

POLICING RESPONSES TO DOMESTIC VIOLENCE: EXPLORING REACTIONS BY THE POLICE TO WOMEN IN NEED OF SHELTER

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This research paper aims to explore responses by the police to victims of domestic violence, specifically, in their capacity to refer women to shelter services. It does so in relation to *Enhancing State Responsiveness to GBV: Paying the True Costs*, a project of the Heinrich Böll Foundation (HBF) and the Nation-

al Shelter Movement of South Africa (NSM). The project, which is funded by the European Union, promotes support for state accountability for adequate and effective provision of domestic violence survivor support programmes, especially those associated with the provision of shelters for abused women.

INTRODUCTION

In 1998, after considering significant limitations in the level of protections provided under the Prevention of Family Violence Act (133 of 1993), legislators in South Africa passed the Domestic Violence Act (DVA) in an effort to 'afford victims of domestic violence the maximum protection from domestic violence that the law can provide'.¹ Unlike its predecessor, the DVA sought to not only cover both heterosexual and same-sex relationships, but also expanded the definition of domestic violence to include a wide range of behaviors, including physical, sexual, and psychological abuse, as well as verbal, emotional, and financial harm. Further, in an attempt to undo decades of neglect after treating domestic violence as a 'private matter'² that should be dealt within the confines of the home, the DVA also imposed a series of affirmative obligations on the South African Police Service (SAPS) to provide assistance to victims of domestic violence, including finding access to suitable shelter.

Twenty years have passed since its promulgation, yet today, the DVA resembles something closer to an aspirational frame-

work than the common standard for police practice. Despite legislators' best intentions to strengthen the state's response to domestic violence, implementation of the DVA remains weak and uncoordinated, and responses by the police are often misinformed and apathetic. Poor levels of police compliance with the DVA impose grave consequences for women, not only because they make up the vast majority of victims, but also because women in South Africa are five times more likely to get murdered by their intimate partners than anywhere else in the world.³ These statistics, coupled with the country's extremely high levels of poverty and inequality, make the provision of shelter services an essential component of efforts towards reducing incidents of violence against women, with shelters sometimes being the only available lifeline to victims. Even though the DVA recognises this and consequently imposes an obligation on police officers to assist victims in finding suitable services, the extent of compliance and quality of assistance provided, is often overlooked in discussions on the implementation of the DVA.

¹ Preamble to the Domestic Violence Act [No. 116 of 1998].

² Vetten, 2005: 4.

³ AfricaCheck, 2017.

In light of the above, the purpose of this paper is to highlight weaknesses in police responses to victims of domestic violence by reviewing call logs documenting requests for assistance at three-hundred eighty-two (382) police stations across the country. The data emanates from research conducted by HBF and the Tshwaranang Legal Advocacy Centre (TLAC) in Gauteng and the Western Cape in 2012 and 2013, and by HBF and the NSM in Mpumalanga and KwaZulu-Natal in 2016 and 2017. Accordingly, the paper begins by examining rates of domestic violence in South Africa, and the role of shelters in establishing

a comprehensive system of services for victims. It then moves on to explore responsibilities of the police in terms of the DVA and National Instruction 7/1999 (National Instruction), specifically the obligation to assist victims in finding suitable shelter.⁴ The paper will then assess the results of the collected data and situate those findings within national discussions about policing responses to domestic violence. The paper concludes by offering a series of recommendations, building on previous research and reports, for strengthening effective implementation of the DVA by police services.

DOMESTIC VIOLENCE & THE ROLE OF SHELTERS IN RESPONDING TO ABUSE

While it is commonly known that incidents of domestic violence are severely under-reported, crime statistics can be a useful indicator in gauging levels of violence against women in South Africa. Furthermore, even though domestic violence is not a separate category of crime, the National Instruction obligates SAPS to record all reported incidents of domestic violence in the Domestic Violence Register (SAPS 508(b))⁵, which are then supposed to be submitted by the station commander to the area commissioner and eventually to the provincial commissioner on a monthly basis.⁶ Compliance with the National Instruction is notoriously low, however, as is demonstrated by the Civilian Secretariat of Police's (CSP) most recent DVA monitoring which found that only 61% of police stations maintain DV Registers.⁷ Therefore, even though crime statistics do not measure domestic violence specifically, there is a framework, at least in theory, for collecting data on levels of domestic violence across the country.

STATISTICS ON VIOLENCE AGAINST WOMEN

According to official crime statistics for the 2017/2018 financial year, 177 620 social contact crimes⁸ were committed against women, reflecting an increase of 2,4% from the previous year. Of particular concern is that most types of violence appear to be on the rise, with a total of 2 930 of murders (11% increase), 3 554 attempted murders (6.7% increase), 81 142 common assaults (3.9% increase), and 53 263 assaults with the intention to commit grievous bodily harm (2.5% increase) from the 2016/2017 financial year. The only exception would appear

to be in the number of reported sexual offences, which shows a slight decrease of -1,7% (dropping from 37 392 incidents in 2016/2017 to 36 731 incidents in 2017/2018).⁹ It is important to note that sexual offences are notoriously under-reported, and that the decrease in reported incidents could be an indicator of other phenomena, such as a lack of trust in the police.

Another important source of information for gauging levels of violence against women are the number of domestic violence complaints and protection orders filed each year with the Department of Justice and Constitutional Development (DOJCD). According to DOJCD's most recent Annual Report, a total of 395 628 civil complaints were filed during the 2016/2017 financial year, with the types of abuse ranging from emotional, verbal and psychological abuse, to stalking and intimidation, as well as damage to property and unauthorised entry. The vast majority of complaints (35% of the total) involved allegations of emotional, verbal and psychological abuse, followed by physical abuse, which accounted for 24% of complaints.¹⁰

Unlike the previous year, DOJCD's Annual Report for 2016/2017 makes no mention of the number of **criminal** cases involving domestic violence, which would provide information relating to the number of cases finalised, removed from the roll, and those that are still outstanding. That data was, however, provided in the previous year's report, which saw an 11,3% increase in the number of criminal cases brought forward between 2014/2015 to 2015/2016, as well as a 8,8% decrease in the number of cases that were voluntarily withdrawn¹¹. It's unfortunate, however, that this data is not available for the 2016/2017 financial year.

⁴ Although policing responsibilities are extensive under the DVA and National Instruction, this brief will only examine their obligation to help victims find suitable shelters.

⁵ National Instruction 7/1999 at Section 12. [Herein referred to as 'National Instruction'.]

⁶ National Instruction at Section 15.

⁷ Civilian Secretariat of Police Services, 2018: 8. [Herein referred to as 'CSP'.] It is worth noting, however, that DV Registers are not available to the public.

⁸ Social contact crimes include murder, attempted murder, sexual offences, assault with intent to inflict grievous bodily harm, and common assault.

⁹ South African Police Services, 2018: 35. However, it is worth noting a quite significant discrepancy in the statistics on rape and sexual assault, which note a 0,5% increase in the number of rapes (39 828 incidents in 2016/2017 to 40 035 incidents in 2017/2018), and 8,2% increase in the number of sexual assaults (6 271 incidents in 2016/2017 to 6 786 incidents in 2017/2018). One could assume the difference to indicate an increase in the number of men reporting sexual abuse, however, the total number of sexual offences against women (36 731) and children (23 488), which comes to a total of 60 219 for 2017/2018 does not match the total number of sexual offences (50,108) listed in the SAPS report.

¹⁰ Department of Justice and Constitutional Development, 2017: 45. [Herein referred to as 'DOJCD'.]

¹¹ DOJCD, 2016: 35.

