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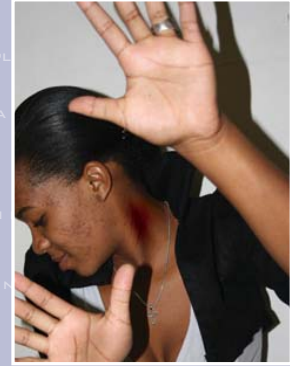
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A STUDY OF THE FACTORS CONTRIBUTING TO SAPS NON-COMPLIANCE WITH THE DOMESTIC VIOLENCE ACT



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PROACTIVE RESEARCH UNIT

DVA NON-COMPLIANCE RESEARCH REPORT

INDEPENDENT COMPLAINTS DIRECTORATE

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**independent
complaints directorate**

Department:
Independent Complaints Directorate
REPUBLIC OF SOUTH AFRICA

DVA
NON-COMPLIANCE
REPORT

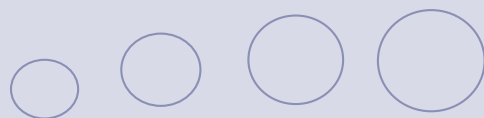


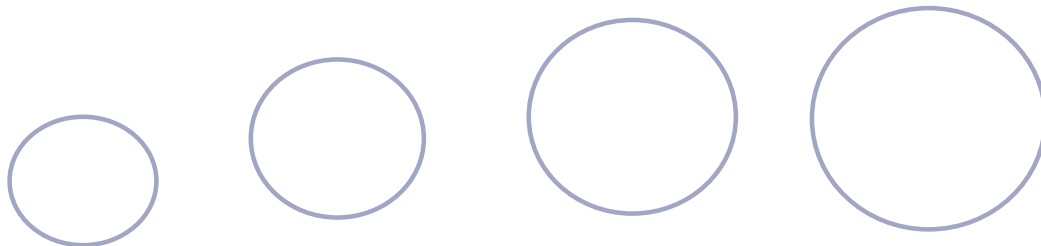
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ACKNOWLEDGEMENTS

The Proactive Research Unit (PRU) of the Independent Complaints Directorate (ICD) would like to acknowledge the following individuals who made this study possible:

- The ICD Provincial Heads and their staff in the Gauteng, Western Cape, Eastern Cape, North West and Free State offices;
- The Station Commissioners and their members from the following police stations in the 5 provinces who participated in the study: Booysens, Soshanguve, Atteridgeville, Meadowlands, Manenberg, Harare, Delft, Zwelitsha, Queenstown, Mdantsane, Lomanyaneng, Mafikeng, Ikageng, Kagisanong, Bloemspuit, Botshabelo and Heidedal.



Established eleven years ago, the Independent Complaints Directorate has a mandate to promote proper police conduct, based on section 53 (2) of the South African Police Service (SAPS) Act (Act 68 of 1995). The Domestic Violence Act (Act 116 of 1998) was promulgated in 1999, in an effort to increase legal remedies for individuals experiencing violence in domestic relationships. In terms of this Act, failure by SAPS to comply to its provisions constitutes misconduct. Such misconduct must be reported to the ICD. This research study focuses on SAPS non-compliance cases reported to the ICD in the 2006/2007 financial years. For this period there was an increase in cases of non-compliance, a leap from 46 in 2006 to 94 in 2007.

The rationale of this national study was to examine the reasons for the high incidents of this non-compliance. The specific objectives of this study were to discover the way domestic violence cases are handled when reported in police stations. While this could establish the availability and status of such documents as SAPS 508, Station Orders and Domestic Violence Act, the overarching objective was to make recommendations that would ensure compliance with this Act is elevated.

This research study used both quantitative and qualitative approaches to collect data. While the quantitative approach focused on perusing the case files and the ICD database, the qualitative approach consisted of semi-structured interviews with members of the SAPS in identified police stations.

These police stations covered are in the Eastern Cape, Free State, Gauteng, North West and Western Cape provinces.

The collected data was analysed quantitatively using software called the Statistical Package for the Social Sciences (SPSS) while the qualitative part entailed a five-phase data analytical procedure recommended by Marshall and Rossman (1999). The quantitative data shows that the Free State reported the most cases of non-compliance, while the Western Cape reported the lowest. It also shows that a substantial amount of non-compliance was based on SAPS' failure to effect a warrant of arrest. It is not clear why the number of Protection Orders issued is high while compliance is still low.

However, qualitative findings seem to answer this question, especially where respondents show that some victims of domestic violence sometimes abuse or misuse these Protection Orders, while others even withdraw these cases. In order to start addressing these issues, this study makes recommendations, some of which are that failure to comply with the DVA must be communicated to the highest authority, including the Ministry of Safety and Security. In addition, police stations need to take full responsibility in the implementation of DVA directives. Furthermore, the community must provide the police with honest and accurate information. While these findings are valid, they are conclusive only based on the respondents interviewed and the objective of the study.

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1. INTRODUCTION



1. INTRODUCTION

In 1999, the Domestic Violence Act (116 of 1998) was promulgated in an effort to increase legal remedies for individuals experiencing violence in domestic relationships. The Act contains a number of measures to ensure that the justice system takes all forms of domestic violence seriously.

The Domestic Violence Act (DVA) also allows a complainant to apply to Court for a Protection Order asking for relief or protection. An interim order may be granted, and after an enquiry, a final order may be granted against a respondent. The protection order may prohibit the respondent from committing any act of domestic violence; from entering a specified place; or from committing an act set out in the order. A warrant of arrest is issued simultaneously with the order, and brought into effect if the complainant reports that the respondent has breached any provision of the order. If the respondent is found guilty of a contravention, then the court may convict and sentence him or her to a fine or term of imprisonment.

However, women are often placed at a disadvantage when having to report abuse. A 1993 survey of 111 South African women found that 50 percent sought assistance from their extended family, 22 percent went to friends or neighbours, and 2 percent went to social workers. Only 6 percent went to the police (Human Rights Watch, 1995: 47).

These figures emphasise the importance of providing an effective service to the survivors of abuse and creates an opportunity to determine where improvement is needed within the criminal justice system.

The SAPS are compelled to comply with the provisions of the Act, failure which constitutes non-compliance.

Statistics compiled by the Independent Complaints Directorate (ICD) indicate that non-compliance with the Act by the SAPS is a major cause for concern.

This project therefore sought to identify factors and explain reasons for this non-compliance.

1.1 Literature Review

The Domestic Violence National Instruction 7/1999 is intended to provide clear direction to a member on how to respond to a complaint of domestic violence in order to comply with the obligations imposed upon him or her in terms of the Domestic Violence Act. In this instruction, unless the context otherwise indicates:

complainant

means any person who is or has been in a domestic relationship with another person and who is alleged to be or to have been subjected by such other person (hereinafter referred to as the respondent) to an act of domestic violence and includes any child in the care of the complainant;

domestic violence

means any one or more of the following forms of conduct performed by a respondent in respect of a complainant which consists of:

- a) **physical abuse**, consisting of any act or threatened act of physical violence;
- b) **sexual abuse**, consisting of conduct that abuses, humiliates, degrades or violates the sexual integrity of the complainant;
- c) **emotional, verbal and psychological abuse**, consisting of a pattern of degrading or humiliating conduct which may consist of:
 - repeated insults, ridicule, or name calling;
 - repeated threats to cause emotional pain; or
 - the repeated exhibition of obsessive possessiveness or jealousy which is such as to constitute a serious invasion of the privacy, liberty, integrity or security of the complainant,

- d) **economic abuse**, which may consist of:

- the unreasonable withholding of economical or financial resources from a complainant who is legally entitled thereto or which the complainant requires of necessity, including the withholding of household necessities from the complainant or refusal to pay mortgage bond repayments or rent in respect of the shared residence; or
- the unreasonable disposal of household effects or other property in which the complainant has an interest;

- e) **intimidation**, by uttering or conveying a threat or causing the complainant to receive a threat which induces fear;

f) **harassment**, consisting of a pattern of conduct which induces fear of harm to the complainant, including repeatedly:

- watching or loitering outside of or near the building or place where the complainant resides, works, carries on business, studies or happens to be;
- making telephone calls to the complainant, whether or not conversation ensues, or inducing another to do so;
- sending, delivering or causing the delivery of letters, telegrams, packages, facsimiles, electronic mail or other objects to the complainant;

g) **stalking**, by repeatedly following, pursuing or accosting the complainant;

h) **damaging of property**, consisting of the wilful damaging or destruction of property belonging to a complainant or in which the complainant has a vested interest;

i) **entry into the residence of the complainant without consent where the parties do not share the same residence**; or

j) **any other controlling or abusive behaviour towards a complainant** where such conduct harms, or may cause imminent harm to the safety, health or well-being of the complainant;

domestic relationship

means a relationship between a complainant and the respondent where they :

- a) are or were married to each other in terms of any law, custom or religion;
- b) live or lived together in a relationship in the nature of a marriage (whether they are of the same or of the opposite sex);
- c) are the parents of a child or have or had parental responsibility for the child (whether or not at the same time);
- d) are family members related by consanguinity, affinity or adoption;
- e) are or were in an engagement, dating or customary relationship: including an actual or perceived romantic, intimate or sexual relationship of any duration; or
- f) share or recently shared the same residence;

residence

also institutions for children, the elderly and the disabled; and

respondent

means any person who is or has been in a domestic relationship with a complainant and who allegedly commits or has committed domestic violence against the complainant.

