

OPTIMAL MANAGEMENT OF GBV CASES BEST PRACTICES

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Introduction

- SOCA is a specialized unit responsible for the gender-based violence (GBV) mandate of the NPA.
- One of its key activities is the formulation and implementation of best practices in addressing GBVF and the optimal management of GBVF matters.
- To address the scourge of GBVF the President of SA introduced the Gender-Based Violence and Femicide National Strategic Plan (GBVF NSP).
- The NSP sets out to address the systemic challenges that have resulted in an inadequate response to the management of GBVF cases.
- To give effect to the NPA'S obligations, we need to ensure optimal management of GBVF cases.



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What does optimal management of GBVF matters look like?

- Adequate access to report GBVF
- Adequate pretrial services available for the victim
- Prosecutor guided investigation (PGI) and Prosecution by specialist prosecutors/advocates
- Adequately informed community on issues relating to GBVF
- Adequate procedures in place for the proper collection of evidence
- Adequate forensic resources available to analyze the collected evidence



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Best practice: The Thuthuzela Care Centre Model



- In execution of its mandate to develop best practices and policies for the optimal management of GBV matters, the SOCA Unit in 2001 introduced the TCC model as one such best practice. To date (June 2023) there are 63 of these sites located in rural, urban and peri-urban communities across South Africa.
- TCCs are one-stop facilities, which initially was a critical part of South Africa’s anti-rape strategy, now expanded to all GBV offences, are aimed at reducing secondary victimization, increasing the conviction rate by building a case ready for successful prosecution and reducing the cycle times of these cases from the time of reporting to finalization.
- The TCCs are managed by the NPA’s SOCA Unit in partnership with relevant integrated stakeholders who play an essential role in the success of the model (DOH, SAPS, DSD)



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Why this works?:

Victim Centered

- Services are tailored to the victim's needs and secondary victimization is reduced by:
- Creating a victim friendly environment conducive to reporting and retention;
 - Investing in quality victim management, empowerment and preparation; and
 - Increasing confidence in the Criminal Justice System through providing clear and accurate information at all points of service

Court Directed

- Offender accountability is ensured by doing first things first:
- Training specialized personnel to deal with the victim/survivor at all points of service;
 - Securing the physical, forensic and other evidence resident on the victim/survivor; and
 - Focused Prosecutor guided investigation

Multi-Disciplinary Approach

- Role player cooperation is advocated and facilitated to deliver on victim's needs and address systemic weaknesses through:
- Making the system seamless for victim management and support;
 - Introducing mutual accountability; and
 - Designing objectives that are common to and shared by all stakeholders



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What works well?

- The strength of effective cooperation, collaboration and communication among all stakeholders leads to a well-coordinated and high-quality service for survivors which enable them to move smoothly and quickly through the TCC
- Direct link between the TCC, the SAPS FCS, hospital and court where the matter will be heard
- Improved conviction rate in TCC matters
- Increased long term and life imprisonment sentence of TCC cases
- Linkage to GBV hotspots
- Linkage to proposed designated sexual offences courts
- **Victim receives psycho-social, medical and legal services**



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Optimal management of GBVF matters

Adequately informed community on issues relating to GBVF

- Communities must be empowered to know their rights, know when it is being infringed. In order to do that in the gbvf sphere they need to know what gbvf is, know where to seek help and how to protect themselves.
- The Thuthuzela Care Centre colleagues empower the communities they serve through community engagements such as public awareness campaigns, imbizos and training sessions with NGO', law enforcement agencies and other stakeholders.
- The more informed communities are, the more willing they will be to access justice to ensure that the cases on the court roll reflect the extent of the scourge of GBVF.



