

# Policing Intimate Partner Violence in the Witbank Policing Area

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**Abstract:** In South Africa, like elsewhere, DV affects people regardless of class, age, ethnicity, or other attributes. Using data from a sample of 30 participants comprising of police officials and victims of DV from the Witbank policing area, this article sought to: determine how policing is being conducted on DV challenges, determine how DV cases are handled by the police and investigate the challenges faced by the police in DV related cases. Semi-structured interviews and the analysis of case dockets were utilized as a means of collecting information. The findings indicated that the overall police response to victims of DV is not good enough and the local police needs to take decisive action to rectify this. Based on the research findings, the recommendations are suggested to guide the police officials at the station on how to respond adequately.

**Keywords:** Children, domestic violence, investigation, police, victimisation.

## INTRODUCTION

DV is wide spread, deeply ingrained and has serious impacts on women's health and well-being. Its continued existence is morally indefensible. Its cost to individuals, to health systems and to society is enormous. Yet no other major problem of public health has been so widely ignored and so little understood (Montalvo-Liendo, 2009; Payne and Wermeling, 2009; Robinson, 2010, Modiba *et al.*, 2011; Francis, 2016). Yet, closely interwoven are the words "family" and "violence", even now (Payne and Wermelin, 2009:1-6). Davies (2016) and Dinisman and Moroz (2017) argue that one of the most fundamental functions of any civilized society is the protection of its citizens from criminal victimization. During the past twenty-six years into the democratic dispensation in South Africa, there has been an explosion of knowledge about DV, its prevalence, and its linkage with other social problems (Bendall, 2010; Vetten, 2014; Mazibuko and Umejesi, 2015, Mukamana, Machakanja and Adjei, 2020). Yet, there remains a 'knowledge gap' when applying this knowledge to policy (Fafard and Hoffman, 2018) and practice (Reid *et al.*, 2017). Further, despite the rapid increase in DV research over the past decade, there remains a dearth of studies evaluating knowledge translation activities, suggesting an urgent need to maximise the knowledge translation capacity of DV research. Consequently the objective of this study was threefold namely; to determine how policing is being conducted on DV challenges, determine how DV cases

are handled by the police and investigate the challenges faced by the police in DV related cases. Semi-structured interviews and the analysis of case dockets were also utilized as a means of collecting information. Previous research conducted content analysis, interviewed either the police officers or victims of DV and not included dockets analysis.

Given the gaps in understanding dynamics of DV as its relates to male perpetrators, including attitudinal, programmatic and policy issues, this paper has three central objectives namely; (1) provides with a realist-informed review of the knowledge translation literature specifically for DV research, its impact as well as multilevel drivers of male perpetration of DV in Witbank, including the relative importance of conservative gender norms; (2) to investigate how the SACJS response to DV which somehow, shape attitudes, behaviours and service provision around DV and; (3) based on the research findings, determine the gaps with regard to the types of policy and programming that exist to tackle male perpetration of DV, and associated policy and practice implications to strengthen responses to DV. To address these objectives, a literature review was conducted and analyzed in order to map out what is currently understood the SAPS responsibilities in DV cases and their impacts on women as well as the outcomes related to curbing and preventing violence. From this analysis, recommendations are made regarding the knowledge translation regarding the DVA and their implementation. Lastly, the article presents our limitation, conclusions and recommendations for future policy and programming.

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## LITERATURE REVIEW

In South Africa, and probably elsewhere, what was historically a private family matter, where women were subjected to abuse, this violence became an important target for legal intervention. The legacy of colonization and apartheid has offered South African men high status (Jewkes *et al.*, 2005 cited in Mogale *et al.*, 2012, 582). This has generated the “lingering assumption” that DV is a cultural practice (Wallström, 2010) that entitles men to control and own women (Jewkes *et al.*, 1999 cited in Mogale *et al.*, 2012, 582). The “power or authority” alluded to social status is determined by position and income. Most South African women are unemployed and/or earn lower salaries than men. These two factors, along with the traditional/cultural practices of men’s rights over women’s rights, have negated the social status of women in South Africa. As a result, they lack social and economic freedom and authority, which also puts them at risk of experiencing DV in its various forms. When women try to exercise their rights and freedoms socially and economically, they are also at risk of being violated, since it is culturally unacceptable for women to be in superior positions or have higher social status than men.

### Conceptual Framework

The concept ‘DV’ usually refers to a behaviour pattern that involves elements of control by means of coercion over the spouse. The pattern may include physical attack, sexual assault, financial abuse, psychological abuse, and emotional abuse (Lavi, 2015:257). UNICEF (2016) defines ‘DV’ as a pattern of assaultive and coercive behaviours including physical, sexual and psychological attacks, as well as economic coercion used by adults or adolescents against their current or former intimate partners.

In South Africa, there is no crime termed ‘DV’. Instead, its multiple forms are captured across a range of different categories of criminal offences such as assault, either common or with intent to cause grievous bodily harm, pointing a firearm, intimidation, rape or attempted murder, among other charges. When violated, protection orders issued in terms of the Act 116 of 1998 are dealt with as charges of contempt of court. This is because the abuser has ignored an instruction from the court to refrain from assaulting or otherwise harming the complainant. When the SAPS reports on crime statistics each year, it does not say how many of these crimes were perpetrated in the context of DV (Vetten, 2014:2).

