

Western Cape Family Violence and Child Protection Unit (FCS)

The Minister of Police has instructed that the Family Violence, Child Protection and Sexual Offences (FCS) to be re- established during his budget vote on 2010-05-06. These units will be located at Cluster level and directly accountable to the Provincial Head: Detective Service (SAPS work study investigation: 2010).

The **role of the FCS Detectives** is to ensure the effective prevention, investigation of FCS-related crimes; and to ensure excellence in service delivery to victims of family violence, crimes against children and sexual offences.

FCS related crimes can be divided in four (4) main groups, namely: Sexual crimes; person directed crimes; illegal removal of a person (Kidnapping, abduction, missing children less than twelve years); electronic media facilitated crime.

2.10 Role and Function of the FSW within SAPS

To understand the role and the responsibility of FSW and specifically the FSW in the SAPS, it is necessary to have an understanding of what a FSW is: Forensic Social Worker is defined in South Africa as “a specialized field of social work practice that is characterized by the social worker’s primary function of providing expert testimony in a court of law” (Baker, 1995:140).

The function within the context of SA and specifically in the SAPS is to provide expert testimony or assessment that is based on the investigation of persons involved to courts of law or to legal authorities; to provide expert testimony that is not based on the investigation of persons involved to court of law.

The **first function** of the FSW is limited to criminal investigations and criminal courts. It basically entails the scientific investigation and assessment of an individual or individuals that are

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involved in a criminal case and the presentation of these assessments to a legal authority or to a court of law.

The aim of this function is not to *prove or disprove* guilt, but to assist the court to understand the psychosocial functioning of a specific victim or witness.

The **second function** is when a social worker fulfils the second function of FSW; his or her testimony is not based on the investigation of the individual that is not directly involved in the case at hand. It would rather take a form of opinion evidence and be aimed at enlightening the court with regard to the factors such as the nature of human behavior and social problems, such as the impact that a crime or other traumatic occurrence could have had on its victim.

One of the main criteria for referral is where the detective can make no progress as the child does not want to talk, give a statement or disclose the abuse. Here the FSW will only assist the investigating officer to obtain the statement.

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Family Violence, Child Protection and Sexual Offences Unit Investigation Mandate

FAMILY VIOLENCE	
Intra-familial crimes when the victim is <u>18 years of age and older:</u>	Intra-familial refers to the “traditional family”, (<i>gesin</i>) mother, father and children (married or unmarried) and <u>NOT</u> to the extended family as defined in the Domestic Violence Act
Assault with the intention to do grievous bodily harm	
Attempted murder	
Domestic Violence Act, 1998 (Act No 116 of 1998) (Applicable crimes)	Non compliance to protection orders <u>ONLY</u> when it forms part of the Assault GBH or Attempted Murder cases which are investigated by this Unit
CHILD PROTECTION	
Crimes if the victim is a child, <u>a person under the age of 18 years</u> , on the date the crime is reported:	Crime committed against a person whilst she/he was under the age of 18 years
Rape	Common Law crime committed before 16 December 2007. If the crime was committed since 16 December 2007 Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act no 32 of 2007) is applicable
Incest	Common Law crime committed before 16 December 2007 If the crime was committed since 16 December 2007 Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act no 32 of 2007) is applicable

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Indecent assault	Common Law crime committed before 16 December 2007 If the crime was committed since 16 December 2007 Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act no 32 of 2007) is applicable
Attempted murder	
Assault with the intention to do grievous bodily harm	"Assault GBH"
Assault Common (intra-familial)	Only the intra-familial cases
Kidnapping ("Menseroof")	It is "the unlawfully and intentionally depriving a person of his freedom of movement and/or, if such person is a child, his custodians of their control over him"
Abduction ("Ontvoering")	It is "the unlawfully and intentionally removing an unmarried minor from the control of his or her parent or guardian in order to enable someone to marry him or her or to have sexual intercourse with him/ her"

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Domestic Violence Act, 1998 (Act No 116 of 1998) (Applicable crimes)	Only if the Unit is already dealing with original criminal case (Assault GBH, Attempt murder, etc)
Sexual Offences Act, 1957 (Act No 23 of 1957)	Where the child is the victim of a sexual offence
Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act no 32 of 2007)	Crimes committed since 16 December 2007. Where the child is a victim of a sexual offence, including trafficking for sexual purposes if it was not of an organized nature (organized - Organized Crime) If the crime was committed since 16 December 2007, Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act no 32 of 2007) is applicable
Children's Act, 2005 (Act no 38 of 2005)	
Films and Publication Act, 1996 (Act No 65 of 1996)	Crimes relating to Child Pornography
Missing Children	Only when the child is under the age of 12 years
SEXUAL CRIMES	
Crimes when the victim is <u>18 years of age and older:</u>	Victim is 18 years of age and older at the time of the report of the alleged offence
Rape	Crime committed before 16 December 2007. If the crime was committed since 16 December 2007 Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act no 32 of 2007) is applicable
Incest	Crime committed before 16 December 2007. If the crime was committed since 16 December 2007, Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act no 32 of 2007) is applicable
Indecent assault	Crime committed before 16 December 2007. If the crime was committed since 16 December 2007, Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act no 32 of 2007) is applicable
Sexual Offences Act, 1957 (Act No 23 of 1957)	Where the adult is a victim of a sexual offence