1.2 The Role of the Independent Complaints Directorate with regard to the Domestic Violence Act

The role of the ICD is to oversee the implementation of the DVA by the SAPS. In terms of reports of non-compliance:

- Non-compliance with Section 18(4) constitutes misconduct and the ICD must be informed immediately;
- In this case, the SAPS must institute disciplinary proceedings unless the ICD directs otherwise.

The ICD also makes recommendations to the National Department of Public Prosecutions (NDPP) on the prosecution of SAPS members. Furthermore, the ICD receives complaints of domestic violence from the public and refers them to the SAPS. The ICD then submits a bi-annual report to Parliament with regard to the DVA.

1.3 The Role of the South African Police Services with regard to the Domestic Violence Act

- A member who attends a scene of domestic violence must first of all determine whether the complainant is in any danger and take all reasonable steps to secure the scene and to protect the complainant from any danger.
- Once the scene has been secured, the member must -

- a) render such assistance to the complainant as may reasonably be required in the circumstances;
- b) if it is reasonably possible to do so, hand the Notice as provided for in the Domestic Violence Act (Form 1 to the Regulations in terms of the Act) in the official language of the complainants choice to the complainant and explain the contents of such notice to the complainant;
- c) assist the complainant or make arrangements for the complainant to find a suitable shelter and to obtain medical treatment; and
- d) investigate the alleged incident of domestic violence and gather all available evidence in respect of any offence which may have been committed during such incident.
- e) station orders issued and, if he or she amends the orders, a copy of the updated version thereof.

1.4 Keeping of records relating to incidents of Domestic Violence

All domestic violence incidents which are reported to a police station must be recorded in the Domestic Violence Register (SAPS 508(b)) and it is the responsibility of the Station Commissioner to ensure that an accurate record is kept of all domestic violence incidents. Members must fully document their responses to every incident of domestic violence on a "Report of Domestic Violence Incident"-form (SAPS 508(a)) regardless of whether or not a criminal offence has been committed. A file with reference 39/4/2/3 must be opened every month and all the forms SAPS 508(a) which are completed during that month, must be filed in it. The month concerned must be recorded after the reference number, for example all the SAPS 508(a) forms which are completed during January 2000 must be filed with the reference 39/4/2/3(1/2000). If a member attends a scene of domestic violence and no charges are laid or arrests made, the member must record the reasons why this was not done in his or her Pocket Book (SAPS 206).

Certified copies of protection orders and of the warrants of arrest as provided for in the DVA, will be forwarded by the clerk of the court to the Community Service Centre of the complainants' choice.

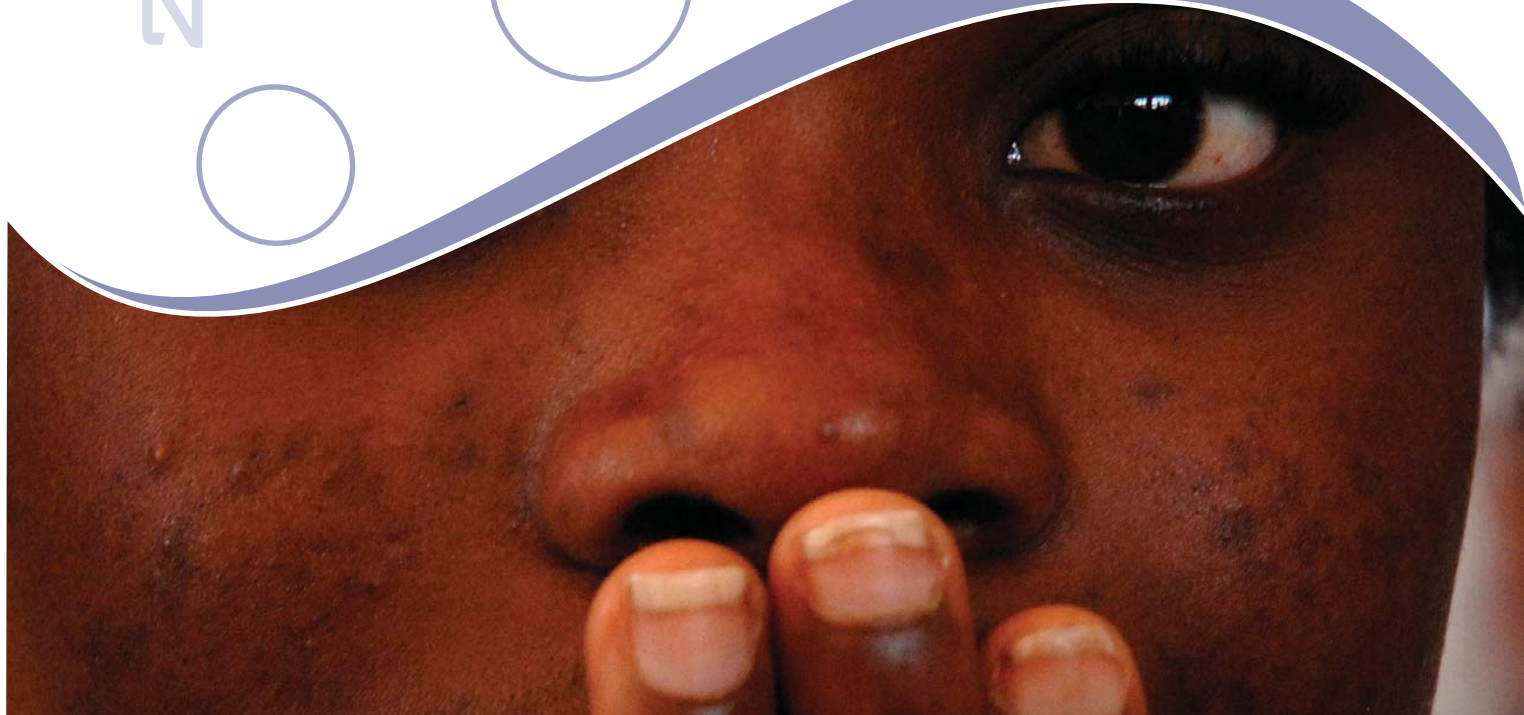
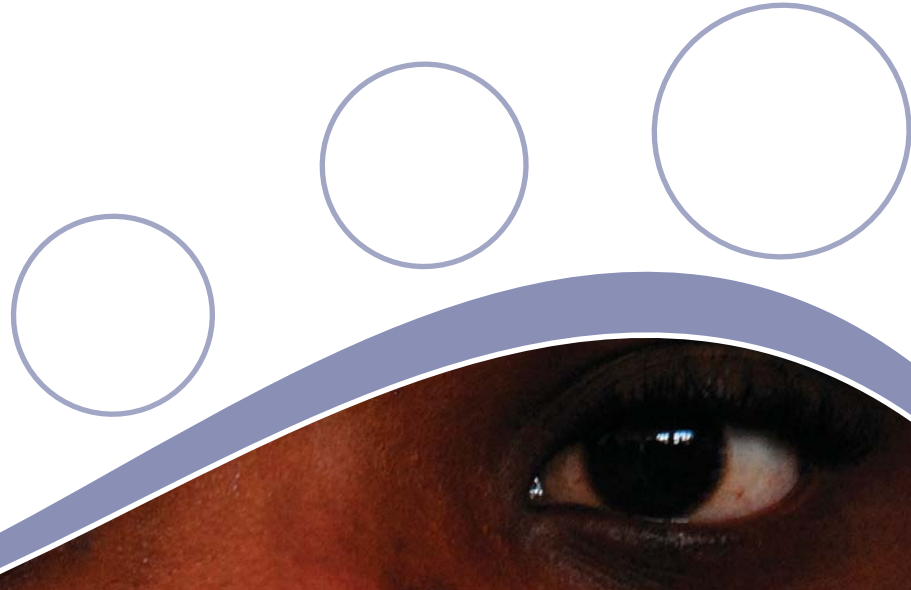
Particulars of the protection order must be entered in the appropriate columns of the Domestic Violence Register (SAPS 508(b)) where an entry has already been made in respect of the complainant.

