

**AN EVALUATION OF THE HANDLING OF DOMESTIC VIOLENCE CASES IN THE
ALICE CLUSTER BY SOUTH AFRICAN POLICE SERVICE OFFICIALS**

By

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DECLARATION

Student Number: **37270842**

I, Thembisile **Baker Sonjani** declare that **“AN EVALUATION OF THE HANDLING OF DOMESTIC VIOLENCE CASES IN THE ALICE CLUSTER BY THE SOUTH AFRICAN POLICE SERVICE OFFICIALS”** is my own work and that all sources that I have used or quoted have been indicated and acknowledged by means of complete references.

TB Sonjani,

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For examination purposes

DECLARATION BY THE EDITOR

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SUMMARY

The study used a qualitative and quantitative approach in evaluating the handling of domestic violence cases in the Alice cluster by the South African Police Service officials. Fifty SAPS officials and twenty victims of domestic violence participated in the research study. Forty cases of domestic violence and four inspection reports by the Eastern Cape Evaluation Service from the Alice cluster were also consulted which served to confirm the responses from the respondents. Questionnaires and interviews were utilized for data collection.

The research study revealed that SAPS officials were not properly trained in domestic violence, as a result domestic violence cases were not handled according to the Domestic Violence Act. Some domestic violence victims expressed their dissatisfaction with the handling of their cases. The suggested recommendations include adequate training necessary for SAPS officials to improve service delivery to the victims of domestic violence and proper supervision by the station management.

ACRONYMS

CSC = Community Service Centre

CPU = Crime Prevention Unit

DVA = Domestic Violence Act

NCPS = National Crime Prevention Strategy

NGO = Non -governmental Organization

NI = National Instruction

PFVA = Prevention of Family Violence Act

SAPS = South African Police Service

VSC = Victim Support Centre

Title of thesis

AN EVALUATION OF THE HANDLING OF DOMESTIC VIOLENCE CASES IN THE ALICE CLUSTER BY THE SOUTH AFRICAN POLICE SERVICE OFFICIALS

Key terms:

Domestic violence; South African Police Service; Alice cluster; Domestic Violence Act, 116 of 1998; South African Police Service National Instruction 7 of 1999; Domestic violence victims; Perpetrators of domestic violence.

CHAPTER 1: ORIENTATION TO THE STUDY

1. INTRODUCTION

The South African government is facing a major challenge of addressing the abuse of women and children by the perpetrators of domestic violence. For example, arguments differ over whether an adult rape is committed every 36 seconds, every 11 seconds or every 4 seconds, depending on how police records are interpreted (Hirschowitz, Worku & Orkin, 2000:54). Members of the South African Police Service (SAPS) are expected to ensure the safety and security of their communities. They are the law-enforcers. They are constitutionally mandated to prevent and investigate cases of domestic violence and bring suspects to a court of law. However, community members frequently complain about the poor service they receive from the SAPS officials. Perpetrators of domestic violence are arrested every day but are also acquitted daily in court because the wrong procedures were followed by members of the SAPS. The government has introduced regulations to be followed in such cases. The Domestic Violence Act (DVA), Act 116 of 1998 aims to increase the amount of help the police and courts can give to children and adult victims, but it is usually ignored (Jewkes & Abrahams, 2002:53). According to Hegarty, Elizabeth, Hindsmarsh, Marisa & Gilles (2000:01) women experience domestic violence at a far greater rate than men do. Women and children often live in fear as a result of the abuse by men to maintain control over their partners. These victims of crime need to be protected by the law to ensure that they enjoy the rights enshrined in the South African constitution. For example, Section 12 Of the constitution of the Republic of South Africa stipulates that everybody has a right to safety and protection.

This research study was conducted in the Alice policing cluster in the Eastern Cape, which is made up of four police stations, namely, Fort Beaufort, Alice, Middeldrift and Keiskammahoek. The reason for conducting this research in the Alice cluster is that cases of domestic violence are prevalent and it was convenient for the researcher as he worked and lived in this community during the research. Most people who are served by the SAPS in this cluster are semi-illiterate, and often do not know that to assault a wife or girl friend or to force them to have sex, is abusive and constitutes an offence. This study is not concerned with the male victims of domestic violence because it appears that women and children are by far the most common victims of abuse.

1.2 Key theoretical concepts

1.2.1 Cluster

According to the Oxford English Dictionary (Hornby, 1985:102) a cluster is a number of persons, animals, objects, etcetera, in a small, close group. As noted above, this study focussed on four stations that are grouped together under an accounting station, which is Alice, hence the designation as the 'Alice cluster'. The four stations are Middeldrift, Fort Beaufort, Keiskammahoek and Alice, are geographically close to each other. The advantage of the geographic closeness is that they can easily mobilise resources together and jointly fight crime under a single strategic senior manager.

1.2.2 Domestic violence

According to the SAPS National Instruction (NI) 7 of 1999, domestic violence refers to any one or more of the following acts committed by the respondents against the complainants: or victims physical, sexual, emotional, verbal psychological, economic abuse and intimidation, harassment, damaging of property in which the complainant has an interest; entry into the residence of the complainant without her consent (where the parties do not share the same residence) or any other controlling or abusive behaviour towards a complainant. Hergary et al (2000:2) define domestic violence as partner abuse, specifically physical violence, between a male and a female partner, most commonly perpetrated by the male partner.

1.2.3 Domestic relationship

According to the DVA, a domestic relationship can be defined as a relationship between the parties involved in a domestic violence dispute. Before an act of domestic violence can be committed

between two persons, there must be a certain relationship between such persons. These persons must not be strangers to each other. They must be connected to each other in one way or another. It could be that they are or were married to each other in accordance with any law, custom or religion; they live or lived together in a relationship in the nature of marriage, although they are not, or were not married to each other, or are not able to marry each other (homosexuals); they are parents of a child or are persons who have parental responsibility for such child (whether or not at the same time); they are family, related by blood, affinity or adoption; they are, or were, in an engagement, dating or customary relationship, including an actual or perceived romantic, intimate or sexual relationship of any duration. Joubert (2001:123) also defines a domestic relationship between the complainant and respondent in any of the following ways: married to each other under any law, custom or religion; living together in the nature of marriage; parental responsibility for a child; family members; a romantic relationship of any duration; sharing or recently shared the same residence, for example, hostels and homes for the elderly.

1.3 What is a problem of the research

Perpetrators of domestic violence are frequently acquitted in court. It seems that they are acquitted because of improper steps taken by the SAPS officials when dealing with domestic violence cases. Victims of domestic violence and court officials complain of the poor response to domestic violence calls. Sometimes the scene is not attended at all. The lives of victims of domestic violence are put in danger because it appears that those who are supposed to secure them do not care, or do not know what is expected of them in handling such cases. The question that needs to be asked in this research study is: 'Do police officials in the Alice cluster handle domestic violence cases according to the prescribed procedures and to the maximum satisfaction of its clients?' Various questions were derived from this research question. For example, the question of whether the SAPS officials at the community service centre in the Alice cluster have access to adequate resources was asked. Other questions are whether members of the SAPS in the Alice cluster understand the DVA and whether they receive training in handling domestic violence cases?

From the year 1998 to 2004 statistics show high levels of domestic violence in all the nine provinces of South Africa. Kempen (2004:10) as cited in Manamela (2006:25) states that the

biggest problem for the police is that cases are not reported and some are withdrawn. He further states that research has shown that in 50% - 80% of rape cases the perpetrators are known to the victims, and 40% - 60% of reported rape cases are withdrawn. It seems that most perpetrators of domestic violence in the Alice cluster are not prosecuted because complainants withdraw their cases when there is relief from the abuse at that particular time. These crimes are mostly committed indoors and not in public, and are not easy to police through general policing. Social Crime Prevention carries an obligation to ensure that the prevention of domestic violence is done through awareness campaigns. According to Klopper, Fourie, Deemster & Roets (2002:36) as cited in Manamela (2006:25) the perpetrators use force or threats to harm or intimidate and control the victims.

1.4 Aims of the research

The aim of this research study was to investigate whether members of the SAPS who serve domestic violence victims and complainants in this area handle their cases according to the prescribed procedures, and to their maximum satisfaction. The researcher also investigated whether registers and forms that are needed to record domestic violence incidents and cases, are available at the community service centre (CSC) and whether they are properly completed. These forms include SAPS 508(a), form 1, form 2, certified copies of warrants and SAPS 508 (b) (domestic violence register). These registers and forms were designed and instituted to help with the accurate record keeping of domestic violence cases and incidents. The researcher also investigated whether CSC officials are familiar with the DVA, NI, station orders in respect of vulnerable children and victims of domestic violence, and if there are sufficient vehicles available to respond to domestic violence cases or incidents when they are reported. The SAPS 508(a) is an incident form where all the incidents in respect of domestic violence are recorded. Whenever a domestic violence incident is reported an incident form must be completed and filed at the Community Service Centre. According to the government gazette number 20778, notice number 1550 of 1999 the National Instruction is intended to provide clear direction to the police officials on how to respond to the domestic violence complaints in order to comply with the obligations imposed upon him or her in terms of the DVA. The researcher also investigated if the lists of relevant organizations with

contact numbers were available at CSC (these lists include hospitals, clinics, ambulances, district surgeons or medical practitioners, shelters and non-governmental organizations (NGOs) and when last such lists were updated).

1.5 Research methodology

1.5.1 Research approach and design

The researcher first identified the problem to be investigated, the aim of the research, chose the sample or the participants, and decides which method is suitable to carry out the research, whether qualitative, quantitative or a triangulation, and the type of sampling that would be suitable, such as purposive, accidental, or random sampling. Sarantakos (2005:106) also indicates that the purpose of the research design, among others, is to help introduce a systematic approach to the research operation, thereby guaranteeing that all aspects of the study will be addressed and that they will be executed in the right sequence. This study is a combination of a qualitative and quantitative research study. According to Creswell (2008:58) qualitative research is an enquiry approach useful for exploring and understanding a central phenomenon. To learn about this phenomenon, the researcher asks participants broad, general questions, collects the detailed views in the form of words or images, and themes. The researcher will interpret meaning of the information drawing on personal reflections and past research. The structure of the final report is flexible, and displays the researcher's biases and thoughts. Mouton and Marais (1990:155-156) argue that, as opposed to quantitative, in qualitative research the procedures are not as strictly formalized, the scope is likely to be undefined, and a more philosophical mode of operation is adopted. They conclude that the quantitative approach is more formalized and explicitly controlled than the qualitative approach, which it is more exact than that of the qualitative approach, and is relatively close to the physical sciences. The researcher utilized interviews which represent qualitative research design. This means that the focus was on quality of the responses. Questionnaires were also utilized to collect data which represent quantitative research design. Numbers and percentages were also utilized to analyze data.

1.5.2 Population and sampling

The 'target population' for this research were the SAPS officials who regularly deal with domestic violence cases, supervisors, and domestic violence victims. Neumann (1997:203) defines the term 'target population' as a specific pool of cases that the researcher wants to study. Lesley (1999:160) indicated that 'population' includes every person, object or place from which the researcher is going to draw the sample. In order to ensure that this research study is balanced, it was conducted in a triangular manner, meaning that the SAPS commanders are included in the sample, also SAPS officials who work on the ground, as well as community members. Lesley (1999: 60) describes a sample as a smaller group of the people and places from a large group of people and places. Non-probability sampling in the form of purposive sampling was used to interview the respondents. According to Singleton, Straits, Straits & McAllister (1988:153) any case that happens to appear in the way of the researcher and that has something to do with the researcher's phenomenon is included in the sample until the desired number is obtained. Singleton et al (1988:153) further state that purposive sampling is based on the judgment of the researcher, and the sample is made up of elements that have the most characteristics and that represent the population. In this research study, fifty members of the South African Police Service represent members of the Alice cluster. They are the ones involved in dealing with domestic violence cases and incidents.

1.5.3 Sampling size

The sample size of this research study was seventy respondents made up of fifty SAPS officials and twenty community members. The fifty SAPS respondents include thirty two SAPS officials, four station commissioners, four Detective Commanders and four officials, four CSC Commanders, two Section Commanders from the Eastern Cape Evaluation Services, twenty victims of domestic violence, and Forty domestic violence dockets (ten from each station) from the Alice cluster stations were consulted with the aim of investigating how domestic violence cases are handled and four inspection reports also form the sample of the research study. The researcher focused into whether the domestic violence dockets are inspected by the CSC before they are signed

for by the Detective officials and whether the Detective commanders conduct inspections, whether correct statements are taken, correct charges are formulated etc. The evaluation (one from each station) reports from the four stations were consulted with purpose of establishing whether the SAPS officials comply with the DVA. The old SAPS ranks were used as the research study commenced during the time they were used in the SAPS and to avoid confusion.

1.6 Methods of data collection

Various authors (Bless and Higson-Smith, 2000; Delport, 2002; Fouche, 1998 and Mason, 2000) as cited in Sumbulu (2006:14) suggest a number of strategies that can be employed when collecting data. These strategies include the use of a questionnaire, interview schedules or guides, documents, observation, observation guide, and audio tape or video camera. This research study used an interview schedule and questionnaires as methods of data collection. Literature was also reviewed. These data collection methods are now discussed below.

1.6.1 Literature review

The importance of literature in scientific research cannot be over-emphasized. Mouton (2001:86) indicates that when someone conducts a research study, the purpose should be to find out what has been done by other researchers in that particular field of study. The author further states that the starting point should be the reviewing of existing scholarship or the available body of knowledge, to see how other scholars have investigated the research problem in which one is interested. The interest of the researcher is, therefore, not merely in literature, but in the body of accumulated scholarship. This means that the researcher wants to learn from others how they have explained and conceptualized issues, what they have found practical, what tools they have used, and to what effect. In a nutshell, the researcher is interested in the most recent, credible and relevant scholarship in his or her area of interest. A local literature, that is, the South African literature was used. This literature review examines the key terms and how they relate to the research topic. One research study of 1306 women in three South African provinces, found that 27% of women in the Eastern Cape, 28% of women in Mpumalanga and 19% of women in the Northern Cape had been

physically abused by a current or ex-partner. This clearly shows that more women are being abused than men. The same study investigated the prevalence of emotional and financial abuse experienced by women in the year prior to the study, and found that 51% of women in the Eastern Cape, 50% in Mpumalanga and 40% in Northern Province were subjected to these types of abuse (Jewkes et al, 1999). Several recent studies have looked at domestic violence from a variety of perspectives, including domestic violence, human immune-deficiency virus (HIV) and consent in Zambia (Nelson, 2010), coloured women's experiences of domestic violence in South Africa (Peterson, 2010), the relationship between human rights violations and intimate partner violence in South Africa (Gupta, et al, 2010), and its policing in a specific police station (Manamela, et al, 2010). The issue of women's circumstances and their access to justice requires further examination. The legislation of apartheid, such as the Group Areas Act, as well as the under-resourcing of rural areas shifts costs on to women, which obstructs their access to justice. In 1994 for instance, 74% of the country's police stations were located in white suburbs or business districts (Department of Safety and Security, 1998). The consequence of this is that it imposes what are often prohibitive travel costs on black women. Drawing on research based on poor, black rural communities in the Southern Cape, Artz (1999:10) lists the following obstacles that women must overcome in trying to seek help with domestic violence: limited or no taxi or bus services, (with existing services being prohibitively expensive); slow response times by the police and ambulance services; and poor and expensive telecommunication services. Long distances to public services means childcare is a bigger problem if travelling is necessary.

There are few support services for abused women, and no safe accommodation for women when there is a need to leave their homes. High rates of unemployment and under-employment result in women struggling to pay for basic necessities such as travel, accommodation or the costs of separation or relocation. Interviews with 23 women who had obtained protection orders highlighted police negligence and incompetence. In some instances the police did not show enough sensitivity to the victims. The treatment they gave to these victims of domestic violence was inappropriate, especially in compliance with DVA. Findings regarding SAPS ineffectiveness in implementing the DVA have been given further weight by no less than the National Police Commissioner, Jackie Selebi. In 2001 he was quoted as saying that the DVA was not practical or implementable, and was "made for a country such as Sweden, not South Africa" (The Star, 2001 & The Mercury, 2001).

1.6.2 Questionnaires

The New Dictionary of Social Work (1995:51) defines a questionnaire as “a set of questions on a form which is completed by the respondent in respect of a research project”. Babbie and Mouton (2001:233) mention the fact that although the term questionnaire suggests a collection of questions, a typical questionnaire probably contains as many statements as questions, especially if the researcher is interested in determining the extent to which respondents hold a particular attitude or perspective.

These questionnaires were hand-delivered to the Section Commanders of the Evaluation Service, Station Commissioners, Detective Commanders and CSC Commanders. The reason for using them is that the respondents are always busy and they can answer questionnaires whenever they have the chance. The researcher set a date for the return of the questionnaire, and maintained contact with the respondents to check if there is any need for clarification concerning the items on the questionnaires. The questionnaire was designed in such a way that the research problem was addressed. In drafting these questionnaires the researcher consulted the Consolidated Baseline Studies Report (2006) which was conducted by Artz and Combrinck. Questionnaires were hand-delivered to the respondents, because all the cluster stations are close to each other.

1.6.3 Interviews

Neumann (1977:254) describes an interview as a short term secondary interaction between two people who are known, or not known to each other with the explicit purpose of one person obtaining specific information from the other. In this study the researcher employed semi-structured interviews as a data-collection method. The reason for choosing this is that it is flexible, because if a question is not understood by the respondent, it can be rephrased until it is clear (May, in Morse, 1991:189). Personal interviews were conducted with SAPS officials, detective officials and the victims of domestic violence, in order to get a clear understanding of their experiences in

the handling of domestic violence cases. Unlike focus group interviews, personal interviews allow subjects to express their views and experiences without being influenced by others.

1.6.4 Docket analysis

Forty dockets in which domestic violence was found to have occurred were perused and drawn from all the four police stations. Dockets are the files in which the State compiles its case for presentation to the public prosecutor. The dockets are important documents for analysis as they show all the initial investigation done, as well as whether the instructions of the detective commander regarding the direction of the investigation are followed. A simple random sampling was used. In this technique each individual case in the population has an equal chance of being selected for the sample (Baker, 1988:148, Chadwick, Bahr and Albrecht, 1984:53-54, Jackson, 2003:15).

1.7 Data analysis

After the data has been collected, it was analyzed. The thematic analysis technique was used. Themes were classified from the transcribed interviews and field notes. Creswell (1998:144) states that classifying means taking the text or qualitative information apart and looking for categories, themes or dimensions of information. The manual process, or 'Tech's technique', was utilized to analyze the data collected. The reason for utilizing this technique is that the researcher is still learning how to conduct a scientific research and it is appropriate to use a technique that will provide an in-depth understanding of the research process. As suggested by Creswell, eight phases were used to analyze data, namely; data collection and preliminary analyses: the twofold approach, managing data, reading and writing memos, generating categories, themes and patterns, coding data, testing emergent understandings, searching for alternative explanations and writing reports.

1.7.1 Data collection and preliminary analyses: the twofold approach

According to Erlandson, Harris, Skipper and Allen (1993:113) data analysis in a qualitative inquiry necessitate a twofold approach. The first aspect involves data analysis at the research site during data collection. The second aspect involves data analysis away from the site following a period of data collection. According to the author the second aspect is conducted between the site visits prior to, as well as after completion of data collection. According to Marshall and Rossman (1999:151) data collection and analysis go hand in hand in order to build an inherent interpretation of the data. The researcher is guided by initial concepts and developing understandings, but shifts or modifies them as he collects and analysis the data. According to De Vos (2001:336) the researcher has to ensure that he or she does not put too much focus on analysis while field work is still going on as it can interfere with the openness of qualitative enquiry which is its strength. Rushing to premature conclusion should be avoided.

1.7.2 Organizing the data

According to Creswell (1998:143) managing data is the first step in the data analysis away from the site. At an early stage in the analysis process, researchers organize the data into file folders, index cards or computer files. Besides organizing files, researchers convert their files to appropriate text units, e.g. a word, sentence, an entire story, for analysis either by hand or by the computer. The researcher will use files and cards to manage the data collected instead of utilizing the computer. According to Patton (2002:440) data generated by qualitative methods are large in volume and sometimes one may think it is impossible to manage and analyze them. According to the author the following questions should be asked; whether the field notes are complete or not; whether there are any parts that need to be put off to be written later; whether there are any glaring holes in the data that can still be filled by collecting additional data before the data analysis begins; whether all data are properly labelled with annotation system that will make retrieval manageable. These labels include dates, places, interviewee, identifying information etc; whether interviewee transcriptions are complete. If all these questions are answered the data analysis may start.

1.7.3 Reading and noting down data

After the data have been organised, the next step of data analysis is to read them. Creswell quotes Agar (1980) as follows: “read the transcripts in their entirety several times. Immerse yourself in the details, trying to get a sense of the interview as a whole before breaking it into parts.” Marshall and Rossman (1999:153) put it way: Reading, once more through the data forces the researcher to become familiar with the data in intimate ways. In a nutshell, by reading the interviews continuously, the researcher will be able to understand the data and categorize it easily. To strengthen the above Patton (2002:446) quotes a participant response to an internet question on software analysis: “The best advice I ever received about coding was to read the data I collected over and over. The more I interacted with the data, the more patterns and categories began to “jump out” at me. I never even bothered to use the software program I installed on the computer because I found it much easier to code it by hand”.

1.7.4 Generating categories, themes and patterns

Marshall et al (1999:157) describe this loop of the spiral as the most difficult, complex, ambiguous, creative and enjoyable phase. After managing and reading data the researcher will identify themes, categories and dimensions from the data collected. It is important that the researcher be aware of the data, and has openness to the subtle, tacit undercurrents of social life. Classifying means taking the text or qualitative information apart and looking for categories, themes, or dimensions of information (Creswell, 1998:144).

1.7.5 Coding the data

Coding data is the formal representation of analytic thinking. The tough intellectual work of analysis is generating categories and themes (Marshall et al, 1999:155; 157). The researcher will apply some coding scheme to the categories and themes, and diligently and thoroughly marks passages in the data by using different colours. Each theme or category will be marked with a different colour.

1.7.6 Testing emergent understanding

Marshall et al (1999:157) state that as categories and themes are developed and coding is well under way, the researcher begins the process of evaluating the plausibility of his understandings and exploring them through the data. This means that the researcher will go through the themes and categories to check the negative instances of patterns and incorporate these into larger constructs, where necessary. In a nutshell the researcher will evaluate the usefulness and centrality of the data.

1.7.7 Searching for alternative explanations

After the above phases of data analysis the researcher will start challenging the patterns that seem so apparent and search for other, plausible explanations for these data and linkages among them. As the alternative explanations exist, the researcher must search for, identify and describe them, and demonstrate why the explanation offered is the most plausible (Marshall et al, 1999:157).

1.7.8 Writing the report

This is the final stage of the spiral where the researcher presents the data, a packaging of what was found in text, tabular or figure form. This is when the researcher presents the findings of the research study are from the data collected through interviews and questionnaires. He/she may present a comparison table or matrix. The researcher will use tables and figures to interpret the findings of the research.

1.8 Method used to ensure validity and reliability

In order to ensure that the information that has been collected is accurate, valid and reliable, the researcher concentrated on responses from questionnaires and interviews, and on perspectives of other authors. The interview and questionnaire responses reflect the qualitative responses of the research respondents, which allow for in-depth analysis of the research objectives. According to

Welman and Kruger (2001:139) reliability refers to the extent to which scores may be generalized to different measuring occasions, measurement forms and measurement administrators. Welman et al (2001:135) further state that validity refers to any given measuring instrument which measures three components, namely: the construct intended, irrelevant constructs; and a random measurement error. The first two components represent systematic sources of variation because they remain constant for any given individual. Random measurement error is an unsystematic source of variation because it refers to accidental factors that may vary from one measuring occasion to the next and from one individual to the next in a completely haphazard fashion.

The subjects of the sampling used consist of SAPS supervisors, Detective Commanders, Detective officials, SAPS officials, Section Commanders from the Evaluation Service and the victims of domestic violence. Information was collected directly from them, and this increases opportunities for reliability and accuracy. Information was collected from the supervisors of SAPS and Detective Commanders, and Section Commanders of the Evaluation Service, by means of questionnaires. Victims of domestic violence, as well as SAPS field workers and Detective officials, were also interviewed. Domestic violence cases and the inspection reports from the Evaluation Service were utilized to ascertain a measure of validity of the responses of the participants. The responses from the dockets and inspection reports also confirmed the validity of the responses from the victims of domestic violence and SAPS officials which confirmed the validity of the research study. The questionnaires were tested if they fulfilled the aims of the research study.

1.9 Ethical considerations

This research is being conducted under the supervision of the School of Criminal Justice at the University of South Africa, and therefore all applicable guidelines have been followed. According to Babbie (2001:469) research ethics entail subscribing and conforming to the standardized conduct of a particular profession or group. Blaxter, Christina & Malcolm (2001:154) state that when human behaviour is subjected to scientific investigation, it involves ethical issues. Ethics are a key factor which confronts the researcher the minute a research commences. An application was submitted to the SAPS Provincial Commissioner of the Eastern Cape for permission to conduct

research in the Alice cluster and consent was granted. Confidentiality remains one of the key issues. The researcher ensured that confidential information from the subjects would be not revealed. Participation of the respondents in providing information was voluntary, and respondents were informed of the objective of the research. Consent was obtained from the respondents before the research commenced. Their identity was protected. Copyright infringement was avoided whenever information was taken from another author. In order to avoid plagiarism, whenever information from other authors was used, it has been acknowledged.

1.10 Value of the research

This research will generate local interest amongst the members of the SAPS who will take part in it, and those who become aware of it. The researcher expects the Alice cluster, SAPS local and provincial management to learn from this research, for example, via the feedback from the victims of domestic violence, about how the current cases are being handled. Stakeholders from outside the SAPS, such as the local courts and non-governmental organizations will also benefit from the research as part of their reference system for evaluating the SAPS in the area of domestic violence. This research aims to improve service delivery to members of the public, who, it is hoped, will value this study. After this dissertation has been finalized, it will be published, and be made accessible to other academic researchers. Students will draw lessons from it as they will know what is needed when conducting scientific research. The research is also undertaken to advance the researcher's own skills and knowledge.

1.11 Chapter layout

Chapter Two

It reviews related literature on what other scholars have done in the field of the research topic. The researcher focuses on initiatives and developments in South Africa in the beginning. It delves into the theoretical framework that addresses the nature and experience of abuse, the DVA, civil society initiatives and the crime prevention policy development in the context of which the policing of domestic violence has been framed. The chapter then moves to international level such as,

international co-operation at the level of the United Nations and a regional focus, in the light of a global human rights approach and instruments to curb the abuse of women.

