



Royal Saint Lucia Police Force Domestic Abuse Manual

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Royal Saint Lucia Police Policy Domestic Abuse Investigation Statement of Principles

- Domestic violence is a serious crime and will be treated as any other serious crime.
- The reduction of domestic abuse is a policing priority and is the responsibility of all police personnel.
- Early positive intervention is essential to save lives and the first priority of officers attending domestic abuse incidents is to protect victims and children.
- Officers will take firm and positive action against offenders and will use powers of arrest whenever possible.
- A thorough criminal investigation will be conducted which will **not** focus solely on the willingness of the victim to give evidence. It is the decision of the police and the Crown Prosecution Service, not the victim, to arrest and / or charge a suspect. All possible evidence will be gathered in order for charges to be made and for the Crown Prosecution Service to proceed with a prosecution.
- We are committed to working in partnership with other agencies to eradicate domestic abuse, to build safer communities and thereby improve the quality of life for victims and their children.



Royal Saint Lucia Police Domestic Abuse Investigation Manual

CHAPTER ONE

Introduction

The Royal Saint Lucia Police Force will adopt the following definition for all incidents of Domestic Abuse:

“Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or have been intimate partners or family members, regardless of gender or sexuality”

This includes allegations of sexual assault, criminal damage, threats to commit criminal damage, harassment, public order, threats to kill, witness intimidation, theft, burglary, breach of bail. This list is not exhaustive and includes practically any other offence if it is in the context of domestic control or domination. Incidents involving children will be dealt with as Child Protection / Abuse incidents.

‘Family members’ are defined as:

Mother, father, son, daughter, sister, brother and grandparents, whether directly related, in-laws, stepfamily or common – law unions.

Nature of Domestic Abuse:

The term Domestic Abuse is used throughout this Manual rather than Domestic Violence to fully describe the nature of the subject area. It is often believed that unless ‘blood has been shed’ or a victim sustains visible injuries that a Domestic Abuse incident has not taken place which would cause the Police Service to become involved. This is a misconceived approach that could have drastic and negative consequences for both adult and child victims of Domestic Abuse.

Abuse can take many forms, but generally it is coercive, intimidating behaviour designed to establish and maintain **dominance and control over the victim**.

Often the victim retains feelings of care and affection for the offender and may hope that they will change. Offenders often become charming and attentive, giving hope to the victim that things will alter. In some cases a ‘honeymoon’ period follows a violent attack, with the abuser showing remorse and claiming it will never happen again. However, the violence often continues. This behaviour, without effective intervention, can escalate in frequency and severity and can last for weeks, months or even years.

Many people feel trapped in situations that they cannot readily leave. This may include a relationship in which they are financially dependent. In addition, they may fear being ostracised by other extended family members, losing their children or bringing discredit to the family.

Domestic abuse is a vastly under-reported crime for all victims, be they men or women, in heterosexual, lesbian or homosexual relationships, as well as the abuse of older persons by relatives. The secrecy and shame surrounding the issue means that we cannot appreciate the full extent of the problem.

There may be a lack of independent evidence to prove any case. One person's word against another's may not be enough for conviction (hence the need for effective evidence gathering procedures).

There are several types of abuse which are mentioned above however, a more comprehensive list would cover the following areas also:

- | | |
|--------------------|------------------------|
| 1. Physical abuse | 2. Isolation |
| 3. Sexual abuse | 4. Male Privilege |
| 5. Making Threats | 6. Minimising blame |
| 7. Intimidation | 8. Financial abuse |
| 9. Emotional abuse | 10. Using the children |

1. Physical Abuse:

An assault that occurs in the home is as much a criminal act as an assault that occurs between strangers. Indeed it should be considered as far worse as the home should be a place of safety.

Physical assaults can cover any of the below:

Hitting, Shaking, Throwing, Poisoning, Burning, Scalding, Drowning, Suffocating, Strangling.

Weapons may or may not be used, however, when weapons are being used or the violence is getting more frequent or more serious then we must ensure that we try to cater for the safety of the victim and children.

2. Isolation:

Controlling what the partner does, where they go or who they see or talk to. Limiting their access to relatives and friends and even to work opportunities or shopping trips.