A new entry must be made where no entry exists. A copy of every protection order and warrant of arrest that is received, must be filed in a separate file (under reference 39/4/3/1) which must be opened in accordance with the Registration and Record Control Procedure which forms part of the Record Classification System which was implemented on 15 September 1997.

Every file must be allocated a case number to facilitate finding it (e.g. 39/4/3/1(1) Koos Nel). The number of the case (in the above example (1)) must correspond with the number appearing in the index system created, as set out in the fourth paragraph under section 16.2 of the Registration and Record Control Procedure.

These files must be kept in a place which is accessible after hours to ensure that they are readily available for checking purposes in the event of an alleged breach of the protection order. The disposal of the aforementioned files must take place in accordance with the approved disposal authorisation.

2. RATIONALE FOR THE RESEARCH



2. RATIONALE FOR THE RESEARCH

The statistics on domestic violence vary and it is impossible to determine accurate figures due to the fact that not all incidents of domestic violence are reported. The promulgation of the Act is an indication of the seriousness with which domestic violence is now viewed in South Africa and offers a form of protection to women who for years have been victims of domestic violence, but it does not necessarily offer remedies to the problem (Dissel & Ngubeni, 2003). In addition, the Act does not directly provide for complaints mechanisms or reporting procedures for victims or their representatives and, in most instances, women are unaware of their legal rights and the effective means of asserting them. As a result, compliance is difficult to enforce. It is with this in mind that it is essential for this study to examine the reasons for non-compliance and the factors which contribute to its occurrence.

Section 18 of the Domestic Violence Act, Act No. 116 of 1998, stipulates that failure by a member of the SAPS to comply with an obligation imposed in terms of this Act or the National instructions constitutes misconduct, as contemplated in the SAPS Act, 1995.

The Independent Complaints Directorate, established in terms of the Act, must forthwith be informed of any such failure reported to the SAPS. This implies that it is imperative for the members of the SAPS to comply with the obligation imposed in terms of the Domestic Violence Act of 1998.

Non-compliance with the DVA by the SAPS may take various forms and the ICD therefore divides it into the following categories: (a) failure to execute the warrant of arrest of the respondent; (b) failure to advise the complainant of their options; (c) failure to assist the complainant, such as finding suitable shelter, obtaining medical treatment, accompany him/her to collect personal property and seize any dangerous weapon from the abuser; and (d) failure to open a criminal docket and refer the matter for prosecution. The following tables give an indication of the levels of non-compliance with the DVA by the SAPS.

Table 1: Cases of non-compliance received from January to June 2006

| Province | Number of cases January 2006 – June 2006 | Number of cases July 2006 – January 2007 | Total |
|-------------------|---|---|------------|
| Gauteng | 12 | 12 | 24 |
| Western Cape | 12 | 19 | 31 |
| KwaZulu- Natal | 1 | 6 | 7 |
| Eastern Cape | 5 | 7 | 12 |
| Limpopo | 3 | 7 | 10 |
| Mpumalanga | 1 | 5 | 6 |
| North West | 5 | 9 | 14 |
| Free State | 3 | 23 | 26 |
| Northern Cape | 4 | 6 | 10 |
| Total | 46 | 94 | 140 |

ICD database, 2007

As is evident from Table 1, Gauteng and the Western Cape had the highest number of reported cases between January and June 2006 as well as having the third and second highest figures respectively between July 2006 and January 2007. However, in the second half of the year, the Free State had the most cases with 23 incidents of non-compliance. In total, the Free State had 26 cases, and the Western Cape had 31. Furthermore, Gauteng had 24 cases, while the North West and Eastern Cape provinces had 14 and 12 cases respectively from January 2006 to January 2007. The above table depicts a sharp increase in the number of non-compliance cases from the first half to the second half of the year with the figures increasing from 46 to 94. This constitutes more than a 100% increase in reported cases of non-compliance with the DVA by SAPS members.

Table 2: Breakdown of non-compliance complaints per station January 2006 – June 2006

| Province | Station | Number of cases |
|---------------|-----------------|-----------------|
| Gauteng | Booyssens | 2 |
| | Soshanguve | 2 |
| | Atteridgeville | 2 |
| | Silverton | 1 |
| | Moroka | 1 |
| | Tembisa | 1 |
| | Mamelodi | 1 |
| | Brackendowns | 1 |
| | Ivory Park | 1 |
| Western Cape | Manenberg | 2 |
| | Harare | 2 |
| | Lansdowne | 1 |
| | Cloeteville | 1 |
| | Bellville-South | 1 |
| | Kuilsriver | 1 |
| | Mitchells Plein | 1 |
| | Parow | 1 |
| | Elsies River | 1 |
| | Table View | 1 |
| KwaZulu-Natal | Mountain Rise | 1 |
| Eastern Cape | Zwelitsha | 2 |
| | Middelburg | 1 |
| | Cathcart | 1 |
| | Lusikisiki | 1 |
| Limpopo | Seshego | 2 |
| | Mahwelereng | 1 |
| Mpumalanga | Barberton | 1 |

Table 2: Breakdown of non-compliance complaints per station January 2006 – June 2006

| Province | Station | Number of cases |
|---------------|--------------|-----------------|
| North West | Itsoseng | 1 |
| | Jouberton | 1 |
| | Mmabatho | 1 |
| | Lomanyaneng | 1 |
| | Mafikeng | 1 |
| Free State | Botshabelo | 1 |
| | Kagisanong | 1 |
| | Winburg | 1 |
| Northern Cape | Pabellelo | 1 |
| | Postmansburg | 1 |
| | Galeshewe | 1 |
| | Kimberley | 1 |

Domestic Violence Report to Parliament for the Period January – June 2006

Table 2 indicates the breakdown of police stations where the non-compliance cases were reported. In Gauteng, the Booyens, Soshanguve and Atteridgeville stations all had more than one case of non-compliance, while in the Western Cape, Manenberg and Harare stations had more than one case. In the Eastern Cape, Zwelitsha station had more than one incident.

Table 3: Breakdown of non-compliance complaints per station July 2006 – January 2007

| Province | Station | Number of cases |
|---------------|--------------------|-----------------|
| Gauteng | Moroka | 1 |
| | Jeppe | 1 |
| | Kliptown | 1 |
| | Ennerdale | 1 |
| | Honeydew | 1 |
| | Meadowlands | 2 |
| | Kagiso | 1 |
| | Ivory Park | 1 |
| | Tembisa | 1 |
| | Edenvale | 1 |
| Western Cape | Kensington | 1 |
| | Grassy Park | 1 |
| | Delft | 2 |
| | Brackenfell | 1 |
| | Lansdowne | 1 |
| | Gugulethu | 1 |
| | Bishop Lavis | 1 |
| KwaZulu-Natal | Pinetown | 1 |
| | Brighton Beach | 2 |
| | Mountain Rise | 1 |
| | Ndwendwe | 1 |
| | Cato Manor | 1 |
| Eastern Cape | Queenstown | 2 |
| | Mdantsane | 2 |
| | King Williams Town | 1 |
| | Barkly East | 1 |
| | Bisho-Cris | 1 |

Table 3: Breakdown of non-compliance complaints per station July 2006 – January 2007

| Province | Station | Number of cases |
|------------|-------------|-----------------|
| Limpopo | Nebo | 1 |
| | Seshego | 2 |
| | Polokwane | 1 |
| | Jane Furse | 1 |
| | Calcutta | 1 |
| | Thohoyandou | 1 |
| Mpumalanga | Masoyi | 1 |
| | Kanyamazane | 1 |
| | Elukwatini | 1 |
| | Nelspruit | 1 |
| | Burgersdorp | 1 |
| North West | Lomanyaneng | 2 |
| | Motswedi | 1 |
| | Mafikeng | 2 |
| | Jouberton | 1 |
| | Ikageng | 2 |
| | Mmabatho | 1 |
| Free State | Bainsvlei | 1 |
| | Kagisanong | 6 |
| | Bloemspruit | 5 |
| | Botshabelo | 2 |
| | Mangaung | 1 |
| | Heidedal | 2 |
| | Turflaagte | 1 |
| | Selo-Sesha | 1 |
| | Maokeng | 1 |
| | Parkroad | 1 |
| | Rocklands | 1 |

