

**DOMESTIC VIOLENCE REPORT TO PARLIAMENT**

**FOR THE PERIOD**

**JANUARY TO JUNE 2003**

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## **1. INTRODUCTION**

This is the sixth report produced by the Independent Complaints Directorate (ICD) to be tabled before Parliament. The report seeks to present a factual analysis of cases of non-compliance with the Domestic Violence Act (DVA) by members of the South African Police Service (SAPS) and the recommendations made to address same. The type of cases of non-compliance with the DVA covered in this report include failure to effect warrants of arrest, failure to advise complainants of options (e.g failure to advise complainant to lay a criminal charge, or apply for a protection order or both), failure to assist complainants, failure to furnish a subpoena, and failure to serve a protection order. The highest number of these cases was received in Gauteng with a total number of 19. Only 3 cases were recorded in the Northern Cape. North West recorded the second highest number of cases of non – compliance with a total of 12, followed by Free State with a total of 11, followed by Western Cape and Eastern Cape with a total of 8 and 7 respectively. Both Limpopo and Mpumalanga recorded 5 cases each. KwaZulu Natal recorded a nil return but it is unclear whether this is attributed to police efficiency in terms of compliance with the DVA. It is, however, interesting to note that while a total of 70 cases of non– compliance with the DVA were recorded across all provincial offices, only 8 applications for exemption from internal prosecution were received and dealt with.

Also, this report seeks to highlight various proactive oversight engagements undertaken by the ICD during the period under review with a view to promote compliance with the DVA. These activities were in the form of awareness campaigns, workshops, station visits and station audits. The ICD will continue to embark on these activities to enhance its efforts towards ensuring a successful implementation of the Domestic Violence Act, 116 of 1998.

## **2. THE MANDATE OF THE ICD IN RESPECT OF INCIDENTS OF NON-COMPLIANCE WITH THE DOMESTIC VIOLENCE ACT, 116 OF 1998**

In terms of the South African Police Service Act 68 of 1995, the ICD is empowered to investigate all cases of misconduct against the SAPS and the MPS, including the following category of offences and misconducts:

- I. Where a member kills or causes the death of any person involved with him/her in a domestic relationship, such as a spouse.
- II. Where a member commits an offence such as assault, rape, etc. against a person in a domestic relationship with the member, such as a spouse.
- III. Where a member refuses to assist a victim of domestic abuse.

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

In essence, the SAPS are obliged to report to the ICD all misconduct cases pertaining to non-compliance with the DVA. The ICD could in turn exempt members where a valid explanation for non-compliance is offered. Where exemption is refused, the ICD could investigate or ask the SAPS to investigate with the ultimate purpose of holding a disciplinary hearing. The ICD's power to investigate incidents of non-compliance with the DVA is derived from the SAPS Act referred to above. Non-compliance is misconduct and the Act empowers the ICD to investigate both offences and misconducts. In other words, non-compliance misconducts are equivalent to misconducts categorized as Class 4 cases by the ICD.

### 3. STATISTICS RELATING TO CASES OF NON-COMPLIANCE WITH THE DVA AND THE PARTICULARS THEREOF

#### 3.1 CASES OF NON-COMPLIANCE WITH THE DVA

In terms of the Domestic Violence Act, the ICD is obliged to report to Parliament regarding the number of cases of non-compliance with the DVA received and the particulars thereof and also set out how it dealt with recommendations of such matters.

The following statistics relate to cases of non-compliance received from 1 January 2003 to 31 June 2003 and are analyzed according to provinces.

