

Victim-friendly rooms

This is a room(s) at a police station provided for use by the victims.

This facility will provide privacy for the victim to give his/her statement.

This facility is also used for taking statements from children and could include toys, even special toys used by experts (usually with the assistance of intermediaries) to assist with taking statements.

At the scene of the incident, the police will -

- ✘ locate the complainant and take reasonable steps to protect the complainant from any further danger
- ✘ create an environment that is conducive to communication
- ✘ obtain statements from the complainant and witness(es)
- ✘ (if there is reason to believe that an act of violence has been committed) arrest the respondent immediately without a warrant
- ✘ search for any firearms and/or dangerous weapons that the person who has either threatened to kill or injure another person, may have in his/her possession. We will also do this if we are satisfied that the offender's mental state, inclination towards violence and/or dependence on alcohol or drugs could influence his/her behaviour and pose a threat to anyone.

What other assistance will the police provide?

We will, if at all possible, help you find access to-

- ✘ medical attention
- ✘ shelter
- ✘ victim counselling.

We will inform you of -

- ✘ the support services that are available in the area, alternative shelters, if available
- ✘ counselling services, if required
- ✘ medical assistance
- ✘ free services that are available
- ✘ the time of day these services are available

We will request a health-care professional to collect and record medical evidence to support a criminal charge.

If you have a protection order, we will accompany you to your home to collect your personal belongings.

What can I do if a police member fails to fulfil their commitment?

If a police officer fails to carry out this commitment, you can report the matter to the station commander at the relevant police station.

If you are not satisfied with the way in which the station commander is dealing with your complaint, you may personally report the matter to the Independent Police Investigative Directorate (IPID). The local police will provide you with their contact details.

WHO MAY I CONTACT?

Contact your local police station



SAPS Emergency Line **10111**

SAPS Crime Stop **08600 10111**

Stop Gender Violence Helpline **0800 150 150**

Childline **0800 055 555**

AIDS Helpline **0800 012 322**

SAPS Family Violence,
Child Protection and Sexual
Offences Unit, Head Office,
Pretoria **012 393 2184**

Visible Policing: Gender Based
Violence and Victim Empowerment **012 421 8000**



www.saps.gov.za

Break the Silence on Domestic Violence!



www.saps.gov.za

Domestic Violence

Domestic violence is often thought to include only physical violence, but the conduct that constitutes domestic violence varies in nature and frequency.

The Domestic Violence Act, 1998 regulates the procedure to be followed in cases of domestic violence, and affords legal remedies to the victim.

Domestic violence occurs between persons who are or were in a domestic relationship.

What is a domestic relationship?

A domestic relationship refers to a relationship between the complainant (victim) and the respondent (perpetrator of domestic violence) in which they -

- are or were married to each other in terms of any law, custom or religion
- live or have lived together in a relationship as husband and wife (whether they are of the same or of the opposite sex)
- are the parents of a child or share or shared parental responsibility for a child (whether or not at the same time)
- are family members related by marriage, blood or adoption
- are or were engaged to each other, dating, or in a customary relationship, including an actual or perceived romantic, intimate or sexual relationship of any duration
- share or recently shared the same residence.

What is domestic violence?

Domestic Violence includes:

- Physical abuse** (for example, slapping, biting, kicking, assault and threats to cause physical violence)
- Emotional, verbal and psychological abuse** (for example, insults, name calling, humiliation and invasion of privacy)
- Sexual abuse** (for example, forcing a person to have sex against his or her will and sexual assault)
- Economic abuse** (for example, if the respondent withholds money to which the victim is legally entitled to in an unreasonable manner by refusing to pay or share the rent or mortgage bond for the home you share or shared or disposing of household goods in which you have an interest, without your permission)
- Stalking** (for example, repeatedly following the victim or approaching him or her and demanding to talk to him or her)
- Damage to property** (for example, breaking furniture, and deflating the tyres of the victim's vehicle)
- Unauthorized entry** into the victim's residence (for example entering into the house of an ex-girlfriend without her consent)
- Intimidation** (written or verbal death threats which results in fear)
- Harassment** (for example, making repeated unwanted phone calls to the victim, repeatedly watching a person or loitering at places where the victim is)
- Any other form of controlling behaviour** towards the victim that endangers the safety or well-being of the victim.