FIGURE 1: SOCIAL CONTACT CRIMES COMMITTED AGAINST WOMEN REPORTED TO SAPS OVER THE LAST TWO FINANCIAL YEARS

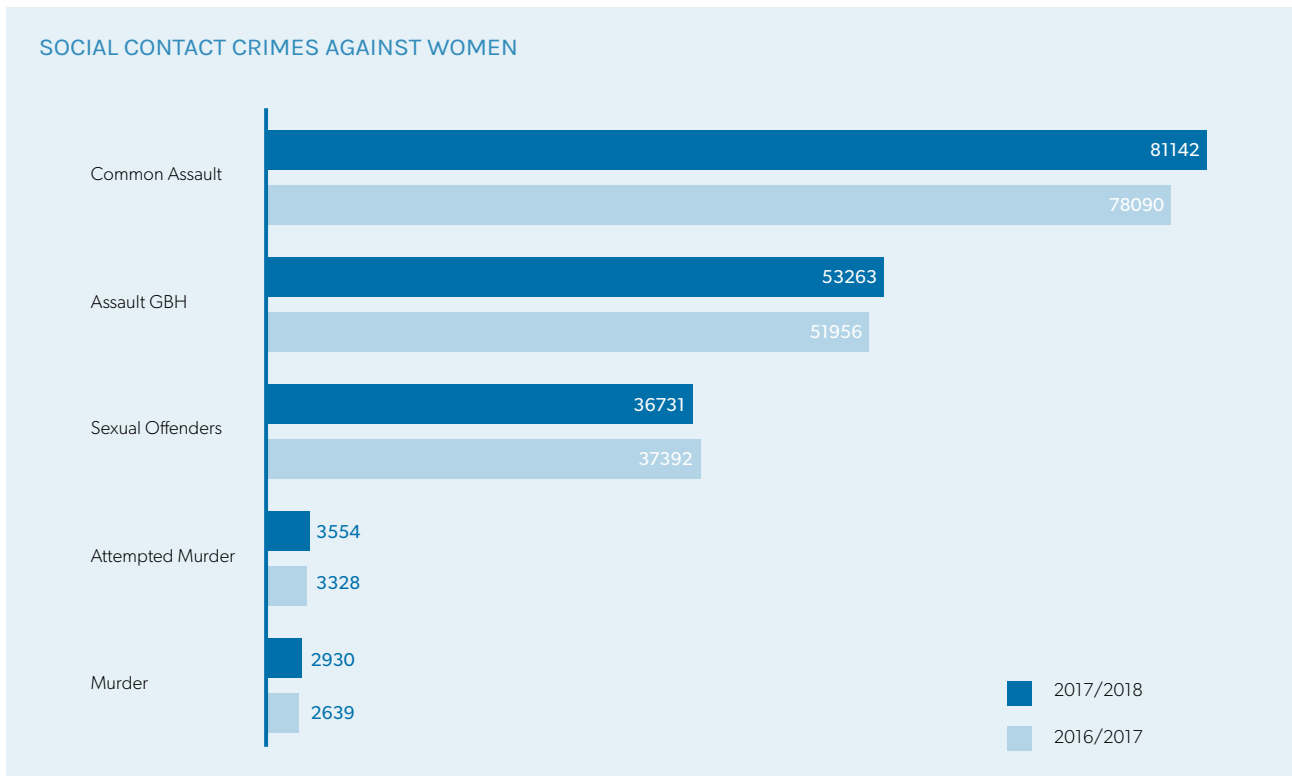


FIGURE 2: PERCENTAGE AND TYPES OF DOMESTIC VIOLENCE COMPLAINTS FILED AT DOJCD IN THE 2016/2017 FINANCIAL YEAR

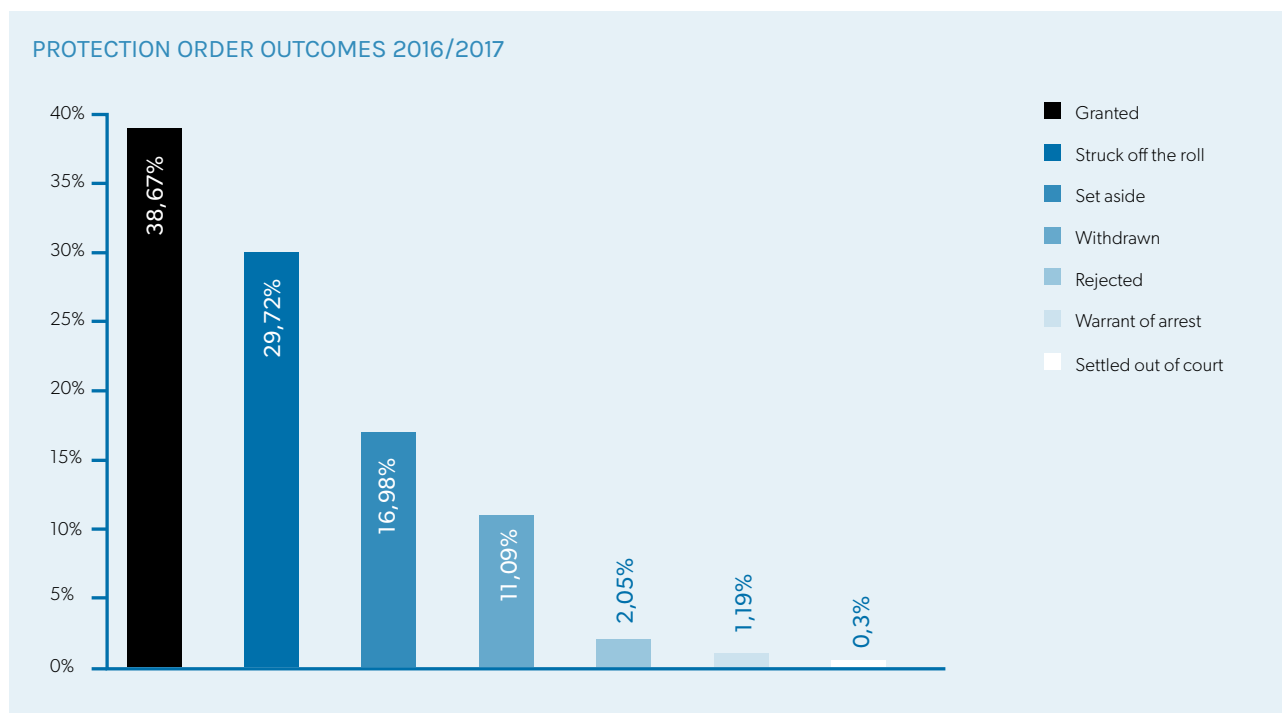


" While it is commonly known that incidents of domestic violence are severely under-reported [and even though domestic violence is not a separate category of crime], crime statistics can be a useful indicator in gauging levels of violence against women."

In addition to excluding information about the number of criminal matters involving domestic violence, the DOJCD's Annual Report also neglects to provide information about the total number of applications for protection orders filed during the 2016/2017 financial year. It does note, however, that of the to-

tal number of applications filed, 38,67% were granted; 29,72% were struck off the roll; 16,98% were set aside; 11,09% were withdrawn; 2,05% were rejected; 1,19% resulted in a warrant of arrest; and 0,30% were settled out of court.¹²

FIGURE 3: PERCENTAGE AND OUTCOMES OF APPLICATIONS FOR PROTECTION ORDERS IN THE 2016/2017 FINANCIAL YEAR ACCORDING TO THE DOJCD ANNUAL REPORT.



Despite the relatively large percentage of applications that are granted, protection orders are only as good as the extent to which they are enforced. Oversight visits conducted by the CSP between October 2017 and March 2018 revealed that at some stations, protection orders were rendered meaningless, with almost 25% of the police stations visited failing to serve protection orders upon the respondent within two months from the date it had been granted.¹³ Moreover, even when protection orders are served, they are not always adequately enforced, as demonstrated by the extremely high number of women in South Africa who have been murdered by their intimate partners despite being in possession of a protection order.¹⁴

While these statistics cannot offer a precise measurement of levels of domestic violence across the country, they do provide reliable indicators of the prevalence of violence against women in South Africa, and thus demonstrate the need to for effective implementation of an integrated system of services to meet the full range of needs for victims.

¹² DOJCD, 2017: 45. It is worth noting that the Annual Report fails to provide information about the criteria for striking certain applications off the roll, or setting some applications aside or the reasons for certain applications being rejected and others being withdrawn, all of which would be useful in determining the effectiveness and accessibility of the protection order process.

¹³ CSP, 2018: 10.

¹⁴ Vetten, 2017:15. Research indicates that in 2009, one in twenty (20) women who were killed by their intimate partners had been in possession of a protection order. See also, the 2012 case involving Ms. Masemola, whose ex-boyfriend stabbed her to death even though she was in possession of a protection order. The police had failed to enforce the order on several occasions even after he had burnt her house down on one occasion and despite her having reported to the police his threats to kill her two days before to having done so.

ROLE OF SHELTERS IN RESPONDING TO AND PREVENTING VIOLENCE

When the criminal justice system fails to protect victims of domestic violence, even women who are in possession of a protection order, many have no choice but to leave home and seek refuge in a shelter. In other instances, some women avoid the criminal justice system altogether and access shelters for safety.

In addition to providing access to safe housing, shelters offer critical services to women and children who are victims of violence, abuse and other forms of exploitation, forming an integral part of an evidence-based response to domestic violence.

For example, shelters are capable of:

- Reducing the risk of women and children returning to abusive homes and relationships by providing access to safe and secure housing;
- Decreasing the likelihood of women and children from engaging in self-destructive actions or other abu-

sive behavior by providing social and psychological support;

- Minimising the chances of women becoming destitute and homeless by providing them with training programmes and access to the Internet and other resources to find jobs;
- Mitigating the risk of perpetuating intergenerational cycles of violence by providing childcare and support for children who have been exposed to violence; and
- Diminishing the probability of further abuse by providing women and children with knowledge about their rights and the skills to exercise their protection.¹⁵

That being said, shelters in South Africa operate under severe capacity and human resource constraints, despite making significant contributions that not only respond to, but also prevent, incidents of violence against women.¹⁶ While much more work needs to be done to prioritise the establishment and institutionalisation of shelters across the country, efforts must also be extended to ensure the optimal coordination of services for domestic violence victims with a range of other actors in the criminal justice system.¹⁷

POLICE OBLIGATIONS TO ASSIST VICTIMS OF DOMESTIC VIOLENCE IN FINDING SHELTER

Acknowledging that a comprehensive system of services requires an integrated and coordinated response from actors within both the criminal justice system and social services sector, the DVA and National Instruction introduced a new standard of police practice for dealing with victims of domestic violence. By imposing a series of affirmative obligations on SAPS to assist people in accessing services outside the criminal justice system, the DVA and National Instruction aimed to ensure that relevant organs of state not only give full effect to the law, but also reflect principles of restorative justice by placing victims at the centre of the criminal justice process.

DOMESTIC VIOLENCE ACT (116 OF 1998)

While the DVA is primarily responsible for providing a comprehensive set of services for victims, the purpose of the National Instruction is to provide specific directives to the police on how to satisfy their obligations under the DVA.¹⁸ Police duties are further complemented by both internal and external mechanisms for oversight that seek to identify, and account for, incidences of non-compliance by individual police officers.¹⁹

Section 2 of the DVA codifies the obligation to assist by stating the following:

2. Duty to assist and inform complainant of rights

'Any member of the South African Police Service must, at the scene of an incident of domestic violence or as soon thereafter as is reasonably possible, or when the incident of domestic violence is reported-

- a. render such assistance to the complainant as may be required in the circumstances, including assisting or making arrangements for the complainant to find a suitable shelter and to obtain medical treatment; if it is reasonably possible to do so, hand a notice containing information as prescribed to the complainant in the official language of the complainant's choice; and*
- b. if it is reasonably possible to do so, explain to the complainant the content of such notice in the pre-*

¹⁵ Stone et al, 2013:18-19.

¹⁶ Bhana et al, 2012: 1. See also, Bhana et al, 2013; Lopes & Mpani, 2017a; Lopes & Mpani, 2017b; Watson & Lopes, 2017.

¹⁷ Stone et al, 2013: 30-31.

¹⁸ National Instruction 7/1999 also prescribes responsibilities of the station commissioner (Section 3), responsibilities of the commander of the Community Service Centre (Section 4), responsibility of members of the police (Section 5), and the duty to render general assistance to the complainant (Section 7).

¹⁹ Vetten, 2014: 8.

scribed manner, including the remedies at his or her disposal in terms of this Act and the right to lodge a criminal complaint, if applicable.'