#### 3.1.1 GAUTENG

Gauteng received 19 complaints of non-compliance with the DVA. The particulars thereof are as follows:

##### a. Failure to effect the arrest of the Respondent

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
200310014	Meadowlands	Case referred to SAPS for departmental steps to be instituted against the officers.	Member was found guilty at the disciplinary hearing and reprimanded.
2003050174	Meadowlands	In view of the refusal of the SAPS to institute departmental steps, the ICD is awaiting receipt of a formal application for exemption from internal prosecution.	Matter was closed as substantiated and the member was served with a written warning.
2003010178	Katlehong	Case referred to SAPS for departmental steps to be instituted against the officers.	Matter still pending due to delay of the SAPS to institute disciplinary action.
2003030005	Mamelodi	Case referred to the Area Commissioner for departmental steps to be instituted against the officers.	Matter still pending due to delay of the SAPS to institute disciplinary action.
2003050649	Mamelodi	Case referred to the Area Commissioner for departmental steps to be instituted against the officer.	Case withdrawn, due to the subsequent death of the suspect.
2003030348	Orlando	Case referred to the Area Commissioner for departmental steps to	Matter still pending due to delay of the SAPS to institute disciplinary action.

		be instituted against the officer.	
2003040475	Moroka	Case referred to SAPS for departmental steps to be instituted against the officers.	In view of the SAPS refusal to institute departmental steps against the officer, the ICD is awaiting for receipt of a formal application for exemption from internal prosecution. SAPS delays to respond.
2003060453	Dobsonville	Case referred to SAPS for departmental steps to be instituted against the officers.	Matter still pending due to delay of the SAPS to institute disciplinary action.
2003060021	Dobsonville	Case referred to SAPS for departmental steps to be instituted against the officers.	Case was withdrawn due to complainant's request.
2003050169	Jabulani	Case referred to SAPS for departmental steps to be instituted against the officers.	Case was withdrawn due to complainant's request.
2003010492	Ennerdale	Case be dismissed.	Case was dismissed due to lack of co-operation from the complainant.
200303181	Orlando	Case referred to SAPS for departmental steps to be instituted against the officers.	Member was acquitted at the disciplinary hearing.

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

<b>CCN</b>	<b>POLICE STATION</b>	<b>RECOMMENDATIONS</b>	<b>STATUS</b>
2003030327	Germiston	Case referred to the SAPS for departmental steps to be instituted against the officer.	Matter still pending due to delay of the SAPS to institute disciplinary action.
2003030418	Erasmia	Case referred to the SAPS for departmental steps to be instituted against the officer.	In view of the SAPS refusal to institute departmental steps against the officer, the ICD is awaiting for receipt of a formal application for exemption from internal prosecution. SAPS delays to respond.
200305017	Atteridgeville	Case referred to the SAPS for departmental steps to be instituted against the officer.	Matter still pending due to delay of the SAPS to institute disciplinary action.
2003060458	Hillbrow	Case referred to the SAPS for departmental steps to be taken against the officer.	After SAPS made application for exemption, the ICD raised queries with the Provincial Commissioner regarding the said application. SAPS delays to respond.
2003040391	Tsakane	In view of SAPS refusal to institute departmental steps against the officer, the ICD is awaiting for receipt of a formal	Matter still pending due to delay of the SAPS to institute disciplinary action.

		application for exemption from internal prosecution.	
2003010469	Mondeor	Case referred to the SAPS for departmental steps to be instituted against the officer.	In view of the SAPS refusal to institute departmental steps against the officer, the ICD is awaiting for receipt of a formal application for exemption from internal prosecution. SAPS delays to respond.
2003050008	Rietgat	Case referred to the SAPS for departmental steps to be instituted against the officer.	Member was found guilty at the disciplinary hearing and remedial steps in a form of training was recommended.

Out of 19 cases of non-compliance received by Gauteng, there were no applications for exemption from internal prosecutions.

Gauteng received one case relating to domestic abuse allegedly committed by a SAPS member. The case particulars are as follows:

CCN	NATURE OF OFFENCE	POLICE STATION	RECOMMENDATIONS	STATUS
2003060355	Assault	Vosloorus	The case was referred to DPP for prosecution.	The case was struck-off the roll, due to misplaced docket.

