

**Ke Bona Lesedi Court Preparation Component**

**NPS**

**Court Preparation and Victim Impact Statement Strategic Document**

**27 July 2015**

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# l. ABBREVIATIONS

|  |  |
| --- | --- |
| CPC | Court Preparation Component |
| CPO | Court Preparation Officer |
| CPP | Court Preparation Program |
| CPP | Chief Public Prosecutor |
| DNDPP | Deputy National Director Public Prosecutions |
| KBL | Ke Bona Lesedi |
| NCPGF | National Court Preparation Governance Forum |
| NDPP | National Director of Public Prosecutions |
| RCPGF | Regional Court Preparation Governance Forum |
| SDDPP | Senior Deputy Director of Public Prosecutions |
| SPP | Senior Public Prosecutor |
|  |  |

# 11. DEFINITION OF KEY CONCEPTS

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| --- | --- |
| The Vulnerable: | All citizens are vulnerable to crime. Those natural or juristic persons that find themselves at risk of victimisation. |
| Victims of crime: | Those natural or juristic persons who, as per the United Nations Declaration of Basic Principles of Justice for Victims of Crime and abuse of power have suffered direct 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 criminal laws. These includes, where appropriate, indirect victims such as immediate families or dependants or others supporting victims engaging with the CJS. |
| Primary Victim | Is a person who is injured or dies as a direct result of crime committed against him/her and / or a person who has suffered emotional, psychological, physical or financial harm as a result of an act of violence or harm. |
| Special Primary Victim | Is a person who is a primary victim of an act of violence who:   * Was under 18years of age when the violence was committed * Has impaired capacity * Is the victim of violence involving a sexual offence * Was harmed or injured by someone in a position of power, influence or trust over the victim at the time * Is being threatened or intimidated by either the person who committed the violence or someone else * A person who has suffered emotional, psychological, physical or financial harm as a result of an act of violence. |
| Secondary victim | * A person who has suffered emotional, psychological, physical or financial harm as a result of an act of violence or harm against their significant other, such as their spouse or child. * A person who is present at the scene of a violent crime and who is injured as a direct result of witnessing that crime; or suffered who has suffered emotional, psychological, physical or financial harm. * A person injured as a direct result of subsequently becoming aware of an act of violence **and who is the parent / guardian of the primary victim who was under the age of 18 at the time the criminal act was committed** * Can be a parent secondary victim or a witness secondary victim |
| Parent Secondary Victim | Is a parent who has suffered emotional, psychological, physical or financial harm as a result of an act of violence or harm against their child. |
| Witness Secondary Victim | Is a person who is who has suffered emotional, psychological, physical or financial harm or injured as a direct result of witnessing or exposed indirectly to an act of violence against another person. |
| Related victims | Is a close family member or dependant of a primary victim who has dies as a direct result of an act of violence against them  A close family member of a primary victim must have had a genuine personal relationship with the primary victim when they died. A close member of the primary victim may be:   * Spouse * Child * Parent or step parent * Brother, sister, step bother, or step sister |
| Indirect victim | A person who suffers harm as a result of the harm suffered by the direct victim. |
| Customer | A party that receives or consumes products (goods or services) |
| Witnesses: | Those natural persons called by the State to give evidence under oath or affirmation in criminal proceedings in respect of any offence. In the context of this document, witnesses are referred to as the customers of the NPA. |
| The general public: | Who need to have confidence that crime will be appropriately dealt with by the systems responsible. |

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# lll. EXECUTIVE SUMMARY

Victims of crime demand justice. The courts demand credible and reliable witnesses. “No witness” translates to “no justice”!

NPA has fundamentally closed this gap by addressing the disparities between legal demands and victims’ rights. This has been achieved through the Court Preparation Component which focuses on witness special needs, fears and concerns whilst giving them a voice in court.

NPA makes a safer South Africa by empowering victims and witnesses to have the confidence to appear in court and give their best evidence, having the voice of the most vulnerable victims at heart and bringing light and hope into their court experience, preventing secondary traumatization, safeguarding their rights and that they are at the centre of the justice system.

This document outlines the substantial need for such an intervention which is based on research on the Criminal Justice System, victims own articulated needs and the accusatorial system with the impact it has on witnesses giving evidence. It covers the historical background to the conceptualisation and implementation of the program, empirical evidence in respect of the methodology of training and implementation as well as the impact it has on the entire court system.

It is important to understand the mandate of the component within the legislative and policy framework within South Africa.

Special attention has been given to the role if the Victim Impact Statement during sentencing and the impact it has on sentencing procedure and the NPA as a whole.

Further thereto governance structures are discussed which outlines successes and constraints. The critical strategic plan for the component is discussed and the role which the executive plays in this regard.

International Organisation for Standards (ISO) such as ISO 10244:2010 requires detailed information associated with the activities organisations perform when documenting existing work or business processes (base lining). Thus this document is twofold in its objective: **Firstly**, it serves as a strategic framework in which the component operates and **secondly** it serves to provide documentary information of the entire component for posterity purposes. Any NPA official should be in a position to understand the intricacies and developments which have been forged over the past decade and to lead the way forward from a sound foundational base.

The benefit of court preparation and victim impact statements as provided by specialised Court Preparation Officers, to the NPA is growing exponentially. Accordingly the contents herein have been carefully compiled with a great awareness of the need for improved confidence by the public in the NPA.

# INTRODUCTION

The National Prosecuting Authority makes sure that there is justice for the victims of crime. This is achieved by prosecuting without fear, favour or prejudice, and working with our partners and the public to solve and prevent crime.

At the heart of the revamped criminal justice system is the commitment to enhance the provision of quality and professional services including the dispensation of swift, equitable and fair justice as well as to boost the integrity of the criminal justice system thus ensuring victims needs are addressed. The National Crime Prevention Strategy (NCPS) includes amongst its objectives: “the promotion of a shared understanding and common vision of how we, as a nation, are going to tackle crime”.

In line with this approach the 1997 Batho Pele White Paper on Transforming Public Service Delivery, commonly referred to as the Batho Pele principles, provides a policy framework and practical implementation strategy for the transformation of public service delivery. This fresh approach “puts the people first as it involves creating a framework for the delivery of public services and treats citizens more like customers and enables the citizens to hold public servants accountable for the service they receive”.Batho Pele prescribes a customer focused organisational culture and the alignment of the structure, processes and people to service delivery which puts customers at the centre. A requisite condition for the development of an efficient, productive and service orientated public service is a professional service ethos and work ethic which in the first instance requires building commitment amongst its employees for the provision of excellent service to its customers.

Our former President Nelson Mandela stated, in 1998, when receiving the Medal of Honour from the International Association of Prosecutors about prosecutions:

“The challenge for the modern prosecutor is to become a lawyer for the people. It is your duty to build an effective relationship with the community and to ensure that the rights of victims are protected. It is your duty to prosecute fairly and effectively according to the rule of law; and to act in a principled way without fear, favour or prejudice. It is your duty to build a prosecution service that is an effective deterrent to crime and is known to show great compassion and sensitivity to people it serves.” (Acceptance Speech 1998 at International Association of Prosecutors by Former President N Mandela).

In 1999, the NCPS was replaced by the Justice Crime Prevention strategy (JCPS). The intention of the JCPS strategy improves on and broadens the scope of the NCPS to cover issues beyond the scope of criminal justice system. The JCPS has an established a number of coordinating structures in order for it to be able to execute its mandate, to receive reports and to play its oversight role.

These are:

• National and Provincial DEVCOM led by Department of Justice – NCPS

• National, Provincial and District VE Forums led by DSD

• The Gender based Violence Council that is facilitated by the Department of Women, Children and People with Disabilities

• The newly established Inter Ministerial Committee (Root causes of GBV) led by DSD Minister.

• The IMC Technical Task Team led by DSD.

• Victim Charter Task Team, Domestic Violence Task Team led by justice

• Human Trafficking Task Team and Sexual Offenses Task team led by NPA

• The IMC Technical Task Team led by DSD.

• Victim Charter Task Team, Domestic Violence Task Team led by justice

• Human Trafficking Task Team and Sexual Offenses Task team led by NPA

The intentions of these coordinating structures are to:

• Establish a platform for collaboration

• Opportunity for government to respond as a government and not as a department

• For leadership to lead the front

• Intersectoral integration

• Seamless approach to service delivery

• Opportunity for all role players to participate

• Establishment of a core team that is capacitated in the management of the programmes to victims of crime

In response to the above, the National Prosecuting Authority (NPA) identified the need to prepare witnesses for court, complying with the Batho Pele principles while also addressing crime through effective prosecution. There is a higher need for court preparation where children are involved. In addition there is a very strong need to prepare witnesses, especially children, before they give evidence in court.

The active participation of victims and witnesses in criminal proceedings is vital for successful investigations, prosecution and adjudication of offenders. In order to obtain a conviction for a crime that has been committed and to ensure that justice is delivered, evidence whether in the form of a witness testifying, or other evidence, is needed.

Research has shown that many victims of crime, especially that of sexual offences and child witnesses were not anxious about the case itself. Instead, they had a greater fear of facing the accused in the court environment and the unknown territory that awaits them when they engage in the system as they do not have a clear understanding of the functioning of the CJS. This results in the victim often withdrawing the charge or falling apart in the witness stand.

Previous court perception studies have confirmed that negative experiences at court directly affect people’s perceptions of the effectiveness of the CJS, and decrease their willingness to report crime and testify in court. In order to ensure that witnesses report crime and testify in court, they need to be valued and empowered as individuals.

To ensure that the judicial and administrative processes are responsive to the needs of the victims, it is important that witnesses are informed of their role and the scope of their involvement, the timing and progress of the proceedings and the disposition of their cases. Therefore, the needs of witnesses at court are addressed by the “Ke Bona Lesedi” Court Preparation Programme (2001) through which services are rendered by dedicated court preparation officers based in courts throughout the country.