3. Sexual Abuse:

Rape, buggery, oral sex and any other type of sexual assault. This would also include abusing through prostitution.

4. Male Privilege:

Treating your partner like a servant, making all decisions and generally not allowing the partner to take any equal part in the relationship.

5. Making Threats:

Using coercion and making threats of various types such as violence, using firearms, leaving the partner, committing suicide.

6. Minimising Blame:

Denying and minimising the actual impact of the abuse and blaming the victim for the abuse.

7. Intimidation:

Making victims afraid by using looks, gestures, smashing things, destroying property, harming pets,

8. Financial Abuse:

Not allowing any independent finance or job, or restricting and totally controlling all money matters.

9. Emotional Abuse:

Making the partner feel bad, playing mind games, persistently humiliating the partner.

10. Using the Children:

Taking the children away from the Mother or threatening to take the children away, using them to gain any advantages against the other, using visitations to harass the partner. Remember that if the children are from an unmarried couple then the rights of the father are very limited.

High Risk Times for Victims:

Two of the most vulnerable and high risk times for Victims and families are:

1. Pregnancy; and
2. Leaving the Relationship.

1. Pregnancy:

During pregnancy, or shortly after the delivery of a child, is internationally recognised as one of the most dangerous times for Women victims. Research findings will identify that between 30% and 60% of Domestic Abuse either commences or accelerates in this period. There becomes an increased risk of miscarriage, low birth weight, foetal injury or foetal death.

It is also recognised that the most dangerous time for any person is between birth and attaining the age of 1 year. In the Confidential Enquiry into Maternal Deaths in England between 2000 / 2002 Domestic Abuse was a Key Risk Factor in 14% of all child deaths!

2. Leaving the Relationship:

Attempts to end a relationship are strongly linked to intimate partner homicide. Despite the common assumption that leaving a violent partner will end violence, it is apparent that women victims who separate from their partner are at a higher risk of physical violence and sexual assault as well as homicide. Violence that continues after separation tends to be more serious and is more likely to involve stalking type behaviour and lead to homicide. The early stages of separation (particularly the first 3 months) are particularly dangerous. It is important to note that a child contact dispute can indicate risk of homicide to both the partner and children.

Other times which will indicate that the risk for victims and children is escalating are as follows:

- Previous physical assault by the suspect

Previous assault is one of the most established risk factors in terms of future assault. Suspects with a history of violence against women might present a higher risk of committing a homicide. Abuse of animals by the suspect may also indicate a risk of future assault.

- Previous sexual assault by the suspect

This is a risk factor for future violence and also a risk factor associated with serious violence. The injuries sustained by domestic sexual assault victims are often more serious than those experienced in sexual assaults by strangers.

- Escalation and severity of violence, including use of weapons and attempts at strangulation

A common antecedent to domestic homicide is escalating domestic violence but this is not always the case and violence may previously have remained at a constant level and resulted in homicide. It is important that escalating violence, including the use of weapons and attempts at strangulation are recorded. Strangulation or 'choking' and stabbing are common methods of killing by men against women. In many circumstances this will also be the point where many women kill their partners out of sheer desperation for their own safety or take their own lives.

- Child abuse by the suspect

Concurrent child abuse and adult domestic violence is common. Common antecedents to domestic homicide include prior history of child abuse and a history of adult domestic violence in the family. It is for this reason that automatic screening for domestic violence in all child abuse cases and vice versa is required.

- Suspect's possessiveness, jealousy or stalking behaviour

Possessiveness, jealousy and stalking behaviour include following the victim, unwanted attention, persistent telephone calls, visits, sending text messages and letters. A large proportion of harassment and stalking cases involve former partners and there are clear links between this behaviour and subsequent domestic violence assaults and domestic homicide by men against women.

- Threats or attempts to commit suicide by the suspect

Threats by a suspect to commit suicide have been highlighted as a factor in domestic homicide and child homicide. **A person who is suicidal should also be considered homicidal.**

- Threats or fantasies of committing homicide by the suspect

Threats or fantasies of committing homicide are a risk factor for a subsequent violence including homicide of a family member.