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<p>Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act no 32 of 2007)</p>	<p>Crimes committed since 16 December 2007. Where the adult is a victim of a sexual offence, including trafficking for sexual purposes if it was not of an organized nature (organized - Organized Crime). If the crime was committed since 16 December 2007, Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act no 32 of 2007) is applicable</p>
<p>Domestic Violence Act, 1998 (Act No 116 of 1998) (applicable crimes)</p>	<p>Only if the Unit is already dealing with the original criminal case (sexual offence)</p>

Contact Details of the FCS Units

<p>Beaufort West Capt Cele 023-4148559</p>	<p>FCS Unit Detective Office Ground Floor De Vries Street Beaufort West</p>
<p>Bellville Capt Tantsi 021-5927092 Bishop Lavis Capt Brummer 021-5927092</p>	<p>Access Office National Building Ground Floor 386 Voortrekker Road Goodwood</p>
<p>Caledon Capt Pietersen 028-2143938</p>	<p>Caledon SAPS Building 8 Church Street Ground Floor, Door nr. 37 Caledon</p>
<p>Cape Town Capt Mangesi 021-4676001</p>	<p>6th Floor Thomas Boydell Building 22 Parade Street Cape Town Central</p>
<p>Ceres W/O Boer 023-3168517</p>	<p>115 (A) Voortrekker Street Ceres</p>

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Claremont W/O McDonald 021-6572252	Van Zyls Hostel Gay Road Claremont
Da Gamaskop Capt Moolman 044-6933129	110 Adriaan Avenue Asla Park Ground Floor Mossel Bay
Delft Capt Beziek 021-9183078	AJ West Street Old SARS Building 1 st Floor Bellville
George Capt Oktober 044-8034615	11 Plantation Road Masimanyane Complex Heatherlands George
Hermanus W/O Poole 028-3137029	Hermanus Detective Service 5 Roman Close Hermanus Industrial
Khayelitsha Capt Vikilahle 021-3602457	Private Bag X1 (Postal) Bonga Drive Khayelitsha Khayelitsha SAPS (Physical) Bonga Drive Khayelitsha
Kraaifontein Capt Ruselo 021-9805646	AJ West Street Old SARS Building 1 st Floor Bellville
Kuilsriver Capt Kamalie 021-9183076	AJ West Street Old SARS Building 1 st Floor Bellville
Milnerton Capt Janda 021-5283858	Milnerton SAPS Koeberg Road 1 st Floor, Room 10 Milnerton

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<p>Mitchells Plain Lt Col Titlestad van Zyl 021-3769889 Nyanga Capt Swigelaar 021-3769852</p>	<p>1 Alpha Park Alpha Street Ground Floor & 1st Floor Eastridge Mitchells Plain</p>
<p>Muizenberg Capt Orphan 021-7842736</p>	<p>Fish Hoek SAPS c/o Main & Banks Road Fish Hoek 1st Floor Rooms 1.14 & 1.25</p>
<p>Oudtshoorn Capt Gordon 044-2037514</p>	<p>4 Jacobson Street c/o Jacobson & Silver Street Bridgton Oudtshoorn</p>
<p>Paarl Capt Ncapayi 021-8723546</p>	<p>Paarl SAPS Building (Postal) Bergriver Boulevard PO Box 240 Paarl</p> <p>Old Tuin Building (Physical) 68 Breda Street Paarl</p>
<p>Stellenbosch Capt Appollis 021-8099140</p>	<p>Old Commando Building Ground Floor Adam Tas Road Stellenbosch</p>
<p>Vredenburg Capt van der Westhuizen 022-7148320</p>	<p>Saldanha SAPS Diaz Road Ground Floor Rooms 14, 15 & 30 Vredenburg</p>
<p>Vredendal Capt Nieuwoudt 027-2013230</p>	<p>Vredendal SAPS Building 3rd Floor 1 River Street Vredendal</p>

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Worcester Lt Col Xosa 023-3465810	112 Hoog Street Three Ground Floor Buildings Worcester
Wynberg Capt Mase 021-7991336	X5 Church Street Wynberg SAPS Building 3 rd Floor Wynberg

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