The DVA, therefore, aims to capacitate officers to not only ensure the safety of victims, but also to make informed decisions by providing them with sufficient information on how to access services outside the criminal justice system.

NATIONAL INSTRUCTION 7/1999

To clarify the requirements for compliance under the DVA, a National Instruction was passed in 1999, and then later amended in 2006, to provide guidance to the police on how to satisfy provisions of the DVA that imposed additional obligations on SAPS.

Accordingly, Section 8 of the National Instruction provides the following:

8. Duty to assist the complainant to find suitable shelter

1. *In terms of the Domestic Violence Act, a member must assist the complainant to find suitable shelter or make arrangements for the complainant to find suitable shelter.*
2. *To comply with this duty, a member must comply with any station orders issued in this regard, as provided for in paragraph 3(6) (above), and must at least -*
 - a. *provide the complainant with the names, contact numbers and/or addresses of any organisation in the area which may be able to provide suitable shelter and relevant support and/or counselling services;*
 - b. *at the request of the complainant and, where it is reasonably possible to do so, contact on behalf of the complainant an organisation which may render relevant assistance to the complainant; and*
 - c. *at the request of the complainant, assist in arranging transport for the complainant to a suitable shelter or an organisation that may be able to render relevant support and/or counselling (e.g. by contacting the*

family or friends of the complainant with a request to transport the complainant, arranging for a taxi at the expense of either the complainant or a willing family member or friend, etc.). A member may, only as a last resort, transport a complainant in a police vehicle to find a suitable shelter if such a vehicle is available and there is no other means of transport. In such an event the complainant must be informed that he or she is being transported at his or her own risk.

3. *Any assistance rendered to the complainant in terms of subparagraphs (1) and (2) must:*
 - a. *if it is rendered at the Community Service Centre, be recorded in the Occurrence Book; or*
 - b. *if it is rendered at another place, be recorded in the Pocket Book (SAPS 206) of the member rendering the assistance.*

Thus, the essential function and effect of Section 8 of National Instruction is that it obligates the police to find suitable shelter, or to plan for the complainant to find suitable shelter, or to coordinate transport services to shelters using police vehicles only as a last resort.

Furthermore, because Section 8(3) requires any assistance rendered to complainants to be recorded in the Occurrence Book or Pocket Book (SAPS 206), there is also an obligation to document actions associated with this duty, which means, at least in theory, that evidence should exist to demonstrate that police obligations are either being fulfilled or being neglected, and that in instances of non-compliance, corrective measures have been taken. Failure to comply with Section 8 of the National Instruction constitutes a serious form of misconduct under the South African Police Services Act of 1995, and can consequently impose a set of penalties upon individual members.²⁰

However, based on recent reports from the Civilian Secretariat of Police (CSP), it appears that incidents of non-compliance with Section 2 of the DVA and Section 8 of the National Instruction are excluded from monitoring processes in their entirety, which raises additional questions about the thoroughness of the CSP's monitoring processes in terms of the DVA.

²⁰ Vetten, 2017: 9.



Except
Police Vehicles



WEAKNESSES IN MONITORING COMPLIANCE WITH THE DVA AND NATIONAL INSTRUCTION

During the August 2018 Parliamentary hearings on progress towards implementation of the DVA, none of the presentations by SAPS or other organ of state addressed SAPS compliance with the duty to assist people in need of shelter. The CSP's presentation, which focused on DVA compliance from October 2017 to March 2018, touched briefly on the issue of assisting victims, finding one (1) reported incident of failure to provide satisfactory service to a complainant²¹, and eighteen (18) reported incidents of failure to assist a complainant in opening a case²², neither of which deal directly with the duty to refer victims to shelters. It is also worth noting that compliance figures conducted by the CSP relied upon data collected from 264 of the 1 138 (approximately 23%) police stations in South Africa.²³ Furthermore, while it is important to acknowledge resource and capacity limitations of provincial secretariats for community safety, it is also important to mention that none of these reports take note of the personal interactions between victims and the

police, or the conversations that occur over the phone, which makes it rather difficult to fully gauge the quality of service provided to complainants.²⁴

Therefore, in an effort to highlight an issue frequently overlooked in discussions around implementation of the DVA, the following section will examine the results of two studies: the first, conducted by Heinrich Böll Foundation (HBF) and Tshwaranang Legal Advocacy Centre (TLAC) in Gauteng in 2012 and the Western Cape in 2013; and the second, conducted by HBF and the National Shelter Movement (NSM) in Mpumalanga and KwaZulu-Natal from 2016-2017. The findings of both studies draw attention to the overwhelming lack of effective referral mechanisms for local shelters at police stations across the country, and to document inconsistencies in the level of service provided to victims of domestic violence.

RESPONSES OF POLICE TO REQUESTS FOR ASSISTANCE TO SHELTERS

Since 2011, the HBF has partnered with two organisations, TLAC (from 2011 – 2013) and the NSM of South Africa (from 2016 – 2018) in implementing a two phased-project entitled Enhancing State Responsiveness to GBV: Paying the True Costs.²⁵ The first phase of the project focused on the state's response to gender-based violence, specifically the level of services provided to victims of domestic violence through the police, courts, and shelters. The second (and most current) phase of the project aims to strengthen accountability of the state in providing adequate and effective assistance to survivors of domestic violence by ensuring access to shelters for abused women and children. Accordingly, the role of the Department of Social Development (DSD) in providing and maintaining shelters has been a central focus of the research, as well as the role of police in light of its legal obligations to help victims find suitable shelter.

The research was first piloted in Gauteng in 2012, when project staff began exploring whether functional shelter referral mech-

anisms were in place, in accordance with Section 2 of the DVA and Section 8 of the National Instruction. They did this by calling all 127 police stations across the province. Initial findings revealed that 65% of stations (82 in total) were able to refer callers to a shelter, while 9% of stations (12 in total) refused to assist, with one police officer informing the victim that she must present herself at the station before assistance could be provided, a response that is unequivocally inconsistent with the DVA and National Instruction. Of the remaining stations, 15% (19 in total) expressed a willingness to assist despite not knowing where to refer callers, while in 11% of stations (14 in total), calls either went unanswered or the telephone numbers provided were not in service.²⁶

Recognising the value of gathering data at station level, and the relative ease through which it could be taken to scale, project staff further refined the research methodology before launching it in three other provinces.

²¹ CSP, 2018: slide 10.

²² CSP, 2018: slide 7.

²³ CSP, 2018: slide 4.

²⁴ Vetten, 2017:12.

²⁵ Both projects have been funded by the European Union.

²⁶ Raw data for Gauteng was not available, but the results of this preliminary research have been published in Bhana, K., Vetten, L., Makhunga, L., and Massawe, D. (2012). *Shelters housing women who have experienced abuse: policy, funding and practice*. Johannesburg: Tshwaranang Legal Advocacy Centre.

METHODOLOGY

The research methodology was exploratory in nature, in that it aimed to gauge the capacity of local police stations to refer victims of domestic violence to either a shelter or social services organization or non-profit organisation (NPO) by making 'cold calls' to every police station in the Western Cape, Mpumalanga and KwaZulu-Natal.

A total of three hundred eighty-two (382) police stations were identified by reviewing the police station database available on SAPS website, which identified:

- **147** stations in the Western Cape²⁷
- **184** stations in KwaZulu-Natal²⁸
- **51** stations in Mpumalanga²⁹

Each station was assigned to a member of the project team, to ensure the caller was able to speak the local language and/or dialect.

Callers were instructed to narrate a semi-structured script to the officer, which entailed the following:

The caller is a young woman, with no children, who has been physically abused by her current partner/spouse for about a year. She no longer feels safe and wants to leave the relationship; however, staying in the home she currently shares with her partner is not an option. The reason for her call to the station is to request information about shelter services nearby.

Further, guidelines for the researcher required her to: (1) not disclose her or her partner's full name and address out of fear for her safety; and (2) not go to the police station due to lack of transport.³⁰

The purpose of the call was to obtain the following from SAPS: information on nearby shelters for abused women; or if there were no shelters nearby, any other services or organisations that could assist a victim of domestic violence. If none of this information was available, the researcher requested contact information for someone at the station who could assist.³¹ The

researcher was asked to record: the name of the police station; the number of calls that took place prior to the caller being able to speak to an officer; the number of personnel that were spoken to prior to a response being received; the nature of information provided; and the name and/or contact details of the shelter or organisation where the caller had been referred.

Completed call logs were then coded according to four main categories of responses:

1. **Affirmative/Ability to Refer:** Selected when the officer was able to provide the contact details of a shelter in the area; or, failing that, the contact information of another non-profit or social services organisation in the area; or offered to open the station's trauma room for the evening until she managed to find alternative accommodation.
2. **Negative/Inability to Refer:** Selected when the officer was unable to refer the caller to a shelter or other social service organization in the area; this classification applied to officers who: (a) did not know the name of a shelter in the area; (b) did not understand what a shelter was; (c) stated that the person responsible for DV was unavailable; (d) gave incorrect/outdated information about the shelter (i.e. shelter no longer in existence and/or name of a children's shelter); (e) were only able to tell callers what town the closest shelter was in (i.e., 'there is a place in Gugulethu'); or (f) said they would try to find information about available shelters and never contacted the caller.
3. **False/Legally Incorrect Information:** Selected when officers provided information that did not align with provisions of the DVA or National Instruction, i.e. by conditioning access to information on shelters by requiring the caller to: (a) visit the station in person and/or have a SAPS vehicle dispatched to her home, (b) apply for a protection order/lay a criminal charge, or (c) provide the officer with personal information. This category was also selected when callers were told by SAPS officials that cases involving domestic violence are not handled by the police and advised the caller to see a social worker.
4. **Non-responsive:** Selected when phone numbers were invalid, when calls went unanswered, when the connection became inaudible, or when the number remained engaged after numerous attempts at calling the police station.

²⁷ Raw data provided in Excel spreadsheet as part of project documentation; calls were made in 2013.

²⁸ Raw data provided in Excel spreadsheet as part of project documentation; calls were made between 2016-2017.