Table 3: Breakdown of non-compliance complaints per station July 2006 – January 2007

| Province | Station | Number of cases |
|---------------|--------------|-----------------|
| Northern Cape | Galeshewe | 3 |
| | Barkly West | 1 |
| | Postmansburg | 1 |
| | Kimberley | 1 |

ICD Database 2007

From the above tables, it is evident that in the first half of 2006, the Western Cape and Gauteng have the most offending stations with 10 and 9 stations respectively. However, in Table 3 it is clear that there was a dramatic increase in non-compliance cases in the second half of the year, especially in the Free State. The Kagisanong and Bloemspruit stations reported 6 and 5 incidents of non-compliance respectively. As a result of the figures depicted in Table 1, the study focused on Gauteng, the Western Cape, the Eastern Cape, North West and the Free State. The particular concentration of the study was on the stations where more than one case of non-compliance with the DVA occurred or where there was non-compliance throughout the year.

3. RESEARCH OBJECTIVES



3. RESEARCH OBJECTIVES

The main objective of this research was to determine the reasons for non-compliance of the DVA by the SAPS at the identified stations. The research aimed at discovering the following:

- the handling of the domestic violence process by the stations;
- the status of SAPS 508 (a) and SAP 508 (b);
- the availability of the copy of the Domestic Violence Act and of the Station Orders;
- the status of Protection Orders as well as warrants of arrest;
- to make recommendations which may enhance compliance by the SAPS.

4. RESEARCH METHODOLOGY



4. RESEARCH METHODOLOGY

In this research, triangulation, a combination of quantitative and qualitative research techniques was used to examine the relevant data. According to Creswell (1994: 174), the concept of triangulation is based on the assumption that any bias inherent in a particular source, investigator and method would be neutralized when used in conjunction with other sources, investigators and methods. The qualitative phase focused on the interviews while the quantitative phase focused on the extraction of the information from the ICD dockets.

For the quantitative component of the study, a questionnaire was used to extract the necessary information from the ICD case dockets as well as the database. In the ICD, the domestic violence cases are classified as Class II cases, thus the Class II case files were examined from each of the relevant provinces. The qualitative component consisted of interviews with the responsible members at the identified stations as well as relevant ICD officials in the provinces in order to achieve the research objectives of the study.

4.1 Sample

As evidenced in tables 2 and 3 and discussed in the rationale for the study, the Western Cape and Gauteng have the highest incidences of non-compliance for the period from January 2006 to June 2006, while the Free State has the highest figure for the second half of the year. However, taking the total figures of non-compliance with the DVA by SAPS members for the entire year, the provinces included in the study are Gauteng, the Western Cape, the Eastern Cape, North West and the Free State (see Table 1). The quantitative component of the research entailed examining the ICD case dockets in the afore-mentioned provinces while the qualitative element involved the interviewing of relevant police members and ICD officials. The particular focus of the research was on the stations where more than one case of non-compliance with the DVA occurred and where there was non-compliance throughout the year. This study therefore concentrated on the responsible members at the identified police stations as well as relevant ICD officials in the five selected provinces.

The following police stations were identified:

- Gauteng – Booyens, Soshanguve, Atteridgeville, Meadowlands.
- Western Cape – Manenberg, Harare, Delft.
- Eastern Cape – Zwelitsha, Queenstown, Mdantsane.
- North West – Lomanyaneng, Mafikeng, Ikageng.
- Free State – Kagisanong, Bloemspuit, Botshabelo, Heidedal.

4.2 Data Collection

In terms of the collection of the data, the research team made use of questionnaires (see Appendix A) to extract the relevant information from the ICD case dockets. In turn, the interviews were conducted with the aid of an interview schedule (see Appendix B) in order to glean the necessary responses from the respondents. Both the questionnaire and interview schedule consisted of open- and closed-ended questions. During the interviews, the researchers also employed the technique of probing with the aim of obtaining more descriptive responses relevant to the questions. In this regard, Terreblanche and Durrheim (2002: 281) state that in-depth information can be derived from semi-structured interviews and probing.

4.3 Data Analysis

The data obtained from the questionnaire, as well as information which can be quantified from the interviews, was entered into the Statistical Package for Social Sciences (SPSS) software. SPSS can use data to generate tabulated reports, charts, and plots of distributions and trends, descriptive statistics, and complex statistical analyses. Interview data was then also subjected to a qualitative thematic analytical process.

5. RESULTS



5. RESULTS

5.1 QUANTITATIVE RESULTS

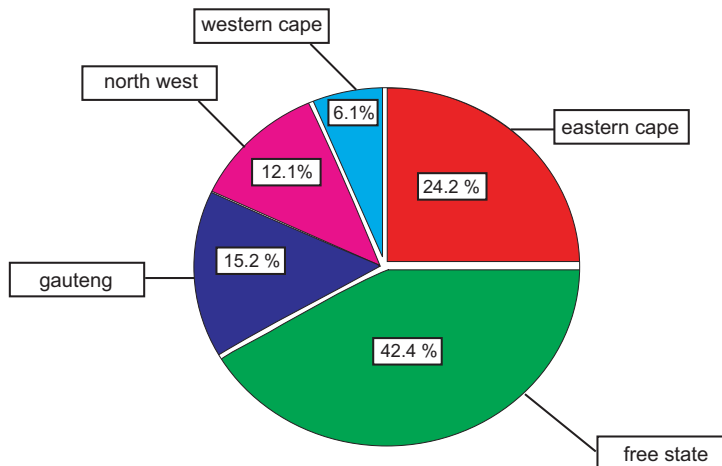
This section discusses the results of the quantitative data. The following is the range of variables examined: number of cases perused per province; the case’s incident code; the reason for contacting the ICD; the victim’s age; the victim’s gender; the victim’s race; the offender’s race; the offender’s gender; and the offender’s rank. The sample consisted of 33 cases examined across the five provinces, namely: Eastern Cape, Free State, Gauteng, North West and Western Cape. Below is a breakdown and graphic presentation of the cases.

Table 4: Distribution of cases per province

| | | Frequency | Percent | Valid Percent |
|-------|--------------|-----------|---------|---------------|
| Valid | Eastern Cape | 8 | 24.2 | 24.2 |
| | Free State | 14 | 42.4 | 42.4 |
| | Gauteng | 5 | 15.2 | 15.2 |
| | North West | 4 | 12.1 | 12.1 |
| | Western Cape | 2 | 6.1 | 6.1 |
| | Total | 33 | 100.0 | 100.0 |

The above table shows that Free State had the most cases of non-compliance with domestic violence that were recorded, that is, 42.4% of all cases perused. Eastern Cape followed with 24.2% of cases and the province with the third most number of cases is Gauteng with 15.2%. North West accounted for 12.1% of all perused cases and Western Cape had the least number of cases at 6.1% of perused dockets.

Pie chart 1: Distribution of cases per province



The compliance with DVA variable was looked at in terms of the reason complainants contacted the ICD, whether complainants had Protection Orders, whether complainants were advised to apply for protection orders, and whether a dangerous weapon was seized by the police.

When examining the reason complainants contacted the ICD, the results yielded indicate that in 69.7% of cases complainants came to the ICD due to the SAPS' failure to effect a warrant of arrest of the respondent after a complaint was laid with them. In 15.2% of the cases, the complainants contacted the ICD due to the SAPS' failure to assist the complainant to open a case of domestic violence. The other reason stated by the complainants for contacting the ICD was the SAPS' failure to serve Protection Orders to the respondent after the complainant had opened a case of domestic violence (6.1%).

