BRIEFING BY THE SOUTH AFRICAN POLICE SERVICE (SAPS) TO THE PORTFOLIO COMMITTEE ON POLICE WITH REGARD TO:
THE IMPLEMENTATION OF THE CHILD JUSTICE ACT, 2008 (ACT 75 OF 2008) AND
EFFORTS MADE TO DECREASE CRIMES AGAINST VULNERABLE GROUPS

20 MAY 2015
THE IMPLEMENTATION OF THE CHILD JUSTICE ACT, 2008 (ACT 75 OF 2008): ROAD TRAVELLED TO DATE
**Minimum Requirements for the implementation**

<table>
<thead>
<tr>
<th>Development of National Instruction (NI) (Section 97(5)) and assist in development of National Policy Framework (Section 96(1)) for implementation</th>
<th>Extent to which Implemented</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Instruction 2 / 2010 developed and implemented.</td>
<td></td>
</tr>
<tr>
<td>Assisted in development of National Policy Framework.</td>
<td></td>
</tr>
</tbody>
</table>

**Training and capacity building** of members for responsibilities:
- Secure attendance in court including preliminary inquiry (arrest, notice and summons) and notify probation officer and responsible adult (sections 17 – 20)
- Release to responsible adult / secure care or detain (as appropriate) sections 21 - 23
- Conduct investigation including determination of child used by adults

Training curriculum developed, training conducted and ongoing regarding the following courses and learning programmes:
- Vulnerable Children Learning Programme presented as in service training
- 5 day course
Number of SAPS members trained from the date of implementation of the Child Justice Act, 2008 (1 April 2010):

<table>
<thead>
<tr>
<th>Period</th>
<th>2010/11</th>
<th>2011/12</th>
<th>2012/13</th>
<th>2013/14</th>
<th>2014/15</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>No of personnel trained</td>
<td>20 683</td>
<td>9 599</td>
<td>5 888</td>
<td>6 927</td>
<td>4 422</td>
<td>47 519</td>
</tr>
</tbody>
</table>

Minimum Requirements for the implementation

<table>
<thead>
<tr>
<th>Extent to which Implemented</th>
</tr>
</thead>
<tbody>
<tr>
<td>Participate in One Stop Child Justice Centres (s 89 (1) (4))</td>
</tr>
<tr>
<td>SAPS participates at all established One Stop Child Justice centres that include Nerina (Eastern Cape) Mangaung (Free State), Jouberton, Rustenburg and Maheking (North West).</td>
</tr>
</tbody>
</table>

The Service Level Agreement for the Matlosana One Stop Child Justice Centre is currently being finalised.
Quarterly statistics are provided to the Inter-Sectoral Committee on Child Justice on the number of charges (all crimes and specifically on sexual offences) regarding children, disaggregated by province, age and station.

The OPAM System was enhanced to provide for capturing of information pertaining to children under 10 who cannot be charged but must be referred to probation officer. This enhanced system was rolled out nationally during February 2015.

SAPS representatives participate in the DGs Inter-Sectoral Committee (Section 94(1)) and operational inter sectoral child justice meetings.
Communication and awareness programme

- The legislation, National Instructions 2 of 2010 (children in conflict with the law) and 3 of 2010 (children in need of care and protection also applicable to children under 10) is available on the SAPS intranet.

- Public Education and awareness campaigns conducted: Radio broadcasts (GCIS) and presentations made to children.

Interventions to accelerate training of personnel:

- Conducted on a cumulative basis in order to accommodate large number of personnel
  
- Station and cluster lectures and work-sessions encouraged as sound practices.
Total number of charges against children between the period: 2010/2011-2013/2014

* 2014/2015 figures on charges will be provided during the release of the National Crime Statistics.
### Number of Charges against children, Assessments Conducted and Diversions:

<table>
<thead>
<tr>
<th>Period</th>
<th>2010/11</th>
<th>2011/12</th>
<th>2012/13</th>
<th>2013/14</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charges</td>
<td>75435</td>
<td>68078</td>
<td>57721</td>
<td>47274</td>
</tr>
<tr>
<td>Charges for Sexual Offences</td>
<td>4671</td>
<td>4772</td>
<td>4960</td>
<td>2943</td>
</tr>
<tr>
<td>No of children assessed</td>
<td>32500</td>
<td>18334</td>
<td>32125</td>
<td>Not available</td>
</tr>
<tr>
<td>No of cases diverted</td>
<td>16462</td>
<td>9192</td>
<td>11420</td>
<td>Not available</td>
</tr>
</tbody>
</table>

* 2014/2015 figures on charges will be provided during the release of the National Crime Statistics.*
EFFORTS MADE TO DECREASE CRIMES AGAINST VULNERABLE GROUPS
Relevant Legal Framework:

- The Constitution of the RSA
- Common Law Offences
- Criminal Law (Sexual Offences and related Matters) Amendment Act, 2007 (Act No 32 of 2007)
- Children’s Act, 2005 (Act No 38 of 2005)
- Child Justice Act, 75 (Act No 75 of 2008)
- Older Persons Act, 2006 (Act No 13 of 2008)