- Previous criminality or breach of civil or criminal court order or bail conditions by the suspect

Past breach of a community order, protective civil order, prison or other court order and / or history of criminal behaviour have been listed as possible antecedents to

domestic homicide. Suspects who leave the scene of a domestic violence incident before the police arrive may also have a higher recidivism rate than those who remain. This might be explained by their lack of sanction by the criminal justice system. In such cases every effort should be made to locate the suspect and carry out a full investigation into the incident.

- Suspect's psychological and emotional abuse of the victim (including denial or minimisation of violence)

Studies of abusers suggest that psychological and emotional abuse, in particular dominance and isolation of the victim and others, is a useful variable in predicting repeat and severe violence. Men who also sexually and physically assault their partners have been found to be particularly dangerous.

- Suspect's misuse of illegal or prescription drugs and / or alcohol or mental health problems

While it is clear from research that the misuse of drugs and alcohol is not the cause of domestic violence, as with all violent crime it might escalate the risk. Similarly, mental health issues may impact upon violence.

- Victim's perception that they are at risk of future harm

Victim's perception of the level of risk is an important element that should be used as the victim will have the most detailed knowledge of the suspect. Officers should also be aware that victims frequently underestimate their risk of harm from domestic violence abusers.

- Disability or mental or physical ill health of the victim

Physical and mental ill health does appear to increase the risk of domestic violence, but again conclusions relating to causation are complex, as the health issues may be the results of the violence. Disability and issues of physical and mental ill health (for example depression and / or suicidal feelings) can be important in assessing the victim's vulnerability to future harm. Alcohol and drugs misuse can also relate to mental and physical ill health and can be a response to continued abuse.

- Social isolation and particular vulnerability of the victim

Increased entrapment of the victim is an antecedent to domestic homicide. Women who are unemployed or housewives have been found to have the highest risk of domestic violence, but there are a number of ways this could link to vulnerability. These include a lack of financial resources to leave, greater social isolation, less access to informal and formal support networks and potentially more forms of abuse available to the perpetrator. Victims may also be particularly vulnerable to future harm if they live in a physically isolated community (e.g. in a rural area) or socially isolated communities, for example people who may be isolated due to their sexuality or lifestyle. Such social isolation may be exacerbated by perceived or actual discrimination from other communities or agencies providing services, such as the police.

Priorities:

- To protect the lives of both adults and children who are at risk as a result of domestic abuse;
- To investigate all reports of domestic violence thoroughly and professionally;
- To take effective action against offenders so that they can be held accountable through the criminal justice system;
- To adopt a proactive multi-agency approach in preventing and reducing domestic abuse.

All reports of domestic abuse should be handled in a sensitive and supportive manner. Some callers may shout or be obviously under the influence of drink or drugs. Officers must be patient and non-judgmental in these circumstances. An individual who is shouting may be in fear for their life. A victim who appears drunk may have turned to drink as a way of coping with the abuse.

CHAPTER TWO

Vulnerable Persons Team's:

Whilst this is a Domestic Abuse Manual I feel it is important to reiterate what the Vulnerable Persons Team's role is as the links between Domestic and Child Abuse are well established and cross over in many areas. It must also be remembered that a large percentage of abuse occurs within the home environment.

Terms of Reference:

- All Child Abuse investigations will be undertaken by the Team, remembering that children who suffer Domestic Abuse should be treated as Child Abuse victims also.
- All abuse committed by anyone who has care of or responsibility for of a child, e.g. child minders, babysitters, school teachers, swimming pool attendants, scout- leaders, etc.
- 'Children in care' when the abuser is alleged to be the carer or an employee of the care organisation e.g. foster carers or children's residential unit employee.
- All children who sexually abuse other children.
- Children who suffer emotional or physical abuse as a result of domestic violence.
- Child sexual exploitation / child trafficking.
- Sudden and unexpected deaths of Children whose death does not fall within a murder enquiry. If a murder enquiry is subject of the death then the Investigation will either be conducted by the Major Crime Unit or Divisional CID with assistance from the Family Protection Unit.
- Organised abuse / institutional abuse involving child victims. Due to the potentially large numbers of victims and witnesses to be interviewed,

assistance may be required from CID which will be coordinated through the Divisional Detective Inspector.

