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## GOVERNMENT NOTICES GOEWERMENTSKENNSGEWINGS

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### SOUTH AFRICAN POLICE SERVICE SUID-AFRIKAANSE POLISIEDIENS

No. 206

3 March 2006

By virtue of the powers vested in me by section 64L(1) of the South African Police Service Act, 1995 (Act No. 68 of 1995), I, Jackie Selebi, National Commissioner of the South African Police Service, hereby determine the national policing standard with regard to domestic violence for members of municipal police services, as set out in the Schedule below:

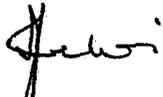
### SCHEDULE

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#### NATIONAL POLICING STANDARD FOR MUNICIPAL POLICE SERVICES REGARDING DOMESTIC VIOLENCE

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National Policing Standard for Municipal Police Services: Domestic Violence



**JS SELEBI**  
NATIONAL COMMISSIONER: SA POLICE SERVICE

## NATIONAL POLICING STANDARD FOR MUNICIPAL POLICE SERVICES REGARDING DOMESTIC VIOLENCE

### 1. Background

The Domestic Violence Act, 1998 (Act No. 116 of 1998), (hereinafter referred to as the *Domestic Violence Act*) imposes certain obligations on a *member* who receives a complaint of domestic violence. This national standard is intended to provide clear direction to a *member* on how to respond to a complaint of domestic violence in order to comply with the obligations imposed upon him or her in terms of the *Domestic Violence Act*.

### 2. Definitions

In this national standard, unless the context otherwise indicates, —

- (a) *commander* means the *member* in charge of the municipal police service office;
- (b) *community service centre commander* means the member in charge of the community service centre and/or the member in charge of the detention facilities at an office under the control of the Service and includes a member who is performing the functions of a community service centre commander;
- (c) *complainant* means any person who is or has been in a domestic relationship with another person and who is alleged to be or to have been subjected by such other person (hereinafter referred to as the *respondent*) to an act of *domestic violence* and includes any child in the care of the *complainant*;
- (d) *Criminal Procedure Act*, means the Criminal Procedure Act, 1977 (Act No. 51 of 1977);
- (e) *domestic violence* means any one or more of the following forms of conduct performed by a *respondent* in respect of a *complainant* which consists of:
  - (i) **physical abuse**, consisting of any act or threatened act of physical violence;
  - (ii) **sexual abuse**, consisting of conduct that abuses, humiliates, degrades or violates the sexual integrity of the *complainant*;
  - (iii) **emotional, verbal and psychological abuse**, consisting of a pattern of degrading or humiliating conduct which may consist of -
    - repeated insults, ridicule, or name calling;
    - repeated threats to cause emotional pain; or
    - the repeated exhibition of obsessive possessiveness or jealousy which is such as to constitute a serious invasion of the privacy, liberty, integrity or security of the *complainant*;

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- (iv) **economic abuse**, which may consist of -
  - the unreasonable withholding of economical or financial resources from a *complainant* who is legally entitled thereto or which the *complainant* requires of necessity, including the withholding of household necessities from the *complainant* or refusal to pay mortgage bond repayments or rent in respect of the shared *residence*; or
  - the unreasonable disposal of household effects or other property in which the *complainant* has an interest;
- (v) **intimidation**, by uttering or conveying a threat or causing the *complainant* to receive a threat which induces fear;
- (vi) **harassment**, consisting of a pattern of conduct which induces fear of harm to the *complainant*, including repeatedly —
  - watching or loitering outside of or near the building or place where the *complainant* resides, works, carries on business, studies or happens to be;
  - making telephone calls to the *complainant*, whether or not conversation ensues, or inducing another to do so;
  - sending, delivering or causing the delivery of letters, telegrams, packages, facsimiles, electronic mail or other objects to the *complainant*;
- (vii) **stalking**, by repeatedly following, pursuing or accosting the *complainant*;
- (viii) **damaging of property**, consisting of the wilful damaging or destruction of property belonging to a *complainant* or in which the *complainant* has a vested interest;
- (ix) **entry into the *residence* of the *complainant* without consent where the parties do not share the same *residence*; or**
- (x) **any other controlling or abusive behaviour towards a *complainant*;**  
 where such conduct harms, or may cause imminent harm to the safety, health or well-being of the *complainant*;