### 3.1.2 WESTERN CAPE

Western Cape received 8 cases of non-compliance with the DVA. The particulars thereof are as follows:

#### a. Failure to effect the arrest of the Respondent

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
03WC83	Nyanga	Disciplinary action was recommended against responsible officers.	The officers were warned verbally and the matter was closed.
03WC106	Milnerton	The ICD made recommendation that the officer be exempted from disciplinary action.	Case was closed as unsubstantiated.
03WC157	Mitchells Plain	The ICD made recommendation that the officer be exempted from disciplinary action.	Case was closed as unsubstantiated.
03WC197	Steenberg	Case referred to SAPS for investigation.	Case was withdrawn at the request of the complainant.
03WC10	Durbanville	Disciplinary action was recommended against the responsible officers.	The members were warned verbally.

- b. Failure to assist the complainant, such as finding a suitable shelter, obtaining medical treatment, accompany him/her to collect personal property and seize any dangerous weapon from the abuser

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
03WC49	Elsies River	The case referred to SAPS for investigation.	Case was withdrawn at complainant's request.
03WC37	Delft	The case closed as dismissed.	Case was dismissed due to complainant lack of co-operation.
03WC104	Khayelitsha	Disciplinary action recommended against the member.	Case was closed as substantiated after the member was given a written warning.
03WC41	Mitchells Plain	The case was referred to SAPS for disciplinary steps to be taken against the officer.	The officer was warned verbally.

Out of 8 cases of non-compliance received by Western Cape, there were two applications for exemption from internal prosecution, which were granted accordingly.

There were no reported cases of domestic abuse allegedly committed by SAPS members.

### 3.1.3 KWAZULU NATAL

No cases of non-compliance with the DVA were received by KwaZulu Natal during the period under review.

There were 4 reported cases of domestic abuse allegedly committed by SAPS members. The particulars are as follows:

CCN	NATURE OF OFFENCE	POLICE STATION	RECOMMENDATIONS	STATUS
2003020209	Murder	Phoenix	The case was referred to DPP for prosecution.	The officer was acquitted.
20003030238	Murder	Pongola	The case was referred to DPP for prosecution.	Case is pending at the court due to outstanding results of mental observation on the accused.
2003050143	Murder	KwaMashu	The case is still under ICD investigation.	Case remanded by the court for further investigation.
2003050143	Rape	KwaMashu	The case was referred to DPP for prosecution.	Trial is still pending.

### 3.1.4 EASTERN CAPE

Eastern Cape received 7 cases of non-compliance with the DVA. The particulars thereof are as follows:

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

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
2003010558	Maclear	The case was referred to the SAPS for disciplinary action to be instituted against the officers.	The departmental steps were withdrawn at Area Commissioner's office.
2003040487	Zwelitsha	The case was referred to the SAPS for disciplinary action to be instituted against the officers.	The officers were charged departmentally and served with written warnings.
2003050362	Izele	The case was referred to the SAPS for disciplinary action to be instituted against the officers.	Case was closed by the SAPS as undetected.
2003060020	Duncan Village	The case was referred to the SAPS for disciplinary action to be instituted against the officers.	Case still under SAPS investigation.
2003060139	King Williams Town	The case was referred to the SAPS for disciplinary action to be instituted against the officers.	Case closed.

**b. Failure to effect the arrest of the Respondent**

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
2003060521	Izele	The case was referred to the SAPS for investigation and disciplinary action to be instituted against the officer.	The arrest was eventually effected and the accused was found guilty in court. SAPS decided not to pursue disciplinary action on the basis of these developments.

**c. Failure to serve the Respondent with a subpoena to appear in court**

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
2003050420	Alice	The case was referred to the SAPS for a status report in respect of their investigation.	Case was withdrawn by the court and therefore SAPS decided not to initiate disciplinary proceedings.

Out of 7 cases of non-compliance received by Eastern Cape, no application for exemption was received.

Reported cases of domestic abuse allegedly committed by SAPS members were as follows:

CCN	NATURE OF OFFENCE	POLICE STATION	RECOMMENDATIONS	STATUS
200310558	Assault GBH	Maclear	The case was referred to the SAPS for disciplinary action to be taken against the officer.	Departmental steps instituted against the officer were later withdrawn by the Area Commissioner's office.
2003060146	Assault	Dimbaza	Case was referred to the SAPS for investigation.	Complainant withdrew the case.

