Police accountability and the Domestic Violence Act 1998

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http://dx.doi.org/10.17159/2413-3108/2017/i59a2231

In 1998, in an attempt to undo the long-standing neglect of domestic violence, legislators placed a set of duties on the police in relation to domestic violence, and coupled these with a unique system of accountability relations and practices. This article examines the effect of these in three ways: a review, both of complaints of misconduct and of the station audits conducted in terms of the Domestic Violence Act's prescripts, and analysis of the workings of the act's accountability mechanisms over time. These show the act's system of accountability to have had some success in making domestic violence a policing priority, but only after a number of years of interaction across the domains of the political, legal, bureaucratic and social. Accountability has revealed itself to be a contingent outcome and practice that takes different forms at different times. It also remains an ambivalent undertaking in relation to domestic violence. While answers may be demanded of the police, oversight of these responses is lodged with an agency possessing limited capacity and weak institutional authority.

Women in South Africa are considerably more likely than men to experience violence at the hands of their intimate partners. Intimate partner violence, including its most lethal expression, murder, is also the form of violence most frequently experienced by women.[1] In 2009, the most recent year for which figures are available, 57% of the women who were killed died at the hands of their intimate partners. Calculated as a prevalence rate of 5.6 per 100 000, this murder rate was five times the global average.[2]

These startling figures emerge out of a long history of police neglect of domestic violence, as this South African Police (SAP) submission to the Police Board in 1994 illustrates:

> It is a world-wide belief that the police should not interfere or get involved in household disputes. The rationale behind this relates to law enforcement as the primary function of the police – and law can only be enforced when someone lodges a criminal complaint with the police. Once they get involved in household disputes, the police are blamed for interfering in private matters.
>
> The priorities of policing are determined by the community. Figures of other serious

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This article builds on a 2014 policy brief written for the African Policing Civilian Oversight Forum (APCOF), titled *Gendering state accountability in South Africa: Police accountability and the Domestic Violence Act.*

crimes reported to the SAP confirm this fact. More attention has to be devoted to those serious crimes, which are more frequently reported.[3]

In 1998, in an attempt to redefine these priorities, which located 'household disputes' somewhere between invisibility and triviality, legislators prescribed a novel set of duties applicable to the policing of all forms of domestic violence, and embedded these within an accountability structure intended to identify and penalise non-compliance. How has this emphasis on accountability translated into practice? What, specifically, have been its effects on the policing of intimate partner violence?

To answer these questions, this article begins by detailing the framework of police accountability created by the Domestic Violence Act (DVA), and then follows this with a critical analysis of the administrative data produced both by the South African Police Service (SAPS) and by the agencies responsible for overseeing the SAPS's implementation of the DVA. The basis of this review is the archive of annual and other reports produced for Parliament by the SAPS, the Independent Complaints Directorate (ICD) and the Civilian Secretariat for Police (CSP) over the past 16 years, with additional data drawn from parliamentary minutes and reports, court decisions and media reports.

Accountability: a framework

Political theorists conceptualise accountability as consisting of two elements: answerability, or the obligation on authorities to explain and justify their actions; and enforceability, the power to sanction authorities.[4] Relations of accountability can therefore be discerned when one agency is required to answer to another; these responses can be questioned; and both formal and informal consequences can result as a consequence of the judgements or evaluations of these responses. These need not only be negative.[5] Relations of accountability are distributed across two dimensions. One, the vertical axis, connects state and citizen through elections and participation in law reform processes, while the horizontal axis is constituted by the range of agencies and bodies distributed across the various arenas of the state that monitor and answer to each other.[6] With horizontal relations largely excluding non-state actors, accountability has begun to emerge through a third set of relations designated as diagonal, or hybrid. These seek to insert citizens into oversight functions through a range of monitoring exercises (particularly in relation to budgeting exercises).[7]

In addition to the focus on relations and mechanisms, accountability refers to desired standards of conduct. South Africa's DVA, which sets out a normative framework for police conduct in relation to domestic violence, and couples this to a set of accountability mechanisms, encapsulates both these understandings.

