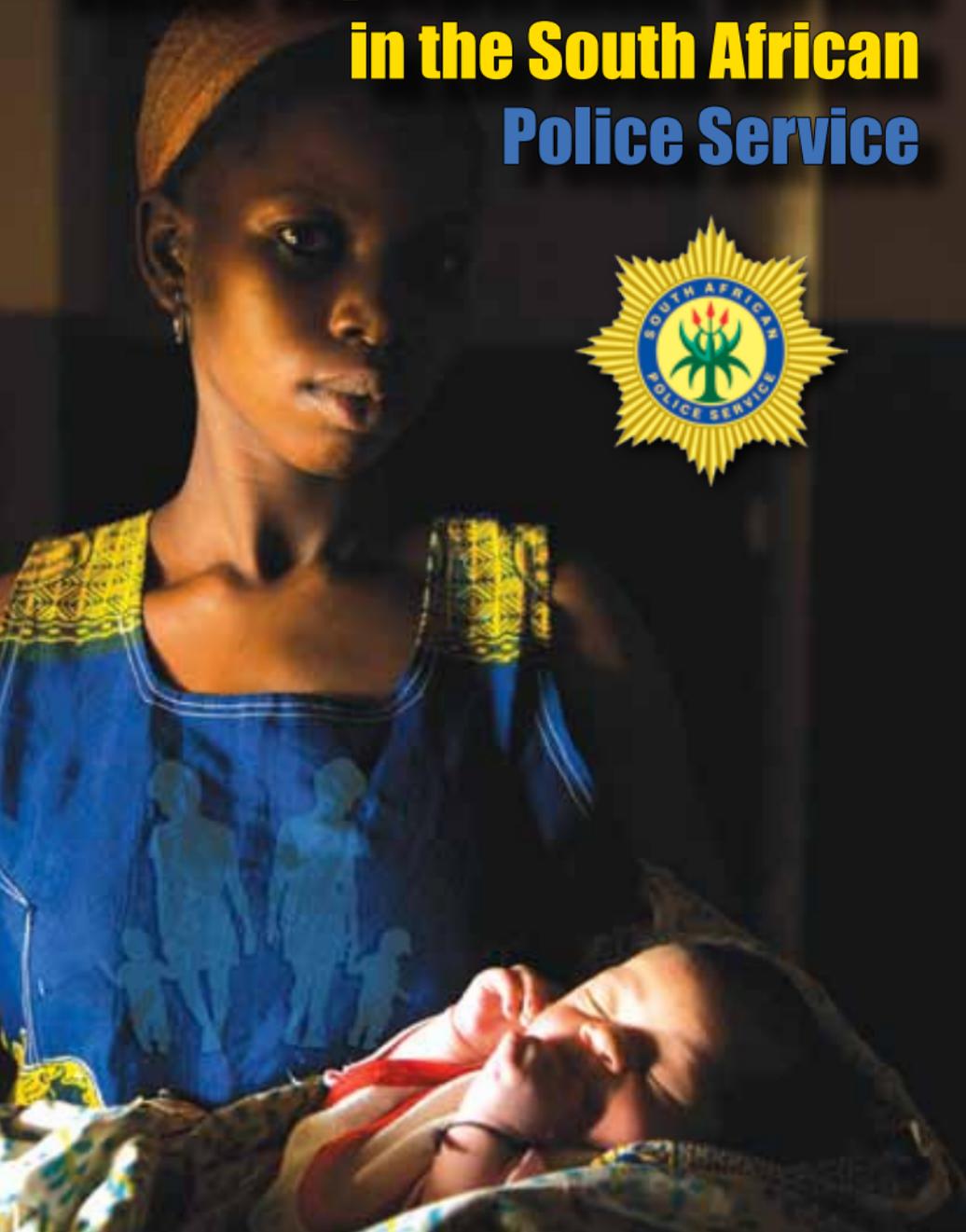