The vital role which NPS Court Preparation Officers (CPO’s) play in a *sui generis* capacity holds substantial weight in CRIMINAL LAW (SEXUAL OFFENCES AND RELATED MATTERS) AMENDMENT ACT, 2007 (ACT NO. 32 OF 2007)**,** Draft VICTIMS EMPOWERMENT SUPPORTSERVICES BILL, 2014and CRIMINAL LAW (SEXUAL OFFENCES AND RELATED MATTERS) AMENDMENT ACT, 2007 (ACT NO. 32 OF 2007): REGULATIONS RELATING TO SEXUAL OFFENCES COURTS.

Accordingly CPO’s are the implementation arm of the Services Charter for Victims of Crime which realises the rights of victims. Victims’ rights are championed when they report crime to the police station, when they go to hospital for collection of medical evidence, when they receive counselling from social workers, when they go to criminal court as witnesses, and when they participate in parole hearings.

The seven victims’ rights are; right to respect, dignity and privacy, right to receive and offer information, right to assistance, right to protection, right to restitution and right to compensation.

The Victims Charter (also known as the Service Charter for Victims of Crime, 2004) and the National Victim Empowerment Policy Guidelines, 2009, are, *inter alia*, policies which underpin the mandate of the NPS to provide “prosecutor guided” court preparation services.

Victims themselves questioned their neglected position in the criminal justice system. Issues included, amongst others, a lack of support, the absence of compensation for harm, the diminished role of the victim in criminal proceedings which are orientated towards the offender, and the absence of any constitutional rights for victims. In response to this need the NPA introduced Victim Impact Statements as a method of accommodating victims of crime in the sentencing process, with the focus on victims of sexual abuse. The draft Sentencing Framework Bill 2000 provided the first statutory platform for the introduction of the formal victim impact statement.

NPS developed and introduced the first victim impact statement with success, in the Pietermaritzburg High Court in 2004. THE STATE versus ALAN KIETH PYLE ALEXANDRA ROAD CAS 619/10/2000 AND LADYSMITH CAS 642/4/2004 HIGH COURT CASE NO: CC 26/04 as well as the matter of 23 July 2008 THE STATE versus SIYABONGA BONGA NZIMANDE AND OTHERS PORT SHEPSTONE CAS 571/6/2006 ETC. PIETERMARITZBURG 24 JANUARY 2008.

The NPA is proud to contribute to a realistic and tangible strategic policy that will ensure a high standard of court preparation service delivery to its customers.

**KEY SECTIONS**

This document is divided into three key sections; **Section 1** outlines the background, problem statement, the situation analysis and the legislative framework that underpins the provision of court preparation services and victim impact statements; **Section 2** outlines the model that upon which the strategic plan must be managed and fashioned; **Section 3** outlines the strategic framework for the Court Preparation Programme for the provision of court preparation and victim impact statements to the customers of the NPA.

# Section 1

# CONTEXT

## BACKGROUND

**Ke Bona Lesedi Court Preparation Programme:**

The Ke Bona Lesedi Court Preparation programme commenced in 2001. This was initially established under the “Serurubele Project” and NPA’s “Employing the Unemployed project” which culminated in the creation of 141 CPO permanent posts, one National Coordinator and 4 regional Court Preparation Mangers posts in 2003.

The Head of the component is a Senior Deputy Director of Public Prosecutions at NPS Head Office reporting to the Deputy National Director of Public Prosecutions and ultimately the National Director of Public Prosecutions. The National Coordinator (DDPP: Court Preparation) is responsible for the overall strategic direction, coordination and development of the program together with policy making and stakeholder relations. The conceptualisation of the Model of Court Preparation, training requirements and the “first of its kind in South Africa” victim impact statements (piloted and implemented) is attributed to the component. Various NPA officials have contributed towards the advancement of the program throughout South Africa.

The agreement between DOJ&CD and NPA, signed on 11 February 2003 indicated the correct and optimal placement of the service offering and program is within the NPS Business Unit which is primarily, but not limited to sexual offences.

The court preparation program is implemented from the premise of “Prosecutor Guided” court preparation. An average 10’000 witnesses are assisted annually throughout the country in various courts by court preparation officers.

A comprehensive training manual was designed and customised in 2001 for the accusatorial system in South Africa and is unique internationally. A model for the implementation of the program was crafted against the backdrop of Investigative Interviewing widely recognised as the PEACE Model. Norms and Standards for Court Preparation Services were developed in a stakeholder consultative approach together with civil society and other Government Departments. This document was signed off on the 14 September 2010 by the National Director of Public Prosecutions. Process maps for the court preparation model as well as the referral processes between the TCC’s and CPO’s was developed to ensure seamless service delivery to victims of crime in September 2010.

The National Director of Public Prosecutions ("the National Director") has, in accordance with section 179(5)(b) of the Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996) ("the Constitution"), and section 21(1)(b) of the National Prosecuting Authority Act, 1998 (Act No. 32 of 1998) ("the NPA Act"), issued Policy Directives which must be observed in the prosecution process. Prosecution Policy Directives Revision Date: February March 2011 PART 20: DEALING WITH WITNESSES AT COURT requires prosecutors to ensure witnesses receive court preparation and to implement victim impact statements at sentencing stage of the trial.

Training was executed to develop the skills, competencies, motivation, databases, and technology required to excel at internal processes and customer value delivery. The training component is headed by National Office and received accreditation by the Health and Welfare Service Education and Training Authority (HWSETA) SAQA on 6 February 2015. “Train the Trainer” commenced in 2014 with an approved 5 year progressive implementation strategy.

The NPA consists of multiple divisions, multiple business units and a collection of shared service units. Alignment of the *sui generis* programme was required and this has the potential to create synergy across the organisation in an integrated and cohesive approach by managers. Governance structures were put in place for the management of this process and meetings were convened to coach mangers, learn about strategy. Here managers provide feedback, think, plan and execute. The governance processes emphasised learning, team problem solving and coaching. New ideas and new knowledge was explored and executed. The initial process included a bottom up approach where CPO’s themselves presented innovative methodology to streamline their administrative work whilst focusing on quality.

The program, training as well as the model of implementation was reviewed and empirically evaluated by a panel of experts in 2008. This included the implementation of victim impact statements (VIS). The review was positive and the panel experts commended the NPA for this important initiative. Recommendations were assimilated into the program. Vision, Values and Mission for the component was developed and introduced. The training manual underwent its second review by an external service provider in 2014.

The importance of the Victim Impact Statement was highlighted by Adv. Elsa Smith (DDPP DPP:FSD) July 2015 in the following extract:

“ It has become of paramount importance that prosecutors present VIS at sentencing stage as was aptly remarked by Ponnan JA (Navsa JA, K Pillay AJA concurring) in S v MATYITYI 2011 (1) SACR 40 (SCA):

“By accommodating the victim during the sentencing process the court will be better informed before sentencing about the after-effects of the crime. The court will thus have at its disposal information pertaining to both the accused and victim, and in that way hopefully a more balanced approach to sentencing can be achieved. Absent evidence from the victim, the court will only have half of the information necessary to properly exercise its sentencing discretion. It is thus important that information pertaining not just to the objective gravity of the offence, but also the impact of the crime on the victim, be placed before the court. That in turn will contribute to the achievement of the right sense of balance and in the ultimate analysis will enhance proportionality, rather than harshness” (Adv. E Smith’s emphasis).”

Targets have been set for court preparation and victim impact statements in DPP’s and prosecutors performance indicators; in addition the Prosecutor Policy has been revised to include both indicators.

**IMPACT[[1]](#footnote-1)**

The impact on all relevant parties (witnesses/customers, role players, CPO’s) and the legal system itself was found to be uniformly beneficial in the Review, Research and Evaluation of the Ke Bona Lesedi Court Preparation Programme of the NPA (2008). Witnesses benefit in a lessening of stress and an increase in confidence that comes from understanding both how the legal system works and what part they are expected to play in it. By understanding how the court works and the child’s role in that process, a child can concentrate better on his/her testimony, without being distracted by the trappings of the court. By explaining to the child the “who, what, where, when, how and why” of going to court, as well as their rights in court, it is hoped that the child will feel more relaxed and be better able to both retrieve and communicate information about the crime. Court preparation should also help minimize court-related “secondary victimization.” Responses will be more accurate and complete, untainted by stress and distraction. Finally court preparation will maximize not only the child or other witness’ ability to respond effectively in court, but just as importantly, to be perceived as a credible witness, upon whose testimony a conviction may stand.

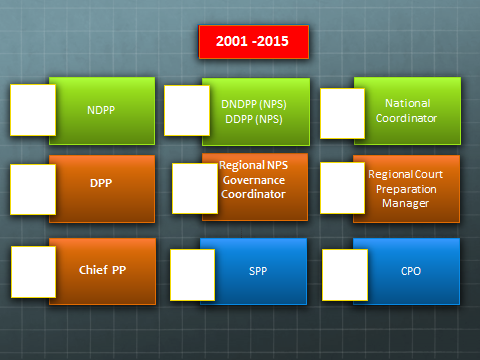
The legal system benefits in many ways. Prosecutors are given more time (in many ways the most valuable resource) in which to prepare the case as a whole for trial, concentrating on legal issues and concerns. As the child is better prepared to testify, this may manifest itself in a higher conviction rate, though there cannot be an absolute cause and effect relationship demonstrated, as other variables enter into the equation of whether a conviction occurs or not.