The Domestic Violence Act, its duties and structures

The DVA introduced a comprehensive set of systems and duties, both internal and external to the SAPS, aimed at 'afford[ing] the victims of domestic violence the maximum protection from domestic abuse that the law can provide'.[8] These entitle domestic violence complainants to a range of services from the police. Complainants must be provided with written information about their rights and the criminal and civil remedies available to them, and have this notice explained in a language of their choice. Members of the police must also assist complainants to find suitable shelter, and/or to obtain medical treatment. In addition, they are obligated to serve notice on the abuser to appear in court; serve protection orders; arrest an abuser who has breached a protection order or committed a crime (even without a warrant); remove weapons from the abuser or from the home; and accompany the complainant to collect personal items from her/his residence.[9]

Where the DVA largely prescribes services to victims, *National Instruction 7/1999* and the *National Policy Standard for Municipal Police Services Regarding Domestic Violence,* gazetted in March 2006, set out all aspects of the police's duties to maintain records of domestic violence incidents. Such documents comprise domestic violence registers; copies of protection orders and warrants of arrest; and various reports on the handling of individual complaints. Because these documentary obligations largely provide evidence of individual police officers' compliance with the duties listed above (although this is not their only purpose), commanding officers are expected to scrutinise these various records and take corrective action when they are not satisfactorily maintained, and when members have not provided the necessary services. Failure to comply with the DVA's provisions is treated as a form of misconduct in terms of the South African Police Service Act of 1995.[10]

Supervision by commanding officers is not the only form of oversight provided for by the DVA. The DVA also imposes a duty on the SAPS to refer all categories of domestic violence-related misconduct to the ICD, whether these lapses are identified in the course of supervision or via complaint. This is to enable the ICD to recommend either the institution of, or exemption from, disciplinary proceedings.[11]

Complaints provide another source of information about the standard of police conduct. Domestic violence complainants who are unhappy with services received may complain to the station commander and, until early 2012, could also lodge a separate complaint with the ICD.[12] The ICD categorised these complaints as follows: class I complaints comprised cases where police members were responsible for the deaths of their intimate partners; class II complaints included cases of rape or assault committed by police members against their intimate partners; and class III complaints dealt with the police's failure to provide assistance to domestic violence complainants.[13] This last category also fell within class IV complaints investigated by the ICD, which were considered the least serious form of police wrongdoing.[14]

Before 2012, bi-annual reports to Parliament by the SAPS and the ICD added another layer of organisational accountability. In these the SAPS and the ICD were required to detail the number and nature of complaints received by each agency, as well as the disciplinary proceedings instituted as a result (along with the outcomes of those proceedings). While the ICD was to report on the recommendations it had made to the SAPS regarding disciplinary processes, the SAPS was to detail its responses to those recommendations. These institutional arrangements were recalibrated in 2012 when the ICD was reconstituted as the Independent Police Investigative Directorate (IPID), and both IPID and the national office of the CSP were established in law.[15]

Where IPID was established to give greater bite to oversight of the SAPS (the Portfolio Committee having noted in 2008 already that the ICD had been rendered a 'toothless bulldog' by the SAPS),[16] the CSP was inaugurated to give effect to Section 208 of the 1996 Constitution. Despite this constitutional provision, only the provincial structures had been set up in the 1990s, in the form of departments of community safety. The result was a bifurcation of the system of accountability. Killings by a police member within the context of an intimate relationship are dealt with by IPID, while assaults by police members against their intimate partners and non-compliance with the DVA are transferred to the CSP.[17] Responsibility for the six-monthly reports to Parliament was also transferred to the CSP which, in turn, delegated aspects of this

reporting function to the provincial departments of community safety.

In terms of the CSP Act, the purpose of the Secretariat is to exercise civilian oversight over the police, as well as to provide the minister with strategic advice regarding the development and implementation of policies.[18] The CSP's chief functions and duties are supervisory, cooperative and commendatory. While the Secretariat can monitor the police's compliance with the act, and make recommendations to the police regarding disciplinary procedures and measures to be adopted in cases of non-compliance, it cannot conduct investigations, or enforce compliance with its recommendations. Indeed, until late in 2016 when regulations were finally gazetted, it was not even formally empowered to receive complaints.[19] Thus, rather than giving greater bite to oversight of the DVA, this transfer of functions to the CSP eroded police accountability for the policing of domestic violence, once again raising questions about the status of domestic violence in the overall policing scheme of things.

Examining the effects of this transfer, as well as the workings of the DVA's accountability system, is the focus of the remainder of the article.