DV is regarded as a serious social evil and South Africa is one of the countries with high incidences of DV. DVA was enacted with the main purpose to afford the victims of DV maximum protection from domestic abuse that the law can provide. DVA further introduced measures which seek to ensure that relevant organs of state give full effect to the provisions of this DVA, and thereby to convey a message that the State is committed to the elimination of DV. According to the DSD (2014:4), the high level of violence against women and children is particularly alarming and continues to have a devastating and lasting effect on survivors. It also harms communities and families across generations, and constitutes one of the key drivers of the HIV epidemic in the country. Violence undermines social and economic development; it reinforces intergenerational cycles of poverty and inequalities, and impedes progress towards achieving the MDGs, the NDP 2030 (2011) and the realisation of human rights.

### Direct Impact

Garratt (2012:21) and Klein *et al.*, (2019) argues that though DV can happen to anyone irrespective of gender, women and children are in great danger in places where they should be safe within their families. For many, home is where they face a regime of terror and violence at the hand of somebody close to them, somebody they should be able to trust, they are unable to make their own decision or voice their opinion or protect themselves. Their human rights are being denied and their lives are stolen from them by the ever-present threat of violence. Dysfunctional families characterised by conflict, abuse, neglect, fear and misbehaviour of children have the ability to foster and legitimise oppression of certain family members, especially women and children (DSD (2013) as cited in DSD, 2014:4). Research indicates that there is a common link between DV and child abuse (UNICEF, 2016). Global data shows that, in addition to the adult female partner, a significant number of cases of DV are also perpetrated against children (Pinhiero, 2006:13). Among victims of child abuse, 40 per cent report DV in the home (WHO (2012) as cited in UNICEF, 2016).

According to Brown and Bzostek (2003:1-13), children who have been exposed to DV are more likely than their peers to experience a wide range of difficulties. Behavioural, social and emotional problems of children in families experiencing DV are more likely than other children to exhibit aggressive and antisocial behaviour or to be depressed and anxious. Cognitive

and attitudinal problems of children exposed to DV are more likely to experience difficulties in school and score lower on assessments of verbal, slower cognitive development, lack of conflict resolution skills and use violence to solve problems. Males engaged in DV as children are more likely to engage in DV as adults and similarly, females are more likely to become victims. Children who witness DV and especially physical abuse, sexual abuse and emotional abuse are at high risk for psychological maladjustment than children who did not witness violence and abuse (Bunston, 2008; Rosewater and Goodmark, 2007; Karmen, 2016).

Children and youth learn about healthy relationships by watching and modelling the relationships they witness. Children who are exposed to DV may later repeat the abuse they see, thinking that it is a normal part of relationships. This can be especially concerning with young adults forging their first romantic relationships. Child welfare professionals, DV victim advocates, and related professionals can work together to help youth understand that healthy relationships are nonviolent relationships, and they can help young people who have experienced dating violence develop resilience and heal (Browne *et al.*, 2015:33-52).

In order to improve collaborative strategies among key role players, research indicates that a collaborative approach to working with families that experience the co-occurrence of DV and child maltreatment has a number of potential benefits: families receive more comprehensive and coordinated services, while avoiding redundant interviews and programme requirements; agencies can effectively identify and provide appropriate services; and caseworkers can minimize blaming of the adult victim, hold batterers accountable, and advocate on behalf of all family members (Banks, Dutch and Wang, 2008: 876–902) and (Davies and Francis, 2017) To improve collaboration within and among systems and to engage new community partners in keeping families safe, organisations must have certain strategies.

### **The Impact of DV on other Victims**

Deltufo (2004:15-16) points out that the elderly abuse has a bad impact due to the fact that elders are victimised because they turn to be powerless and vulnerable in their own societies. Gay and lesbian bashing which will amount to brutal assaults and murders. Most people who practiced the same sex were killed in their homosexual relationships. Regarding mental health, Black *et al.*, (2011:39) and

Walters *et al.*, (2013), argue that abuse can have a serious impact on the way people think and interact with the world around them. DV affects one's thoughts, feelings and behaviours and can significantly impact one's mental stability. Increased anxiety, post-traumatic stress disorder and depression symptoms are commonly observed among survivors of DV. Coping with the effects of DV can be overwhelming, often because the victim's control over the situation has been taken away by the perpetrator. When this has occurred, a survivor may have the need to self-medicate and use drugs or alcohol to help him or her to cope with the overwhelming feelings. Engaging in self-injurious behaviours can also bring a sense of control over a person's environment and serve as a release of tension. It is an action that is not always performed with suicidal intent, although occasionally it can result in severe harm or death.

### **Criminal Justice System's Response to DV**

Maxfield and Babbie (2005:42) and Nordin *et al.*, (2009) assert that the CJS is a field founded on many other disciplines such as sociology, economics, geography, political science, psychology, anthropology, and biology. At its basic structure, the CJS encompasses the police, courts, and corrections. The police service represents the law enforcement component, the courts process represents the adjudication, and the correction process represents the (re)making of people to suit the system.