²⁹ Raw data provided in Excel spreadsheet as part of project documentation; calls were made in 2016.

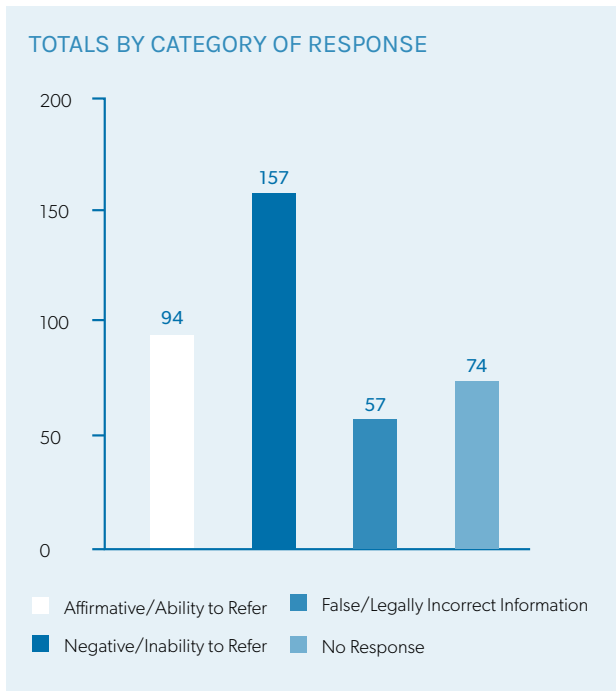
³⁰ Internal project documents.

³¹ Bhana et al, 2013: 56.

RESULTS OF THE RESEARCH

While outcomes of the research varied according to province, it is useful to look at the cumulative totals from the Western Cape, KwaZulu-Natal and Mpumalanga by type of response, which is likely to be an indication of national trends across the country.

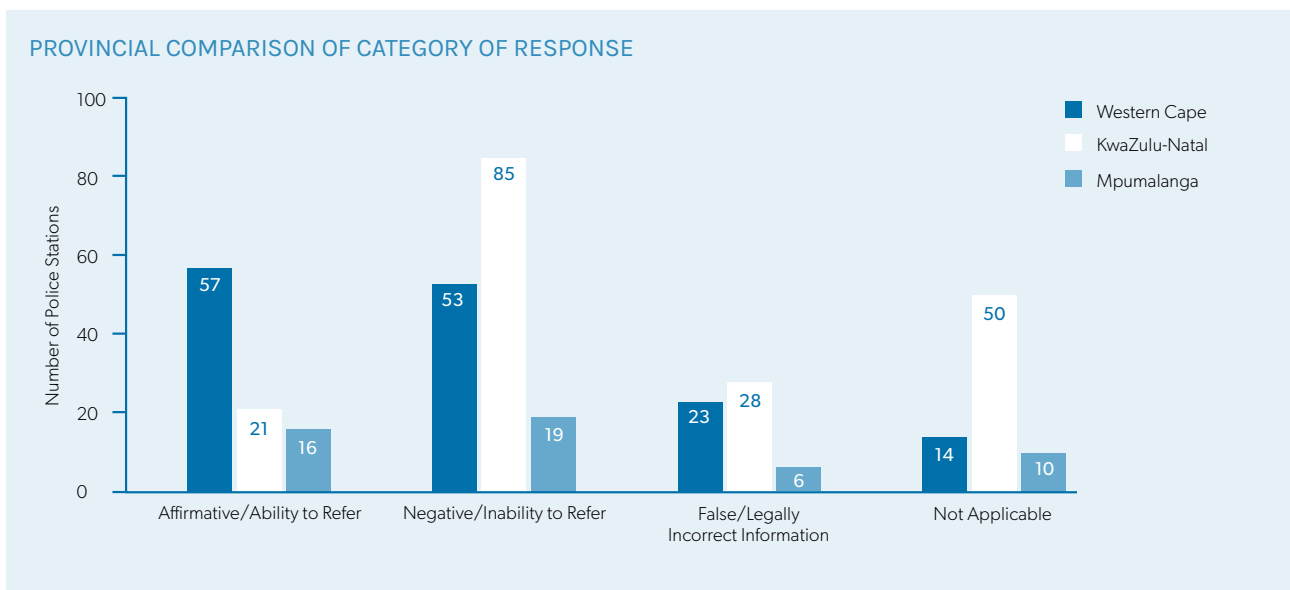
FIGURE 4: CUMULATIVE TOTALS OF CALLS TO WC, KZN AND MP POLICE STATIONS CATEGORISED BY TYPE OF RESPONSE



As Figure 4 indicates, only 25% of police stations across the Western Cape, KwaZulu-Natal and Mpumalanga (94 of 382 stations) demonstrated an ability to refer victims of domestic violence to shelters or social services in the area, or failing the availability of such services, offered callers access to the station's VEP trauma room for emergency accommodation. While, on the other hand, 41% of police stations across each province (157 of 382 stations), demonstrated an inability to effectively refer victims to shelters by: (1) not knowing the information or not understanding the type of service being requested; (2) stating that the person responsible for domestic violence (DV) was unavailable; (3) giving incorrect and/or outdated information about the shelter; (4) providing information that was too general to be helpful; or (5) not phoning back the caller after agreeing to look for the information. A further 15% of police stations (57 of 382 stations) provided callers with false or legally incorrect information under the DVA and National Instruction, usually by conditioning access to information on shelters upon a caller's willingness to press charges or file for a protection order. Finally, the remaining 19% of police stations (74 of 382 stations) were labeled as 'non-responsive', meaning calls went unanswered, connections were inaudible, phone numbers were invalid, or the line remained engaged after numerous attempts at calling.

When each category of response is broken down by province, some interesting trends emerge, which reflect quite significant differences in the capacities of different provinces to effectively refer victims of domestic violence to suitable shelter or social services in accordance with their obligations.

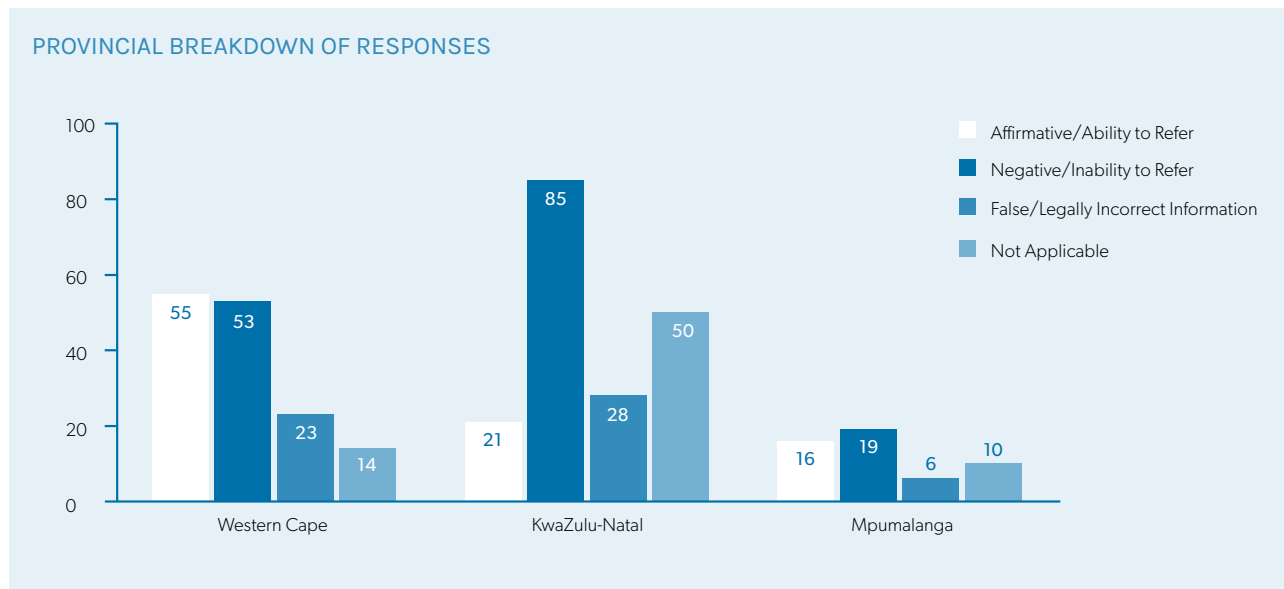
FIGURE 5: NUMBER AND BREAKDOWN OF RESPONSES BY CATEGORY



Similarly, when the totals for each province are broken down by category of response, other trends begin to emerge, which provide an important indication of where some of the larger and more systemic challenges potentially lie in that specific

province, as compared to other provinces. This information is critical to identifying the types of interventions required in each province and at station level.

FIGURE 6: NUMBER AND BREAKDOWN OF RESPONSES CATEGORISED BY PROVINCE



As Figure 6 indicates, the Western Cape appeared to perform better than other provinces when it came to assisting victims, but nevertheless demonstrated that the majority of its police stations are: (1) unable to refer victims; (2) provide false or legally incorrect information about accessing shelter or social services; or (3) did not answer the phone, have invalid numbers or inaudible connections, or have phones that remain engaged for an indefinite period of time.

KwaZulu-Natal, on the other hand, revealed to have the highest number of police stations who were unable to render effective assistance to victims of domestic violence along with a significant number of stations, (in fact, significantly more than the number of stations that were able to effectively refer), where calls went unanswered, connections were inaudible, phone numbers were invalid, or the line remained engaged after numerous attempts at calling. A number of police stations in KwaZulu-Natal appeared to follow a similar trend to that of stations in the Western Cape with regards the provision of false/legally incorrect information or where access to shelter services was conditioned upon a victim's willingness to press charges or file

a protection order application.

Similar to KwaZulu-Natal, most police stations in Mpumalanga were unable to refer victims of domestic violence to shelters or social service organisations; however, unlike the other provinces, Mpumalanga has the smallest number and percentage of stations that provided false/legally incorrect information to complainants about their right to access shelter and other social services in terms of the DVA and National Instruction. Further, a significant portion of police stations appear were classified as non-responsive, with many calls going unanswered or phone numbers being classified as invalid.