While preparing a child to testify should have only positive effects, an unexpected backlash may occur. In some cases, if not properly educated, a finder of fact may misinterpret the child’s calmer demeanour as indicative of either deceit (as the child lacks the stereotypic behaviours of abused children, such as crying and distress), or as indicating that the child has suffered no long-term emotional harm from the assault. Education of the judiciary on the true role of court preparation may be necessary to counteract this misinformed opinion. As one commentary stated “To prepare a child for court is merely to help the child be ready for the experience of testifying in court. Preparation involves familiarizing a child with what will occur during court proceedings and helping him or her to be ready for the experience emotionally, physically, and mentally. It does not involve telling a child what to say.” The positive impact on both the (child) witness and the entire criminal justice system cannot be underestimated.” The value and appreciation of the program had been articulated by adult witnesses from professional to lay persons in numerous and varying types of cases.

NPA is concerned with the vital services to children at trial phase. The essential and continued existence or effectiveness of assistance rendered to the most vulnerable is a priority. In order to address the needs of children at trial phase the NPA has earmarked the functions of CPO’s as essential services. The court preparation service offering is entitled “Ke Bona Lesedi” meaning “I see the light ” in Southern Sotho .

The need to prepare witnesses for court has been recognized as a critical process within the greater court process.

**Diagram A: Organogram depicting the programme within the NPA structures.**



**Member bodies:**

* OPS ISC SO Meeting – DOJ on sexual offences. Representing the Head of NPS
* National Intermediary Task team – DOJ on intermediary. Representing the Head of NPS
* NVEP Management Forum – on Victim Empowerment Matters. Representing the Head of NPS
* National Court Preparation Governance Forum. Representing the Head of NPS and as coordinating function
* National Training Forum – HRM&D. Representing the Head of NPS
* NPA Service Delivery improvement Programme. Representing the Head of NPS

**Section 2**

**Strategic Focus:**

The strategic focus and purpose of the Ke Bona Lesedi Court Preparation Programme

South Africa is the following:

**Our Purpose:**

The purpose of NPS Ke Bona Lesedi Court Preparation component is to prepare the NPA‘s customers (witnesses) for court; empowering them to testify, thus enhancing prosecution and customer satisfaction. The component also facilitates Victim Impact Statements.

We exist to fulfill the vision and mission of the NPA to wit:

***Strategic Objective 1:***

***Increased successful prosecution of serious and priority reported crimes***

***“Justice in our society so that people can live in freedom and security”***

Court Preparation Officers (CPO) predominantly, but not limited thereto, prepare witnesses for court and facilitate victim impact statements in sexual offences matters, namely that of children under the age of 18yrs. This is particularly important where there are vulnerable victims such as the very young, very old, developmentally delayed, or extremely traumatized.

In addition thereto they prepare witnesses and their family members in serious and violent crime in high, regional and district court matters, without going into the merits of the case.

In light of the need for social cohesion in the current South African context the use of Victim Impact Statements are of utmost importance as it provides the victim and the community with an opportunity to have their voices heard in court in a controlled and empowered manner. This has the potential to reduce vigilantism and foster good relations between the public with the CJS.

**Our Vision:**

We will make a safer South Africa by empowering victims and witnesses to have the confidence to appear in court and give their best evidence, having the voice of the most vulnerable victims at heart and bringing light and hope into their court experience, preventing secondary traumatization, safeguarding their rights and that they are at the center of the justice system.

**Our Mission:**

* We believe that victims of all crime deserve to be treated with fairness dignity and respect.
* We believe every child and vulnerable witness should receive specialized support and care by a caring and dedicated court preparation officers when entering the court system
* We believe every victim of crime, young and old, should have their voice heard in court either by giving evidence or through a victim impact statement with the support of a caring court preparation officer
* Where victims special needs are addressed in an integrated, multidisciplinary approach
* Where we will aid crime victims through the court process by providing them with information and how to access specialized victims services through a referral system for continuity of care.
* Where partnerships within the Criminal Justice Cluster is crucial to ensure the best service to victims of crime within a collaborate framework.
* Where ongoing ‘single point of contact” approach by CPO’s who assists the witness/ victim through the trial process.
* We achieve this through key relationships, good governance, strategic development, equipping leaders and sharing resources.
* We want to influence government and civil society to understand the importance of caring for victims of crime.
* By doing this we want to impact our nation on all levels.

**Our Core Values:**

These are the key components of any organization, the operational and ethical guiding light. Core values articulate the goals, dreams, culture, behavior and desired future of KBL. Core values serve as the “GLUE” that binds the KBL Team together through values and standards of behavior. Core Values of the Court Preparation Component underscores the NPA’s Values.

* **Relationship driven**

We respect, care and highly value others

* **Equipping of colleagues**

We commit to daily train people and to develop them to the point that they eventually surpass us in knowledge and ability

* **Leadership orientated**

We acknowledge that leadership brings success, and successful leaders are learners. We daily commit to the true measure of a leader which is to have influence and leverage to grow others

* **Attitude**

We demonstrate a genuine caring positive attitude by putting people first in application of “Batho Pele”; “Ubuntu”; the “Best Interest of Children” and “Victims Charter” commitments.

* **Quality and good value for money**

Quality, safety and service add unmeasurable value to standard of court preparation and victim impact statements we offer.

* **Consistency**

As a team we act and deliver with professionalism and consistency

* **Fit for team**

We share and live the values and goals with a common purpose fit for the team

* **Team Work**

We commit to the development of a legacy and investing in the team as it guarantees a high return for effort because a team can do so much more than an individual

* **Commitment**

We honor all our commitments. We take ownership with accountability and deliver on all our commitments.

* **Honesty**

We conduct ourselves and interact with integrity, transparency and honesty

* **Service Orientated**

We are committed to ensure service excellence for our witnesses and their caregivers in order to meet their needs and concerns and thereby contribute towards the reduction of secondary traumatisation.

* **Professionalism**

In pursuit of excellence we strive to know what to do, when to do it, how to do it, and then to really do it with quality

* **Easy to work with**

We strive to build long term relationships and strive to be the top court preparation service in South Africa and beyond

* **Purposeful partnerships**

We endeavor to add value to others, lessening their load and lifting them up, doing all the good we can, to all the people we can, in all the ways we can, as long as ever we can. 10% of life is made up of what happens to you. 90% of life is decided by how you react.

**Our commitment:**

We recognize that values cannot be legislated; they must be lived. No document can substitute for the attitudes, decisions and actions that make up the fabric of our life and work. Therefore we commit with each other, with God’s help, to do our utmost individually and as a collective within the NPA to uphold these Core Values, to honor them in our decisions, to express them in our relationships and to act consistently with them wherever and whenever we work with victims of crime.

**Overall Aims:**

It is within this conceptual framework that the government and civil society has defined its customers as –

• **The Vulnerable**: all citizens are vulnerable to crime. (i.e. those natural or juristic persons that find themselves at risk of victimisation)

• **Victims of crime** (i.e. those natural or juristic persons who, as per the United Nations Declaration of Basic Principles of Justice for Victims of Crime, have suffered direct 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 criminal laws).

We aim to address the needs of victims/ witnesses (customers) as summarised below –

• Providing access to basic status information including outcome of cases

• Access to detailed information on services available to them

• Action on their complaint.

• Confident that the CJS acts without fear, favor or prejudice

• Contribution towards confidence that the CJS treats victims and witnesses with respect and understanding

• Confidence that the CJS serves the needs of victims

• Consultation on direct (tangible and intangible) costs incurred as a consequence of crime; emotional, security and logistical needs during the criminal justice process.

• Ease of access to support, advisory and after care services

• Prevention of secondary victimisation, focusing on provision of privacy and confidentiality

• Process efficiency.

• Protection from intimidation, i.e. threats to freedom and security, but also to life, personal safety and other interests

• Resolution of the victimisation they have experienced so that they can achieve closure

• Service in an official language of their choice

• Services to be conducive to the physical, psychological and emotional needs and persons with special needs

• Services to be age and developmentally appropriate

**Aim of Court Preparation:**

• To empower victims of crime to testify in a credible and non-traumatized manner;

• To reduce the negative impact of crime

• To reduce crime (directly and indirectly)

• To reduce secondary traumatisation of victims going to court

• To empower victims to testify in a confident and credible manner

• To provide a support structure for the court experience

• To reduce the stress accompanying a court appearance and in general reducing secondary victimization.

The NPA prosecutes the people who have committed crimes and ensures that they are held responsible for their criminal actions. Accordingly the NPA is the people’s lawyer.

It is evident that there is a close link between these two service offerings i.e. **prosecution and court preparation**, as court preparation enhances customer satisfaction, and impacts on the quality of services delivered to witnesses.

Court preparation is offered on a day to day basis by prosecutors, attorneys and Non-Government Organisations. However in this context it means Court Preparation in terms of a formal court preparation model in the NPA by Court Preparation Officers, who have been appointed to service the customers at various magistrate courts nationally.

**Benefits:**

Witnesses, victim and the NPA all stand to benefit from this approach.

* **Witnesses** – will be able to deliver their best evidence in an empowered credible manner.
* **Witnesses and victims** – will see how we value the contribution they make to prosecutions cases and the support we give them.
* **The NPA** will be trusted to deliver justice without fear, favor or prejudice.
* The benefits of court preparation services will facilitate the following:
* Make witnesses and victims feel that the criminal justice system supports them and responds to their identified needs
* Improve confidence in the Criminal Justice System
* Consistently meet witness expectations;
* Prevent potentially harmful practices of all witnesses, especially children and other vulnerable groups; and
* Provide witnesses that are well prepared to appear in court.

**Responsibilities and accountabilities:**

Everyone working within the NPA and KBL component shares responsibility for supporting victims and witnesses. People at different levels in the organization have specific responsibilities and accountabilities.