SAPS compliance with its duties

The DVA is well used. In 2015/16, 275 536 applications were made for protection orders.[20] Of these, approximately 99 076 (or 35.9%) were made final, and 39 550 warrants of arrest issued for violation of the terms of a protection order.[21] Case studies of individual police stations already show that policing services were not always provided during all stages of this process.[22] This review turns to ICD and CSP records for their assessment of SAPS compliance with the DVA's prescripts. These data are neither routinely nor consistently collected, however, and their reporting is not standardised from one year to the next. The quality of information is also variable, as Parliament's Portfolio Committee for the Police has noted.[23] Outside of PowerPoint presentations, no formal reports by the CSP appear to have been signed off after 31 March 2015, meaning that information about the most recent station audits is also not available.[24] To correct for these limitations, numerical data have either been adjusted or not utilised at all. In general, the numerical data should be treated as broadly indicative, rather than categorical.

Provision of policing services to complainants of domestic violence

Between 1 January 2001, when it began collating data on the DVA, and its dissolution in March 2012, the ICD produced 23 reports to Parliament detailing SAPS compliance with the legislation. The reports for 2000 and 2001 could, however, not be located. But between 1 January 2002 and December 2011, the ICD captured a total of 1 403 complaints of police non-compliance with the DVA, with three-quarters of these representing a failure to ensure complainants' safety. Of these, failure to arrest the abuser was the most frequent complaint (52.1% of all complaints), followed by the refusal to open criminal cases (13.6% of cases). In a further 12.3% of complaints the police were alleged to have failed to assist survivors of domestic violence to find suitable shelter or obtain medical treatment. This percentage also included cases where the police did not escort victims to collect their personal property, or seize dangerous weapons from the abuser.

The ICD would have issued recommendations to the SAPS in each of these complaints. Analysis of complaints recorded between 1 January 2006 and 31 December 2011 (chosen because reporting on complaint outcomes was most standardised during this period) suggests that the SAPS provided no information to the ICD in 67% of the 694 domestic violence complaints submitted during this period. Comparison with a different study's review of police response to

ICD recommendations suggests this percentage may have been even lower than the SAPS response to class IV complaints generally. This review of 573 complaints lodged between the ICD's inception and 2007 found the SAPS to respond to 50.2% of recommendations in this category of complaints.[25]

The transfer of oversight from the ICD to the CSP led to an even lower rate of response by the SAPS. In the first year of its new role, the CSP received a total of 22 complaints from three provinces, a 77% decline in the number (94) recorded by the ICD in its final 12-month reporting period.[26] By its third six-monthly report, the CSP could count 27 complaints from four provinces.[27] However, not one of the complaints recorded in the CSP's second and third reports had been forwarded to the CSP by the SAPS as stipulated by the DVA. Instead, they had been identified by CSP monitors in the course of their station audits.[28] Because the vast majority of stations audited did not maintain the register that recorded police officers' non-compliance with the act (although some stations were recording such misconduct in the general Disciplinary Register), this number also undercounted the extent of misconduct, as comparison with SAPS data shows.[29] Where the national office of the CSP collated 49 complaints for the period 1 April 2011 to 30 September 2012, the SAPS reported 280 DVA-related cases of misconduct that came to the attention of SAPS disciplinary forums between 1 July 2011 and 30 September 2012.[30] Further, because cases of misconduct are not being referred to the CSP or provincial departments of community safety, the CSP obviously cannot issue recommendations to the SAPS regarding the handling of those cases.

Contributing significantly to this situation is the SAPS's failure to amend *National Instruction 7/1999* to reflect the changes from the ICD to the CSP, which affects cooperation between the SAPS and provincial offices of community safety.[31] In a further indication of a lack of will, the SAPS has not issued internal directives compelling cooperation.[32] In the absence of amendments to the National Instructions, the CSP and SAPS agreed to Standard Operating Procedures in 2015.[33]

In 2012 the CSP instituted a national quarterly compliance forum with the purpose of discussing how to improve the police's implementation of the DVA.[34] The forum includes the compliance directorate of the CSP and the following divisions of the SAPS: visible policing, which reports on the status of the DVA's implementation; personnel services, which reports on the status of disciplinary proceedings; the human resources division, which reports on SAPS training around the DVA; the SAPS Inspectorate, responsible for providing information regarding the investigation of cases of non-compliance; and crime intelligence, which provides statistics on the reporting of domestic violence to the SAPS.[35] However, the SAPS's attendance at these meetings could not be counted on.[36] By September 2016 provincial compliance forums had also been established in the Western Cape, Eastern Cape, Limpopo and the Free State.[37]

Yet, as the figures cited earlier suggest, even these interventions have proved inadequate to the challenge of demanding information from the SAPS, or recommending consequences based on this information.

