PO against such members and the low number of internal disciplinary proceeding initiated related thereto;
- e) The SAPS Supply Chain Management Division should provide the infrastructure and support necessary to ensure the provisions of victim friendly services in all police stations in line with the provisions of National Instruction on Victim Empowerment.