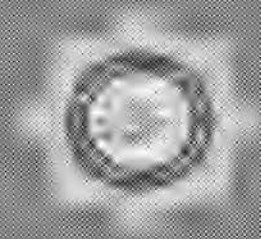


**VICTIM
EMPOWERMENT
PROGRAMME**

**THE SOUTH AFRICAN
POLICE SERVICE
MANUAL**



ETC
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FOREWORD

By

Divisional Commissioner: Division Visible Policing

AH Lamoer

The National Crime Prevention Strategy (NCPS) adopted by Cabinet in May 1996 established a VEP for South Africa. The South African Police Service (SAPS) was an integral part of the VEP team from its inception, charged with the development of policies and activities that would improve the quality of services provided to victims of crime by the SAPS.

Key aspects relating to improving services to victims relate to the manner in which members of the public are treated when they report crimes at police stations and provided with the necessary practical policing services. This includes the extent to which we as SAPS members provide victims with the necessary protection at the scene of the incident and how we liaise with other members of the social services and criminal justice system to provide them with assistance in finalizing their cases.

A critical aspect in victim services is the extent to which networks are built with other service providers and departments in order to ensure that victims are referred to appropriate authorities who can further assist and support them. It is our intention that this manual will provide clarity in understanding the linkages that can be made with others and police responsibilities with regard to victims of crime and violence.

It is therefore with pleasure that the Division: Visible Policing announces another easy-to-use guideline document aimed at empowering and building capacity amongst SAPS members to improve service delivery.



Divisional Commissioner
Division: Visible Policing
AH Lamoer

CHAPTER 1

INTRODUCTION

Crime usually has a devastating effect on the victims who suffer emotionally, physically and financially. Victims require assistance to deal with the trauma to be able to participate effectively in the criminal justice process, and to resume their lives as healthy members of society.

Until recently, very little has been done to address the special needs of victims. Victims are often the “forgotten participants” in the criminal justice system. In South Africa, victim empowerment is a relatively new concept, and very few services are available for victims of crime. To date, very little has been done to accommodate the needs of victims in the criminal justice system. Victims often go through another traumatic experience as a result of the ignorant and sometimes insensitive approach of service providers in the criminal justice system.

The public at large is unaware of the plight of victims and of the services that are available to them. Therefore, many have to go without support, remain traumatized, become victims again and sometimes even turn to crime themselves. The first National South African Victimization Survey conducted in 1997-1998 indicates that less than 1% of victims sought professional help, 60% did not receive any support at all, while 17% turned to family and friends, 12% to neighbours and 6% to a chief or headman in an effort to come to terms with the consequences of victimization. International research has shown that victims of any crime are at greater risk than those who have not been victimized of subsequently becoming a victim of the first or another type of crime a second time. In a British crime survey 50% of respondents who had been victimized were repeat victims and accounted for 81% of all crimes reported, and 5% of respondents had been victims five or more times and accounted for 43% of all crimes reported. In Canada victims of robbery, assault or sexual assault are nine to 20 times more likely than others to fall victim to these crimes again. They are also more likely to fall victim to other crimes. In the Netherlands, 43% of victims of violent crime who reported the incident had been victimized two or more times in the previous year, and these repeat victims account for 77% of all incidents of violent victimization.

In 1998, the South African Police Service (SAPS) identified the need for research that would assist with establishing victim support services at local level. This led to a partnership project between the NCPS VEP, the Council for Scientific and Industrial Research (CSIR), the University of South Africa (UNISA), the Human Sciences Research Council (HSRC) and the Medical Research Council (MRC). The Department of Arts, Culture, Science and Technology (DACST) provided the funding for the research.

The research indicated that support services for victims of crime and violence in South Africa are limited, fragmented, uncoordinated, reactive and, therefore, also ineffective. In general support services are not community driven and are provided *ad hoc*, causing various difficulties.

It was also found that services do not provide sufficiently for the diversity in language, culture and social conditions in South Africa, and are mostly Eurocentric in approach. Some services are overused, while others tend to be inaccessible with regard to their location or service fees, or are poorly marketed and, consequently, underused.

Another shortcoming is that certain categories of victims receive more support than others. Many service providers specialize in either rape or child abuse, and do not make provision for other types of victims.

Moreover, the research found a lack of understanding and insensitivity among many service providers such as the SAPS and the Department of Justice, leading to secondary victimization. Some existing governmental policies emphasize rules and regulations that are not person centred. In general, until very recent the plight of victims was poorly prioritized in government policy. The research also indicated that there had been a lack of long-term planning regarding the establishment of new services.

1.1 BACKGROUND OF VICTIM EMPOWERMENT IN SOUTH AFRICA

Prior to 1996 in South Africa, services to victims were rendered primarily by non-governmental organizations working in the field of child and women abuse. Following the application of the NCPS in 1996, the South African government prioritized the need for improved services to victims in the criminal justice system, and acknowledged that the absence of victim aid and empowerment plays a role in the cyclical nature of crime and violence. The NCPS further recognized that victims of criminal activity, if untreated, are often victimized again or become the perpetrators of retributive violence or domestic violence.

The NCPS as the basis of the South African model for victim empowerment also recognizes that victim support and empowerment, which is often remedial, could play a contributory role in the prevention of crime.

The NCPS advocates a victim-centred approach to crime and crime prevention, and makes specific provision for an inter-sectoral programme, called the NCPS Victim Empowerment Programme (VEP). The programme is led by the Department of Social Development and includes role players such as the South African Police Service, the Departments of Justice, Health, Correctional Services and Education, as well as NGOs, CBOs and academics in the field of victim empowerment. The programme aims at empowering the victims of crime and violence, by -

- (a) Making the criminal justice system more accessible;
- (b) Providing a greater and more meaningful role for victims in the criminal justice process, for example as witnesses in the prosecution of criminals; and
- (c) Addressing the negative effects of victimization through providing counselling and support services at local level.

The White Paper on Safety and Security, 1999-2004 also stresses the need for improved services to victims. The Department of Safety and Security views victimization as a violation of human rights, and subscribes to the United Nations' Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power which clearly states that victims have the right to be treated with respect and dignity, to offer information, to receive information, to be given legal advice and the right to protection, compensation or restitution. The White Paper charges the SAPS with the following:

- (a) Specific guidelines should be developed to ensure that in cases of sexual offence, rape or domestic violence, victims are treated with sensitivity. Due regard should be given to victims with special needs and it must be ensured that they are especially treated with dignity, compassion and care.
- (b) At local level, the police should support and participate in networks with health services, social workers, non-governmental and community-based organizations that provide victims with assistance, support and counselling.

Victim empowerment has also been included as a national priority in the annual Priorities and Objectives of the South African Police Service, and forms an integral part of the community policing of philosophy.

To meet its responsibilities regarding victims, the South African Police Service established a National VEP (NVEP) in 1996. This programme, which is directly linked with the NCPS VEP and the White Paper on Safety and Security, aims at integrating the philosophy of victim empowerment into everyday police practices and procedures.

The SAPS identified the need for a policy manual to direct its role in supporting a holistic, effective VEP that will serve and protect the people of South Africa.

1.2 AIM OF SOUTH AFRICAN POLICE MANUAL

In line with the SAPS objectives to improve services to the victims of crime, this manual aims at -

- (a) Providing a framework within which the concept of victim empowerment can be integrated into routine police practices and procedures
- (b) Setting standards and guidelines for the establishment and management of victim empowerment initiatives in the SAPS
- (c) Setting minimum standards with regard to services to the victims of crime, violence and road accidents
- (d) Identifying areas of inter sectoral cooperation, and determine obligations regarding the development, implementation and monitoring of services to ensure accountability and control at all levels.

To ensure that this manual is in line with international developments but also relevant to South African circumstances, it was developed with due regard to:

- (a) The United Nations' Declaration of Basic Principles of Justice for the Victims of Crime and Abuse of Power
- (b) The International Victim Assistance Training Manual on the use and application of the United Nations' Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power
- (c) The Council for Scientific and Industrial Research's document From Policy to Practice: Exploring Victim Empowerment Initiatives in South Africa.

1.3 DEFINITIONS

1.3.1 Restorative justice

Restorative justice is a process whereby the victim and the offender are treated in an appropriate manner, and justice is seen and felt to be done (as opposed to retributive justice). It encourages dialogue and mutual agreement, provides central roles to victims and offenders alike within the judicial process, and measures its success according to the extent to which responsibilities are assumed, needs are met, and healing (of individuals and relationships) is encouraged.

1.3.2 Restitution

This is the money that the offender pays after he/she was found guilty of an offence. The aim of paying restitution is to offset some of the harm done and also to provide a socially constructive way of holding him/her accountable for his/her actions.

1.3.3 Victim

The United Nations' Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power defines victims as persons who, individually or collectively, have suffered harm,



including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of national criminal laws, including those laws describing criminal abuse of power. A person is regarded as a victim, regardless of whether the perpetrator has been identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. The term *victim* also includes, if appropriate, the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent further victimization.

1.3.4 Survivor

Often used interchangeably with the term *victim*, the term *survivor* is recognised within the NCPS-related Victim Empowerment environment to refer to victims who have been subject to empowerment interventions with the aim of enabling them to overcome the trauma of victimisation. It is also perceived as the goal of the provision of a comprehensive victim empowerment package relative to the victim's ability to gain confidence in interacting positively with others within their communities. In certain instances these interventions may include long-term counselling in order to achieve the required result.

It has also been used to describe those victims who have been subject to initial support and assistance and feel sufficiently empowered to confidently interact positively with others.

The subjective standard of employing the individual's own perceptions of surviving the acts of victimisation as a measurement, usually impacts on how this term can be used as an accurate description of an individual person's status.

1.3.5 Victimization

Victimization is the process whereby a person suffers harm through the violation of internationally recognised norms relating to human rights or of national criminal laws.

Repeat victimization occurs when a victim is victimized more than once by the same or different perpetrators. **Multiple victimization** includes one criminal incident and numerous perpetrators. **Secondary victimization** occurs when members of the criminal justice system, government institutions such as the Department of Health and Social Development, and the community at large subject victims to insensitive treatment by, for example, blaming them for what had happened and ignoring the victim's role in the judicial process.

1.3.6 Victim support

This refers to the process where victims are given the necessary assistance to overcome the trauma resulting from any experience they might have had in which their rights, in terms of national criminal laws or internationally-recognized norms regarding human rights, had been violated.

This is a relatively new, but rapidly expanding field, which seeks to aid the victims and survivors of crime or tragedy through emotional support, practical aid and advocacy. Victim assistance basically aims at -

- reducing the psychological shock and trauma a victim of crime or trauma suffers by lending emotional and practical support immediately at the time of the incident being reported the first time, or shortly thereafter
- assisting the victim after the initial crisis by giving emotional and practical support and referral to local service providers for further assistance
- providing information on matters such as the status of the investigation, the status of the accused (arrested, released, etc), the court system, the rights and role of the victims in the court process and services available to victims.

1.3.7 Victim empowerment

This implies creating a greater role for victims in the criminal justice system (judicial process) and enabling victims to resist repeat victimization. It also refers to the manner in which victims are empowered by having their needs that arose from an incident of victimization, met satisfactorily. It also involves the process of helping a victim to become a survivor and come to terms with events with as little lasting effect as possible.

Victim empowerment in the broader sense could include trauma counselling, medical services and legal services in addition to giving the victim emotional and practical support and providing him/her with information regarding the functioning of the criminal justice system.

It is also geared towards enabling victims to understand the social systems that function within their immediate environment and provide them with tools to manage factors that can lead to repeat victimisation. It is a broader term than victim support. It often includes counselling as a critical element in empowerment.

1.3.8 Victim support centre

There are a number of models for multi disciplinary services. It is important to note that the focus of all such services is not the victims of crime and violence. It basically refers to a centre or location where communities are provided with one access point for more than one service. Such a centre, depending on the nature of services available, can function during office hours or 24 hours.

When crisis intervention or victim services are provided, the aim is usually to provide a 24-hour service as opposed to information and payment points for local government and social services that would function during office hours.

There is also more than one model of a multi disciplinary centre that is relevant to victim empowerment. These centres may differ in terms of their primary purpose. For example, the National Prosecuting Authority-led Thuthuzela Care Centres (TCCs) were established to improve the criminal justice system's treatment of victims of specifically rape and sexual offences by providing one service point for a number of victim services and criminal justice services (for example health care, victim support, providing statements to police all take place in one location).