## SITUATIONAL ANALYSIS

* **Structural Issues:**

Structures which are in place to provide governance and support for the optimal functioning of CPO’s are:

* National Director of Public Prosecutions (NDPP)
* Deputy National Director Public Prosecutions (DNDPP)
* Senior Deputy Director Public Prosecutions NPS (SDDPP)
* National Coordinator: Head Office (DD: Court Preparation)
* Directors of Public Prosecutions (DPP)
* Regional Court Preparation Managers ( NGD,SGD,KZN and Mthatha) (DD:Court Preparation)
* Regional Governance Coordinators (NCD, WCD, NWP; FSD, ECD: Grahamstown)
* Chief Prosecutors at cluster level (CPP)
* SPP at office level (SPP)
* CPO cluster coordinators under the guidance of the CPO Manager or SPP.
* Court Preparation Officers (CPO)

The post of the national coordinator has been job evaluated in 2001 at L12, in 2004 the additional posts of Regional Court Preparation Manager were created utilizing the same job description as the National Coordinator albeit with different functions. CPO’s functions were evaluated at L6 in 2004 and again in 2014 at L7. This was motivating for the CPO’s, however there is a need for an intermediate post such as L9 for career pathing and staff retention.

CPO’s often function within silos without the support of managers on a day to day basis.

* **Functionality:**

The program’s functioning has improved over the years and the numbers of witnesses assisted have expanded exponentially, despite organisational constraints.

The individual drive of the CPO’s and mangers have put the program on the map and concentrated on quality service delivery. This service expansion has been achieved without human asset expansion. Volume growth has been achieved as a result of more victims accessing the program.

This has put a strain on individual CPO’s and the potential of vicarious trauma has been guarded against by mobilizing EWP to assist with debriefing sessions. The one- on-one support by managers is a requirement to sustain such growth without the required expansion of CPO posts. More and more prosecutors will not take a case to trial without the specialized service of a CPO and, of late, the provision of victim impact statement (VIS). There is a growing demand for CPO officers nationally as well as the need for VIS.

Some managers travel great distances to support, encourage and facilitate our CPO’s to gain a broader understanding of what the court requires from a witness, what the individual witnesses needs are and how to improve their individual performance. The personal development of individual CPO’s and their wellbeing in an enabling environment is critical to meeting the needs of witnesses.

Accordingly much time and effort has been put into their personal development by most mangers. However this is a reflection of the value the individual places on their role within the CJS, within the NPA and as a mentor and coach for the CPO. Individual CPO’s who have been on the receiving end of care and development, have excelled in their emerging discipline.

The KBL component believes in equal opportunity for development and takes an inclusive collaborative approach in this regard. However it is the responsibility of the individuals to seize the opportunity to develop their personal leadership skills required to articulate the vision, promote integrated functionality thinking and develop our people.

The need to develop win-win relationships with managers on all levels, improve critical internal processes and improve employee morale is important for the strategic planning of the way forward. In conjunction there is a need to mobilise change through executive leadership. Members of EXCO and NOMM and various Business Units help to make this a single integrated strategy. Heads of shared service units – communication; human resources and information technology are critical to ensure that information about the witnesses, CPO’s, technology are incorporated into the strategic thinking, planning and budget.

Several of these key ingredients have been lacking in the past discussions. Accountability for pieces of the Court Preparation Strategy must be clearly articulated, understood, championed and promoted by all levels of management within NPA.

* **Budgeting**

The requirements for day to day operational costs for the program as well individual CPO’s are the responsibility of the regions and is therefore decentralized. Each region allows for S&T costs. However there appears to be disconnectedness in relation to the budgeting of strategic requirements of the program, such as creation of additional posts, research and development.

What the NPA values is reflected in what it measures. The measured improved performance of the CPO’s should be reflected in the budgeting of the Directors: Administration via the CEO, which is required for the development of the program and the requested CPO posts and should be in the decentralized operating budgets housed in the regions.

**The focus on the value and effective reporting of witness/ victim assistance to our oversight structures such as DOJ&CS and ultimately to treasury and parliament is imperative for the sustained growth and success of the service to our customers.**

Partners within the CJS utilize Court Preparation statistics which indirectly secures them funding. However this has not been to the benefit of the program and ultimately it is the victim / witness who suffers, especially our children and accordingly the confidence which the public has in the NPA –public perception.

This new deliberate approach by the executive leadership will benefit from strategic human resource management showing how motivated, skilled employees can create economic value. The Court Preparation Component plays a critical role in many essential aspects of the NPA such as financial, quality, customers, capabilities, processes, people, and systems – thus it can play a role in creating value in and for the NPA.

* **Criminal Justice Cluster collaboration**

The component values its partners in preventing and fighting crime. Thus there is a sustained collaboration with other Government Departments and NPO’s. This fosters a climate of accountability and shared knowledge and services. The various national oversight structures that are relevant to the component are:

* OPS ISC SO Meeting – DOJ&CD on sexual offences.
* National Intermediary Task team – DOJ on intermediary.
* National Victims Charter Management forum (DSD)
* NVEP, PVEP and LVEP Management Forums – on Victim Empowerment Matters.
* NPA Service Delivery Improvement Programme. Representing the Head of NPS

It can thus be concluded that the extent of the need for fully functional and resourced CPO’s / Court Preparation Program which operates in a collaborative approach is not fully appreciated by the leadership in the NPA. Only when this interdependence between responsibilities, such as Business Units and Support Services, is recognised will the willingness by each to search for mutually involving and beneficial solutions for the accomplishment of state witness and victim participation in prosecutions be realised.

## CURRENT LEGAL AND POLICY FRAMEWORK

* **Constitution of South Africa Act 108 of 1996**

Within South Africa, chapter 2 in the Bill of Rights of the Constitution (Act No. 108 of 1996) entrenches the right of every person to human dignity, equality and to freedom and security. It imposes a duty on government to take appropriate steps to ensure that the human rights of persons are respected.

Chapter 3 of the Constitution makes provision for Cooperative Governance. s41 (h) (iv) states that all spheres of government must ‘cooperate with one another in mutual trust and good faith.... coordinating their actions and legislation with one another.”

* **United Nations Declaration of Basic Principle of Justice for Victims of Crime and Abuse of Power**

Internationally the needs and rights of victims of crime and violence are recognised and addressed primarily through the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. South Africa is signatory to this Declaration. The Declaration is based on the philosophy that victims should be adequately recognized and treated with respect for their dignity. Victims are entitled to access all mechanisms of justice and to prompt redress for the harm and loss suffered. They are also entitled to receive adequate specialized assistance in dealing with emotional trauma and other problems caused by the impact of victimisation.

* **United Nations Convention on the Rights of Children**

The Convention describes the human rights of children. It indicates rights of the child to survival and protection from harmful influences. It further emphasised the right to be protected against abuse and exploitation. The Convention has four founding principles which are non-discrimination, best interest of the child, the child’s right to life and respect for the views of the child.

* **Domestic Violence Act, Act 116 of 1998**

The Domestic Violence Act stipulates that: “any member of the South African Police Service must, at the scene of an incident of domestic violence or as soon thereafter as is reasonably possible or when the incident of domestic violence is reported; render such assistance to the complainant as may be required in the circumstances, including assisting or making arrangements for the complainant to find a suitable shelter and to obtain medical treatment”.

* **Children’s Act, Act 38 of 2005**

The Children’s Act gives effect to certain rights of children as contained in the Constitution, set out principles relating to the care and protection of children, define parental responsibilities and rights, and make further provision regarding children’s courts.

* **Criminal Law (Sexual Offences and Related Matters) Amendment Act, Act 32 of 2007**

The Criminal Law (Sexual Offences and Related Matters) Amendment Act, Act No 32 of 2007 repeals the common law offence of rape and replaces it with a new expanded statutory offence of rape, applicable to all forms of sexual penetration without consent, irrespective of gender.

• **Older Person’s Act, Act No. 13 of 2006**

The Older Persons’ Act is meant to deal effectively with the plight of older persons and the promotion and maintenance of their status, rights, wellbeing, safety and security and provides for matters connected therewith.

* **Prosecution Policy Directives (1999) revised 2012.**

The National Director of Public Prosecutions ("the National Director") has, in accordance with section 179(5)(b) of the Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996) ("the Constitution"), and section 21(1)(b) of the National Prosecuting Authority Act, 1998 (Act No. 32 of 1998) ("the NPA Act"), issued Policy Directives which must be observed in the prosecution process.

The Policy Directives first came into operation on 1 November 1999 and unless otherwise indicated or implied, are binding on all members of the National Prosecuting Authority ("the NPA"). These Directives are intended to set uniform norms and standards in prosecutorial practices. They deal with the professional duties of prosecutors and do not purport to regulate purely administrative matters.

* **Service Charter and Minimum Standards for Victims of Crime in South Africa**

In 2004, Cabinet approved a Service Charter for Victims of Crime in South Africa (hereafter referred to as the Victims’ Charter) (see Appendix III ), as well as Minimum Standards on Services for Victims of Crime (hereafter referred to as the Minimum Standards), which was intended to assist in the implementation of the Victims’ Charter. These documents were informed by an earlier document, the Minimum Standards for services to Victims of Crime, which was developed by the Department of Social Development and launched in 2002.

The Victims’ Charter and the Minimum Standards serve as a means of protecting and promoting the rights of victims in compliance with South Africa’s obligations under various international and regional human rights instruments.

The Victims’ Charter and Minimum Standards provide an important framework for the consolidation of all laws and policies in relation to the rights of and services provided to victims of crime and violence. They are intended to promote excellence in service delivery thus promoting client satisfaction with the services delivered.

Some of its key objectives are to:

* Eliminate secondary victimisation in the criminal justice process;
* Ensure that victims remain central to the criminal justice process;
* Clarify the service standards that can be expected by and are to be accorded to victims whenever they come into contact with the criminal justice and associated systems;
* Make provision for victims’ recourse when standards are not met.

The Minimum Standards provide service practitioners with information on what is expected of them when rendering services to victims. They also provide individuals with information on what to expect from practitioners. Proficiency, professionalism and respect for the child are uppermost in service delivery. Minimum Standards further serve as a guideline for developmental quality assurance in service delivery. The Minimum Standards include complaint mechanisms to address failure to adhere to the Minimum Standards.

