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How to Police Sexual Violence

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With 60% of the rapists known to the victim, increased police presence on the street can do little in the way of prevention. A new approach is needed in the way police provide their services to rape victims, in the way information on rape is managed, and in the allocation of resources for prevention and investigation.

A "social audit" was conducted by the Southern Metropolitan Local Council (SMLC) and the non-governmental organisation, CIETafrica, into the facts behind sexual assault in southern Johannesburg and the role of the police in investigating these cases. Alarmingly, this audit found many rapes reported to police do not make it beyond the charge desk.

Contrary to the belief that most rape victims do not approach the police, two out of three abused women surveyed stated they had, in fact, taken their cases to the SAPS. But interviews with almost 4,000 women and a review of South African Police Service (SAPS) data showed many cases are filtered out at the point of registration – possibly those judged to stand little chance of making it through the legal system.

Two out of three abused women surveyed stated they had, in fact, taken their cases to the SAPS.

This means a rape victim may go to the police station and tell the police on duty what had happened to her, but the event still might not enter the crime information management system as a case of sexual violence. Of 394 rape cases reviewed from 1997, 272 of the women went to the police. But only 17 of these incidents became official police "cases", only five were referred to court by the police, and only one such referral resulted in a conviction.

The SMLC-CIET social audit exam-

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ined the role of the police in sexual violence, expectations the communities have of the police, police performance in dealing with the problem, and some possible steps towards community-led solutions.

The study

The social audit of the role of the police forms part of a wider initiative, funded by the Canadian International Development Research Centre, aimed at finding community-based solutions to sexual violence in southern Johannesburg.

In this broader study, a total of 38 sentinel communities were selected as a two-stage stratified random sample, proportional to SMLC population estimates. In each sentinel community, several instruments were administered:

- a house-to-house survey to identify the women's views;
- a questionnaire for men in the streets to focus on the "resilience factors" that make some men non-violent;
- a questionnaire for school-going youth in schools servicing the target communities, to map out the views of the upcoming generation.

To probe the issue of resilience and power, preliminary gender stratified focus groups were conducted on the sites. In addition to the individual interviews with members of the community, members of the SAPS were interviewed from 13 police stations serving the area. Magistrates, prosecutors, government officials and service workers (including district surgeons, nurses, women's organisations, and social workers) all gave similar interviews.

To date, CIETafrica and its partners have collected evidence on sexual violence through interviews with approximately 4000 women, 2100 men, 1500 school children, 91 police officers and 88 service workers including nurses, district surgeons, social workers, prosecutors and magistrates.

The social audit of the role of the police dealt principally with the way the system (police, medical services and the judiciary) works in cases of sexual violence. Whatever is done to redirect the pressures that lead to sexual violence, the system has to work better and more aggressively in favour of children and women. The concern of this section of the report is secondary and tertiary prevention through more effective action of the police and judiciary, increasing the potential costs of rape for the perpetrators.

With low registration of complaints of sexual violence, lower referral rates to courts and still lower conviction rates, there are few disincentives to sexually violent men.