The specific aim of these centres is to provide a better service to the victim while also empowering the victim in the criminal justice process and improving the criminal justice process like investigations and prosecution and the handling of forensic evidence. Therefore, the Thuthuzela Centres are usually linked to Sexual Offences Courts and Family Violence Child Protection and Sexual Offences Units (FCS Units)

1.3.9 Crisis centre

Crisis Centre is a one-stop multi disciplinary centre (possibly 24 hours), usually located at the local hospital, clinic or a house in the community, where victims of sexual offences and domestic violence and child sexual abuse receive medico-legal, medical, victim support, trauma counselling, legal and investigative services.



1.3.10 Victim Support Rooms (VSR)

This is a room or rooms at a police station provided or refurbished for use by victims. Such a room or facility will provide privacy and confidence for the victim to give his/her statement. Victim facilities used for taking statements from children could also include toys, even special toys used by experts (usually with assistance of intermediaries) to assist in taking statements. VSR must not be confused with trauma rooms. A victim-support room refers to space in a police station where services related to the SAPS' functions are rendered. If services beyond the mandate of the SAPS (for example medical examinations or trauma counselling) are rendered, the facility becomes a one-stop or multi disciplinary Victim Support Centre and the involvement of other service providers in government must be sought to assist in the management and supervision of the Centre and the services rendered.

1.3.11 Sexual assault evidence collection kits

These are the crime kits that are used to collect and present evidence in cases of sexual offence.

- The paediatric kits are used for children under the age of 12.
- The normal kit is applied for evidence for cases involving victims over the age of 12.

1.3.12 Victim care/comfort kits

This is a package of toiletry items that can be used by victims of sexual offences after the medical examination to support forensic evidence, has been completed.

1.3.13 Community-based victim support centre

This is the venue at a police station (in terms of the station's victim support programme) that was made available to volunteers who assist the SAPS to render a victim-friendly service. This will probably be the police station's Victim support room, but may be called a victim support centre when used by volunteers of the victim support programme. The services rendered at such a centre must be an extension of the services rendered by the SAPS.

1.3.14 Victim vulnerability

This refers to the susceptibility of certain persons to victimization through no fault of their own, but because of demographic or other characteristics, e.g. race, age, gender, sex, ethnic or social origin, sexual orientation, disability, religion, belief, culture or language.

1.3.15 Harmful religious/cultural practices

Harmful religious or cultural practices refer to any human conduct that constitutes legally-recognized crime, the *modus operandi* of which relates to or emanates primarily from any belief or ostensible belief in the occult, witchcraft, Satanism, mysticism, magic, esotericism and the like. Included in the scope of the above are genital mutilation/rituals/multi/medicine murders, witch purging, witchcraft-related violence, and the activities of sects posing a threat to the safety and security of the Republic of South Africa and/or its inhabitants.



CHAPTER 2

THE PHILOSOPHY OF VICTIM EMPOWERMENT

The South African Constitution, 1996 (Act No 108 of 1996), specifically the Bill of Rights, guarantees the right to equality, respect for human dignity and the freedom and security of every person in South Africa. The Constitution further seeks to protect the rights of vulnerable groups, and makes specific provision for the rights of children. As the Constitution is the supreme law in the country, all other legislation is subject to it and all government departments must act in accordance with it.

The Police Service, as the gateway to the criminal justice system, are often the first to come into contact with victims of crime and violence. Their interaction with victims affects the way in which victims deal with and recover from victimization.

The police also fulfil a symbolic role in the eyes of victims and act as the representatives of the criminal justice system. Research has indicated that attitudes towards the police are more strongly associated with the perceived obligation to obey the law, than attitudes toward the public prosecution and the courts.

The rights of the victim must be balanced with these rights of the offender in the judicial process. Empowering victims through the provision of professional, person-centred services will restore their trust in the criminal justice system, encourage them to report crime, and ensure more effective participation of victims in the judicial process. This will ultimately lead to more efficient judicial processes.

Professional experience and research have shown that crime can have long-term detrimental consequences for victims and their families. Not only does it affect their physical, financial and emotional well-being, but it also changes their attitudes towards society in general and towards the authorities in particular. The uninformed or insensitive treatment of victims by the criminal justice system or by individual professionals within that system, are likely to increase or prolong these negative effects.

In contrast, victims who are given proper recognition and respect are better able to make a healthy and informed adjustment to their experience of crime, understand the crime in its proper context, and are reassured by the experience of solidarity within their community. Protection from secondary victimization is as important as protection from the original crime, particularly because the power to provide this protection lies with the authorities.

Empowered victims are less likely to continue the cycle of violence. A victim who has contributed to the successful conviction of an offender feels that justice has been done and does not need to commit an act of revenge to feel better. Crime, and the fear of crime, affects not only the individuals involved, but also the people who become aware of events through personal contact with the victim or through the media.

Accounts of secondary victimization in the judicial process are likely to undermine people's confidence in it and possibly decrease cooperation. Procedures that recognize the position of the victim and prevent secondary victimization are, therefore, essential to social solidarity and the interests of justice. Acknowledging and respecting the rights of victims is essential to the well-being of society in its entirety.

The model referred to in this section relates to the manner in which all stakeholders in the field of victim empowerment cooperate with each other.

The NCPS advocates the establishment of a victim-centred, restorative justice system, a system which aims at promoting rehabilitation and address the direct effects of crime, emphasizing the needs of those least able to protect themselves. The NCPS further emphasizes that crime is a multifaceted social problem that requires an integrated (multi-agency) approach to prevent and address the root causes of crime and provide effective support to victims.

As part of the NCPS VEP, much deliberation has taken place regarding an appropriate model for victim empowerment in South Africa. A model based on multi disciplinary cooperation that aims at establishing national, provincial, and local partnerships has been implemented.

Within the model there is a National body (currently known as NCPS Victim Empowerment Management, consisting of government and civil society, which sets standards and monitors service delivery. Every province has another coordinating mechanism, the Provincial Steering Committee or the Provincial NCPS Victim Empowerment Forum that has structures in place to facilitate victim empowerment at local level. (Snyman, 1990)

The functions of the National NCPS VEP Management and Reference Team include the following:

- (a) Formulate policies, e.g. procedures and guidelines, for the departments in the Criminal Justice System on informing complainants of the status and progress with cases.
- (b) Advise Parliament on changes that should be made to legislation to improve services of victims.
- (c) Set standards for services deliver and develop evaluation criteria for service providers.
- (d) Plan an annual conference for participating support schemes.
- (e) Encourage the training of service providers, including police members with victim empowerment.
- (f) Implement regulations to eliminate prejudice against victims of crime and violence.
- (g) Initiate and commission research, eg an audit of victim complaints, in order to identify the most critical areas in policy that must be changed.
- (h) Develop a programme for the extension of victim-offender mediation.
- (i) Develop policy concerning compensation and restitution.
- (j) Draw up a directory of all service providers and available services. This must support the identification of critical shortcomings in the provision of such services and should result in a set of priority areas for development and support
- (k) Deal with problems relating to communication and coordination, for example, identifying crucial areas of public information that are inadequate in enabling victims to make the best use of available state and non-governmental services.
- (l) Develop systems for the evaluation of customer satisfaction in relation to victims' experience of the SAPolice Service and the Justice Department.
- (m) Establish contact with neighbouring countries in order to expand victim empowerment services to the entire Southern African region.

The National body, the NCPS Victim Empowerment Management and Reference Team, comprises representatives of the relevant national departments. These include the Departments of Social Development, Justice, Health, Education, the SAPS, Correctional Services, provincial representatives of the NCPS VEP, as well as academics, researchers and

NGOs in the field of trauma counselling, victim empowerment, and women's and children's interests. The Management and Reference Team is established, convened and chaired by the Department for Social Development.

All Provincial Steering Committees otherwise referred to as the Provincial NCPS Victim Empowerment Forums consist of selected representatives of government departments and different provincial organizations. **These Forums provide support to victims and perform the following functions:**

- (a) Coordinate the support services in the province, as well as initiate new support services and programmes and/or amend existing ones according to the needs of the victims.
- (b) Coordinate provincial training and supervision for volunteers and service providers.
- (c) Collect statistical data from the different support schemes for research.
- (d) Hold regular meetings (monthly/weekly) with the different support schemes to identify any breakdowns in coordination and communication.

At local level, individual victim support services consist of all governmental, civilian groups and organizations in the community which render assistance to victims. These local schemes can provide specialized or general support services, and can be staffed by professionals or volunteer workers. The individual character of local support services should be retained to ensure that these services suit the needs of the specific community.

The functions of the local victim support services include the following:

- (a) Provide assistance to victims of crime.
- (b) Refer victims to the appropriate agency in their community, if necessary.
- (c) Upgrade and develop the service they render, through training, to ensure that it meets the standards set by the National Victim Empowerment Structure.
- (d) Keep statistics for the purpose of research. (Statistics should also be used as a management information tool to identify service delivery gaps and to implement action steps to deal with these gaps.)
- (e) Initiate victim empowerment and awareness campaigns in the community.

The model of decentralized, direct service optimally utilizes available resources and employs all organizations in the criminal justice environment, the social work field and the community to provide support to victims. Existing infrastructure is utilized and services such as hospitals, psychiatric treatment, and provision of information on the progress of police investigations and dates of court hearings are immediately accessible.

The model is cost-effective as it is based largely on the use of volunteers, with only a limited number of paid coordinators and clerical staff. These services should be financed by both the private and public sectors in the form of subsidies for salaries and donations.

The proposed model for victim empowerment in South Africa is designed to facilitate communication between the National VEP Management and Reference Teams, the provincial NCPS VEP forums and the local Victim Support Services or structures in a specific province. The value of the model lies in the coordination of the different victim support services, the quality of support resulting from a common set of standards, and the maintenance of the character of each individual scheme.



In practice, this model could work as follows:

- (a) There could be different procedures for dealing with victims of social fabric crimes (i.e. rape, domestic violence and child abuse) and the victims of other crimes.
 - (b) Police officials, health workers or social services will provide a victim-friendly service (i.e. they will be empathetic and work with victims in a private setting), incorporating the four basic elements of victim empowerment, namely:
 - **Emotional support**
 - **Practical support**
 - **Provision of information**
 - **Referral to professional support services.**
 - (c) In addition to the usual procedures that are followed to help people who have been victimized, the police, health worker, social services or justice official will give the victim information on other victim support services that are available in the particular community. If possible, victims will be handed a brochure, and will be asked whether or not they want to be referred to other services. If the answer is yes, the police member, social worker or health official should provide the victim with referral information and/or, the contact numbers of the local victim support services. In certain areas this may mean a referral to a community-based victim support centre, for example the centres established as part of the BAC victim support programme. These centres are located at police stations and use volunteers, who work under the supervision of paid professionals, to provide victim assistance.
 - (d) Depending on the kind of service available in the area, a volunteer or professional will contact the victim and assist him/her to access services needed, e.g. basic emotional support, assistance with insurance claims, guidance on how to prevent further victimisation, assistance in court. If a service, e.g. a volunteer programme, cannot provide a particular service, the victim will be referred to the relevant professionals. For example, if the volunteer provides basic emotional support, but subsequently realizes that the victim requires professional trauma counselling or psychotherapeutic treatment, he/she will refer the victim to a government service provider, private practitioner (psychologist or social worker) or an NGO that specializes in the specific field.
- (e) The police will keep victims informed of the progress with their case, and will provide the relevant information to the Department of Justice, who will also be required to provide a more victim-friendly service by, for example making victims a central part of the judicial process. If the offender is imprisoned, Correctional Services will inform the victims and their family of dates of parole hearings, conditions of parole and/or the death or escape of a prisoner(s).
- (f) Regarding the victim's right to compensation or restitution, the police must inform the victim of the provisions of section 300 of the Criminal Procedure Act, 1977 (Act No 51 of 1977). This section provides that a court may award compensation to the victims of certain categories of crime.
 - (g) The establishment of a local working group for victim-offender mediation would enable these processes to be carried out in circumstances where the victim is willing to be reconciled with the offender. There is consensus within the National VEP Management team that the Department for Correctional Services may initiate these processes where the incarcerated offender intends making amends to the victim in relation to his/her offence (but only with informed consent of the victim). There are other circumstances where the nature of victimisation may not have criminal consequences that resulted in imprisonment. Provincial VEP teams would have to decide how they intend facilitating

victim-offender mediation at the local level in a variety of circumstances. It has been proposed that guidelines for mediators should be developed by provincial VEP Teams to facilitate these processes. These guidelines must be fair and sensitive to the needs of victims and safeguard the victim's right to confidentiality.