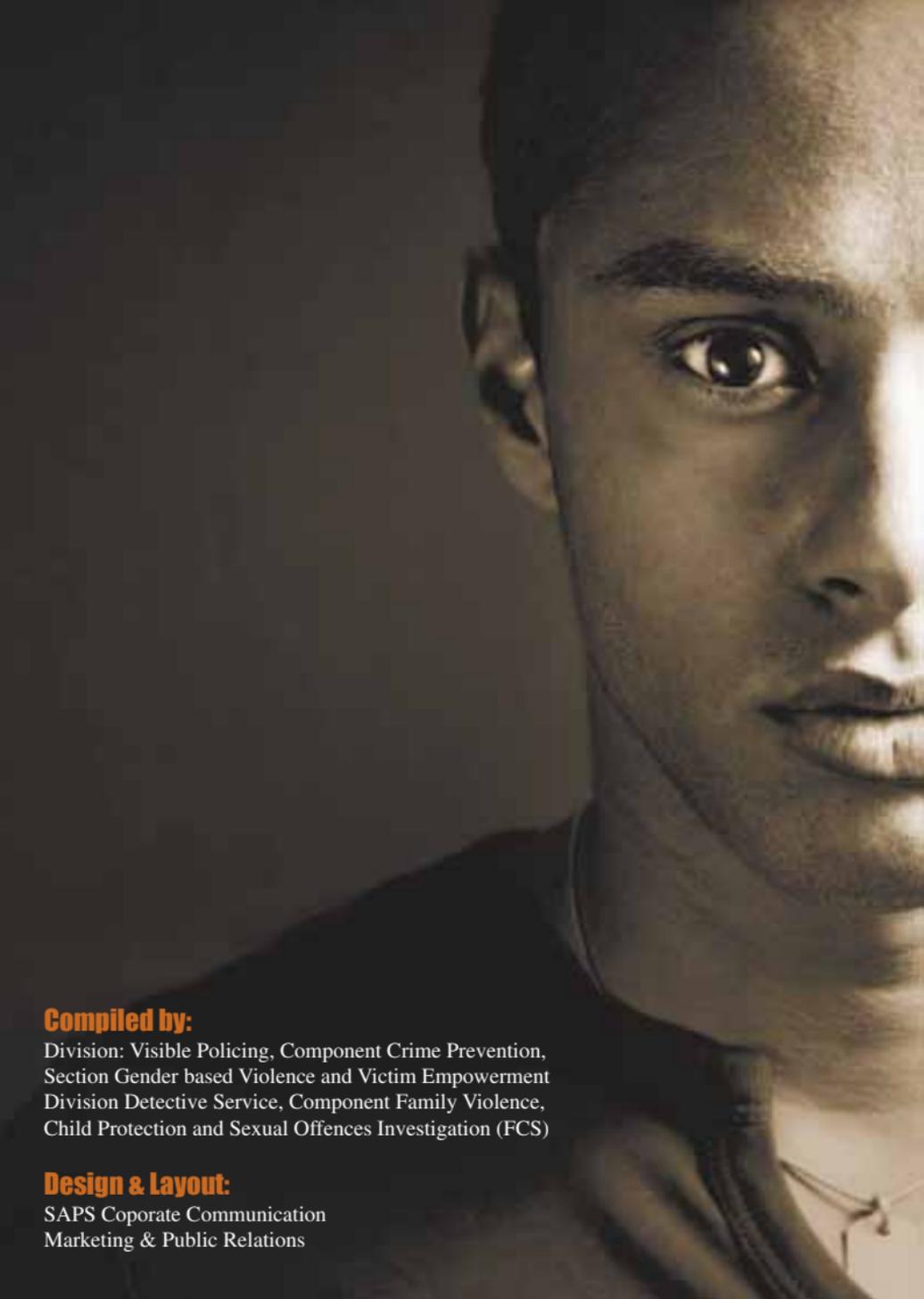