SACJS response to DV is the Act 116 of 1998, which is also referred to in the Firearms Control Act of 2000. The Firearms Control Act seeks to restrict those with a history of DV from owning firearms, given their role in DV and intimate femicide. Other pieces of legislation relevant to combating DV in its many forms include the Older Person's Act of 2006 and the Children's Act of 2005. The Protection from Harassment Act of 2011 is also important for the protection it offers against electronic harassment. The Act 116 of 1998 is, however, the most studied of these laws (Vetten, 2014:4).

Women as victims with a history of DV and multiple encounters with the legal system often feel police officers are unsympathetic or lack empathy (Stalans and Finn, 2006: 129-1155) and Klein (2009). These authors believe this is especially true if the woman is one who has failed to follow through with prosecution previously. Based on analysis of case dockets, it is clear that, no service delivery and thus, DV victims

perceive that the police do not view DV as they would other crimes, with a perpetrator and a victim. Notwithstanding these suppositions, professionals in the legal system know that battered women do have an interest in participating in the legal process, and obtaining a satisfying outcome. Abused female victims want to be free from harm from their intimate male abusers, as is evidenced by the number of cases appearing on court dockets each year (SAPS, 2012).

## GAPS IN LIETERATURE

The police not only represent state policy but also act as an important link to both the prosecution process and to the provision of services to victims in a community. Thus, as "gatekeepers" to the criminal justice system, the SAPS plays an important role in shaping victims' initial experiences of it. Although for many victims of DV, the police might be a last resort it is often the first point of contact when the victim decides to take that first bold step towards seeking redress.

Most of the literature describing police responses internationally to incidents of DV is critical of police practice (Buzawa and Austin, 1993; Fagerlund, 2020; Jacquelyn, *et al.*, 2008; Lobmann, 2001; Sechrist and Weil, 2017; Wetendorf, 1998). The few local research reports that provide insight into the policing of DV in South Africa (Artz, 2011, 2014; Nkwana and Mofokeng, 2018; Tyler, 2005; Vetten, 2005, 2014) indicate a high level of dissatisfaction with police assistance and negativity towards the response of police officers.

International studies (Buzawa and Austin, 1993; Fagerlund, 2020; Jacquelyn, *et al.*, 2008; Lobmann, 2001; Sechrist and Weil, 2017; Van Hasselt and Malcolm, 2005) have pointed out that intervention in DV is a very complex and controversial process as the many potential needs of the victim may be beyond the scope of typical law enforcement tasks. This consequently necessitates multiple intervention approaches and strategies by police officers and external support networks such as social workers. Absent from South African literature on DV are studies that analyse police descriptions of their own experiences in attending to DV incidents based on the docket analysis as well as interviews with both police officers and victims. According to Sinden and Stephens (1999), learning about the experiences of police officers is crucial for an understanding of their response to DV incidents.

As argued earlier in this article by the authors, one of the most fundamental functions of any civilised society is the protection of its citizens from criminal victimisation. After 26 years in democratic dispensation, some if not most of the local stations, like in the case of Witbank policing area, still offers mediocre service to the victims of DV. Based on the statistics obtained from official dockets analysis, it was amazing to see the results of some cases where the reason for not arresting the perpetrator is that the perpetrator is unknown. The perpetrator and the complainant must have a domestic relationship which may be defined as a connection by either blood, friendship, love affairs, marriage or working together and which will force them to share or live under one roof.

Even though the reported cases were not accurate reflection of the prevalence of intimate partner violence incidents within the Witbank policing area, the above analysis, derived from the case dockets which were inspected by the first author who is the Witbank Cluster Detective coordinator. When analysis official dockets, one can actually see the difference regarding the number of cases reported in a specific month and the results thereof. The results were promising because many DV cases were reported but just a small number was solved. Finalised cases include cases solved through arresting the perpetrators, withdrawn cases and cases which went through a mediation process. Undetected cases include cases where perpetrators were never confronted and the case was closed as undetected even though the perpetrator stays under the same roof with the victim of that specific crime. During the year 2012 cases of intimate partner violence classified in the system were about 269, total cases finalised were about 44 and the total cases closed as undetected were about 225.

Based on the analysis from official dockets, it is safe for the authors to argue that the local police in Witbank was not doing enough and are also not doing well as far as intimate partner violence related cases are concerned. DVA imposes certain obligations a police official who receives a complaint of intimate partner violence. The National Instruction 7/1999, provides a clear direction to a police member on how to respond to a complaint of DV in order to comply with the obligations imposed upon him or her in terms of the Act No. 116 of 1998. The police official, attending a DV crime scene has been mandated with the power and

authority to seize any arm or dangerous weapon belonging to the offender and immediately arrest the offender.

As highlighted earlier in this article, research indicates that victims with a history of DV and multiple encounters with the legal system often feel police officers are unsympathetic or lack empathy (Stalans and Finn, 2006:129-1155). The victims are of the view that this is especially true if the victim is one who has failed to follow through with prosecution previously. For the most part, in criminal proceedings, a temporary restraining order lasts only as long as the court proceedings. A phone call by the male abuser indicating he is free and "nothing can happen to him" is petrifying to a female victim who comes to understand the legal system can only protect her for a minimal amount of time (Murray, 2008:65-72). Many victims are more concerned with preventing future attempts on their life rather than vindicating the state's interest in penalising the male abuser for breaking the law. Thus, female victim's interest in protecting herself at all costs runs contrary to the criminal justice system's interest of winning criminal convictions (Payne and Wermeling, 2009:1-6).