### 3.1.5 LIMPOPO

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

**a. Failure to effect the arrest of the Respondent**

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
2003010347	Bochum	The case was referred to the SAPS for disciplinary action to be taken against the officer.	Case was dismissed due to lack of co-operation from the complainant.
2003030434	Polokwane	The case was referred to the SAPS for disciplinary action to be taken against the officer.	Case was closed as unsubstantiated.
2003050715	Tubatse	The case was referred to the SAPS for disciplinary action to be taken against the officer.	Case was withdrawn.

**b. Failure to serve a protection order on the Respondent**

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
2003030537	Polokwane	The case was referred to the SAPS for disciplinary action to be taken against the officer.	Case was dismissed due to complainant's lack of co-operation.

**c. Failure to assist the complainant, such as finding a suitable shelter, obtaining medical treatment, accompany him/her to collect personal property and seize any dangerous weapon from the abuser**

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
2003010561	Belabela	The case was referred to the SAPS for disciplinary action to be taken against the officer.	Case was dismissed due to lack of co-operation from the complainant.

2003010572	Mankweng	The case was referred to the SAPS for disciplinary action to be taken against the officer.	Case closed as unfounded.
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Out of 5 cases of non-compliance received by Limpopo, there were no applications for exemption from internal prosecution.

Only one case of domestic abuse allegedly committed by a SAPS member was received. The particulars are as follows;

CCN	NATURE OF OFFENCE	POLICE STATION	RECOMMENDATIONS	STATUS
2003030434	Harassment	Polokwane	The case was referred to the SAPS for disciplinary action to be taken against the officer.	Case closed as unsubstantiated.

### 3.1.6 MPUMALANGA

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

**a. Failure to effect the arrest of the Respondent**

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
2003010353	Witbank	The case was referred to the SAPS for investigation and disciplinary action to be taken against the officer.	Member was found guilty at the disciplinary action and suspended for 4 months.
2003010481	Kanyamazane	The case was referred to the SAPS for investigation and disciplinary action to be taken against the officer.	Case was closed at request of the complainant.

**b. Failure to assist the complainant, such as finding a suitable shelter, obtaining medical treatment, accompany him/her to collect personal property or seize any dangerous weapon from the abuser**

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
2003020327	Kanyamazane	The case was referred to the SAPS for investigation and disciplinary action to be taken against the officer.	Matter still pending due to delay of the SAPS to institute disciplinary action.
2003040010	Tonga	The case was referred to the SAPS for investigation and disciplinary action to be taken against the officer.	Member was found guilty at the disciplinary action and suspended for 3 months.
2003040474	Mamethake	The case was referred to the SAPS for investigation and disciplinary action to be taken against the	The case was withdrawn by the Senior Public Prosecutor.

		officer.	
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Out of 5 cases of non-compliance received by Mpumalanga, there were no applications for exemption from internal prosecution.

No cases of domestic abuse allegedly committed by SAPS members were received during this period.

### 3.1.7 NORTH WEST

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

#### a. Failure to effect the arrest of the Respondent

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
2003020103	Mabopane	The concerned SAPS member made an application for exemption from internal prosecution, to the ICD.	The officer was granted exemption by the ICD.
2003020265	Mmabatho	The case was referred to the SAPS for investigation and disciplinary action to be taken against the officer.	The officer was granted exemption by the ICD.
2003020471	Ga- Rankuwa	The case was referred to the SAPS for investigation and disciplinary action to be taken against the officer.	File closed as unsubstantiated.
2003050406	Ga- Rankuwa	SAPS applied for exemption from internal prosecution, to the ICD.	The officer was granted exemption by the ICD.
2003060585	Lomanyaneng	The case was referred to the SAPS for investigation and disciplinary action to be taken against the officer.	The officer was found guilty in a disciplinary action and served with verbally warned.
2003010066	Lomanyaneng	The case was referred to the SAPS for investigation and disciplinary action to be taken against the officer.	The file closed as withdrawn.
2003010189	Lomanyaneng	The case was referred to the SAPS for investigation and disciplinary action to be taken against the officer.	Exemption granted by ICD.
200305372	Themba	SAPS applied for exemption from internal prosecution, to the ICD.	The officer was granted exemption by the ICD.
2003050660	Themba	The case was referred to the SAPS for investigation and disciplinary action to be	Exempted was granted by ICD.

		taken against the officer.	
2003060473	Themba	The case was referred to the SAPS for investigation and disciplinary action to be taken against the officer.	Matter still pending due to delay of the SAPS to institute disciplinary action.