Chapter Three

This chapter deals briefly with the research methodology as an elaboration from Chapter one. Because several important aspects on research methodology have been dealt with in Chapter one, the emphasis here is on the current problem, and the rationale for the selection of the respondents, the limitation of the research is discussed.

Chapter Four

This chapter presents the analysis and interpretation of data. An effort is made to initially compartmentalise the data gathered in order to ensure some depth. The interview, questionnaire and docket analysis

Chapter Five

Here the research findings and the researcher's recommendations are presented. It is this part that may interest policy makers, practitioners, researchers and other interested persons.

CHAPTER 2: LITERATURE REVIEW

2.1 Introduction

This Chapter focuses on what has been done in the field of the research topic, that is, domestic violence. The researcher will focus on the international, African and local literature. It includes the following an examination of the initiatives made by the African Union (AU), General Assembly Resolution 48/104 UN resolution of 1993, SADAC, DVA and the Family Violence Act, amongst others. There are various initiatives which are in place to eliminate domestic violence as mandated by the AU. The Australian Family Law Act of 1975, the Beijing Declaration and Platform of Action, the work of the Hague Domestic Violence Project and the National Judicial Institute in Domestic Violence (NJIDV) are some of the international interventions that have had an influence on South Africa's development of domestic violence legislation and thus the fight against domestic violence.

2.2 An exploratory research study

According to Mouton and Marais (1990:43) the goal which is pursued in exploratory studies is in the exploration of a relatively unknown research area. The authors further state that the aims of such studies may vary quite considerably. They may be:

- to gain new insights into the phenomenon;
- to undertake a preliminary investigation before a more study of phenomenon;
- to explicate the central concepts and constructs;
- to determine priorities for future research;
- to develop new hypotheses about an existing phenomenon.

The researcher employed exploratory research method which is similar to the research study conducted by Ganapathy (2006). The author's research study examined the formal processing of domestic violence as accomplished by the institutional policing in Singapore. The description of

the process through which domestic violence calls for assistance were shaped and translated into relevant categories for appropriating a particular police response was facilitated through the use of the participant observation method. The ethnographic fieldwork reported here, including observations of call screening in action, was an attempt to explicate the phenomenological grounds employed by organizational members to constitute calls as instances of categories for practical policing purposes. Theoretically, the data point to the need for reconceptualization of the problem of policing domestic violence by emphasizing the point that the eventual institutional response be understood as a product of the relationship that exists between police substructure and structural conditions of policing unique to contemporary Singapore society. The above research study has a similar purpose with the one which is conducted by the researcher in the Alice cluster. Both research studies are intended to evaluate how domestic violence cases are handled, that is, if they are handled according to the prescribed procedures. An exploratory research method was employed in both research studies. The research study conducted in the Alice cluster utilized an explored data from the which was obtained by visiting the community service centres, consulting domestic violence dockets, inspection reports and if the National Instruction is complied with by investigating if the list of relevant organizations, registers and forms are available at CSC and whether the CSC officials are familiar with the DVA, NI, station orders with regard to the vulnerable children and victims of domestic violence. The reason for employing an exploratory research method is that the topic of domestic violence is not clearly defined, which means there is not enough scholarship in the disposal of researcher.

2.3 Theoretical foundation

2.3.1 Radical feminism

Radical feminists blame men for domestic violence, whereas the liberals put their focus on sexist attitudes and the way in which gender rules operate in black culture. The main focus of the radicals

is on patriarchy which enables men to dominate and control women. According to Altbeker (2005:3) some police officials sympathise more with the perpetrator (if he is a male) than the victim (if she is a female). The reason for this is that police officials are men raised in a violently patriarchal society which affects them, even when they are executing their duties, and irrespective of their training. For example, most SAPS members are trained in handling domestic violence cases, but it would appear that patriarchy still dominates their thinking and actions.

Hartman (1979:232, as cited in McKay, 1994:254) defined patriarchy as a set of social relations which has a material base and is a hierarchical relation among men, and creates solidarity among them. This gives men power to exercise control over women. The Alice cluster is made up of rural areas, where many community members are illiterate. Most families believe that women are directly under men's control. The author further describes patriarchy as a system which enables men to oppress women. According to Firestone (1970:132) as cited in McKay (1994:346) patriarchy is the oldest and most basic form of domination permeating the institutions of most societies. She further explains that radical feminists maintain that women are crippled by their biology, arguing that menstruation, lactation, gestation and giving birth to a child are all done by women and that pregnancy and breastfeeding are what make women dependent on men for their physical survival. Millet (1971:25) as cited in McKay suggests that the military, industry, technology, universities, science, political office, and finances in short, every avenue of power within the society, including the cohesive force of the police, - are entirely in male hands. Altbeker (2005:03) further states that police officials automatically tend to take the side of the male (perpetrator). This is also caused by the system of patriarchy.

2.3.2 Patriarchy system and domestic violence

As defined above, patriarchy refers to male domination of women. South Africa is a newly democratic country coming from apartheid, which was characterized by escalating violence. According to Morrel (1998:81) women tend to accept every form of violence, it becomes difficult for them to sustain. Most Black South African men who live within the former Transkei, Ciskei, Boputhatswana and Venda (TBVC states) are unemployed; as a result they do not have money, which forces them to work as migrant labourers in cities or urban areas. Husbands and partners

periodically return to unite with their lovers and wives and also maintain their families. The homelands are mostly inhabited by women, children and old and infirm men who have returned from the mines. According to Jewkes, Levin & Kekana (2001:35) distance and long periods of absence from home, and involvement in other extra relationships result in physical and psychological differences between the partners. Mesatywa (2009:35) states that studies have also indicated that, due to black culture, women tend to accept abuse as they are usually expected to be subservient. These situations at times are painful and the subtleties are difficult to interpret. This may be due to patriarchy which is prevalent and acceptable in African societies.

2.3.3 Ilobola practice and domestic violence

Mndende (2006:123), as cited in Mesatywa (2009:27) suggests that women are sold for payment in the market. Their exchange value is called “lobola” within the context of marriages that form alliances between households, clans and nations. Traditionally, in the black tribes, the practice of bride price or ilobola signifies the validity of the marriage. It is also recognized as compensation to parents for bringing up the daughter, and as a means of making the marriage stable. Mesatywa (2009:28) states that strong familial ties usually exist between mothers and daughters. However, when a young African woman enters into marriage, she is sometimes considered an outsider by her new family, i.e. the family she has married into. Almost all African women retain their clan identity after marriage. At times this creates problems for the newly-wed woman who may find herself being undermined and subordinated by her in-laws. A feeling that she is an outsider may exist; there may be discrimination against her as she will be the only person with a different clan name (isiduko). This could result in her being regarded as an outsider and therefore abused.

2.3.4 Female Genital Mutilation (FGM)

According to the World Health Organization (WHO) as cited in the Ghanaian Chronicle (2009:03) FGM is a partial or total removal of the female external genitalia, or procedures that intentionally alter or injure female genital organs, for non-medical reasons. It causes bleeding and painful urination, and later causes problems in childbirth from the age of 15 years. FGM is not prevalent in

South Africa. It is practiced in African countries such as Zimbabwe, Ghana and others. If it occurs in South Africa, it is carried out by foreigners who come here for various reasons. According to the Ghanaian Chronicle, FGM is committed with intent to deter girls from fornicating, since the removal of the external genitalia takes away the desire for and pleasure in sex. This constitutes a domestic violence conduct and a discrimination against women's rights, because everybody has the right to enjoy sex. This practice is also contrary to biblical rules. According to the bible, people should give birth to children so that there will be many people in the world "Qhamani Nande".

2.3.5 Trokosi

According to the Ghanaian Chronicle (2009:02) Trokosi is practiced in the Volta region of Ghana, especially among the Ewe tribe. It is committed by taking a virgin girl to a shrine to pay for the wrong-doings of a family member, especially the parents. The girl is put at the shrine with the intent limiting her chances of being married by any man, since she is believed to be married to the fetish priest of the shrine. This culture is contrary to democracy and modernity. According to democratic and biblical principles, everyone has to pay his or her own for the crimes, and not for someone else's. It constitutes domestic violence to put someone in a shrine to pay for another person's crime. Young girls of these countries would attempt to lose their virginity at an early age to avoid the trokosi. This kind of abuse does not take place in South Africa. The constitution of South Africa prohibits this kind of conduct. Even in the olden days, the law of criminal procedure prohibited these acts, as there was a charge, such as abduction.

2.4 Domestic violence and restorative justice in South Africa

According to Diesel and Ngumbeni (2003:01) restorative justice is becoming a popular concept in South Africa. It originates from early traditional African forms of conflict handling. More recent applications relate to dealing with criminal disputes between parties. It has been utilized in many community based projects dealing with criminal disputes, and it forms the basis of a well established practice in child diversion. Social workers, Magistrates and the Correctional Services are the institutions which are mostly responsible for implementing restorative Justice in the Alice

cluster. Another project was launched by the Criminology Department at the University of Fort Hare in 2007. The aim of this project was to prepare the victims and perpetrators' families before the release of prisoners from jail. The concept is also finding its way into legislation through the Child Justice Bill which is currently before parliament.

The Victim Offender conferencing model is community based and applicable within the South African context. This model is derived from Canada and New Zealand, and is mainly premised on the understanding that the crimes referred to would relate to 'once off' incidents of crime, between strangers, or people not well known to each other. Instead, the project found that in over 90 percent of cases, the parties were well-known to one another and in over 60 percent of cases the parties were family members, or intimate partners. 33 percent of cases referred to the project were between people who were intimate partners, or who were divorced or separated from one another (Diesel, 2000; Diesel, 2003). The following questions were asked in respect of application for the implementation of restorative justice, and more particularly of Victim Offender Conferencing (VOC) in the context of domestic violence in South Africa: Is the VOC not going to clash with the DVA? Is it going to be effective in cases of domestic violence, particularly in relation to issues of safety, and the needs of victims, and is it capable of assisting in preventing further violence? The researcher is of the opinion that SAPS officials cannot be included in the process of restorative justice or VOC, because their duty is to ensure that offenders are brought before the courts. Secondly, the DVA stipulates that they have to provide the maximum protection needed by the victim. Involving them in any process that brings the victim together with the perpetrator will have negative consequences for the SAPS. The SAPS can be subjected to civil claims by family members.

It has not been long since restorative justice has been applied in domestic violence and family violence in South Africa. It has been more effectively applied in other places. Approaches such as victim offender mediation and others have been applied to domestic cases in Canada (Edwards and Haslett, 2003) New Zealand and Austria (Hooper and Bush, 1996) as well as in parts of Europe (Pelikan, 2002) although it is not always applied. Hossak, in Saskatoon Community Mediation Services (2001) states that there are several reasons why restorative justice is applied slowly in the cases of domestic violence. The first reason that Edwards et al talk about is the lack of resources

and skilled personnel dedicated to dealing with the complex issues that are involved. These resources include vehicles, money and stationery, and training to ensure that the necessary skilled personnel are available. Secondly, they refer to studies which indicate that work in this area has caused harm to either victim or offender. Bringing the offender and the victim together can have negative consequences, such as further abuse or even murder. Hooper et al (1996:02) state that some women allege that they have been better assisted by traditional adversarial processes than by mediation.

Edwards et al (2003:07) state that despite the concerns stated above, there is a need for restorative processes and an increasing support for them, but there are general principles that have to be observed. Mediation cannot be applied unless two principles apply, namely; the female party or the victim must specifically request it; and secondly safety concerns must first be adequately dealt with. The researcher is of the opinion that this process cannot be applied by SAPS officials as it may have bad consequences, such as civil claims against the state. The chances of civil claims may be limited in cases where the victim has consented to the mediation, and he or she has signed the consent from which must be kept as a record.

Diesel (2003:01) states that magistrates in the VOC project are particularly supportive of mediation in cases of domestic violence. He states that they support it because if the perpetrator is detained or imprisoned and he is a bread winner, then the victim will suffer further as there will be nobody to support her. He further elaborates that, if the perpetrator is sentenced, the victim would also be punished as there would be nobody to support her. The researcher does not support these views, because mediation cannot be conducted for the purpose of defending the employment of the perpetrator, when it cannot be guaranteed that the abuse would stop. Assistance should rather be provided to the victim in order for the victim to generate income to enable him or her to leave. The perpetrator would not stop abusing the victim if he is not punished. He further states that

magistrates believe that mediation should be used for first time offenders only. If the woman reports further abuse after the VOC, then a trial should proceed as usual. The researcher disputes the fact that mediation should be applied in the first report of the abuse and any subsequent abuse sent to trial. What if the first report is referred to mediation and the second report is the murder of the victim by the offender? Family members would not trust the justice system again, and a civil claim could be instituted against the state. He states that magistrates claim that mediation is usually more successful in preventing further abuse than having the abuser put on trial.

2.5 Understanding domestic violence in South Africa

South Africa has long had a patriarchal society both in pre-colonial times and throughout the 20th century. The gender roles have been clearly defined leading to the late enfranchisement of white women during apartheid and systematic degradation of black women in particular. The state intervention, in line with the constitutionally-inspired human rights culture that prevails in post-apartheid South Africa has focussed its attention on a criminal justice approach to domestic violence. SAPS officials are law enforcers and their primary duty is to make sure that members of the community live in a safe and secure environment. It is essential that SAPS members understand domestic violence. According to Bollen, Artz, Vetten & Louw (1999:40) SAPS officials do not want to differentiate between general assault and assault that is domestic violence related. As a result, statistics of domestic violence are not accurate because they are hidden in the statistics of assault and other crimes. The crime administration system (CAS) was introduced in November 2004 in the Alice cluster. It seems that SAPS members have not yet mastered the capturing cases in the CAS and consequently this renders the statistics inaccurate.

2.5.1 Factors leading to domestic violence

Klopper, Fourie, Deemster & Roets (2002:37) as cited in Manamela (2006:25) state that domestic violence is believed to be caused by many factors. Victims of domestic violence tend to respond in different ways as there are behaviour alternatives to abuse. This behaviour may include a victim not reporting or disclosing that he or she has been abused, or not coping with anything that needs

his or her response. According to the SAPS bulletin (August, 2002), as cited in Manamela (2006:26), there are a number of myths about domestic violence. Closer examination reveals the fact about these myths. The latter as usually casual defences cited by ignorant perpetrators of domestic violence.

Myth: she provoked his abuse through nagging or unreasonable demands

Even if the above is annoying, it does not excuse violence. It cannot be accepted at all. It is not acceptable to hit shop assistants, motorists or others merely because they are annoying.

Myth: domestic violence is perpetrated through alcohol or substance abuse

Drug and alcohol abuse can aggravate violent behaviour, but they do not cause it. Many abusive men abuse their women whether they are sober or drunk.

Myth: both parents are responsible for the abuse

Domestic violence occurs when an imbalance of power exists in a relationship. This imbalance is maintained by behaviour designed to control or exert power over the other partner through emotional and physical abuse which undermines self-esteem and enforces subservience. For the person in the powerless position, almost anything they do, including trying to protect or defend themselves, can be interpreted as a provocation.

2.5.2 Common law crimes

According to Joubert (2001:59) common law crimes can be described as those actions that are not acceptable to society and are not as a result of the legislation, for example murder. The following crimes are usually regarded as common law crimes of domestic violence, if there is a domestic relationship between the victim and the perpetrator.

Murder: means the unlawful and intentional causing of the death of another person (Joubert, 2001: 104).

Assault: consists of the unlawful and intentional application of force, directly or indirectly, to the person of another; or inspiring a belief in another person that force is to be applied immediately to him or her (Joubert, 2001:108). It is the most prevalent kind of domestic violence crime in the Alice cluster as most men believe that it is the best way of disciplining their women.

Assault with intent to do grievous bodily harm (GBH): means assaulting someone with intent to harm his or her body (Snyman, 1996:04).

Rape: consists in a male intentionally and unlawfully having sexual intercourse with a female without her consent (Joubert, 2001:116). Most men believe that they own their wives. They believe that they have a right to have sex with their wives even if they do not want to have sex with them, and they force their women.

Crimen injuria: is the unlawful, intentional and serious violation of the dignity or privacy of another person (Joubert, 2001:119).

Malicious damage to property: means the unlawful and intentional damage to property belonging to another person, or damage to one's own insured property with the intention to claim the value of damage from the insurance (Joubert, 2001:161).

2.5.3 Statutory law crimes

Statutory law crimes are those crimes that are included in the legislation, and are also known as statutory offences, since they form part of statutory law (Joubert, 2001:03). Contravening the following acts is regarded as a statutory offence and is punishable in terms of the law:

Defeating or obstructing the course of justice: consists of unlawfully performing any act that is intended to defeat or obstruct the course of justice and that does defeat or obstruct the

administration of justice (Joubert, 2001:169). An example is where a case of domestic violence has been opened at CSC and a police official removes certain important statements with intent to assist the perpetrator to be acquitted in court.

Perjury: is defined as the unlawful and intentional making, upon oath, affirmation or admonition in the course of judicial proceedings, of a statement which the person making it knows to be false, or foresees may be false (Joubert, 2001:169). An example is where a witness takes an oath in the criminal proceedings and gives false evidence.

The Prevention of Family Violence Act, Act 133 of 1993 (PFVA) was specifically established to deal with the abuse of women and children, and it was passed in 1993.

2.5.4 The South African Constitution in respect of women

A constitution is a written document composed of norms and values governing the exercise of state power. This collection of rules also regulates the relationship between the citizens of the State and the organs of the State. The South African constitution is the supreme law of the country, and every law that is contrary to it is declared null and void. When a constitution is supreme, the constitutional court has ‘testing power’, that is, the power to enquire whether the laws are in line with the constitution. ‘Over-legislation’ means that the Acts have been passed by a national Parliament, provincial assembly or a local council (Linnegar and McGillivray, 1998:124).

The Constitution of the Republic of South Africa of 1996 came into force in February 1997. The Bill of Rights which forms the basis of democracy provides for the various rights of all South African citizens. Of particular significance to women, is section 9 which is also known as the ‘equality’ clause. According to Section 9 (1) all people have a right to equality and protection before the law. This law further provides every individual with the right of access to a court of law. According to the South African Constitution (1996), this also obliges the State to protect vulnerable groups, such as women, in South Africa. Section 9 (2) stipulates that equality includes the full and equal enjoyment of all rights and freedoms. It promotes the achievement of equality and allows the adaptation of legislative and other measures designed to protect and advance

persons, or categories of persons, disadvantaged by unfair discrimination. This includes groups such as women or blacks, historically disadvantaged individuals, or groups normally referred to as affirmative action beneficiaries. Affirmative action in this case implies treating women differently because they are women. This process may be perceived as discriminating against men purely on the basis of their sex which violates the provisions of s 9 (3). This section is intended to address discrimination that was practiced by men against women and children who belong to vulnerable groups. It could also be argued that women, in particular black women, can be seen to qualify as one of the designated groups against whom past discriminatory practices have occurred (Linnegar & McGillivray, 1998:124; McQuoid-Mason, 2002:72).

The Employment Equity Act 55 of 1998 addresses the imbalances of the past as does the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000. The essence of all these policies and legislations is to prioritize the issue of abused women. These may include any gender discrepancies that allow women to be victims of discriminatory practices and abuse. Hence South Africa has the afore-mentioned legal remedies that deal with cases of women in violent partner relationships. South Africa has also identified women abuse as a crime that the criminal justice system has to deal with. However, it has remained a ‘private matter’ that is dealt with behind closed doors. Nevertheless, due to the lobby of women’s groups and social and legal activists, the abuse of women has received growing attention which is addressed by legislation and international human rights instruments. (Mesatywa, 2009:15).

2.6 Crime Prevention Policy development

The enactment of the Prevention of Family Violence Act (PFVA), the DVA and the National Crime Prevention Strategy (NCPS) all impacted on domestic violence prevention in a positive way. Prevention of crime is one of the major roles of the SAPS. If crime can be prevented in such a way that it does not even occur, it would be a sign that the SAPS is effective. There are strategies that are implemented to prevent crime and ensure that members of the society live in a safe and secure environment. It is not easy work to prevent domestic violence. It cannot be prevented by patrolling because it always takes place indoors. Many victims of domestic violence report this kind of crime

only when they want relief from the abuse at that particular time, and they often withdraw the cases thereafter. It means that even reactive measures are not a solution to domestic violence. According to Crewe, Roux, Mount, Reynecke, Schoeman, Schutte & Smit (2001:68) as cited in Manamela (2006:35) committing a crime implies a relationship between proactive policing (desire to commit crime) and reactive policing (opportunity to commit crime). Nowadays, the focus of policing is on crime prevention (proactive policing) and investigation of crime. The police are not always engaged in visible policing. A number of activities or campaigns are run to prevent crime. SAPS officials cannot solve crimes alone. Members of the community need to be involved. It is not easy to police cases of domestic violence, because most cases of this nature take place inside homes. The victims of domestic violence just want to be relieved for that particular moment; they are not interested in the case as such. The authors further state that it is important for police officials to engage in partnerships with the following institutions to win the battle against crime:

Other government departments such as Social Development and Health

Community leaders such as Chiefs, Ward managers and Councillors

Business owners such as tavern owners and shop owners

Educational institutions such as primary and high schools and tertiary institutions

Non-Governmental Organisations (NGOs) such as Masimanyane and POWA

Criminal justice systems such as the prosecutors, magistrates and judges.

The prevention of crime includes the identification and addressing of opportunities to commit crime through crime prevention activities such as foot and vehicle patrols, involvement of communities and business people. Generators of a particular crime need to be identified for successful prevention. For example, most contact crimes are generated by liquor in the Alice cluster (Alice Police Station Crime Combating Forum (SCCF) minutes, 2 March, 2008:04). According to Lab (1997:20) as cited in Manamela (2006:41) there are various phases of crime prevention, namely: 'primary crime prevention' which is aimed at identifying the environmental conditions; 'secondary crime prevention' which is intended to identify perpetrators of crime in order to prevent it before it is committed, and 'tertiary crime prevention' that is intended to focus on the perpetrators of crime with intent to prevent further criminal acts. Within these phases, there are various "approaches, practises and evaluations" which can be undertaken as part of crime prevention, as Lab (2010) alludes to. South Africa too is grappling with many of these variations at different levels of responsibility, concerning very specific crime problems and in

different geographical settings that have unique challenges that call for an innovative policy process.

There are various types of strategies that can be used to address domestic violence related problems; for example; when the police and the community come together with the aim of fighting crime, and also to make sure that services are delivered to community members. According to Crewe et al (2001:68) the advantage of community policing is that police-community relations can be improved and the best solutions can be implemented. This can be achieved through the efforts of the SAPS, other government departments, NGOs; civil society structures such as SANCO, business people, and individual citizens such as prominent members of the community. It is a proactive approach that aims at preventing, or solving community problems as well as addressing the cause of crime and disorder. It reduces the opportunities for people to commit crime and become persistent offenders (White Paper of Safety and Security, 1998: 10). Social crime prevention is proactive, that is, it is aimed at preventing crime before it is happening. It needs co-operation between NGOs and government departments, working together to achieve its goal of reducing crime. According to Manamela (2006:42) the application of sector policing has many advantages for preventing domestic violence and reacting quicker to such reported incidents. Regular perpetrators become known to a small number of police officials who have dealt with them repeatedly. Victims of domestic violence can be assisted to benefit fully from all forms of support and intervention that the government, NGOs and other institutions provide. According to the SAPS Training Manual (2004:16), sector policing means that the station area is divided into smaller manageable sectors under the leadership of a sector manager. The Station Commissioner has a duty to nominate a sector manager. The sector manager in turn will ensure that he or she organizes a meeting to elect a Sector Crime Forum (SCF) and a sector team. Sector meetings will continue thereafter to address sector problems and needs so that the objectives of the sector are achieved. Both the police and role players from the community must collectively develop capabilities to find effective solutions to local crime issues. This means that policing is brought to the community, and the community plays an active role (SAPS Training Manual, Theme 9, 2004:16). If one particular strategy works best in solving a problem in a sector, the strategy can be implemented to address that particular problem.

According to Helmbold (2000:63) the part played by a policy in ensuring that the relevant organs of state comply with the provisions of the law is important. Police officers must, therefore, be well equipped with knowledge, skills, personal attributes, attitudes and value orientation. In dealing with domestic violence, these attributes must be applied. A thorough knowledge of the DVA is also necessary to enable them handle the challenges caused by domestic violence incidents. Provision is made in the DVA for the victims of domestic violence to have the maximum protection from abuse that the law can provide; also to introduce measures which attempt to ensure that the provisions of this Act are given full effect by the relevant state organs. Government departments must do their part in eliminating abuse (DVA). The main role-players in fighting domestic violence are the SAPS, the Department of Justice and the Department of Social Welfare (Helmbold, 2000: 63). It is vital for these institutions to work closely together, and to maintain communication with each other for the policy to be effective, and to achieve success in preventing domestic violence. All Members of these institutions must be fully involved and they must be familiar with the provisions of the policy. This will enable them to deal with the problems that are likely to arise in their work. Good communication is essential, and if this is practised between the police and court officials the policy will achieve its goal. Generally speaking, this link appears to be lacking between the SAPS and members of the criminal justice system in South Africa.

For many years crimes have been committed against women and children. The Roman–Dutch laws pertaining to domestic relations, were introduced around the second and third centuries, and some South African men still act according to these outdated laws, and the Old Testament biblical rules Geldenhys (2004:18 as cited in Manamela 2006:30). In these laws, the husband was the head of the household, while his wife or wives and children were his possessions, and were treated as slaves. These laws gave the husband the right to physically punish his wife and children as he was in full control of them. The law of “reasonable chastisement” applied. In 1998 this right to administer “reasonable chastisement” was abolished. Rape within marriage then became a criminal offence.

In an effort to prevent the increase in acts of domestic violence and to build a relationship of trust between the police and the community, the PFVA was implemented by the SAPS (Malepe 1999:12 as cited in Manamela (2006:31)). However the Act has not been successful in protecting abused women, mainly because there are many basic implementation problems. These problems include

the failure to provide for the confiscation of firearms and a confined scope for relationships. The South African parliament passed a new bill in November 1998 in response to persistent calls from organizations concerned with violence against women. To repeal the PFVA, the South African parliament passed a new bill, the DVA which was implemented on the 15th of December 1999. It was not an easy task to implement the Act as police officers were constantly facing the challenge of crime. They become involved in dangerous and difficult situations from time to time. These situations frustrate many police officers. Because they arise repeatedly, and as the police officers respond again and again to the same call, valuable time is taken up which could be spent on other matters requiring investigation. In the end, no legal action is taken against the perpetrators (Defina & Wetherbee, 1997:22). Most police officers do not understand that providing the victims with maximum protection is their responsibility. Police officers have a variety of tasks to perform (rescue services, delivery of subpoenas, court orders etc) where the use of their arrest powers would be both inappropriate and highly unlikely. Only as a last resort, in terms of the legislation, may the arrest powers be invoked when performing these tasks.