- For all Domestic Abuse offences the Vulnerable Persons Team (VPT) will act as a source of advice for officers assisting with their technical knowledge in ongoing investigations.
- All Domestic Abuse incidents will be notified to the VPT Corporal, to ensure they have been dealt with correctly.
- The VPT will liaise with Governmental and non Governmental Agencies to ensure that the necessary exchange of information and joint working practices are adopted and strengthened particularly the Family Court where various Orders are available to protect the family unit.

It is of utmost importance that the correct investigators and managers are selected to staff Vulnerable Persons Teams. Officers must be able to evidence sound investigative skills prior to selection.

Welfare

All officers and support staff appointed to work within a VPT should be aware that they will be dealing with crimes which are very serious in their nature and they affect a vulnerable and often defenceless part of the Community. Therefore the investigations may put additional pressure upon officers as a result Management at all levels must remain vigilant to the signs of stress in their staff. When staff have been exposed to particularly harrowing situations or have been visibly affected by a particular incident or investigation, then medical assistance or advice should be sought.

Management of Vulnerable Persons Teams (VPT)

The role of the VPT supervisor includes both substantive responsibilities relating to the investigation of child abuse and overseeing of Domestic Abuse incidents and Investigations and the management of staff. From 14th May 2007 all Teams will be managed by a Corporal.

It is essential that each supervisor's own workload does not detract from their supervisory functions. The supervisor's own workload should routinely be monitored by their own line manager, the Divisional Detective Inspector (Crime Manager) with a geographic responsibility for the Team.

The Corporal must actively manage the staff, child abuse investigations and oversee Domestic Abuse work and investigations. The Crime Manager for the respective Division however, will retain overall responsibility for the investigation of all crimes on their area.

Whenever a joint investigation by Police and Human Services is required into the possible injury or harm to a child, a manager from each agency should always be involved in the referral stage and in any further strategy discussion.

The **Manager** referred to will be the VPT Detective Corporal. These managers must have sight / detailed knowledge of ALL referrals immediately after their arrival in the VPT in order that informed decisions / directions can be given from the outset of any

investigation. All decisions and directions will be recorded in a timely manner. Directions must be clear and specific with regard to the individual circumstances of the case.

VPT supervisors should be consistently concerned with the balance of work within the team, the welfare of individuals and the quality of their work. Supervisors must ensure that staff are given adequate opportunities to discuss workloads and regular meetings to review individual cases should be scheduled. Individual Worksheets should be utilised to ensure regular checks are made and recorded.

Multi –agency working (VPT Supervisors)

Child abuse investigators should work closely with Human Services and other Agencies, including the Family Court and Women's Support Centre and must share relevant information relating to children's safety and welfare. Supervisors should strive to ensure that effective multi-agency working takes place. From time to time disagreements will occur and it is essential that these are worked through to ensure the most prompt and effective outcome for the child. In most instances such issues can be resolved by first line managers but in instances where such resolutions can not be achieved matters must be referred to more senior managers rather than a situation arising whereby a child may be left at risk.

VPT supervisors will also be expected to:

- Supervise the process of managing referrals to and from other agencies
- Represent the police at local Child Protection Meetings.
- Inform the Force Detective Superintendent and the Head of Human Services of the death of a child as a result of a criminal act or omission.

Managing the referral process

All referrals for an incident of Child Abuse which are Internal or External will be directed to the Divisional Vulnerable Persons Team where the incident occurred. VPT supervisors' have a crucial role at the initial stages of the referral process. The supervisor will be required to immediately risk assess all incoming notifications and decide on the appropriate response.

All notifications must be recorded within a Referral Register within 24hrs of receipt. All initial supervisory decisions / directions will be recorded within the relevant entry.

Supervisors will ensure that incidents which require crime reports are crimed in a timely manner in accordance with force guidelines

When a notification is received the supervisor will ensure that intelligence checks have been conducted in respect of all individuals and addresses relevant to the notification all such checks must be recorded. This may be by utilising any previous records of the Police, Human Services or the Family Court.

The VPT supervisor will assess as to whether the information contained within each notification should be referred to partner agencies.

The police should refer to Human Services details of any child that is suffering or may be at risk of suffering significant harm. They should also refer details of any child in need who may benefit from services offered by Human Services.