- (h) In some areas, multi disciplinary service centres involving all the relevant services to the victims of violent crime (such as rape) are available. In these areas local information campaigns encourage the community to approach these centres directly. In order to support these centres, the local police stations must have mechanisms in place for speedy referral if victims approach them first. Ideally multi disciplinary victim support centres should have personnel available 24 hours. Personnel could include volunteers, social workers, psychologists, accredited medical officers, primary health case workers, police investigators and legal aid workers. These professionals can be present at the centre or available on a stand-by arrangement, depending on the size, nature and local environment at the centre. It may, for example, be located at a police station, in which case police members will be available on site. If it is located at a hospital, medical personnel will be available on site for at least some of the time.
- (i) If a multi disciplinary service centre exists, the staff will attend to the immediate priorities, (i.e. medical examination) before the case information will be made available to the police with the victim's permission, to conduct an investigation.

(j) If an adult victim does not want to lay a charge, the victim support centre must provide the victim with information relevant to the criminal justice processes but may not report the incident to the SAPS. If, however, the victim is a child, the victim support centre or service provider must report the matter to the SAPS for investigation in terms of the Child Care Act.

- (k) If the victim of a social fabric crime or sexual offence first reports the incident to the police in a police station area served by a multi disciplinary victim support centre, and he/she is traumatised, the SAPS officer who responds to the call needs to take down the basic details of the event, not ask too many personal questions and open a skeleton docket as the Crime Register number is required for the J88 before he/she is taken to the multi disciplinary victim support centre. Note however, that not all these centres are the same, for example at the Western Cape Thuthuzela Care Centre the victim will be taken for medical assistance before the statement is taken. Local agreements between service providers will determine the exact protocol that applies in each area.

(l) If an **occult-related crime** is reported, members of the Detective Service dealing with occult-related crimes must be contacted. The victims in such cases are in a unique mental and spiritual state and require a unique approach. The procedures for referring victims to the available victim support services in the community also apply in cases of this nature.

- (m) Victim support service providers who play a role in the above model must keep records related to their services with due regard to the victim's right to privacy and confidentiality. Service providers should also provide for the need to monitor services and generate information that could assist to assess the impact of these services.



2.2. CONCLUSION

South Africans are exposed to high levels of victimisation owing to the presence of a combination of certain risk factors. Victims who report the victimization to the police are often dissatisfied with the way they are treated.

Their dissatisfaction may include the following:

- Many would like to receive help from qualified specialists, but do not get it.
- Victims need to be empowered by having their needs, which arose from the victimization, attended to satisfactorily.
- They need to make sense of what has happened to them, why it happened, and why they reacted the way they did.
- They need to feel safe and to regain a sense of control over their world.
- They also need the reassurance that justice will be done and they need to be involved in the resolution of their cases.

Policies that aim at addressing victims' needs are guided by ideologies regarding treatment, justice and crime prevention. The proposed South African model for victim empowerment is a combination of these ideologies. It provides for the effective utilization of available resources in the criminal justice system, the social work environment field and the community, to support victims.

The model is based on the principle of co-ordinated service delivery and has the following positive outcomes:

- Aims at facilitating communication between the National and Provincial coordination committees and the local victim support services in a specific province.
- The model benefits victims and custodians of the criminal justice system directly.
- It helps victims to cope with the impact of victimization, and encourages them to report crime.
- Victims who participate well within the criminal justice system would also contribute positively towards improving the conviction rate of perpetrators.
- Victim-friendly policies and interventions also reduce repeat victimization and prevent victims from becoming perpetrators themselves.

By treating victims more fairly and by maintaining and restoring the victim's respect for the law the services provided by the **Criminal Justice System (CJS)** will be improved. This then promotes law-abiding behaviour that will eventually help victims not to become victimized again or take retributive action.



CHAPTER 3

PILLARS AND PRINCIPLES OF VICTIM EMPOWERMENT

3.1 The four pillars of victim empowerment in the SAPS

The philosophy of the VEP of the South African Police Service is based on four pillars which are discussed below.

3.1.1 A Multi-sectoral approach (Partnerships)

A VEP will only be successful if sustainable partnerships are created between the SAPS, local representatives of other relevant governmental departments, local authorities, institutions and organizations from civil society involved in victim support, and ordinary members of the community. Their involvement is crucial for the successful rendering of the required service to victims, the training of service providers, the launching of public awareness campaigns and the formulation of local strategies. Community police forums have a role to play in mobilizing members of the community.

It is critical for the SA Police Service to liaise closely with, and participate actively in strategic bodies that coordinate and manage victim empowerment services at the provincial, area and local levels. Victim Empowerment Coordinators employed by the Department of Social Development (DSD) have the mandate to perform these coordination functions.

3.1.2 Empowerment

Empowerment has bearing on both members of the SAPS as service providers and victims who are the clients of the SAPS.

SAPS members must be trained to the extent that they are capable of rendering a thorough and professional service to the victims of crime. The empowerment of victims involves providing information about the available counselling and support services; providing information on criminal justice procedures and processes relevant to victims; as well as giving feedback on progress made with criminal investigations. In addition, the victim must be treated with dignity and be allowed to play a meaningful role in the judicial process.

3.1.3 Service Orientation

Within the paradigm of victim empowerment, the police must attend to the needs of the victim as their client, to provide a professional, accountable and client-centred service.

Victim empowerment, therefore, requires the police not to view the victim simply as a witness or a source of information, but to respect him/her as a person who has specific rights as well as needs which must be met satisfactorily. In the majority of cases, the police are the first official agency which has contact with the victim. Research suggests that victims' satisfaction with the treatment they receive from the police has a great effect on their satisfaction with the entire criminal justice system.

In rendering services to victims, the police should also give special attention to the needs of vulnerable groups such as women, children, the elderly, and people with mental and physical special needs.



3.1.4 Crime Prevention

Victim empowerment contributes to crime prevention. Helping victims deal with victimization will prevent repeat victimization, reduce the overall rate of victimization and prevent victims from becoming perpetrators.

3.2 PRINCIPLES OF VICTIM EMPOWERMENT

The VEP of the SAPS is guided by the following principles:

- (a) Victim empowerment requires a multi disciplinary and holistic approach. The relevant government departments, NGOs and community-based organizations (CBOs) should, therefore, all participate in the establishment of victim empowerment services and victim-friendly procedures in the criminal justice system.
- (b) The establishment of inter-sectoral trauma centres or one-stop facilities where a forensic, medical, counselling, legal and investigative service are provided, is not the primary responsibility of the SAPS, but of service providers such as the Departments of Social Development and Health, NGOs and CBOs (for example Community police forums) involved in victim support. The SAPS should, however, support and participate in the establishment of these initiatives at local level.
- (c) The NCPS' VEP and the SAPS's VEP aim at improving services to all the victims of crime, violence and vehicle accidents. Although special attention should be paid to the needs of vulnerable groups, a balance must be struck between specialized and generic interventions.
- (d) Members of the SAPS interact constantly with the victims of crime in the performance of their ordinary duties, for example when people report crime or during the course of an investigation. Providing a professional and sensitive service to victims forms an integral part of service delivery by the SAPS. Members of the SAPS should undergo sensitization training regarding the harmful effect of criminal victimization, and the professional and sensitive treatment of victims.
- (e) Close cooperation between members of the SAPS's Crime Prevention and Response Service (uniform members) and the Detective Service is essential to ensure continuity of services.
- (f) Effective structures of management should be established to ensure accountability and control of the VEP at all levels.
- (g) Victim-friendly facilities should be established at all police stations to provide for the comfort and privacy of victims when giving their statements. For example, partitions can be erected in the community service centre, a private waiting area can be created for victims, and one-way glass can be fitted in rooms that are used for identification parades.
- (h) Measures should be implemented to ensure that feedback is given about key developments in a case.
- (i) Thorough procedures must be established for dealing with complaints. Victims must be informed of these procedures to enable them to seek compensation for any infringement of their rights.
- (j) Police officers were exposed to and often became the victims of violence in the course of performing their duties. They also deal with human misery daily. Employee assistance programmes (managed by the SAPS's Psychological, Social Work and Spiritual Services) must be supported and accessed to enable police members to manage their job-related stress to enable them to interact effectively with victims. Professional counselling and support (debriefing) services should be made available to those police officers who are exposed to or have to intervene in situations of violence.



CHAPTER 4

THE ROLES AND RESPONSIBILITIES OF SAPS REGARDING VICTIMS OF CRIME

4.1 INTRODUCTION

The degree, to which a victim's dignity is restored and healing takes place, depends on, among other things, the respect shown and the quality of the services the relevant service providers offer him/her.

Victims can enter the criminal justice system through different avenues, for example, by reporting the crime to the police, a hospital or clinic (for medical treatment) or welfare agencies (for assistance and counselling). As the police function 24 hours, they are likely to be the first persons who have contact with the victims of crime. Sensitivity to victims' needs and an awareness of matters concerning victims are, therefore, of the utmost importance.

According to the National Victim of Crime Survey (1998), the main problems that victims experience in their interaction with the police, are the following:

- (a) A lack of privacy at police stations. There must be a private, secure place where victims can recover from the initial shock of the incident and where their statements can be taken by a police official
- (b) Victims are treated inappropriately when they first report crime
- (c) The necessary psychological and social skills are not used to communicate effectively with the victim
- (d) Victims are not given the necessary information on the judicial process
- (e) Victims are not informed of support and specialized services that are available to them.

The successful implementation of victim empowerment requires a paradigm shift in the SAPS, i.e. the broadening of the perception of the victim as being merely a source of information (the complainant), to that of a client who has specific needs and rights which must be satisfied in their interaction with the criminal justice system.

Victim empowerment by the SAPS does not involve the provision of counselling services to victims, but the rendering of a professional service specified in the South African Police Service Act, 1995 (Act No 68 of 1995), National Instruction 22/1998 and National Instruction 3/2008.

The primary responsibilities of the SAPS towards a victim include:

- (a) Rendering professional and sensitive treatment when the crime is reported and during the investigation process.
- (b) Providing information on procedures of the criminal justice system that affects the victim.
- (c) Providing advice on the prevention of further crimes.
- (d) Giving practical assistance, for example securing emergency medical assistance, contacting relatives, etc. In the case of tourists, assisting them with contacting their respective consulates or embassies and dealing with lost documents



- (e) Referring victims to other services like counselling, health services and legal advice
- (f) Interventions at the scene of the crime such as the protection of the victim from further harm and accessing emergency services where relevant and when other relevant services are not immediately available
- (g) Explaining police procedures
- (h) Informing the victim of his/her rights
- (i) Informing victims how to preserve evidence
- (j) Stopping the violence at the scene of the crime (and ensuring victim protection at all times). Treating the victim's safety as a priority
- (k) Ensuring confidentiality

It is essential that each police station assign a member per shift/relief as well as a station coordinator **to serve as liaison officer for the victims of crime and victim services. Coordinators should render standby services.** The function of such a victim empowerment coordinator will be to coordinate and streamline service delivery to victims and protecting their rights.

All members must be aware of and attend to the needs of victims. These needs include the following:

4.1.1 The need to be treated with dignity and respect

Victims should not be blamed for what had happened to them. They must be acknowledged as persons who have been harmed through crime.

A basic emotional need is to be treated with respect and empathy. Police officials must refrain from comments and expressions that entail blaming the victims. They are also required to listen attentively and passionately to the victim's account of events and record this in the statement.

4.1.2 The need to have their feelings acknowledged

This refers to the need for basic emotional support and counselling to deal with the psychological consequences of victimization. Criminal justice officials and victims alike often overlook these needs and not regard them as a priority. The reason is that victims and service providers do not usually see or identify a connection between the crime and the victim's emotional reaction to it. Experience indicates that early intervention to assist victims to deal with the negative psychological consequences of victimization can prevent post-traumatic stress disorder. Victims must be given information about other services, such as medium to long-term counselling, which they may need to be able to deal with the trauma of victimisation.

Victimization is a subjective experience and not directly related to the **seriousness** of the crime. **For example**, victims of burglary experience an invasion of their personal space and privacy, although they might not have been physically harmed in the incident. They need to be reassured that their feelings after the burglary are normal, and that help is available if they need it.

4.1.3 Practical needs

Perhaps the most easily identifiable and most pressing of victims' needs, is the need to receive medical attention. Other practical needs relate to the completion of the necessary forms, advice about the replacement of stolen goods or documents; advice about the repairs of damaged property, fitting new locks, transportation, etc.