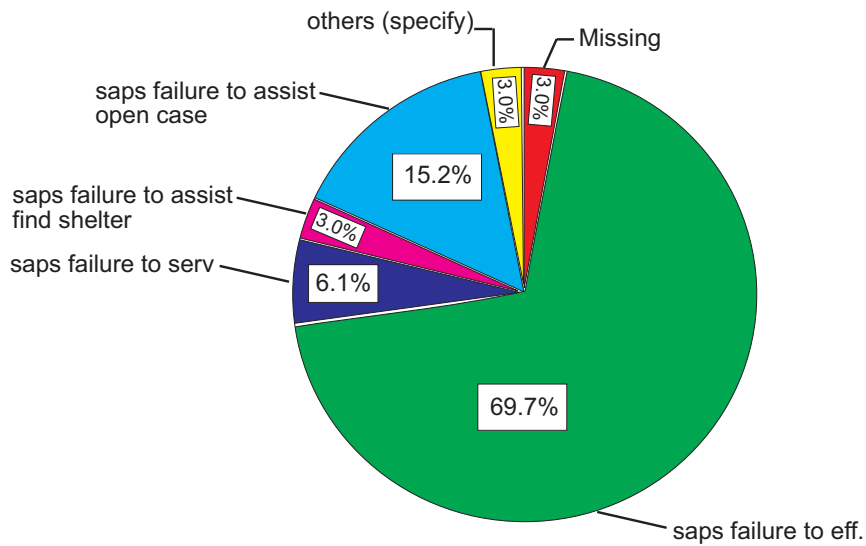
In 3.0% of cases the complainants contacted the ICD due to the SAPS' failure to assist them find shelter.

As stipulated by the Domestic Violence Act, any SAPS member assisting a domestic violence victim is obliged to assist the complainant or make arrangements for the complainant to find suitable shelter, failure which constitutes non-compliance with DVA. The table below is a tabular breakdown of complainant's reasons for contacting the ICD. For a graphic breakdown of complainants' reason for contacting the ICD, see pie chart 2.

Table 5: Complainants' reason for contacting ICD

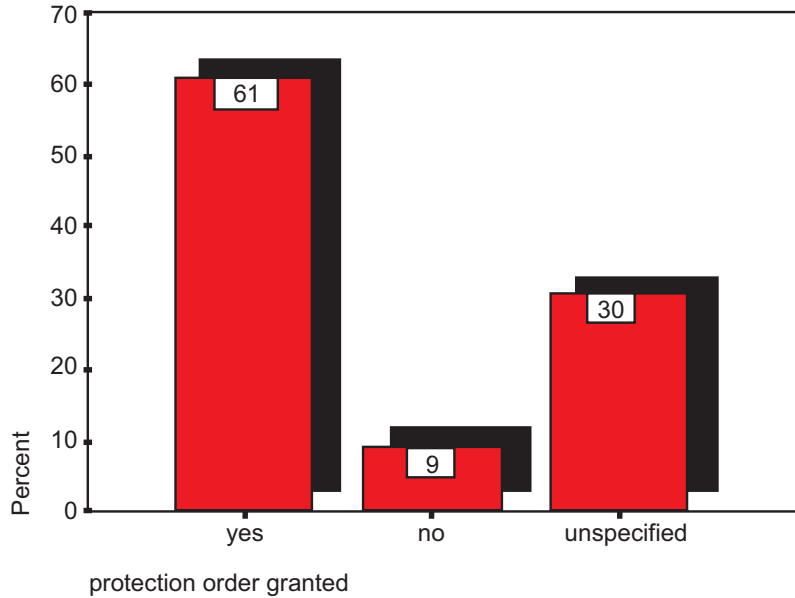
| | | Frequency | Percent | Valid Percent |
|--------------|---|-----------|--------------|---------------|
| Valid | SAPS failure to effect warrant of arrest | 23 | 69.7 | 69.7 |
| | SAPS failure to serve Protection Order to the respondent | 2 | 6.1 | 6.1 |
| | SAPS failure to assist the complainant to find shelter | 1 | 3.0 | 3.0 |
| | SAPS failure to assist complainant to open a domestic violence case | 5 | 15.2 | 15.2 |
| | Other (violation of Protection Order) | 1 | 3.0 | 3.0 |
| | Total | 32 | 97.0 | |
| Missing | 99 | 1 | 3.0 | 3.0 |
| Total | | 33 | 100.0 | 100.0 |

Pie chart 2: Complainants' reason for contacting ICD



Another variable which was examined in relation to SAPS compliance with Domestic Violence ACT was whether complainants were advised to apply for a Protection Order against the respondent. Below is a graphic representation of the analysis results.

Graph 1: Protection Order granted to complainant



The above graph shows that in 61% of cases there was compliance with DVA by the SAPS as the results indicate the complainants were advised to apply for a Protection Order where it was deemed necessary. It is only in 9% of cases where complainants stated that they were not advised to apply for Protection Orders. In 30% of cases it could not be ascertained if advice to apply for Protection Orders was given or not.

The following complainant variables were examined: gender of victim; race of complainant; and age of complainant. The results of the analysis are as follows:

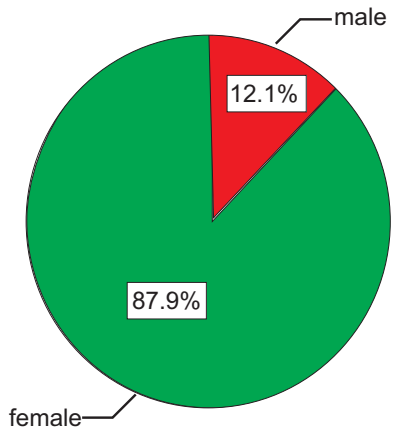
Table 6: Distribution of complainants' race

| | | Frequency | Percent | Valid Percent |
|-------|----------|-----------|---------|---------------|
| Valid | Black | 29 | 87.9 | 87.9 |
| | White | 1 | 3.0 | 3.0 |
| | Coloured | 2 | 6.1 | 6.1 |
| | Indian | 1 | 3.0 | 3.0 |
| Total | | 33 | 100.0 | 100.0 |

The table 6 above indicates that the majority of the complainants (87.9%) were Blacks. Only 6% of all complainants were comprised of Coloureds while Indians and Whites constituted 3% of all complainants respectively. With regard to complainants' gender, the results show that females constituted the largest percentage of all complainants, which is 87.9%, while males only made up 12.1% of the complainants.

It is expected that the majority of complainants would be females as women are the ones who are mostly victims of domestic violence. Below is a graphic representation of the gender of complainants.

Pie chart 3: Gender of complainant



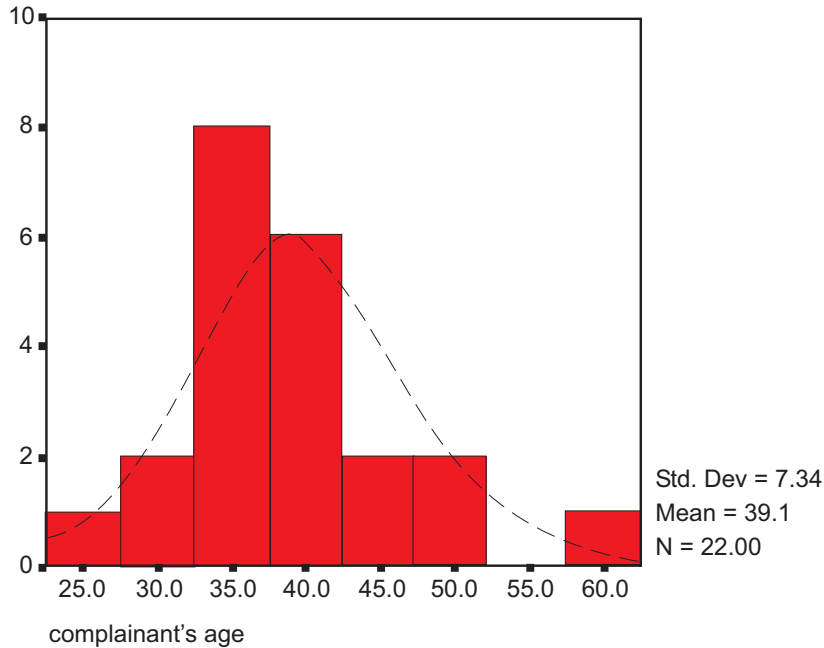
The age of the complainant could be determined in only 22 of the 33 cases examined. The analysis shows that the minimum age of the complainants, that is the youngest, was 27 years and the maximum age, that is the oldest, was 59 years old. The mean or average age for all complainants is therefore 39 years of age (as portrayed in Table 7).

Table 7: Age of Complainants

| | | |
|-----------------------|----------------|--------------|
| N | Valid | 22 |
| | Missing | 11 |
| Mean | | 39.09 |
| Minimum | | 27.00 |
| Maximum | | 59.00 |
| Std. Deviation | | 7.34 |

The histogram below shows the distribution of the age of the complainants involved in the 33 cases.