## METHODOLOGY

A qualitative, phenomenological research design was used since the study was explorative, describing and focusing on understanding the lived experiences of individuals in their social context (De Vos *et al.*, 2011). This was done in an attempt to extract information on the effectiveness of existing strategies used to combat DV at Witbank policing area. Creswell (2003:15) describes the phenomenological approach as a methodology whereby the researcher, through various descriptions provided by participants in a research study is able to identify the "essence" of human experiences concerning a phenomenon. Through this phenomenological study attempts were made to gain a better understanding of the experiences of frontline police officers responsible for the policing of different types of DV incidents. Fouché and Shurink (2011:316) and Whittaker (2009:9) state that phenomenology "...aims to understand and interpret the meaning that subjects give to their everyday lives". This implies that the social phenomenon (DV) was explained through understanding the way that research participants make sense of their world. A non-probability purposive sample of comprised of 13 participants from the SAPS, who were deployed at the CSCs formerly referred to, as police stations, crime prevention officials, detectives

and 17 victims of DV was used. As the geographical area for this study is large, consisting of policing area consisted of informal settlements, farms, mine area and a bid of the former Kwa-Ndebele homeland area which is made of the former rural villages, 10 informal settlements from different areas within the precinct were randomly selected. Police officials were identified based on the following criteria for inclusion: completion of basic training; practical experience in policing of DV incidents; geographical area of the communities they served; and availability of participants (Grinnell and Unrau, 2008:153). The snowball sampling technique (Strydom and Delpont, 2011:393) was used when some participants of the sample referred the first author to other potential participants who were subsequently involved in this study. In this way, specific police officers, with practical experience in the policing of the particular phenomenon, as well as victims of DV were identified for inclusion in this study.

The SAPS members interviewed ranked from Constables to Captains. Warrant Officers to Captains (because of their senior rank) normally act as the CSC Commanders also generally, had the added responsibility of attending to complaints other than requiring police action because of a shortage of personnel. This dual function seemingly had a negative impact on optimal service delivery as participants were required to perform additional roles in terms of service delivery to victims of DV, resulting in diminished attentiveness and lack of sensitivity when dealing with victims of DV, some tended to use shortcuts to help lessen the workload (Retief and Green, 2015). Three of the CSC Commanders confirmed that one shortcut would be to encourage complainants to go back home and "talk things out" with their partners, thus lightening the administrative burden of having to complete the required documentation (Retief and Green, 2015).

## Data Analysis

The data from the interviews were subjected to thematic analysis as described by Braun and Clarke (2006). Initially, in-depth individual semi-structured interviews were conducted with all participants, where open-ended questions regarding their experiences regarding service delivery to victims of DV and the SAPS members involved in at these informal settlements with awareness and other preventative measures were posed. An interview schedule was used in order to ensure consistency in the questions asked. Responses of participants were audio-recorded with the permission of all participants and then

transcribed. The recorded interviews were transcribed verbatim and then analysed according to the descriptive method of Tesch (1992:117). Victims of DV were interviewed using prevalent local languages namely, *Sepedi* and *isiZulu*. Interviews were coded in the language in which the interviews are conducted to preserve richness of the interview and only final themes are translated into English. The trustworthiness of data was ensured through the use of crystallisation where multiple perspectives explain the data (Tracy, 2010: 837). The following six-phased process was used. First, familiarisation of the data was achieved by reading and re-reading the data with a view to identifying important ideas. Second, provisional codes were created from the ideas identified in the previous phase. The transcripts were printed out in full and notes were made to assist with the identification of provisional themes. Third, codes were combined and reorganised to create broader themes. Fourth, combined codes were then refined to identify the links between them. Fifth, the themes were named, and finally, the themes were presented as the research findings (Tracy, 2010: 837).

### **Ethical Considerations**

Ethical approval was granted for this study by the TUT, on the condition that the SAPS approved the request to conduct research. This was later changed to full ethical clearance following the approval of the research request by the SAPS. All participants were informed of the purpose of the study and were told that all identifying information would be kept safe and confidential, and that no personal information about the participants would be revealed. Informed consent was given by all the participants involved in this study. Below, research findings and discussions are provided, to contextualize range of perspectives and experience amongst participants in dealing with DV.