**b. Failure to serve the Respondent with a subpoena to appear in court**

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
2003020512	Mmabatho	The case was referred to the SAPS for investigation and disciplinary action to be taken against the officer.	The officer was granted exemption by the ICD.

**c. Failure to assist the complainant, such as finding a suitable shelter, obtaining medical treatment, accompany him/her to collect personal property and seize any dangerous weapon from the abuser**

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
2003050203	Ramatlabama	SAPS applied for exemption from internal prosecution, to the ICD.	The officer was granted exemption by the ICD.

Out of 12 cases of non-compliance received by North West, only 5 exemptions from internal prosecution were granted.

No cases of domestic abuse allegedly committed by SAPS members were reported during the period under review.

### 3.1.8 FREE STATE

Free State received 11 complaints of non-compliance with the DVA. The particulars thereof are as follows:

**a. Failure to effect the arrest of the Respondent**

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
2003010422	Turflaagte	The case was referred to the SAPS for investigation and disciplinary action to be taken against the officer.	Case still under SAPS investigation.
2003010429	Botshabelo	The case was referred to the SAPS for investigation and disciplinary action to be taken against the officer.	Case still under SAPS investigation.
2003050225	Parkroad	The case was referred to the SAPS for investigation and disciplinary action to be taken against the officer.	Case still under SAPS investigation.
2003060011	Bloemspruit	The case was referred to the SAPS for investigation and disciplinary action to be taken against the officer.	Case still under SAPS investigation.

2003060051	Kagisanong	The case was referred to the SAPS for investigation and disciplinary action to be taken against the officer.	Case still under SAPS investigation.
2003060289	Batho	The case was referred to the SAPS for investigation and disciplinary action to be taken against the officer.	Case still under SAPS investigation.

**b. Failure to assist the complainant, such as finding a suitable shelter, obtaining medical treatment, accompany him/her to collect personal property and seize any dangerous weapon from the abuser**

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
2003050296	Kagisanong	The case was referred to the SAPS for investigation and disciplinary action to be taken against the officer.	Case still under SAPS investigation.
2003060376	Turflaagte	The case was referred to the SAPS for investigation and disciplinary action to be taken against the officer.	Case still under SAPS investigation.

Out of 11 cases of non-compliance with DVA received by Free State, there were no applications for exemption from internal prosecution. No cases of domestic abuse allegedly committed by SAPS members were reported during the period under review.

### 3.1.9 NORTHERN CAPE

Northern Cape received 3 complaints of non-compliance with the DVA. The particulars thereof are as follows:

**a. Failure to effect arrest of the Respondent**

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
200304237	Barkly West	In view of refusal of the SAPS to institute departmental steps against the officer, the ICD recommended that SAPS apply for exemption.	The officer was granted exemption by the ICD.
2003040418	Kimberly	The case was referred to the SAPS for investigation and disciplinary action to be taken against the officer.	The officer was found guilty in a disciplinary hearing and served with a written warning.

Out of 3 cases of non-compliance received by Northern Cape, only 1 exemption was granted.

Only one case of domestic abuse allegedly committed by a SAPS member was reported, as follows:

CCN	NATURE OF OFFENCE	POLICE STATION	RECOMMENDATIONS	STATUS
2003030156	Violation of Protection Order	Kimberly	Case was referred to SAPS for departmental steps to be instituted against the officer.	The complainant withdrew charges against the officer.