The National Crime Prevention Strategy was established in 1996 with the object of reducing crime in the country. Areas of particular concern were gender violence, and crimes against women and children – as identified by the NCPS of 1996. Crimes of this nature are also highlighted by the SAPS. This is their policing priority and objective; to effectively deal with domestic violence (SAPS strategic plan, 2005- 2010). De Rover (1998:146 as cited in Manamela, 2006:32) states that the responsibility of the law enforcement organizations, irrespective of their origin, structure or attachment should be the maintenance of public order, and the rendering of assistance in emergencies of all kinds in an effort to detect and prevent crime.

The DVA has enabled a wide range of people to gain protection from domestic violence and widened the definition of domestic violence to cover physical, sexual and psychological abuse. Since the DVA came into operation in 1998, many applications for protection orders under the Act have been dealt with by the family court. This has resulted in 42, 959 children being protected by the Act with 44% of that number being under the age of five years. The Act also does not disregard those who are perpetrators of domestic violence because they are offered rehabilitation through programmes that are meant to address their violence, and offers free court approved programmes

for victims and their children. This initiative is taken positively. The act has a provision that a protection order be put in place. Making application for such an order is simpler than was the case under previous legislation. The Act is in line with the South African constitution because the right to equality and freedom and security of every person is guaranteed. It is also in line with the work of the Gender Commission which was established in terms of chapter 9 of the 1996 constitution. According to section 187(1) of the constitution the primary function of the Gender Commission is to promote respect for gender equality, and the protection, development and attainment of gender equality. This function is similar to the purpose of the DVA (Mpofu, Zondi, Sintu & Dolweni, and 2007:25).

2.6.1 The role of magistrates in respect of domestic violence

Artz (2003:10) states that magistrates' decisions in domestic violence cases are dependent on how well SAPS officials, social workers, prosecutors and other role players manage and present the incidents. This may include how the evidence against the perpetrator is presented, in respect of documentation, and how deep the investigation of the offence is. Sometimes domestic violence cases are affected by circumstances where the application forms, police statements, and witness statements are inconclusive, or missing, or even illegible. However, the magistrate's role is to discern the documents presented to the court and further interrogate the case until a reasonable and substantive decision can be made.

Parenzee et al (2001:123) state that magistrates attest that when cases of domestic violence are reported, they find it difficult to differentiate between the expected risk and the actual risk of domestic violence, as sometimes the victims of domestic violence appear to have an 'over-developed' sense of perceived risk of further violence. However, the 'real risk' of abuse eventually increases and worsens with time. This indicates that at times the reasons behind the fear by the abused women are based on facts and are not unfounded. Therefore, they need to treat these cases with great care, considering the danger that the victims may be exposed to. Domestic violence victims should also be informed of other options available to them in terms of the DVA. These options include the right to lay a criminal charge, apply for a protection order, or apply for a protection order and lay a criminal charge simultaneously.

2.6.2 Domestic violence and the importance of monitoring

According to Manamela (2006:42) the PFVA was the first of the acts to deal specifically with domestic violence. The Act was developed because, until recently in South Africa, it was widely accepted by both the academic sector and NGOs that the criminal justice system had not dealt effectively with domestic violence. Rather, it dealt with it in a way that marginalized and dismissed the severity of gender based violence.

The PFVA was, however, severely limited and as a result of lobbying from various sectors about the act, South African law launched a project to investigate domestic violence. The DVA marked a distinctive shift in South African law, from denial of the existence of domestic violence to a legal definition that encompasses women's experiences. The DVA was founded on a broad understanding of both domestic violence, and relationships which may be considered to be domestic. A number of abuses are listed in the act. These include physical, sexual, emotional, verbal, psychological, economic abuse, intimidation, harassment, stalking, damage to property, entrance into the complainant's property without her or his consent and other kinds of abuse. The Act is also characterized by a wide definition of domestic relationships and accommodates a wide range of complainants who may apply for this legal remedy. Everybody who experiences domestic abuse is entitled to apply for a protection order or open a criminal case, or both, in accordance with this Act.

2.6.3 The SAPS National Instruction (NI) 7 of 1999 on domestic violence

According to paragraph 1 of the NI the DVA imposes certain obligations on a member who receives a complaint of domestic violence. These obligations include the following:

- ensuring that copies of the relevant organizations are at all times available at the community service centre (CSC).

- obtaining sufficient information in respect of the domestic violence complaint which is reported telephonically or in person and dispatch the SAPS officials promptly.
- inform the police officials attending the domestic violence complaints whether any violence or threatened violence is allegedly or allegedly been involved in the incident in the incident; and
- who the complainant is.

Paragraph 3 of the NI puts an obligation to station commissioner to liaise with local representatives of the Department of Welfare, local Community Police Forum and any other relevant institution, to identify local organizations which are willing and able to provide counselling and other support services.

After the station commander has identified these organizations, he or she must organize them in a meeting and discuss whether their services are rendered free of charge or not and whether they are rendered during public holidays, after hours and during the weekends. He must further ask their contact details. After such meeting he or she must compile the list of these relevant organizations and ensure that they are always available at the CSC to assist the SAPS officials when there is a need of such assistance by these organizations. The station management has to ensure that SAPS officials are always aware of these organizations as they are sometimes important when a domestic violence is reported.

The Eastern Cape Evaluation Service has an obligation to inspect all the stations of the Eastern Cape Province and compile reports and submit them to the Provincial commissioner and the stations inspected. The stations inspected must read these inspection reports and redress the dysfunctions identified and submit a report to the Eastern Cape Evaluation stating that the dysfunctions are redressed and how are they redressed. The researcher is of the opinion that it may be appropriate if these inspections may be conducted at least twice a year.

2.7 Non-legislative initiatives on domestic violence in South Africa

Countries in Southern Africa have developed several initiatives that seek to empower both women and girls, as part of the fight against the source of domestic violence in which they are the majority

of victims. According to the Women's Net (2009:01) the 16 Days of Activism of Not Violence Against Women is an international initiative which originates from the first Women's Global Leadership Institute sponsored by the Centre for Women's Global Leadership in 1991. Participants chose the dates, November 25 as International Day of No Violence against Women and December 10 as International Human Rights Day, in order to symbolically link violence against women and human rights and to emphasize that such violence is a violation of human rights.

This 16 day period also highlights other significant dates including the 29 of November, which is designated as the International Women Human Rights Defenders Day, and 01 of December 01, as World acquired immune deficiency syndrome (AIDS) Day. The Women's Net further states that the 16 days campaign has been used as an organizing strategy by individuals and groups around the world to call for the elimination of all forms of violence against women. These 16 Days of Activism occur worldwide. All the four stations that form the Alice Cluster participate in it together with other government departments which include Social Development, Local municipality and others. The researcher is of the view that focus should only be put on women during the 16 Days of Activism, but for the whole year. Women's Net hosts information about the campaigns on its website, including a calendar of events, and participates in the campaign through the activities it conducts.

2.7.1 Girls Net: Empowering girls

Girls Net is a South African social and multi-media program that gets girls actively involved in the use of technology for their development. The aim of this initiative is to ensure that girls utilize information communication technology ICTs and realize their full potential. This project was established in 2003, and it originates from the Women's Net. It builds on the Women's Net past experiences of training 12-18 year old girls in rural areas in digital audio production during 2002/2003. The training was supported by United Nations children's fund UNICEF, and the girls produced audio spots on themes of their choice, with the view to raise awareness of their gender based experiences. The purpose of the girls' audio training was for each training session to generate 3-4 audio spots, produced by the girls, to be disseminated to community radio stations for

broadcasting. It involved basic computer training but the bulk of the time was spent taking the participating girls through a process where they decided which issues they wanted to produce radio spots on, wrote the scripts, recorded the spots, and finally edited the audio material on the computer. The audio spots were disseminated to the members of the National Community Radio Forum. According to its report, Women's Net (2004) implemented the first phase of the Girls Tech Clubs initiative. The first phase of the project targeted girls in 4 provinces, namely: Eastern Cape, KwaZulu Natal, Limpopo and Gauteng. The Girls Net focuses on growing a girl socials movement through the use of ICTs. The textual and digital information that the girls produce is disseminated digitally and by script through their newsletter called Gist. The Girls Net does four things, namely:

2.7.1.1 Digital audio training

According to the women's net (2004:01) this project started a partnership between the South African Girl Child Alliance (SAGCA) and UNICEF South Africa. They commissioned Women's Net to deliver digital audio training to girls between the ages of 12 and 16. Girls from Limpopo produced audio clips that can be used by radio stations (both community and commercial) showing their specific experiences in relation to any given subject, from sexual harassment by teachers to child care grant and even forced young marriages. The training literally allowed the girls' voices to be heard.

27.1.2 Girls' Net ICT camps

According to Girl's Net (2010:03) there were six day residential ICT camps in four provinces: Gauteng, Eastern Cape, KwaZulu-Natal and Limpopo and they were coordinated with the assistance of local partners in each province. According to the Girls' Net (2010:03) the camps successfully trained the participating girls in understanding the strategic use of ICTs for development. Through the training camps Girls' Net contributed to the generation of online information for South African adolescent girls providing information that was relevant to their intellectual, emotional, and or physical development, including the social issues and challenges they face.

2.7.1.3 *Take a Girl Child to Work*

The above initiative was introduced by the Gauteng Girls Tech Club which conducted interviews with women who support their families by working hard in the informal sector as hawkers. It was sponsored by Cell C.

2.7.1.4 *Visual Literacy Project*

This workshop was conducted in June and July 2005 together with The Market Photo Workshop in Newton. It was run by Girls' Net for girls. The focus of the workshop was to teach them basic photography and visual literacy skills. Girls from the Eastern Cape were empowered to tell their own stories, it encouraged and fostered societal, communication creating an awareness of reality. They took a series of photographs exhibited under the theme "Journey of a girl through her village".

2.7.2 South African Women in Dialogue

Members from Gauteng Girls' Net club participated in the SAWID conference at the University of Pretoria. It is a forum for ongoing dialogue among South African Women to establish a common agenda for their development. It is forum for knowledge sharing on development issues in the country and continent.

2.7.3 Putting feminism on the agenda

Women's Net in partnership with the Centre of Applied Legal Studies at Wits University and University of Victoria – Canada and the International Human rights Project hosted a workshop and a two day conference on the theme "Putting Feminism on the Agenda". It was held from the 22nd to

24th November 2006. The focus of the conference was to explore ways of promoting women's and girls' rights in South Africa. The girls discussed issues such as customary law, reproductive rights and violence against women in the rural areas. The young women's comments brought together a collection of young South African women's opinions. The SAPS is not excluded in the Women's and Girls' initiatives. Police women are involved in the Women's Net. All the stations have formed Women's Net committees and meetings are held timeously and activities focusing on women abuse are conducted. These committees from the stations are affiliated to the Cluster Women's Net which is affiliated to the Provincial Women's Net which in turn is affiliated to the National Women's Net. It assists in addressing equity and feminism within the SAPS as an organization and its issues are presented to the SAPS management.

2.7.4 The Agisanang Domestic Abuse, Prevention and Training (ADAPT)

This initiative was also established for the purpose of providing counselling and support services to abused women, men, young people and the elderly in South Africa. Men are believed to be the primary perpetrators of gender based violence and they need to be central to the solution. It has the following advantages;

- A chance is provided for young men to express themselves freely and to discuss issues affecting their lives.
- Communities can address their problems through combined individual efforts and collective institutional strategies. It also provides counselling, support and rehabilitation services to the imprisoned perpetrators of violence against women, so that their behaviour can be altered when they are released (Khumalo, 2006:01).

2.8 International developments in preventing domestic violence

2.8.1 The Australian Family Law Act, 1975

According to Section 4 of this Act family violence refers to the conduct, whether actual or threatened, by a person towards, and her person or the property of that person or a member of the person's family that causes that or any other member of the person's family reasonable fear for or reasonably to be apprehensive about his or her personal wellbeing or safety. Section 43 C (a) of this Act put an obligation on the courts to protect individuals from any form of family violence. Sections 60 C (g) and 60 C (c) refer to the factors to be considered by the court when determining what is in a child's best interest. These include family violence involving a child or a member of the child's family, and any family violence order that applies to a child or a member of the child's family. These sections further order the court to ensure that any orders made have regard to any family violence order, and do not expose a person to an unacceptable risk of family violence. Section 60 C (f) deals with informing a court of relevant family violence orders. According the Act, the court has responsibility to ensure the safety of a child who is alleged to be abused or involved in the family violence. On the other hand people who are involved in disputes about the future arrangements for their children after relationship breakdown are required to make a genuine effort to resolve the matter by family dispute resolution.

Further according to the Family Law Act the Courts Family Violence strategy obliges the courts to address violence when it is an issue for court clients. Some of the guiding principles of the strategies are as follows:

Recognition of the impact of family violence: family violence may occur prior, during and after separation and may impact on clients' capacity to effectively participate in court events, and that is has a significant impact on the well-being of children.

Recognition of the diversity of court clients: the courts have to commit themselves to ensuring that they continue to be responsive to the range of specific needs of diverse client groups.

Risk assessment approach: a risk assessment approach to the conduct of all court events is required to support a safe environment.

Importance of information provision: relevant, accurate and comprehensive information on the courts' responses to family violence should be widely available and produced in a range of formats to meet the needs of the courts' diverse client base.

Community partnership approach: partnerships between the court and a wide range of organizations, agencies and community groups are essential for the success of the family violence strategy.

Importance of development programs: ongoing support to judicial officers and staff through the provision of development programs and access to current research family on violence issues is an important factor in assuring the success of the Family Violence strategy. The strategy focuses in the following needs: developmental needs, safety and security, independence, self worth and sociability.

The Act prescribes certain developmental needs of children, which are widely recognized, addressing areas such as language, cognition, sexual identity, physical development. These developmental needs include: safety and security, independence, self worth and sociability. In relation to Australia, the legal and practical remedies in the South African experience regarding what has been called a "domestic violence epidemic" have been explored (Bendell, 2010:24).

2.8.2 The Beijing Declaration and Platform of Action

A number of projects were launched in September 1995 at the Fourth World Conference on Women held in Beijing, China. The aim of these projects was to resolve the problems of domestic violence against women. The women of the world urgently urged governments to embark on the goals as expressed in CEDAW. An anti-violence campaign was launched by the United Nation Development Fund for Women (UNIFEM) and it was reiterated that governments uphold their promises to stop violence against women. During the Beijing conference, a Platform of Action, which was petitioned by a million signatures, was presented to the UN Human Rights Commission. The aim was to ask for protection for women and girls from rape, domestic violence and all forms

of sex discrimination. It was also emphasized that governments ensure that the Platform of Action is implemented (Beijing Platform for Action 123:12).

The South African government was one of those that undertook to adopt all parts of the Platform of Action. Government departments have to ensure that all policies and actions are in accord with it, and take steps to ensure the empowerment of women. A Special Rapporteur on Violence against Women was appointed in 1994 and was mandated to investigate crimes that are gender violence related and also to urge countries not to use traditions or customs as an excuse for abdicating their responsibility to prevent violence against women (Vetten, 2007:87). South Africa adopted an interim constitution in 1993, and in 1996 the Constitution of the Republic of South Africa, Act 108 of 1996 was promulgated (The Constitution of the Republic of South Africa, 1996:6). A discussion of the position of African women occurred during the promulgation of the Act.

2.8.3 The Hague Domestic Violence Project

According to Weiner (2000:80) the Hague Domestic Violence Project on the Civil Aspects of International Child Abduction was established in 1980 and was put into operation in the United States in 1988 through the passage of the International Child Abduction Remedies Act (ICARA). It established the international law for handling cases in which children are abducted from one country to another. Abduction is also prevalent in some African states, including South Africa. It is regarded as a criminal act and punishable. It is mostly committed by illiterate black tribes, and is regarded as a custom. States that are party to the convention would have to assist in bringing the abducted child back to the country to which he or she belongs. The convention contains exceptions that permit the best interests of the child to override the mandatory return of the child to another country. According to article 13(b) of the convention, the country where the child resides is not forced to order the return of the child, if there is a reasonable suspicion that such a child would be subjected to physical or psychological abuse, or would be subjected to a situation that he or she could not tolerate.

There is significant social science evidence that violence against mothers also exposes children to psychological and/or physical abuse. Domestic civil and criminal law often take this exposure into consideration, but under the Hague Convention there is a general reluctance to acknowledge this as an acceptable reason for not sending a child back to her country of origin, often forcing mothers to make a choice between returning to the perpetrator of the abuse, or staying in a country where there are few social or criminal justice services to assist them. The training given to judges and attorneys equates violence against women with “a custody issue”, and insists that it should be settled in the child’s country of origin. The Hague Convention insists that the child be sent back to his or her country of origin, where the mother may be regarded as the perpetrator of the abuse. These women who flee, together with their children, for safe custody to the United States are not regarded as perpetrators of abduction, as opposed to cases under the Hague Convention, where the women may be victims of domestic violence. They may be the victims of an international treaty, that was written with good intentions, but which, when implemented, has had results for the safety of the abused women and children.

It was reported that in 2006, the U.S. State Department recorded 346 parents who brought 522 children into the U.S. without the consent of the second parent. It was further reported that the numbers may be higher, as the National Centre for Missing and Exploited Children reported handling 1,850 international child abduction cases in 2006 alone.

2.8.4 The National Judicial Institute in Domestic Violence (NJIDV)

The NJIDV was formed in 1998, and is a dynamic partnership of the U.S. Department of Justice’s Office on Violence against Women, the Family Violence Prevention Fund and the National Council of Juvenile and Family Court Judges. It focuses on providing skills to judges and judicial officers nationwide, through the Enhancing Judicial Skills (EJS) in domestic violence workshops, Continuing Judicial Skills (CJS) in domestic violence programme, Judicial Education Roundtables, Faculty development, and technical assistance for state and regional adaptation and replication of NJIDV programmes. Since the establishment of the NJIDV in 1998, it has assisted many judges

with education programmes and has helped them to develop or enhance their skills in handling a variety of criminal and civil cases, including domestic violence, sexual assault and stalking. It offers dynamics on domestic violence related issues and seeks advice from experienced judges and other professionals on how to handle aspects that are difficult, in a fair and effective manner. (National Judicial Institute on Domestic Violence, 2009:2).

2.8.5 United Nations Resolution in respect of domestic violence

2.8.5.1 *International Day for the Elimination of Violence against Women*

According to the Division for the Advancement of Women (2010:01) the 17th meeting of the Third Committee during the 54th session of the General Assembly was held on 19 October 1999. The representative of the Dominican Republic on behalf of the 74 member states introduced a draft resolution (document A/C.3/54/L.14) calling for the designation of 25 November as the International Day for the Elimination of Violence against Women. The matter was taken up again at the 30th meeting of the Third Committee on 03 November 1999, when the committee had before it revised draft resolution entitled “International Day for the Elimination of Violence Against Women” (document A/C.3/54/.14/Rev.1), by which the assembly would decide to designate 25 November as the International Day. This draft was sponsored by 79 states.

By the text on the International Day, the General Assembly intends to invite worldwide organization of activities on the day to raise public awareness of the problem of violence against women. The draft expressed alarm that endemic violence against women was impeding women’s opportunities to achieve legal, social, political and economic equality in society. It was decided that the Assembly should reiterate thus psychological harm, whether in public or private life. The draft resolution was approved by the Third Committee without a vote, in which the date of 25 November was declared International Day for Elimination of Violence against Women. On 17 December 1999, the General Assembly at the 83rd plenary meeting of the fifty fourth session, on the basis of the Report of the Third Committee (A/54/598 and Corr.1 and 2), adopted Resolution 54/134 on the International Day for the Elimination of Violence against Women. Elsewhere in the world, steps have been taken to ensure a regional or national approach to the problem of violence against

women. Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women was adopted by the General Assembly of the Organization of American States at the 24th regular session, held in Berlin, Brazil, from 6 to 10 June 1994, and general recommendation 19 on violence against women adopted by the Committee on the Elimination of Discrimination against Women at the 11th session.

Back in 1985, the Nairobi Forward-Looking Strategies for the Advancement of Women (United Nations, 1985) recognized that violence against women is an obstacle to the achievement of equality, development and peace. Concern was also expressed that some groups of women, such as women belonging to minority groups, indigenous women, refugee women, migrant and those living in rural or remote communities, destitute women, those in institutions or in detention, the girl child, women with disabilities, elderly women and those in situations of armed conflict, are especially vulnerable to violence. It was also recognized that violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of their full advancement, and that violence against women is one of the crucial social mechanisms by which women are forced into subordinate positions, compared with men.

2.8.6 Women's human rights initiatives in respect of domestic violence

Green (1999:92, as cited in Mesatywa, 2009:29) states that for many years the mainstream international human rights community treated women's human rights as gender neutral. Nevertheless, it is now widely accepted that abuse based on gender constitutes a violation of the rights and fundamental freedom of women which grossly impairs and negates their enjoyment of their other rights and freedoms. What has evolved is the internationally accepted norms and body of laws which require that governments prevent, investigate and prosecute violations of 'bodily integrity', including cases of women abuse.

Human Rights Watch Africa (1995:16) states that when the criminal justice system omits to act against such abuse, or keeps on failing to respond to the abuse of women, it may send a message that such abuse is justified, or at the least would pass unpunished. Such failure to act would

constitute a contravention of Article 26 of the International Covenant on Civil and Political Rights (ICCPR). Therefore, a government that does not provide the necessary protection for women's right to physical integrity is considered discriminatory, on the basis of gender. These rights and principles are also in line with other international projects, such as the Universal Declaration of Human Rights; the International Covenant on Economic, Social, and Cultural Rights; the Convention on the Political Rights of Women; the Convention on the Rights of the Child; the Convention on Consent to Marriage, Minimum Age of Marriage, and Registration of Marriage; the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment; and the Convention on the Elimination of All Forms of Discrimination against Women. In 1946 the General Assembly established the United Nations Commission on the Status of Women. At the same time the United Nations Human Rights Commission was also established. The main objectives of the above initiatives were to monitor and encourage the implementation of international law on women's rights. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was signed in January 1993 by the South African government and embraces a number of conventions on issues concerning women. These have assisted women in South Africa to have more information and be empowered about discriminatory and abusive practices which are directed towards them. In addition, the South African Constitution also emphasizes the rights of women to live free of domestic violence and have the right of access to justice (Linnegar & McGillivray, 1998:113).

2.9 Conclusion

The South African government is doing its best to ensure that the abuse of women and children is eradicated through initiatives such as the DVA, which is the legislation that affords victims of domestic violence maximum protection from abuse. It has introduced measures that seek to ensure that government departments give full consideration to the provisions of this Act. This may be a sign that the government is intending to eradicate domestic violence. Finally, there are current debates in the literature that indicate that the implementation of the DVA is flawed because of problems that result in some women being unable to access the justice system to make use of it. Several factors that affect the proper handling of domestic violence cases in South Africa and internationally have been highlighted.

This Chapter focused on how the DVA can ensure that domestic violence victims and their circumstances are understood, and to what extent it can assist them. It was also the purpose of this literature review to get other researchers' views and relate what they have done about the phenomenon under investigation. It is the responsibility of the SAPS management to ensure that its members implement the DVA effectively. It is also the duty of the SAPS management to make sure that members of the community are involved in preventing crime by means of community-police projects, for example, sector policing, community-police forums and others. Without community members, policing cannot be effective.

CHAPTER 3: RESEARCH METHODOLOGY

3.1 Introduction

The objective of the study was to gain insight into how SAPS members respond to domestic violence cases in the Alice cluster. This chapter explains the research methodology adopted for the study. It describes the current problem, statistics, dockets, extent of the problem, stakeholder's involvement, procedures/methods, training/police/prosecutors/judges/NGOS, and gaps in the current legislation or is it incompetence and the explanation of forms 508(a) and (b).

3.2 The problem of domestic violence contextualised

Entering the field to research domestic violence necessitates an understanding of the context within which such crimes take place. Moulton and Artz (2011) best describe the conditions of violence against women when they state:

It is clear that violence against woman is deeply embedded in South African society. It cuts across geographic, cultural, linguistic and socio-economic boundaries, and deprives women of safety and security at the most fundamental level.

Bollen et al (1999:83) state that statistics on domestic violence are not accurate, as police record only criminal cases such as assault, rape or malicious damage to property. Domestic violence is not a crime as such. There are many actions that constitute domestic violence but are not defined as crimes, such as forced isolation, verbal abuse, stalking and economic abuse. It is not a 'once off' event, but a series of events which continue to happen. It may also occur as one serious violent incident at one end, culminating in multiple abuses at the other. Most victims of domestic violence do not report domestic violence crimes. These crimes include rape. They fear that their dignity will be compromised, and they will be subjected to intimidation and shame. They also have fear of not being believed. Jewkes, Penn-Kekana, Levin & Ratsaka (2001:02) as cited in Diesel (2003:02) state

that most studies conducted reveal high levels of domestic violence in South Africa. Studies also revealed that only about a quarter of the domestic violence incidents are reported, while most of them are not reported. According to Bollen et al (1999) a survey of 269 women who had attended support groups in three major cities, found emotional or physical abuse to be the most prevalent form of domestic violence experienced, with 90 percent of the sample having experienced this abuse. Most women in the Alice cluster are illiterate and are housewives who are totally dependent on their husbands. They stay in these abusive relationships because they do not believe that they can be independent of their abusers.

According to Diesel et al (2003:02) the DVA was introduced with the aim of affording domestic violence victims maximum protection from any further abuse, by imposing obligations on law enforcing agencies to protect them as far as possible. The act sets out a broad range of behaviour that constitute domestic violence; including physical, sexual, verbal and emotional abuse, stalking, intimidation, harassment, malicious damage to property, and unauthorized access to the complainants property, as well as other forms of controlling behaviour which may cause harm to the safety, health or well-being of the complainant. The act includes same sex relationships, such as gays and lesbians; couples who are or were in a dating engagement or customary relationship, including an actual or perceived relationship; any in an intimate relationship; those related through blood; and those who share, or have recently shared, a residence such as an old age home, and tenants who are in the same house.

The authors further state that the DVA allows a complainant to apply to court for a protection order for protection or relief from abuse. An interim protection order may be granted, and after an enquiry by the court, a final protection order may be granted against a respondent. The protection order is intended to provide the victim with maximum protection against further abuse by the abuser. A protection order may prohibit the respondent from committing any act of domestic violence, from entering a specified part of the house, or from entering the house or workplace of the respondent; or from committing any act set out in the order. A warrant of arrest is issued together with the protection order, in case it is contravened by the respondent. If the respondent is found guilty of a contravention of the DVA, he may be convicted and sentenced to jail or fined. In

terms of the act, no prosecutor is permitted to refuse to institute an action, or to withdraw a charge unless authorized by the Director of Public Prosecution.