## **RESEARCH FINDINGS AND DISCUSSION**

### **Police Officers' Understanding of their Responsibilities in DV Cases**

When asked to describe how the participants understand the responsibilities of police officials in responding to DV cases, based on the responses, it emerged that the majority of the participants do not know their responsibilities and they do not understand that intimate spouse or partner abuse is a crime. It also emerged that most participants were unable to define DV. The majority of the participants could not

differentiate between the family violence and the DV. From the research findings, it was discovered that some victims were sent back home to go and solve their problems with their families. It is clear that the SAPS officials are unable to render good quality service to DV victims in the Witbank policing area. Some of the participants said:

*"Keeping of records is one of the challenges at this police station of ours. Records are been kept by secretaries, whilst according to the SAPS National Instruction 7/1999, it is the responsibility of the station commander to ensure that an accurate record is kept of all DV incidents..." (Participant 1)*

*"The police are having a problem with the knowledge and understanding of the definitions of different crimes. Most cases are being thrown out of court without been officially enrolled because of the wrong charges written on the case dockets by the police. When talking of a possession of suspected stolen property, there must be an exhibit. When talking of an assault with an intention of doing a grievous bodily harm, there must be some visible injuries. The police do not have knowledge and difference between a civil matter and a crime." (Participants 2)*

*"The police do not understand the law governing DV and its seriousness. Protection orders are not been given a proper attention. Perpetrators of DV are not being disarmed. Arrested offenders of DV are mostly been released on station bail. DV related cases are not handled properly." (Participant 3)*

*"According to section 8(1)(a) of the Act 116 of 1998, if there is an affidavit by the complainant stating that the respondent has breached a condition of the protection order, then the police are authorized and ordered to forthwith arrest the respondent in terms of the provisions of the Act 116 of 1998. If there are reasonable grounds to suspect that the complainant may suffer imminent harm as a result of the alleged breach of the protection order by the respondent, then the warrant of arrest must be executed." (Participant 4)*

The station commander has a responsibility to liaise with local representatives of the Department of Welfare, the CPF 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 of DV. There must also be some station orders regulating steps to be taken by police members when dealing with issues of DV in the area. On receiving a complaint of DV, the CSC Commander must without any unreasonable delay, ensure that a police vehicle from the appropriate radio control unit or station is dispatched to the complainant to attend to the matter. The commander must ensure that the crew of such vehicle is fully informed whether any violence or threatened violence is allegedly or has allegedly been involved in the incident and who the complainant is. One victim of DV related cases explained her views as follows:

*“The police told me to go back and talk to my husband even though I went to them in order to look for a help. I am still going to apply for a protection order which I hope it will stop him from assaulting me...”*  
**(Participant 5)**

Keeping of records relating to incidents of DV forms part of the responsibilities of the SAPS officials. All DV incidents which are reported to a local police station must be recorded in the DVR (SAPS 508(b)) and it is the responsibility of the SC to ensure that an accurate record is kept of all DV incidents. Complaints regarding non-compliance as highlighted by the comments provided by Participant 5 above, by police officials, the notification of such non-compliance should be registered by the victim to the IPID for investigation and institution of a disciplinary procedure in the case where those allegations were confirmed. In terms of Act 116 of 1998, a failure by police officials to comply with an obligation imposed upon them in terms of the DVA or the SAPS National Instruction 7/1999 constitutes misconduct. Disciplinary proceedings should therefore, be instituted in accordance with the Disciplinary Regulations against any police official who fails to comply with an obligation imposed in terms of the Act 116 of 1998 or SAPS National Instruction 7/1999.

### **Challenges Facing the Police in the Policing of DV**

When asked what factors confronted the SAPS to respond adequately to the victims of DV, the majority of the participants indicated that the policing area

consisted of informal settlements, farms, mine area and a bid of the former Kwa-Ndebele homeland area which is made of the former rural villages. It emerged from the findings that the participants highlighted the lack of infrastructure in the form of tar roads. Former homeland villages do not have house numbers and the participants indicated that, the police response had been affected by lack of accessing the victim on time. It also emerged from the responses that even in the formal settlements, some of the houses which were numbered before the democratic dispensation, numbers were removed and some street names were also tempered with and the local municipality is unable to restore the signage due to various factors. Some of the participants, highlighting the challenges confronting the local police to respond to the call for service said:

*“We cannot cope well with the cases involving DV because of the bad infrastructure and the place is very dark during the night. Suspects are able to see us when coming and we cannot see them as they hide in the darkness and we are driving motor vehicles.”* **(Participant 6)**

*“The area of Witbank has some farms and mines which are dark during the night and that makes it impossible for the police to deal with the incidents of DV. Roads are also not good and that made it impossible for the police to do their work.”*  
**(Participant 7)**

*“The area in Witbank especially around the mines and the farms is dark during the night and the roads are so bad that the police are unable to reach the crime scene areas at the right time. Victims of DV are being disadvantaged due to bad environmental layout.”* **(Participant 8)**

The above responses clearly indicated that, tracing of suspects is a problem due to a lack of proper infrastructure such as roads and adequate lighting during the night. The local police is confronted with the communities that rightly expect adequate service delivery.

### **Withdrawal of Cases by the Victims**

It also emerged from the findings that the majority of the participants indicated that local detectives were

facing a big challenge regarding the withdrawal of cases by the complainants. Research indicates that one of the factors that prevent victims from proceeding with prosecution is the female victim's financial reliance on the perpetrator's resources (Payne and Wermelin, 2009:1-6). It is argued that it is typically not the paramount reason they terminate prosecution (Ford and Burke (1987) as cited in Payne and Wermelin, 2009:1-6); although, the common belief is that battered women withdraw cooperation because of decisions to reconcile with the perpetrator. The victim's challenge is finding financial resources to survive day to day, and it is easier for some victims to value staying in an abusive setting versus sleeping on the streets. For many women, prosecuting the breadwinner may wreak economic ruin on the family. In the end, many female victims must consider the over-bearing expenses they must encounter when the perpetrator is no longer living in the home, or incarcerated for the offense. Thus, to the female victim it makes more sense to terminate prosecution and keep a roof over her head for the sake of herself and her children.