# Section 3

# THE KBL OPERATIONAL MODEL

## WHAT IS AN OPERATIONAL MODEL?

In simple terms an operational model describes all of the components in the delivery of court preparation services; who does what and how. It is the framework against which different functionaries/units/departments do their work. Because it is an “operational” model, it must enable efficiency and effectiveness and improve the delivery of CP interventions. In other words the model must enable delivery of the stated objectives as they are laid out in the KBL vision / mission / strategy.

## WHY DO WE NEED IT?

A documented operational model creates a common framework (blueprint) against which different churches work together to service children. It removes the confusion of who does what and how integration takes place. It also eliminates duplication of effort and places the responsibility and accountability in the right places. It is operational and takes into account the mandated role of the different CJS partners in light of the CP Strategy.

## DESIGN PRINCIPLES

Prior to documenting the CP Model, it was necessary to consider the principles and assumptions that influenced its design. These principles are:

1. The model must consider the mandate of the different CJS partners taking into account their roles as it pertains to CP
2. The model must enable integration and collaboration between all CPP partners
3. The model must ensure efficiency and effectiveness of CP
4. The model must build on what is already in place whilst enabling new ways of doing things where appropriate
5. Although the model is pitched at an operational level nationally, it must have replicability elements as it will need to be cascaded down to provinces and local CP clusters and communities. This is a natural cascade that can happen within the confines of the CP / structures already involved.
6. The model must enable a change in attitude and approach to CP

## STRUCTURE OF THE MODEL

The schematic below shows the operational model for the implementation of the National Court Preparation Governance Forum (NCPGF).

The model shows the role-players involved in the delivery of the Court Preparation program (CPP) and the management and governance structures that are/should be in place to effectively deliver on the CPP Strategy.

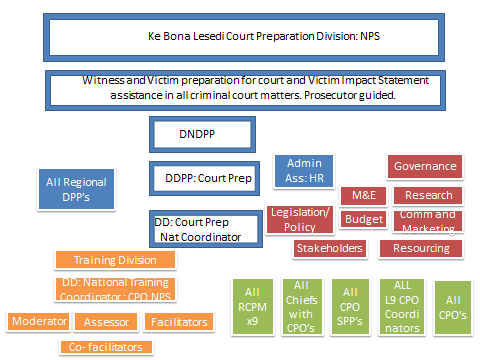
The structure of the model is such that there are: Communication lines between national, provincial and local structures.

The following organogram depicts the current workload and functions both internally and externally.

Accordingly it strongly motivates for a fully functional component under a HEAD: COURT PREPARATION UNIT. (a dedicated DDPP reporting to Head NPS). The component underwent several DDPP changes within the NPS over the past ten years of which a total of 7 DDPP’s took the helm together with the National Coordinator. A request is submitted in this regard for the Executives to consider this proposal which is supported by the regional managers and CPO’s.

*The component concentrates on achieving sustained performance through personal growth, values-based leadership and planning and recognising human dynamics. However this entails turning strategy into action which entails all individuals driving the strategy. It is not feasible for one or two individuals to do this alone which will lead to unwanted consequences. This can be achieved through phased approach and performance management which is attempted to be unpacked in the following section.*

**Strategy Focused CPP Component: Current National Overview.**



Strategy is approached in different ways, at different paces, and in different sequences, however there are common principles at work. The above organogram includes a separate CPO Training Division within the CP Unit as well as a dedicated administrative officer who can assist with all logistical requirements for governance and Training.

* **Translate the Strategy to Operational Terms:** This serves to describe and communicate CP strategy in a consistent insightful way, which could also be called, a ‘strategy Map” and is the cornerstone of our strategic management system. This creates a common and understandable point of reference for all CPO’s and Managers.
* **Align the Component to the Strategy:** Synergy is the overarching goal of the component. The component consists of numerous divisions and clusters within the NPA which operates under the NPS Annual Plan. The components strategy must be linked to the NPA’s overarching strategy and integrated. This speaks to the alignment of all court preparation entities to the CP strategy as well as the alignment of the component to the BU’s and Support Services. Strategic themes and priorities enable a consistent message and a consistent set of priorities to be used across diverse court preparation entities.
* **Make Strategy Everyone’s Everyday Job:** Strategy requires the active contribution of everyone and to conduct their day to day business in a way that contributes towards the success of the CP Strategy.
* **Manage CP Strategy:** CP management meetings should focus simply on the management and review of the CP strategy. This is achieved through open reporting, making the performance results available to everyone. This gives each employee the knowledge to do his or her job. Individual CPO’s have the necessary information and this sets a process for learning and adapting their day to day work to achieve performance targets. CPO’s are thus empowered to excel.
* **Mobolise through Executive Leadership:** The most important condition for success is the ownership and active involvement of the executive team. Strategy requires teamwork to coordinate the components mandate. This requires every part of the NPA. It requires continual attention and focus on performance against targeted outcomes. The executive need to lead the process of Governance, with the emphasis on fluid team based approaches to deal with the court preparation mandate.[[2]](#endnote-1)

**The operational plan provides a framework to look at the strategy used for value creation from four different perspectives:**

1. **Financial:** The strategy for growth and value from the perspective of the shareholder (NPA)
2. **Customer:** The strategy for creating value and differentiation from the perspective of the customer.
3. **Internal CP business processes:** The strategic priorities for various CP processes, which creates customer satisfaction.
4. **Learning and growth:** The priorities to create a climate that supports organisational change, innovation and growth.

**EMERGING TRAINING STRATEGIC OBJECTIVES:**

* 1. To ensure responsive Education Training and Development (ETD) research, design and development solutions for Court Preparation Officers
  2. To establish a Knowledge Management Capability for Knowledge Assets in accordance with the Learning Disciplines in Court Preparation (Body of Knowledge)
  3. To establish a coherently Managed ETD Practitioners Capability within the KBL component
  4. To establish ETD Canters of Excellence that promote innovative research, development and learning practices that position them as leaders in specific learning disciplines for court preparation
  5. To create a Next Generation of Court Preparation Officers through Enhanced ETD Practice & a Culture of Learning

## ROLE PLAYERS

The following are the key role players in the delivery of CPP:

* Department of Social Development.
* Department of Health
* Department of Correctional Services
* Department of Justice and Constitutional Development
* National Prosecution Authority (BU’s)
* South African Police Services
* Department of Basic Education
* Department of Home Affairs
* Strategic Partners:

CBOs

NGOs

Task Teams

FBO’s

## ROLES AND RESPONSIBILITIES

The table below summarises the high-level functional roles and responsibilities for each of the key churches and other organisations in terms of their mandate.

| **ROLEPLAYER** | **ROLES AND RESPONSIBILITIES** |
| --- | --- |
| NCPGF | National Governance for Court Preparation |
| RCPGF | Regional Governance for Court Preparation (DPP Level) |
| LCPGF | Local Governance for Court Preparation (Cluster level) |
| International participation | Research |
| NPA (National Prosecuting Authority)  Other | Prosecution – Peoples Lawyer  Court Preparation for State Witnesses and Victim Impact Statements  Referral to service providers for continuum of care  Stakeholder engagement  Training |
| DSD (Department of Social Development) | Prevention and Awareness  Psychosocial Support  Restorative Justice Services  Sheltering  Research  M&E |
| DoH (Department of health) | Medical Services  Medico Legal  Research  M&E |
| DOJ&CD (Department of Justice) | Court Infrastructure  Sex Offender register (NRSO  Convictions  Research  M&E |
| DCS (Department of Correctional Services) | Reintegration  Restorative Justice  Victim Offender Mediation |
| SAPS | Investigation  Arrests |
| DHA | Death and Birth registration  Repatriation  Citizenship status  Confirmation of identity |
| DBE/DHET (Basic / Higher Education) | Training  Prevention/Awareness |

However, the roles and responsibilities in terms of CPP collaboration differ from the mandatory role. When collaborating it means that whilst each organisation is representing its own functional mandate, a secondary role must also be played by that representative namely attending, reporting, decision making, coordinating, contributing in any way to ensure the success of that national and local CPMM.

**LINK BETWEEN NATIONAL, PROVINCIAL AND LOCAL CPGF**

The cascade from national to provincial to local CPP takes place as part of the normal process of sharing information.

### MECHANISMS TO FACILITATE COLLABORATION

Collaboration takes place when there is something that needs the input of a number of players in order for the process, event or activity to take place. In this case services to children and the customers of NPA across South Africa and abroad need the collaboration of a number of government and other organisations for effective court preparation services to take place. Hence in order to effect collaboration things have to be put into place for it to happen. The New Zealand experience gives some pointers in this regard:

*Collaboration is essentially a temporary and emergent process rather than a prescribed state of organisation. It is necessary to set the stage for collaboration to progress to an organised system of relationships characterised “by concerted decision making among the stakeholders” (Gray 1989:15). Once this has been done, the mechanisms for achieving, preserving and improving collaboration come into play.*

Within the South African context a similar process must take place in order for collaboration between departments to be effective for the service delivery of court preparation to victims of crime

## CONCLUSION

It is evident from the above that the court preparation programme needs to be implemented nationally – every court in South Africa must ideally have a program like this and every prosecutor must have a CPO to assist them with their witnesses.

People in South Africa need to be made aware of this programme such as presentations at conferences and / or possible articles in scientific journals about the impact are necessary. In addition the rest of the legal system really needs to be educated regarding the role and importance of the CPO’s. Allied criminal justice professionals (prosecutors, investigators, etc…) and the judiciary (both magistrates and judges) should be given briefings or awareness of this programme, its aims, and most importantly, that it does not tell witnesses what to say in court;

Negotiations with the different NGO’s working in the sexual abuse-sector to ensure collaboration – especially looking at the RAPCAN-scenario in Bellville with the CPO’s;

The CPO’s are rendering an excellent service despite challenging circumstances. The impact of the program is, however, being negatively impacted by the circumstances in which some CPO’s need to work. The environment of each CPO-office need to be re-evaluated and made child-friendly.