For example: if the victim is a tourist or is unfamiliar with the place where the crime had been committed against him/her - It is important to be able to direct the tourist to his/her relevant consulate or embassy if he/she needs to replace his/her travel documents.

4.1.4 Information needs

Often deemed the most common need of all victims, this includes the need for criminal justice procedures to be explained to the victim. Victims also have the need to be informed of the progress with their case, dates of court hearings and legal procedures. They need information on compensation, insurance, crime prevention and support services available within the community.

4.1.5 The need to be involved in the judicial process

Reporting the crime and serving as a witness during court procedures can be traumatic for the victim. Therefore, victims who have never been involved in the judicial process need some guidance regarding their rights and obligations in the process.

The General Assembly **adopted the United Nations' Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (GA/Res/40/43)** in 1995. The declaration acknowledges the need to restore the balance between the fundamental rights of suspects and offenders on the one hand, and the rights and interests of the victim on the other. It also identifies areas where action is needed to ensure the equitable treatment of victims.

This declaration, which is endorsed by the Department of Safety and Security, sets out the following principles regarding victim's participation in the judicial process:

- (a) The right to be treated with respect and dignity
- (b) The right to provide information
- (c) The right to receive information
- (d) The right to protection
- (e) The right to seek legal advice
- (f) The right to seek redress.

4.2 SERVICE CHARTER FOR VICTIMS OF CRIME (VICTIMS' CHARTER)

4.2.1 The **SOUTH AFRICAN POLICE SERVICE** is a department involved in the criminal justice system, and is responsible for implementing the Charter's principles and for ensuring that the rights of victims as contained in the Victims' Charter, are made a reality and that the minimum standards are met in all instances:

These rights include:

- (a) The right to be treated with respect and dignity
- (b) The right to offer information
- (c) The right to receive information
- (d) The right to protection
- (e) The right to assistance
- (f) The right to compensation (see minimum standards and relevant department's responsibility)
- (g) The right to restitution (see minimum standards and relevant department's responsibility)



4.3 VICTIMS' CHARTER IMPLEMENTATION PROGRAMME STRATEGIC THEMES

This was developed to provide for the consolidation of the legal framework in South Africa relating to the rights of and services provided to victims of crime. The Implementation Plan was launched on 6 December 2007 and implemented in all provinces.

4.3.1 SERVICE CHARTER TO VICTIMS OF CRIME is a Parliamentary initiative that contains minimum standards of service that victims are entitled to when they visit a police station or any Civil Service provider for assistance. The rights afforded to victims in accordance with the Charter for Victims' Rights are already embodied in various statutes and Human Rights protection instruments, like the Constitution (Act No108 of 1996), the SA Police Service Act, 1995 (Act No 68 of 1995), SAPS Regulations, SAPS National Instructions and Standing Orders.

The Charter is applicable to service at all contact points, which includes any office or location where the community approaches the SAPS for assistance. If SAPS' members do not carry out the various duties that members dealing with the victims at contact points, were tasked with, it could increase the incidents of complaints against the organisation, and could result in civil proceedings, disciplinary proceedings or criminal proceedings against members and/or the SAPS.

4.4 PRINCIPLES FOR VICTIM SUPPORT SERVICES WITHIN THE CRIMINAL JUSTICE SYSTEM

In order to give effect to the provisions of the above UN Declaration, members of the Criminal Justice System (including the SA Police Service where applicable) must comply with the principles which will be applicable to all, without distinction of any kind such as race, colour, gender, age, language, religion, nationality, political or other opinion, cultural beliefs or practices, property, birth or family status, ethnic or social origin, and disability. :

These Principles include:

- (a) Victims' legitimate interests must be recognized and taken into account at every stage of the judicial process.
- (b) Victims and witnesses must be treated with compassion and respect for their dignity. They are entitled to access to the mechanisms of justice and to prompt redress as provided for by national legislation. Special care should be taken when interviewing victims of sexual offences and domestic violence in view of the sensitive nature of these cases. Minors as well as witnesses who are mentally challenged must be interviewed in the presence of a parent, guardian or other supporting person.
- (c) The responsiveness of judicial and administrative processes to the needs of victims must be facilitated as follows:
 - (i) Victims must be informed of their role in the court proceedings, the scope, timing and progress of the proceedings and the disposal of their cases, especially where serious crimes are involved and if they have requested this information.
 - (ii) The views and concerns of victims must be presented and considered at appropriate stages of the legal proceedings if their personal interests are affected, without prejudice to the accused and consistent with the national criminal justice system.

(iii) Victims must be given the necessary assistance throughout the legal process.

(iv) Measures must be taken to minimize inconvenience to victims, protect their privacy, if necessary, and protect them, their families and witnesses testifying on their behalf, from intimidation and retaliation.

(d) Government departments, NGOs and community-based organisations must give victims the necessary physical, medical, psychological and social assistance. In the case of the SAPS referrals have to be made to appropriate services and practical assistance given as indicated in relevant SAPS regulations, SAPS National Instructions and SAPS Standing Orders.

(e) Victims must be informed of the availability of health and social services and be assisted to access these services.

(f) In providing services and assistance to victims, attention should be given to those victims who have special needs, taking into account the nature of the harm inflicted as well as factors pertaining to their vulnerability.

4.4.1 **Service Charter for Victims of Crime:** Hereafter referred to as The Victim's Charter, provides a framework endorsing the rights of victims and a detailed outline of how these translate into services provided by the SAPS, Departments of Correctional Services, Social Development, Health Services, Education and Justice and Constitutional Development. This integrated framework indicates government's commitment to a victim-friendly environment and towards empowering the victim in his/her interaction with the criminal justice system and social services.

The Victim's Charter endorses the **principles** for all these services to treat the victim with dignity and respect and in addition, outlines the services to be expected from the SA Police Service as follows:

- On-site crisis intervention (including the protection of the victim, accessing emergency medical assistance)
- Taking statements
- Providing information on the victim's rights
- Explaining police procedures
- Referring the victim to other victim support services.



CHAPTER 5

GUIDELINES FOR THE IMPLEMENTATION OF THE VICTIM EMPOWERMENT PROGRAMME AT LOCAL LEVEL

5.1 INTRODUCTION

The role and responsibilities of individual members of the SAPS as well as the minimum standards regarding their interaction with victims are discussed in Chapter 4. These responsibilities set out the primary duties of police officials in victim empowerment. However, the role of the SAPS in implementing victim empowerment is not limited to the actions of individual police officials. As one of the public service departments which aim at enhancing the quality of life of all inhabitants of South Africa, the SAPS cannot escape its responsibilities in this regard.

The SAPS, being functional 24 hours, has a comprehensive network of police stations and partnerships with community groups which have been institutionalized through, among others, the CPFs. This presents the opportunity to establish a comprehensive victim-support service linked to police stations in consultation with other role players.

Community-based victim empowerment is a valuable method to optimise a comprehensive service package for victims of crime and violence. This chapter outlines the responsibilities of station commissioners in managing the implementation of the VEP at local level. Chapter 6 outlines recommendations based on sound practices that have been observed in provinces that can guide station commissioners in the mobilisation of community resources in managing partnerships for victim assistance and empowerment.

This is an expanding field, which seeks to aid the victims and survivors of crime or trauma through emotional support, practical aid and advocacy.

The aim of victim assistance is to:-

- Reduce the psychological shock and trauma a victim of crime or trauma suffers by lending emotional and practical support immediately at the time of first reporting a crime or shortly afterwards.
- Assist the victim after the initial crisis by giving emotional and practical support and to refer him/her to local service providers for further assistance.
- Provide information on matters such as the status of the investigation, the status of the accused (arrested, released, etc), the court system, the rights and role of the victims in the court process and services available to victims.

5.2 THE IMPORTANCE OF VICTIM SUPPORT, ASSISTANCE AND EMPOWERMENT TO THE POLICE

The SAPS rely on victims, witnesses and their families to report crimes, participate in the investigation process and testify in court.



5.2.1 Basic victim assistance services include the following:

- Emotional support and referral to other counselling services if required.
- Practical assistance. An example is obtaining assistance in contacting family and friends.
- Providing information. An example is explaining to a victim what will happen next and keeping the victim informed about progress made with the investigation.
- Assisting the victim to provide information that can assist with successful investigations and convictions. An example is in supporting the victim while taking his/her statement, at identification parades and during the court process.
- Prevention of further victimisation. Examples include asking the "right" questions about issues affecting the victim's safety and advising him/her on steps he/she can take to protect himself/herself. For instance, if the person was a victim of domestic violence and shares a residence with the abuser, does he/she have a friend unknown to the offender who could provide him/her with temporary accommodation?

5.2.2 Requirements for effective implementation:

- Including victim empowerment training in the Basic Training Learning Programme
- Training on victim empowerment for all police officials, including SAPS managers.
- Implementing the VEP Learning Programme, which includes communication, providing information, referrals and providing practical assistance to victims
- Continuous refresher courses
- Putting referral systems in place at all police stations
- Giving information to victims regarding the relevant documentation, steps and procedures, including procedures that are not relevant to the SAPS.
- Establishing satellite police stations in remote areas to make police stations easily accessible to victims.

Please Note: Victim support does not automatically include counselling, as it is a specialised field and requires specific training to prevent further trauma for a victim. It is recommended that SAPS officials who deal with the victims should provide basic support and refer traumatised victims to professional service providers for counselling.

5.3 THE ROLE OF STATION COMMISSIONERS IN VICTIM ASSISTANCE, SUPPORT AND EMPOWERMENT

The Station Commissioner is the overall manager of the community service centre and, as such, is charged with the supervision and responsibility of services provided at his/her station. The Station Commissioner, together with the Community police forum (CPF), has a critical role to play in the establishment of victim support services. Although local circumstances may differ, the following duties will enable the local police to provide comprehensive victim support rooms



5.3.1 The Station Commissioner and/or commanding officer must ensure that

- (a) A member (preferably a functional member with at least a minimum of three years' victim support experience) is appointed.
- (b) Victims receive regular feedback on progress made with the investigation of their cases.
- (c) Members are sufficiently sensitised and skilled in victim-sensitive service delivery.
- (d) Members are sensitised and receive regular training on victim support, assistance and empowerment.
- (e) If a volunteer-based victim support project is established, he/she works with the local CPF to facilitate the establishment of such a victim support volunteer network at the police station. (This matter is discussed in greater detail in Chapter 6).
- (f) A directory of support services is available at station level for referral of victims to counselling and other support services.
- (g) Complaints from members of the public are dealt with in an efficient manner and that corrective steps are taken and feedback is given back to victims.
- (h) Liaison with the broader VEP is established and related initiatives within respective localities are implemented.
- (i) The station is able to report on victim support issues that impact on other role players and the local victim empowerment committee, as the need arises.
- (j) A local database for all the relevant service providers is made available to all the relevant sectors and role players.
- (k) VEP local committee meetings are held regularly.
- (l) Public awareness campaigns are held regularly to encourage the local community to report the difficulties they encounter.
- (m) A complaints register against members is always kept in the CSC.
- (n) A monitoring mechanism in respect of VEP (indicated in the guidelines) is always available in the community service centre and that a victim-friendly room is available for reference purposes.
- (o) Members under his/her command are aware of and comply with the protocols for initial and further contact with victims.
- (p) Regular feedback on progress and activities in respect of the VEP is provided to the Provincial Commissioner.
- (q) A complaints mechanism is established, that it functions and is monitored to improve service delivery in respect of the VEP.

The Community Police Forum (CPF) has an essential role to play in ensuring that victim empowerment receives the necessary attention at station level. This matter should be kept as a standing point on the agenda of all station and CPF meetings. The station commissioner may also want to allocate the responsibility for the monitoring of victim support matters to a specific victim support/empowerment official at the Community Service Centre (CSC).



5.3.2 Managing the resources of Local Victim Support Services

Victim Support initiatives have proven to benefit stations positively with regard to the quality of services for victims at local police stations. Station Commissioners should therefore ensure the following -

- (a) Establish a Victim Support Room(s) (VSR) to cater for the victims of crime
- (b) Provide victim-care kits for the victims of sexual offences
- (c) Develop a referral network for a wide range of victim support services and ensure that a database is updated regularly
- (d) Build and strengthen partnership with all stakeholders in the community
- (e) Ensure that all relevant furniture and assets are recorded on a station inventory/asset register which must be inspected regularly
- (f) Ensure the availability of control registers (victims' records and volunteers)
- (g) Take steps against those police officers who abuse Victim Support Rooms
- (h) Ensure the availability of sexual offences crime kits in the Victim Support Room(s)
- (i) Ensure the Victim Support Room(s) services are available 24 hours.