Figure 1: Location of Rape

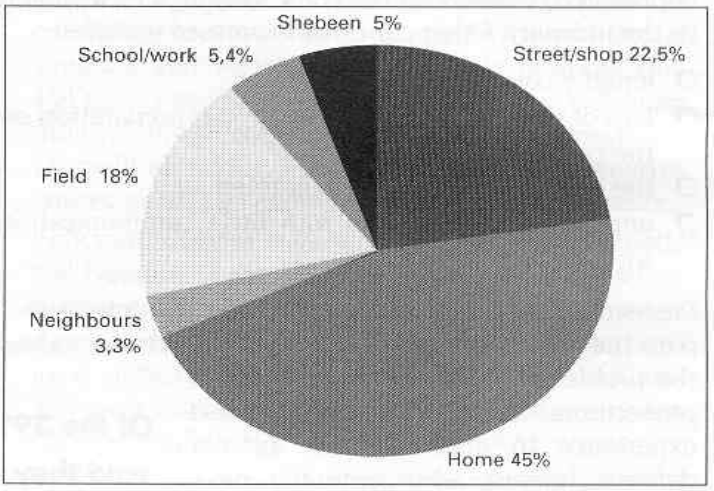
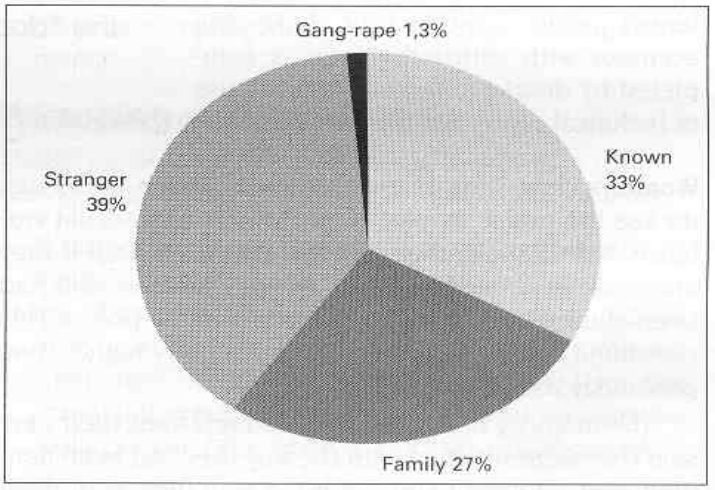


Figure 2: Relationship of rape victims with the rapist



Key findings

Resources: The obstacles identified by the police before they can refer a case include:

- victims not being able to talk or not wanting to open a case;
- withdrawal of the case by the victim;
- inability to find the suspect; and
- lack of evidence.

Police were concerned about their lack of training, excessive case loads, and lack of transport to investigate cases. Delay seeing district surgeons is often due to lack of transport.

Interaction with the legal structure: Although almost one half (45%) of police respondents said there was "no problem" in taking a case from the police to the courts, deeper questioning revealed several concerns in their

interaction with the legal system. Most said women are unprepared to deal with the court system, a view shared by the judiciary. Other concerns expressed included:

- lengthy court procedures;
- lack of time and resources for proper preparation on the part of the police;
- the ease with which bail is granted; and
- unprepared prosecutors with little communication with the victim.

Prosecutors said they did not have enough time to prepare the victim for each court case. Magistrates raised the problem of attrition of experienced prosecutors, leaving those with limited experience to argue a case against defence lawyers who generally have more time and resources.

Concerns with the J88 form (the key document used to prove sexual violence) included the lack of clarity and accuracy with which the form is completed by district surgeons, and the use of technical terms not understandable by the courts.

Women's view: Despite the obstacles, women in the area do see the police as part of the solution to sexual violence. Asked about their nearest centre for help if they are sexually abused, two out of three women who had been abused said they took their case to the police. This community-based estimate is substantially higher than previously thought.

The majority of women who had reported their case said they were satisfied with the way they had been handled. Not all were happy with the way they were dealt with at the police station: a woman was three times more likely to say she felt worse after going to the police than one going to a clinic or hospital.

Performance review: Evidence from the SAPS Crime Information Management Centre (CIMC) formed the basis for comparison of performance of the 13 police stations in the south. Data on reporting, referrals to courts, and convictions were turned into performance indicators.

The stations of Moroka, Jabulani, Orlando and Naledi showed consistently higher performance in dealing with the cases of sexual violence they registered than those of Johannesburg Central, Hillbrow, Ennerdale, Orange Farm, Lenasia and Lenasia South. Part of the explanation for this is some of the station areas show very sharp differences between the proportion of women who say they take their case to the police, and the number of registered cases.

Registrations filter: The combination of the house-to-house survey data and the CIMC data reveal an alarming point of non-accountability in the information system. A rape victim can go to the police station, tell the police on duty what has happened to her, but her case will not always enter the crime information management system as a case of sexual violence.