Histogram 1: Complainants' Age



The variables of the perpetrators of domestic violence were also examined. These included the gender of the offending police officer; as well as the race and rank of the police officer. A cross tabulation of complainants' reasons for contacting the ICD with perpetrator's gender, race and rank is presented below. In terms of gender, most of the perpetrators were males in cases where complainants' reasons for contacting the ICD were SAPS' failure to effect the warrant of arrest and SAPS failure to serve a Protection Order to the respondent and SAPS failure to assist the complainant to open a domestic violence case.

In terms of perpetrator's race, the majority of perpetrators were Blacks in cases where the complainants contacted the ICD as a result of SAPS' failure to effect warrant of arrest, SAPS' failure to serve Protection Orders to respondents, and SAPS' failure

to assist complainants to open a case of domestic violence. It was found that Blacks were perpetrators in 20 cases. This accounts for 60% of the 33 cases which were perused. When looking at the variable perpetrator's rank, Inspectors seem to be in the majority for transgressing the stipulations of the DVA when assisting complainants. They accounted for 13 cases of the 33 examined cases, that is, almost 40% of the cases with the rest spread across all the other ranks. Inspectors were only followed by Superintendents at 9% as perpetrators where complainants contacted the ICD either because of SAPS' failure to effect a warrant of arrest, SAPS' failure to serve a Protection Order on respondents or SAPS' failure to assist complainants to open a domestic violence case. Constables and Captains accounted for only 2 cases respectively of the 33 cases, that is, 6% of cases respectively.

RESULTS

Cross Tabulation 1: Nature of complaint, perpetrator's gender, race and rank

| Nature of complaint | Perpetrator's rank | | | | | | Total |
|---|--------------------|----------|-----------|----------|----------|-----------|-----------|
| | Const | Sgt | Insp | Captain | Supt | Snr. Supt | |
| SAPS failure to effect warrant of arrest | 2 | | 9 | 1 | 3 | 2 | 17 |
| SAPS failure to serve Protection Order to respondent | | | 1 | 1 | | | 2 |
| SAPS failure to assist complainant to open a domestic violence case | | 1 | 2 | | | | 3 |
| Other | | | 1 | | | | 1 |
| Total | 2 | 1 | 13 | 2 | 3 | 2 | 23 |

| Nature of complaint | Perpetrator's race | | | Total |
|---|--------------------|----------|----------|-----------|
| | Black | White | Coloured | |
| SAPS failure to effect warrant of arrest | 14 | 2 | 1 | 17 |
| SAPS failure to serve Protection Order to respondent | 1 | | 1 | 2 |
| SAPS failure to assist complainant to open a domestic violence case | 4 | | | 4 |
| Other | 1 | | | 1 |
| Total | 20 | 2 | 2 | 24 |

| Nature of complaint | Perpetrator's gender | | Total |
|---|----------------------|-------------|-----------|
| | Male | Unspecified | |
| SAPS failure to effect warrant of arrest | 15 | 8 | 23 |
| SAPS failure to serve Protection Order to respondent | 2 | | 2 |
| SAPS failure to assist complainant to open a domestic violence case | | 1 | 1 |
| Other | 4 | 1 | 5 |
| Total | 21 | 11 | 32 |

It was also of interest for the researchers to explore whether these reported cases were investigated and what recommendations were made to the SAPS by the ICD as a result of the ICD’s investigations. A cross tabulation of whether cases were investigated by the ICD and the recommendations which were made to the SAPS is presented below.

Cross Tabulation 2: Case investigated by the ICD and ICD recommendation

| | | ICD recommendations | | | Total |
|--------------------------|-------|----------------------------------|-----------------------------------|---------------------------------------|-------|
| | | Monitoring of SAPS investigation | Member must be charged criminally | Member must be charged departmentally | |
| Case investigated by ICD | Yes | 6 | 1 | 14 | 21 |
| | No | 1 | | | 1 |
| | Total | 7 | 1 | 14 | 22 |

The cross tabulation above shows that of the 33 cases which were perused by the researchers, 21 of those cases were investigated by the ICD and accordingly led to recommendations being made by the ICD to the SAPS. These accounted for 63.7% of all cases. In 14 (66.7%) out of the 21 cases which were investigated, the ICD made recommendations that the members involved in transgressing the DVA stipulation be charged departmentally. In only 1 case did the ICD recommend that the member be criminally charged. In 6 cases of the 21 that were investigated, the ICD

referred the cases back to the SAPS for further investigation upon which the ICD only monitored the investigation by SAPS.

Also of interest to the study was to find out whether SAPS implemented any of the recommendations which were made by the ICD. The frequency table below shows that in 39.4% of cases, ICD recommendations were not implemented by SAPS. ICD recommendations were only implemented in 24% of cases.

Table 8: Implementation of ICD recommendations

| | | Frequency | Percent | Valid Percent |
|-------|------------|-----------|---------|---------------|
| Valid | Yes | 8 | 24.2 | 34.8 |
| | No | 13 | 39.4 | 56.5 |
| | Don't know | 2 | 6.1 | 8.7 |
| | Total | 23 | 66.7 | 100.0 |
| | Missing | 10 | 30.3 | |
| | Total | 33 | 100.0 | |

5.2 QUALITATIVE RESULTS

The sample of this research was drawn from a population of police officers responsible for the implementation of the DVA or domestic violence coordinators in five provinces, namely: Eastern Cape, Gauteng, Free State, North-West and Western Cape (as mentioned previously). The following are the 17 police stations from the five provinces which were visited while collecting both qualitative and quantitative data: Booysens, Soshanguve, Atteridgeville, Meadowlands, Manenberg, Harare, Delft, Zwelitsha, Queenstown, Mdantsane, Lomanyaneng, Mafikeng, Ikageng, Kagisanong, Bloemspruit, Heidedal and Botshabelo. These are the police stations which had experienced problems of non-compliance with Domestic Violence Act. The data collected by means of the interview schedule was analyzed qualitatively and themes and trends were then identified using a data analytical procedure recommended by Marshall & Rossman (1999).

Based on the interviewed respondents' views, the following are the reasons for non-compliance of the SAPS with regard to Domestic Violence Act:

The Act is interpreted differently by different police stations

The respondents were of the opinion that the Domestic Violence Act (DVA) itself is not understood the same way by all the members in all the stations in the various provinces. They further felt that even the members are interpreting it differently to their clients. The following quotations support this statement:

'...but the interpretation part of it of various people or make it been running differently...'

'..I am sure the way John Voster or Joburg Central is different and maybe even Alexandra is even different ...'

'...but the interpretation of it is different, now I am standing in the Client Service Centre and I will interpret it differently from that man sitting next to me...'

'...everybody is interpreting it differently and the implementation thereof is different...'

The definition of domestic violence is too broad

Members felt that the definition of domestic violence is too broad and thus causes a lot of confusion to the members who are supposed to implement it.

'...I find it very difficult because of the fact that the definition is very wide, is incredibly wide covering intimidation...'

'...it covers intimidation...'

'... it covers withholding of economic resources, it covers very broad definition...'

Member's lack of information with regard to what is expected of them in terms of Domestic Violence Act

The respondents mentioned that all these non-compliance cases are due to the fact that the member does not have the necessary knowledge of the DVA. The following are the verbatim statements from the respondents to substantiate this statement:

'...I think the other thing is lack of information...'

'...when somebody comes and complains and then you don't know what to do...'

'...they don't have information what must they do...'

'...because you don't know about this thing...'

'...maybe they are dodging the work because they don't know anything about domestic violence...'

'...we don't know some of the things...'

'...I think some don't understand exactly what is expected of them ...'

Domestic violence is a difficult crime to police

Almost all the respondents complained that domestic violence is a difficult crime to police. The respondents based the difficulties of policing these crimes on the fact that it is crime that happens within the confines of two people's homes, where there is neither witness nor evidence. It is one's word against another's. Both parties expect the police to act in a certain way. In the end the police cannot help all of them. Then the other party would complain to the ICD.

'...it's difficult, it's difficult yes...'

'...it's very difficult to police...'

Abuse or misuse of Protection Orders by the victims of domestic violence

One of the factors mentioned by the respondents was that most of the complainants seem to abuse or use the Protection Order with ulterior motives. The Protection Orders are often used by the victims to scare their abusers with no intention to go through with the charges. So, they feel that in other words, it is the abuse of police resources and it leaves one questioning whether it is optimal utilisation of police resources to scare partners from committing domestic violence.