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Optimal management of GBVF matters

- Adequate access to report GBVF
- Most GBVF cases are reported at police stations. This is not always ideal.
- To remedy this the NPA in 2022 collaborated with the police to allow for matters to be reported at the TCC rather than at a police station or a hospital.
- This allows the TCC to be a one-stop GBV facilities
- **TCCs are one of the best displays of effective collaboration between all law enforcement agencies which directly results in the best conviction rates for GBV cases**



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Optimal management of GBVF matters

- Adequate pretrial services available for the victim
- The TCCs largely embody the pretrial services available to the victims
- These services determine whether your victim becomes a survivor – a survivor who can be able to tell her story in court and ensure a conviction.
- **It only works if the collaboration between the law enforcement agencies includes protocols that will ensure that every GBV victim is brought to the nearest TCC.**
- Pre-trial services to the victim which includes trauma containment, medical attention and consultation with the prosecutor, will often play a role in whether a conviction is obtained.



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Optimal management of GBVF matters

- Prosecutor guided investigation (PGI) and prosecution by specialist prosecutors/advocates
- The PGI methodology is practiced in all criminal matters.
- It is premised on the joint management of the investigation by SAPS and the NPA
- This entails joint target setting around delivery of finalizations and interventions to address challenges
- The prosecutor studies the docket, consults with the investigating officer to determine what investigation is still outstanding
- Thereafter, the prosecutor drafts the list of further investigation for the investigating officer to finalize by an agreed upon date.
- Scheduled meetings between the prosecutor and investigating officer are aimed at discussing progress and setting timelines.
- In the GBVF sphere this is done by the case manager of each TCC and/or the specialist sexual offences prosecutor at court
- **This collaboration reduces undue delays in the finalization of the cases and increases the number of convictions.**



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The TCC experience in 2023

- The TCCs have become more than just a service point but rather a safe space within troubled communities
- Seen as recognizing the dire needs of communities they serve as they provide clothing to victims, care packages (toiletries), food (obtained via the SPAR group)
- Referral to Cape Mental Health where the need is identified
- Referral for substance abuse were identified
- Referral to shelters operated by Dept of Social Development and NGOs
- Domestic Violence Protocol- ensuring that an endangered victim obtains a protection order
- Operates as a training centre for staff, stakeholders and the community at large
- Spreads GBV awareness



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The TCC experience in 2023

- TCC connectivity enhances the IT capabilities of the TCC
- Allows for crime trend analysis specific to an area identifying:
 1. which crimes are prevalent
 2. in which specific area
 3. times most prevalent
- Develop interventions to counter the results of the trend analysis
- Strong links to the community through schools and NGOs
- Able to address specific community irritants through public awareness etc. Examples, anti-bullying, non-violent dispute resolution, substance abuse programmes
- Increased accessibility for victims who are disabled through collaboration with organizations and schools to provide interpreters
- Central point for collaboration between key stakeholders such as SAPS, DSD, DOH, DOE, DOJ, NGO's and the communities at large



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- **Court audio visual solution (CAVS)** to be piloted at 14 selected TCC sites, to specifically assist complainants to testify from the safety of a TCC site victim friendly environment rather than from court.
- In line with the latest of the SO Act 32 of 2007, we have been able to target vulnerable groups i.e. **Tertiary students** up to the age of 25 through collaboration with universities creating GBV desks at the universities that are linked to TCCs.
- Targeting of **mining communities** through collaboration with mining companies.
- Learnerships offered to victims by the private sector partners
- Targeting of the deaf community through partnerships with the deaf community by having a Deaf Community GBV nodal point linked to all TCCs ensuring that the TCC service is accessible to the deaf community
- Partnering with the deaf community to ensure that TCC staff know basic GBV sign language vocabulary.
- Ensured all TCCs are accessible to the physically challenged
- Transport offered to victims in rural communities' through private sector partnership
- Engagement re mobile TCC units for rural areas through private sector partnerships



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The TCC experience in 2023

- Utilizing the NSP for GBVF to forge partnerships with the private sector to fund the establishment of TCCs.
- Communications and marketing campaigns through the introduction of the TCC and NPA logo on the SPAR packaging and Vodacom messaging to its 48 000 000 subscribers.
- The roll out of the CAV system will ensure victims and doctors being able to testify from the TCC (a safe space) rather than from the court building
- Engagements with the mining sector include the possibility of learnerships being offered to victims
- Engagements with the mining sector includes the potential of for the provision of transport to and from the TCC
- Additional shelters specifically for TCC victims through donor funding and partnerships with relevant NGO's
- Consideration of mobile TCC units to service rural communities