Some of the participants said:

*"DV cases are a big challenge because there are so many of them but at the end of the day the witnesses do not want to attend the court of law. Most cases ended up been withdrawn by the court of law because witnesses evades court proceedings. Detective members are reluctant in investigating these cases due to the fact that most people are using these cases to make an income. They will report the case and demand payment from the assailant and then withdraw the case."* **(Participant 9)**

*"Cases of DV are not been given proper attention because most complainants use to come back after some few days to withdraw their cases. We do not have any conviction as far as the DV related cases are concerned."* **(Participant 1)**

*"Due to an action of a high withdrawal of DV cases after the victim got paid, the police officials are now feeling as if they are arresting the suspects unlawfully. The allegation was reported to the police legal department but it has not yet been proven. Suspects are being arrested but the*

*amount of the withdrawals of cases of DV is a concern."* **(Participant 3)**

Some of the victims said:

*"There is nothing I can say, as I actually don't know what to say. Whether the police arrest him or not, it remains the same. My husband is a bully and he enjoys seeing me crying. I am tired of being assaulted all the times. I want the police to scare him by arrest and I will withdraw the case thereafter..."* **(Participant 10)**

*"My husband uses drugs and smokes dagga. When he didn't smoke, he is cool, calm and collected but after smoking dagga he turns to become a very big problem. He will insult everyone and kick everything he comes across. He will break and damage everything he touches. I do not want him arrested because he is the only bread-winner in the family. There is no other source of income in the house. I want the police to scare him."* **(Participant 11)**

*"I do not know what to do because he is so good but only after he used alcohol, he will start to assault me and the children. I do not want the police to arrest him but they must just warn him by taking him to jail for a night only."* **(Participant 12)**

The above responses indicated that once the case of the intimate partner violence or DV has been registered and perpetrators arrested, complainants would go back and withdraw their cases. The implications for the high withdrawal of DV related cases are that; the SAPS should embark on an extensive programme to train the officials on how to handle domestic related complaints. Subsequently, awareness campaigns should be introduced targeting the local community empowering them about their rights and the implications of withdrawal of complaints registered at the local police station. Empowering battered women interpersonally includes giving women choices (Busch and Valentine (2002) as cited in Erez, 2003:163). Giving women choices, however, also involves respecting her choices (Erez, 2003:163). The morale of the local police officials might be constantly be monitored by the station management. The responses



above indicated that the police officials felt demoralised due to the constant withdrawal of DV related cases. Some of the participants said:

*“There is no need for an intensive investigation because most victims of DV do not come to court to give evidence regarding their cases.” (Participant 1)*

*“The layout of the area in Witbank is not so good especially at the mines and the farms where the area is dark and worn out roads, makes it impossible for the police to trace the known suspects.” (Participant 3)*

*“Cases of DV are not been given proper attention because most complainants use to come back after some few days to withdraw their cases. We do not have any conviction as far as the DV related cases are concerned.” (Participant 4)*

Research indicates that the criminal justice paradigm is problematic for processing DV cases for a combination of reasons. One reason is that the police or criminal justice response is reactive, where victims often refrain from reporting their victimisation. “Victims of DV are often threatened with death or more violence if they initiate or proceed with criminal justice interventions. There are also instances when the abuser threatens to send a third party to kill or harm the applicant” (Artz, 2011:6-7).

Addressing these threats or barriers would require intervention at the community level through culturally congruent education that reaches both battered women and the community members they turn to for help. Rimonte (1991:1311-1326) points out that a culturally congruent approach using a low key and nonthreatening profile that avoids a direct challenge of the “evils of patriarchy.” According to this approach, instead of blaming men for violence against women, the education focuses on the characteristics of the culture “that produce abusive men and abused women” and identifies with the community’s emphasis on family.

Rimonte (1991:1311-1326) also recognises the importance of winning the support of non-abusive men as an entrée into the community.

Research also indicates that, DV often involves a series of incidents, sometimes with escalating seriousness, with little physical evidence, and often no witnesses (Erez, 2000:27-36). The cases are often

charged as misdemeanours; and because of the high attrition rate, perpetrators do not accumulate criminal records that might influence prosecutors’ and magistrates’ future estimates of dangerousness, or risk to the victim (Carlson and Worden, 2005; Worden, 2000; Worden and Carlson, 2005). Furthermore, research has shown that victims have various motivations for seeking criminal justice intervention, most of which are not related to punishing their batterers (Erez, 2000; Ford, 1991; Ford and Regoli, 1993).

It is further argued that victims are often interdependent with or dependent on their abusers in both personal and economic dimensions (Carlson and Worden, 2005; Worden, 2000; Worden and Carlson, 2005). Victims also face legal challenges such as custody and child visitation in their cases, which may be settled in a different venue than the criminal court. Therefore, it is argued that DV cases require a modified frame of reference, or customised proceedings to address domestic abuse related violations. In particular, they suggest adjudication which involves community processing and community courts, both of which would address the underlying problem in its broader social context, its consequences, and relationships, rather than merely the specific incident or individual case (Carlson and Worden, 2005; Koshan, 2014; Worden, 2000; Worden and Carlson, 2005).