'...lots of people especially the victims are using it to scare their husbands or boyfriends or living partners...'

Domestic violence cases are withdrawn by victims

The respondents complained that the victims of domestic violence open cases at the police station and after a few days they are back at the station to withdraw those cases and are then referred to the court to do that. When they are asked why they want to discontinue with the case, they give various conflicting explanations.

'...90% they withdraw the cases...'

'...you arrest they are here again to withdraw the cases...'

'...she doesn't wanna go on that case its nulli prosequere withdrawn in court...'

'...they come and say they don't want to continue with the case...'

'...they say they want to withdraw the case...'

'...they want to withdraw...'

'...the wife will say everything is fine I don't want to continue with the case anymore because it takes long time...'

'...the lady wanted to withdraw the case...'

'...most of the people make the Protection Order then later they withdraw them...'

The following are the reasons which the victims often tell the police as to why they want to withdraw the cases. The following verbatim statements confirm this claim:

'...he is the father of [...] children and they need support...'

'...we have reconciled...'

'...when he is arrested who is going to feed the children...'

'...that they are financially dependent on the suspect...'

The respondents were also of the opinion that the time that the processing of these cases takes discourages the victims from continuing with the case.

'...it takes three to four weeks for the court to process the Protection Order...'

The failure of the police to effect warrant of arrest

Some respondents feel that when the police fail to arrest the suspects, the victims will go directly to the ICD without referring the case to the senior members such as the station commissioner.

'...the other cases of non-compliance are basically where the suspects are not arrested, and then they go to the ICD...'

The suspects are not located due to the suspects relocating to avoid arrest

The respondents complained about the fact that once a case is opened against the spouses, they relocate to other areas sometimes known to the victim, and as a result the victims blame the police and not help them find the suspects even though they know where the suspects could be.

'...they say he lives there when you get there he is never there, so that maybe the delay that is why they are saying we don't complying...'

Community Service Centre members do not respond to complaints

The respondents were of the opinion that police officers in the Community Service Centre are not really responsive to the victims when a domestic violence complaint is lodged.

'...she just left because if it was on weekend and when its weekend you will wait...'

'...CSC doesn't really respond to the complaint...'

Victims want the police to warn the suspects and not to arrest them

According to the respondents, when the victims lodge a complaint at the police station, they don't want their husbands to get arrested but they want the police to scare them so that they will not harm them again. The police felt that it is wrong to be used like that and the next thing the same victims report them to the authorities for failing to comply with the DVA.

'...as long as you arrest the guy now and most of the time they come and tell us to warn the guy, how would you just warn him, you cannot just come to my house and warn me...'

The complainants keep the Protection Orders with them

The police officers complained that once the victims get the Protection Orders from the Court, they have a tendency to keep them without informing the police. However, once they realise that the suspect is contravening the conditions as laid out in the Protection Order, they go back to the Court to get a warrant of arrest. Only then do they go back to the police station so that the police must arrest the transgressor. In such cases, police become resistant and the victim feels that the police are not doing what they should to assist.

'...when the people get the Protection Order they don't come back to the police, they don't come back and say I got the Protection Order, the only time when they come is when they have warrant of arrest...'

Requesting the complainant to come the following day

One of the factors which the respondents mentioned as the cause of non-compliance is the fact that in the station there is not always someone who is equipped to deal with DVA issues, resulting in victims being told to come back the following day which is non-compliance with the DVA.

'...that instead of assisting her he informed the lady to go home to come tomorrow...'

The members ask victims of domestic violence irrelevant questions when they are in the CSC

It was contended by respondents that the police officers in the CSC have a tendency to ask the victims irrelevant questions. The following verbatim statement supports this assertion:

'...the police did ask the lady if she didn't ask for it and the lady was not helped accordingly and she left and when she reach home she was murdered by the husband...'

Commanders don't discipline their members who are not complying with the DVA

The respondents were of the opinion that a related problem of non-compliance with the DVA is that when members transgress the DVA they are not disciplined by their seniors and when they are disciplined, their cases get postponed endlessly.

'...but there's no disciplinary hearing of whatever...'

'...so the people who are present to tackle the issue of domestic violence against the members don't do it...'

'...sometimes they postpone the case...'

'...so still so far we haven't get feedback as to what happened to the member...'

Protection Order worsens problems once served

According to various respondents, a Protection Order worsens the problems in the family once it is served because in the time it takes to be processed the couple would have reconciled and would be happy again. However, once the Protection Order is served, it destroys everything. The respondents stated that it is like the police are interfering in the affairs of those couples.

'...because you can be angry today, tomorrow you can reconcile and then when you come next week with the Protection Order its like you are starting the fire...'

'...sometimes is like we are breaking the marriage...'

Inconsistency in dealing with complainants of domestic violence

Many respondents indicated that not all the police stations are handling domestic violence matters in the same way and it seems that each station uses their own discretion in these cases. However, all the respondents were asked to explain the steps that they follow when a complaint is made at the police station.

While discretion is taken in various police stations, the amount of variation in the way police stations deal with domestic violence is minimal.

6. RECOMMENDATIONS



6. RECOMMENDATIONS

The following recommendations emanated from this study and may be helpful in ensuring compliance with the DVA by SAPS members:

- In order for all the police stations in the country to effectively deal with domestic violence, it is recommended that the National Instruction 7/1999 be simplified so that it is interpreted in a uniform way by all police officers. While section 3 of the National Instruction makes it compulsory for Station Commissioners to identify certain service providers, it does not indicate action upon failure to do such. It is thus recommended that to make this order serious, failure must be communicated to the highest authority. Since some police members argue that the definition of domestic violence is too broad to understand, with the simplification of the National Instruction, the definition could become less vague. In addition, this will ensure all members know what is expected of them, while it reduces the inconsistency in dealing with domestic violence cases that was highlighted by some members.
- Rather than having domestic violence coordinators to deal with domestic violence cases, as was the case in some police stations, it would be recommended that every police officer take full responsibility to attend to such cases. This can be achieved through not only training, but also sensitising police members about the seriousness of such cases.
- While the sensitisation of police officers about domestic violence will enhance service delivery, complainants must also be reminded about the seriousness of reporting these cases. Public education is therefore recommended, in which complainants are told of both the steps and the possible outcome of them reporting such cases to the police. While station commissioners can sensitise their members about these steps, much responsibility falls within the Community Service Centre heads to ensure that members thereof do the necessary explanations to community members.

Bearing in mind resources available to the police are limited, such events as 16 Days of Activism Against Violence on Women and Children can be used to sensitise community members about reporting domestic violence cases. If the community is aware of the seriousness of reporting domestic violence cases, the available resources will be utilised in locating suspects in correct addresses. Police officers must also detail to community members steps to be followed in cases where victims feel their cases are not taken seriously by those police members responsible. For example, rather than reporting the issue to the ICD, it is recommended to report it to the station commissioner for further action, failure which it can then be taken to the ICD.

- While domestic violence cases can be ambiguous to define, a change of attitude on the part of the police is advocated. As this attitude is not peculiar to the police, community members must also change their attitude towards the police and start believing that the police are there to help them based on complete and honest information provided. With the advocated change of attitude, the amount of domestic violence cases withdrawn by victims will be minimised.
- It is recommended that the Court processes the Protection Orders more speedily to ensure the safety of the victims. While this appeal is directed at the Court, community members are also reminded to involve the police in serving Protection Orders to the transgressors. Again, the public must be sensitised about the seriousness of the Protection Order as a legal document.

7. CONCLUSION



7. CONCLUSION

The objective of this study was to identify factors that inhibit the police from complying with the Domestic Violence Act. While the prevalence of domestic violence is evident in the statistics, non-compliance to such cases prompted this study. Although legislation has been introduced to address the problem, implementation thereof has not speeded up, perhaps due to a lack of infrastructure, monitoring and available resources.

Data collection for this project used a combination of two approaches, namely: qualitative and quantitative approaches. Where a quantitative method was employed, information was extracted from case files kept in ICD offices, while with the qualitative method, police officers were interviewed. While the quantitative results show that more than 60 percent of respondents obtained Protection Orders, it makes sense to regard qualitative responses about the misuse of such orders by the public in a serious light.