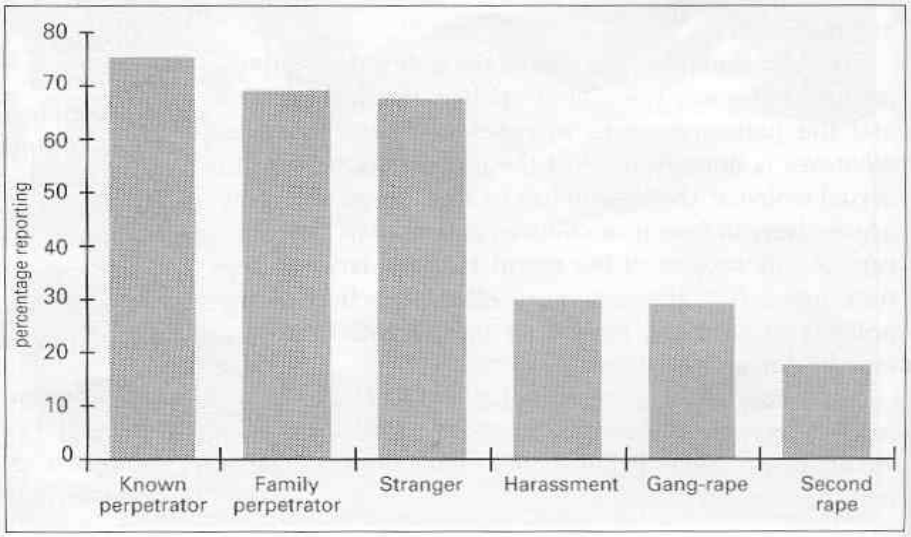
A large proportion of sexual violence cases (15/16) are filtered out at the point of registration at the police station, possibly because these are judged to stand little chance of making it through the legal system.

Of the 39% of women who said they were dissatisfied with the way their cases were handled, 14% said the "docket was lost".

Double bind: The registration filter of unknown dimensions makes it extremely difficult to monitor police performance in managing cases of sexual violence. Looking at it one way, the more cases that are filtered out and ignored before registration as a rape case, the more chance the few residual cases have of being brought successfully to trial.

Police are aware of the performance comparisons that are possibly based on the CIMC data and, in part understandably, opt to make their statistics as positive as possible. As police efforts to deal with the situation improve, and are recognised to improve, even if the actual occurrence of rape declines more women will bring their cases to the police. This will result in many more registered cases and there will probably be an explosive "increase" in registered rape.

Figure 3: Likelihood of reporting sexual offences by crime type



Based on the existing CIMC indicators (registration, referral and conviction), it could appear that those stations actually doing best against sexual violence have the worst performance indicators. The way to make sense of this contradiction is to complement the institutional monitoring with community-based monitoring.

Corruption: Corruption is a concern to women, to police and to interviewees in the legal system. Of the 39% of women who said they were dissatisfied with the way their case were handled, 14% said the "docket was lost". Overall, one in 20 (5.4%) of all women who lodged complaints reported this problem.

All prosecutors and magistrates interviewed, as well as three-quarters of the police respondents, agreed there are opportunities for corruption in dealing with rape cases. When asked specifically if any of their cases had been mishandled due to corruption, one in three police said yes.

Police policy change

Based on these findings, several policy innovations are in order:

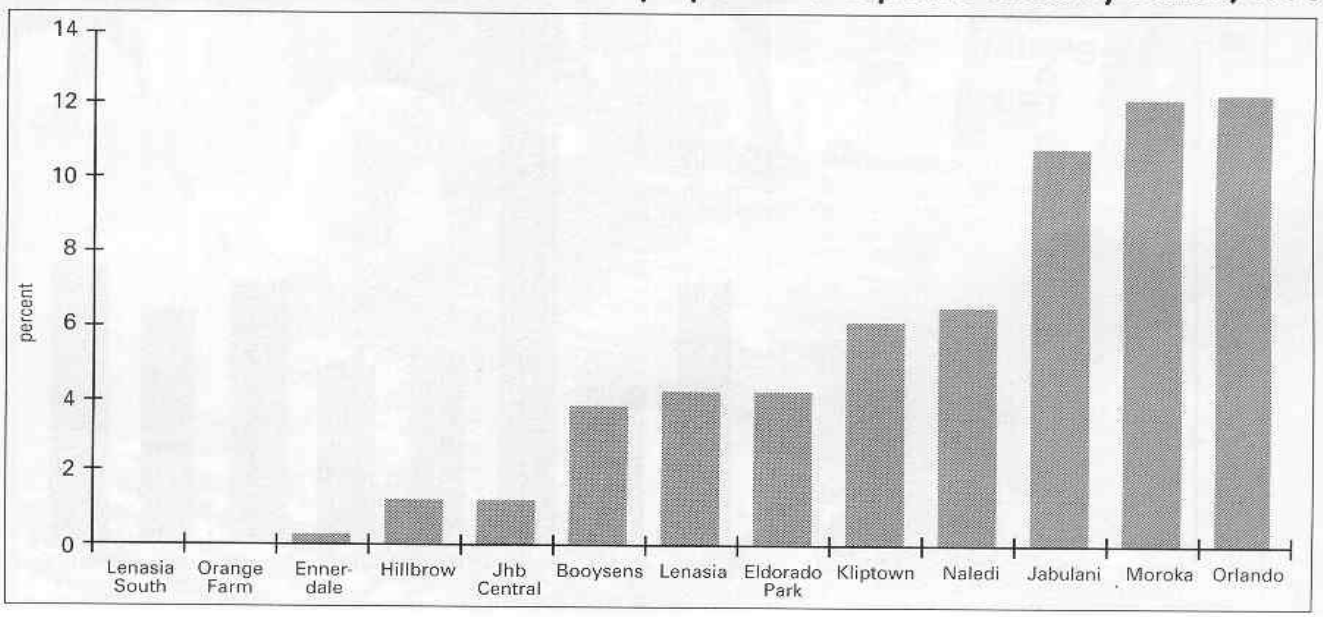
1. A policy is required to increase decisively the risks to perpetrators of sexual violence, and to stimulate increased reporting, referral, and conviction rates. This could translate as directives making aid to and promotions within police stations conditional on performance against sexual violence. It must be recognised at policy level that improved police performance will result in a short-term paradoxical increase of reported cases. The implications of this surge must be explained to the media.
2. A well-publicised policy of zero tolerance for police abuses, negligence and bribery in cases of rape will contribute to the sense of condemnation of sexual violence and improving police performance. This will attract increased registration of cases, speed up their referral to court, and improve conviction rates. This will all add in a measurable way to preventive strategies and an eventual reduction in occurrence.
3. Policy adjustment is required to promote systematic involvement of the police in multi-agency preventative programmes. This will require policy and procedure for developing collaborative programmes with local authorities, NGOs, and CBOs. It also has considerable staffing implications as police are drawn off other tasks.
4. Area wide adoption of a results-based management approach will provide for inter-station comparisons and in-station progress over time. Policy endorsement is needed for individual stations to fine-tune their case management and optimise their performance.

Managing sexual violence

Underlying all these innovations is a shift to a results-based management system in cases of sexual violence.

1. A standardised tracking mechanism can be used to identify bottlenecks in the recognition and processing of cases in each police station. Records should (and most do) document the time and date of each complaint; whether a docket was opened for the complaint; whether and when the victim was seen by a district surgeon; when the docket was received by

Figure 4: Convictions for sexual violence as a proportion of reported cases by station, 1996-1997



a prosecutor; whether bail was granted; whether the victim was notified if bail was granted; the date of trial; and the results of the trial. In most stations, these data are or can be computerised to produce regular and timely updates for managers.