In an effort to develop a more localised analysis of key challenges and concerns, the following section provides a more detailed evaluation of the research results for each province. Selected responses in each province are unpacked in further detail and assessed against other sources of information, (namely the location of shelter services), to gauge the quality of service and accuracy of information provided by SAPS personnel.

"When each category of response is broken down by province, some interesting trends emerge, which reflect quite significant differences in the capacities of different provinces to effectively refer victims of domestic violence to suitable shelter or social services in accordance with their obligations."



HIGH COURT
HOOGGEREGSHOF

POLICE

WESTERN CAPE P.P.

WESTERN CAPE

TABLE 1: NUMBER OF WC STATIONS THAT COULD AFFIRMATIVELY REFER THE CALLER TO SHELTERS OR OTHER SUPPORT SERVICES

BREAKDOWN OF AFFIRMATIVE REFERRALS	
	Types of Referrals
Shelter	38
Social Services	5
VEP Trauma Room	14

Of the 147 police stations contacted in the Western Cape, only 57 (39%) were able to provide effective assistance to the caller with information related to a shelter, social services organisation, or if there were none in the area, offered the caller the temporary use of their trauma room.

Of the 57 stations, as reflected in Figure 7, only 38 (26% of the total number of stations across the province) could provide the name and contact information for a shelter, and only 5 stations (3% of the total) were able to refer victims to other social service organisations in the area. It is important to note, however, that 10% of police stations (14 in total) offered callers access to the police station's trauma room for one night's accommodation if there were no shelters or social services in the area, which extends beyond their obligations in the DVA and National Instruction.

TABLE 2: BREAKDOWN OF RESPONSES BY NUMBER OF WC STATIONS THAT WERE NOT ABLE TO REFER THE CALLER

BREAKDOWN OF NEGATIVE RESPONSES	
	Types of Responses
Did Not Know	13
DV Person Unavailable	27
Information too General	13

Fifty-three (53) stations (36% of the total) were unable to refer callers to shelters or social service organisations in the area. Of these stations, 13 (9% of the total) simply told the callers that they did not know of any shelters in the area, while 27 (18% of total) stated that the officer responsible for handling domestic violence cases was either on leave or unavailable, or, in one instance, 'no longer working there'.³² In the remaining 13 stations (9% of the total), officers were only able to tell callers the town or general location of the closest shelter, but could provide no detail concerning its name, address or telephone number. This is simply not helpful when trying to access emergency accommodation.

³² Call logs from Western Cape.

³³ Ibid.

³⁴ Ibid.

TABLE 3: NUMBER OF WC STATIONS THAT PROVIDED FALSE/LEGALLY INCORRECT INFORMATION CATEGORISED BY TYPE OF RESPONSE

BREAKDOWN OF FALSE/LEGALLY INCORRECT INFORMATION	
	Types of Response
Present Self at Station/Dispatch a Vehicle	15
Apply for a PO/Press Charges	4
Provide Personal Information	3
Contact a Social Worker	1

In twenty-three (23) of the stations (16% of the total), officers provided callers with information that was either false or legally incorrect in terms of their rights and obligations under the DVA and National Instruction, namely by conditioning SAPS's ability to assist on the complainant's willingness to adhere to specific demands. For example, 15 police stations (10% of the total) informed callers that they would have to either present themselves at the station or allow a SAPS vehicle to be dispatched to her house to determine whether her claims of domestic violence were valid. At four (4) stations (3% of the total), callers were told they must apply for a protection order or lay charges against their partners prior to being referred to a shelter, while at three (3) stations (2% of the total), callers were instructed to provide the officer with personal information, (such as a name, address or telephone number), because '*the police can't help anonymous people*'.³³ Further, at one (1) station, the caller was told to contact a social worker, as '*as they are better placed to have the information as compared to the police*'.³⁴

TABLE 4: NUMBER OF WC POLICE STATIONS WHERE INFORMATION COULD NOT BE SOURCED AS CALLS WENT UNANSWERED OR THE CONNECTION WAS INAUDIBLE

BREAKDOWN OF NON-RESPONSES	
	Types of Non-Response
No Answer	12
Poor Connection	2

The remaining 14 police stations in the Western Cape (10% of the total) were classified as non-responsive due to the fact that at 12 of the stations (9% of the total), calls went unanswered despite numerous attempts at calling while at 2 of the stations (1% of the total), the connection was inaudible, or the call was dropped.

In addition to reviewing the categorical breakdown of types of responses received at police stations across the country, it is

also worth highlighting the location of some shelters in relation to certain police stations to gauge the veracity of information provided to callers.

For example, in the call made to Claremont Police Station, the researcher was referred to St. Anne's Homes, which is a shelter located in Woodstock (about 8 kms from Claremont Police

Station), even though there are two shelters within walking distance from the police station, (Sisters' Incorporated is 2 kms, while Mater Domini is a mere 120 ms from the police station). Similarly when the caller contacted Wynberg Police Station, she was told that the station did not have a list of shelters and no-one at the station at that time knew of any shelters in the area. Again, this is quite shocking considering how relatively close the aforementioned shelters are to this police station too.

MAP DENOTING LOCATION OF POLICE STATIONS (CIRCLES) AND SHELTERS* (SQUARES) IN THE CLAREMONT, KENILWORTH AND WYNBERG SUBURBS OF CAPE TOWN.



Source: <https://swannsg.github.io/github.io/>

*For safety reasons, the location of the shelter on this mapping is not exact but does fall within the general vicinity indicated.

While it is important to identify problems in the way police respond to victims of domestic violence, it is equally important to highlight examples of exemplary service. In the Western Cape, there were several examples of officers that went above and beyond the call of duty to assist callers, either by offering VEP trauma rooms for emergency accommodation, or by informing victims of her rights, or just by offering words of empathy and understanding even when they did not know information about shelters or social service organisations in the area.

The section on General Findings and Observations will explore 'pockets of excellence' service in more detail, however, it is worth underlining a few examples from the Western Cape.

“Spoke to a Sergeant who was very helpful. There are no shelters in the area but she called Athlone police station to refer me for counselling. She also told me that there are 2 shelters in CT and 1 in Worcester. Told me about protection orders and if a station refuses to help unless I open a case then I should get back to her and she will take it up with the Provincial VEP Manager. They do protection orders at this station as court is far.” – Caller, Western Cape

“Very sympathetic constable. She referred me to a shelter in George and to an organization that provides counselling for domestic violence and rape victims. Uniondale is a small police dept. in a farming area and doesn't have any NGO's dealing with this so they usually refer cases to George. She suggested that I consider getting a protection order.” – Caller, Western Cape

“Spoke to Warrant Officer who deals with DV - says that unfortunately there are no shelters nearby. He said the police could accommodate me for a day but then they would need to help me find alternative arrangements. He doesn't even know if Bredasdorp has one but said he could find out. He offered to call the Social Worker and would get back to me. I said I'd actually like to call her myself. He gave me all sorts of advice thereafter e.g. perhaps I could rent a house there temporarily if they couldn't find me a shelter; to not give out my name to people so that perpetrator couldn't track me; be careful when using bank cards because he could trace them, etc. He was very sympathetic and was totally comfortable with me remaining anonymous and not disclosing my location, other than to say I'm from Cape Town.” – Caller, Western Cape

KWAZULU-NATAL

TABLE 5: NUMBER OF KZN STATIONS THAT COULD AFFIRMATIVELY REFER THE CALLER TO SHELTERS OR OTHER SUPPORT SERVICES

BREAKDOWN OF AFFIRMATIVE REFERRALS	
	Types of Referrals
Shelter	10
Social Services	3
VEP Trauma Room	8

Of the 184 police stations contacted in KwaZulu-Natal, only 21 (11% of the total) were able to affirmatively refer the caller. Of the 21 stations, slightly less than half of the sample (5% of the total number of stations across the province) could provide the name and contact information for a shelter, while three (3) stations (2% of the total) were able to refer callers to social service organisations in the area. The remaining eight (8) stations (4% of the total), offered callers access to the police station's trauma room for one night's accommodation because there were no shelters or other social services organisations in the area.

TABLE 6: BREAKDOWN OF RESPONSES BY NUMBER OF KZN STATIONS THAT WERE NOT ABLE TO EFFECTIVELY REFER CALLERS

BREAKDOWN OF NEGATIVE RESPONSES	
	Types of Responses
Did Not Know	48
Did Not Understand	12
DV Person Unavailable	0
Incorrect/Outdated Information	14
Incomplete Information	4
Promised to Call Back but Did Not	7

Eighty-five (85) police stations (46% of the total) were unable to refer callers to shelters or social service organisations in the area. Of these 85, 48 (26% of the total) told the callers that they did not know of any shelters in the area and ended the call shortly thereafter, while 12 (7% of total) stated that they did not understand what a shelter was and made no additional effort to assist.³⁵ For fourteen (14) of the stations (8% of the total), officers provided incorrect and/or outdated information for the shelter or inappropriately referred victims to children's homes or child and youth care centres. In four (4) of the stations, officers were only able to tell callers the town or general location of the closest shelter, (i.e. 'the shelter is in another area'), but could provide no detail concerning its name, address or telephone number. In the remaining 7 police stations (4% of the total), officers said they would try to find information

about shelters and would call the researcher back but never did. Unlike Western Cape stations, no police stations in KwaZulu-Natal made reference to someone who was responsible for handling domestic violence cases being unavailable to assist the caller, which is likely to indicate that police stations in this province do not have dedicated personnel to attend to domestic violence matters.