Most respondents interviewed indicate their difficulty in interpreting the definition of domestic violence. The National Instruction, passed in 1999, must therefore be simplified to ensure the definition is less vague. With the National Instruction in place, proper communication that sensitizes police members about domestic violence must be enhanced.

As recommended in the recommendations above, the police can utilize such events as the annual 16 Days of Activism Against Violence on Women and Children to further sensitize community members.

As was argued before, this sensitization will reduce the amount of Protection Orders that are withdrawn by victims. If the seriousness of domestic violence is emphasized to victims reporting such cases, then the number of victims providing wrong addresses will drop. While this will speed up the process of effecting the warrants of arrest, the spin offs towards reducing domestic violence cases are anticipated to increase. A further spin-off is a possible gradual attitude change about reporting domestic violence cases, for both the police and the public.

REFERENCES

Creswell, J.W. 2003. *Research Design: Qualitative, Quantitative and Mixed Methods Approach* (2nd Ed).
London: Sage.

Dissel, A. & Ngubeni, K. 2003. *Giving Women their Voice: Domestic Violence and Restorative Justice in South Africa*. CSVR: Johannesburg.

Domestic Violence Report to Parliament for the Period January – June 2006.

Human Rights Watch, 1995.

ICD database 2007.

Terblanche, M. & Durrheim, K. 2002. *Research in Practice: Applied Methods for the Social Sciences*. UCT Press: Cape Town.

APPENDIX A: DOMESTIC VIOLENCE

COMPLIANCE DOCKET ANALYSIS QUESTIONNAIRE

1. CCN _____

2. Incident code: _____

3. Incident sub-code: _____

4. Province: _____

5. Age of complainant _____

6. Gender of complainant

| | |
|-----------------------|--|
| 1. Male | |
| 2. Female | |
| 3. Unspecified | |

7. Race of complainant

| | |
|---------------------------|--|
| 1. Black | |
| 2. White | |
| 3. Coloured | |
| 4. Indian | |
| 5. Other (specify) | |

APPENDIX A: DOMESTIC VIOLENCE

COMPLIANCE DOCKET ANALYSIS QUESTIONNAIRE

8. The complainant contacted the ICD because of:

| | |
|---|--|
| 1. SAPS failure to effect arrest of the respondent | |
| 2. Failure to advise complainant of options, such as applying for protection order | |
| 3. SAPS failure to serve protection order to the respondent | |
| 4. SAPS failure to assist the complainant, such as finding a suitable shelter or obtaining medical treatment | |
| 5. SAPS failure to assist complainant to open a domestic violence case | |
| 6. Other (specify) | |

9. Was the complainant granted a protection order?

| | |
|-----------------------|--|
| 1. Yes | |
| 2. No | |
| 3. Unspecified | |

10. If yes, is there a copy of the protection order in the file?

| | |
|---------------|--|
| 1. Yes | |
| 2. No | |

11. If no in question 9, was the complainant advised to apply for a protection order by the ICD?

| | |
|-----------------------|--|
| 1. Yes | |
| 2. No | |
| 3. Unspecified | |

APPENDIX A: DOMESTIC VIOLENCE

COMPLIANCE DOCKET ANALYSIS QUESTIONNAIRE

12. Is there mention of any dangerous weapon in the complainant's statement?

| | |
|-------------|--|
| 1. Yes | |
| 2. No | |
| 3. Not Sure | |

13. If a weapon was mentioned, was it seized by the police?

| | |
|-------------|--|
| 1. Yes | |
| 2. No | |
| 3. Not Sure | |

14. Gender of police officer involved in incident?

| | |
|----------------|--|
| 1. Male | |
| 2. Female | |
| 3. Unspecified | |

15. Race of police officer involved?

| | |
|--------------------|--|
| 1. Black | |
| 2. White | |
| 3. Coloured | |
| 4. Indian | |
| 5. Other (specify) | |

APPENDIX A: DOMESTIC VIOLENCE

COMPLIANCE DOCKET ANALYSIS QUESTIONNAIRE

16. Rank of police officer involved?

| | |
|--------------------------|--|
| 1. Constable | |
| 2. Sergeant | |
| 3. Inspector | |
| 4. Captain | |
| 5. Superintendent | |
| 6. Senior Superintendent | |
| 7. Director | |
| 8. Other (specify) | |

17. Was the case investigated by ICD?

| | |
|-------------|--|
| 1. Yes | |
| 2. No | |
| 3. Not Sure | |

18. If yes in question 17, what were the findings/recommendations of ICD investigation?

APPENDIX A: DOMESTIC VIOLENCE

COMPLIANCE DOCKET ANALYSIS QUESTIONNAIRE

19. Where the recommendations made by the ICD implemented?

| | |
|----------------------|--|
| 1. Yes | |
| 2. No | |
| 3. Don't Know | |

20. If not, what were the reasons given?

APPENDIX B: DOMESTIC VIOLENCE COMPLIANCE

INTERVIEW SCHEDULE

1. Do you have a list of organizations relevant to the DVA?

| | |
|-------------------|--|
| Yes | |
| No | |
| Don't Know | |

2. If yes, are copies of this list freely available to the public?

| | |
|-------------------|--|
| Yes | |
| No | |
| Don't Know | |

3. Indicate which of the following are available at this station

| | |
|---|--|
| Station orders (DVA) | |
| Copies of DVA | |
| DV forms SAPS 508(a) | |
| Existence of DV register SAPS 508(b) | |
| Certified copies of protection orders and warrants of arrest | |
| Copies of Form 1 | |
| Copies of Form 2 | |

4. Have you received training on the DVA?

| | |
|-------------------|--|
| Yes | |
| No | |
| Don't Know | |

APPENDIX B: DOMESTIC VIOLENCE COMPLIANCE

INTERVIEW SCHEDULE

5. If yes, how long was the training?

| | |
|------------------------------|--|
| About an hour or two | |
| Half a day | |
| One day | |
| More than one day | |
| Other, please specify | |

6. If yes to question 4, who trained you?

| | |
|------------------------------|--|
| Colleague | |
| Station Commissioner | |
| Legal services | |
| Training services | |
| Basic training | |
| Other, please specify | |

7. Do you document all reported cases of domestic violence?

| | |
|-------------------|--|
| Yes | |
| No | |
| Don't Know | |

APPENDIX B: DOMESTIC VIOLENCE COMPLIANCE

INTERVIEW SCHEDULE

8. If yes, where is the information recorded?

| | |
|--------------------------------|--|
| Pocket book (SAPS 206) | |
| Occurrence book | |
| Docket | |
| SAPS 508(a) form | |
| SAPS 508(b) DV register | |
| Other, please specify | |

9. When do you document incidents of domestic violence on SAPS 508(a)?

| | |
|--|--|
| Document every incident | |
| Only when the complainant wants to lay a charge | |
| Only when an arrest is made | |
| Other, please specify | |

10. When do you document incidents of domestic violence on SAPS 508(b)?

| | |
|--|--|
| Document every incident | |
| Only when the complainant wants to lay a charge | |
| Only when an arrest is made | |
| Other, please specify | |

11. Do you have Standing Orders to assist you in dealing with domestic violence matters?

| | |
|-------------------|--|
| Yes | |
| No | |
| Don't Know | |

12. Do you have any difficulties in applying the DVA?

| | |
|-------------------|--|
| Yes | |
| No | |
| Don't Know | |

13. If yes, please expand on these difficulties.

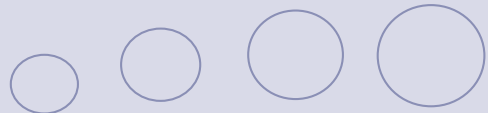
14. Can you take me through the step-by-step procedures that you follow when a domestic violence case is reported to the police (e.g. When you go out to the scene)?

APPENDIX B: DOMESTIC VIOLENCE COMPLIANCE
INTERVIEW SCHEDULE

15. What kinds of records are kept of complaints against the members?

| | |
|--|--|
| The number of complaints | |
| The particulars of the complaints | |
| The details of the disciplinary proceedings | |
| Decisions and steps taken as a result of recommendations by the ICD | |
| Record it on a SAPS 508 form | |
| Other, please specify | |

16. Can you describe the steps taken should there be a complaint by a member of the public that the police did not satisfactorily deal with a domestic violence complaint?





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Private Bag X941

Pretoria

South Africa

0001

Tel: +27 12 392 0400

Fax: +27 12 320 3116

Email: info@icd.gov.za

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Design and Printing by Isintuethu Communications (073 615 7726)