2. External community-based benchmarks should complement those produced by the institutional crime management information system. These can be produced on an annual basis by inexpensive community surveys and offer a wide range of indicators that will change with different approaches taken by the stations.
3. The general attitude of police towards sexual violence cases needs updating. This begins with the police becoming more service oriented, and it implies they have specific training to meet the needs of the violated clients. This could include a resource (counsellor) that enables officers to do their work more effectively. There should be mandatory regular counselling and support for police officers working with sexual violence cases, as these officers bear a considerable psychological burden from their work. The impact of all this can be monitored by improvements in client satisfaction.
4. Each victim needs pre-trial legal counselling and preparation. Given the limitations on police resources, this could involve agreements with NGOs dedicated to this sort of work along with the assistance of the Attorney General's Office. Both sources of assistance would need certain access to the police stations in order to fulfil this function. The effect of this initiative can be monitored in referral and conviction rates, as well as in client satisfaction. As service improves, the proportion of cases brought to the stations will increase.
5. Each station should establish an early warning system to identify "at-risk" officers and to remove from duty those who commit abuses. This could include a suggestion/complaints box, a toll-free telephone number and more systematic interaction with support groups closer to victims.
6. Participation in a periodic forum on preventive programmes would provide an opportunity for the police to explain their new strategies to civil society and professional organisations, and for an exchange of information. In the area of this study, this forum could be convened by the SMLC.

Funding priorities

All of this clearly has funding implications. These areas should be prioritised:

1. Additional support should be sought to provide specialised training for those police who show more aptitude or who would like to work with cases of sexual violence.
2. Adequate funding and political support must be generated for civil society groupings with proven competency in support and monitoring.
3. Special prosecutors for each police station should be hired to handle criminal prosecutions of sexual violence.
4. Station-level users of the police crime information management system should receive training in the handling of these cases. **C&C**

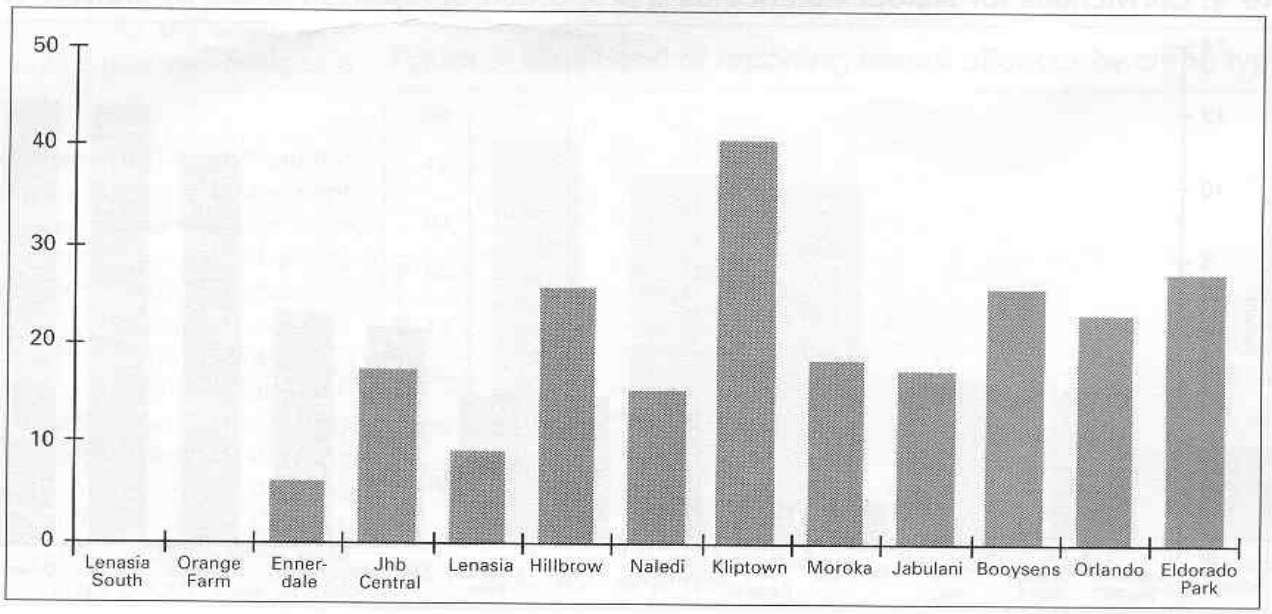



Figure 5: Convictions for sexual violence as a percentage of court referred cases, 1996-1997