TABLE 7: NUMBER OF KZN STATIONS THAT PROVIDED FALSE/LEGALLY INCORRECT INFORMATION CATEGORISED BY TYPE OF RESPONSE

BREAKDOWN OF FALSE/LEGALLY INCORRECT INFORMATION	
	Types of Response
Present Self at Station/Dispatch a Vehicle	9
Apply for a PO/Press Charges	7
Provide Personal Information	2
Contact a Social Worker	7

In twenty-eight (28) of the stations (15% of the total), officers provided callers with information that was either false or legally incorrect in terms of their rights and obligations under the DVA and National Instruction, most often by conditioning SAPS's ability to assist on the complainant's willingness to adhere to specific demands. For example, nine (9) police stations (5% of the total) informed callers that they would have to present themselves at the station or allow a SAPS vehicle to be dispatched to their house because victims are not allowed to 'self-refer'³⁶, as in they require a referral letter from the police before they can be accepted by a shelter. At seven (7) of the stations (4% of the total), callers were told they must apply for a protection order or lay a criminal charge against her spouse before they could get access to a shelter, while at two (2) of the stations (1% of the total), callers were instructed to provide the officer with their location information. Lastly, at the remaining seven (7) stations (4% of the total), callers were told to contact DSD, as '**they are the ones who deal with such cases**'.³⁷

TABLE 8: NUMBER OF KZN POLICE STATIONS WHERE INFORMATION COULD NOT BE SOURCED AS CALLS WENT UNANSWERED OR THE CONNECTION WAS INAUDIBLE

BREAKDOWN OF NON-RESPONSES	
	Types of Non-Response
No Answer	27
Poor Connection	13
Line Engaged	6
Invalid Number	4

³⁵ Call logs from KwaZulu-Natal.

³⁶ Ibid.

³⁷ Ibid.

The remaining fifty (50) police stations in KwaZulu-Natal (27% of the total) were classified as non-responsive; at more than half of these (27 stations or 15% of the total) this was due to calls going unanswered despite numerous attempts at phoning. In thirteen (13) stations (7% of the total), phone numbers were

identified as invalid; in six (6) stations (3% of the total), lines were routinely engaged; and in the remaining four (4) stations (2% of the total), the connection was either inaudible, or the call was dropped or the receiver hung-up the phone.

MAP DENOTING LOCATION OF A POLICE STATION (CIRCLE) IN PROXIMITY TO A SHELTER* (SQUARE) IN DUNDEE, KZN.



Source: <https://swannsg.github.io/github.io/>

*For safety reasons, the location of the shelter on this mapping is not exact but does fall within the general vicinity indicated.

Similar to the Western Cape, some stations in KwaZulu-Natal had a problem with police officers knowing very little about shelters in close vicinity to the station. For example, in the phone call to Dundee Police Station, the caller spoke to two police officers: the first officer told the victim that she ‘couldn’t assist’ and transferred the call to another officer, who then told the caller that ‘she did not know of any shelter’ before hanging up the phone. The response by both officers is disturbing given that Dundee Crisis Centre, a shelter for abused women and children, is located less than 2kms from the police station.

As with the Western Cape, some police stations in KwaZulu-Natal provided exemplary service to callers by providing additional forms of information and assistance. Alongside are a few examples from KwaZulu-Natal and additional examples are

provided in a subsequent section of the report.

“I was told that the trauma centre at the police station accommodates for 3 days and also referred to area social worker whose number was on the noticeboard.” – Caller, KwaZulu-Natal

“Female officer informed me that there was no shelter in the area but there is one in Dalton which isn’t too far away. She provided the number for the shelter and also offered to provide transport to the shelter.” – Caller, KwaZulu-Natal

“The officer provided name and number of 2 shelters and invited me to call back if I didn’t get the help I needed.” – Caller, KwaZulu-Natal

"Unlike Western Cape stations, no police stations in KwaZulu-Natal made reference to someone who was responsible for handling domestic violence cases being unavailable to assist the caller, which is likely to indicate that police stations in this province do not have dedicated personnel to attend to domestic violence matters."

MPUMALANGA

TABLE 9: NUMBER OF MP STATIONS THAT COULD AFFIRMATIVELY REFER THE CALLER TO SHELTERS OR OTHER SUPPORT SERVICES

BREAKDOWN OF AFFIRMATIVE REFERRALS	
	Types of Referrals
Shelter	8
VEP Trauma Room	7
Social Services	0

Of the 51 police stations contacted in Mpumalanga, 31% (16 stations) were able to refer callers to a shelter by either providing the name and contact information for a shelter (9 stations - 17% of the total) or, when no shelters existed in the area, offered the use of the station's trauma room for the evening (7 stations - 14% of the total). Of interest is that no police station in Mpumalanga referred a caller to another type of social service organisation, which may be indicative of a limited number of social welfare resources in the province.

TABLE 10: BREAKDOWN OF RESPONSES BY NUMBER OF MP STATIONS THAT WERE NOT ABLE TO EFFECTIVELY REFER CALLERS

BREAKDOWN OF NEGATIVE RESPONSES	
	Types of Responses
Did Not Know	15
Did Not Understand	4

Nineteen (19) stations (37% of the provincial total) were not able to refer callers to shelters or social service organisations in the area. Of these 19 stations, 15 (29% of the total) responded that they did not know of any shelters in the area and/or advised the caller to phone back the following day, while 4 stations (8% of total) did not appear to understand what a shelter was, with one officer asking the caller if she was 'looking for something like a hotel'.³⁸

TABLE 11: NUMBER OF MP STATIONS THAT PROVIDED FALSE/LEGALLY INCORRECT INFORMATION CATEGORISED BY TYPE OF RESPONSE

BREAKDOWN OF FALSE/LEGALLY INCORRECT INFORMATION	
	Types of Response
Present Self at Station/Dispatch a Vehicle	2
Apply for a PO/Press Charges	2
Provide Personal Information	2

In six (6) of the stations (12% of the total), officers provided callers with information that was either false or legally incorrect in terms of their rights and obligations under the DVA and National Instruction, namely by conditioning SAPS's ability to assist on the complainant's willingness to adhere to specific demands. For example, at two (2) police stations (4% of the total) callers were informed that they would have to either present themselves at the station in person or allow a SAPS vehicle to be dispatched to her house to determine whether her claims of domestic violence were valid. At another two (2) of the stations (4% of the total), callers were told they must apply for a protection order or lay a criminal charge against her spouse before she could get access to a shelter, while at the remaining two (2) stations (4% of the total), callers were instructed to provide the officer with personal information, such as her name, address or telephone number. When one of the callers explained that she was scared of her partner and did not want SAPS to come to her house, the officer told her '**there is nothing more we can do to help**' and hung up the phone.³⁹

TABLE 12: NUMBER OF MP STATIONS WHERE INFORMATION COULD NOT BE SOURCED AS CALLS WENT UNANSWERED OR NUMBERS WERE INVALID

BREAKDOWN OF NON-RESPONSES	
	Types of Non-Response
No Answer	7
Invalid Number	2

The remaining 10 police stations in Mpumalanga (20% of the total) were classified as non-responsive due to the fact that calls went unanswered in 7 of the stations (14% of the total), while in 3 stations (6% of the total), numbers sourced off the police website were invalid.

"[At] 2 stations, callers were instructed to provide the officer with personal information, such as her name, address or telephone number. When one of the callers explained that she was scared of her partner and did not want SAPS to come to her house, the officer told her 'there is nothing more we can do to help' and hung up the phone."

³⁸ Call logs from Mpumalanga.

³⁹ Ibid.

MAP DENOTING LOCATION OF A POLICE STATION (CIRCLE) IN PROXIMITY TO A SHELTER* (SQUARE) IN KWAMHLANGA, MP.



Source: <https://swannsg.github.io/github.io/>

*For safety reasons, the location of the shelter on this mapping is not exact but does fall within the general vicinity indicated.

As in the other provinces, a number of stations in this province had little awareness of shelters in their respective areas. For example, in the call made to the KwaMhlanga Police Station, the officer told the caller to phone the SAPS national helpline to get the number for People Opposing Women Abuse (POWA), (based in Johannesburg), or to come to the station the following day for assistance, even though there is a shelter within close proximity to the police station.

That being said, some police stations in Mpumalanga provided exemplary service to callers, as was also observed in some Western Cape and KwaZulu-Natal stations. Examples included officers who extended multiple forms of assistance or simply words of empathy and care even when they may not have had information about shelters or organisations in the area.

Alongside are some examples of excellent service provided at police stations in Mpumalanga:

“I was informed that the shelter is very far from Lydenberg; but there is a VEP room at the police station. I was advised that I can apply for a protection order and that SAPS can transport me to the nearest shelter (the VEP room is able to accommodate me overnight in case there is only a vehicle available the following day).” - Caller, Mpumalanga

“The officer told me that I should go to the court and they would assist me at room 5. She said that if I still felt that I was unsafe, I should come to the police station and they would be able to accommodate me for the night and then take me to court tomorrow morning because protection orders are issued between 7 and 4 every day.” - Caller, Mpumalanga

“Officer was empathetic: checked to make sure I was ok; asked whether I preferred for a van to come out to me and for SAPS to accompany me to the shelter.” - Caller, Mpumalanga

"Of interest is that no police station in Mpumalanga referred a caller to another type of social service organisation, which may be indicative of a limited number of social welfare resources in the province."

MO-FOD



GENERAL FINDINGS AND OBSERVATIONS

While pockets of excellent service do exist, the results of the information collected from Gauteng, Western Cape, Mpumalanga and KwaZulu-Natal resonate with anecdotal evidence and other reports, which have, over the years, found police responses to be insensitive and uninformed. For example, during the 2009 public hearings on the implementation of the DVA, parliament heard several accounts by civil society organisations of police's 'negative', 'demeaning' and 'discriminatory' attitudes towards domestic violence victims, including other failures on the part of the police such as refusing to serve protection orders on perpetrators of abuse or failing to arrest perpetrators that had violated conditions of protection orders.⁴⁰ A more recent (2015) study by the University of Stellenbosch raised similar concerns. The study, which explored perspectives of police officers responsible for domestic violence, found that

officers often demonstrated a 'lack of sensitivity when dealing with victims of domestic violence' Some officers admitted to using 'shortcuts to help lessen the workload' by encouraging victims to go home and 'talk things out' with their abusive partners in order to avoid the administrative burden of providing additional assistance.⁴¹ Studies such as these, combined with data collected during HBF's and TLAC/NSM's research, provide important insights into understanding the reasons behind poor attitudes and responses by the police towards victims of domestic violence.