The national SAPS has itself struggled to compel provincial offices to provide reports of misconduct. In 2013, for example, three provinces reported no instances of misconduct between July 2011 and March 2012, while the Western Cape recorded 186 cases of misconduct.[38] It seemed that this significant difference could more likely be attributed to the province's adoption of zero tolerance for non-

compliance rather than to a particularly parlous standard of policing.[39] In 2014/15 four provinces reported no misconduct – but by 2015/16 814 cases of misconduct, emanating from all nine provinces, were reported by the SAPS in its annual report.[40] The CSP, however, could still only point to 235 cases identified from its station audits.[41]

The transfer of oversight from the ICD to the CSP also came at the cost of an independent avenue of complaint, as well as a source of assistance to complainants. ICD reports show how the agency ensured that warrants of arrest were executed, firearms removed, or complainants accompanied to collect their belongings.[42] However, on 11 November 2016 regulations were finally gazetted to enable provincial departments of community safety to receive complaints directly from the public, and to investigate and respond to these.[43] The effects of the reinstatement of an independent avenue of complaint remain to be seen.

Documenting the provision of services

It is seldom possible to observe interactions between police members and complainants of domestic violence *in situ*. Station audits can provide indirect evidence of these through their reports on police members' actions. They thus potentially act as a proxy for the quality of services to complainants – assuming that in an environment where the police are observing their documentary obligations, they are (probably) also performing their service duties. In addition, where complaints lead to the correction of prior conduct, the audits hold the promise of improving both current and future standards of conduct. Finally, they shift the focus from individual members of the SAPS to their management.

The ICD developed a checklist against which to audit the SAPS's fulfilment of its administrative duties. While this initially focused on the duties prescribed by the act, the ICD expanded the scope of its supervision to assess the training, operational planning and infrastructure (in the form of victim-friendly rooms) required to support the police in the execution of their duties.[44] In 2001 the ICD also began noting cases of domestic violence perpetrated by the police, and in 2009 it released a study analysing 30 cases of police members killing their female partners between 2004/5 and 2006/7.[45]

Table 1 sets out the percentage of stations visited by the ICD between July 2006, when the ICD first started calculating the proportion of stations visited that were fully compliant with the record-keeping obligations demanded by the DVA and National Instructions, and December 2011. As the table shows, the majority of stations audited did not meet the necessary standard – a state of affairs also noted by the Auditor-General in his 2009 report to Parliament.[46]

When the CSP became responsible for the station audits, it largely maintained the focus established by the ICD. (It did occasionally investigate whether or not stations designated specific officers to deal with domestic violence, or collaborated with other local institutions and organisations.)[47] The audits themselves were delegated to the provincial offices of community safety, whose ability to monitor the DVA has proved highly variable, as Table 2 shows. While KwaZulu-Natal, Eastern Cape and the Northern Cape monitored 36% or fewer of their stations, Gauteng, Mpumalanga, North West and the Free State are extremely likely to have monitored all their stations at least once. Where this is the case, stations have been counted once to prevent inflating the overall total through double-counting. Using this method, only three of the 725 stations audited (reduced from 915) were found to be fully compliant with the DVA and National Instructions between April 2012 and March 2015.[48] This significantly reduced proportion is likely also due to the CSP utilising

Table 1: Percentage of stations visited between 2006 and 2009 that were fully compliant with their statutory obligations

Number of stations visited[49]	Period	% stations fully compliant with the DVA
116 stations visited	July – Dec 2006	30%
395 stations visited for the year	Jan – June 2007	57%
	July – Dec 2007	28%
434 stations visited for the year	Jan – June 2008	14%
	July – Dec 2008	13%
522 stations visited for the year	Jan – June 2009	11%
	July – Dec 2009	8%
208 stations visited for the year	Jan – June 2010	7%
	July – Dec 2010	11%
208 stations visited for the year	Jan – June 2011	12%
	July – Dec 2011	7%

Table 2: Number of stations monitored by provincial offices between April 2012 and March 2015[50]

Province (number of stations)[51]	2012/13	2013/14	2014/15
Gauteng (144 stations)	68 (47%)	88 (61%)	88 (61%)
Mpumalanga (87 stations)	22 (25%)	41 (47%)	41 (47%)
Limpopo (100 stations)	4 (4%)	3 (3%)	38 (38%)
North West (82 stations)	40 (49%)	31 (38%)	40 (49%)
Free State (111 stations)	55 (50%)	49 (44%)	50 (45%)
KwaZulu-Natal (187 stations)	25 (13%)	14 (7%)	20 (11%)
Northern Cape (92 stations)	12 (13%)	16 (17%)	4 (4%)
Eastern Cape (197 stations)	12 (6%)	18 (9%)	38 (19%)
Western Cape (150 stations)	68 (45%)	20 (13%)	16 (11%)
Total (1 150 stations)	**300 (26%)**	**280 (24%)**	**337 (29%)**

tools that are different to those of the ICD, even if their focus has remained very similar.