Victim Empowerment Service in the South African Police Service





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Victim empowerment service in the South African Police Service

1. INTRODUCTION

The South African Police Service is the initial point of entry to the criminal justice system in the majority of cases, and is therefore responsible for ensuring that the victims of crime, especially sexual offences and other serious and violent crimes, are provided with a victim-friendly service.

2. WHAT IS A VICTIM-FRIENDLY SERVICE?

It is a service where the dignity and rights of victims are protected, and the victim is empowered and not subjected to secondary victimization by the inefficiency of the members of the criminal justice system. The four basic elements of victim empowerment are -

- emotional support
- practical support
- providing information
- referral to professional support services

3. FRAMEWORK FOR SERVICES TO VICTIMS

The following serves are a framework for services to victims:

- Service Charter for Victims of Crime in South Africa

- Minimum Standards for services to victims of crime
- Legislation
- SAPS instructions, for example:
 - National Instruction 2/2012 – Victim Empowerment
 - National Instruction 7/1999 - Domestic Violence
 - National Instruction 3/2008 - Sexual Offences
 - National Instruction 2/2010 - Children in Conflict with the Law
 - National Instruction 3/2010 - The Care and Protection of Children in terms of the Children’s Act
 - Standing Operating Procedures for the reporting of FCS-related Crimes (FCS = Family Violence, Child Protection and Sexual Offences Unit)

4. RIGHTS OF VICTIMS OF CRIME

Victims have the following rights:

- The right to be treated with fairness, and with respect for dignity and privacy
- The right to offer information
- The right to receive information
- The right to protection

- The right to assistance
- The right to compensation
- The right to restitution

5. SERVICES POLICE OFFICIALS PROVIDE TO VICTIMS OF CRIME

Police officials must comply with the different instructions, for example the SAPS National Instructions.

All victims must be treated with fairness, respect and courtesy, in private, without discrimination, regardless of circumstances, population group, gender, age, disability, sexual orientation and appearance.

6. POLICE OFFICIALS FIRST CONTACT WITH THE VICTIM

The first contact of the police official refers to, for example -

- a telephone call from the reporter (victim, witness, concerned person, etc)
- the victim visiting the CSC
- a call-out to the crime scene where the victim is.

The first police official who comes into contact with the victim, must provide the following services/support to the victim:

- When receiving details of a complaint, the police official must react immediately.

- Introduce yourself to the victim.
- Determine and ensure the safety of the victim. Arrange for medical assistance, if necessary. Ensure that all possible evidence is preserved and collected from the medical practitioners/hospital/clinic.
- Interview the victim in a language that he/she understands. If the member cannot speak the language, he/she must arrange for another member who is able to converse in the same language, or arrange an interpreter.
- If the victim requests that he/she is interviewed by a police official of the same gender, all possible attempts must be made to adhere to the request.
- Inform the victim that he/she may have a person present for support during the different processes, for example the interview, statement taking, medical examination.
- Inform the victim of the different/applicable processes that will follow (statement taking, registering of case docket, medical examination, investigation).
- Notify the relevant detective performing standby duties of the case as soon as possible. Ensure that the detective attends to the case as soon as possible.

7. INTERVIEW AND OBTAINING THE VICTIM'S STATEMENT

The police official must attend to the following when interviewing and obtaining the statement of a victim:



- Take a statement in a professional and sensitive manner, with respect for the victim's right to privacy and complete all the necessary forms to register the crime.
- Interview and statement of adult victims (18 years and older)
 - If possible, the police official must be able to speak and understand the language used by the victim
 - The exact words of the victim must be contained in the statement
 - If the victim is too traumatised to provide detailed information -
 - obtain a brief, preliminary statement or obtain a statement from the person accompanying the victim
 - obtain an in-depth statement later when the victim is able to do so (see paragraph 18 of NI 3/2008)
 - Should the victim wish to provide a detailed statement immediately, obtain the detailed statement
 - Inform the victim of the different processes that will follow.
- Interview and statement of a child victim (under the age of 18 years)
 - For the correct format of a child's statement, see Annexure F of NI 3/2008 – Guidelines relating to the taking of a statement of a child victim
 - A police official who has been trained to interview and to

obtain a statement from the child, must deal with the child victim.