Applicable International Obligations:

- United Nations and
- African Union
Relative SAPS instructions

- NI 7 of 1999 – Domestic Violence
- NI 3 of 2008 – Sexual Offences
- NI 2 of 2010 – Children in Conflict with the Law
- NI 3 of 2010 – The Care and Protection of Children in terms of the Children’s Act
- NI 2 of 2012 – Victim Empowerment
- NI 1 of 2014 – Protection of Older Persons
- Standard Operating Procedure for the Reporting of FCS-related Crimes

Policing approach utilised:

- Proactive (prevention)
- Reactive (investigation)
- Multi-disciplinary co-operation
Proactive policing is done in the following 4 areas:

- *Early interventions*
- *Victim support services*
- *Implementation of legislation and policies in respect of vulnerable groups*
- *Awareness programmes:*
  - Schools
  - Communities
  - Media
1. Early interventions

- Prevent commission of further crimes
- Identification/reporting of crimes
- Identification and apprehension of offender
- Crime analysis at local, cluster, provincial level to inform policing
- Intervention plans and projects with stakeholders eg community safety plans with CPFs and outreach programmes

2. Victim support services

- Training of SAPS members
- Victim friendly facilities at police stations
- Co-operation with victim service provider
National summary of victim friendly rooms (2014/2015) where services are provided:

<table>
<thead>
<tr>
<th>VFRs located at:</th>
<th>EC</th>
<th>FS</th>
<th>GP</th>
<th>KZN</th>
<th>LIM</th>
<th>MPU</th>
<th>NC</th>
<th>NW</th>
<th>WC</th>
<th>Total per category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police stations</td>
<td>121</td>
<td>65</td>
<td>139</td>
<td>144</td>
<td>80</td>
<td>76</td>
<td>67</td>
<td>55</td>
<td>150</td>
<td>897</td>
</tr>
<tr>
<td>Satellite police stations</td>
<td>0</td>
<td>8</td>
<td>3</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>21</td>
<td>36</td>
</tr>
<tr>
<td>Contact points</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>International Airport</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>FCS Units</td>
<td>1</td>
<td>0</td>
<td>2</td>
<td>12</td>
<td>5</td>
<td>1</td>
<td>1</td>
<td>4</td>
<td>6</td>
<td>32</td>
</tr>
<tr>
<td>Railway police</td>
<td>3</td>
<td>0</td>
<td>8</td>
<td>5</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>4</td>
<td>20</td>
</tr>
</tbody>
</table>

These services are also provided in dedicated areas in those stations where VFRs do not exist
Police Stations also utilise Thuthuzela Care Centres (TCCs) and Khuseleka One Stop Centres (OSCs) where available as shown below:

<table>
<thead>
<tr>
<th>Province</th>
<th>EC</th>
<th>FS</th>
<th>GP</th>
<th>KZN</th>
<th>LIM</th>
<th>MPU</th>
<th>NC</th>
<th>NW</th>
<th>WC</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police stations that make use of TCC’s</td>
<td>53</td>
<td>36</td>
<td>90</td>
<td>63</td>
<td>35</td>
<td>29</td>
<td>25</td>
<td>31</td>
<td>57</td>
<td>419</td>
</tr>
<tr>
<td>Thuthuzela Care Centres (TCC’s)</td>
<td>8</td>
<td>4</td>
<td>7</td>
<td>8</td>
<td>6</td>
<td>5</td>
<td>4</td>
<td>5</td>
<td>5</td>
<td>52</td>
</tr>
<tr>
<td>Police stations that make use of OSCs</td>
<td>23</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>97</td>
<td>0</td>
<td>0</td>
<td>13</td>
<td>0</td>
<td>133</td>
</tr>
<tr>
<td>Khuseleka One Stop Centres</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>6</td>
</tr>
</tbody>
</table>
3. Implementation of legislation and policies in respect of vulnerable groups…

- **Protection of persons with disabilities** - The SAPS participates in the National Disability Machinery Committee that helps with disability rights, monitoring as well as to ensure improved access to services to persons with disabilities. Guidelines on Policing of Crimes against People with Disability is in the process of being finalized. A task team has been constituted on the 29 April 2015 to work towards the development of a Disability Policing Strategy in order to ensure improved services to persons with disabilities.

- **Protection of older persons** - SAPS participates in the South African Older Persons Forum in order to ensure improved protection services to the elderly. Guidelines on the Protection Older Persons is developed and members will be capacitated on it in this financial year 2015. National Instruction 2 of 2014 on Protection of Older Persons was developed and rolled out in 2014.
3. Implementation of legislation and policies in respect of vulnerable groups...

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- **Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) community**
  SAPS collaborated with other role-players to develop the following in an effort to reduce incidents of crimes against the LGBTI community:
  - Terms of Reference of the National Task Team
  - Terms of Reference of the Rapid Response Team
  - National Intervention Strategy
  - Information pamphlet on “Frequently asked Questions regarding LGBTI Persons”.