According to Diesel et al (2003:03) a breach of the DVA results in a criminal offence against the respondent, but it does not create an offence of domestic violence. The researcher is of the opinion that domestic violence cannot be a charge on its own, because there are a number of acts that constitute domestic violence, including some which can be regarded as civil matters that cannot be tried in a court of law, such as economic abuse, stalking and others. Where the offender commits an act that is recognized by criminal law as a criminal offence, a victim can report the case to the police, and it may proceed to a criminal trial. They further state that the Act is an indication of the seriousness with which domestic violence is now viewed in South Africa. It offers one form of protection to women who are the victims of such violence, but it does not offer solutions to the problem. A criminal trial or an alternative process, such as a victim offender conference or an enquiry by the traditional authority may be additional mechanisms that domestic violence victims may turn to for assistance.

Jewkes & Abrahams (2002:38) state that the Medical Research Council (MRC) also found that one out of nine women report that they have been sexually abused and this on its own means that sexual abuse is under-reported by the victims. On the basis of these studies it can be stated that the 52 733 rapes reported by the South African Police Service (SAPS) in their 2003/04 released statistics, if more accurately calculated, could imply that the range of rapes that had actually occurred may be in the region of 104 000 to 470 000 (Statistics South Africa, 2004). According to Mesatywa (2009:27) the national figures for intimate femicide, that is, males killing their intimate female partners, suggest that this is the most deadly form of domestic violence in South Africa. In the female population from the ages of 14 and older in 1999, 8.8 per 100 000 died as victims of violence in partner relationships. This has been one of the highest prevalence rates reported in research worldwide (Mathews & Abrahams, 2001).

In researching about domestic violence, the role of statistics in helping to ensure understanding about the problem became apparent. It is important to record every incident of domestic violence in the relevant registers and documents. Police statistics are very important because they indicate crime patterns and crime trends for the purpose of identifying the hot spots for crime prevention in any particular year, month, week, season or day. Domestic violence incidents cannot be recorded using a single source. For example, information cannot be readily obtained from published criminal statistics since they are not separately differentiated from other crimes that are not domestic violence related. Bourlet (1990:03) states that when such incidents are reported, there is a widely held view that the police do not always record them as crimes, thus they reduce the value of the figures produced. This study reveals the statistics of the cases of the crimes against women and children during 2008 and 2009 financial year. The researcher will first focus on statistics of persons 18 years and older and persons younger than 18 years thereafter. These statistics will be described by means of percentages and tables.

3.3 Research design

The researcher has found that there is a scarcity of information on domestic violence within South Africa, as most studies were conducted in other countries. The researcher decided to employ an exploratory research design, as the area of study is a fairly new one. According to Neumann (2000) an exploratory research design is utilised when there is a lack of basic information on a new area of interest. There is not enough information on victims of domestic violence, and this is why the researcher thought it appropriate to use an exploratory research design. A similar study by Ganapathy (2006:02), done in Singapore, also used exploratory research, hence the researcher opted to use this method.

This research study focuses on investigating whether SAPS officials in the Alice cluster handle domestic violence cases according to the prescribed procedures and to the maximum satisfaction of its clients. An exploration was also checked on how the Eastern Cape Provincial Commissioner's office conducts station visits. The exploration asked if an inspection of the implementation of DVA is done, that is, if the availability of DVA, NI, 508(a) s and 508(b) s, contact lists, station orders

and the handling of domestic violence cases is done and indicated in the prescribed registers, and if CSC officials are guided on how to respond to domestic violence cases during station visits by the Eastern Cape Provincial Commissioner's officers and the Station Management. During the investigation completed SAPS 508(a) forms were further inspected so as to get the profile of domestic violence victims. Details elicited, included victims' gender, age, employment status, education and literacy. Questions about whether station management in the Alice cluster does spend time at CSC with the purpose of assisting domestic violence victims and educating CSC officials in handling domestic violence cases properly were also asked. After officials have been trained in domestic violence an evaluation by station management has to be done in order to check if the DVA is properly implemented and the NI is adhered to. An investigation was conducted into whether or not such an evaluation is done.

This study also adopted a descriptive research method which is self-explanatory. The aim of descriptive research is to verify formulated hypotheses that refer to the present situation in order to elucidate it. The emphasis is on describing, rather than on judging or interpreting (Statsoft, 2004). According to Loubser (1996:125); Churchill (1998:529) and Tustin (2005: 86) researchers who use this method for their research usually aim at: demarcating the population by means of perceiving research parameters accurately; and recording in the form of a written report, that which has been perceived.

The aim of the latter is that, when the total record has been compiled, revision of the documents can occur so that the perceptions derived can be thoroughly investigated. The total population in most instances cannot be interviewed completely, due to resources, cost and time. For this reason, researchers make use of demarcation of the population and then select a representative test sample (Tustin, 2005:86). Test sampling, therefore, forms an integral part of descriptive research. In descriptive research, the following steps should be included (Tustin, 2005:01):

Problem selection and problem formulation. The research problem being tested should be explicitly formulated in the form of a question;

Intensive literature search regarding the formulated problem should be undertaken, enabling the researcher to divide the problem into smaller units, namely:

Problem reduction;

Hypothesis formulation;

Test sampling. The researcher should determine the size of the test sample;

Information retrieval. The application of appropriate information retrieval techniques to comply with the criteria set for authenticity and competency is relevant;

Report writing. The report entails the reproduction of factual information, the interpretation of data, conclusions derived from the research, and recommendations.

3.4 Target population

The target population for this research study was the Eastern Cape Evaluation Service, SAPS officials who are supervisors, those who are field workers in the Alice cluster, and the victims of domestic violence. The term ‘target population’ refers to a specific pool of cases that the researcher wants to study (Neumann, 1977:203). Lesley (1990:160) indicated that a ‘population’ includes every person, object or place from which the researcher plans to draw the sample. According to the Alice cluster Resource Allocation Guide (RAG) (2008) there are approximately one hundred and fifty SAPS officials who handle domestic violence cases in the Alice cluster.

The Alice cluster was chosen because domestic violence is prevalent in the cluster. According to the SAPS Performance Chart (2008), approximately three hundred domestic violence related cases are reported in the Alice cluster each month. The SAPS was also chosen because it is the first point of contact with the victims of domestic violence before they are referred to other stakeholders such as courts and clinics (hence the first impressions form long lasting perceptions about service delivery). Victims of domestic violence were chosen as they would provide reliable information to the research study, unlike the perpetrators who would provide false information as they may wish to defend themselves.

3.5 Research methodology

A qualitative research technique was chosen for the research study because of the nature of the research. This research technique is advantageous in that it is designed in such a way that the researcher is subjected to the social world (Thyer, 2001). The researcher is also subjective in the research process as he or she is not an observer. Qualitative methods are used when a study requires an in-depth understanding of a social issue. It is also a method that obligates the researcher to commit him or herself to study human experience and to have access to the respondents' meaning, systems, frame of reference, personal beliefs, cognitive schemes, values, cultural realities and personal motivations (Robson, 2002). This research study needed an in-depth understanding of the handling of domestic violence victims by SAPS members, and this was accomplished by collecting information from victims. In addition, a qualitative approach has the advantage of being flexible, as it allows the researchers to respond to new theories and concepts raised by the respondents (Lesley, 1999). During the data collection process the researcher was able to alter some questions because of the difficulty encountered with them.

3.6 Data collection methods

Semi-structured interviews, questionnaires and the analysis of case dockets were used as a means of collecting information. According to May (1991:189) semi-structured interviews are utilized around areas of particular concern. In the case of this research study, it is the handling of domestic violence by SAPS officials. It is a method that allows flexibility in scope and depth. It was chosen because of its flexibility during the actual interviews. The researcher was able to ask follow up questions when a point was not clear. De Vos (2002:291) states that it allows the researcher to get a detailed picture of a particular participant's beliefs in respect of the particular topic that is researched. Semi-structured interviews require the researcher to have a set of predetermined questions on an interview schedule. De Vos (2002:292) states that the interview schedule in semi-structured interviews is there to guide, rather than to dictate, the interview process. The researcher designed the interview schedule and questionnaires in such a way that each was divided into three sections (Refer to attached annexure A).

Questionnaires were distributed to the Station Commissioners, CSC Commanders, Detective Commanders and Evaluation Service Section Commanders. They were collected on the same day as the researcher held interviews at that particular cluster station. SAPS officials, Detective Officials and the victims of domestic violence were interviewed and a tape recorder was used to record the interviews. Respondents were first notified of the purpose of the recordings before the interviews were conducted and recorded. Consent was first obtained, as this is a research norm. Confidentiality of the information was also guaranteed. Interviews took ten to fifteen minutes per respondent, depending on the openness of the respondent. Interviews were conducted in Xhosa and in English. Only one interview was conducted in English as there was a respondent who could not understand Xhosa. The interviews in Xhosa were transcribed and later translated into English for data analysis by the researcher. Interviews were conducted separately to make sure that participants expressed themselves freely without feeling threatened. Five respondents were interviewed each day from each Cluster Station. Forty dockets in which domestic violence was found were also perused throughout the Alice cluster. Ten cases of domestic violence were consulted from each police station in the cluster. The purpose of consulting these cases was to ensure the validity of the responses by police detectives who were also respondents.

The design of the questionnaire is described below.

Section A was about the adequacy of resources and information at the disposal of police officials in the CSC in order to allow an efficient service to the community.

Section B was concerned with the quality, frequency and the provider of domestic violence training to SAPS members.

Section C, broadly described, and focused on the quality of service from police officials.

Section D focused on the quality of investigation of domestic violence cases as viewed by police detectives.

Section E focused on the quality and the results of inspections conducted by the SAPS Eastern Cape Evaluation Service Section Commanders in the Alice cluster, in respect of handling of domestic violence cases. Four recent inspection reports were consulted, made up of one inspection report per station. The inspection reports always refer to previous inspections are meant to address issues of quality. As a quality assurance mechanism, they are usually complied with by managers as negative reports tarnish their image and that of their stations and members.

3.7 Sampling procedure and rationale

According to Mouton (1996:23), whenever a researcher is planning to undertake a research study, he or she must make sure that the target population is represented. Sampling therefore enables the researcher to study a relatively small number of units which represent the population. He further states that the aim of a sample is to get enough and an accurate representation of the possible target population.

To get participants for this research study, the researcher wrote a letter to the Eastern Cape Provincial Commissioner asking for permission to conduct this research study, which was granted. The researcher then went to cluster stations to conduct the research. On arrival at a cluster station, he approached the Station Commissioner and shows him or her letter of approval from the Eastern Cape Provincial Office. The Station Commissioner then introduced him to the CSC Commander and relief Commanders. Thereafter one-on-one interviews were conducted with SAPS and detective officials in a private office. The researcher first explained the purpose of the research, and also explained why the interviews were being captured on a tape recorder. He also assured the participants that their names would not be published. He further assured them that the research was not for the SAPS, but rather for studies, and that no information would be revealed to the SAPS. Station Commissioners supported the researcher to his satisfaction. The questionnaires were hand-delivered to the Eastern Cape Provincial Evaluation Service, Station Commissioners and Detective Commanders, and were later collected.

Certain people who were associated with the sampling were excluded because the researcher wanted perspectives from those at the coalface of implementation of the domestic violence. These people included senior officers from the National office of the SAPS, Social Workers, the ICD, NGOs and members of the Department of Justice. The sampling included the following participants: two officers from the Evaluation Service in the Eastern Cape Provincial commissioner's office, four station commissioners, four detective commanders, four detective officials, four CSC commanders, thirty- two CSC officials and twenty domestic violence victims. Below, the profile of the respondents and the reasoning behind their selection is discussed. This is important in qualitative research in order understand the rationale for the sampling chosen.

3.7.1 Station commissioners

All four Station Commissioners were given questionnaires to fill in. Since population was small, there was no need to use sampling. The respondents perform the managerial and leadership function for the whole station. They have to ensure that all sections of the station run smoothly. They have to supervise all the sections and units of the station, such as the Crime Prevention Unit (CPU), the Community Service Centre (CSC), administration and the detective branch of the station. The researcher focused only on the CSC and CPU functions as they form part of the research study. According to the SAPS Station Commissioners' Performance Agreement (2008), the respondent's key performance areas include: implementation of sector policing within the station area; establishment of CPF within the station precinct; formation of pro-active partnerships with businesses, NGO's and other government departments; the implementation of the DVA; the assistance of victims in a victim friendly facility; recruitment of reservists; crime prevention operations; and detention of suspects according to SAPS official directives.

Below the rationale for selecting the specific respondents is given by referring to the job of the descriptions respondents as summarized from the Performance Agreement (ibid), with the researcher's analysis of the importance of the respondents' role for policing domestic violence. These invariably link the respondents to the prevention and detection of domestic violence in the case of SAPS officials.

The station commissioners are inter alia, charged with several duties that are directly linked to the policing of domestic violence. They have to ensure that the DVA is implemented properly and the Act, N1 and other regulations in respect of domestic violence are available at the CSC and in the CSC and CPU vehicles. They have to ensure that the lists of organizations that can provide assistance when domestic violence occurs are available at the CSC, and that all protection orders are served. They have a responsibility to ensure that the CSC and CPU members are trained in handling domestic violence, and inspect all the CSC registers. By ensuring that the DVA is correctly implemented, domestic violence victims are correctly served and criminals are brought before the court and sentenced.

The respondents have to ensure that all the victims are assisted in a victim friendly facility for 24 hours, when there is a need. This facility should be made up of the SAPS, community members and other department officials who come together with the intent of assisting the victims of crime. The primary function of these victim friendly facilities is to offer counselling and prevent domestic violence and crime before they occur, by means of awareness campaigns and other initiatives. According to paragraph 1 of the NI, respondents have to liaise with the representatives from other departments and NGOs to identify the services that can be rendered when a domestic violence incident is reported. After these services have been identified he or she must make sure that the contact lists of these organizations are at the disposal of the CSC officials at CSC. He or she must determine the service rendered by each department or NGO, whether they are rendered after hours, during weekends or on public holidays; whether they are rendered free of charge or at a fee and the contact particulars of each department or NGO, (the telephone number and where it is accessed.) The contact list must be updated every six months. He or she must ensure that a copy of the DVA, NI, and other regulations promulgated in terms of the Act, the station orders issued by them, and the list of relevant organizations, are always available at the CSC and in the police vehicles that are used when responding to complaints. When issuing station orders, consideration must be given to the circumstances of the station area.

3.7.2 CSC commanders

All the respondents were given questionnaires to fill in. The population was small, hence there was no need to use sampling. According to the SAPS Job Description for CSC Commanders (2008), the purpose of their posts is to manage and control the effective and efficient provision of community policing and administrative service to the community. They have specific roles that include six key performance areas, namely: manage CSC activities; manage and align the CSC with the stations strategic objectives and priorities; manage human and physical resources; promote and maintain good public relations, interrelationships and management of the SAPS; manage and monitor effective and efficient policing and administrative service to the community. As a result, CSC commanders are the first line of supervision for the implementation of domestic violence legislation and the National Instruction.

3.7.3 SAPS officials

Six respondents were interviewed in each cluster station, totalling thirty-two from the cluster. According to the SAPS Job Description for the CSC Officials (2008), the purpose of the posts of the respondents is to render an effective and efficient policing and administrative service to the community. The respondents are the ones who work directly with community members. They are the ones who attend to community complaints. Their roles include the following key performance areas: providing policing and administrative service to the community at the CSC; detaining and safeguarding suspects and or prisoners; responding to complaints whenever a vehicle is dispatched via 10111 and/or CSC and; operating police vehicles and communication equipment.

3.7.4 Victims of domestic violence

Five respondents from each cluster station were selected, which means a total of twenty respondents from the cluster were interviewed. Participants were selected from those who opened domestic violence cases in a two-month period, that is, April and May 2008. The purposive sampling method was used to select police officials and domestic violence victims. This method was chosen because it has a purpose. The researcher chose only participants that he believed to have the required information and that he believed to be willing to give it (Kumar, 2005:26). He further states that the purposive sampling method is very useful when one wants to develop something about which only little is known.

The sample included females who were victims of domestic violence. They were chosen because they are the most common domestic violence victims in the Alice cluster, South Africa, as well as in the rest of the world. According to Segal and Labe (1990:198) the general levels of violence in a society directly affect the prevalence of wife abuse and the extent to which it is sanctioned. They further state that the South African society is notoriously violent, and woman battering should be considered within the current ideological, social and political context. In a nutshell, women are the main victims of abuse all over the world. The ages of the women selected ranged from twenty to fifty years. Most of them were unemployed and were totally dependent on their abusers for survival. This is why it was not easy for them to leave their marriages. They confirmed that they

always thought about their children becoming orphans. Their levels of education ranged from grade four. Those who had employment are servants, and or are employed in firms around the cluster and in the nearby rural townships. They earned from five hundred to one thousand five hundred rand monthly, which is not enough for their survival. Most of them are mothers to about four to six children. They live in rural areas, as the Alice cluster is made up of rural areas and small towns. It takes time to report abuse as they have to contact the CPF chairperson to access the services of the police and other experts. Police vehicles sometimes take some time to arrive at the scene as the roads are bad. They have to pay a lot for taxi and bus fares to travel to court and police stations because these are far from their homes.

3.7.5 Detective commanders

According to the SAPS job description for Detective Commanders (2008) the respondents have to manage, control and ensure that the investigation of domestic violence and other crimes or alleged crimes is executed by the detective officials. Their key performance areas are as follows; manage Detective Service Unit activities; manage and align the Detective Service Unit with the police station's strategic direction; manage the administration and information flow for the Detective Service Unit; manage and control the human and physical resources at the Detective Service Unit.

3.8 Limitations of the study

A number of limitations were encountered during the research. These are now presented below. It was not easy for the researcher to get information regarding domestic violence, as it is a new field of study, hence an exploratory research study was utilised. It was also not easy for the researcher to access domestic violence victims as some of them had already reconciled with their partners and they thought the interview would generate further violence. The researcher experienced a problem in accessing SAPS officials as they thought that the research was being conducted on behalf of the SAPS and would be used against them. Even when he reiterated that the research was for study purposes, the police respondents still thought he was doing it for the SAPS. Some police

respondents claimed they understood domestic violence as they had been trained in it but when questions were put to them, it was evident that they did not understand the DVA. Questionnaires were also used as a data collection method. The researcher experienced a problem in getting the questionnaires back from Evaluation Service, Detective officials, and some cluster station commissioners, as they thought the researcher should be in a position to understand the level of their knowledge and understanding of domestic violence. The researcher had to reiterate the fact that all information would be confidential.

The researcher wrote an application letter to the Eastern Cape Commissioner asking for permission to conduct this research study in order to get participants. It was not easy to get a response to this request and the researcher had to make numerous phone calls to the Provincial Commissioner's secretary. Another challenge that the researcher faced was how to contact community members who were victims of domestic violence. The researcher approached members of the criminal investigation unit who were on standby, as they were the ones who signed for every docket opened. Domestic violence dockets were then identified. The investigating officer would first phone the victims and inform them that a researcher would visit them at their homes. The researcher would then visit homes of the victims and interview them. Five interviews were conducted from each cluster station each day.

It was also not easy to access the homes of some victims as they were situated in remote rural areas and with bad roads. The researcher had to leave his vehicle far away and travel long distances on foot. Due to the complexity of the issue of domestic violence, the researcher faced a number of challenges in trying to find the possible participants. Most SAPS members who deal with domestic violence are usually occupied with solving complaints at CSC and outside, and it was not easy to get the victims of domestic violence. The researcher had to travel for data collection around the Alice cluster, which is made up of several rural townships. Various areas of these townships had to be traveled on foot to interview the participants. It was difficult to cover the cost for traveling to the homes of the participants.

The shyness of Xhosa speaking respondents due their culture, made it difficult for the researcher to probe deeper into the abuse. Shyness may be regarded as a symbol of respect to people who are strangers. Mesatywa (2009) states that Xhosa culture limits how deeply one can probe because of the need to show respect 'intlonipho'. Showing curiosity into other people's affairs is not easily accepted in Xhosa culture. However, probes were used for a better understanding of the domestic abuse. The research commenced without the presence of a lay-counselor and a registered Social Worker. The researcher felt that the research was carried out under risky circumstances as the participants were insecure. The research study was conducted in the participants' home settings, which were disadvantageous as some of the participants felt the pressure to be finished with the interview before their partners arrived. Children at times would seek the attention of the participant in the middle of the interview. The researcher had also to wait until late in the day, and early evenings to conduct interviews as some of the women were at work. This created a risk for the researcher, as he is not familiar with some parts of the Alice cluster.

A sample of twenty victims of domestic violence and fifty police officials was not fully representative and a pilot study was not conducted, as the topic is sensitive, but the process was refined as the interviews continued. It has also been noted that the DVA, which is publicly displayed in most Alice cluster stations is written in English. This may create problems for the victims who do not understand English and it needs to be translated into a language that is understandable and also be displayed in tribal offices of residence committees.

3.9 Ethical considerations

According to Blaxter et al (2001:154) ethics consideration should come into play from the commencement of the research. It means that every step taken during the research process should follow research ethics. To gain access to the respondents, the researcher wrote a letter to the Eastern Cape Provincial Commissioner asking for permission to conduct a research study in the Alice cluster. The research proposal was attached to the letter to enlighten the Provincial Commissioner on the purpose of the research. After the Provincial Commissioner approved the application the researcher approached the Alice cluster Commander and showed her the letter of approval. Whenever the researcher went to collect data from the cluster stations, he would

approach the Station Commissioner and show him or her letter of approval from the Eastern Cape Provincial Commissioner before he was introduced to the participants.

Consent was gained from the participants before they participated in the research study. The researcher first explained the purpose of the research to the participant and asked if the participant was willing to participate. After the participant indicated that he or she would participate, further explanation was given about the consent form. Thereafter the researcher got the participant to sign the consent form. This means that emphasis was put on accurate and complete information so that the subject would fully comprehend the investigation (De Vos, 2002). It was left to them to decide to participate in the research study. Participants were assured that information gathered from them would be confidential and that their identities would be protected. Participants were accessed through the SAPS. Their identities were still protected by the SAPS, as the organisation has its own code of ethics, which obliged its members to maintain the confidentiality of the participants. In trying to maintain confidentiality of the participants, a researcher is expected to ensure that information gathered cannot be traced back to its source by anyone else except the researcher (Kumar: 2005:54).

As this research topic is a sensitive one, avoiding the exposure of participants to harm or risk was a major consideration. The researcher repeatedly assured them that the information gathered would be used for academic purposes only and would under no circumstances be used against them. The research is done under the supervision of the School of criminal justice at the University of South Africa; therefore, all applicable guidelines of the institution were followed. A research proposal was written and submitted to the University for approval. Only after receiving the approval of the research proposal did the researcher commence with the research.

3.10 Conclusion

This chapter has been organised in such a way that it demonstrates every step that was taken to make this research possible. The researcher has indicated the type of the research design that was used, that is, the exploratory research design. The sampling procedure, which includes the station commissioners, CSC commanders, CSC officials and victims of domestic violence, has also been

indicated in this research study. Limitations that were encountered in the research process have been mentioned. The researcher is confident that difficulties faced in this research study are common in many qualitative studies and the methods used can easily be replicated elsewhere. Data collection methods, which were employed, include semi-structured interviews and questionnaires, as indicated. The research was also conducted according to research ethics. Therefore everything that is contrary to such ethics was avoided. The researcher ensured that focus was put on a sound and valid research methodology. For example, he endeavoured to ensure that valid, reliable and ethical considerations were adhered to. The sample consists of SAPS officials who are supervisors and those who are serving the victims of domestic violence. Their responses were later confirmed by the responses from the victims of domestic violence. That, on its own, shows that the data that was collected was valid and reliable. The sample of SAPS officials consisted of members who had served from one to twenty years. They were not familiar with the researcher. They were from different police stations in the Alice cluster. The victims were also from different places of residence, some of them were visited in their homes and others were interviewed in the police stations after they had reported their cases. This means that the answers were not negotiated before they were given to the researcher. The respondents were also assured that their responses would be confidential and that their names would not be revealed. The research was conducted under the University of South Africa, and also was done according to the ethics of the University. The respondents were informed about the purpose of the cassette tapes that were used in collecting the data.

CHAPTER 4: DATA ANALYSIS AND INTERPRETATION

4.1 Introduction

This chapter focuses on the analysis and interpretation of data that were collected through interviews and questionnaires. An exposition of the results on a question-by-question basis will be done. The results of each individual question will start with a repetition of the question as formulated in the interview schedule and questionnaire. The reason for asking each question will be provided. Every question that was asked in the interview schedule and questionnaire was asked to test if SAPS officials handle domestic violence cases according to the prescribed procedures and to the maximum satisfaction of the domestic violence victims.

In drafting the questionnaires the researcher consulted and modified the questions from the Consolidated Baseline Studies Report (2006) which was conducted by Artz et al. According to Chiliya (2007:129) interpretation and conclusions are the culmination of the research process. Some few results are presented in pie charts and graphs. The presentation of results starts with the interpreting and analyzing of the responses to section A (resources at the disposal of police officials in the community service centre), followed by the responses to section B in which questions in respect of training of SAPS members were asked. Section C deals with the quality of service rendered by SAPS officials to the domestic violence victims. Section D focuses on the responses by the Detective Commanders and officials and data obtained from the domestic violence cases. Section E deals with responses from the Eastern Cape Evaluation Service Section Commanders and data obtained from the inspection reports.

This chapter also describes the results of the data that have been collected in order to furnish answers to the research objectives that underpin this study. The primary purpose of this research study was to investigate if SAPS officials in the Alice cluster handle domestic violence cases according to the prescribed procedures, and to the maximum satisfaction of the domestic violence victims.

4.2 Questionnaire results per question

4.2.1 Section A: Resources at the disposal of police officials in the CSC

This section tested the exposure of SAPS officials to the list of relevant organizations and the content thereof, how long since it has been updated, availability of the domestic violence Act (DVA), National Instruction (NI) 7 of 1999, Station orders (DVA), vulnerable children station orders, existence of domestic violence forms and register (SAPS 508(a), 508(b), form 1 and form 2) and if there is access to a vehicle in case of a need to attend a domestic violence incident at the CSC. According to the NI it is intended to give clear direction to members of SAPS on how to respond to domestic violence complaints in order to comply with the obligations imposed upon them in terms of the DVA. Form 1 refers to a notice handed to a complainant of domestic violence. According to the NI paragraph 10(1) a member attending a domestic violence complaint must ensure that complainant is informed of his or her rights as well as the remedies at his or her disposal in terms of the DVA, the SAPS official must, where reasonably possible to do so, hand to the complainant a copy of the notice as provided for in the DVA in the official language of his or her choice. These remedies include the right to apply for a protection order, open a case or do both. The adequacy of these resources at the CSC will bring about good service delivery to domestic violence victims. Each theme is discussed separately. The response to this section will now be discussed.