- The police official must be able to speak and understand the language used by the child victim. The use of a translator must be the last resort.
- The exact words of the child must be contained in the statement.
- If the child victim is too traumatised to provide detailed information -
 - ➔ obtain a brief, preliminary statement or obtain a statement from the person accompanying the victim
 - ➔ obtain an in-depth statement later when the victim is able to do so (see paragraph 18 of NI 3/2008)
- If the child is too young or not able to verbalise the details of the incident(s), a forensic social worker must give assistance with conducting a forensic assessment.
- A child's statement must be obtained in the presence of the parent/guardian, unless -
 - ➔ it is not in the best interest of the child
 - ➔ the parent/guardian is the alleged offender
 - ➔ the child requests to be interviewed without the parent/guardian being present.

➤ Content of the victim's statement

- Record the victim's exact words in the statement. Afford him/her the opportunity to read his/her statement and make any changes to it. If the victim is unable to read it, read the statement to him/her.

- The statement of the complainant should contain the following (should it not be included in the original statement, obtain an additional statement):
 - Elements of the crime

 - Detailed description of what had happened before, during and after the commission of the crime(s) (actions of victim and offender)

 - Detailed description of injuries sustained (victim) and caused (offender) during the incident(s)

 - Detailed description of threats and/or objects used (for example condoms, ropes, firearms)

 - Detailed description of any items removed from the crime scene and ability to identify items, if applicable

 - Detailed description of the surroundings where the incident(s) took place

 - Details of the alleged offender, if known
 - ↔ Full names, aliases, addresses, contact details
 - ↔ Relationship between victim and offender (stranger, family member, spouse, partner, friend, etc)
 - ↔ Physical description of the suspect (population

group, gender, age, physical appearance, deformities, tattoos, etc)

→ If unknown

↔ Physical description of the suspect (population group, gender, age, physical appearance, deformities, tattoos, etc)

↔ Personal characteristics (defective speech, language use, and modus operandi)

→ Indication whether he/she will be able to identify the suspect(s) and/or compile a facial identikit

↘ Details of the person to whom she/he reported the details of the incident(s) the first time (first report witness)

↘ Indication of possible witness(es), their actions/ involvement and their details (name, surname, alias, contact details)

8. REGISTERING THE CASE DOCKET

→ Register the case docket immediately/as soon as possible as the CAS reference number will be required for the follow-up processes, i.e. medical examination, circulation of the details of stolen property, requesting the services of the investigating experts/aids (photographer, fingerprint experts, dogs, etc).

→ Inform the victim of the different investigation processes

→ Provide the victim with the details of the police station and CAS reference number.



9. THE ROLE OF THE INVESTIGATING OFFICER

The investigating officer must -

- conclude the full investigation of a case as soon as possible
- explain police investigation procedures that involve the victim
- provide your contact details to the victim, should he/she have any enquiries with regard to the case
- consider the safety of victims and other witnesses a priority during the investigation. If possible, mechanisms should be adopted to prevent the offender from identifying witnesses (use one-way mirror facilities)
- keep the victim informed of progress made with the investigation (medical examinations, identification parades, identification and arrest of the alleged suspect), court procedures (decision of the prosecutor to prosecute/not prosecute, first appearance of the accused, bail hearing, bail conditions, trial dates, postponements, date required to testify, pre-trial meeting with the prosecutor, outcome of the trial), and the date and place when seized property may be collected
- Prepare the victim for the court process
- Inform the victim that the accused will have access to the docket. If the victim has any specific reason for not wanting the accused to have this information, submit the request to the prosecutor to withhold the name and address of the victim
- Inform the victim of available support/counselling services