Any referral by the police to Human Services should be made as soon as practicable by telephone in the first instance, a record should be made of the time and date of the communication and what information was passed details of the person taking the referral should also be recorded. These details should be recorded within the Referral Register within 24hrs.

Single point of contact

Supervisors must ensure that where possible a child abuse investigation should rest with a named officer within the Team. This person should remain as the investigating officer for the case and the single point of contact for the child and family throughout the case. The single point of contact and any changes should be recorded and explained to the child and all other affected parties as soon as possible.

Strategy meetings and Child Protection Case Conferences (VPT Supervisors)

It is best practice for a VPT Supervisor to attend strategy meetings held under child protection procedures, particularly in more complex and serious cases and those of a sensitive nature. Where this is not possible supervisors must ensure that experienced officers attend who have the relevant knowledge of the purpose and workings of such meetings and are sufficiently confident in their ability to ensure that any criminal investigation is not compromised by any agreed recommendations / actions.

Officers attending child protection case conferences must likewise be experienced in the workings and purpose of such meetings and must be aware of their requirement to represent the police. Officers should be given sufficient time to prepare for such meetings and must have a sound knowledge of the case in question.

CHAPTER THREE

Initial Actions

The first priority of the police in responding to a domestic violence incident is to protect the victims of domestic violence and any other persons at risk, including children and police officers. The immediate response to a report of a domestic violence incident is key to protecting victims, children and police officers.

A domestic abuse incident:

- **Must** prompt positive action.
- **Cannot** be resolved over the telephone.
- **Must** be recorded properly.
- An officer **must** be despatched to all incidents.

Call takers should do the following to ensure the safety of those reporting domestic violence:

- Prioritise the safety of the victim and children (giving safety, first aid or other advice if appropriate);
- Keep the victim or caller fully informed of the deployment of officers.

If the suspect is still present at the scene:

- Keep the caller on the line. Any background noise from a 999 call will automatically be tape-recorded and could be used as evidence as well as allowing monitoring of the incident.

If the suspect has left the scene:

- Advise the caller to lock and secure the premises if possible and to return to the telephone;
- Take a full description of the suspect and circulate it to officers in the area.

Call takers should adopt the following approaches when confirming information about domestic violence incidents:

- If it is safe to do so, check if the victim or caller is out of earshot of the suspect and any children;
- Confirm regularly throughout the call what the caller is saying or seek clarification where details are difficult to understand;
- When telephone calls are cut off this requires an urgent reassessment of the safety of the caller.

Information gathering:

Full details of the incident and of all parties involved should be recorded. Call takers should seek, record and disseminate the following information:

- Location and identity of the caller;
- Location of the incident;
- Location of the suspect, victim and children;
- Whether the parties are injured;
- Severity of any injury and whether medical assistance is required;
- Whether any children are present and if they are safe;
- Whether any weapons have been used;
- Whether any weapons are available to the suspect;
- Identity of all parties involved including the victim, children and suspect (eg, names, sex, dates of birth, addresses, telephone numbers);
- Whether there are any special needs, for example, disability;
- In what capacity the parties are involved;
- Whether any person present appears drunk or has taken drugs;
- Whether there is any history of domestic violence;
- Description of the suspect;
- Whether any court orders apply;
- First account of what the caller says has occurred (recording it verbatim);
- Details of the demeanour of the victim, suspect and others present and background noise (including shouting, words spoken).

When the call taker has established that the victim is safe, some basic advice should be given about preserving the crime scene until the police arrive. This should include:

- Not moving anything (or allowing others to do so);
- Not cleaning up or tidying the house;
- Not washing or taking a shower;
- Not changing clothing;
- Not allowing children, relatives, neighbours or animals to enter areas where the incident took place (where possible).

Deployment:

Call takers and Supervisors should:

- Prioritise the safety of officers and others;
- Ensure that medical assistance is en route, where appropriate;
- Make sure that support (back up) is available for the officer(s) attending the incident, where appropriate;
- Inform the caller that an officer(s) has been dispatched;

- Inform the officer attending of the following:
 - Details of any children present,
 - Any relevant history, injunctions and child protection issues, if known,
 - Any communication difficulties (language, hearing, speech),
 - Any other factors that may affect the police response, eg, those relating to culture, same sex, disability, mental health,
 - A description of the suspect, where necessary,
 - Whether the Duty Corporal is aware of the incident,

- Inform the caller when a police officer has arrived at the scene so that the officer can be safely admitted to the premises

Responsibilities of Officers Attending the Scene:

The first duty of police officers when attending a domestic incident is to protect the victim and children from any further abuse.