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Best Practice: DNA Backlog Task Team

- In most GBVF cases the NPA relies on forensic evidence, more specifically DNA evidence, in order to effectively respond to the scourge of GBVF.
- The DNA analysis in SA for purposes of criminal matters is solely the mandate of the South African Police Services through the Forensic Science Laboratories (FSL) 9analysis and a DNA database)
- SAPS experienced a dire shortage of chemicals required to do DNA analysis which resulted in a DNA backlog which hampered the investigation and prosecution of GBVF cases
- The backlogs were in respect of forensic casework (the processing and testing of the evidence taken from crime scenes), offender samples (collected from offenders and people who have been arrested) and rape kit backlogs
- This in turn had a negative impact on the courts and the cases before it. Many of these matters were GBVF related.
- One of its most important functions of SOCA is to ensure that GBVF matters are managed optimally. In the GBVF context this translates to, inter alia, adequate forensic resources available to analyze the collected evidence



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DNA Backlog interventions

- The NPA engaged with the relevant stakeholders (SAPS FSL) to address the backlog and temper the negative impact it was having on GBVF matters in the country.
- A NPA/SOCA SAPS FSL Task Team was established in 2021.
- The task team consisted of a nodal point at the Police laboratory and at the prosecution HO.
- GBVF matters were isolated from the backlog and their analyses fast tracked
- In addition, a priority lane was created which allowed prosecutors countrywide to, through the prosecution nodal point, request special priority iro matters which were in danger of being struck from the roll or withdrawn in court.
- All the reports were expeditiously sent by the prosecution nodal point via email to the prosecutors across the country to prevent GBVF matters being struck off the roll or being withdrawn
- In total, this intervention ensured that in excess of 32 000 DNA reports were received from SAPS FSL as at 12 June 2023.



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DNA Backlog interventions

- The number of reports analyzed have increased as the police resources increased but a decision was taken to maintain the urgency and emphasis until the entire backlog is depleted
- The number of reports also required a more user-friendly method for the prosecution to manage the number of reports. The IT department of the prosecution will now ensure that **the reports go onto a server** with restricted access which will allow the relevant prosecutor to access the report even quicker when necessary.
- This intervention by SOCA ensured a considerable reduction in the national backlog of GBVF cases in court.



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Insights and outcomes

- Potential serial rapists were identified – developed a **serial rapist project plan** to ensure that the perpetrators are identified and brought to book, Currently we have a top 10 per province which will be prioritized.
- The NPA able to do an analysis of the data collected to determine, inter alia, where the most serial rapists are operative, what modus is employed, why they remain undetected, if enrolled previously why the matter did not proceed etc. This information will inform interventions made at provincial
- Developed a **cold case murder project/serial murderer project**
- As of 1 August 2022, parallel DNA backlog project commenced iro murders
- Cold cases where DNA is outstanding isolated from the general backlog
- Will be prioritized using the same mechanism as for GBVF matters
- Serial murderers identified will be dealt with as with the serial rapists
- Similar research analysis will be done on the data



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Insights and outcomes

- Identified learning opportunities for the police :
- High number of DNA samples which were not analyzed because insufficient sample was collected
- High number of DNA samples incorrectly collected therefore of no evidentiary value
- High number of DNA samples correctly collected but incorrectly stored therefore of no evidentiary value
- Areas where common mistakes were made identified and the necessary interventions can be made



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Conclusion:

- The implementation of the two best practices discussed, namely the Thuthuzela Care Centre model as well as the DNA Backlog Task Team, has proved to effectively address the need for optimal management of GBVF matters.
- Its success lay in committed, continued implementation and periodical analysis of its challenges and outcomes.

Thank You



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