5.3.3 Establishment and management of the Victim Support Room(s)

Victim Support Room(s) usually denote rooms that provide an opportunity for victims of intimate violence (Gender Based Violence), child abuse, sexual offences and domestic violence) to make their statements in private within a non-threatening environment. This together with assurances of confidentiality enables victims to provide details that not only assist them as part of a cathartic experience, but also assist investigations.

The advantages of establishing a Victim Support Room(s) are as follows:

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

In distinguishing between a **victim support room** and a **victim support centre**, it is important to note that the station commissioner is responsible for the Victim Support Room(s) at the police station. The victim support centre outside the police station would be the responsibility of the manager of the victim support programme or the victim empowerment coordinator of the Social Services Department.

Victim Support Room(s) or centres located at police stations should be linked to other local centres where services are provided for victims, for example to offices of NGOs that provide legal advice, or to trauma centres at hospitals and clinics where medical services can be accessed.

The SAPS at National, Provincial and Station level share the responsibility for establishing Victim Support Rooms at police stations. Head Office can assist to provide support for the establishment of Victim Support Room(s). The provincial offices must assist in identifying the stations' needs for the upgrading of these rooms, if necessary, and to establish Victim Support Room(s) if none is available. Provincial offices can also assist by providing funding for Victim Support Rooms in terms of the relevant instructions.



5.3.3 Fund-raising and accepting donations for the local victim support project:

At times it is necessary for fund-raising and to request donations from community members and businesses to improve the environment of the stations VSR to make it more comfortable for victims.

All donations to the station should be given unconditionally to the SAPS. Donated items should also be put on the VFR Asset Register and the station VEP coordinator should take responsibility for its safekeeping and maintenance.

Funds received from donors and fundraising must be accounted for and financial records must be kept for audit purposes in terms of Treasury Regulations and Supply Chain Management instructions.

5.3.4 SAPS Victim Support Training

The content of the SAPS victim support training is designed to enable SAPS members to provide empathetic, victim-sensitive services at the point of reporting after the experience of trauma.

Currently the course content includes the following:

- (a) Information regarding the psychological impact of crime and violence
- (b) Identification of post-traumatic stress disorder
- (c) Basic victim support skills (including basic interpersonal/basic counselling skills)
- (d) Functioning of the criminal justice system and medico-legal services (who is supposed to do what, why, when)
- (e) Training in supporting all victims of crime, especially victims of intimate violence (ie domestic violence, child abuse and sexual offences).

Teaching police members at station level victim-sensitive skills, is critical for the improvement of the quality of service at stations. It is the station commissioner's responsibility to identify members whose skills need to be improved, and this must be included in their workplace skills development plans. These should then be presented to the Area offices for a recommendation and to the provincial offices for approval.

Provincial training managers are responsible for organising victim empowerment training workshops on an ongoing basis, while the Helping Professions are responsible for presenting the content of the approved curriculum at such workshops. The Social Crime Prevention Component managed the development of the training packages and monitors and assists in reviewing the content and controlling the quality of course material. The Social Crime Prevention Component at national level can assist with sourcing funding for the training, if required.

5.3.5 Assisting victims to access Victim Empowerment Services at the police station (referral procedures)

Victims may access victim support through the police station, the local hospital or clinic and other places where they first report their victimisation. SAPS members must inform victims of the availability of victim support services as a standard procedure.

Services could pertain to the victim's emotional and other practical needs. For example, the need for trauma (emotional need) or legal advice in a domestic violence case that may have an impact on the custody of children (practical need).



Victim support does not automatically include counselling, as it is a specialised field and requires specific training to prevent further trauma to a victim. It is recommended that station members should provide basic support and refer traumatised victims who require professional counselling to appropriate service providers in the community.

If the victim wishes to use these services, the police member should either arrange for an appointment with the required service provider or notify the victim support coordinator or volunteer (if available) to arrange for an appointment. SAPS members are only allowed to give the victim's details to a service provider or volunteer with the victim's consent.

Local victim support schemes differ. Some provide a service directly at the station (volunteers on duty at the station), while others are on standby and arrange to meet the victim at a time and place convenient to the victim. The station can initiate such a volunteer-based service as detailed in the next chapter. Most volunteer services provide only basic emotional support/debriefing, not trauma counselling. The basic emotional support that can be provided by trained members or volunteers does not replace the need for referral to other professional service providers.

Referrals may be made -

- directly to the service provider when accompanying the victim
- telephonically
- in writing

Victims may only be referred to service providers if they consent. SAPS members must contact service providers prior to making arrangements for referrals. Victim's rights should be read to them and in a language that they understand. Interpretation services should always be included in assistance to victims. The Government Interpretation Services may be used, if available.

5.3.6 Providing feedback to Victims of Crime

Victims must be given feedback on the progress with their cases frequently. In addition, they must be provided with the following information:

- (a) The CAS number of their case
- (b) Name of investigating officer/official assisting with the statement and the contact details of that officer/official
- (c) Status of case and accused (for example the docket was submitted to the prosecution for a decision to prosecute/not prosecute; the accused was arrested/not arrested; the accused appeared in court on [what] date; the victim is required in court as witness on [what] date and so forth).
- d) When the arrest is made, the following information must be provided to the victim:
 - Court case number
 - Whether the victim will be required to attend court
 - What other services are available to victim and how to gain access (e.g. referrals)
 - Outcome of the case in court
 - Date of bail hearing and outcome of bail hearing (if relevant).

5.3.7 Dealing with complaints in terms of Victim Support

The Station Commissioner should develop a system that will enable members of the public to complain if the services rendered did not address their needs or are not consistent with the undertakings of the SAPS. Such a mechanism should ensure that complaints are attended to, feedback given and management information relating to victimisation trends are generated, analysed and managed to improve services.



The following are examples of mechanisms that could be considered:

- (a) A prominent display of victim services must be visible for all members of the public at the Community Service Centre (CSC)
- (b) A prominent display of the contact details of the person(s) with whom complaints can be lodged at the CSC and also in the form of brochures given to members of the public. It is proposed that the Station Commissioner should indicate how he/she could be contacted for this purpose.
- (c) Victim support matters should be included as a standing agenda for discussion at community police forum meetings.
- (d) Set up a service evaluation system through customer assessment forms as part of the standing operating procedure of the station.

Complaints should be investigated and feedback given to victims as stipulated in the Victim Charter. Station management should also get feedback to allow them to identify issues like training needs, systems and procedures, weaknesses, performance problems and even corruption. A record of complaints must be kept and used as part of station's management information to improve services to victims and ensure that victims are given redress.

5.4 RESPONSIBILITIES OF A STATION VICTIM EMPOWERMENT PROGRAMME COORDINATOR

The appointment of a Station VEP coordinator is essential to act as liaison officer between the SAPS and the local victim support forum or service providers. This is not necessarily a full time position as the VEP coordinator will play a role of coordination, ensuring that the responsibilities related to victim support are fulfilled by other role players at the station.

Ideally, the SAPS VEP coordinator should be compassionate and have a basic understanding of victims' needs following victimisation and the role of the SAPS in the NCPS VEP.

The SAPS VEP coordinator at a station level should -

- (a) Represent the Station on the Local Victim Support Management Committee
- (b) Report to the station commissioner regarding the implementation and functioning of the victim support service at the station, in general
- (c) Establish and maintain a working relationship with NGOs engaged in victim support.
- (d) Ensure that the volunteer roster is available at contact points eg Community Service Centre and detective offices
- (e) Ensure that the Victim Support Rooms are clean and easily accessible to victims
- (f) Ensure that the victim's details are forwarded (with the victim's consent) to the local victim support service to follow up
- (g) Ensure that victims are assisted with applications for protection orders



- (h) Ensure that victims are assisted when attending ID parades and receive feedback on progress made with the investigation
- (i) Ensure that victims are referred for court preparation (if available)
- (j) Ensure that the implementation issues are monitored and addressed on an ongoing basis
- (k) Ensure that the station's victim support services are marketed (eg open days, outreach projects, special functions)
- (l) Assist with the coordination of victim empowerment training at the station, for example by identifying members who must receive training and inform the provincial coordinator
- (m) Ensure that the monthly provincial SAPS VEP coordinator meetings are attended
- (n) Ensure that a record is kept of the number of members at the station who were trained in VEP
- (o) Ensure that close liaison is maintained with the provincial VEP coordinator.

5.5 THE ROLE OF PROVINCIAL COMMISSIONERS

It is recommended that the appointment of provincial VEP coordinators should be considered as a way of assisting Provincial Commissioners in their functions of managing Provincial Victim Empowerment matters.

The SAPS Provincial Victim Empowerment Coordinator must -

- (a) Liaise closely with the SAPS Head Office in terms of the programme, in general
- (b) Hold monthly meetings with SAPS area VEP coordinators to monitor progress and address implementation issues
- (c) Attend the monthly NCPS VEP Provincial Forum Meetings
- (d) Establish effective cooperation with other interdepartmental role players at provincial, area and local level on victim empowerment issues
- (e) Monitor and coordinate victim empowerment training with the Provincial Head of Training
- (f) Coordinate VEP projects in the province
- (g) Address obstacles to service delivery and support the area coordinators to ensure the successful running of the programme
- (h) Develop a strategy for the implementation, monitoring and evaluation of the VEP
- (i) Assist with the marketing of the service, for example the VEP communication strategy
- (j) Manage and supervise any provincial audit about VEP for national or provincial purposes
- (k) Report any problems experienced in the implementation of the VEP in the province, to Head Office
- (l) Provide regular progress reports to the National Commissioner responsible for VEP.



5.6 THE ROLE OF THE NATIONAL COMMISSIONER'S OFFICE

The National Office responsible for the implementation of the VEP in the SAPS (Visible Policing), is responsible for the following functions:

- (a) Liaise closely with provincial VEP coordinators in terms of the programme in general
- (b) Attend the NCPS VEP Executive Committee meetings and ensure that decisions relevant to the SAPS are communicated and followed up
- (c) Establish effective cooperation with other role players at national/provincial level on victim empowerment issues
- (d) Monitor and coordinate victim empowerment training with the Training Division and the Helping Professions
- (e) Coordinate VEP projects at national level
- (f) Address obstacles to service delivery and support the provincial coordinators to ensure the successful running of the programme
- (g) Develop a strategy for the implementation, monitoring and evaluation of the VEP at national level
- (h) Develop a communication strategy for the VEP with Communication and Liaison Services
- (i) Manage and collate information about the implementation of the VEP at national level
- (j) Maintain a database of victim support rooms at national level
- (k) Assist in accessing funding for the establishment of VEP projects and victim-friendly facilities at police stations, based on needs identified at station, area and provincial levels
- (l) Develop and monitor the implementation of policy, guidelines and standards for the implementation of the VEP in the SAPS, in line with the Victim's Charter.



CHAPTER 6

GUIDELINES FOR THE MANAGEMENT OF A VOLUNTEER OR COMMUNITY-BASED VICTIM SUPPORT PROGRAMME

6.1 INTRODUCTION AND BACKGROUND

Community-based victim support denotes the mobilisation of various role players at local level who would be able to improve the delivery of services to victims at a police station. The purpose of establishing a community-based or volunteer-based victim support programme may entail the following:

- Enhancing services provided at the police station to victims of crime and violence
- Improving dissemination of information to victims about their rights, the criminal justice processes applicable to their cases and the services available to them
- Rendering certain services to victims
- Improving awareness among the community about avoiding victimisation and services available for victims to encourage reporting of crime and accessing services for victims.

Stations and Community Police Forums can initiate or cooperate with other stakeholders to establish a community-based victim support service at station level, or participate in broader initiatives of other departments or stakeholders in an area. The station commissioner, supported by area and provincial management, must ensure that the services SAPS members render at a police station or volunteers remain within the legal service mandate of the SAPS. If services provided by a victim support programme go beyond the SAPS service mandate, for example if medical services or trauma counselling is provided at a police station's premises, the Department(s) responsible for such services must manage and supervise the delivery of those services.

A working agreement should also be drafted with relevant departments to indicate that they are responsible for services rendered under their mandate at the police station and for any liability resulting from the provision of such services. Such an agreement should also deal with practical matters like responsibility for shared costs, for example the cleaning of premises, the use of phones and electricity.