Question 1

This question first examines if the four cluster stations are in possession of a list of relevant organizations, and the content of the lists. Most victims of domestic violence do not have funds to access services offered by the organizations; therefore it is easier for them to access these services for free. The SAPS does not render services, such as treatment of victims, transportation of victims, shelters and counselling. According to paragraph 3(3) of the SAPS NI, the station commissioner must compile a list of relevant organizations, and include information referred to in sub-paragraph 2, that is, whether the specific service is rendered after hours, during weekends and on public holidays, whether the services are rendered free of charge or not, and the contact details of each organization. The reason for compiling the list of relevant organizations is to make it easy for the

SAPS officials to refer the victims of domestic violence expeditiously. The station management has an obligation to make sure that the list of these organizations is available at the CSC and that the CSC officials are aware of the content thereof. These lists have to be typed and kept on a file or in the notice board. Officers from the Provincial office and station management must always inspect these lists during their visits. They must also spend time in educating CSC officials, until they are satisfied that they know what is expected of them in rendering service to DVA victims.

This question also relates to the contact list of hospitals, clinics, ambulances, district surgeons or medical practitioners, shelters and NGOs that are available at the CSC and their details. Exposing police officials to the list of the above resources will mean that SAPS officials can easily access resources because it does not take time to look for a contact number as it is available at CSC. Crime scenes differ, therefore, the kind of scene will determine where the victim will be referred. These resources are important when domestic violence cases are reported. According to Angless & Maconachie (1990:160) shelters for battered women usually provide a variety of activities and resources, including individual counselling, group work and educational programmes such as assertiveness training and parenting skills. Schechter (1982:145) also stated that the establishment of shelters should not be seen as an end in itself, but as a strategy towards the larger goal of ending violence against women. They are similar to hospitals, district surgeons or medical practitioners. Counselling and educational programmes take place in these entities. Doctors and nurses are important in offering these services, therefore, it is necessary to have a contact list of these resources so that domestic violence victims can be easily and speedily referred to them.

The research study showed that three cluster stations, that is, Alice, Fort Beaufort and Keiskammahoek, were in possession of the list. Middledrift police station did not have this list. It was further discovered, when the researcher asked for the list, that one cluster station, the Keiskammahoek police station, brought one from the station commissioner's office but members at the CSC knew nothing about the list. The relief commander was not sure what the researcher needed. The researcher had to explain it to him so that he would understand it. This means that CSC officials were not informed of the list, and it is obvious that they did not receive any education about the service they have to render to the domestic violence victims. This list was available at Fort Beaufort but the CSC officials did not know what it contained. The researcher

asked questions of the relief commander about the telephone number of the victim support centre situated at the Provincial hospital in Fort Beaufort. He did not know it, even though it is an important centre as it renders counselling to rape and domestic violence victims. The researcher spent about fifteen minutes explaining the importance of the list and what was supposed to be on it.

It took about thirty minutes for the relief Commander to find the list. Alice police station was the only organized station when the list was requested. The list was in a file, and most police officials at the CSC understood it and its importance. There were three students and constables from the college, together with other police officials. They were the only police officials who did not exactly understand what was expected of them in terms of the list. The Chief Commander was advised to educate them about the importance of the list. This means that some Alice cluster stations do not comply with the NI, because paragraph 4(1) of the NI stipulates that every CSC Commander must ensure that every document referred to in paragraph 3(5) is at all times available at the CSC. Some stations did not expose CSC officials to the resources. It also gave the researcher an impression that there is a lack of inspection by the Eastern Cape Provincial Commissioner's office, and a lack of knowledge of what is expected of station commissioners in the cluster.

The study also showed that three of the Alice cluster stations were in possession of contact lists of hospitals, ambulances, district surgeons or medical practitioners and NGOs, and these results were good. These stations are Keiskammahoek, Fort Beaufort and Alice. One of the cluster stations was not in possession thereof, and three of the cluster stations were not in possession of content lists in respect of clinics and shelters. The researcher noticed that there was a problem of scarcity of shelters in the Alice cluster. A question was further asked as to where the police officials referred domestic violence victims. It was found that shelters are situated in big towns such as; King Williams Town, which is 70km from Alice, East London which, is 140km from Alice and Grahamstown which is 120 km from Alice. The researcher recommends that the NGO's establish some of these institutions in the Alice cluster. These results were unacceptable, because it indicates that most Alice cluster stations do not comply with the DVA and the NI.

Question 2

This question deals with the length of time since the contents of lists were last updated. Paragraph 3(4) of the SAPS NI stipulates that the station commissioner must update the list of relevant organizations at least once every six months. The updating of the lists can assist if there are amendments within the stipulated period of time. These amendments may include the building of new clinics, hospitals, surgeries and the establishment of new NGOs. Whenever there is a new development in the above resources, it must be included on the list.

It was found in this research study that one cluster station updated the content list within 1-6 months. This was the Alice police station. Fort Beaufort is the station that did not indicate the date when it was last updated. Middeldrift did not have it, while the Keiskammahoek police station updated the list ten months before, which is contrary to the NI. The findings in this question were unacceptably bad because they show that most stations in the Alice cluster do not comply with the NI.

Question 3

This question deals with the exposure of CSC officials to the NI and the DVA. According to the NI paragraph 3(5), the station commissioner must ensure that a copy of the DVA, the regulations promulgated in terms thereof, the NI, the station orders issued, and the list of relevant organizations must always be available at the CSC. The list of relevant organizations must also be made available in each police vehicle at the station that is used to attend to complaints. The keeping of NI and the DVA can assist in guiding SAPS officials to follow correct procedures in handling domestic violence cases. The DVA and the NI must not just be kept at the CSC but police officials must be encouraged to read them. Station management is obliged to conduct this education. They must also spend time at the CSC even if only for three to four hours a day.

The research study showed that three of the cluster stations were in possession of the NI, which is good for reference. However, the two cluster station relief commanders in Middledrift and Fort Beaufort were not able to immediately provide those instructions. They were not sure of what the researcher needed until other members of the station assisted them. In the researcher's observation, CSC officials were not taught about those instructions. The fourth station, that is, Keiskammahoek was not in possession thereof. It seems as if the station management did not understand what is expected in terms of the DVA and NI. The same results were received regarding the DVA where three of the cluster stations were in possession of it and one cluster station was not. It was the same station, Keiskammahoek. The study findings are almost similar to the research conducted by Artz et al (2006:31) who found that most of the EU stations were in possession of DVA and NI but members had not been made aware thereof.

Question 4

This question deals with the existence of Station orders (DVA). According to the NI, the station Commissioner must issue station orders, taking into account the conditions prevailing at his or her station precinct and the available resources. This means that every police station must draft its own station orders according to conditions prevailing in that station precinct. Each police station will have its own way of solving problems; for example; Keiskammahoek, Alice and Fort Beaufort have hospitals where they refer domestic violence victims but they will differ from Middledrift that has only clinics in the station area. The station management must be creative when drafting these orders, and try to include every source of information that can assist the victims of domestic violence. The villages in the Alice cluster are scattered and it is not easy for them to access most recourses. The station Commissioner or management should identify certain individuals who can be contacted when a case of domestic violence has occurred, and who will report it immediately at the CSC. These people can be made known at the meetings.

It was revealed that two of the cluster stations were in possession of the DVA station orders and two were not, which in the researcher's opinion was unacceptable. Station orders are important because members are guided by these orders in attending to domestic violence cases and they realize the consequences when they fail to act. The station management drafts station orders and

they must be interpreted to the police officials so that they can comply with them. If there are no station orders for domestic violence it is not easy to charge police officials who do not comply with the DVA, and if they are not interpreted to them it will mean that they are useless. Station management has an obligation to make sure that members understand what is expected of them when a case of domestic violence is reported. The Eastern Cape Provincial Commissioners' Office does not ask about these station orders when they conduct regular visits to the stations.

Question 5

This question deals with the existence of station orders concerning vulnerable children. These will differ from station to station. At some station areas there are institutions for children, while in others vulnerable children are referred to hospitals. These station orders must always be available at the CSC in case there is a need for such a referral.

Only one station, Fort Beaufort, was in possession of station orders on vulnerable children at the CSC while three of the cluster stations were not in possession thereof. These results were considered very poor. It was not easy to get an answer when the researcher asked where the vulnerable children were referred to when needed. This is an indication that most police stations in the Alice cluster are not properly trained with regard to crimes against women and children.

Question 6

This question deals with the existence of domestic violence forms, that is, 508(a)'s. These domestic violence forms are important in record keeping. Whenever a domestic violence incident is reported at the CSC, it should be recorded in the occurrence book, and an SAPS 508 (a) form must be completed and filed. This file must be kept for future reference. According to Manamela (2006:37) police records are useful because they show all reported crimes. They record crimes across the whole area and not just in some part of it, and they are a good source of information over time. In most cases of domestic violence the victims are physically abused. The perpetrators of domestic violence sometimes dispossess them of their protection orders. It is important that these records be kept at the CSC so that it is easy to act immediately when arresting the perpetrators.

The research study revealed that all four cluster stations were in possession of the domestic violence forms (which were the best result for reference,) but two of the four stations were not in possession of SAPS 508(a) forms that were completed and filed. The two stations were Middledrift and Keiskammahoek. According to the NI paragraph 12(2), members must fully document every action taken when a domestic violence incident is reported. It must be recorded in the “Report of Domestic Violence Incident” form (SAPS 508(a)), whether or not a criminal case has been opened and whether or not a criminal offence has been committed. A file with reference 39/4/2/3 must be opened for every month, with a main file for that particular year. According to Edward (2003) as cited by Bourlet (1990:03), when incidents of domestic violence are reported, there is a feeling that such incidents are under recorded. This means that domestic violence incidents are not properly recorded at these stations. The same results were yielded from the research conducted by Artz et al (2006:32) where some of the 29 stations recorded Domestic Violence incidents differently, while some had no records at all.

Question 7

This question deals with the existence of domestic violence registers (SAPS 508(b) s). This register is very important as it serves the same functions as stated in question seven above. It needs to be filled in correctly for accurate record keeping. This register can easily be completed as it has instructions that guide police officials on how to fill it in. Most SAPS officials do not read these instructions, and as a result do not correctly completed it. The station management must read and interpret these instructions for the police officials

This research study revealed that all four cluster stations had domestic violence registers (SAPS 508(b)), but all cluster stations did not follow the instructions on the front page of the registers so that incorrect information was recorded in them. For example, the last column of the register is completed when a J165 is issued. All the cluster stations were filled in that column even if there were no J 165s issued to the offenders. It was also not indicated what the outcome of the incident was, and whether cases were opened or the victims were referred to other institutions. These results differ slightly from the results of the research conducted by Artz et al (2006:32) who established

that most stations did not have the domestic violence registers (508(b)'s) and that those that had them did not fill them in properly. Further exploration was done to investigate if the office of Eastern Cape Provincial Commissioner inspects these registers when it conducts regular visits to the cluster stations. The researcher also found that all the stations filled these registers differently; some having had practice for a number of years and others having started to fill them in only a few months before. This was a matter of concern because it has been seven to eight years since the DVA came into operation. The researcher found that there were few visits where an inspection of these registers was done. There were no inspections at all in Middeldrift and Keiskammahoek. Only one inspection was conducted in Fort Beaufort and three in Alice, which are not enough.

Question 8

This question deals with the availability of copies of form 1. These forms serve to inform complainants about their rights and the assistance that they are entitled to in terms of DVA. According to the DVA paragraphs 2(a), (b) and (c), whenever a member of SAPS attends a scene of domestic violence, he or she must, as soon as is reasonably possible, render such assistance as conditions permit, including assisting or making arrangements for the complainant to find a suitable shelter and to obtain medical treatment; and, if it is reasonably possible to do so, hand a notice(form1) containing information as prescribed to the complainant in a language that the complainant will understand and explain the contents in prescribed manner, including remedies at his or her disposal in terms of the DVA, and the right to lodge a criminal case if needed. SAPS members must be patient when explaining or interpreting the information contained in these forms. Three options must be explained to the victims, namely: that they may open a criminal charge against the respondent, or apply for a protection order, or, thirdly, that he or she can apply for a protection order and open a criminal charge simultaneously. If the victim chooses to take the third option, he or she must be attended to and a police official must spend time in assisting him or her. Most members of SAPS officials do not want to assist when the victim chooses the third option as it takes time to complete their work. This means that CSC officials of that station do not comply with the DVA and the NI because a member who attends a scene of domestic violence must interpret and hand over a copy of form 1 to the victims. The Act does not say victims must be referred to court without being assisted by members of the SAPS.

The research study showed that three cluster stations were in possession of copies of form 1. These were Alice, Fort Beaufort and Keiskammahoek. One of the cluster stations, Middeldrift, was not in possession thereof. When the CSC Commander of that cluster station was asked by the researcher about these forms, the response was “i-application ye protection order yenziwa kwamantyi, ngoko ke akukho sinyanzeliso sokuba singanazo ezoforms”, which means “protection orders are applied for at magistrate courts only, therefore there is no need for them to be in possession of these forms”. That response was wrong because most domestic violence incidents and cases are reported after court hours and during weekends, therefore, it means there is no service delivery at all. There was no indication, even in those that were in possession of the form, whether the files opened when domestic incidents are reported are inspected by the station management and the Eastern Cape Provincial office. The results were adequate because most cluster stations were in possession of Form 1.

Question 9

This question deals with the availability of copies of Form 2 at the CSC. These forms are used in the application for a protection order. According to paragraph 4(1) to (7) of the DVA any complainant may in a prescribed manner apply to the court for a protection order. Whenever a legal representative does not accompany a complainant of domestic violence, the clerk of the court must inform the said complainant, in the prescribed manner, about the availability of relief in terms of the Act.

The Act further stipulates that the following persons may apply for a protection order on behalf of a complainant: a counsellor, a health service provider, a member of the SAPS, a social worker or teacher, or someone who has a material interest in the well being of the complainant. Whenever an application is made on behalf of a complainant, a written consent of the complainant must be brought, together with the application, with the exception of the following circumstances: if the complainant is a minor; or is mentally ill, or is unconscious; or the court is satisfied that the complainant is not able to give the required consent.

An application for a protection order may be brought before the court on any day and at any time of the week, including weekends and after court hours (after 4pm), if the court believes that the complainant may be in a problem if the application is not dealt with immediately. The application must be accompanied by supporting statements of the witnesses who can throw some light on the matter concerned. The application and supporting statements must be sent to the clerk of the court who will submit them to the court. These forms must be kept at the CSC, and in the police vehicles. A member of SAPS, or the clerk of the court, must assist the victim to complete the form if he or she is not able to do so, and it must be brought before the magistrate so that an interim protection order can be issued if necessary. After an interim protection order has been issued a copy must be filed at CSC and the second copy must be served on the respondent.

This study highlighted that three cluster stations, that is, Alice, Fort Beaufort and Keiskammahoek were in possession of copies of form 2 and only Middeldrift was not in possession thereof. When these forms were asked for from the Relief Commander of this station, the researcher was informed that the protection order is applied for at the Magistrate's Court. It was also found that the station management was not aware of the DVA and the NI. The researcher concluded that the station management is not able to educate the subordinates about the DVA and NI because they are not aware of it themselves. Those stations that were in possession of these forms were not in possession of all the interim protection orders in the files. Therefore it means that the victims would not be served properly. Most victims are dispossessed of these forms by the respondents and it becomes a problem when they have to open cases at the CSC. Therefore it means proper filing is needed. The researcher also asked for these forms from the van drivers at the CSC as they are also supposed to be kept in the police vans. The researcher found that they were not aware that the forms should always be in the CSC and CPU vehicles.

Question 10

This question deals with easy access to vehicles in case of a need to attend a domestic violence incident. It is essential for every police station to have sufficient vehicles, in case a domestic violence incident is reported, so that it can be attended to immediately. According to paragraph 4(3) of the NI if a domestic violence incident is reported telephonically, through radio control unit

or in person by someone else other than complainant, the member who receives the complaint must immediately dispatch a police vehicle to the scene of the domestic violence. The NI further states that the police officials dispatched to the scene must be informed of whether any violence or threat of violence is allegedly involved in the incident and who the complainant is. If the complaint of a domestic violence is reported in person at the CSC, the victim must ensure that the steps set out in paragraph 5(2) (a) are taken. It is very clear that the availability of a vehicle to attend domestic violence cases is important. It is also advisable that the shortest routes be identified and used when a domestic violence case is reported, to minimise further abuse of the domestic violence victims. That can be achieved if a sufficient number of vehicles can be allocated at the CSC and Crime Prevention Unit (CPU).

This research study has established that all Alice cluster stations have easy access to transport in case a domestic violence case has to be attended, which is the best result. The results were good because all cluster stations have section vans, and CPU vehicles, which patrol the station area and are the first ones to arrive at the scene of domestic violence, also supplement these. It means domestic violence cases can be quickly attended to. However, it seems that this does not happen as SAPS officials tend to give priority to their own problems instead of work related issues. This problem is prevalent at CSC during the changing of shifts. If a complainant reports a case 30 minutes before or an hour before the shift ends, he or she will be instructed to wait until the handing over is done and the first priority will be to convey the shift members to their homes. A list of complaints may be taken, but even when the police van has been dispatched to attend to these complaints, they are not prioritized. The complaints lodged by prominent members of the community will be the first to be solved even if they are minor.

4.2.2 Section B: Training

This section was developed with the object of investigating if members of SAPS who are supervisors of those who serve domestic violence victims and complainants do, in fact, receive training in domestic violence (field workers). According to Helmbold (2006:12) as cited in Manamela (2006) training refers to an educational experience, which brings about a permanent change in an individual's level of knowledge. This means that it must add value to the one who receives the training, and it also means that the one who offers the training must make sure that it is

of good quality. Good quality refers to true and accurate training. Manamela (2006:31) stated that training in domestic violence is important for all police officials, not only to give skills, but also in order to challenge outmoded attitudes and ensure that the policy is correctly implemented. He further stated that training must be able to change skills, knowledge and attitudes of police officials in such a way that they are in a position to deal with domestic violence incidents humanely. According to Smith and Nel (2000:50) training sessions on the DVA were presented to 771 SAPS trainers and they were tasked to train other SAPS members. All station commissioners confirmed that members at their stations had been trained in domestic violence. Supervisors include station commissioners and CSC commanders. Field workers include relief commanders and CSC officials.

The researcher will start by analyzing responses from questionnaires from the station commissioners of the Alice cluster and CSC commanders. They were delivered in person and were later collected by the researcher. Responses from interviews conducted with the SAPS officials and domestic violence complainants will be analyzed thereafter. These interviews were recorded, using a tape recorder. The responses were later transcribed and translated from Xhosa to English by the researcher. This section is important because it correlates both sections of this research study, that is, sections A and C, because those resources mentioned in section A cannot be made available at the CSC without the SAPS members being trained to understand them. Also, the quality of service delivery in section C cannot easily be improved without the members of SAPS having been trained in domestic violence.

The researcher is of the opinion that training in domestic violence needs to be offered to the police as a module in the training college and during in-service training. After training has been offered to SAPS officials, it is necessary for the supervisors to do follow-ups or evaluations to check if correct procedures are being followed. This can be done by conducting regular inspections of the domestic violence registers. Station management sometimes have to be subjective in the solving of domestic violence cases at the CSC in order for the members to draw lessons from them. The Provincial Commissioner Office must also conduct regular inspections at the CSC. The quarterly inspection which is conducted by the Provincial Evaluation Service is also important because the station management can easily identify the dysfunctions of the CSC in dealing with domestic violence cases, and rectify them immediately.

4.2.2.1 Section B: Training– Station commissioner’s responses

Question 1

Have you ever received training in domestic violence? It is necessary for a supervisor to receive training in domestic violence so as to properly supervise his or her subordinates. If a supervisor has not been trained in handling domestic violence cases, the police officials under his or her supervision will not get proper guidance, and they will fail to render proper service to the domestic violence victims. An understanding of what they have been trained for will differ from supervisor to supervisor but they must make sure that domestic violence cases are correctly attended to by following the correct procedures. They must educate SAPS officials and community members through awareness campaigns and outreach programmes.

All respondents indicated that they had received training in domestic violence, which is a good result. These results are similar to the research conducted by Artz et al (2006:26) where all the station commissioners of the 29 European Union funded stations indicated that they had received training in domestic violence. The 29 European Union (EU) funded police stations are those stations which were identified to have high rate of domestic violence in South Africa and were funded by the EU. They were assisted with victim support centres and other resources for victim empowerment. Alice police station is one of these 29 EU funded stations. Further comments will be made in the overall summary of this analysis to evaluate if the results correspond with sections A and C. That means SAPS as an institution is making a serious effort to ensure that victims of domestic violence receive good quality service from the police officials.

Question 2

If ‘yes’, how long was the training? Domestic violence training requires a period of more than a week to be effective, as there is a lot to cover. For example, members need to be informed of the procedures to be followed when a case of domestic violence is reported. The DVA, NI and other laws and regulations in respect of domestic violence, how a domestic violence docket is compiled, the content of the docket and what is expected of members when a domestic violence case is

reported all need to be explained to them. The researcher is of the opinion that training of less than a week is not sufficient.

From the survey it was found that three respondents, from Middeldrift, Fort Beaufort and Keiskammahoek, indicated that they had received only a half day or one day training, which is not adequate for a supervisor. One of the respondents, from the Alice police station indicated that she had had more than five days training. The results yielded by this question were negative because the respondents are supposed to be empowered in the handling of the domestic violence cases as they are the ones who control all activities of the station. The researcher recommends that domestic violence be conducted for five days or more because the training covers a lot of work. It covers the SAPS National Instruction in domestic violence, DVA, and forms needed when a domestic violence complaint is reported. The researcher is the training is conducted in less than five days, most of the information can be omitted as the time is not sufficient. Contradictory results were received in the research by Artz et al (2006:26) because 76% of the 29 EU funded stations indicated that they had received training in domestic violence, mostly for longer than one day, and 24% had not received training. This means that training is offered mostly in the bigger stations irrespective of the prevalence of domestic violence cases. The reason for the researcher to make the above conclusion is that all the EU stations are big stations and smaller stations in the rural areas were excluded from these benefits.

Question 3

Who provided the training? The type and source of training that one gets in order to serve the domestic violence victims is important. It is important for the SAPS management to make the right choice of source and type of training. It is also advantageous to conduct training within a reasonable time. According to Manamela (2006:33) various types of training can be offered to police officials. These include in-service training, formal training and orientation. It is important for the SAPS to make the right choice of training that will provide the most effective results.

The questionnaire from the respondents revealed that three respondents, Fort Beaufort, Keiskammahoek and Alice, were trained by the SAPS training service. One of the respondents, from Middeldrift, indicated that he was trained by a colleague, but this was not good quality training for a supervisor because he did not receive first hand information. Therefore, it can be assumed that the respondent is not sure about what he is supervising. That kind of training is

admissible as a training method but it is not reliable. These results differ from the research conducted by Artz et al (2006) where all the respondents indicated that they were trained by the SAPS.

4.2.2.2 Section B: Training- Responses of CSC commanders

Questions 1-3 deal with training received by the four respondents in the Alice cluster, including length and source of training. The respondents supervise CSC officials who handle domestic violence cases. They also advise CSC officials on how to handle difficult complaints. One of the key performance areas of their job description relates to making sure that police officials serve domestic violence victims according to the DVA and NI. They are supposed to be trusted by the CSC officials, as they would not be free to ask questions of the Station Commissioners. It is essential for them to receive proper training in order for the CSC officials to handle domestic violence cases in a professional manner.

Question 1

Have you ever received training on domestic violence? These respondents regularly supervise in the CSC. They are supposed to get proper training in domestic violence so as to ensure that proper service is rendered to the domestic violence victims.

From the survey it was found that three respondents indicated that they had received training in domestic violence. These stations are Keiskammahoek, Middeldrift and Fort Beaufort. This research study indicated good results in respect of the training of the respondents. Only one respondent indicated that he had not receive training, at the Alice police station, and he indicated that he was from the CPU and was new in his current post and that he hoped to get domestic violence training soon. CPU members regularly deal with domestic violence cases because they conduct their operations in the places where crime is usually committed. They handle most complaints, as it would be time consuming to wait for someone from the CSC, since the CPU officials are nearer the scene. Therefore, the researcher is of the opinion that the respondent was supposed to get domestic violence training even if he was a CPU officer. The vehicles that are used at the CPU are also supposed to have the DVA, NI and dockets so that they can act as quickly as

possible. All CPU officials are supposed to read the DVA and NI so that they can follow the right procedures when a domestic violence case is reported. Sector policing is also a technique that is used all over the organization of the SAPS. It means that the station area is divided into smaller, manageable sectors with a sector commander. The CPU officials are the ones who facilitate sector policing. They handle the problems in the sectors. Domestic violence is also included in their daily duties and it must be handled professionally, to the satisfaction of the victims.

Question 2

How long was the training? The length of training is important in domestic violence. SAPS officials must be given enough time for training. The reason for this is that they have to be taught in such a way that they understand how to handle domestic violence cases. It is recommended that more than one day of training be offered to them, as they form part of the management of the station.

This research study clearly shows that it is common for members of the SAPS to receive part of a day, half a day or a full day of training in domestic violence. The research study revealed that two respondents, that is, Fort Beaufort and Middledrift, received training for part of a day, half a day or a full day. The researcher is of the opinion that this kind of training is not enough if good results are expected in service delivery to the community or victims of domestic violence. It means that the respondent is supervising the CSC officials when they do not have enough knowledge to do so. It was further revealed that one respondent from Keiskammahoek received more than one day's training and the one from Alice did not receive any training at all. The comment by the one who did not receive training can be accepted as a promise that he would receive training soon.

Question 3

Who provided training? The kind of training that is offered by service providers is important, as it differs from service provider to service provider. Training that is supplied by a colleague cannot be as effective as that which is provided by the SAPS and the NGOs. Therefore, the choice of a service provider for training must be carefully considered to ensure that good quality training will

be rendered. The researcher would recognise the training offered by the college if the respondents first underwent training from other institutions such as the SAPS and NGOs and further received mentorship from the police college.