- (f) *domestic relationship* means a relationship between a *complainant* and the *respondent* where they —
  - (i) are or were married to each other in terms of any law, custom or religion;
  - (ii) live or lived together in a relationship in the nature of a marriage (whether they are of the same or of the opposite sex);
  - (iii) are the parents of a child or have or had parental responsibility for the child (whether or not at the same time);
  - (iv) are family members related by consanguinity, affinity or adoption;
  - (v) are or were in an engagement, dating or customary relationship: including an actual or perceived romantic, intimate or sexual relationship of any duration; or
  - (vi) share or recently shared the same *residence*;

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- (g) **executive head** means the executive head of a municipal police service appointed by a municipal council in terms of section 64C of the South African Police Service Act, 1995 (Act No. 68 of 1995);
- (h) **member** means a **member** of a municipal police service;
- (i) **police station** means a police station under the command and control of the South African Police Service;
- (j) **residence** also includes institutions for children, the elderly and the disabled; and
- (k) **respondent** means any person who is or has been in a **domestic relationship** with a **complainant** and who allegedly commits or has committed **domestic violence** against the **complainant**.

### 3. Responsibility of the **executive head**

- (1) Every **executive head** must liaise with local representatives of the Department of Welfare, the local Community Police Forum and any other relevant local institution, to identify local organisations which are willing and able to provide counselling and other support services (including medical services and suitable shelter) to **complainants**.
- (2) After having identified the organisations referred to in subparagraph (1), the **executive head** must liaise with the said organisations to determine —
  - (a) the specific services that are rendered by each;
  - (b) whether the services are rendered after hours, during weekends and on public holidays;
  - (c) whether the services are rendered free of charge or at a fee; and
  - (d) the contact particulars of each.
- (3) The **executive head** must compile a list of the relevant organisations and include in it, in respect of each organisation, at least the information referred to in subparagraph (2) as well as information relating to hospitals, ambulance services and medical practitioners that may be utilised to provide medical treatment to **complainants**.
- (4) The original list referred to in subparagraph (3) must be kept by the **executive head** who must update it at least once every six months.
- (5) The **executive head** must ensure that a copy of —
  - (a) the **Domestic Violence Act**;
  - (b) the Regulations promulgated in terms thereof;
  - (c) this National Standard;
  - (d) the orders issued by him or her in terms of subparagraph (6); and

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- (e) the list referred to in subparagraph (3);  
are at all times available in the municipal police service office and that a copy of the list referred to in subparagraph (3) is at all times available in each police vehicle within his or her policing area which is utilized to attend to complaints.
- (6) The executive head must, taking into account the unique circumstances prevailing in his or her specific policing area, available resources, etc., issue policing orders —
- (a) requiring a member under his or her command to inform a complainant of the services rendered by organisations mentioned in the list and how to inform the complainant thereof (e.g. by providing the complainant with a copy of the list or allowing the complainant to peruse the list or reading the information from the list to the complainant);
- (b) setting out the steps that must be taken by such member to assist the complainant, when requested thereto by the complainant, to gain access to any service rendered by an organisation mentioned in the list or to obtain medical treatment should this be required; and
- (c) in general, instructing members under his or her command on any other matter relating to the treatment of complainants of domestic violence which he or she deems necessary to determine in respect of his or her specific policing area.

**4. Receiving complaints of domestic violence**

- (1) If an incident of domestic violence is —
- (a) telephonically reported to the office or radio control unit by the complainant or any other person; or
- (b) reported in person to the office by someone other than the complainant,
- the commander or member receiving the report must endeavour to obtain sufficient information concerning the incident to make it possible to comply with subparagraph (2).
- (2) If an incident of domestic violence is reported in the manner referred to in subparagraph (1), the commander or person answering the telephone, must, —
- (a) without any unreasonable delay, ensure that a municipal police vehicle from the appropriate radio control unit or office is despatched to the complainant to attend to the matter; and
- (b) ensure that the crew of such vehicle is informed —
- (i) whether any violence or threatened violence is allegedly or has allegedly been involved in the incident; and
- (ii) who the complainant is.