In 2016 the CSP concluded that its recommendations were resulting in a steady improvement in the police's compliance with the DVA, the average level of compliance having increased from 71% in 2013/14 to 81% in 2015/16.[52] Given the unevenness of provinces' monitoring, this is not a particularly convincing claim and only really likely to apply

where monitors had visited stations twice and could show the difference between their first and second visits. CSP reports do not provide such a comparison, however.[53] Further, by 2015 the SAPS had also started to undertake station visits to assess compliance with the DVA, which too may be having some effect.[54]

Provinces' uneven ability to monitor police stations also led the portfolio committee in late 2014 to question the validity of the CSP's pronouncements on national levels of compliance.[55] The committee was even more displeased when the CSP again appeared in front of members in May 2015 without having altered its method of selecting stations in any way.[56] It took until 2016 for the CSP, in consultation with Statistics South Africa, to devise a revised method of selecting stations (to be introduced in 2017/18).[57] However, the problem of unrepresentative data is not solely due to provinces' methods of selection. When the legislation was altered provinces did not calculate the costs of the monitoring, and it was consequently treated as an unfunded mandate. The result has been insufficient staff and resources, affecting provinces' monitoring output.[58] Parliamentary discussions do not say whether or not this limitation has been addressed.

The DVA's accountability mechanisms in action

While the DVA came into operation in December 1999, only the ICD initially exercised its accountability functions. Showing how this changed, and continues to change, reveals accountability to be perpetually evolving rather than permanently secured. Indeed, in relation to the DVA, its practice has been highly contingent upon the composition, strength and responsiveness of the Police Portfolio Committee, and the extent of intervention by women's organisations.

Although the ICD released its first report on the DVA in 2001, the SAPS and Parliament were only roused to their responsibilities in 2007.[59] This was the result of two processes. In 2006 the Tshwaranang Legal Advocacy Centre (TLAC) served papers on the SAPS, indicating its intention to approach the courts for an order compelling the police to comply with their parliamentary reporting obligations. Subsequent discussion between the SAPS and the TLAC halted legal proceedings on the understanding that these would be resumed should the SAPS not submit its parliamentary reports within a reasonable period.[60] Research that dealt with budgeting for the act, and compliance with the DVA's prescripts was also circulating in the public domain during this period, alerting a researcher attached to the Police Portfolio Committee to these duties. She then brought these to the attention of the chair of the portfolio committee.[61] From 2007 onwards, minutes for the portfolio committee demonstrate a more consistent engagement by the committee with the SAPS and the ICD around the DVA – and their increasing frustration with the SAPS.[62]

By 2009 other horizontal accountability mechanisms began training their focus on the SAPS's implementation of the DVA. The auditor-general's report for that year expressed its concerns, and the first case dealing with non-compliance was decided by the courts.[63] The Portfolio Committee for Women, Children and People with Disabilities also conducted public hearings around the DVA in the same year, in which critique of the police figured prominently.[64] A particularly robust set of chairpersons of the Police Portfolio Committee have also been appointed since 2009. They have invited, and shown themselves responsive to, civil society representations. Indeed, the engagement between civil society organisations and the committee provides an all-too-fleeting glimpse of diagonal accountability at work.

In 2011 the Gender, Health and Justice Research Unit, the TLAC and the Limpopo Legal Advice Centre were asked to address the committee on the policing of domestic violence, alongside the ICD. The SAPS was invited to respond to the presentations and was severely criticised by the portfolio committee in the process.[65] The effects of such a public drubbing were electrifying and served to place domestic violence on the SAPS management agenda in a way that had not been achieved previously. A detailed circular went out to all stations in the country, as well as the provincial office and the SAPS Inspectorate, instructing them on their responsibilities. The extent of provincial compliance with the DVA also became an item against which provincial commissioners' performance was assessed and provincial training targets were set. By November 2011 a workshop had been arranged to examine how to streamline processes, and by 2012 the SAPS was exploring the development of a national strategy around the DVA, where none had previously existed.[66] But such a strategy still did not seem to have been finalised at the time of writing.