Three respondents indicated that they had received training from the SAPS training service. These respondents were from Middledrift, Keiskammahoek and Fort Beaufort. One respondent, from Alice, indicated that he did not receive training. The results of this research study indicated that the respondents received the same training as the ones in question 3 above, the only difference being that one respondent indicated that he was not trained at all whereas one of the respondents above indicated that he was trained by his colleague. The researcher concluded that most respondents had received training from a good source of training, that is, the SAPS training service. The respondents are responsible for rendering service to domestic violence victims; therefore they need thorough training as well as good supervision from trained supervisors to render good service to community members. If the officials are not properly trained, bad service will be rendered to the victims. In a research conducted by Altbeker (2006) in Galashewe, it was found that the SAPS officials could not prioritise complaints. When shifts were changing a list of complaints would not be compiled and no section van would be dispatched to attend to them. Complaints that are domestic violence related were not given priority. If the victim was being physically abused but was not considered an assault with intent to do grievous bodily harm (GBH), suspects could not be arrested even if further assault would occur. In a nutshell, those members were not trained in handling domestic violence cases. If they were trained they would know that domestic violence is serious.

4.2.2.3 Section B: Training-Responses of CSC officials

This section deals with training received by thirty-two (32) CSC officials in the Alice cluster, including the length and source of training.

Question 1

Have you ever received training in domestic violence? The respondents are fieldworkers. They are the ones who deal with domestic violence and this means that they have to be trained if good quality of work is expected from them. According to Vetten (2005:151) the SAPS must train its members so that they would treat victims of abuse in such a way that even those victims, who have not approached the police, will develop the necessary trust in the system and will not be afraid to seek help. It depends on the SAPS members to create trust within the community members through their professionalism that results from the skills and attributes that they receive from the training.

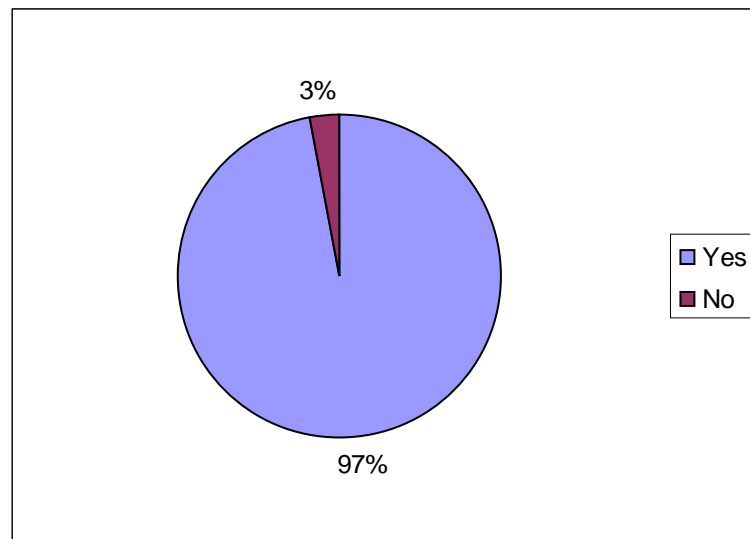


Figure 4.1 illustrates if respondents received training in domestic violence

According to the community service centre officials personal interviews (2008) 97% of the respondents indicated that they had received training in domestic violence and only 3% indicated that they were not trained. These results differ from those of the research survey by Artz et al (2006:31) because only forty-five percent 45% of the respondents were trained in domestic violence. This means that there is an improvement in the training of respondents. It also means that the SAPS is taking domestic violence as a serious issue, in that more respondents have received training in domestic violence. When this question was asked of the respondents, the researcher

found it necessary to explain further, as they could not understand the term” training”. They thought that it referred only to a course where a member receives a certificate when he or she is competent. The question was further explained and was later understood. The researcher is sure about the answers from them.

Question 2

If yes, how long was the training? Length of training is important as has been indicated in question 2 for station commissioners and CSC commanders.

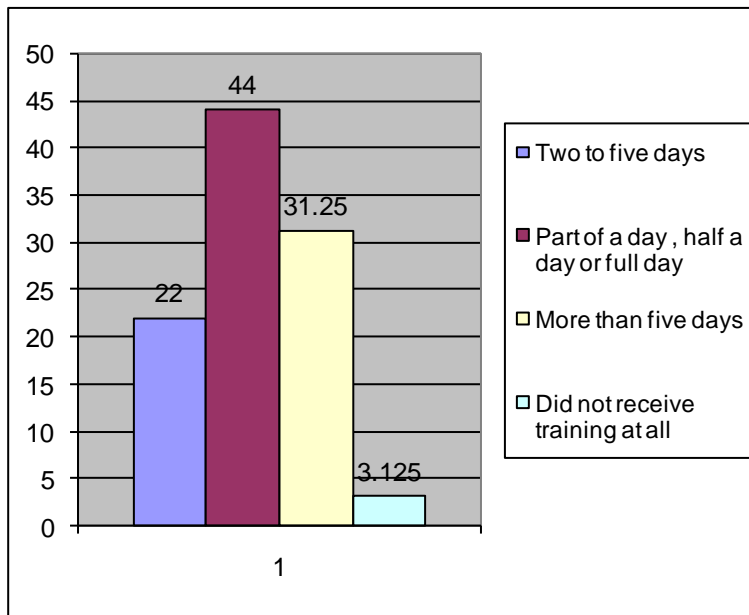


Figure 4.2 illustrates the results of the length of training

The research study indicated that 44% of the respondents received training for part of a day, half a day or a full day. Most of the respondents indicated that they were trained for hours that did not exceed half a day. They quoted the name of Superintendent Mani as their trainer from the Eastern Cape Provincial office. To the researchers’ understanding that kind of training in domestic violence

is insufficient as the period of training is too short. It cannot have an impact in changing the attitudes of the respondents, and give good results in service delivery.

There is a lot to cover in training officials in domestic violence. 31.25% of the respondents received training for more than five days, which is better training, but is still not enough as the number is less than half of the respondents. 22% received training for two to five days. This is a better training as most of the respondents were trained for a week. 3.125% did not receive training at all. The respondents have to get sufficient training so as to get sufficient knowledge in respect of domestic violence. Their attitude to the domestic violence victims must be changed to become positive. From the above results it was found that most SAPS officials in the Alice cluster did not receive enough training in domestic violence. Most of them were not formally trained or they were trained for very short periods.

Question 3

Who provided the training? The service provider needs to be of good quality, especially for those who routinely deal with the victims of domestic violence. The image of the SAPS is totally dependent on the ways in which the clients are treated. If they are treated unprofessionally, it will reflect negatively on the image of the SAPS and vice versa. A good service provider will yield good quality service.

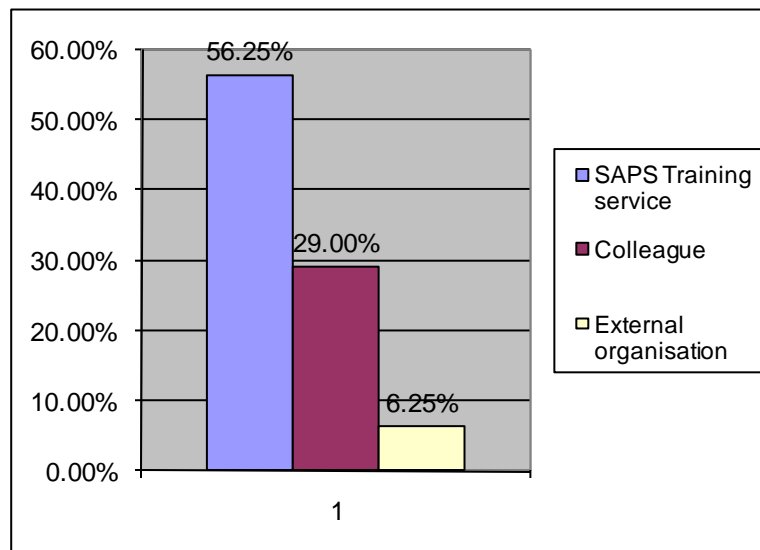


Figure 4.3 illustrates the results of sources that provided training to the respondents

According to the community service centre officials personal interviews (2008) the results yielded by this research study show that 56.25% of the respondents received training from the SAPS training, but most of them received training for a half a day or two to five days, which give moderate results. 29% received training from their colleagues. 6.25% of the respondents received training from an external organization such as the Department of Safety and Liaison of the Eastern Cape, which offered five-day training. This was better training because it lasted for longer than a day. The researcher is of the opinion that the percentage of the respondents trained by the college is high. Service delivery to the victims can be hampered because they routinely deal with the domestic violence victims. That means that procedures will not always be followed when they attend to domestic violence cases.

4.2.3 Section C: Quality of service from SAPS officials

This section investigated whether victims and complainants of domestic violence are handled according to the prescribed procedures when they report domestic violence cases in the Alice cluster. According to Manamela (2006:34) it is necessary for SAPS officials to understand what is expected of them when attending to such incidents. Their understanding depends on the level of training they have received. Geldenheys (2004:20) states that the constitutional court ruled domestic violence as a human rights violation. Therefore the state must take steps to protect these victims. SAPS officials are the ones who have to protect them. According to section 36 of constitution of the republic of South Africa, 1996 read with section 40 of the law of criminal procedure Act of 1977 the SAPS officials have the right to limit the rights provided in section 35 Act 108 of 1996 police officials have powers to limit everybody's rights to freedom. All these laws are meant to protect the victims of crime and domestic violence. These conditions cannot have any exceptions, because if they are not exercised, then victims are not being treated fairly and their constitutional rights are being infringed upon.

Twenty respondents were interviewed. Five from each cluster station, that is, Alice, Fort Beaufort, Middeldrift and Keiskammahoek. There is a correlation between section B and section C, that is, there is a mutual relationship between the two variables, training of members and the quality of service. According to Welman & Kruger (2001:74) a mutual relationship means that one variable plays a role in the occurrence of another. They further state that a positive correlation reflects a direct relationship in which an increase in one variable corresponds to an increase in the other variable. This means that, if there is enough training for police officials, better results are expected in the quality of service from police officials. According to the SAPS journal (November 2003) police officials have to treat victims with respect and dignity; take statements quickly and correctly; and have a friend, or family member, with the victim while a police official takes his or her statement, as long as that person is not a potential witness in the case. A victim can be given another chance to make a change to a statement if he or she feels that an inaccurate or incomplete statement was submitted. A copy of the statement can be supplied to the victim. The statement must be taken in the language that he or she understands. A case number must be supplied to complainants immediately after a case has been opened so that they can use it whenever they want information about the case. Victims must be put under witness protection if it is needed. They must be informed of what will happen thereafter. The responses from the victims of domestic violence will now be interpreted and analyzed.

Question 1

The statement was taken quickly and correctly. It is very important that statements be taken quickly to avoid having complainants panic or lose interest. The statement must also be accurate, because suspects can be acquitted in court because of inaccurate statements. That is why it is important that the statement be read back to a complainant after it has been taken. Some domestic violence victims can easily forget what they said. Therefore taking the statements quickly will minimise loss of information and also ensure that members of the community do not lose confidence in the SAPS.

Fifteen of the respondents indicated that their statements were taken quickly and correctly, which is a fair response, and five respondents indicated that the police did not take their statements quickly. Two of the respondents who indicated that their statements were not quickly and correctly taken are from Middledrift and three from Alice. The delay in taking the statements in Alice can be understood as it is always busy at the Alice police station, being the biggest of the stations, but there is no excuse for inaccuracy in the statement. The Middledrift police station is a quiet station where, sometimes, not even one case is opened daily. Therefore the researcher is of the opinion that CSC members have enough time to attend to domestic violence cases quickly and accurately.

One of the two respondents from Middledrift police station who indicated that their statements were not taken quickly and correct stated that further stated that the police came late to the scene because they do not patrol thoroughly. She stated that she was assaulted at about 22:00 but the police arrived the next morning at about 06:00, which is very serious in terms of response time. Middledrift is a small town that takes very little time to patrol. It is unacceptable for SAPS members to take about eight hours to arrive at the scene. In a research conducted by Manamela (2006:63) at Rietgat, 52% of respondents agreed that police response was quick, and 24% disagreed. According to the white paper on public service (1998:04) the Batho Pele principles emphasize that victims must receive immediate attention (people first). It seems most government institutions do not practise this principle. The posters bearing the principle are displayed on the walls but it seems it is just taken for granted, or is just something for beautifying the walls.

Question 2

Allow the statement to be read, or have the statement read back, to check for accuracy of its contents. Whenever statements are taken from complainants, they must be given the statement to verify for accuracy if they can read, or it must be read back to them so that they can verify the contents. The statement must be interpreted in a language they understand. Most victims of domestic violence in the Alice cluster are Xhosa speaking, although there are also foreigners such as Somalians, Chinese and Zimbabweans. Sometimes it is not easy for the police to communicate with them in their language which is time-consuming because SAPS officials have to look around for an interpreter for their language.

The research study revealed that eleven respondents indicated that they had read their statements or that they were read back to them, which is better, because most statements were read. Nine respondents indicated that their statements were not read back to them. One of the respondents further told the researcher that she was served by an inexperienced police official, and she lost confidence in the official. She alleged that she did not know exactly what she was doing, as she would take instructions from others from time to time. This is why the SAPS management is obliged to make sure that members are trained in handling domestic violence cases. The relief commanders at CSC have a duty to make sure that members follow right procedures when handling domestic violence cases as they are the only supervisors available at CSC.

Question 3

Was the complainant informed that he or she could make a more detailed statement at a later stage? Sometimes a complainant leaves out important information because of the nature of the environment. For this reason complainants must be informed that they can make a more detailed statement at a later stage. CSC officials have a duty to make sure that this is done. The investigating officers have an obligation to make a follow up visit so as to take any information omitted during the time when the statement was first taken in order to ensure that the perpetrator is convicted in court.

Sixteen respondents indicated that they had not been informed that they could make more detailed statements at a later stage, and four were informed. This is a poor result in terms of service delivery. It seems police officials at the CSC do not know that they must inform complainants and victims that they can make a more detailed statement at a later stage. The only four respondents who were informed were from Fort Beaufort and Keiskammahoek. Training has an impact on the bad treatment received by the domestic violence victims. If the officers had been trained they would have understood that victims must be informed thereof. If the station management would spend time at CSC assisting and educating members they would draw lessons from them and by so doing improve service delivery.

Question 4

Was the complainant given a case number? A case number serves as a reference whenever information is needed about the case. Sometimes the victim may need to have feedback on his or her case. It may not be easy for him or her to be referred to the investigating officer or to check the case from the Crime Administration System (CAS). After a case has been opened and captured in the CAS, a form SAPS 429 has to be handed to the victim. This form contains the CAS number and the investigating officer's name and contact numbers.

Twelve respondents alleged that they had not been provided with case numbers after their statements were taken, and eight alleged that they had been given it. It is also a bad reflection on SAPS officials because it will not be easy for the respondents to trace their cases since they have no reference numbers. Three of the respondents who were not provided with case numbers were from Middledrift and five from Alice. One respondent's case was opened at Middledrift in the presence of the researcher. The researcher observed it when it was opened. After the case was opened the victim was referred to the Criminal Investigating Department (CID) without the case being entered in the CAS. She was not provided with the name of the investigating officer that she would have to contact, nor the CAS number. The researcher intervened and tried to get the member to follow the right procedure.

Question 5

Did the police officials inform the complainants about the next step in their cases? Complainants need to be updated with every step in their cases so that they will not lose confidence in the SAPS officials. They also need to be given feedback from time to time. It seems this is the most difficult task for every police station. Whenever there is a community police meeting, members of the community complain about lack of feedback from the police. It seems the Batho Pele principles are not adhered to, because these principles stipulate that victims have to be supplied with information in respect of what is to be done, and what has been done. SAPS officials have to be as transparent as possible to the victims of domestic violence.

Only five respondents indicated that they had been informed about the next step in their cases. Two respondents were from Kieskammahoek, one from Alice and two from Fort Beaufort. The results were poor, because fifteen of the respondents were not informed about the next step. Some of the respondents alleged that they were given J88 forms, but when they brought them back they were just filed in the dockets and they were not told what would happen thereafter. The researcher concluded that SAPS members are not giving feedback or are not transparent in their dealings with their clients. They do not adhere to the constitution and Batho Pele principles because the respondents were supposed to be informed of every step that would follow. Furthermore, the perpetrators were supposed to be arrested immediately to avoid further harm to victims. According to the DVA paragraph 3, a peace officer may, without a warrant, arrest any respondent at the scene of an incident of domestic violence whom he or she reasonably suspects of having committed an offence containing an element of violence against a complainant. Therefore the scene of domestic violence was supposed to be visited immediately and the suspect arrested and detained. It was not proper for the investigating officers to visit complainants three days after the case was opened.

Question 6

Did the police inform the complainants that they could have someone to accompany them while their statements were being taken? Sometimes it is necessary for victims to be assisted when a statement is taken. The reason for this is that they may need to be reminded of what happened during the commission of the offence, or they may be more confident when they see their friends or family members around them.

Only two respondents indicated that they had been informed that they could be accompanied by someone else when their statements were taken, and eighteen were not informed. These two respondents were from the Alice police station. These results were the worst. These two respondents from Alice police station are old ladies that could not remember all the events during the time of commission of the domestic violence, claimed that they were not informed of this right to be accompanied. One of the SAPS officials was alleged to have said to the respondent's daughter who accompanied her "Akufuneki nganto kuba akukhange ubethwe wena", which means "you are not allowed to interfere because you were not assaulted", an indication that the police official who

served the respondent was not aware of this right. Sometimes SAPS officials are reluctant to let complainants exercise the right as they think there is no need for the second person when the statement is taken, even though this would assist them in the quality of their statements as important facts can be forgotten. The researcher concludes that SAPS officials are not aware of the procedures that need to be followed when a statement is taken from complainants. Their statements cannot be of good standard as many things are not done correctly. Perpetrators of domestic violence are usually acquitted in a court of law because there are so many mistakes committed by those who take statements from complainants.

Question 7

Did the police inform complainants that they could have copies of their statements? The reason for the victim to be given a copy thereof is for him or her to read the statement thoroughly when in a good state of mind, so that they can correct any mistakes in the statement. Even after a long time it will be easy for them to remember what they said when they opened the case. The survey indicated that seventeen of the respondents were not informed that they had the right to copies of their statements and only three respondents were informed. Two of them were from Middledrift and one from Kieskammahoek police stations. This means that most domestic violence victims are not handled according to the prescribed procedures when they report cases at CSC. These results were among the worst.

Question 8

Did the police inform complainants that the investigating officers may need further statements from them? Statements can be re-taken if there is something that is not clear from the ones taken by CSC officials at the time of reporting the case. The relief commanders and the CSC commanders have an obligation to read the statements taken by their subordinates. They have to make sure that the statements are of good quality to avoid the statements having to be re-taken. Some complainants become angry when they have to explain the same things time and again. After the relief or CSC commander has inspected a docket, a checklist should be signed and the case should be captured in the crime administration system (CAS). This can minimise the statements being re-

taken by the investigating officer, unless there are new facts that need to be clarified. Seventeen respondents had not been informed that the investigating officers could possibly need further statements from them, and three indicated that they had been informed. Two respondents were from Kieskammahoek and one from Alice. This clearly shows that procedures are not followed in opening cases in the Alice cluster. The right to information by the victims is infringed upon. These results were among the worst. Most respondents indicated that they had not been given direction after a case had been opened. They were just told to wait for the suspects to be arrested, but they were not told when this would happen. A domestic violence assault is a serious case because most respondents stay with their intimate partners. They can be further assaulted, or murdered. This could result in civil claims against the Minister of Police.

Question 9

Were the complainants provided with the contact details of the investigating officers of their cases? It is very important that victims be given contact details of the investigating officer of their cases so that they can easily contact him or her when there is a need or he or she requires information on the progress of the case. Sometimes complainants visit the station with the intent of making enquiries or to provide further information in respect of their cases. When they enquire from CSC members about their cases, they are not given the right directions. Questions will be asked that show that SAPS officials are not interested, and they may be sent all over the station. It is necessary that complainants be provided with the contact details of their investigating officer.

The research study revealed that four respondents had been provided with the contact details of the investigating officers and sixteen indicated that they were not provided with the contact details of the investigating officers. One of the respondents informed the researcher that “Andiyazi neyokuqala icase ukuba yaphelaphi, kuba andimazi nomcuphi wayo”, which means, “I do not even know about the disposal of the first case and I do not know the investigating officer”. Most of the respondents said they had to wait at their homes or houses for suspects to be arrested, because there were no police vans at the time the cases were opened, which means that the scenes were not visited. This is an indication that members of the community have lost confidence in SAPS officials. Even those who can assist in providing information to them cannot easily do that because they know that their information

will not be utilised effectively, and feedback will not be given. The respondent who was quoted above was concerned. She knew exactly what she was saying and she was not hesitant. She indicated that she had opened her case just for the sake of opening it and did not expect any result. The researcher tried to motivate her not to lose hope.

Question 10

Did the police inform the complainants that they could contact the investigating officers if the suspects threatened them further? Section 12 of the constitution of 1996 of the republic of South Africa stipulates that everybody has a right to freedom and security. It is important that victims of domestic violence be provided with contact numbers of the investigating officers of their cases to enable the victim's contact them if they are further threatened. The investigating officers can apply to the courts for the forfeiture of bail granted to accused persons. According to the DVA the purpose of the Act is to afford the victims of the domestic violence the maximum protection from domestic abuse that the law can provide; and to make sure that organs of the state provide measures which seek to ensure that they give full effect to the provisions of the Act. This helps to convey the message that the state is committed to the elimination of domestic violence. The investigating officer also has an obligation to visit the victim and find out if he or she is safe from the perpetrator. Therefore, there should be a mutual relationship between the investigating officers and complainants.

Two of the respondents indicated that they had been informed that they could contact the investigating officers if the suspects were threatening them, but eighteen of the respondents were not informed. One of the respondents informed the researcher that “khangе andilalise umyeni wam, ndincedwe kukufika komelwane wam wandithatha wandilalisa endlwini yakhe ukuba ndandazile ngendandiyithathile inomboloyomcuphi wetyala lam” which means “I did not sleep well. I was rescued by my neighbour who later took me to his house. If I had known the investigating officer's number I would have phoned him”. These research results were among the worst because most respondents were not treated in the appropriate manner. The contact details of the investigating officer, and the encouragement to use it, is important because victims can easily contact him immediately to avoid further abuse.

4.2.4 Section D: Quality of domestic violence cases received by detectives

This section was developed with the objective of investigating the problem experienced by the respondents when they are executing their daily duties in respect of the domestic violence cases. Further exploration was conducted by reading the domestic violence cases from April and May 2009. The aim was to confirm responses from other sections of the research study.

4.2.4.1 Section D: Responses from the detective commanders

The respondents are supervisors of the detective officials and are responsible for controlling the activities of the detective section. The responses from the respondents will now be analyzed.

Question 1

How frequently are cases of domestic violence reported at your station? The frequency of reporting of domestic violence cases in the cluster is vital because it makes it easier to understand the challenges faced by the detective in the Alice cluster. If many domestic violence cases are reported, more manpower will be needed for investigations. The upgrading of the stations to higher ranking officers also depends on the number of cases and complaints reported. There are many domestic violence cases reported in the Alice cluster, but it seems many more other cases of domestic violence have been hidden. Most research studies reveal that the statistics for domestic violence is hidden in other cases which are not domestic violence related. In other words the domestic violence statistics are not accurate. For example, an assault which is domestic violence related is not always differentiated from an ordinary assault case.

The research study revealed that eight to twelve cases of domestic violence cases are reported monthly at Keiskammahoek. The researcher is of the opinion that the statistics are not a true reflection of the situation. The researcher has indicated that the statistics of domestic cases are hidden in other cases. Sometimes a case of assault is not recorded as domestic violence related. It

was also found that fourteen to eighteen cases of domestic violence were reported at Alice and Fort Beaufort, while the total number of cases reported is two hundred and fifty to two hundred and eighty monthly. Eight to ten domestic violence cases are reported at Keiskammahoeck and a total number of one hundred and ninety reported cases monthly. Four to seven cases of domestic violence are reported at Middeldrift monthly and a total number of reported cases range from forty-two to forty-five monthly. The researcher is also of the opinion that statistics of domestic violence are not accurate because some cases are not clearly identified as domestic violence related or not. The research study revealed this.

Question 2

What problems do you usually encounter in respect of the domestic violence cases when the dockets are received at CSC for investigation at your station? The CSC relief commanders are the ones who are responsible for ensuring good quality statements. They have to read them thoroughly to ensure that all elements of the crime are present in the case dockets, and sign a checklist thereafter. If the CSC relief commanders do their task of reading these dockets, less dysfunction at CSC will be experienced.

The research study revealed that all the respondents indicated that most statements are incomplete and are not of good quality. These statements include those of complainants, arrest and witness statements. It was indicated that when there is an alleged breach of a protection order, the CSC officials only complete form 10. They do not write a detailed affidavit to clearly indicate what happened. It is further indicated that protection orders and warrants are not always available in the dockets. It creates problems as it becomes doubtful if protection orders were really applied for in court and if they are still valid. When the detective reads a protection order, it is usually found that the conditions do not correspond with the charge in the case docket. For example a charge would be for assault would be laid when there is nothing mentioned about assault in the conditions signed by the magistrate in the interim or final protection order. An arrest is a violation of one's constitutional right. According to section 12 of the bill of rights, everybody has a right to freedom and security. Section 10 of the constitution of the republic of South Africa of 1996 stipulates that everybody has a right to privacy (Venter, 2005:133). According to section 36 of the 1996

constitution, these rights can be limited in terms of the law of general application to the extent that the limitation is reasonable and justifiable in an open and democratic society, based on human dignity, equality and freedom, taking into account all relevant factors including:-

The nature of the right;

The importance of the purpose of the limitations;

The nature and extent of the limitations;

The relationship between the limitation and its purpose and

Less restrictive means to achieve the purpose (Hollamby, 105).

Arresting someone without a valid reason may have negative consequences for the Minister of Police. Most civil claims instituted against the Minister of Police are as a result of negligence by SAPS officials. The researcher recommends that before any person is arrested for an alleged breach of a protection order, a police official should ensure that the arrest is justifiable to avoid unnecessary claims against the state.

The research study also revealed that most cases of a breach of the DVA are opened, and perpetrators are arrested. After investigations have been completed, complainants would withdraw their cases. The researcher has indicated that most domestic violence victims are not employed and they are totally dependent on the perpetrators for their living. Therefore they would withdraw their cases for fear that if the respondents are in jail, they would not have a source of income. This means that they remain in the abusive relationship. The researcher recommends that there be an intervention by the state to assist the victims of domestic violence to generate an income so that they can be independent.

The respondents indicated that some complainants abuse the DVA. They create stories that indicate that the respondents have committed an offence that is contrary to the conditions of the protection order. They do this because they are involved in other relationships and they need their husbands or boyfriends to be arrested in order for them to have enough time to be with other partners. It is the duty of police officials to ensure that an arrest is justifiable, by searching for more information

before effecting an arrest. The investigation of a case starts when a member at CSC attends to it. Therefore it means he or she has to have full information to justify an arrest. According to Marais & Van Rooyen (1990:18) information has to be analyzed and evaluated. This evaluation is intended to determine whether there is any positive significance and to ensure its truthfulness. Therefore an assertion that someone is alleged to have contravened the DVA is not enough. Further investigation has to be conducted before an arrest can be made.