The NPA’s Ke Bona Lesedi Court Preparation programme is an attempt to address the crisis in the criminal justice system and has much to recommend it. In general, to secure a just society for all, citizens, parents, trainers, teachers and family members of witnesses all have to embrace the values of honesty, justice and good will (Ubuntu) for the greater good of all. For a child, and any other witness, who testifies successfully in court, has to return home to a morally conducive environment that is free of victimization or revenge.

Measures relating to policy, decision making, leadership and reform should be taken, with the goal of ensuring that the principles and provisions of the Strategic Plan for the Court Preparation Program are fully reflected in policy and practice, in particular by establishing child centred court preparation services that guarantees the rights of children, promotes the sense of dignity and worth and fully respects their age, state of development and their right to participate meaningfully in and contribute to society.

Adv. S Pillay: I am of opinion that the entire CPO programme is noteworthy.

Overall the functionaries appreciate the value which the programme offers to the CJS and more especially the entire court process. Victim themselves stated their appreciation of the being prepared for court and expressed and increase in their confidence in the justice system.

Document compiled by

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_

Karen Tewson Date:

National Coordinator: Court Preparation

NPS

**ANNEXURE: A**

**IMPACT OF COURT PREPARATION AND VIS BY CPO’S ON THE NPA.**

The impact of court preparation and victim impact statements on the NPA was embarked upon in July 2015 at the request of the CEO. The regions were requested to provide the required information. The information collated emanated directly from quotes provided by judges, magistrates, prosecutors, CPO’s and witnesses themselves (see attached **Annexure A1**). Caution is advised to not overgeneralise the results where we conclude that what we observed or what we know to be true for some cases is true for all cases. Anecdotal evidence has been collected which is based on personal observation as well as documentary evidence of the outcome of cases sited. This introduces the need for a more scientific approach to this subject. However the review findings has an influence of the strategic approach for the component.

**REGIONS RESPONDED: (SEE ATTACHED ANNEXURE A1)**

WCD: KZN; FSD; NCD; EDC (Grahamstown) ECD (Mthatha)

DPP: SGD; DPP: NGD ;DPP: NWD outstanding

**Q1 2015/2016 VIS COMPLETED BY CPO AND UTILISED BY PROSECUTORS.**

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **PROVINCE** | **DIVISION** | **NO OF CPOs** | **NO OF VIS COMPLETED Q1** | **Apr-15** | **May-15** | **Jun-15** | **NO OF VIS USED BY PROSECUTOR Q1** | **Apr-15** | **May-15** | **Jun-15** |
| **NORTH WEST** | **NWD** | **9** | **135** | **53** | **41** | **41** | **6** | **5** | **1** | **0** |
| **WERSTERN CAPE** | **WCD** | **24** | **342** | **82** | **125** | **135** | **91** | **21** | **36** | **34** |
| **EASTERN CAPE** | **ECD** | **8** | **108** | **25** | **48** | **35** | **7** | **2** | **0** | **5** |
| **FREE STATE** | **FSD** | **10** | **233** | **77** | **69** | **87** | **81** | **22** | **26** | **33** |
| **NORTHERN CAPE** | **NCD** | **4** | **161** | **29** | **67** | **65** | **0** | **0** | **0** | **0** |
| **KWAZULU - NATAL** | **KZND** | **22** | **502** | **171** | **152** | **179** | **88** | **23** | **36** | **29** |
| **NORTH WEST/LIMPOPO/GAUTENG/ MPUMALANGA** | **NGD** | **34** | **331** | **119** | **94** | **118** | **136** | **48** | **36** | **52** |
| **EASTERN CAPE** | **ECD MTHATHA** | **5** | **161** | **29** | **67** | **65** | **0** | **0** | **0** | **0** |
| **GAUTENG** | **SGD** | **13** | **127** | **29** | **57** | **41** | **60** | **12** | **15** | **33** |
| **TOTAL** |  | **129** | **2100** | **614** | **720** | **766** | **469** | **133** | **150** | **186** |
|  |  |  |  |  |  |  |  |  |  |  |

**GENERAL FINDINGS:**

Judges, Magistrates and Prosecutors comment, read out VIS in court and thanked the CPO’s for facilitating them.

Numerous media reports were communicated within the NPA where judgments referred to the VIS and CPO’s.

VIS was read into the record by the magistrate as part of his reasons for sentence. He thanked the CPO.

Adv. S Pillay: I am of opinion that the entire CPO programme is noteworthy.

Overall the functionaries appreciate the value which the programme offers to the CJS and more especially the entire court process. Victim themselves stated their appreciation of the being prepared for court and expressed and increase in their confidence in the justice system.

**SUMMARY OF RELEVANT SUPPORTING DOCUMENTS AND CASE LAW**

**1. THE SERVICE CHARTER FOR VICTIMS OF CRIME IN SOUTH AFRICA**

**(approved by Cabinet in 2004 and officially launched in 2007)**

Rights as a victim of crime:

* **Right No. 1: The right to be treated with fairness and with respect for dignity and privacy**
* **Right No. 2:** **The right to offer information:**

… during the criminal investigation …

… any contribution … is heard

… participate in criminal justice proceedings … by attending …

sentencing proceedings …

It means that … you may also, where appropriate, make a statement to the court or give evidence during the sentencing proceedings to bring the impact of the crime to the courts attention.

* **Right No. 6: The right to compensation:**

… for loss of or damage to property suffered as a result of a crime being committed …

“Compensation” refers to an amount of money that a criminal court awards the victim who has suffered loss or damage to property, including money, as a result of a criminal act or omission by the person convicted of committing the crime.

**2. THE PROSECUTION POLICY DIRECTIVES DATED 20 APRIL 2012**

**(Part 20, sub paragraph C, p. 47)**

• A Victim Impact Statement (VIS) is a voluntary statement by a victim or complainant, or someone authorised by him or her, as to the effect of the crime on his or her life. The VIS addresses the physical, psychological, social and financial consequences of the crime on the victim.

• The VIS is a restorative justice tool and the focus is on repairing the damage that has been caused by the crime, either materially or symbolically.

• The victim(s) or complainant(s) and their family should be advised that he or she and his or her family are entitled to make a VIS, dealing with the impact and effect that this incident has had on them.

• If the complainant and/or his or her family completed a VIS and they have not testified regarding the effect of the crime during the trail stage, they may nevertheless still be required to testify at sentencing stage.

**3. S v OLIVIER 2010 (2) SACR 178 (SCA)**

**MAJIEDT AJA (NUGENT JA AND GRIESEL AJA CONCURRED)**

p. 182 D [8] It is trite that, during the sentencing phase, formalism takes a back seat and a more inquisitorial approach, aimed at collating all relevant information, is adopted.8 The object of the exercise is to place before the court as much information as possible regarding the perpetrator, the circumstances of the commission of the offence, and the victim's

E circumstances, including the impact which the commission of the offence had on the victim. The prosecutor, defence counsel and the presiding officer all have a duty to complete the picture as far as possible at sentencing stage. Material factual averments made during this phase of the trial ought, as a general proposition, to be proved on oath.9

p. 183 [10] Prosecutors are duty-bound to assist the sentencing court by placing all known aggravating and mitigating circumstances before the court, particularly so in the case of an unrepresented accused.10 The B following prosecutorial guidelines are apposite:11

'It is the duty of the prosecutor to ensure that sufficient facts are placed before the court for it to impose an appropriate sentence. In this regard prosecutors must ensure that the court is informed of the existence of aggravating and (particularly where the accused is undefended) mitigating factors.' C

[11] The sentencing phase in a criminal trial is of no less importance than the preceding determination of the guilt or otherwise of the accused. All too often prosecutors adopt a lackadaisical approach to sentence, permitting ex parte averments to be made willy-nilly in the D defence's submissions from the bar, notwithstanding that it is at variance with the information in the docket. This is particularly so in the case of the circumstances of the offence of which the accused has been convicted. Quite often this is attributable to slothfulness on the part of prosecutors. It is a practice which must be deprecated, since it does not serve the interests of the justice system. E

**4. S v SAMUELS 2011 (1) SACR 9 (SCA)**

**PONNAN JA (NAVSA JA AND K PILLAY AJA CONCURRED)**

p. 12 G [8] Despite the fact that the appellant was represented before the magistrate, there nonetheless remained a duty on her to call for such evidence as was necessary to enable her to exercise a proper judicial sentencing discretion. For, as S v Siebert 1 made plain:

'Sentencing is a judicial function sui generis. It should not be governed H by considerations based on notions akin to onus of proof. In this field of law, public interest requires the court to play a more active, inquisitorial role. The accused should not be sentenced unless and until all the facts and circumstances necessary for the responsible exercise of such discretion have been placed before the court.'