What are my options if I am a victim of domestic violence?

You have the right to -

- lay a criminal charge, if the conduct of the perpetrator constitutes an offence
- apply for a protection order at the nearest Magistrates' court
- lay a criminal charge and apply for a protection order.

Laying a criminal charge is not a requirement for applying for a protection order.

What is a protection order?

It is an order issued by a magistrate upon the application of the victim, which -

- COMPELS** the perpetrator of domestic violence to act in a certain manner (for example, pay the rent)
- PROHIBITS** the perpetrator of domestic violence from committing certain conduct (for example, he/she may not assault or contact the victim).

It may also prevent the perpetrator from getting help from another person to commit such acts.

A protection order aims to prevent the reoccurrence of domestic violence incidents, (e.g. stop physical abuse or stop harassment by the respondent). The protection order seeks to ensure the safety of the complainant, free from the fear of pain and humiliation that the respondent may cause the complainant.

The protection order furthermore states what conduct the respondent must refrain from doing.

As long as the respondent complies with the protection order, the complainant will be safe. If the respondent, however, contravened any provision of the protection order, the respondent may be arrested.

Who can apply for a protection order?

- A victim or any other person who has a material interest in the well-being of the victim (this includes: a counsellor, health service provider, a member of the SAPS, a social worker or teacher).
- A person applying on behalf of the victim must have written consent by the victim to do so, unless the complainant is -

- a minor
- mentally retarded
- unconscious
- a person the court is satisfied is unable to provide the required consent

What can I do if the perpetrator disobeys a protection order?

- Phone the police. They will ask you to give an affidavit.
- Hand over the warrant of arrest to the police indicating that it was received with the protection order (if you do not have it, inform the members accordingly).
- If you are in danger of imminent harm as a result of the contravention, the

perpetrator will be arrested. If you are not in danger of imminent harm, the perpetrator may not be arrested, but will be notified to appear in court the following court day (by means of Form 11).

Have an emergency safety plan ready

- Identify places where you can access a telephone quickly and easily.
- Always carry a list of emergency numbers with you.
- Make sure that people that you trust have a copy of the protection order and warrant of arrest.
- Keep money in a safe place that you can use to take a taxi or bus in case of an emergency.
- Keep an extra set of keys for the house or car in a safe place.
- If possible, have a set of clothes for yourself (and your children) packed in a bag, and keep it in a safe place (for example, at a neighbour's house).
- If you are planning to leave, leave when the perpetrator is not around, and take your children with you.
- Make sure that you are in possession of essential documents such as your ID, your medical aid card, and your savings/credit card.

Commitment of the South African Police Service to victims of domestic violence

It is the commitment of the SAPS to treat victims of domestic violence with sensitivity and care.

As police officials we will -

- treat victims with respect and protect their dignity
- listen to what victims have to say
- not insult or blame victims or suggest that it was their own fault that they were abused
- assist victims with empathy and care
- inform victims of their rights and options.

To ensure that this has been done, the SAPS will -

- ask victims to sign the Occurrence Book at the police station
- provide victims with a notice, explain this in a language they understand, and explain how they should proceed
- make an effort to find someone to speak to the victim in a language he/she understands
- take a victim's statement in privacy and not in the presence of the abuser or the public
- decide on the basis of your statement, whether or not to arrest the abuser and take his/her firearm, as well as determine the victim's need and how to assist him/her
- serve a protection order on the person against whom it had been issued, as directed by the court
- keep a copy of the protection order and record every arrest made as proof for victims
- note the victim's complaint in the Incident Register at the station as further proof that the victim reported the matter
- provide feedback on the investigation.