- Inform the prosecutor if there is reason to believe that a victim or other witness may be subjected to further threats, violence or harassment, as this will be a consideration in the bail hearing. Advise the victim on steps to be taken if the suspect/accused threatens or interferes with him/her. Inform the victim of the witness protection programme, and if necessary, accommodate the victim
- Do not make the names and addresses of victims known to the media and this information should not be read aloud in open courts. Details which would identify them, should be withheld if possible
- ensure that all property held for evidentiary purposes are returned as soon as possible, if the victim may possess it legally
- inform the next of kin personally of the death of a victim and provide the necessary assistance during the identification procedures. This should be done in an empathetic and sensitive manner

*In the case of a **sexual offence**, the procedures as set out in National Instruction 3/2008 - Sexual Offences – must be followed when there is an indication that the victim may have been exposed to the risk of being infected with HIV as a result of the commission of the offence. The victim will have been exposed to the risk of becoming infected if the offence was a sexual offence that resulted in the victim coming into contact with the **blood, semen or vaginal fluid** of the alleged offender.*

10. THE ROLE OF THE COMMANDERS AND SUPERVISORS

The station commander and commanding officer must -

- ensure that the local station order/standard operational procedures have been implemented to cover all aspects of police treatment of crime (refer to SAPS VEP Manual 2009)
- ensure that all members under his/her command are aware of and comply with the protocol for initial and further contact with the victim
- ensure that members are familiar with providing a victim-friendly service and receive regular in-service training about victim services
- ensure that all members attend the VEP course
- ensure that there is a functional victim-friendly room (VFR) available at the station
- ensure that the VFR is equipped, maintained and used for the purpose of victim support
- make arrangements to ensure that a victim-friendly service can be provided, even if it is not possible to establish a victim-friendly room (VFR). Arrangements will include having private facilities for the purpose of interviewing and taking statements
- ensure that feedback is given to the victim regularly
- ensure that a VE coordinator is appointed at station level and that the local VE Forum is represented by an officer with decision-

making powers

- ensure that an updated referral list is available in the Community Service Centre (CSC), as well as in the victim-friendly room (VFR) for referring victims for professional victim support services available in the community.

II. REFERRAL TO VICTIM SUPPORT SERVICES

The police are in an ideal position to provide information on victim support or to refer the victim to access victim support services, such as victim counselling and other support services.

The station commander must ensure that a complete and updated referral list with the details of the Government/Non-Governmental organizations, medical institutions or any other groups in the area which provide medical, legal, social and counselling services to victims, is kept in the community service centre (CSC), the victim-friendly room (VFR) and offices of the Detective Services.

The list must contain up-to-date information on services rendered, and must include the following information:

- Telephone numbers
- Street and postal addresses
- Details of shelters
- After-hour facilities



BLACKLISTING

BLACKLISTING

POLICE

12. THE PROCEDURE TO FOLLOW WHEN REFERRING A VICTIM OF CRIME TO A PROFESSIONAL SERVICE PROVIDER

Members who refer a victim for victim support services and/or counselling (legal, social or medical), must -

- explain to the person that being a victim of crime can be a traumatic experience and that people often need counselling and other support services to cope with the impact of this experience, or to participate effectively in the criminal justice process
- ask the person whether he/she wants to be referred to these services for assistance
- consult the support services referral list and select appropriate service providers. (If possible, provide the victim with names and contact numbers of at least two service providers so that the victim can make the final choice)
- notify the appropriate service provider, if the victim so wishes
- provide the following information to the service provider when referring someone:
 - The name, address, contact number and age of the victim
 - A very brief description of the victim's problem(s)
 - All other necessary information, depending on the type of service provider the victim is referred to, eg a lawyer, social worker, medical doctor
- never give more information than is strictly necessary, as this will



violate the confidentiality and trust the victim has put in him/her

- never provide a victim with any victim support services, like counselling. All traumatised victims must be referred to professional service providers.