**5. S v MATYITYI 2011 (1) SACR 40 (SCA)**

**PONNAN JA (NAVSA JA AND K PILLAY AJA CONCURRING)**

p. 48 G [16] An enlightened and just penal policy requires consideration of a broad range of sentencing options, from which an appropriate option can be selected that best fits the unique circumstances of the case before court. 22 To that should be added, it also needs to be victim-centred. Internationally the concerns of victims have been recognised and sought to be addressed through a number of declarations, the most important of H which is the UN Declaration of the Basic Principles of Justice for Victims of Crime and Abuse of Power. 23 The declaration is based on the philosophy that adequate recognition should be given to victims, and that they should be treated with respect in the criminal justice system. In

p. 49 South Africa victim empowerment is based on restorative justice. A Restorative justice seeks to emphasise that a crime is more than the breaking of the law or offending against the State - it is an injury or wrong done to another person. 24 The Service Charter for Victims of Crime in South Africa 25 seeks to accommodate victims more effectively in the criminal justice system. As in any true participatory democracy its B underlying philosophy is to give meaningful content to the rights of all citizens, particularly victims of sexual abuse, by reaffirming one of our founding democratic values, namely human dignity. 26 It enables us, as well, to vindicate our collective sense of humanity and humanness. The charter seeks to give to victims the right to participate in and proffer C information during the sentencing phase. The victim is thus afforded a more prominent role in the sentencing process by providing the court with a description of the physical and psychological harm suffered, as also the social and economic effect that the crime had and, in future, is likely to have. By giving the victim a voice the court will have an opportunity to truly recognise the wrong done to the individual victim. D (See generally Karen Muller & Annette van der Merwe 'Recognising the Victim in the Sentencing Phase: The Use of Victim Impact Statements in Court'.) 27

[17] By accommodating the victim during the sentencing process the E court will be better informed before sentencing about the after-effects of the crime. The court will thus have at its disposal information pertaining to both the accused and victim, and in that way hopefully a more balanced approach to sentencing can be achieved. Absent evidence from the victim, the court will only have half of the information necessary to F properly exercise its sentencing discretion. It is thus important that information pertaining not just to the objective gravity of the offence, but also the impact of the crime on the victim, be placed before the court. That in turn will contribute to the achievement of the right sense of balance and in the ultimate analysis will enhance proportionality, rather than harshness. Furthermore, courts generally do not have the necessary G experience to generalise or draw conclusions about the effects and consequences of a rape for a rape victim. 28 As Muller & Van der Merwe put it:

'It is extremely difficult for any individual, even a highly trained person H such as a magistrate or a judge, to comprehend fully the range of emotions and suffering a particular victim of sexual violence may have experienced. Each individual brings with himself or herself a different

p. 50 A background, a different support system and, therefore, a different manner of coping with the trauma flowing from the abuse.' 29

**6. S v PILLAY 2011 (2) SACR 409 (SCA)**

**SERITI JA (NAVSA JA AND PETSE AJA CONCURRING):**

p. 416 [24] In order for a court to arrive at an informed decision concerning sentence the information set out in the dicta from S v M and MS v S referred to above, was required. A court having all that information C before it might still decide, as was done in MS v S and in Howells, that incarceration is called for. Even if it does so, it might, with the information at hand, be able to fashion an order that will ensure the continued well-being of the children, albeit in trying circumstances. On the other hand, it might, having all that information at hand, decide against incarceration. The point, though, is that the evidence upon D which a proper decision is to be made has to be obtained and all the actors must play their part, including the appellant's legal representatives and the State, using such State resources as may be available to it. As far as sentencing is concerned a judicial officer is not required to be passive. In this regard see S v Siebert 1998 (1) SACR 554 (A) at 558g – 559a.

**7. S v McLAGGAN (CC70/2011)[2012]ZAECGHC 75 28 September 2012 - unreported judgment)**

**GOOSEN J**

[3] In my view the nature of the evidence was clearly relevant and ought to be received. A sentencing court is concerned with formulating an appropriate and just sentence and is required to give consideration to a wide range of interests and factors. Evidence relating to the impact of the offence upon the victim is necessary. This matter involves a foreign national who is outside of the court’s jurisdiction and it is therefore not easy to ensure the attendance of witnesses. Failure to receive the evidence by way of video link would not only result in an unnecessary and potentially lengthy delay to the prejudice of the accused but may also have had the effect that such evidence is ultimately not available to the court. In the light of these circumstances I considered that the use of the video link technology would not prejudice the accused having regard to the nature of the evidence. I shall deal hereunder with the impact of the evidence so received.

**8. DIRECTOR OF PUBLIC PROSECUTIONS, NORTH GAUTENG v THABETHE 2011 (2) SACR 567 (SCA)**

**BOSIELO JA (MTHIYANE JA AND SHONGWE JA concurring)**

p. 576 [21] A controversial if not intractable question remains: do the views of F the victim of a crime have a role to play in the determination of an appropriate sentence? If so, what weight is to be attached thereto? That the victim's voice deserves to be heard admits of no doubt. After all, it is the victim who bears the real brunt of the offence committed against him or her. It is only fair that he/she be heard on, amongst other things, how the crime has affected him/her. This does not mean, however, that his/her G views are decisive. Whilst grappling with this problem, Ponnan JA enunciated the following principle in S v Matyityi 2011 (1) SACR 40 (SCA) paras 16 – 17:

'An enlightened and just penal policy requires consideration of a broad range of sentencing options, from which an appropriate option can be H selected that best fits the unique circumstances of the case before court. To that should be added, it also needs to be victim-centred. Internationally the concerns of victims have been recognised and sought to be addressed through a number of declarations, the most important of which is the UN Declaration of the Basic Principles of Justice for Victims of Crime and Abuse of Power. The declaration is based on the I philosophy that adequate recognition should be given to victims, and that they should be treated with respect in the criminal justice system. In South Africa victim empowerment is based on restorative justice. Restorative justice seeks to emphasise that a crime is more than the breaking of the law or offending against the State — it is an injury or wrong done to another person. The Service Charter for Victims of J Crime in South Africa seeks to accommodate victims more effectively in

p. 577 the criminal justice system. As in any true participatory democracy its A underlying philosophy is to give meaningful content to the rights of all citizens, particularly victims of sexual abuse, by reaffirming one of our founding democratic values, namely human dignity. It enables us, as well, to vindicate our collective sense of humanity and humanness. The charter seeks to give to victims the right to participate in and proffer B information during the sentencing phase. The victim is thus afforded a more prominent role in the sentencing process by providing the court with a description of the physical and psychological harm suffered, as also the social and economic effect that the crime had and, in future, is likely to have. By giving the victim a voice the court will have an opportunity to truly recognise the wrong done to the individual victim. C (See generally Karen Muller & Annette van der Merwe Recognising the Victim in the Sentencing Phase: The Use of Victim Impact Statements in Court.)

By accommodating the victim during the sentencing process the court will be better informed before sentencing about the after-effects of the crime. The court will thus have at its disposal information pertaining to D both the accused and victim, and in that way hopefully a more balanced approach to sentencing can be achieved. Absent evidence from the victim, the court will only have half of the information necessary to properly exercise its sentencing discretion. It is thus important that information pertaining not just to the objective gravity of the offence, but also the impact of the crime on the victim, be placed before the E court. That in turn will contribute to the achievement of the right sense of balance and in the ultimate analysis will enhance proportionality, rather than harshness. Furthermore, courts generally do not have the necessary experience to generalise or draw conclusions about the effects and consequences of a rape for a rape victim.'

[22] I agree that this case presents a panoply of facts which qualify as F substantial and compelling to justify a departure from the prescribed minimum sentence. However, I am not persuaded that such facts justified a wholly suspended sentence, or one based on restorative justice. It is trite that, in addition to deterring an accused person from committing the same offence in the future, a sentence must also have the G effect of deterring like-minded people. Rape of women and young children has become cancerous in our society. It is a crime which threatens the very foundation of our nascent democracy, which is founded on protection and promotion of the values of human dignity, equality and the advancement of human rights and freedoms. It is such H a serious crime that it evokes strong feelings of revulsion and outrage amongst all right-thinking and self-respecting members of society. Our courts have an obligation to impose sentences for such a crime — particularly where it involves young, innocent, defenceless and vulnerable girls — of the kind which reflects the natural outrage and revulsion I felt by law-abiding members of society. A failure to do so would regrettably have the effect of eroding the public confidence in the criminal justice system. Regrettably, the court below omitted to pay attention to these important considerations. In fact, it is clear to me that the court below accorded undue weight to the respondent's personal circumstances and paid scant regard to the seriousness of the offence and J

p. 578 A the broader interests of society. It appears to me that the learned judge in the court below inadvertently allowed maudlin sympathy for the respondent to cloud his better judgment. The result is a sentence which is disturbingly disproportionate to the seriousness of the offence. Any crime that threatens the wellbeing of society deserves a severe punishment. B

**9. S v MOKELA 2012 (1) SACR 431 (SCA)**

**BOSIELO JA (MTHIYANE JA AND MAYA JA CONCURRING):**

p. 437 [14] It is generally accepted that both the accused and the state have a right to address the court regarding the appropriate sentence. Although s 274 of the Criminal Procedure Act uses the word 'may', which may suggest that a sentencing court has a discretion whether to afford the D parties the opportunity to address it on an appropriate sentence, a salutary judicial practice has developed over many years, in terms whereof courts have accepted this to be a right which an accused can insist on and must be allowed to exercise. This is in keeping with the hallowed principle that, in order to arrive at a fair and balanced sentence, E it is essential that all facts relevant to the sentence be put before the sentencing court. The duty extends to a point where a sentencing court may be obliged, in the interests of justice, to enquire into circumstances, whether aggravating or mitigating, which may influence the sentence which the court may impose. This is in line with the principle of a fair trial. It is therefore irregular for a sentencing officer to continue to F sentence an accused person, without having offered the accused an opportunity to address the court; or, as in this case, to vary conditions attached to the sentence, without having invited the accused to address him on the critical question of whether such conditions ought to be varied or not. See Du Toit et al Commentary on the Criminal Procedure Act at 28-6D. G

**10. S v MBUYISA 2012 (1) SACR 571 (SCA)**

**LEACH JA (CLOETE JA AND PONNAN JA CONCURRING):**

p. 575 [12] In S v Olivier 2010 (2) SACR 178 (SCA) this court pointed out D that, while formalism often takes a back seat during the sentencing stage of criminal proceedings when a court is often merely informed of uncontentious facts such as the accused's personal circumstances, different considerations apply insofar as the nature and circumstances of the crime are concerned. Majiedt AJA went on to state: 3 E

'All too often prosecutors adopt a lackadaisical approach to sentence, permitting ex parte averments to be made willy-nilly in the defence's submissions from the bar, notwithstanding that it is at variance with the information in the docket. . . . Quite often this is attributable to slothfulness on the part of prosecutors. It is a practice which must be deprecated, since it does not serve the interests of the justice system.' F

[13] In the present case, both sides made themselves guilty of failing to call evidence of the material circumstances under which the offence was committed.