The responses regarding the withdrawal of DV related cases as highlighted in this study, confirmed that most of the community members including the police officials do not understand the DVA. From the findings, the majority of participants concurred that most of the complainants who came to report DV related incidents, were appealing to the local police just to stop their abusers from abusing them. There is still a big problem of understanding the DVA in the area of study. DV related cases seems to be difficult for the local police to investigate and prosecute the perpetrators due to the fact that victims do not understand their democratic rights and how to use the law to protect them from being abused and victimised by their assailants. It would seem that, affections or being in a relationship, the victims of DV, especially women, turn a blind to the amount of abuse they are subjected to, and rather, stay in the abusive relationships because they think that they are being loved by those who abuse them. It would also seem like, most victims stay in abusive relationships because of no source of income and due to that dependence the abused person will tolerate the abuse. The abusers

enjoy the abuse and will continue exercising power to control their victims.

Based on the findings, the authors are of the view that, the local police, are unable to be everywhere to monitor how communities, especially intimate partners relate to their spouses or partners. It will be impossible for the local police to only focus their attention on policing domestic related cases in Witbank policing area. However, when such cases are brought to the attention of the local police, it is essential for the police officials to take those reported allegations seriously and act with immediate effect but lawfully. There are several incidences where DV took place behind closed doors and was never reported to the relevant organizations until the killings occurred, and the police should have used better strategies in order to prevent these bad incidents to take place. The highly publicised Oscar Pistorius case in Pretoria, the Modimolle 'monster' case in the Modimolle policing area, the Gauteng man who kept his family hostage and abused them until one child escaped and reported to the neighbours and the overseas OJ Simpson case in the United States, and many others, are an indication of the prevalence of the victimisation and as such, are an important source of information on the nature and extent of DV because the rate of reporting for DV incidents is low.

## CONCLUSION

This study examined both victims and police officials perspectives regarding response to DV. The findings highlighted that, regardless of victim status, DV affects the lives of many victims across in the Witbank policing area and remains one of the most prevalent challenges of social injustice in South African. The interest of the SACJS should seriously consider the plight of the victims of DV, especially females and children, and how to protect them better from the hands of the male perpetrators. Although the local police cannot eliminate all DV, with all of the key role players such as community structures and the courts working in collaboration, it is possible that, DV related challenges could be reduced drastically. Using data from a sample of participants from the Witbank policing area, the current study sought to determine how policing is been conducted on DV challenges, to determine how DV cases are handled by the police and investigate the challenges faced by the police in DV related cases.

Further, the findings provided evidence that it was widely accepted that DV is more commonly perpetrated

by males and that women are more likely to suffer physical harm at the hands of their partner (Taft *et al.*, 2001) and Klein (2009). It is therefore, recommended that strategies are developed by the SAPS to continue to influence community attitudes towards violence against women. Regardless of the situation, the SAPS are required to make a range of decisions and to take appropriate action, in order to respond, adequately to the call for help. Rather than limiting police discretion by the use of mandated responses, police must be supported and trained in using a wide range of possible alternatives. These include understanding the complexity of the situation, recognizing and responding to the victim's needs and wishes and being able to refer either the victim or the perpetrator to more appropriate agencies and programs. Since DV is often impossible to prevent the criminal justice system in general and the police particularly need to have the flexibility to respond with a range of strategies that help women deal with and manage such violence in their lives. It is argued that those who advocate that men should become active participants in ending violence against women often argue that, as part of this, men should engage in critical reflection on their own social locations and practices (Flood, 2010, 2011a, 2011b, 2015). But advocacy must be accompanied by reflexive and critical assessment (Flood, 2015:159-176). Research shows that men are more likely to engage in violence against women if they hold negative attitudes towards women and hold traditional gender role attitudes that legitimise violence as a method of resolving conflict or as a private matter (Flood and Pease, 2006:37). Approaches to preventing DV should be informed by research from both South Africa and overseas, especially from the setting of a rural areas demonstrating the effectiveness of different strategies. There is a growing body of evidence that shows that a range of strategies, including social marketing and awareness campaigns, early childhood and family based prevention, school-based programmes, community mobilisation, regulations on the portrayal of violence in the media, interventions to reduce the availability of alcohol and alcohol misuse, and criminal justice responses can be effective in preventing violence against women or repeat victimisation (Dissel and Ngubeni, 2003; Maxwell and Garner, 2012; Post *et al.*, 2011; O'Reilly, 2007; Sonke Gender Justice, 2018; Taft *et al.*, 2001). It is important, however, that in adapting programmes from overseas or within urban South African communities to be utilised for rural settings, and consideration is given to relevant characteristics of the local context in which

programmes are to operate and whether the programme needs to be modified accordingly. In conclusion, Bruce (2003:1-16) warns that care should be taken regarding 'cut and paste' reforms within police environments without identifying the uniqueness of the current policing environment. The following three critical points are highlighted by Bruce, namely:

- One of the biggest dangers is that overseas models will simply be used as a template for reform. The difficulty with this is that they take no account of the current economic and social realities of the country and police agency in question.
- Reform measures therefore need to be based on an assessment of (i) the current status, performance and capacity of the police service and of other bodies which perform a policing role; (ii) the potential of personnel within the agency to change and improve their practice; (iii) the available capacity in the police and broader structures to support the process of change; (iv) other social or political factors which are relevant.
- A reform program should be developed with an understanding of the possibilities and constraints imposed by the above factors and should incorporate both (i) short term measures which will build confidence amongst the police and public; and (ii) more systemic longer term measures aimed at overall reform of the policing system.