It is important to bear in mind that the functions of coordinating Provincial, Cluster and Local Victim Empowerment management/steering committees are the responsibility of the VEP coordinator from the Department for Social Development (DSD).

The Provincial Victim Empowerment Management Committee has to perform the functions described in **Chapter 2**. In addition, this committee has to monitor the establishment of Local Steering Committees, particularly where there are no intermediate levels.

The SAPS must participate in these committees as they provide for the strategic management of victim empowerment. They also present problem-solving opportunities for the implementation of partnership projects and other victim empowerment initiatives. The SAPS may assist with the establishment of local Victim Support Start-Up Committees, but must do so within the Provincial/Area/Local VEP structures.



The SAPS shall play an initiating role with regard to providing victim services in cases where -

- (a) There are no community-based victim support services within the locality
- (b) There are insufficient problem-solving mechanisms relating to operationalising victim services.

The station commissioner must establish a community-based victim support service for the station where there are no local victim support services available. It is a project to be undertaken in consultation with the victim empowerment coordinator located at the Department of Social Development. Useful partnerships towards this drive include those with the Community Police Forum (CPF), non-governmental organisations (NGOs), community-based organisations (CBOs), local churches, schools and clinics.

In some station areas there may not be a coordinating forum that coordinates matters relating to improved victim support services at local level. In these circumstances the Station Commissioner may consider establishing a Start-Up Committee, with the provision that it is done in close cooperation and consultation with the victim empowerment coordinator employed by the Department for Social Development or Social Services at provincial or area level.

It is critical that the coordination of the start-up committee should be handed over to the management of the Department of Social Development as soon as is practical. The start-up committee, established by the SAPS, will then start functioning as the Local Victim Empowerment Management Committee.

6.2 ESTABLISHING A COMMUNITY-BASED VICTIM SUPPORT PROGRAMME

If, as explained above, it is appropriate and necessary for a police station to play a leading role in establishing a community-based victim support programme, the first step is to identify relevant role players in the community and to establish a local Victim Support Start-Up Committee that can take responsibility for the **planning, coordination and monitoring** of the project.

The second step is to agree on time frames for the project's duration. Ideally the Start-Up Project should transform into a Local VEP Management Committee after an initiating period lasting a maximum of 18 months.

The Victim Support Start-Up Committee is usually responsible for the following:

- (a) Liaising with the Station Commissioner and Community Police Forum (CPF) with regard to the Local Victim Support Programme
- (b) Determining the scope of services to be provided (there should be no discrimination in terms of race, gender or religion etc)
- (c) Identifying existing and potential resources
- (d) Developing a strategy for implementation and monitoring of the service
- (e) Maintaining clear boundaries for services rendered by the programme in this regard. Local service-level agreements would assist in the definition of roles and responsibilities with regard to victims. Services provided should be in tandem with key line functions of participant organisations and linked to their strategic and fiscal processes

- (f) Appointing a local victim support coordinator. This would enable dedicated capacity for assisting with the recruitment of volunteers.
- (g) Holding monthly meetings to monitor progress and address implementation issues. (A secretary appointed by the victim support coordinator should record the Minutes. Do not duplicate, if possible, use the CPF treasurer and secretary).
- (h) Liaising closely with the SAPS regarding the development and use of the station's victim-friendly facility, the referral of victims and the programme in general.
- (i) Liaising with the CPF regarding fundraising (in order for any institution that needs to raise funds it must be registered as a non-profit organization).
- (j) Liaising with local community and business regarding the provision of donations or sponsors for the immediate needs of victims.
- (k) Assisting the victim support coordinator in addressing obstacles to service delivery.
- (l) Assisting the victim support coordinator to ensure the successful running of the project.
- (m) Assisting with raising funds, public awareness and marketing of the support programme.

It is the responsibility of the Victim Support Start-Up Committee to coordinate the local victim support activities and report to the station commissioner and Community Police Forum (CPF) about the progress that had been made. It is, therefore, recommended that the victim support coordinator should attend monthly CPF meetings (if victim support is on the agenda and for relevant parts of the meeting). He/she should also attend station meetings on invitation to clarify referral procedures and report back about the effectiveness of referrals from the police, and services provided.

The Station Commissioner has the responsibility of ensuring that victim-support services are available at a police station. In order to be successful, a community-based victim support project has to be tailor-made for the community in which it will be implemented. The local **Community Police Forum (CPF)**, comprising representatives of the community with experience and knowledge in the field of crime prevention, must be involved in the development and implementation of these services from the outset. The station commissioner and the CPF must accept co-ownership of the proposed initiative and, as a joint venture, establish an effective and sustainable VEP.

Victim support initiatives or counselling networks and agencies are likely to be in existence in the different policing areas. These initiatives, networks or agencies present an ideal starting point for the establishment of a victim-support service linked to the local police station.

The following steps are suggested for establishing a successful Steering Committee:

6.2.1 Establishment of a Steering Committee

As indicated, Community Police Forums (CPF) are well placed to turn local community-based Victims Support Programmes (VSPs) into a reality. If the CPFs are the driving force behind the establishment of VSPs, the advantages will be as follows:

- (a) The community will have ownership of the local VSP.
- (b) CPFs can facilitate access to service providers in the criminal justice system, as well as to other relevant stakeholders such as the local media and authorities.
- (c) CPFs have been empowered, at least to some degree, regarding community safety (crime prevention) and security matters which could be used to enhance the local VEP, e.g. by co-opting relevant community leaders and community members (volunteer supporters).



Note:

At some adjoining police stations it might be feasible to coordinate the local VSPs and share available resources (eg counselling services provided by NGOs).

6.2.1.1 Composition of the Steering Committee

The composition of the Steering Committee should include the following role players:

- (a) A local representative designated by the provincial VEP Coordinator (Department of Social Development).
- (b) A representative(s) of the CPF.
- (c) Representatives of known or existing victim-support and trauma-counselling agencies.
- (d) A representative of the local Magistrates' Court.
- (e) The district surgeon or accredited health-care practitioner.
- (f) A representative of the local hospital(s).
- (g) A representative of the local authority.
- (h) A representative of the local business chamber.
- (i) A psychologist and/or social worker.
- (j) Other relevant experts (e.g. local academics).
- (k) The station commissioner.
- (l) The VEP coordinator of the SAPS.

6.2.1.2 Responsibilities of the Steering Committee

The Steering Committee will be responsible for -

- (a) Initiating and developing the local VSP
- (b) Defining the initial scope of services to be rendered to the victims of crime
- (c) Developing an implementation plan
- (d) Establishing a local VEP management forum
- (e) Monitoring the implementation and processing the programme
- (f) Evaluating its impact and progress.

6.2.2 Defining the initial scope of services to be rendered to victims of crime

Note:

When planning a local victim empowerment project, it is advisable to start small to ensure initial success and sustainability (ie follow a "learning by doing" approach). Developing a grand scheme only to be disappointed when some objectives are not met, may result in disillusionment and abandonment of the project.

Remember: Nothing breeds success like success!

The initial scope of services should be informed by the circumstances relating to victimisation, the extent of victims' needs as well as resources available to address these needs.



The following activities should take place during the planning phase:

6.2.2.1 Assess the local situation

The purpose of this assessment is to

- (a) Determine the different types of victimization in the specific community
- (b) Determine the rate (extent) of victimization
- (c) Obtain a general understanding of the needs of victims in the local community
- (d) Determine what type of assistance is required
- (e) Identify existing and potential resources available to meet these needs.

6.2.2.2 Determine the initial scope of services for victims

The type of support to be provided by the community-based victim support project must be determined by evaluating the needs of victims in the community. Services should not only be aimed at addressing the needs of the victim, but should also facilitate the victim's participation in the criminal justice system. Victim-support services should ideally be prepared to assist all victims.

It is however, clear that limitations on resources, the expertise of staff, existing service providers and the needs of the local community will require a prioritization of services, at least during the initial phases. It might be necessary to phase in a more inclusive service over time. In terms of the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, it is imperative that service providers take the severity of the victimization and its impact on the victim into account when determining the initial scope of services.

6.2.2.3 During the planning phase, consideration must be given to the following service requirements:

- (a) Victims must receive the necessary material, medical, psychological and social assistance.
- (b) Victims must be informed of the availability of health and social services and other relevant organizations.
- (c) Police and other service providers should receive training to sensitize them to the needs of victims.
- (d) In providing services and assistance to victims, attention should be given to those who have special needs because of the nature of the victimization inflicted on them.
- (e) Victims should be kept informed of developments regarding their case, eg arresting the suspects; the suspects bail conditions and the disposal of the case.
- (f) Victims should be given emotional support during the identification of the suspects and if necessary, be assisted to avoid contact with the suspects during identification.
- (g) Special provision should be made to protect victims, particularly victims of domestic violence, sexual offences and child abuse, from being harmed or threatened by the offender. Victims could be protected by providing if possible, separate waiting facilities as well as victim-friendly facilities at police stations, to maintain confidentiality and privacy.
- (l) Information and advice on crime prevention must be provided to members of the community to stop the cycle of victimization.
- (j) A community-based victim support project should also seek to develop and implement a public education plan to raise the community's awareness about the impact of crime and to inform victims of the availability of support services.



6.3 CRITICAL SUCCESS FACTORS FOR IMPLEMENTING COMMUNITY-BASED VICTIM SUPPORT AND A VEP AT LOCAL LEVEL

Research has indicated that for a local VEP to succeed, it must meet the following requirements:

6.3.1 Good relationship with the community

A good relationship with the community entails the following:

- (a) The need to consult all stakeholders in the community and to ensure that the community takes ownership of the issues facing victims
- (b) Establishing and maintaining trust between community members and service providers
- (c) Creating public awareness and educating the public on issues relating to victims (eg the plight of victims, and what services are available for them)
- (d) Making a thorough analysis of the needs and expectations of a particular community, taking into account the community profile, crime patterns and characteristics of victims in that community
- (e) Identifying existing resources in the community, involving relevant government departments, social service agencies, etc in the planning process to prevent the duplication or under-representation of specific services
- (f) Devising effective marketing and communication strategies to raise awareness about the VSP in the community.

6.3.2 Effective management

Effective management entails the following:

- (a) Developing an integrated management plan involving different role players to define and manage relationships between role players
- (b) Promoting commitment and enthusiasm towards the management of the VSP
- (c) Formulating clear and logical objectives and activities; and clarifying the responsibilities of the various service providers to prevent duplication and ensure accountability
- (d) Developing an effective management structure for the service, taking into account the geographical size, distribution of the population, the extent of the need and availability of resources in the area
- (e) Setting clearly-defined boundaries in terms of the catchments area, the nature of the service to be rendered and customers to be served
- (f) Finding an appropriate location for the initiative, i.e. easy and safe access to the initiative for both the victim and the service providers
- (g) Ensuring efficient administration with the minimum red tape
- (h) Creating awareness among, and providing skills training to, service providers
- (i) Establishing efficient networks for making referrals to and receiving referrals from other service providers
- (j) Monitoring, following up and giving feedback on the effectiveness of service delivery to provide a service that is relevant, effective and adequate
- (k) Maintaining strict standards relating to practices to ensure that quality services are provided.

6.3.3 The availability of adequate resources

This involves the following:

- (a) Availability of appropriate infrastructure, and sufficient human and material resources
- (b) Obtaining sufficient support for service providers by appointing a project coordinator, permanent staff and volunteers
- (c) Ensuring the sustainability of the service
- (d) Effectively managing the utilisation of resources.

6.4 DEVELOPING AN IMPLEMENTATION PLAN FOR THE VICTIM SUPPORT PROGRAMME (VSP)

An implementation plan enables the station commissioner to address key elements for the improvement of services to victims.

The following aspects must be addressed in an implementation plan for community-based victim support:

6.4.1 Establishing a network of volunteers

An effective community-based victim support programme needs a strong network of volunteers. Volunteers are committed members of the community who want to help the victims of crime or abuse. Research and experience have shown that it will be extremely difficult, if not impossible, to sustain VEPs without a network of volunteers.

It is important to ascertain the level of expertise that individual volunteers have with regard to providing services to victims. In certain instances, some volunteers may be professional counsellors (e.g. psychologists, social workers). In those instances, their expertise may be put to use in providing related services for victims. It is, however, cautioned that counselling should not be conducted by volunteers who are not skilled in this function. The involvement of the community in a VEP linked to the local police station is vital.