**11. S v SMM 2013 (2) SACR 292 (SCA)**

**MAJIEDT JA (MTHIYANE DP, CACHALIA, , ERASMUS and SALDULKER AJA CONCURRING)**

[25] It must also be accepted that this was not the most severe form of rape and that the appellant desisted when he realized that the child was crying. There is also no evidence that the child suffered any ongoing trauma, over and above the trauma that she would inevitably have experienced as a result of what had happened. In this regard I must mention that it is troubling that the State seems to have made no attempt to place such evidence before the trial court, e.g. by way of a victim impact report, despite the fact that this court has emphasized its importance.

**12. S v GK 2013 (2) SACR 505 (WCC)**

**ROGERS J (GAMBLE J CONCURRING)**

[21] My colleague rightly points to the evidence of adverse emotional F and psychological effects on the complainant. Some of these adverse effects have to do with the behaviour of others and are not the direct consequence of the appellant's conduct. I refer here to the fact that the complainant has been the subject of vulgar comments by other children, and that certain members of the community who apparently support the G appellant have displayed hostility towards the complainant's family. Such conduct is to be deprecated, but there is no evidence that the appellant himself (who was arrested shortly after the incident and has remained in custody) organised a campaign against the complainant's family. On the contrary, the social worker's report records that the appellant's wife was supportive towards the complainant's family. There H is, however, evidence of more direct negative effects on the complainant — feelings of fear and shame, changes in mood, becoming withdrawn and less trusting. The complainant received therapy for six months. The social worker who compiled the report said that the complainant might require further therapy. The report reflects, unlike the case of S v PB I supra, that the complainant has a loving and stable family environment. The social worker was not called to testify so that her report could be interrogated. The impacts described in the report appear to me to be significant, without being of an extreme or debilitating kind. The fact that the social worker could not confidently say that future therapy was needed may indicate that the complainant, with the love and support of J

p516

A her family, will make a good recovery from her ordeal. It is also not without significance that the complainant's mother did not herself notice anything amiss with her child after the incident on Saturday 1 October 2011 and only learnt of the alleged sexual assault on Tuesday 4 October 2011 (I think her reference to Thursday 6 October 2011 was an error), after the complainant had spoken of the incident with one of her friends B who in turn told the mother.

[22] My colleague quotes in his judgment certain passages from the judgment of Satchwell J in S v M2007 (2) SACR 60 (W) where the learned judge highlights the difficulty in fully ascertaining the after-effects C of rape and also queries why a perpetrator should be treated more leniently because the rape victim fortuitously is more resilient than might otherwise have been the case. I acknowledge that the adverse effects of rape may only come to the fore, or become more pronounced, with the passing of time. This is a factor which a court will need to bear in mind D in determining whether substantial and compelling circumstances are present. I would not accept, however, that the resilience of the victim has no bearing on the enquiry. The fact that a perpetrator must take his victim as he finds him or her cuts both ways. An assault which a robust victim might survive might lead to the death of a victim with a frailer constitution; in the one case the perpetrator will be convicted and E punished for assault (or assault with intent to cause grievous bodily harm) while in the other case he may be convicted and punished for murder. The leading decisions of the Supreme Court of Appeal on minimum sentencing are replete with examples where the effect of the crime on the victim has been taken into account. In the most recent F decision of that court in SMM there was no victim impact report. I am sure that the court was alive to the fact that rape is always likely to be accompanied by some emotional or psychological trauma, but the absence of clear evidence of significant trauma of that kind was clearly regarded by the court, in conjunction with other factors, as militating G against the imposition of the most severe sentence.

**MATTHEE AJ**

[42] After the conviction of appellant, an 'impact report' of the rape on the complainant was compiled by a social worker and submitted to the trial court. B

[43] In her summary the social worker's first conclusion was that the complainant was so traumatised by the rape that she needed therapy for six months thereafter. In this regard she indicated the possible need for further counselling.

[44] Secondly, as a result of the rape the complainant had experienced C vulgar ridicule from children in her community and 'het in die proses haar spontaneïteit en kindwees prys gegee'.

[45] Thirdly, the entire family of the complainant had been emotionally gravely affected by the rape and had been humiliated by members of the community who had supported appellant. D

[46] Elsewhere in the report the social worker, inter alia, testified that her investigations revealed marked changes in the behaviour of the complainant after the rape. This included ill discipline, less open communication with family members, guilt feelings about the rape, a loss of trust E in people, a fear of men, more prone to crying, nightmares, bed-wetting, fear of the dark, loss of self-image and a self and community imposed stigma.

The importance of the Victim Impact Statement was highlighted by Adv. Elsa Smith (DDPP DPP:FSD) July 2015 in the following extract:

“ It has become of paramount importance that prosecutors present VIS at sentencing stage as was aptly remarked by Ponnan JA (Navsa JA, K Pillay AJA concurring) in S v MATYITYI 2011 (1) SACR 40 (SCA):

**NATIONAL STRATEGIC IMPLEMENTATION PLAN**

**(for consultation)**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Strategic Objective 1: Vision and Mission understood and communicated effectively** | | | | | |
| **Outputs** | **Activities** | **Indicator (pointer)** | | | **Responsibility** |
| **Executive leadership** |  |  | | |  |
| **Management** |  |  | | |  |
| **CPO’s** |  |  | | |  |
| **Customers** |  |  | | |  |
| **Partners** |  |  | | |  |
| **Public** |  |  | | |  |
| **M&E** |  |  | | |  |
|  |  |  | | |  |
| **Strategic Objective 2: Good governance: Effective leaders linking court preparation and VIS with prosecutions, meeting customer expectations and meeting NPA’s strategic objectives.** | | | | | |
| **Outputs** | **Activities** | **Indicator (pointer)** | | | **Responsibility** |
| **Strategy focused** | * Strategic planning (deciding or changing objectives, on resources to obtain objectives and policies to govern) | **By when and how**  **Agenda minutes** | | | **CPM /**  **Dates and who is responsible** |
|  | Management control ( the process by which managers ensure the human capital, tangible and intangible assets are obtained and used effectively and efficiently) |  | | |  |
|  | Operational control (the process of ensuring that specific tasks are carried out efficiently and effectively) |  | | |  |
|  | Development of Standard operating procedures |  | | |  |
| **NCP Strategy** |  |  | | |  |
| **RCP Strategy** |  |  | | |  |
| **LCP Strategy** |  |  | | |  |
| **M&E: Testing, learning, and adapting** | Monitor performance against strategy |  | | |  |
|  | Work as teams to interpret data |  | | |  |
|  | Develop new strategic directions |  | | |  |
|  | Formulate new strategic directions |  | | |  |
|  | Update measures |  | | |  |
|  | Change budgets |  | | |  |
| **Strategic Objective 3: Customer perspective: Achieve customer satisfaction.** | | | | | |
| **Outputs** | **Activities** | | **Indicator (pointer)** | | **Responsibility** |
| **Mystery customer** |  | | |  |  |
| **Friendly helpful employees** |  | | |  |  |
| **Satisfied customer** |  | | |  |  |
| **Leading identity** |  | | |  |  |
| **Communication strategy** |  | | |  |  |
| **M&E** |  | | |  |  |
| **Strategic Objective 4:** **Internal processes perspective: Achieve operational excellence** | | | | | |
| **Outputs** | **Activities** | | | **Indicator (pointer)** | **Responsibility** |
| **Streamline processes** |  | | |  |  |
| **Operational excellence** |  | | |  |  |
| **Be a good neighbour (community outreach and education)** |  | | |  |  |
| **M&E** |  | | |  |  |
| **Strategic Objective 5:**  **Learning and growth perspective: Motivated and prepared cadre of CPO’s and Managers** | | | | | |
| **Outputs** | **Activities** | | | **Indicator (pointer)** | **Responsibility** |
| **KBL Training division** |  | | |  |  |
| **Climate for action** |  | | |  |  |
| **Competencies** |  | | |  |  |
| **Technology** |  | | |  |  |
| **M&S** |  | | |  |  |
| **Strategic Objective 6:**  **Financial perspective: Adequately resourced CPP** | | | | | |
| **Outputs** | **Activities** | | | **Indicator (pointer)** | **Responsibility** |
| **Maximise existing assets** |  | | |  |  |
| **Productivity strategy = Value for money** |  | | |  |  |
| **M&E: Stimulate learning, problem solving, and adaption rather than control.** | Link budget to strategy | | |  |  |
|  | Allocate resources to enable performance targets to be achieved | | |  |  |
|  | Update budget based on new information and learning | | |  |  |
|  | Authorise financial and human resources | | |  |  |
|  | Embed these requirements into the annual budget (Strategy budget to manage programs and Operational budget to manage the day to day efficiency of CPO’s) | | |  |  |

**Activities to obtain these goals:**

Receive monthly stats analyses inform provinces where they stats

Ensure a trained component

Measured performance

Direct supervisors involved to be involved in management

Tool: Managers in terms of quarterly goals

Facilitate the completion of VIS register

Improved relations with stakeholder

Work plan provincial goals

1. Review, Research and Evaluation of the Ke Bona Lesedi Court Preparation Programme of the NPA 2008. [↑](#footnote-ref-1)
2. Creating the Strategy-Focused Organisation, Kaplan Norton, HBS Press. [↑](#endnote-ref-1)