## FUTURE RESEARCH

Further research on the experience of frontline police officers, and all relevant stakeholders in other provinces should be explored for comparative analysis to determine commonalities and differences in experiences regarding the policing of DV.

## LIMITATIONS OF THE STUDY

Although this paper attempted to include as much literature as possible in the analysis, this study had some limitations and they need to be taken into consideration when reviewing this study. Firstly, the literature review was conducted as desktop research for a master's degree study of limited scope, with constrained time and budget; hence mostly academic open-access papers were considered. Secondly, searches were conducted based on all possible

combinations of a set of search terms pertinent to the impact of DV on health and health care costs. Search terms included: DV, impact, DV and prevalence, and substance abuse respectively. Data collected from one policing area and in one province which poses the possibility that some information might have been disregarded for this study.

## AUTHOR CONTRIBUTIONS

Robert Phahlamohlaka conducted a bigger study as part of his master's degree, Dorcas Khosa has reviewed related kinds of literature, designed, developed the concept of all analysis prepared, Jacob Tseko Mofokeng co-supervisor to the master's degree study and has reviewed related kinds of literature, analysis prepared, writing, and edited the manuscript text, Emeka Obioha was a main supervisor to the master's degree study.

## CONFLICT OF INTEREST

The authors declare no potential conflict of interest regarding the publication of this work. In addition, the ethical issues including plagiarism, informed consent, misconduct, data fabrication and, or falsification, double publication and, or submission, and redundancy have been completely witnessed by the author.

## ABBREVIATIONS

Act 116 of 1998	=	Domestic Violence Act, 1998
CAS	=	Case Administration System (CAS)
CJS	=	Criminal Justice System
CPF	=	Community Policing Forum
DVA	=	Domestic Violence Act
DVR	=	Domestic Violence Register
DSD	=	Department of Social Development
DV	=	Domestic violence
CSC	=	Community Service Centre
HIV	=	human immunodeficiency
IPID	=	Independent Police Investigation Directorate
MDGs	=	Millennium Development Goals

NDP	= the National Development Plan 2030
SAPS	= South African Police Service
SACJS	= South African justice system
SC	= Station Commander
TUT	= Tshwane University of Technology
UNICEF	= United Nations Children's Emergency Fund
WHO	= World Health Organisation

### HIGHLIGHT

1. The literature review indicates DV is wide spread, deeply ingrained and has serious impacts on women's health and well-being. Its continued existence is morally indefensible. During the past twenty-six years into the democratic dispensation in South Africa, there has been an explosion of knowledge about DV, its prevalence, and its linkage with other social problems. Yet, there remains a 'knowledge gap' when applying this knowledge to policy and practice. Further, despite the rapid increase in DV research over the past decade, there remains a dearth of studies evaluating knowledge translation activities, suggesting an urgent need to maximise the knowledge translation capacity of DV research.
2. The synthesis of the literature explains, as indicated above, Research indicates that the criminal justice paradigm is problematic for processing DV cases for a combination of reasons. One reason is that the police or criminal justice response is reactive, where victims often refrain from reporting their victimisation. "Victims of DV are often threatened with death or more violence if they initiate or proceed with criminal justice interventions.
3. Even though the reported cases were not accurate reflection of the prevalence of intimate partner violence incidents within the Witbank policing area, the above analysis, derived from the case dockets which were inspected by the first author who is the Witbank Cluster Detective coordinator. When analysis official dockets, one can actually see the difference regarding the number of cases reported in a specific month and the results thereof. The results were promising because many DV cases were reported but just a small number was solved. Finalised cases include cases solved through arresting the perpetrators, withdrawn cases and cases which went through a mediation process. Undetected cases include cases where perpetrators were never confronted and the case was closed as undetected even though the perpetrator stays under the same roof with the victim of that specific crime. During the year 2012 cases of intimate partner violence classified in the system were about 269, total cases finalised were about 44 and the total cases closed as undetected were about 225.
4. Based on the analysis from official dockets, it is safe for the authors to argue that the local police in Witbank was not doing enough and are also not doing well as far as intimate partner violence related cases are concerned.
5. The findings highlighted that, regardless of victim status, DV affects the lives of many victims across in the Witbank policing area and remains one of the most prevalent challenges of social injustice in South African. The interest of the SACJS should seriously consider the plight of the victims of DV, especially females and children, and how to protect them better from the hands of the male perpetrators. Although the local police cannot eliminate all DV, with all of the key role players such as community structures and the courts working in collaboration, it is possible that, DV related challenges could be reduced drastically. Using data from a sample of participants from the Witbank policing area, the current study sought to determine how policing is been conducted on DV challenges, to determine how DV cases are handled by the police and investigate the challenges faced by the police in DV related cases.

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