Volunteers can perform the following generic duties:

- (a) Giving emotional support
- (b) Giving practical support
- (c) Advocacy
- (d) Acting as liaison between the victims and the agencies in the criminal justice system
- (e) Doing administrative work
- (f) Networking with various persons and institutions
- (g) Assisting in approved fundraising projects (within the ambit of the SAPS regulations for fundraising)
- (h) Becoming involved with education and awareness campaigns
- (i) Initiating and support community projects
- (j) Acting as ambassadors for victims' rights.

6.4.2 Managing the relationship with the local victim support volunteers

The current policy of the national VEP is that issues of support to volunteers should be raised with the provincial victim empowerment coordinator (social services), for intervention and assistance. These issues could be tabled at the local Victim Empowerment Management Forum with a request that the coordinator should raise this matter with the provincial victim empowerment coordinator.

It is advisable to develop a formal service agreement with NGOs and victim support volunteers clearly defining the roles and responsibilities of the volunteers, SAPS victim support coordinators, victim support committee and members of other departments. The service agreement should also define working hours, commitment of resources, referral procedures, communication channels and complaints procedures.



The SAPS provides for the management of volunteers who have been appointed as reservists, within the framework detailed in National Instruction 1/2002.

The stakeholders in the start-up or management committee should support the volunteers. Stakeholders, like government departments, can also contract service providers to provide assistance to volunteers, as follows:

- Providing training, as required. Training for volunteers is usually the responsibility of a Social Development Department at provincial level and these departments often contract NGOs to provide training. It could also be a service provided by an external programme manager. In the case of the BAC community-based victim support programme, BAC as programme manager concludes contracts with NGOs to train and supervise volunteers. The SAPS is, however, responsible for training its own members and reservists, therefore also reservists deployed to work on the victim support programme.
- Giving access to equipment for administrative purposes. Victim support volunteers need to contact victims, NGOs, schools, hospitals and clinics to arrange or coordinate follow-up support (e.g. counselling, legal advice, medico-legal services etc). Victim Support volunteers should therefore have access to a telephone, fax, and photocopier machine in order to provide their service. To ensure proper management of these resources, the station commissioner can implement a call register to monitor calls made by the local victim support volunteers.
- Compensation for expenses incurred while carrying out their duties. The station commissioner should endeavour to mobilise the support of the provincial victim empowerment committee with regard to the provision of support to those volunteers who prefer not to become reservists.
- Assisting with transport for purposes of carrying out their functions. An example of this is in instances where the volunteer may be required to attend court concerning a case he/she worked on at the station. Arrangements would have to be made to assist the volunteer with transport for this purpose. The support the SAPS provides in this regard must be within the regulatory framework for the use of official transport or compensation for the use of public transport.

The **SAPS Reservists Policy** provides a framework for the Station Commissioner to manage those volunteers who choose to be reservists. Issues of providing support through training, compensation for expenses and other matters are indicated within that policy.

6.4.3 Training of volunteers

The general agreement within the national programme team for the VEP is that the responsibility for the management and development of volunteers should be that of the Department responsible for social development. This includes training and supervision.

Volunteers should be trained by relevant professionals, including psychologists or social workers who have expertise in trauma management and counselling.



Volunteer-training should include the following aspects:

- (a) The philosophy of volunteerism
- (b) The difference between crisis intervention and psychotherapy or counselling
- (c) Basic counselling skills
- (d) Understanding stress and trauma (e.g. the phases of trauma, post-traumatic stress disorder)
- (e) The psychological and physical impact of crime and violence
- (f) The victim's needs following victimization
- (g) The functioning of the criminal justice system (providing victims with appropriate advice and support during the investigation and court process)
- (h) The prevention of victimization
- (i) Crisis-intervention techniques
- (k) How to prevent burn-out.

6.4.4 The supervision of volunteers

Volunteers who deal with victims must be supervised regularly to ensure that they do not become burnt out or traumatized by the work. This is again the responsibility of the Department of Social Development, who may contract other service providers to undertake specific functions at local level. The SAPS, as a member of the local management committee, shares the responsibility of ensuring that the supervision of volunteer services is undertaken by professionals, especially with regard to volunteers working from a police station's premises.

The supervision will ideally entail the following:

- (a) The volunteers must attend a 12 x 2 hour briefing session every month (compulsory for all), ideally in a group context as this is more conducive to learning.
- (b) Sessions must ideally be conducted by a psychologist or social worker who volunteers his/her services to the programme or is appointed for this task by a service provider.
- (c) The supervisor should also be available to support volunteers who have difficulty in dealing with a particular case.
- (d) To contribute to their self-growth, volunteers should receive individual psychotherapy at reduced rates.
- (e) The supervisor should periodically provide for professional psychologists and social workers to review and inspect cases. This will assist with controlling the quality of services provided.

6.4.5 THE IMPACT OF REGISTERING VOLUNTEERS AS POLICE RESERVISTS

Station Commissioners may consider recruiting reservists to assist with victim support and empowerment functions. National Instruction 1/2002 regulates the relationship between the Station Commissioner and reservists. The advantage of appointing and registering volunteers as reservists is that there are clear provisions that govern the support the station commissioner may provide to reservists, regarding the following matters:

- (a) Management of reservists. This includes ensuring that funds are available for training the reservists to perform the functions they are required to do.
- (b) Compensation for expenses incurred in the course of the performance of policing duties.



6.4.6 There are four (4) categories in which volunteers may be appointed as reservists, in terms of National Instruction 1/2002. These are as follows:

(a) **Category A Reservists: Functional policing:**

A reservist appointed to this category -

- (i) shall perform functions in all operational facets of policing, either at *station*, area, provincial or national level including functions as part of a sector team or *unit*
- (ii) must wear a uniform except if the *reservist* is placed at the Detective Services or Crime Intelligence
- (iii) must be trained in relevant aspects of functional policing applicable to his or her duties as well as additional required job specific/in-service training, depending on the area where he or she is used
- (iv) may, in accordance with regulation 5 of *the Regulations*, be called up by the National or a Provincial Commissioner to report for duty at a place, date and time determined by the National or Provincial Commissioner and to perform such functions at such places and for such periods as may be determined by the National or Provincial Commissioner concerned.

(b) **Category B Reservists: Support Services:**

A reservist appointed to this category -

- (i) shall perform specific support functions at national, provincial, area or *station* level and may not be used to perform functional policing functions
- (ii) may not wear a uniform or be issued with a firearm
- (iii) may only perform such support functions as may be determined by the *commander* and which are specified by the *commander* in a job description
- (iv) must, if necessary, be trained in relevant legal aspects, policy and instructions applicable to his or her specific functions
- (v) may, in accordance with regulation 5 of *the Regulations*, be called up by the National or a Provincial Commissioner to report for duty at a place, date and time determined by the National or Provincial Commissioner and to perform such functions at such places and for such periods as may be determined by the National or Provincial Commissioner concerned.



(c) Category C Reservists: Specialised Functional Policing:

A reservist appointed to this category -

- (i) must be a person who has particular skills or expertise which can be used operationally by the Service
- (ii) shall perform specific functions in his or her field of expertise
- (iii) may, with the approval of his or her *commander*, wear a uniform
- (iv) must be trained in relevant legal aspects, policy and instructions applicable to his or her specific functions
- (v) may, in accordance with regulation 5 of *the Regulations*, be called up by the National or a Provincial Commissioner to report for duty at a place, date and time determined by the National or Provincial Commissioner and to perform functions relevant to his or her specific skills at such places and for such periods as may be determined by the National or Provincial Commissioner concerned.

The 4th category in which volunteers may be appointed as reservists, in terms of National Instruction 1/2002 is as follows:

(d) Category D Reservists: Rural and Urban Safety:

A reservist appointed to this category -

- (i) shall perform functions in operational facets of policing relating to rural and urban safety in a specific sector at *station or unit* level, excluding specialized functional duties
- (ii) may wear a uniform
- (iii) may perform such functions under the supervision of a permanent member or a Category A reservist, if necessary
- (iv) must be trained in relevant legal aspects, policy and instructions relating to his or her specific duties, as well as aspects relating to functional policing applicable to his or her area of duties
- (v) may, in accordance with regulation 5 of *the Regulations*, be called up by the National or a Provincial Commissioner to report for duty at a place, date and time determined by the National or Provincial Commissioner to perform policing functions at station or *unit* level related to sector policing in urban and rural areas at such places as indicated in subparagraph (vii) and for such periods as may be determined by the National or Provincial Commissioner concerned
- (vi) is exempted from the usual selection requirements relating to academic qualifications and psychometric tests
- (vii) may only perform his or her duties in areas as specified by the *commander* in his or her job description
- (viii) shall, notwithstanding the provisions of paragraph 19, report for duty in a manner and place as determined by the *commander*.



6.5 REFERRING VICTIMS TO SUPPORT SERVICES

An often neglected but important aspect when dealing with victims is aftercare. There are four (4) categories in which volunteers may be appointed as reservists, in terms of National Instruction 1/2002. These are as follows:

Many victims of crime, especially violent crime, have been traumatized and need some form of counselling. Victims may also have specific fears relating to the crime. For example, victims of sexual offences may fear that they have contracted HIV/Aids or other sexually transmitted diseases (STDs). Referring the victim to support services is, therefore, a very important part of the police's duties.

The SAPS, being the initial point of entry to the criminal justice system in the majority of cases, is in an ideal position to provide information or assist the victim to access these services. The station commissioner should, in cooperation with the local VEP management forum, radio control room, duty officer, and the victim support centre all have a directory of governmental or non-governmental organizations, medical institutions or any other groups in the area which provide medical, legal, social and counselling services to victims.

6.6 ESTABLISHING A CODE OF CONDUCT

To maintain a high level of service in the VSP, standards should be developed for individuals working with victims. Standards must also be set regarding service delivery and cooperation between different service providers, including standards regarding confidentiality and undertakings by volunteers. These standards can be included in the business plan of a local VEP committee or in working or service agreements between local service providers for victims. Codes of conduct should be developed jointly and approved by the local VEP management committee and signed by individual service providers.

6.7 MARKETING OF VICTIM EMPOWERMENT SERVICES

The successful implementation and sustainability of SAPS victim assistant services will depend on continuous and effective marketing. A communication strategy should be developed to

- (a) inform the local community of available services and ensure effective use of these services; and
- (b) ensure the community's participation in the local VEP, bearing in mind the following aspects:
 - (i) The support of the community at large must be obtained for the local initiatives.
 - (ii) Volunteers must be recruited to sustain and expand initiatives.
 - (iii) It will be necessary to recruit professional service providers (like social workers) to the organisations or departments responsible for supervising volunteers and rendering professional services that cannot be provide by volunteers (e.g. category A,B,C or D reservists).

CHAPTER 7

EVALUATION OF THE EFFECTIVENESS OF THE VICTIM SUPPORT, ASSISTANCE AND EMPOWERMENT PROGRAMME

It is critical to build in an evaluation tool as an aspect of station, area, provincial and national programme implementation. Evaluation is not only an important part of measuring the success of an implementation plan, but also a means of ensuring and promoting accountability, i.e. answering to an external authority for actions taken. In terms of community policing, the police are answerable and responsible to the community, and in respect of victim empowerment the police answers to the victim. The SA Victim's Charter of Rights holds all stakeholders accountable for an agreed set of commitments to victims. It is essential that the police's adherence to the Victim's Charter is monitored to ensure that the SAPS's commitments are honoured and fulfilled.

In conducting an evaluation, it is useful to take the following elements into consideration:

- Purpose of evaluation
- Process to effect the evaluation.

7.1 Developing a Standard Operating Procedure

A Standard Operating Procedure (SOP) will greatly contribute to the effective implementation of a VEP, and will prevent uncertainty and confusion about what should be done, by whom, when and how. The SOP should be a step-by-step manual for practitioners, detailing in a logical sequence, the procedure for dealing with victims. The SOP must start with procedures for the initial contact with the victim, subsequent dealings with the victim (including police related and procedures as well as after-care and counselling services which can be rendered); and procedures regarding the victim support centre. It should also include a directory of institutions and organizations offering services to victims, as well as set out a procedure for liaison between the various institutions.