Accordingly, even though results varied across the four provinces, a series of general conclusions can be drawn from, and applied to, the study's findings as a whole.

1. INFORMATION ABOUT SHELTERS IS NOT READILY AVAILABLE TO POLICE OFFICERS, AND/OR THE POLICE ARE NOT ADEQUATELY PREPARED TO ASSIST.

Information regarding shelter services does not seem to be easily accessible in most stations, with most police officers either: (1) not knowing about shelters in the local area; (2) taking a long time to find contact data for shelters; or (3) not having the necessary resources to locate the information.

"The officer said he knows nothing about a shelter. He handed the phone to another officer who also didn't know and hung up on me." - Caller, KwaZulu-Natal

"I was transferred to four different officers and transferred again to social crime prevention department where I was then told the relevant officer was not in." - Caller, Western Cape

"He asked me how long the abuse had been going on and why he hit me today, what had happened. He then asked for my number and said he would call me back if he's able to find a number. He never called back." - Caller, Mpumalanga

The male officer I spoke to said that he didn't know any shelters offhand, but he would need to use the internet for that, unfortunately they did not have electricity but advised that I visit the community service centre or call 112 from my cell phone they would give me a number for a shelter." - Caller, Mpumalanga

The findings also suggest that often times, information is available but it rests with a particular designated person at the station or with a volunteer at the stations trauma room (associated to government's Victim Empowerment Programme). This suggests that domestic violence falls outside the realm of normal

policing, and therefore, not treated as general knowledge by all police officers. This was particularly evident in the Western Cape such as in the example presented earlier and the following:

"I was asked to call again some other time as the relevant people were in a meeting." - Caller, Western Cape

"The officer asked to check for the file with names of shelters and informed me that the file had nothing in it and that the VEP lady who could have the file with the relevant information was on leave. He asked if I could call in an hour to check if they have found the information and when I called again they still had not found it." - Caller, Western Cape

"Warrant Officer that deals with DV not available - he's on leave need to call back tomorrow. Spoke to someone else that said he could put me through to the VEP counsellor but wouldn't proceed until I gave him my name and address. He said the police can't help anonymous people - if something happens to me they need to be able to know where I live." - Caller, Western Cape

In KwaZulu-Natal and Mpumalanga, however, the second-most common type of negative responses from officers demonstrated a lack of understanding around shelters and the types of services they provide.

"She asked me if I was "looking for something like a hotel" and when I said I needed to go to a shelter for abused women, she said I should come to the police station first and when I asked whom I should ask for when I come to the station, she clicked

⁴⁰ Abrahams and Levandale, 2009.

⁴¹ Retief & Green, 2015: 136-137.

her tongue and hung up.” – Caller, Mpumalanga

“[He] kept asking what a shelter is until he hung up” – Caller, Mpumalanga

“The officer didn’t immediately understand what I was looking for (I had to explain in vernacular that I was looking for a place that cares for women who have been beaten). But he was patient and eager to ensure I was assisted.” – Caller, Mpumalanga

“After calling nine times before I got an answer the female officer said that she doesn’t know what a shelter is and that I must have the wrong number. A second officer informed me that there are no shelters for abused women in the area and that I should go to the Department of Social Development.” – Caller, KwaZulu-Natal

“The officer said I’m too old I should go home because shelters are only for children.” – Caller, KwaZulu-Natal

2. POLICE OFFICERS DO NOT FULLY UNDERSTAND THE DVA OR THEIR RESPONSIBILITIES UNDER THE NATIONAL INSTRUCTION.

The study’s findings suggest that most police officers do not fully understand their obligations under the DVA or their responsibilities in the provision of services to domestic violence victims in terms of the National Instruction. Also, there seems to be a misunderstanding about who is responsible for domestic violence, with officers suggesting that domestic violence falls under the ambit of the Department of Social Development (DSD), and is therefore, better suited to be dealt with by social workers.

“Male officer referred me to female officer. Female officer informed me to go to welfare as they are the ones who deal with such cases not police stations!” – Caller, KwaZulu-Natal

“The officer I spoke to said there are places of safety for juveniles who get arrested but in DV cases, women should consult social workers in their areas as they are better placed to have the information as compared to the police.” – Caller, Western Cape

“The officer told me social workers are the ones who deal with such cases and I should open a case before I go to shelter.” – Caller, KwaZulu-Natal

In other instances, callers were provided with incorrect information about their rights and obligations under the law. For example, some callers were told they had to apply for a protection order or lay a criminal charge before the police officer could provide them with information about shelters.

“I was informed that a Protection order is a pre-requisite for someone to be admitted into most of the shelters. The police officer I spoke to said a police officer sometimes has to be harsh when dealing with victims because it is for their own protection but she should not tell them what to do.” – Caller, Western Cape

“The officer insisted that the police come to me and hear both sides of the story, then they will take it from there. When I told

her that I need shelter not an intervention she hung-up on me!” – Caller, KwaZulu-Natal

“Police officer I spoke to told me that a victim first has to go to the police station to open a case and the police will help her find a shelter. She said she is not sure if shelters can accommodate someone who has not opened a case or applied for a protection order.” – Caller, Western Cape

“Officer (Warrant officer) informed me that I must first open a case and apply for a protection order before I could be transported to a shelter.” – Caller, KwaZulu-Natal

And yet in other instances, the caller was told that, before the police could provide her with information on shelters, she would need to either: (1) present herself at the station; or (2) share personal information such as her name and location or (3) allow officers to visit her home to determine whether she was in real danger and therefore, in need of shelter. These responses by the police are especially problematic, not only because they violate provisions of the DVA and National Instruction, but even more so because they condition SAPS’ assistance upon a victim’s willingness to comply with demands that may further endanger her.

“First female officer didn’t know of any shelter. The second officer (Constable) informed me that I must come to the police station as there are procedures that need to be followed. I must also open a case as what I was experiencing was domestic violence.” – Caller, KwaZulu-Natal

“I was told there is a volunteer at the police station who assists but I have to go to the police station because they do not take details over the phone.” – Caller, Western Cape

“The officer ignored my request for the shelter number and insisted that they would dispatch a van to come to me and that I should provide my number in case SAPS needed directions en

route. I told him I'd prefer to come to the station in person. The police officer's manner was intimidating. There was no inquiry regarding how I was doing/extent or nature of injuries, etc. just an insistence that it was standard procedure to send a van and that I was being stubborn in refusing to provide my contact number." - Caller, Mpumalanga

"I was told that when one calls the police, they will go and assess the situation and establish whether or not the victim is

in danger and see if the victim needs to be taken to a shelter and only then will they take her to a place of safety. They do not disclose such information on the phone." - Caller, Western Cape

"First officer couldn't assist and transferred call to another officer. The second officer said she did not know of any shelter but kept requesting where I was staying. Eventually police officer hung up the phone." - Caller, KwaZulu-Natal

3. POLICE ARE OFTEN INSENSITIVE TO VICTIMS OF DOMESTIC VIOLENCE.

In addition to not fully understanding their obligations under the law, some officers treat complainants in an insensitive and apathetic manner, by hanging up the phone or not asking follow-up questions, which can inflict secondary trauma upon victims and exacerbate feelings of helplessness and despair.

"Officer informed me that the only shelter in the area caters for children up to the age of 18. The officer told me to go home and then hung up the phone!" - Caller, Mpumalanga

"The officer ignored me instead she wanted to take my statement over the phone. When I told her I just needed a shelter she hung up." - Caller, KwaZulu-Natal

"The officer told me that I had called the wrong place and hung up." - Caller, KwaZulu-Natal

"When I phoned the first time, I was put through to someone, but the phone died. I called again, and the guy said I must leave my number. When I said I wasn't comfortable doing so, he said he couldn't help me then and hung up the phone." - Caller, Western Cape

"The officer asked for my name and surname and asked how she could help. When I told her, she hung up the phone. When I tried to call back it went unanswered." - Caller, KwaZulu-Natal

In KwaZulu-Natal and Mpumalanga, some officers felt compelled to share problematic assumptions about the victim's motives for calling or offer unsolicited advice on how to deal with an abusive partner. This trend did not appear in any of the calls made to police stations in the Western Cape.

"The officer referred the call to the sergeant as she didn't know of a shelter in the area. The (female) sergeant asked why I was beaten (the insinuation was that I must have done something to provoke my partner). I informed her that he'd been drinking. She said men are like that, that modern women are not serious about relationships - they give up too easily. I pressed her for the shelter number and was eventually referred to Ladysmith SAPS (told to call 112) where they have a VEP room." - Caller, KwaZulu-Natal

"They don't have any numbers for any shelters, the female officer remarked that I didn't sound very sure whether I was abused or not." - Caller, Mpumalanga

The officer (constable) said I'm too old I should go home because shelters are only for children." - Caller, KwaZulu-Natal

"He kept asking me what the problem was when I told him that I had been physically assaulted by my boyfriend. I kept asking to be referred to a shelter, but he asked me if I didn't have any friends or family to go to. He said that if I felt unsafe I could go and sleep at the police station and go back to Zimbabwe tomorrow." - Caller, Mpumalanga

"The officer replied that it sounded as though I just wanted to leave my home for a 'good time'." - Caller, KwaZulu-Natal

These responses are quite disturbing, not only because of their unprofessional and disrespectful tone, but also because they reveal problematic norms about intimate partner violence and reflect stereotypes many police officers have about victims of domestic violence. This is an area that requires further exploration and analysis.

4. POCKETS OF EXCELLENT SERVICE DO EXIST.

Despite significant levels of poor performance by police towards victims of domestic violence, pockets of excellent service do exist across the country. The research demonstrates that some officers fully comply with their obligations under

Section 2 of the DVA and Section 8 of the National Instruction.