13. THE FUNCTIONING OF VICTIM-FRIENDLY ROOMS (VFRs) AT POLICE STATIONS

The SAPS is committed to improving our services to the victims of crime at all police stations and relevant units. As part of the Performance Plan of the National Commissioner, all police stations should have a victim-friendly room. To ensure the establishment of victim-friendly rooms (VFRs), a multi-year plan has been adopted by both the Supply Chain Management Division and the Visible Policing Division to establish VFRs at the police stations with no VFRs from 2011 to 2014.

A victim-friendly room (VFR) must provide an opportunity for victims of intimate violence (gender-based violence, child abuse, sexual offences and domestic violence) to make their statements in private, in a non-threatening environment.

The following are the advantages of establishing a victim-friendly room (VFR):

- Providing some privacy and comfort to the victim
- Providing a secure environment where statements can be taken from victims
- Providing a venue where other relevant support services can be rendered, for example where a victim support volunteer can provide the victim with information.

Station commanders must ensure that the victim-friendly rooms (VFRs) are -

- established. If this is not immediately possible, alternative arrangements must be made to provide an effective victim-friendly service to all victims
- adequately equipped
- neat and clean
- functioning effectively
- effectively equipped with a trained, permanent member of the police as coordinator.

The needs of all victims should be considered when a victim-friendly room is equipped, and the following guidelines are important, depending on the space available:

- Furniture and equipment must include -
 - a desk and chair for the police officer
 - chairs (two) for the victim(s)
 - a lounge suite (three or four-seater sofa) and/or a single sleeper couch
 - filing cabinet
 - lockable cupboard
 - white board and/or pin board

- stationery
- dustbin
- tea table
- cleaning equipment (broom and mop) and material (soaps)
- burglar-proofing on all outside doors and windows
- register to capture the details of the victim
- first-aid kit
- fire extinguisher
- Other equipment may include -
 - a television set and stand, preferably mounted to the wall
 - a DVD player and stand, preferably mounted to the wall
 - a kettle
 - cutlery and crockery (eight pieces)
 - a blanket
 - a pillow with a cover
 - a clip poster frame
 - an information stand for communication material

- a heater and fan if no air-conditioning is available.
- Toys may be available in VFRs that are also used for taking statements from children, but must not be displayed openly as not all victims are children.
- Bathroom facilities must be available, but be cautious not to lose/damage forensic evidence.
- VFRs must have an inventory to keep record of all equipment/furniture provided by the SAPS. A separate asset register must be kept to record all assets/equipment acquired through donations.
- The VFRs must not be situated in close proximity to police cells or in noisy or busy areas.
- No VFR may be converted to office space or be used for any other purpose than victim support services.
- VFRs can be discreetly decorated and painted to create a calm and relaxing atmosphere.
- VFRs may not be used as sleeping-over facilities and should not be equipped as such. If there is a need to provide overnight accommodation, arrangements must be made by the local Victim-Empowerment Committee to establish a shelter.
- A VFR can only be used for overnight stays or as a shelter if the Department of Social Development (DSD) is involved, to ensure that the facility is correctly registered and managed. The involvement of Non-Governmental Organisations (NGOs) in this regard, is permitted only if they are working in close cooperation with the SAPS and DSD.

- The functioning and management of VFRs at police stations will always remain the responsibility of the SAPS and other departments and/or NGOs will only render support services.

14. THE DIFFERENT VICTIM SUPPORT SERVICE CENTRES AVAILABLE IN THE COMMUNITY

In some communities victim support centres with multidisciplinary services have been established to provide the communities with one access point for more than one service. The aim is to provide a better service to the victim, while also empowering the victim in the criminal justice process. Should there be such a centre in your community, victims may be referred to the centre for services other than police services. If there is a police official available in the centre, that police official can assist the victim with police-related matters.

Crisis centres were mostly established at local hospitals to assist the victims of sexual offences, domestic violence and child sexual abuse with receiving medico-legal, medical, victim support, trauma counselling, legal and investigative services. The victims of these offences and violence need to be referred to these centres for the necessary victim support, other than police services.





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