The SAPS Annual Performance Plan for 2013/14 also points to increased attention by the police to training around violence against women. Domestic violence was the fifth-largest training programme for that period, with 460 courses planned to reach 6 500 officers.[67] A politics of shame had finally embarrassed the police into action, as a 2013 circular, reminding SAPS members of the need to comply with their duties, implied: 'In this regard SAPS top management is constantly being criticised by the various Portfolio Committees and NGOs for poor compliance to (*sic*) the Act.'[68]

New questions about domestic violence and accountability

As the SAPS has increasingly been made to answer for the implementation of the DVA, a more substantive notion of accountable conduct has come into being, resulting in greater responsiveness, transparency and liability. This has only been to the benefit of domestic violence complainants. Yet this account also raises deeper questions. First, to what extent does the CSP qualify as an accountability mechanism? It may audit police stations, but appears unable to compel the SAPS to provide information about its members' misconduct or to influence the actions taken against them. This effectively renders the CSP an accounting agency, rather than an accountability mechanism. It literally provides a count of things – but these inventories of police inadequacy are of no consequence.

A second set of questions emerges around the extent to which form and structure have come to overshadow substance, for while the police have gotten better at meeting their reporting requirements, this does not represent unambiguous evidence of a high standard of service to complainants. Indeed, it has been suggested that the punitive approach to individual police members' non-compliance may have encouraged the avoidance of domestic violence cases out of fear of the possible personal repercussions. To avoid these, some police members refer women to the magistrates' courts to obtain protection orders, rather than opening criminal matters.[69]

In 2009 approximately one in 20 of the women (4.9%) killed by their intimate partners was in possession of a protection order.[70] It is deeply concerning that police negligence may have contributed to these and the deaths of other family members, as media reports and court cases suggest. In Johannesburg in 2010, a Mr Nthite killed his two children and committed suicide while his estranged wife, who had been informed of his intentions, begged the police to act on her protection order.[71] Also in Johannesburg, a Ms Masemola was stabbed

to death in 2012 by her ex-boyfriend following a long history of abuse, which included burning her house down prior to the attack. Again, despite Ms Masemola's being in possession of a protection order, the police had failed to arrest her former partner following any of these incidents.[72] In 2016 the police in Gauteng settled out of court for an undisclosed sum in a matter that had resulted in a woman's murder, again after multiple, unsuccessful attempts to persuade the Sophiatown SAPS to act on a protection order.[73] In the same year, police inaction at Delft in the Western Cape was implicated in the kidnapping and rape of a woman estranged from her partner, as well as the murder of the couple's child.[74]

Other violence has followed from the police's disregard of their duties. In 2009 they were successfully sued in the Eastern Cape when their failure to arrest a respondent for breaching a protection order left him free to rape his estranged wife.[75] A second case in Pretoria in 2011 again found police inaction to have resulted in rape and attempted murder, while in 2015 the police were ordered to pay damages to a woman who was assaulted and arrested by a police member after she had attempted to lay charges of assault against her husband at Lenasia South police station in Gauteng.[76]

Thus, while the SAPS has learnt to better comply with some aspects of the law, it has not necessarily learnt to police domestic violence in ways that better protect complainants. This may be represented as the difference between treating the information generated by the DVA's various forms, statements and registers as nothing more than proof of practice – or approaching these documents as a source of information about how to ensure the safety of domestic violence complainants. For within these records is material that may promote understanding of the circumstances surrounding domestic violence murders, as well as the needs of repeat victims of domestic violence.[77] Seen in this way, accountability becomes a source of institutional learning, and not only a site of sanction.

Conclusion

In 1998 legislators crafted a multi-dimensional system of accountability designed to compel both an individual and an organisational response to domestic violence. But as this history demonstrates, legislating accountability was only the minimum condition for its practice, and the mere fact of accountability mechanisms' existence was not sufficient to ensure their effectiveness. Indeed, the workings of these various mechanisms suggest a conceptualisation of accountability as the sum of its parts – as a contingent outcome and practice that emerges through the interaction of an ensemble of institutions and mechanisms, rather than being inherent in the work of any one mechanism.[78] These interactions have ranged across the domains of the legal, the political, the bureaucratic and the social. But whatever the improvements, ambivalence still marks the exercise of accountability in relation to domestic violence. The police may well be required to answer for their conduct – but this is to an agency possessing limited capacity and only weak institutional authority.

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Notes

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