#### 4. AWARENESS CAMPAIGNS

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

PROVINCE	DATE	VENUE	AUDIENCE	ICD ROLE
<b>Gauteng</b>	18 January 2003	St Pius Catholic Church	Congregation	Distribution of ICD brochures and presentation on ICD mandate as far as DVA is concerned
	05 April 2003	Makhulong Stadium (Thembisa)	People Against Crime	Distribution of ICD brochures
<b>Eastern Cape</b>	27 February 2003	Uitenhage	DVA march included SAPS, Community, and MEC for Safety and Security	Supported the march
	08 March 2003	King Williams Town	Public	Presentation on ICD mandate and DVA
	14 May 2003	Port Elizabeth (St. Albans Maximum Prison)	Prisoners	Presentation on ICD mandate and DVA
	11 June 2003	Berlin	Berlin Community and Community from surrounding areas	Presentation on ICD mandate and DVA
<b>Western Cape</b>	03 March 2003	Heideveld	Heideveld Community	Presentation on ICD mandate and DVA
	11 April 2003	Steenberg	Community, SAPS, Nicro, Crime Stop Activists	Presentation on ICD mandate and DVA
<b>Free State</b>	13 May 2003	Tshepong Support Center	Delegation of Tshepong Center and Senior Magistrate, Ms Venter	Attended meeting
<b>Mpumalanga</b>	24 June 2003	Nkomazi Community Advice Center	Nkomazi Community	DVA awareness campaign

<b>Northern Cape</b>	22 February 2003	Donkerhoek	Community	Addressed the community
	30 March 2003	Warrenton	Community, SAPS	Addressed SAPS and community
	31 March 2003	Marydale	Safety and Liaison	Addressed the community
	03 April 2003	Galeshewe Stadium	Community	Address by Minister Nqakula
	08 May 2003	Okiep	Community	Address by ICD Executive Director
	15 May 2003	Springbok	Community	Community outreach
	20 June 2003	NababEEP	Community	Community outreach

The following three (3) provinces did not organize any Community Outreach programmes:

- Limpopo;
- North West; and
- KwaZulu Natal.

## 5. WORKSHOPS

On 27 May 2003, our Free State office held a DVA workshop at Botshabelo, in conjunction with the Commission on Gender Equality. On 1 June 2003, another workshop was conducted in Bloemfontein at Bloemfontein Police Station. This workshop was necessary after it was discovered that most members at this station did not understand the Domestic Violence Act.

On 17 April 2003, our Gauteng office co-hosted a workshop together with the Provincial Commissioner's office, SAPS Legal Services, Area Crime Prevention Heads, at the Provincial Commissioner's office. An ICD representative made a presentation on the mandate of the ICD as far as the DVA is concerned. Another ICD representative raised concerns and problems encountered by the ICD in respect of decisions taken by Station Commissioners and Area Commissioners as far as Domestic Violence and the National Instructions are concerned.

On 6 February 2003, our Western Cape office held a workshop on the mandate of the ICD with regard to the DVA in Elsie's River. The Community Policing Forums were part of the programme. Another workshop was held on 18 February 2003 in Clanwilliam. The theme of the said workshop was the mandate of the ICD as far as the DVA is concerned. On 24 April 2003 a presentation on the DVA, was made in Atlantis. University students and various organizations attended a workshop where a presentation on the DVA was made on 27 June 2003, in Bellville, Western Cape.

## 6. PROACTIVE OVERSIGHT

Various ICD provincial offices conducted the following audits at Police Stations to check compliance with National Instructions pertaining to the DVA:

### 6.1 EASTERN CAPE

DATE OF AUDIT	POLICE STATION	NATURE OF AUDITS	FINDINGS	RECOMMENDATIONS
11 June 2003	Berlin	Inspection of DVA registers and checking if all the DVA forms are available	The police station does comply with the provisions of the DVA and proper systems are in place.	None
19 June 2003	Bisho	Inspection of DVA registers and checking if all the DVA forms are available	The police station does comply with the provisions of the DVA and proper systems are in place.	None
19 June 2003	Ndevana	Inspection of DVA registers and checking if all the DVA forms are available	The police station does comply with the provisions of the DVA and proper systems are in place.	None
19 June 2003	Zwelitsha	Inspection of DVA registers and checking if all the DVA forms are available	The police station does comply with the provisions of the DVA and proper systems are in place.	None
19 June 2003	King William's Town	Inspection of DVA registers and checking if all the DVA forms are available	The police station does comply with the provisions of the DVA and proper systems are in place.	None