It was also found that most case dockets from the CSC give no indication of whether the victims were informed of the options they are entitled to in terms of the DVA. According to the DVA a victim of the domestic violence has to be informed that he or she has the right to apply for a protection order, open a case against the respondent or do both. It should be stated in the investigation diary of a docket (SAPS 5) that the victim has been informed of these options and which of the options has been chosen. The respondents indicated that the victims are sometimes not referred to the clerk of the court to apply for protection orders. The detectives sometimes feel embarrassed when the victim is advised by the magistrate to apply for a protection order and it transpires that he or she was not advised to apply for a protection order by the police officials at CSC. The research study also revealed that CSC officials sometimes do not properly attend to the scene of domestic violence and the detectives are sometimes not summoned to attend to the scene.

Question 3

What can be done to address these problems? The problems experienced by the respondents have to be addressed. The station management has an obligation to ensure that every obstacle to the success of the station is addressed. The SAPS has an obligation to ensure the safety and security of South African citizens. This can be achieved by identifying problems experienced and implementing strategies to overcome them. According to the DVA, domestic violence is a serious social evil. Therefore it has to be treated seriously.

The respondents recommended that awareness campaigns be conducted by the SAPS officials in partnership with the communities, to address the problem of abuse of the DVA, and to ensure that this does not happen. They also recommended that meetings be held to ensure that CSC officials comply with the DVA. These meetings should be initiated by the station management until the solution to a problem has been achieved. CSC commanders have to read the domestic violence cases thoroughly to ensure that proper statements are taken by the CSC officials. They have to ensure that the charges formulated against the respondents are correct. If a case of a breach of a protection order is opened, the conditions should be properly checked to verify whether there is a breach or not. In-service training for the CSC commanders and the CSC officials has to be organized, and strict supervision has to be maintained. Training in handling domestic violence is a prerequisite for every SAPS official who deals with domestic violence. SAPS officials cannot be competent in the execution of their duties, if they are not properly trained. In order for the CSC commanders to supervise their subordinates properly, they have to be trained in handling domestic violence.

Prosecutors have to be requested to submit domestic violence cases that are for withdrawal to the Director of Public Prosecution (DPP) for consideration, before withdrawing them. This means that the DPP will determine if the docket can be withdrawn, and this will depend on the seriousness of the domestic violence case and the consequences of withdrawing it.

Question 4

What is the attitude of the detectives when complainants withdraw their cases? It is the duty of SAPS and detective officials to ensure that victims of domestic violence receive proper service delivery in respect of domestic violence. Sometimes complainants withdraw their cases when they are relieved of the abuse. Detective officials tend to be negative when cases are withdrawn. The station management has to motivate detective officials not to be negative because they have to ensure the safety of the community.

In the research study three respondents indicated that the detectives become disappointed when the victims of domestic violence withdraw their cases. These stations were Keiskammahoek, Fort Beaufort and Middledrift. The respondent from Alice police station indicated that the detectives do not have a negative attitude but complain about the time they have wasted in investigating the cases. A negative attitude when the cases are withdrawn is not necessary, as long as justice has been done and the perpetrators have been brought before a court of law, which is one of the SAPS duties. SAPS officials are paid by the tax payers. Therefore they have to render services to them in return.

Question 5

What is the quality of the feedback? SAPS officials have to ensure that feedback is provided to the victims of domestic violence. Every step taken in respect of a case of domestic violence has to be reported to the complainant. These steps include the opening of a case docket at CSC, the case number to be provided to the victim or complainant, the name of the detective to whom the case has been assigned, details of when the suspect or perpetrator was arrested, the court date, and the disposal of the docket. In most community police meetings of the Alice cluster, members complain that feedback is lacking from SAPS officials and detectives.

All the respondents indicated that there has been an improvement in the provision of feedback. They supported their responses by referring to the programme in the Crime Administration System (CAS) which provides feedback to complainants from the time the case is opened until it is disposed of. They further indicated that feedback is also provided both telephonically and personally to complainants and victims.

The researcher disputes the fact that feedback is always provided to complainants because most victims who were interviewed indicated that they were dissatisfied with feedback. The feedback that is provided by the CAS needs to be supported by verbal feedback, because the CAS does not provide detailed feedback. The researcher further disputes that feedback is provided, because most complaints lodged by community members at community/ police meetings are about the lack of feedback in their cases. The respondents have to ensure that the detectives provide feedback to complainants and victims.

4.2.4.2 Section D: Responses from detective officials

The respondents are the field workers in the investigation unit of the Alice cluster. They are the ones who seem to experience problems in respect of domestic violence cases. Their responses will now be analyzed.

Question 1

How frequently are cases of domestic violence reported at your station? The frequency of reporting of domestic violence cases in the cluster is important because it makes it easy to understand the challenges faced by the detectives in the Alice cluster. If more domestic violence cases are reported, more manpower will be needed for investigation. The upgrading of the stations to higher ranking officers also depends on the number of cases and complaints reported. There are many domestic violence cases reported in the Alice cluster, but it seems more cases of domestic violence have been 'hidden' in other cases. Most research studies indicate that statistics of domestic violence are hidden in other cases. In other words, the domestic violence statistics are not accurate. For example, an assault which is domestic violence related is not always differentiated from an ordinary assault case.

The results yielded by this question were close to question 1 of the detective commanders. The respondent from Middeldrift indicated that four to seven cases of domestic violence are reported at the station monthly, fourteen to seventeen cases in Alice and Fort Beaufort monthly, and eight to ten cases monthly at Kieskammahoek. The researcher is of the opinion that the statistics of domestic violence are usually hidden in other cases.

Question 2

What problems do you usually encounter in respect of the domestic violence cases when the dockets are received at CSC for investigation at your station? The CSC relief commanders are the ones who are responsible for ensuring good quality statements. They have to read them thoroughly to ensure that all elements of crime are present in the case dockets, and then sign a checklist. If the

CSC relief commanders perform their task of reading these dockets, less dysfunction at CSC will be experienced.

The research study revealed that inadequate statements are taken at CSC. They have to be re-taken by the respondents. Sometimes the arrest statements are not filed in the case dockets after the arrest of the perpetrators. The four elements of a crime are sometimes missing. These elements are legality, culpability in a form of consent or negligence, unlawfulness, and 'punishable'. An example is where a person is arrested for an alleged rape, when there has been no penetration of the victim by the male organ of the perpetrator.

Sometimes protection orders are not read by CSC officials to check if the conditions of the protection order are breached by the perpetrator. This means that respondents are sometimes arrested unlawfully. Sometimes a case of breach of a protection order is opened when the protection is not directed at the person who was offended by the respondent. For example, say a protection order was applied for by a complainant against her husband, and the perpetrator did not assault the complainant instead he assaulted her sister who is not the holder of the protection order. The CSC officials would open a case of a breach of a protection order, when the sister was not included in the protection order. A criminal case should be opened. The victims of domestic violence are sometimes not referred to the victim support centre for counselling when it is necessary. It creates problems in the investigation process because the victim is sometimes traumatized and will not co-operate with the investigator.

Question 3

What can be done to address these problems? The problems experienced by the respondents have to be addressed. The station management has an obligation to ensure that every obstacle to the success of the station has is addressed. The SAPS has an obligation to ensure the safety and security of South African citizens. This can be achieved by identifying problems experienced, and implementing strategies to overcome them.

The following solutions to the problems are recommended by the respondents:

CSC officials should receive enough training in handling domestic violence. This will improve the standard of their work when dealing with domestic violence cases. More than five days training is recommended.

Community members should be aware of how they should be treated and what is expected of the SAPS officials when a domestic violence incident is reported. Workshops and awareness campaigns should be conducted to ensure that they are aware thereof.

The Station Management should ensure that relief commanders read case dockets before they are signed for by the detective officials. Steps should be taken against those who do not inspect dockets, because state resources are wasted by re-taking statements and detective officials waste time in re-taking statements.

Priority should be given to domestic violence cases. Whenever a complaint of domestic violence is reported, a police vehicle should be dispatched immediately. An officer should be appointed in every station in the Alice cluster to focus on domestic violence only. This will enhance good service delivery to the victims.

Question 4

What is the attitude of the detectives when complainants withdraw their cases? It is the duty of SAPS and detective officials to ensure that victims of domestic violence receive proper service delivery in respect of domestic violence. Sometimes complainants withdraw their cases when they are relieved of the abuse. Detective officials tend to react negatively when cases are regularly withdrawn. The station management has to motivate detective officials to ignore this trend because notwithstanding this, they have to ensure the safety of the community.

The respondents indicated that they become negative because they have wasted time and state resources. The respondents have to do all that they are supposed to do and bring the perpetrators to a court of law. They should not become pessimistic because the cases may be withdrawn by the complainants.

Question 5

What is the quality of the feedback? SAPS officials have to ensure that feedback is provided to the victims of domestic violence. Every step taken in respect of a case of domestic violence has to be reported to the complainant. These steps include the opening of a case docket at CSC, providing a case number to the victim or complainant, the name of the detective to whom the case is assigned, when the suspect or perpetrator was arrested, the court date, and the disposal of the docket. In most community police meetings, members of the Alice cluster area complain about a lack of feedback from SAPS officials and detectives.

The research study revealed that all the respondents indicated that feedback is given electronically through the CAS and short message service (SMS). The researcher submits that the respondents cannot rely only on the CAS and SMS's for feedback. They have to ensure that they consult complainants and give a detailed feedback to the complainants verbally.

4.2.4.3 Section D: Analysis of information from the domestic violence cases

The researcher employed exploratory research method to conduct the research study. Every source of information has been utilized to investigate the problem surrounding the phenomenon. Forty domestic violence cases from the Alice were read (ten from each station). The dockets opened were from April and May 2008.

The research study revealed that some detective commanders do not inspect dockets as prescribed. These inspections include the twenty-four hour and monthly inspections. Some cases do not have brought forward dates. A brought forward date refers to the date given to the investigating officer by the commander to give a report about a particular case. Some cases were not booked to and from court in the CAS. This has a negative impact on the performance of the cluster. It was also found that Provincial Order 1 of 1997 was not complied with. This order refers to the feedback that should be given to the complainant. The diaries of the case dockets do not reflect entries indicating that feedback was given to complainants.

SAPS checklists are sometimes not signed by the CSC commanders. The signing of a checklist is an indication that the docket was inspected by the CSC commander. If a case docket is not inspected by the CSC commander, many mistakes can be encountered, such as poor statements.

Most domestic violence cases were withdrawn by the complainants. Few dockets were sent for trial. Only eight case dockets from among forty dockets were tried in court and most of them were withdrawn by the public prosecutor at the request of the complainants.

Wrong charges were formulated in some domestic violence cases. Charges of assault with intent to do grievous bodily harm were formulated instead of common assault in some cases, and vice versa, and housebreaking instead of malicious damage to property.

4.2.5 Section E: Evaluation Service

4.2.5.1 Inspection of the handling of domestic violence cases by the Evaluation Service

The respondents are the ones who are responsible for the inspection of the implementation of the DVA. They have to visit the stations and identify the dysfunctions from the clusters and ensure that they are rectified. The responses from the respondents will now be analyzed.

Question 1

How frequently do you conduct inspections in the Alice cluster? The respondents have to ensure that an inspection of the implementation of the DVA is conducted within a reasonable period. The researcher is of the opinion that this kind of inspection is effective if conducted at least once quarterly in the clusters. It would serve to ensure that the dysfunctions identified are rectified immediately.

The respondents indicated that the Evaluation Service section is not adequately resourced in terms of manpower and it requires them to evaluate the cluster once in two years. They further indicated that, in an ideal situation the stations should be evaluated at least once yearly. The researcher

submits that if the evaluation is conducted once in two years it is not enough as more problems would be experienced. The cluster stations will relax as they know that it will be a long time before the inspection is conducted. The shortage of manpower means that the station visits to the clusters, in respect of domestic violence, by the Provincial Office, will not be conducted timeously. The Evaluation Service is the only component in the SAPS that is specifically tasked to conduct inspections in the clusters in South Africa. Their failure may result in failure of the SAPS as an institution.

Question 2

What dysfunctions do you usually identify when conducting inspections in the Alice cluster, in respect of the handling of domestic violence? The respondents have to visit the cluster and identify the dysfunction. They have to recommend how these should be addressed.

The research study revealed that interim protection orders are not always served immediately. According to the DVA, the SAPS officials have to provide domestic violence victims with the maximum protection. A protection order is meant to do this task. If it is not served immediately, it means the perpetrators do not know the conditions of the protection orders and they cannot be charged with breaching it. The researcher submits that protection orders should be served immediately after they are received. The domestic violence register (508(b)) and forms (508(a)) are not properly completed. This was confirmed in the results of question 7 on page 110, where the researcher found that column 12 of the 508(b)s had been completed when it was not applicable, and the 508(a)s were also not correctly filed. The station managements of all four stations are failing to take action for non-compliance after the Evaluation Service has conducted inspections at the stations. The station management has to ensure that the dysfunctions are properly addressed. This could uplift the standard of the cluster as a whole. Some members are not properly trained in the implementation of the DVA. This was confirmed in Section B of chapter 4, question 2 in page 74 of the research study. Some members have been trained in the handling of domestic violence, but did not receive adequate training.

Delay occurs in the submission of the returns of service to court. After the interim protection order has been granted by the court, SAPS officials, or the sheriffs, have to serve it to the respondent. The sheriffs are the officials hired by the courts with the purpose of executing the orders issued by the court. These orders include protection orders; summons to appear in court etc. After it has been served, the member serving such order has to submit the return of service to a clerk of the court. This serves to confirm that the respondent is aware of the order and has to be charged for a breach of order if he or she is alleged to have breached it, and brought before the court. If the respondent is not served immediately, then the victim is not protected by the state the order only comes into effect when it is served.

Question 3

Are your recommendations implemented in the Alice cluster? After the inspection has been conducted, the Evaluation Service has to recommend what should be done. The station management has to ensure that the recommendations are implemented. These recommendations include correct completion of the 508(b), and following the right procedures when domestic violence cases are reported at CSC.

The research study revealed that most stations in the Alice cluster implement the recommendations, except one station, which is Fort Beaufort. The respondents indicated that an intervention team has been set up to assist the station in the implementation of the recommendations. The researcher is of the opinion that the Evaluation Service intervention could ensure good service delivery to the victims of domestic violence.

Question 4

How do you ensure that your recommendations are implemented? A follow up by the Evaluation Service should be done to ensure that the recommendations are implemented in the Alice cluster. The stations have to submit a written report confirming that the recommendations have been implemented, and how they have been implemented.

The research study revealed that the stations are expected to respond in writing to the effect that they have adhered to all issues raised in the inspection reports. They indicated that they are periodically visited by the Intervention team from the Provincial Office (Evaluation Service) to conduct spot checks.

Question 5

How does the evaluation service engage with other Provincial Sections to ensure better implementation of the DVA? The evaluation service has to ensure that all Provincial Sections work hand in hand to address the dysfunctions identified, even if they are not domestic violence related. The respondents indicated that after each inspection, a session with provincial heads is arranged, and all the dysfunctions identified are presented in it, and a full report is presented to the Eastern Cape Provincial Commissioner. The report is further discussed in the Provincial Management meeting. Plans to address these dysfunctions are formulated.

4.2.5.2 Section E: Analysis of the inspection reports by the Evaluation Service

The inspection reports by the Evaluation Service in the Eastern Cape were also consulted with the purpose of confirming the validity of the responses by the Evaluation Service. Four inspection reports from the four stations will now be analyzed.

The research study revealed that the domestic violence registers (SAPS 508 (b)) are not properly managed. The SAPS 508(b) is a register which is used for a record keeping in respect of domestic violence incidents. The particulars of complainants and SAPS officials who completed the domestic violence forms and registers, outcomes of the incidents, if the protection orders were received from court and if the summons were issued in the case of minor cases such as assault common, crimen injuria etc. These registers are not properly inspected by the station management. They are supposed to be inspected regularly to ensure that they are properly completed. It was also found that the information requested in the different columns of the registers is not completed. This information includes pocket book page numbers, the occurrence book, and CAS numbers. Some columns were completed, when they were not supposed to be completed, such as the last column

which is supposed to be completed when summonses are issued to the respondents. These results are similar to the findings in question 7 found on page 110.

It was found that the incident forms (508(a)) are not correctly filed as required by paragraph 12 (2) of the NI. According to this paragraph, whenever an incident of a domestic violence is reported, irrespective of whether a criminal offence will be recorded, an incident form should be completed. A file with reference 39/4/2/3 must be opened and must indicate the month and year. For example reference 39/4/2/3 (1/2008) which stands for January 2008. In Fort Beaufort and Keskammahoeck, it was found that copies of protection orders are filed together with SAPS (508(a) s. According to the NI paragraph 5, a copy of every protection order and warrant of arrest that is received, must be filed in a separate file with reference 39/4/3/1. The SAPS 508(a) s are filed in separate files. In Alice and Middelrift they were correctly filed. It was found that lists of relevant organizations were not available at CSC in Middelrift. According to the NI paragraph 3(5) (e) the station commissioner must at all times ensure that the list of relevant organizations is available at CSC and in each police vehicle which is utilized to attend complaints. Alice, Fort Beaufort and Keskammahoeck police stations were in possession of the list.

It was found that the list of relevant organizations was not available in the vehicles attending to complaints in all the four stations, as stated in the NI. The research study revealed that the domestic violence coordinators were shown, by the inspecting officers, how to file the SAPS 508(a)s and copies of protection orders, in terms of paragraph 3(5) (e) of the NI, which they are supposed to do. The research study also revealed that the station commissioner of Middelrift did not understand how the DVA should be implemented. This was confirmed by his response on page 102 to question 3, where the respondent indicated that he was trained by his colleague. It was indicated that this kind of training is not recommended because it is not of good quality.

4.2.6 Conclusion

From the data collected and analyzed it is clear that cases of domestic violence in the Alice cluster are not properly handled. Section A focused on the resources at the disposal of police officials in the CSC. Most of the Alice cluster stations had resources. However the researcher noticed that even in those stations that had the resources, CSC officials were not made aware of them. The resources served no useful purpose.

Section B focused on the training received by the SAPS officials. This section was divided into three categories, namely; station commissioners, CSC Commanders and CSC officials. All the station commissioners indicated that they had received training in handling domestic violence but their training was not adequate because most of them indicated that they were trained for only a half a day, or a single day. This section also affects results in other sections because nothing can be done effectively without the training of the supervisors and subordinates. Most CSC commanders indicated that they had received a half a day, part of a day or a full day's training. This kind of training is not adequate for good service delivery to be achieved. One CSC commander received more than one day's training. One of the CSC commanders did not receive any training at all. Most CSC officials or fieldworkers indicated that they had received training for more than one day, which is a better training. The researcher is of the opinion that the CSC officials are not delivering an effective service because the supervisors lack knowledge. This is a result of inadequate training.

Section C focused on the quality of service of SAPS officials. Most respondents were dissatisfied with service delivered by SAPS officials. The researcher concluded that the lack of training has an impact on the poor service delivery by SAPS officials. Section D focused on the quality of the domestic violence cases received by the detectives from the CSC. Data from the Detective Commanders and officials was collected and analyzed. The respondents indicated that they were dissatisfied with the quality of the statements and implementation of the DVA by the CSC officials.

Section E focused on the inspections conducted by the Eastern Cape Evaluation Service. The questions were designed so that they could yield an in-depth understanding of the handling of domestic violence by the SAPS officials in the Alice cluster. The responses by the respondents

confirmed those of the victims of domestic violence. The results proved that domestic violence cases are not handled according to the DVA. For example, the respondents indicated that protection orders were not served immediately after they were issued by the court, the 508 (a) s were not properly filed, the 508 (b) was not properly completed, and some SAPS officials did not receive proper training.

CHAPTER 5: FINDINGS AND RECOMMENDATIONS

5.1 Introduction

This chapter presents findings and recommendations on the data that has analyzed in the previous chapter. Findings are explained through the three hypotheses that were formulated in the first chapter. Recommendations on the findings are given thereafter. Hypothesis 1 describes findings in respect of the resources at the disposal of police officials in the CSC in the Alice cluster. Hypothesis 2 describes the training received by the Station Commissioners, CSC Commander and CSC officials. Hypothesis 3 describes the quality of service from SAPS officials in respect of the domestic violence victims, and according to the DVA. Innovations in public management, by generating new ideas through collaborative management (Mar, 2009) or managing and delivering on performance (O’Leary and Bingham, 2009) are encouraged in public service provision such as policing (researcher’s emphasis).

5.2 Findings

5.2.1 Hypothesis 1: SAPS officials in the CSC do not have access to adequate resources

This hypothesis examined whether police officials had access to resources at the CSC. These resources include: a list of relevant organizations, a content list of relevant organizations, (hospitals, clinics, ambulances, districts surgeons or medical practitioners, shelters and NGO’s) and when the list was last updated; the availability of the DVA and NI, the existence of station orders of domestic violence and vulnerable children, the availability of 508(a) and 508(b), copies of form 1 and form 2 and the ease of access to vehicles in case of a need to attend a domestic violence incident. After the data was analyzed it was found that most of the cluster stations had the above resources. Only one station which did not have these resources. This was the Middledrift Police Station. Three of the lists organizations did not contain clinics and shelters, a cause of delivery problems. According to Moconachie et al (1993:162) shelters are the only places where women can gather strength before facing life’s problems again. These include problems in relation to finance, shortage of accommodation and employment, their children and their own emotional readjustment.

They further stated that shelters provide a variety of activities that include counselling, group work and educational programmes, such as assertiveness training and parenting skills. Another item which was different was the availability of station orders in the DVA and vulnerable children. The research study revealed that two cluster stations were not in possession of the DVA station orders, while two had them. The results were unacceptable because members need to be informed of what is needed, and the station orders are meant to serve that purpose. Every station is supposed to compile its station orders according to the circumstances prevailing at the station precinct. It is essential to have contact numbers of the shelters available in the station area. If those numbers are not available, domestic violence victims are not treated with the care that they deserve. It also means that there are no referrals to other government departments.

The results concerning the existence of domestic violence forms (SAPS 508(a)), domestic violence registers 508(b), form 1 and form 2 and availability of transport were 100% percent in all the stations, but the researcher observed that registers and forms were not correctly completed and that the records were not correctly kept. An example is that the last column of the SAPS 508(b) was usually completed, even when there was no summons issued. This means that CSC officials do not know when to fill in that column. SAPS 508(a) forms were not filled in and filed at some stations. This means that records of domestic violence are incorrectly kept.

The researcher also observed that the DVA, NI, and list of relevant organizations were also meaningless to the CSC officials because it took some time for the officials to locate for the researcher. CSC officials have not been made aware of those items, even though they should be. A list of relevant organizations was brought from the station commissioner's office at Keiskammahoek by someone who is not a member of CSC, even though the list was supposed to be at the CSC. The researcher concluded that the station commissioners and the CSC commanders are not aware of the DVA, and regular inspections are not done by the Eastern Cape Provincial Office.

5.2.2 Hypothesis 2: SAPS officials do not get adequate training in domestic violence

The questionnaires were distributed to four station commissioners, four CSC commanders and interviews were conducted with thirty two CSC officials. The purpose of this section was to determine whether SAPS officials receive training in domestic violence, because section A and section C are totally dependent on the extent of training that SAPS officials receive. No proper service to the domestic violence victims can be delivered without the proper training of the SAPS officials.

5.2.2.1 Presentation of findings in respect of training received by station commissioners

All the four respondents indicated that they had received training in domestic violence. This was the best result. Three station commissioners indicated that they had received training for one day, half a day or part of a day. Three respondents indicated that they had been trained by the SAPS training service. Only one respondent indicated that he had been trained by a colleague. The researcher concluded that these results show that the station commissioners did not get enough training in handling domestic violence. Two of them were trained for a few hours, or for one day. A supervisor is supposed to inspect or supervise his or her subordinates, and he or she is supposed to get proper training. These results have an impact on the availability of resources at the disposal of the CSC and section C, and the quality of service from police officials. Unacceptable results were received from sections A and C, and the researcher concluded that the failure of these sections was caused by the quality of training received by the respondents.

5.2.2.2 Presentation of findings in respect of training received by CSC Commanders

The research study revealed that 97% respondents indicated that they had received training in domestic violence and only 3% indicated that he had not received training. These results differ from the research study conducted by Manamela (2006: 76) where most SAPS officials at Rietgat police station had not received training in domestic violence. The researcher is of the opinion that things are gradually changing. Two respondents indicated that they had received one day's

training. One respondent indicated that he had received training of more than five days, and it was obvious that one respondent did not receive any training. It has been stated, from the station commissioner's results, that one day's training is not enough if good service delivery is expected. If the respondents could receive good quality training, good results in sections A and C could be expected. Most respondents received training from the SAPS training service.

5.2.2.3 Presentation of findings in respect of training received by CSC officials

The research study revealed that 97% of the respondents indicated that they had received training in domestic violence and only a 3% had not received training. That was the best result. Some of the CSC officials received training for two to five days, some received it for part of a day, half a day or a full day and some received training of more than five days. These results are better, because most respondents received training for two and five days, or more than five days. This shows that respondents are trained in domestic violence, but their supervisors are not; that is, station commissioners and CSC commanders are not properly trained. More than half of the respondents indicated that they had been trained by the SAPS training service which is a good source of knowledge, and a few received training from colleagues. Colleagues are not the best source of knowledge because the information is from a third person. A few of them indicated that they had received training from both the SAPS training service and colleagues, and a few from external organizations. From the results in this section it is clear that poor training is received by most SAPS officials and it implies that no good service delivery can be expected from them.

5.2.2.4 Presentation of findings in respect of quality of the domestic violence cases received by the detectives

The research study revealed that eight to eighteen cases of domestic violence were reported in the Alice cluster. The researcher concluded that the statistics are not accurate as these cases are sometimes hidden in other cases. The respondents indicated that they were dissatisfied with the quality of the statements by the CSC officials. They recommended that training for the CSC

officials be arranged. They also recommended that the CSC Commanders read the statements taken by the CSC officials before they were signed for by the Detectives.

It was also found that the CSC officials sometimes do not refer the victims of domestic violence to counsellors, which is contrary to the DVA. The research study revealed that the CSC officials do not read the conditions of the protection orders as a result the perpetrators are wrongly arrested.

5.2.3 Hypothesis 3: SAPS Officials do not render good quality service to domestic violence Victims

Twenty victims of domestic violence from the four Alice cluster stations were interviewed with the intent to investigate whether SAPS officials handled their cases according to the prescribed procedures and to their maximum satisfaction. The purpose of this section was to answer the research question of this research study.

