



**independent complaints directorate**

Department:  
Independent Complaints Directorate  
REPUBLIC OF SOUTH AFRICA

## DVA Reports - ICD

Presentation to Portfolio  
Committee on Safety and Security  
12 September 2007

## Legislative Mandate

- In terms of the Domestic Violence Act 116 of 1998, failure by a member of the South African Police Service to comply with an obligation imposed in terms of this Act or the National Instructions referred to in subsection (3), constitutes misconduct as contemplated in the South African Police Service Act 68 of 1995; and the Independent Complaints Directorate, established in terms of the said Act must forthwith be informed of any such failure reported to the South African Police Service.
- Furthermore, the ICD must, every six months, submit a report to Parliament regarding the number and particulars of matters reported to it in terms of subsection (4)(a), setting out the recommendations made in respect of such matters.

## Types of non-compliance

The DVA Report presents a factual analysis of cases of non-compliance with the Domestic Violence Act (DVA) by members of the South African Police Service (SAPS) and the recommendations made to address same.

The type of cases of non-compliance with the DVA addressed in these reports include:

- a) failure to effect warrants of arrest,
- b) failure to advise complainants of options (e.g. failure to advise complainant to lay a criminal charge, or apply for a protection order, or both)
- c) failure to assist complainants to open cases,
- d) failure to issue or furnish a subpoena,
- e) failure to refer the victim to a place of safety,
- f) failure to seize firearms, and
- g) failure to serve protection orders.

## What the ICD does

- Investigation of non-compliance or
- Referral for investigation/disciplinary action
- Conducting DVA audits & cell inspections
- Processing applications for exemption
- Awareness campaigns, and
- Conducting workshops with SAPS members

## DVA Non-compliance Intake 2006-2007

Province	Jan-Dec 06	Jan-Jun07	Total	%
Eastern Cape	10	3	13	8
Free State	15	5	20	12
Gauteng	18	24	44	25
KwaZulu-Natal	4	5	9	5
Limpopo	9	3	12	7
Mpumalanga	5	2	7	4
North West	13	5	18	11
Northern Cape	9	1	10	6
Western Cape	21	18	31	23
<b>Total</b>	<b>104</b>	<b>66</b>	<b>170</b>	<b>100</b>

## DVA Finalization 2006-2007

Province	Jan-Jun 06	Jan-Jun 07	Total
Eastern Cape	3	0	3
Free State	1	2	3
Gauteng	10	0	10
KwaZulu-Natal	1	2	3
Limpopo	3	3	6
Mpumalanga	1	0	1
North West	5	0	5
Northern Cape	4	0	4
Western Cape	6	3	9
<b>Total</b>	<b>34</b>	<b>10</b>	<b>44</b>

## Granting of exemptions 2006-2007

Province	Jan-Jun 06		Jan-Jun 07		Total	
	Yes	No	Yes	No	Y	N
EC	1	2	0	0	1	2
FS	1	0	0	0	1	0
GT	7	3	0	0	7	3
KZN	1	0	0	0	1	0
LP	3	0	1	0	4	0
MP	1	0	0	0	1	0
NW	4	1	2	0	6	1
NC	4	0	0	0	4	0
WC	6	0	0	0	6	0
<b>Total</b>	<b>28</b>	<b>6</b>	<b>3</b>	<b>0</b>	<b>31</b>	<b>6</b>

Update on previous reports  
2003 - 2005

## DVA Non-Compliance - Intake

Province	Jan-Dec 03	Jan-Dec 04	Jan-Dec 05	Total	%
Eastern Cape	11	1	3	15	3
Free State	15	12	20	47	10
Gauteng	55	33	37	125	25
KwaZulu-Natal	0	2	7	9	2
Limpopo	13	16	11	40	8
Mpumalanga	10	6	5	21	4
North West	31	31	23	85	7
Northern Cape	11	11	10	32	17
Western Cape	51	42	25	118	24
<b>Total</b>	<b>197</b>	<b>154</b>	<b>141</b>	<b>492</b>	<b>100</b>

## DVA Cases (SAPS members as Suspects) - Intake

Province	Jan-Dec 03	Jan-Dec 04	Jan-Dec 05	Total	%
Eastern Cape	6	5	0	11	17
Free State	0	1	0	1	2
Gauteng	2	0	0	2	3
KwaZulu-Natal	4	7	3	14	22
Limpopo	2	3	0	5	8
Mpumalanga	0	1	0	1	2
North West	2	6	12	20	31
Northern Cape	4	3	3	10	16
Western Cape	0	0	0	0	0
<b>Total</b>	<b>20</b>	<b>26</b>	<b>18</b>	<b>64</b>	<b>100</b>

### Comparison between 2003, 2004 and 2005 - Intake

Province	2003	2004	2005	2003 & 2004	2004 & 2005
Eastern Cape	17	6	3	-183%	-100%
Free State	15	13	20	-15%	35%
Gauteng	57	33	37	-73%	11%
KwaZulu-Natal	4	9	10	56%	10%
Limpopo	15	19	11	21%	-73%
Mpumalanga	10	7	5	-43%	-40%
North West	33	37	35	11%	-6%
Northern Cape	15	14	13	-7%	-8%
Western Cape	51	42	25	-21%	-68%
<b>Total</b>	<b>217</b>	<b>180</b>	<b>159</b>	<b>-21%</b>	<b>-13%</b>