7.2 Monitoring and Evaluation

Evaluation usually encompasses the following:

- (a) **Process evaluation:** The implementation of a VEP is monitored continuously throughout the implementation of the operational plan and starts on the day on which the plan is implemented. It is concerned with determining whether the plan is implemented correctly and deals with questions such as "Are the steps outlined in the operational plan followed properly?", "Are there any problems that need to be addressed?", "Should the implementation plan be modified?" and "Is the plan working? If not, why not?"
- (b) **Impact evaluation:** This involves evaluating the impact of the programme, in other words, assessing the consequences or outcomes of the implementation plan, or the effects the plan had on the "problem". Impact evaluation is usually done by comparing data of "before and after" or by comparing the target community (i.e. victims assisted at the police station) with a comparable "control" group. Questions that could be asked, include "Has the plan resulted in an achievement of the stated objectives?", "What mistakes were made?" and "Why?"



Monitoring or evaluation cannot take place without performance criteria and evaluation instruments. It is, therefore, necessary for the implementation committee to incorporate specific evaluation criteria and instruments into their operational plans.

The following evaluation instruments can be used:

- (a) Meetings and consultations with local community groups and organizations
- (b) One-to-one meetings with important community leaders and decision-makers
- (c) Analyses of requests for services provided by the police
- (d) Analyses of media reports
- (e) Surveys of victim satisfaction with services rendered
- (f) Suggestion boxes at police stations and victim support centres
- (g) Exhibitions at community functions and open days at the police station
- (h) Follow-up interviews with victims.

In order to evaluate the general effectiveness and efficiency of the victim support programme, the implementation committee should decide: -

- (a) Which aspects of the programme need to be focussed upon
- (b) On the standards and performance evaluation criteria
- (c) On developing instruments for performance evaluation
- (d) Who should be responsible for actually measuring efficiency and effectiveness?



Annexure "A" is diagram illustrating an example of evaluation criteria and instruments which could be used:

ANNEXURE "A"

Area to be evaluated	Possible evaluation criteria	Possible evaluation instruments
<p>(1) Service at the Community Service Centre (initial contact)</p>	<p>Degree of satisfaction of individual victim in respect of-</p> <ul style="list-style-type: none"> ● whether his/her feelings were taken into account and ● his/her dignity was acknowledged <p>The victim's perception of the official as-</p> <ul style="list-style-type: none"> ● being non-judgmental ● being calm and objective ● not having created false expectations ● being competent ● being courteous ● responding to the complaint 	<p>Survey of victims' satisfaction Evaluation questionnaires Follow-up by telephone to determine victims' satisfaction Suggestion box at victim support centre</p>
<p>(2) Conduct of first police official in contact with the victim</p>	<p>Degree of satisfaction of the victim in respect of -</p> <ul style="list-style-type: none"> ● whether his/her feelings were taken into account ● whether his/her dignity was acknowledged ● whether his/her privacy was respected ● whether his/her practical needs were attended to ● the response time <p>After contact with the police official, was the victim provided with information on</p> <ul style="list-style-type: none"> ● what steps to take after crime was reported ● the judicial process and the role of the victim in it ● available support and counselling services ● crime prevention advice <p>The victim's perception of the official's conduct at the scene</p> <p>Did he/she secure the victim's personal safety?</p>	<p>Monitoring response time by way of the SAP 280 or CAS; report to CPF Survey of victims' satisfaction Evaluation questionnaires Follow-up by telephone to determine victims' satisfaction</p>



Area to be evaluated	Possible evaluation criteria	Possible evaluation instruments
(3) Detective Service	<p>After contact with the police official, did the victim have the following information?</p> <p>The CAS number</p> <p>The contact details of the detective</p> <p>Was the victim regularly informed of progress made with the investigation of the case, specifically with regard to -</p> <ul style="list-style-type: none"> • arrests made • identification parades • bail hearings • the date of the trial • whether the accused was convicted or not found guilty • what sentence(s) was(were) imposed on the perpetrators 	<ul style="list-style-type: none"> • Follow-up by telephone to determine victims' satisfaction • Survey of customers' satisfaction • Evaluation questionnaires
<p>(4) Victim Support Centre</p> <p>(a) Appearance</p> <p>(b) Facilities at the centre</p>	<p>Satisfaction of victim with -</p> <ul style="list-style-type: none"> • cleanliness • sufficient privacy • calming effect <p>Satisfaction of victim with -</p> <ul style="list-style-type: none"> • available facilities • the quantity and quality of the facilities <p>Suggestions for possible improvement</p>	<ul style="list-style-type: none"> • Survey of victim satisfaction, as well as victim's suggestions • Follow-up by telephone to determine victim's satisfaction

CHAPTER 8

MINIMUM STANDARDS FOR SERVICES TO VICTIMS OF CRIME (INCLUDED AS PART OF THE SERVICE CHARTER FOR VICTIMS OF CRIME)

8.1. MEMBERS MUST TREAT VICTIMS WITH FAIRNESS, RESPECT, DIGNITY AND IN PRIVACY

- The member will consult the victim in an environment conducive to confidentiality, privacy and dignity (especially in the case of rape, any incident involving a sexual offence and an incident of domestic violence).
- The member will interview the victim in privacy.
- The member will take the victim's statement and fill out the necessary forms to register the crime.
- The member will interview the victim in a language that he/she understands, and if the member cannot speak the language, he/she will arrange for an interpreter.
- Victims will be interviewed by a member of the police who is of the same sex as the victim (if available).
- In the case of a sexual offence, the member must assist the victim to obtain alternative clothing to wear, as the victim's clothing may be used as evidence.
- An investigating officer must be summoned to attend to the victim.
- The member will refer the victim for medical attention and/or counselling, if required.

8.2 THE VICTIM HAS THE RIGHT TO OFFER INFORMATION DURING THE INVESTIGATION OF THE CASE

This includes the following:

- The member must ensure that any evidential material the victim may have, is correctly gathered and protected.
- The member must take the necessary steps to facilitate a medical examination.
- The member will take a statement from the victim and read it to him/her to confirm that its content is correct. The victim is then required to sign the statement. If the victim requests it, the statement must be read to him/her by an interpreter, if one is available, in a language that the victim understands.
- If a statement is wrong or incomplete, the victim must be allowed to add to or amend his/her initial statement or to make a further statement.
- The victim must be given a chance to explain in his/her statement how the crime affected him/her and his/her interests must be taken into account and be put in writing.
- A copy of the victim's statement must be given to him/her if he/she requests it.
- The member must ask the victim about his/her fears of further victimisation and for details of his/her loss, damage or injury.
- The victim must be informed to keep the investigating officer up to date with his/her address, contact details and whereabouts until the conclusion of the investigation and of the trial.
- The victim must be aware to inform the investigating officer if the suspect or accused interferes or tries to interfere with the investigation of the case or if the accused will not attend the trial or if the accused threatens the victim.



8.3. A VICTIM HAS THE RIGHT TO RECEIVE INFORMATION IF HE/SHE REPORTS A CRIME AND THE POLICE MUST KEEP THE VICTIM INFORMED

This includes the following:

- The victim may discuss the case with an attorney of his/her choice, if he/she wishes to do so.
- The victim must be informed of the nature and purpose of his/her statement.
- The victim must be provided with the name and telephone number of the investigating officer allocated to his/her case, and the police case number (CR number or CAS (Crime Administration System) number).
- The victim must be informed of the possibility of instituting private prosecution if the DPP as declined to prosecute in the case.

The victim must also be informed of the following:

- The arrest of a suspect
- Whether he/she is required to attend an identification parade and if so, of its date
- The number of the court case
- The date and outcome of bail hearings (and whether the suspect is to be released on bail).
- The progress with the investigation of the victim's case and the prosecution
- Any decision to withdraw or alter the charges substantially
- Whether he/she will be required to attend the court proceedings and if so, the date on which it will take place
- The date of the trial and the final result
- The date of sentencing and the outcome
- Whether the accused have appealed against his/her conviction or sentence and the outcome thereof.
- How and when confiscated property can be reclaimed
- What services are available to address his/her particular needs and how to access them
- The procedures that will follow and answer to his/her questions
- The reasons for the examination (i.e the collection of evidence, the taking of samples, if needed and the recording of a detailed medical report), as well as the procedure which will be followed during the examination.

8.4. THE VICTIM HAS THE RIGHT TO PROTECTION IF HE/SHE REPORTED A CRIME TO THE POLICE. HE/SHE CAN EXPECT THE FOLLOWING:

- If the victim has reason to believe that his/her safety or the safety of a member of his/her household is being threatened, he/she will be allowed to report it to a police station or local public prosecutor to apply for a protection order for himself/herself, his/her family or his/her household.
- In appropriate cases they will be protected by a member of the South African Police Service at a place of safety or at their home, a hotel etc, and in the manner that is deemed necessary.
- He/she will be given the opportunity to give his/her statement in private.
- If the victim does not want the accused to know his/her address or name, he/she will be allowed to contact the investigating officer and/or prosecutor in order for him/her to try and withhold that information from the accused.
- The payment of allowances to the victim while in protective custody as well as remuneration for his/her loss of income, may be provided for.

- The police will inform the victim that the Department of Justice and Constitutional Development (acknowledging the crucial role that victims and witnesses play in the administration of justice and that witnesses are often too terrified to testify in court as a result of intimidation) is in charge of the administration of the Witness Protection Programme.
- At all times, a responsible official will ensure that any property belonging to the victim and which is being held for evidentiary purposes will be maintained in good condition and returned to the victim as soon as it is no longer needed for evidentiary purposes.
- If appropriate, the SAPS will inform the victim that any person who unlawfully publishes any information or who unlawfully reveals the identity of a witness is guilty of an offence and can be prosecuted.
- If the victim is a child, steps will be taken to ensure that other children and the victim's family members are not at risk.
- The SAPS will prevent further traumatisation or victimisation by the system as far as possible.
- The victim may be informed if the offender has escaped from custody, if he/she requests it.
- A victim may include certain stipulations (e.g. no contact with victims or family members of victims after release) in the accused's release conditions, especially in cases of rape and abuse, if he/she requests it and if it is relevant.

8.5. A VICTIM HAS THE RIGHT TO ASSISTANCE AND THE POLICE CAN BE EXPECTED TO ASSIST HIM/HER WITH -

- Referrals to other service providers for the necessary support and on-site crisis intervention, for example medical first-aid
- An explanation of police procedures
- Information about the victim's rights
- Addressing his/her safety as a priority
- Preservation of evidence
- Crime prevention advice
- Reducing the violence at the crime scene
- Responding to incidents of crime in order to protect victims
- Recording all information regarding the incident
- Safeguarding the scene of the crime
- Minimising/eliminating hazards and preventing an escalation of the incident
- Dealing with deceased victims in an appropriate manner.

8.6. A VICTIM HAS THE RIGHT TO COMPENSATION AND RESTITUTION IF HE/SHE GOES TO COURT AND CAN EXPECT THAT -

- The prosecutor and the police will, in appropriate cases, inform him/her to be present at court on the date of sentencing and that he/she may request the prosecutor to apply to the court for a compensation order OR request the offender to make fair restitution to him/her, his/her family or dependants.
- In appropriate cases, the court may suspend a sentence on condition that the accused compensate the victim for loss or damage suffered as a result of the offence. The prosecutor will inform the victim how to enforce such an award.

8.7. COMPLAINTS

All of the agencies involved in the victim's case are aimed at providing a high standard of service - but things sometimes do go wrong. If they do, the agencies want to know what had happened. This part of the Charter gives information on what the victim may do if he/she is unhappy about -

- The way in which he/she has been treated
- The information he/she has received
- Decisions that have been made.

8.8. IF THE VICTIM'S COMPLAINT IS ABOUT THE POLICE

The victim may submit a complaint about a police officer, or a police service policy, practice or procedure at the police station involved by writing to the commanding officer of the police station concerned.

- If a victim complains about a police officer acting unfairly or incorrectly, the matter will be overseen by the Independent Complaints Directorate (ICD).
- If a victim has lost property or his/her property was damaged while in the police's possession, he/she may be entitled to compensation. He/she may write to the station commissioner of the police station concerned with the details of his/her claim.



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ACRONYMS

BAC	Business Against Crime
CAS	Crime Administration System
CBO	Community-based Organisation
CJS	Criminal Justice System
CPF	Community Police Forum
CSC	Community Service Centre
DSD	Department of Social Development
CR	Crime Register
FCS Units	Family Violence, Child Protection and Sexual Offences Units
GIS	Government Interpretation Services
ICD	Independent Complaints Directorate
ID Parades	Identification Parades
NPC	National Crime Prevention Strategy
NGO	Non-Governmental Organizations
SAPS	South African Police Service
SOP	Standard Operating Procedure
UN	United Nations
VEP	Victim Empowerment Programme
VSP	Victim Support Programme
VSR	Victim Support Room
VFF	Victim Friendly Facilities