"The officer asked if I was safe and need the police to come and mediate, to which I declined because I told her that I feel

unsafe. The lady then asked me if I worked so that I look for my own rented accommodation, when I told her that I was unemployed she gave me the number of a shelter, she gave the housemother's number, the office number and the emergency number which I could use, but she did not give me the name of the shelter." – Caller, Mpumalanga

"Asked for my number so that he could call me back, which he did and he asked about my situation, where I was and requested for my address so a police van could come and fetch me. I explained that I was in Cape Town in Maitland and he said they would transfer me to Maitland Police but insisted that I give them my address so the police can come to where I am. I tried to explain that I was not comfortable with giving my address to the police or having them fetch me from home and he then advised that I go to the police and make sure I am not accessible to the perpetrator. Maitland police also called me. The next day the officer from Redelinghuys also called again to check on me." – Caller, Western Cape

"Female officer informed me that there was no shelter in the area but I could spend the night at the police station as they have a room with a bed and a shower. In the meantime she would find out where the nearest shelter was located and arrange transportation for me to be taken to the shelter. The officer provided her name and told me to dial 112 in future as it's a toll-free number. She also encouraged me to contact the station if I ever felt in danger so that a van could be sent to my home." – Caller, KwaZulu-Natal

These officers assisted by offering transport, asking if medical attention is required, providing multiple contact numbers for services, asking about the victim's safety, offering to give personal cell phone numbers, and calling back to check on the complainant. However, even when officers do not know the information for local shelters, an expressed willingness to help can mean more to the complainant than providing the contact information for the shelter and hanging up the phone.

"Officer requested telephone number to call back once they located a shelter. The officer called back but was not able to locate a shelter. He was worried about me and offered to pick me up - I could then wait at the police station until they could find a place for me. He called back again a few days later. He informed me that when my boyfriend leaves I should call him so that the police can come fetch me. Assisted by a Constable and then the Captain." - Caller, KwaZulu-Natal

"[He] first ascertained that I was ok and asked if I needed medical attention. [They are] available to transport me to a shelter; advised that I'm also entitled to press charges or seek protection order should I wish to. He provided his name and told me when he would be knocking off but reiterated that I would be assisted by any officer at the station (I said I needed to resolve a few things at home first)". – Caller, Mpumalanga

In certain cases, officers were willing to extend the services of the police station by opening up victim friendly rooms or the trauma room if no shelters were in the area, or if the victim was unable to find a safe place to stay.

"Very sympathetic police officer. She says there are no shelters for abused women, there was one but closed. There are also no organizations dealing with DV. She said if I need to find emergency shelter I could spend a night at the trauma room. She wanted to know more info but was okay to letting me make up my mind if I needed more help. She said I was welcome to come in any time." – Caller, Western Cape

"The police officer said that they had a victims support centre at the police station so I could come and spend the night there. He gave me his cell phone number so that I could sms him my location should there be a need for immediate intervention." - Caller, Mpumalanga

Some officers were knowledgeable and service-driven, and committed to delivering a high standard of service to victims. Attitudes such as these demonstrate that excellent service is possible, and that training on the DVA and National Instruction is effective in certain instances.

"The second officer was highly knowledgeable and took his time explaining all options available to GBV victims (opening a case, seeking a protection order, sheltering via SAPS, sheltering with an NGO, etc). He was empathetic, patient and kind. He kept reassuring me that ultimately it was up to me to decide on my preferred course of action. But he did caution that if I felt unsafe I should immediately alert SAPS and seek shelter." – Caller, Mpumalanga

"She understood what I was looking for: she asked if I sought an organisation that could advise me on my rights or if I needed a residential place for abused women. I told her the latter and she said unfortunately she doesn't know of one in the area. She offered to do some research and to call me back. She called back within minutes with the contact number for a shelter in Mandeni. She told me to come to the police station and they would arrange transport for me since it's some distance away." – Caller, KwaZulu-Natal

"Spoke to someone trained on DV – male officer, very sympathetic. Asked me to come in but respected that I wasn't comfortable to do so yet or leave my name with him. Asked my age and whether I lived in Wolseley. He said if I wasn't comfortable speaking to him that I could speak to a female officer. Called back and spoke to a female officer – she wanted my details so that she could call the shelter herself and see if they could accommodate me. Once asked she said I could go to the shelter myself if I preferred. She asked me to call back in 30 minutes and she'd give me the number of the shelter in Worcester. Called back in the afternoon but she was in Ceres." – Caller, Western Cape

RECOMMENDATIONS

The study's findings demonstrate that while some police officers are fully able to comply with provisions of the DVA and National Instruction, and to render effective (and empathetic) assistance to victims of domestic violence who are in need of shelter, others lack sensitivity and fail to understand all of their obligations in regards to rendering services as mandated by the DVA. These research results should be used as a basis for more targeted interventions that aim to strengthen the capacity of the SAPS for more effective implementation of the DVA.

The recommendations provided below aim to address the underlying drivers of poor performance by the police by focusing on improving police training on the DVA, increasing capacity for domestic violence at the station level, revising performance management systems, strengthening police oversight mechanisms, and conducting additional research on the organisational culture and operational realities of SAPS to better understand their weak and uncoordinated responses to domestic violence. These recommendations intend to build upon, and expand, suggestions made by previous evidence-based studies and reports.⁴²

- 1. Ensure that every police station has a copy of DSD's social services directory**, which should include information on every registered shelter and social service organisation across the country. The station commissioner should be responsible for obtaining a copy of the social services directory from DSD and making it readily available at the station, along with a copy of the Victim's Charter and Minimum Standards for Services for Victims of Crime.
- 2. Make SAPS Domestic Violence Registers publicly available**, to ensure they are treated as an accessible source of data for measuring levels of domestic violence in South Africa by state and non-state actors alike. Information obtained from the DV registers should inform the operational priorities of SAPS, so they can be used to identify which stations deal with the highest levels of domestic violence and thus require additional support to respond to cases and render appropriate assistance to victims.
- 3. Review and revise the current training curriculum for police on the DVA and National Instruction** to ensure learning modules are experiential in nature and facilitated in a practical manner that reflects the complexity of domestic violence as well as the operational realities of SAPS. Training should be conducted on an annual basis and incorporate pre-and-post assessments that measure skills (i.e. practical application) as well as knowledge of domestic violence that extends beyond regulatory compliance.
- 4. Institute a domestic violence task team at station level to ensure each shift has at least one or two officers on duty who are able manage issues relating to domestic violence.** The Station Commissioner must have a leadership role on the Task Team to ensure that domestic violence is taken seriously and that all SAPS members are competent in meeting their obligations under the DVA and National Instruction. The task team must take responsibility for: (1) ensuring all queries regarding domestic violence are effectively responded to and resolved, including facilitating call-backs to complainants; (2) maintaining a database of shelters and other service providers; (3) updating incident reports and logs; and (4) training new members in obligations under the DVA and National Instruction to ensure that all station personnel have the ability to help anyone in need of assistance. In addition to overseeing the delivery of services to domestic violence victims, the team must also seek to build partnerships with shelters and services in the area (including DSD), host regular meetings to discuss common issues and challenges in servicing victims of domestic violence (or ensure that these are raised on other platforms such as at Victim Empowerment Forum, Gender Justice Forum and Community Policing Forum meetings), and coordinate with other designated teams and/or personnel at station level.
- 5. Integrate knowledge of the DVA and compliance with the National Instruction into the performance management systems of SAPS personnel**, specifically stations commissioners and designated DV officers who are responsible for ensuring that DV registers are regularly maintained and that instances of officer non-compliance are reported. If possible, calls to the police station should be monitored and recorded for quality assurance purposes to accurately assess whether individual members and persons designated to deal with domestic violence are effectively complying with standards for service in terms of the DVA, National Instruction and VEP.
- 6. Strengthen capacity of the Civilian Secretariat of Police (CSP) to conduct comprehensive oversight of the police at station level**, specifically implementation of the DVA and National Instruction. The CSP should have a dedicated budget for monitoring compliance with the DVA and should incorporate different methods of collecting data to measure performance that extends beyond reports and checklists. Monitoring compliance should involve some methods for measuring the quality of police service provided to complaints and queries regarding domestic violence and access to services, such as medical treatment and shelters.

⁴² Dissel, A. (9 November 2016). *Effective implementation of the Domestic Violence Act, Workshop Minutes, Cape Town Lodge*. See also, Parenzee, P., Artz, L., & Moulton, K. (2001). *Monitoring the implementation of the Domestic Violence Act: First research report 2000-2001*. Institute of Criminology, University of Cape Town: South Africa; and Lopes, C., Massawe, D. and Mangwiro, M. (2013). *Criminal Justice Response to Domestic Violence: Assessing the Implementation of the Domestic Violence Act in Gauteng*. Johannesburg: Heinrich Böll Foundation, Tshwaranang Legal Advocacy Centre to End Violence Against Women

7. Institutionalise mandatory debriefings for any member of SAPS who responds to scenes involving violent crime.

Reports suggest that a significant portion of SAPS officials suffer from post-traumatic stress, which is likely to interfere with their ability to effectively respond to the needs of victims. Employee wellness programmes are available to members, however, these services are optional and not always utilised because of concerns that it will inflict harm to one's reputation or eligibility for promotion. Therefore, mandatory debriefing following exposure to incidents of violence should be embedded in and adequately costed for in standard police practice.

8. Conduct a comprehensive empirical study on the operational realities of policing and organizational culture of SAPS to better understand the drivers of weak and uncoordinated responses to domestic violence.

If the research finds that some drivers are institutional, action must be taken to engage with partners and other stakeholders to develop evidence-based solutions at the systemic level. If other drivers are individual, then engage with behavioral specialists and human resource personnel to develop screening mechanisms to use during recruitment and hiring processes.

CONCLUSION

Domestic violence is a complex, multi-faceted problem that requires interventions at the individual, relationship, community levels of society. While the police cannot be solely responsible for the eradication of domestic violence, the DVA and National Instruction create a framework which positions SAPS to respond effectively to calls for help; to treat victims with dignity and respect; and to prioritise the safety and security of those who are most vulnerable by assisting them in finding access to suitable shelter.

In as much as effective policing is an essential component of an institutionalised response to addressing domestic violence that is both responsive and preventative in nature, so is the provision of shelter for abused women and children. These two components, however, must work together in order to provide a comprehensive system of services to victims. Failure to do so could mean the difference between someone living or dying at the hands of an abusive partner.

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