...Proactive policing...
3. Implementation of legislation and policies in respect of vulnerable groups…

• Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) community SAPS collaborated with other role-players to develop the following in an effort to reduce incidents of crimes against the LGBTI community (cont):

• The National LGBTI programme was officially launched on 29 April 2015.
• SAPS continues to be part of the National Task Team on LGBTI.
• SAPS members to be capacitated on how to handle LGBTI persons.
• Guidelines with regard to LBGTI to be developed during 2014/15.
4. Awareness Programmes…

a. Child protection…

• The SAPS has ongoing campaigns aimed at raising the awareness of the public on the consequences of child abuse, neglect and exploitation. This includes awareness on issues that impact on child prostitution, child pornography and child trafficking or the sale of children. In this manner the campaign is applicable as a strategy to prevent other subject-specific child abuse and exploitation issues.

• There are school-based visits by police officials that are aimed at raising children’s awareness of child abuse matters and the need to report these to a trusted adult and the police. These engagements are also aimed at promoting awareness of positive behaviour that counters issues such as bullying, use of drugs, use of weapons, age-inappropriate sexual engagement and the need to report inappropriate behaviour towards children. These police officials are known as Adopt Cop officials. Adopt a Cop officials have over the years also conducted awareness shows at various other places where children are found, such as at shopping malls during weekends, fetes, bazaars, agricultural shows and others.
• The SAPS also uses promotional material that focus on placing specific child protection messages on objects, such as rulers, rubbers, colouring books and juice mugs. Pamphlets, brochures and other information and awareness-raising material have been produced and distributed to the public to provide child abuse prevention information and raise child protection awareness.

• Public awareness events are conducted on an ongoing basis and peak during focus periods such as Child Protection Week (end of May, beginning of June) and the 16 Days of Activism of No Violence against Women and Children period (25 November to 10 December). Electronic media engagements also outline services available from the police for early interventions and processing, should a child be abused.
b. Public Education and Awareness…LGBTI

- SAPS conducts National and Provincial public education and awareness campaigns to inform the public about crimes against vulnerable groups, women, children, the elderly and the Lesbian, Gay, Bi-Sexual, Transgender and Intersex (LGBTI) community.
- The purpose is to educate the public, and by doing so, to encourage reporting and prevent ongoing incidents of crimes.

...Public Education and Awareness...Gender-based violence

- SAPS has distributed the following communication material in the 2014/2015 financial year to enhance public education and awareness in all communities:
  - Domestic Violence pamphlets in all eleven (11) official languages
  - Sexual Offences Z-Cards in all eleven (11) official languages
  - Children’s Rights leaflets
  - School Safety booklets
  - Banners and posters on school safety, drugs and the Children’s Act, 2005 (Act 38 of 2005).
1. Investigation of crimes

- Majority of the crimes are sexual offences investigated by the detectives attached to 176 Family Violence, Child Protection and Sexual Offences Units (FCS) placed in each Cluster area.
- This environment has 2,529 members (2,242 SAPS Act and 287 Public Service Act) comprised of:
  - **Detectives** investigating cases, and
  - **Social Workers** specialising in forensic work placed in areas with highest prevalence or need

**Training/development**
- Generic Courses: Basic Training; Domestic Violence Programme; Resolving of Crime (detective) Programme; and Sexual Offences Programme
- Specialised Courses: FCS Detective Learning Programme; Forensic Social Work Programme
The units were established in terms of the cluster model at 176 clusters:

<table>
<thead>
<tr>
<th>No</th>
<th>Province</th>
<th>Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Eastern Cape</td>
<td>27</td>
</tr>
<tr>
<td>2</td>
<td>Free State</td>
<td>18</td>
</tr>
<tr>
<td>3</td>
<td>Gauteng</td>
<td>22</td>
</tr>
<tr>
<td>4</td>
<td>KwaZulu-Natal</td>
<td>25</td>
</tr>
<tr>
<td>5</td>
<td>Limpopo</td>
<td>16</td>
</tr>
<tr>
<td>6</td>
<td>Mpumalanga</td>
<td>15</td>
</tr>
<tr>
<td>7</td>
<td>Northern Cape</td>
<td>16</td>
</tr>
<tr>
<td>8</td>
<td>North West</td>
<td>12</td>
</tr>
<tr>
<td>9</td>
<td>Western Cape</td>
<td>25</td>
</tr>
<tr>
<td>10</td>
<td>National</td>
<td>176</td>
</tr>
</tbody>
</table>
2. Multi-disciplinary cooperation

- Government Departments
  - Justice and Constitutional Development (SORMAA, LGBTI, CJA, DVA)
  - Social Development - Child protection, VEP
  - Home Affairs (Films and Publications Board)
- Inter-Ministerial Committee on Gender Based Violence
- Interpol (Gender Based Violence, Crimes against Children)
- NGO’s, CBO’s, etc,
Thank you