### DVA Cases (Non Compliance) - Finalization

Province	Jan-Dec 03	Jan-Dec 04	Jan-Dec 05	Total
Eastern Cape	11	1	2	14
Free State	9	11	17	37
Gauteng	55	27	34	116
KwaZulu-Natal	0	2	2	4
Limpopo	10	14	10	34
Mpumalanga	6	6	3	15
North West	27	31	18	76
Northern Cape	10	11	10	31
Western Cape	31	23	16	70
<b>Total</b>	<b>159</b>	<b>126</b>	<b>112</b>	<b>397</b>

### DVA Cases (SAPS members as Suspects) - Finalization

Province	Jan-Dec 03	Jan-Dec 04	Jan-Dec 05	Total
Eastern Cape	6	5	0	11
Free State	0	1	0	1
Gauteng	1	0	0	1
KwaZulu-Natal	1	3	3	7
Limpopo	1	2	0	3
Mpumalanga	0	1	0	1
North West	1	6	12	19
Northern Cape	4	3	3	10
Western Cape	0	0	0	0
<b>Total</b>	<b>14</b>	<b>21</b>	<b>18</b>	<b>53</b>

### DVA Cases (Non Compliance) – Finalization

Findings	Jan-Dec 03	Jan-Dec 04	Jan-Dec 05	Total	%
Substantiated	39	23	26	94	24%
Unsubstantiated	63	70	47	192	49%
Dismissed	23	19	24	73	18%
Unfounded	12	6	8	27	7%
Resolved	2	3	4	9	2%
<b>Total</b>	<b>139</b>	<b>121</b>	<b>109</b>	<b>369</b>	<b>100%</b>

## Non Compliance – Granting of Exemptions

Province	Jul-Dec 03		Jan-Dec 04		Jan-Dec 05		Total	
	Y	N	Y	N	Y	N	Y	N
EC	8	3	1	0	0	2	9	5
FS	9	0	10	1	12	5	31	6
GT	40	16	17	10	24	10	81	36
KZN	0	0	2	0	1	1	3	1
LP	10	0	11	3	6	4	27	7
MP	4	2	6	0	2	1	12	3
NW	21	6	25	6	15	3	61	15
NC	7	3	11	0	10	0	28	3
WC	23	7	23	0	14	2	60	9
<b>Total</b>	<b>122</b>	<b>37</b>	<b>106</b>	<b>20</b>	<b>84</b>	<b>28</b>	<b>312</b>	<b>85</b>

## Proactive Oversight Activities 2006-2007

Province	Jan-Jun 06	Jul-Dec 06	Jan-Jun 07	Total
Eastern Cape	4	10	9	23
Free State	4	6	36	46
Gauteng	7	16	23	46
KwaZulu-Natal	42	29	6	77
Limpopo	13	12	3	28
Mpumalanga	1	6	4	11
North West	14	9	10	33
Northern Cape	46	9	8	63
Western Cape	8	9	16	33
<b>Total</b>	<b>139</b>	<b>106</b>	<b>115</b>	<b>360</b>



## Proactive Oversight - Findings

- The 508(b) is not completed properly, as crucial information is not recorded
- 508(a) forms not filed chronologically and some copies were not found in the file but registered in the 508(b)
- No copy of station orders
- DV Act and National Instruction not available
- The copy of service provider list was not an updated copy
- Copies of Protection orders and warrants of arrest were not filed in arch lever files
- No file of DV warrants kept

## Awareness Campaigns

PROVINCE	YEAR	NUMBER	TOTAL
GAUTENG	Jan-June 2007	19	28
	Jan- Dec 2006	9	
WESTERN CAPE	Jan-June 2007	5	7
	Jan- Dec 2006	2	
KWAZULU NATAL	Jan-June 2007	21	30
	Jan- Dec 2006	9	
EASTERN CAPE	Jan-June 2007	15	25
	Jan- Dec 2006	10	
LIMPOPO	Jan-June 2007	8	34
	Jan- Dec 2006	26	

## Awareness Campaigns

PROVINCE	YEAR	NUMBER	TOTAL
MPUMALANGA	Jan-June 2007	6	11
	Jan- Dec 2006	5	
NORTH WEST	Jan-June 2007	18	33
	Jan-Dec 2006	15	
FREE STATE	Jan-June 2007	10	19
	Jan-Dec 2006	9	
NORTHERN CAPE	Jan-June 2007	25	31
	Jan-Dec 2006	6	

## Observations

- In some provinces there's progress made
- Still faced with challenges
- Lack of understanding of obligations ito DVA
- Record keeping a concern
- Reluctance to act against perpetrators
- Reluctance to take disciplinary action



## Cont. Priorities 2007/08

- The Deputy President launched the 365 Day of National Action Plan to End Gender Violence. This means that ICD must raise more awareness about its mandate in respect of incidents of non-compliance with DVA and also to do more outreach programmes educating the public about their rights and where to go in case the police do not give them necessary support.
- Implementing a **call center (National)** where people can call and get assistance without actually traveling distance to lodge a complaint.

THANK YOU