### 6.2 MPUMALANGA

DATE OF AUDIT	POLICE STATION	NATURE OF AUDITS	FINDINGS	RECOMMENDATIONS
17 January 2003	Middelburg	Inspection of DVA registers	Proper completion of registers in place	None
25 February 2003	Kanyamazane	Inspection of DVA registers	No DVA registers at all	Recommendations were made to the Station/Area Commissioners.
09 April 2003	Amersfoort	Inspection of DVA registers	No DVA registers at all	Recommendations were made to the Station Commissioner for registers to be in place.
22 May 2003	Whiteriver	Inspection of DVA registers	No DVA registers were in place	Recommendations to SAPS were made for registers to be put in place.

22 May 2003	Kabokweni	Inspection of DVA registers	DVA registers were in place but not properly completed	Recommendations were made to SAPS to put registers in place.
22 May 2003	Hazyview	Inspection of DVA registers	No DVA registers in place	Recommendations were made to SAPS to put registers in place.
02 June 2003	Masoyi	Inspection of DVA registers	No DVA registers in place	Recommendations were made to SAPS to put registers in place.

### 6.3 FREE STATE

DATE OF AUDIT	POLICE STATION	NATURE OF AUDITS	FINDINGS	RECOMMENDATIONS
January 2003	Kagisanang		Lack of training on the side of the SAPS members. Logistical problems such as lack of SAPS vehicles to enable a speedy response to a complaint. DVA registers not properly updated with the relevant information.	Training
January 2003	Seloshesha		Same	Same
March 2003	Kroonstad		Same	Same
March 2003	Bothaville		Same	Same
March 2003	Odendaalsrus		Same	Same
April 2003	Tseki		Same	Same
April 2003	Smithfield		Same	Same
April 2003	Rouxville		Same	Same
May 2003	Winburg		Same	Same
May 2003	Brandfort		Same	Same
May 2003	Parkroad		Same	Same
June 2003	Bloemspruit		Same	Same

### 6.4 NORTHERN CAPE

DATE OF AUDIT	POLICE STATION	NATURE OF AUDITS	FINDINGS	RECOMMENDATIONS
01 April 2003	Colesberg	Inspection of DVA Registers	Lack of proper documentation of 508 register  Usage of SAP 10 instead of recommended 508 register	Training
01 April 2003	Marydale	Inspection of DVA registers	Same	Same
01 April 2003	Campbell	Inspection of DVA registers	Same	Same

01 April 2003	Grikwastad	Inspection of DVA registers	Same	Same
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## **6.5 REMAINING ICD PROVINCIAL OFFICES**

The following provinces have not conducted any DVA audits during the period under review:

- Gauteng;
- Western Cape;
- KwaZulu Natal;
- Limpopo; and
- North West.

## **7. CONCLUSION**

As can be seen from numerous cases reported herein, both the efficient monitoring of DVA implementation by the SAPS and service delivery are hampered by the poor co-operation of the SAPS management. Either they do not take disciplinary action against non-complaint members, or they fail/delay investigating the circumstance surrounding cases of non-compliance. Also, the low number of applications for exemption received in cases of non-compliance, even when SAPS management is advised to apply for such exemption, are a cause for concern. Unless these matters are taken seriously and SAPS management is held accountable for their obligations in terms of the Domestic Violence Act, the intentions of that Act will remain unrealised.

## **8. Glossary and Abbreviations**

DPP : Director of Public Prosecutions  
DVA : Domestic Violence Act, 116 of 1998  
ICD : Independent Complaints Directorate  
MPS : Municipal Police Service  
SAPS : South African Police Services