All the respondents indicated that they had received poor service from SAPS officials. Only in a few questions did respondents indicate that they were satisfied. One respondent indicated that her daughter who was assisting her during the making of the statement was chased away. Another respondent informed the researcher that she reported her case at about 22:00 and the police officials only arrived the next morning at about 06:00, which is a poor response time. Poor training has an impact on poor service delivery by SAPS officials. The research question of this study examined if police officials in the Alice cluster handle domestic violence cases according to the prescribed procedures and to the maximum satisfaction of its clients. The answer to the research question is 'no', as it has been indicated in this section that most respondents were dissatisfied.

5.2.4 Presentation of findings in respect of inspections conducted by the Evaluation Service

The research study revealed that inspections are conducted by the respondents only once every two years as there is a problem of inadequate resources (human and physical). The following dysfunctions by the CSC officials were identified by the respondents;

Interim protection orders are not always served immediately. This means the victims of domestic violence are not provided with the maximum protection they deserve; the Station Management in the entire Alice cluster is failing to take action for non-compliance after the Evaluation Service had conducted inspections in the stations; some SAPS officials are not properly trained in the implementation of the DVA, which has an impact on service delivery; and there is a delay in the submission of the returns of service.

To ensure that the recommendations by the respondents were carried out after the inspection, the stations had to respond in writing to indicate that they had adhered to all issues raised in the inspection reports. The respondents indicated that most stations in the Alice cluster implemented the recommendations, except for one station, which is, Fort Beaufort. They indicated that an intervention team had been set up to assist in the implementation of the recommendations. The respondents also indicated that after each inspection, a session with Provincial Heads is arranged, and all the dysfunction items are presented in it. A full report is presented to the Eastern Cape Provincial Commissioner. The report is further discussed in the Provincial Management meeting. Plans to address these dysfunctions are formulated.

5.2.5 Findings on inspection reports by the Evaluation Service

The research study revealed that the domestic violence registers (SAPS 508 (b)) are not all properly managed. The station management does not conduct proper inspections; it was found that the incident forms (508(a)) are not correctly filed as required by paragraph 12 (2) of the NI. In Fort Beaufort and Keiskammahoek, it was found that copies of protection orders are filed together with SAPS (508(a) s which clearly indicates that they do not understand what is expected of them.

5.2.6 Findings on explored data at CSC

Though the research study focuses on the handling of domestic violence cases, further exploration was done to investigate if the Eastern Cape Provincial Commissioner's office conducts inspections check whether the DVA is correctly implemented. This can be done by checking if DVA, NI, SAPS 508(a) s, 508(b) s, contact lists and the station orders are available at CSC.

It was found that a few entries had been made, indicating that inspections were conducted in respect of the above registers and forms. There were three entries in Alice and one in Fort Beaufort during April and May 2008. The domestic violence registers and forms namely; 508(b) s, DVA, NI, contact lists and station orders, were available at the stations, but there was no indication that the filling in of the forms and the registers are inspected daily. A profile of the domestic violence victims, that is, if they are employed or not, their ages, gender, types of abuses that are prevalent, their standard of education and the type of settlement where the domestic violence takes place, was also investigated. It was found that 90% of the victims were female and only 10% male. Most of them were unemployed and illiterate. Their standard of education ranged from grade four to grade nine, which means that they were totally dependent on the perpetrators. Their ages ranged from 25 to 50 years and the abuse took place in two-roomed houses in the villages. Most victims were physically and emotionally abused. Most reported cases were assaults, rapes and *crimen injuria*. An investigation was conducted into whether the station management of the cluster spent time at CSC to assist domestic violence victims, and to educate CSC officials. It was found that this was not done. Most time is spent in station meetings, not in educating SAPS officials and assisting domestic violence victims, which means that good service delivery cannot be easily achieved.

The research study also investigated whether a follow up by the Station Management was done after members had been trained, to check if the DVA is correctly implemented. It was found that most members are trained in domestic violence, but no follow ups were done to check if they were implementing the training correctly.

5.2.7 Findings on the problem of the research

The problem of the research study was that perpetrators of domestic violence are always acquitted in court because of the incorrect steps taken by the SAPS officials when they deal with domestic violence cases. Domestic violence victims and court officials sometimes complain of poor response to domestic violence calls and sometimes no attendance at all. One research question of the study is whether the police officials in the Alice cluster handle domestic violence cases according to the prescribed procedures and to the maximum satisfaction of its clients. The other questions asked are whether the SAPS officials in the CSC in the Alice cluster have access to adequate resources and whether they understand the DVA after they receive training in handling domestic violence cases.

The research study revealed that the SAPS officials in the Alice cluster do not handle the domestic violence cases according to the prescribed procedures and to their maximum satisfaction because the domestic violence victims indicated that they were dissatisfied with the service rendered to them by the SAPS officials. It was also confirmed by the domestic violence dockets inspected by the researcher, evaluation reports and Evaluation Service responses, responses from the detective officials and commanders and the data explored at CSC.

5.2.8 Findings on the purpose of the research

This research study was conducted with the purpose of investigating whether the SAPS officials in the Alice cluster handle domestic violence cases according to the prescribed procedures to the maximum satisfaction of its clients. This research study was also intended to investigate if the SAPS officials receive adequate training to deal with the domestic violence cases and whether they are conversant with the DVA, NI, list of relevant organizations, station orders, forms and registers which include form 1 and form 2, SAPS 508 (a) and 508 (b).

The aims and objectives of this research study were achieved because the research question was answered by the responses from the domestic violence victims, police officials, domestic violence dockets, and evaluation service and evaluation reports. It was found that the domestic violence cases are not handled in accordance with the prescribed procedures. One of the victims indicated that her right to be accompanied by someone else was infringed. Some victims were not informed

about what would happen after the case has been opened. In addition, the research study also revealed that some stations were not in possession of the DVA, NI and list of relevant organizations. The research study also revealed that all the Alice cluster stations had the domestic violence forms and registers but the SAPS 508 (b) s were not completed correctly and the SAPS forms were not filed correctly. The station orders were not updated every six months and in one of the stations it was kept in the station commissioner's office.

5.3 Recommendations

5.3.1 Hypothesis 1: SAPS Officials in the Alice Cluster are not exposed to the resources.

The researcher recommends that the Station Management of Middledrift police station ensure that the list of relevant organizations is made available at CSC. All the stations of the Alice cluster should ensure that CSC officials are aware of the DVA, NI, list of relevant organizations, domestic violence and vulnerable children station orders, and the keeping of records on the SAPS 508(a) s and SAPS (b) s. Sometimes the above resources are only displayed at CSC without CSC officials having any knowledge about them. Time should be spent by the Station Management to educate these officials in the proper use of such resources as informing the magistrates on standby when there are cases which need urgent attention or after hour courts, telephone numbers of the ambulances etcetera.

The station management of the Alice cluster stations must ensure that the station orders are available at CSC. They must be explained to the SAPS officials and they must confirm this by endorsing signatures. The researcher recommends that the Alice cluster stations keep the domestic violence forms (SAPS 508(a)), domestic violence register (SAPS 508(b)), form 1 and form 2 the way they are as they were found in all the stations, but they must be correctly completed. The department of Safety and Liaisons, ICD, Eastern Cape Provincial Commissioner's office and the station management must ensure that they are completed correctly by educating them.

5.3.2 Hypothesis 2: SAPS Officials in the Alice cluster do not get enough training in domestic violence.

5.3.2.1 *Station commissioners*

The researcher recommends that the respondents get adequate training in domestic violence. It is recommended that they should get training of not less than five days because there is a lot of work to cover in the domestic violence training. It also recommended that training by colleagues supplement the one offered by the SAPS and NGOs as this is not adequate.

5.3.2.2 *CSC Commanders*

The researcher recommends that the respondents get adequate training in domestic violence. It is recommended that they get training of not less than five days because there is a lot of material to cover in the domestic violence training. It is also recommended that training by colleagues should supplement the one offered by the SAPS and NGOs as it is not adequate.

5.3.2.3 *CSC Officials*

CSC officials should be given proper training in order to equip them with knowledge, skills and attributes needed to deal with domestic violence cases. There should be a module offered in domestic violence so that it is easy for the trainees to understand the procedures to be followed when a domestic violence case has been reported. The station management must do a follow up after CSC officials have been trained, by assisting them when they solve complaints, and ensuring that they understand how to handle them. Sufficient time must be allowed for their training. It is recommended that training by colleagues supplement other forms of training, such as training by the SAPS training service and NGO's. A list of trained members must be made available at the CSC to help identify those who have not been trained in domestic violence. Every station management must ensure that all the functional members are trained in domestic violence even if

they are not attached to the CSC. The purpose of giving proper training to police officials is to ensure that they have a thorough knowledge of the DVA and the NI and can apply it effectively.

5.3.2.4 Quality of domestic violence cases received by the detectives

The researcher recommends that the CSC officials be able to differentiate a domestic violence case or incident from other cases or incidents. It can assist in accurate statistics of domestic violence. Statement taking courses and workshops should be arranged for the CSC officials to improve the quality of their statements. The CSC Commanders must read the statements taken by the CSC officials before they are signed for by the detective officials. The CSC officials must refer domestic violence victims to counsellors for counselling services to empower them. They must read the conditions of the protection orders before opening the cases and arresting the suspects. By so doing unlawful arrests can be minimized and of civil claims against the state can be eliminated.

5.3.3 Hypothesis 3: SAPS Officials do not render good quality service to domestic violence victims and do not do so according to the DVA.

5.3.3.1 Domestic violence victims

The researcher recommends that the SAPS and other government departments and NGO's educate the community about domestic violence by conducting public education through awareness campaigns, distribution of pamphlets, the use of local radio and other sources of information to ensure that community members know exactly what their rights are concerning domestic violence. This will also educate domestic violence victims to report to the station management when they are dissatisfied with service rendered at CSC.

SAPS officials should be able to conduct proper investigations into domestic violence cases. They must be trained so that they know exactly what is expected of them. They have to ensure that they give timeous feedback on what will happen in their cases. They must also ensure that they take proper statements that would help in the conviction of perpetrators of domestic violence.

Positive working relations must be established with community leaders, such as chiefs, councillors, youth leaders, civic organizations and other prominent members of the community. These working relations can be promoted through regular meetings and awareness campaigns. Their inclusion in these initiatives can improve the level of understanding the domestic violence victims.

CPFs have to be trained in handling some of the community cases rather than referring them all to the police. Some cases can be solved by community members. These cases can be tried by local chiefs and headmen and do not need to be referred to the police. These cases include family disputes, crimen injuria and others. Members of the community have to be warned not to take the law into their hands by assaulting others. Ensuring that they handle such cases will mean that the police can spend more time on more serious cases.

The Station Commissioners must ensure that there are dedicated officers dealing specifically with domestic violence in each unit or section at the station, to enhance the proper handling of domestic violence. They can be called in even if the domestic violence cases are reported after working hours or at weekends. It would be an advantage for each relief to have one official who would be responsible for domestic violence cases. It would mean the proper handling of domestic violence cases, and correct filling in of domestic violence forms would be assured. A female police official could be recommended for this job as most victims of domestic violence are abused by men. These officials can also be utilized to assist community volunteers in the victim support centres to ensure proper service delivery.

New technology, such as tracker device systems, should be installed in all police vehicles to avoid the misuse of state vehicles by the SAPS for private affairs instead of attending domestic violence cases and the Station Management be trained how to operate them. According to the DVA, domestic violence is a serious social evil. Therefore SAPS officials should give priority to such incidents and cases, so that they can provide good quality service to the victims of domestic violence. This will show the seriousness with which such incidents are viewed. SAPS officials must be able to take proper statements when a protection order is to be applied for. The statement must be accurate, objective, honest and complete. It should consist of all the elements of the crime,

such as the act, culpability, and punishable unlawfulness. Names of the respondents and their residential addresses, as well as telephone numbers, should be included in it.

5.3.3.2 Inspections conducted by the Evaluation Service

The researcher recommends that inspections be conducted at least once in six months. It is the responsibility of the Eastern Cape Provincial Commissioner's office to ensure that domestic violence cases are handled correctly. The station management must ensure that protection orders are served immediately to ensure that perpetrators are arrested and brought before the law if they contravene them. They must also take action after every inspection by submitting a certificate that the dysfunctions are redressed and how they have been redressed. The Eastern Cape Provincial training section should ensure that SAPS officials are trained in domestic violence in order for them to implement the DVA properly.

5.3.3.3 Inspection reports by the Evaluation Service

The researcher recommends that the station management ensure that the domestic violence registers and forms are inspected daily. Proper filling of these forms must be done. They must be filed according to months and a main file for each year must be opened. The domestic violence files must be kept in separate cabinet at the CSC to avoid misplacement. They must be found whenever they are needed. The inspection reports must also be filed and kept safe in all the stations of the Alice cluster.

5.3.3.4 Explored data at CSC

The researcher recommends that the Eastern Cape Provincial commissioner's office conduct inspections at least once in six months and an officer on standby visit the cluster stations weekly to establish if the DVA, NI are complied with. The officer will need to inspect the SAPS 508 (a), SAPS 508 (b), and the availability of the DVA, NI at CSC. The dysfunctions should be identified

and redressed immediately. The station Crime Prevention must assist the domestic violence victims by establishing projects for them to generate funds so that they do not rely on the perpetrators. These projects include vegetable gardens, poultry and sewing. They must also encourage them to attend adult school to fight the high level of illiterate, among the victims of domestic violence.

The station management must be encouraged to spend time at the CSC with the purpose of assisting domestic violence victims and mentoring the SAPS officials. Time spent on meetings must be minimized to enhance service delivery. A follow up must be done after SAPS officials are trained to ensure that the training effectively used.

5.3.3.5 The research problem of the study

The researcher recommends that the SAPS officials in the Alice cluster ensure that they handle domestic violence cases according to the prescribed procedures. These procedures include the immediate attendance at domestic violence scenes, taking proper and accurate statements, serving protection orders promptly and bring the return of service to the office of the clerk of the court, allowing complainants to read their statements or reading the statements to them and interpreting them in a language they understand, allowing the victim to be accompanied by someone else when the statement is taken. This will improve the conviction rate in court and thus, improving the public relations image of the SAPS officials.

5.3.3.6 The purpose of the research

The purpose of this research study was to investigate if the SAPS officials handle the domestic violence cases according to the prescribed procedures and to the maximum satisfaction. The research study was also intended to investigate if the forms and registers required to record the domestic violence incidents and cases are available at CSC. These forms include the SAPS 508 (a), form 1, form 2, certified copies of warrants and the 508 (b). The researcher recommends that SAPS officials handle the domestic violence cases in the Alice cluster according to the DVA, the constitution of the Republic of South Africa and the NI. The station management of the Alice

cluster must ensure that the domestic violence forms and registers required to register domestic violence incidents and cases are available at CSC at all times to avoid unnecessary delays when registering domestic violence cases and incidents.

5.4 Conclusion

This research was done under the supervision of the School of Criminal Justice at the University of South Africa, and all applicable guidelines were followed. It was conducted with the intent to establish whether SAPS officials in the Alice cluster handle domestic violence cases according to the prescribed procedures and to the maximum satisfaction of their clients. Three hypotheses were derived from the research question, which is: Are SAPS officials at the CSC in the Alice cluster familiar with the resources? Do SAPS officials understand the DVA? Do SAPS officials receive training in domestic violence? Views of other researchers were utilized to investigate the research problem through the available literature. It was strongly stated that it is the responsibility of SAPS officials and other state organs to ensure the safety and protection of domestic violence victims and other South African citizens.

The study was conducted in such a way that it demonstrates every step taken to make this research process possible. The researcher has indicated that the exploratory research design was used in this study. The sample, which included the station commissioners, CSC commanders, CSC officials and victims of domestic violence, was also indicated in this research study. Limitations encountered in the research process were also mentioned. The researcher is confident that the difficulties faced in this research study are common in many qualitative and quantitative studies, and the methods used can easily be replicated elsewhere. The Data collection methods employed included semi-structured interviews and questionnaires where indicated. The research was also conducted according to research ethics. Therefore everything contrary to the research ethics was avoided. The researcher ensured that a sound and valid research methodology was used. The sample consisted of SAPS officials who are supervisors, and those who serve the victims of domestic violence. Their responses were later confirmed by the responses from the victims of domestic violence. This on its own showed that the data collected were valid and reliable. The sample of SAPS officials consisted of members who had had from one to twenty years service in

the SAPS. They were not acquainted with the researcher. They were from different police stations in the Alice cluster. The victims were also from different places.

It was revealed from this research study that most stations in the Alice cluster had the resources, but it was discovered that CSC officials were not conversant with the workings of these resources. The resources were just displayed at CSC. It was also revealed that most SAPS officials received training in domestic violence but the kind of training they received was not thorough enough to provide positive results. In many cases CSC officials received good quality training, but their supervisors, the station commissioners and CSC commanders did not receive enough training, and this affected service delivery to the victims of domestic violence. It was revealed that SAPS officials do not serve the victims of domestic violence according to the DVA. Most victims of domestic violence indicated that they were not satisfied with the service they received from SAPS officials. The Detective commanders and officials revealed that statements are poorly taken by CSC officials and the Relief Commanders do not inspect domestic violence cases before they are signed for by the Detective officials. They further indicated that domestic violence victims are sometimes not referred to the Victim Support Centres for counselling.

The SAPS Evaluation Service revealed that the domestic violence registers (508 (b) s) and forms (508(a) s) are not filled in correctly by the Alice cluster stations. They also indicated that one of the stations does not rectify the dysfunctions. The researcher was told that an intervention team had been formed to address the problems encountered. It was further revealed that police officials do not serve the protection orders immediately. They indicated that after every inspection a session with the Provincial Section Heads is arranged, with the aim of addressing the dysfunctions in the clusters. Recommendations were made in respect of the phenomenon. The researcher hopes that the Alice cluster and SAPS as an institution will use them to improve service delivery to domestic violence victims.

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ANNEXES

ANNEXURE A: QUESTIONNAIRE

As adapted from Artz and Combrick, 2000 the following are the key issues the researcher tried to assess at the stations:

RESOURCES AT DISPOSAL OF POLICE OFFICIALS IN THE COMMUNITY SERVICE CENTRE

Station: _____

1	List of Relevant Organisations and content list			Yes	No
	Hospitals	Clinics	Ambulance	District Surgeon/Medical Practitioner	
	Shelters	NGO's			
2	How long ago it was last updated?				
3	Copies Available at CSC			DVA	Instructions
4	Existence of Station Orders (DVA)			Yes	No
5	Existence of Station Orders (Vulnerable Children)			Yes	No
6	Existence of DV Forms SAPS 508(a)'s			Yes	No
7	Existence of DV Register SAPS 508(b)			Yes	No
8	Copies of FORM 1			Yes	No
9	Copies of FORM 2			Yes	No
10	Easy access to vehicle in case of a need to attend a domestic violence incident			Yes	No

2. TRAINING

1. Have you ever received training on the domestic violence?		Yes	No
2. If yes, how long was the training?	Part of a day, half a day or a full day?		Two to five days? More than five days?
3. Who provided training?	Colleague at station	Legal Service	SAPS Training Service External organization

3. QUALITY OF SERVICE FROM POLICE OFFICIALS

1	The statement was taken quickly and correctly	Yes	No
2	Allowed statement to be read or have statement read back to check for accuracy of its contents	Yes	No
3	Was the complainant informed that he or she could make a more detailed statement at a later stage?	Yes	No
4	Was the complainant given the case number?	Yes	No
5	Did the police officer inform the complainants about the next step in their case?	Yes	No
6	Did the police inform the complainants that they have the right to have someone accompany them while their statement is being taken?	Yes	No
7	Did the police inform the complainant that they could have a copy of their statement?	Yes	No
8	Did the police inform complainant that the investigating officer may need a further statement from them?	Yes	No
9	Were the complainants provided with the contact details of the investigation officer in their case?	Yes	No
10	Did the police inform complainant that they should contact the investigating officer if the suspect is threatening them?	Yes	No

4. QUALITY OF HANDLING OF DOMESTIC VIOLENCE CASES BY CSC OFFICIALS

(1) How frequently are cases of domestic violence reported at your station?

(2) What problems do you usually encounter in respect of domestic violence cases when dockets are received from the CSC for investigation at your station?

(3) What can be done to address these problems?

(4) What is the attitude of the detectives when the complainants withdraw their cases?

(5) What is the quality of the feedback?

5. INSPECTION OF HANDLING OF DOMESTIC VIOLENCE CASES BY THE EVALUATION SERVICES IN THE ALICE CLUSTER

(1) How frequently do you conduct inspection in the Alice cluster?

(2) What dysfunctions do you usually encounter when conducting inspections in the Alice cluster in respect of handling of domestic violence cases?

(3) Are your recommendations implemented in the Alice cluster?

(4) How do you ensure that your recommendations are implemented?

(5) How does the evaluation service engage with other provincial sections to ensure better implementation of the DVA?

ANNEXURE B: CONSENT FORM

CONSENT FORM

I,do hereby confirm that:

I have read and understood the information provided on the study.

I am aware that a tape recorder will be used to capture data during this study.

I understand that participation in this study is voluntary.

I reserve the right to withdraw from the study at any time.

I understand that no payment will be received for participating in this study.

I have a right to access the study results if I so wish.

I hereby confirm that I fully understand the conditions of this study and what my rights and responsibilities as a participant will be.

I am willing/ unwilling to participate in this study.

Signature:

Date:.....

ANNEXURE C: APPLICATION TO CONDUCT A RESEARCH BY THE RESEARCHER

SOUTH AFRICAN POLICE SERVICE



SUID-AFRIKAANSE POLISIEDIENS

My reference / My verwysing	
Enquiries / Navrae	Capt. Sonjani
Tel	040 - 653 2222
Fax / Faks	040 - 653 1218

OFFICE OF THE STATION COMMISSIONER
KANTOOR VAN DIE STASIE KOMMISSARIS
P. O. BOX 183
POSBUS 183
EASTERN CAPE
ALICE
5700

14 November 2007

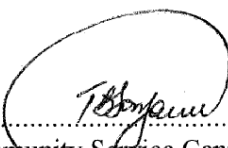
Office of the Provincial Commissioner
Personnel Services
Zwelitsha

ATT: S/SUPT. KUNENE

*A*PPPLICATION FOR AN AUTHORITY TO CONDUCT A RESEARCH IN THE POLICE SERVICE : BY NO. 0498157-0 CAPTAIN T. B. SONJANI: SAPS: ALICE.

1. I hereby apply for an authority to conduct a research in the Cluster, that is, Alice, Fort Beaufort, Middledrift and Keiskammahoek.
2. My name is Thembisile Baker Sonjani and my ID Number is 670303 6691 080.
3. My residential address is no. 1222, Jabavu Crescent, Happy Rest Extension, Alice.
4. My work address is :- Alice Police Station, P.O. Box 183, Alice, 5700.
5. My contact details are :- 040 - 653 2222 , Cell: 082 450 3749 or 072 855 0814.
6. I have obtained a National Diploma: Policing in 1999 and B-Tech: Policing in 2006 and I am presently doing M-Tech: Policing.
7. I am not an experienced researcher and I am learning a research.
8. I am studying at UNISA.(University of South Africa).
9. The goals of the research are contained in the research proposal.
10. A copy of the research proposal is attached and it sets out the procedure and research instruments that are intended to be utilized during the research.

11. Copy of an interview schedule has been attached.
12. The research will be completed in March 2008 as per time schedule in the research proposal.
13. The research will not be published as it is intended for study purpose.
14. This research will be in the interest of the service because the researcher is dealing with Domestic Violence in his daily duties. More knowledge and skills will, be acquired. The research will also generate local interests amongst members of the SAPS who will take part in it and those who become aware of it. The researcher is of the opinion that Alice Cluster, SAPS Management and Provincial Management will draw lessons from his research.
15. Hoping that an authority to conduct research will be considered and approved.


.....: Capt
Community Service Centre Commander : Alice
(T.B. Sonjani)

**ANNEXURE D: RECOMMENDATION BY THE CLUSTER COMMANDER
SOUTH AFRICAN POLICE SERVICE SUID-AFRIKAANSE POLISIEDIENS**



My reference / My verwysing	
Enquiries / Navrae	Capt. Sonjani
Tel	040 - 653 2222
Fax / Faks	040 - 653 1218


OFFICE OF THE STATION COMMISSIONER
KANTOOR VAN DIE STASIE KOMMISSARIS
P. O. BOX 183
POSBUS 183
EASTERN CAPE
ALICE
5700

14 November 2007

Office of the Provincial Commissioner
Personnel Services
Zwelitsha

**APPLICATION FOR AN AUTHORITY TO CONDUCT A RESEARCH: NO.
0498157-0 CAPT. T. B. SONJANI: ALICE.**

1. Kindly be informed that the above- mentioned member is stationed at Alice Police Station.
2. He is currently enrolled at the University of South Africa for Magister Technologiae (M-Tech): Policing.
3. I recommend that he be given an authority to conduct his research study for the following reasons:
 - 3.1. He is dealing with the Domestic Violence issues in his daily duties. By conducting the research he is applying for, skills will be acquired.
 - 3.2. The research he will be conducting will generate interest amongst members of saps who will take part in it and those who become aware of it.


..... : Supt
Station Commissioner : Alice
(N. Siganga)

ANNEXURE E: LETTER OF APPROVAL BY THE EASTERN CAPE PROVINCIAL COMMISSIONER

SOUTH AFRICAN POLICE SERVICE



SUID-AFRIKAANSE POLISIEDIENS

My reference / My verwysing	11/3/4/2
Enquiries / Navrae	Prov Comm Landu Supt Hokwana
Tel	040-6088415
Fax / Faks	040-6088416

OFFICE OF THE PROVINCIAL
COMMISSIONER
SOUTH AFRICAN POLICE SERVICE
EASTERN CAPE
P/BAG 7471
KING WILLIAMS TOWN

5600

2007-12-03



The Station Commissioner
South African Police Service
ALICE

**APPLICATION FOR AN AUTHORITY TO CONDUCT A RESEARCH:
NO 0498157-0 CAPT T B SONJANI: ALICE POLICE STATION**

1. Your letter dated 2007-11-14 refers.
2. It is impressing to understand that there are members, in this province, who are concerned about domestic violence. This office is also supporting any type of research which will reveal as to why our members are failing to handle the cases of domestic violence properly.
3. Therefore, the above cited application is **APPROVED**, on condition that the member signs a n undertaking to the fact that no statistics of domestic violence, from any of the stations mentioned in the research proposal, will be divulged to the media or any other interested parties, without the approval of this office.
4. Kindly convey our appreciation to Captain Sonjani with hope that his research will be an eyeopener to all the members in this province.


PROV. COMM
PROVINCIAL COMMISSIONER: EASTERN CAPE
M S LANDU