Officers should **never** ask a victim, “DO YOU WANT TO MAKE A COMPLAINT OR WHAT DO YOU WANT THE POLICE TO DO?” Instead they should ask the victim for a **full account of what has happened**.

Officers attending all incidents of domestic abuse must record details of all action taken and all persons involved. Details of all children, who are members of the household, must be recorded, regardless of whether they were present at the time of the incident. Children’s details should be referred to the Vulnerable Persons Team for referral to Human Services.

Officers need to assume from the outset that the victim will not be available to make a statement or attend court to give evidence. They should pursue all other lines of enquiry and conduct a professional investigation by managing the scene, preserving and gathering as much evidence as possible in order to bring the offender to justice.

Officers should take into account that victims often fear giving evidence voluntarily, because they could risk losing their children, family, home, possessions, financial security, friends, and risk becoming subject to more serious harm.

Officers should not be influenced by previous withdrawals of support for a prosecution and treat every incident upon its own merits.

If a victim wishes to speak with a gender specific officer every effort should be made to obtain the services of such an officer.

The new Draft Domestic Violence Bill states in Part V:

POLICE POWERS OF ENTRY AND ARREST

Duties of police officers

20. (1) A police officer shall respond to every complaint or report alleging domestic violence whether or not the person making the complaint or the report is the victim.

(2) It shall be the duty of a police officer responding to a domestic violence complaint to complete a domestic violence report which shall form part of a National Domestic Violence Register to be maintained by the Commissioner of Police in the prescribed manner.

(3) A domestic violence report shall be in the Form described as Form VIII as specified in Schedule II shall include but not be limited to-

- (a) the name of the parties;
- (b) the relationship and sex of the parties;
- (c) information relating to the history of domestic violence between the parties;
- (d) the date and time the complaint was received;
- (e) the type of the abuse and the weapon used , if any.

Officer Safety:

Officers should pay due attention to general health and safety risks that may be present at the scene. Of particular concern are the risks of:

- Assault from the suspect, witnesses, victim or others;
- Manual handling issues, eg, entry to the property, moving the suspect, assisting the victim(s);
- Firearms (see note below) and knife or bladed weapons;
- Blood and other body fluids;
- Animals;
- Broken glass, weapons or any sharp objects.

Actions on arrival at the scene:

- Ensure both the safety of victims and children and to preserve evidence;
- Re-assess victim and officer safety, including immediate risk, particularly in respect of access to weapons; When the Alleged Offender is the lawful holder of a firearm, that firearm / s should be taken possession of by the Police Officers at the scene and retained at the local Police Station. A report of the incident should then be forwarded to the Special Branch for consideration as to ongoing suitability to hold a firearms licence.
- Make an immediate assessment of the need for first aid or other medical assistance such as an ambulance (this should include the needs of the victim, any children, any other persons and the suspect);
- Separate parties, including any children;

- Confirm the identity of the suspect (if they are no longer at the scene circulate a full description via the radio system);
- Establish who is or was at the scene, including any children;
- Request appropriate checks on the suspect and household, including warrants, bail conditions, civil orders, specifically Domestic Violence Act Orders, if not already done;
- Make accurate records of everything said by the suspect, victim and any witnesses, including children;
- Record the demeanour of the suspect, victim and any other witnesses, including children;
- Consider taking photographs and / or using a video camera to record evidence;
- Report findings to the investigating officer (if different from the first response officer);
- Secure the safety of victims in their home, if this is not possible consideration should be given to taking them to another place of safety, eg, the home of a relative or a refuge or Women's Support Centre;
- Obtain an overview of what has occurred, taking into account the established risk factors associated with domestic violence;
- Ensure that information relating to the suspect is included in any risk assessment processes.

Gaining a first account from a victim or witness:

When gaining a first account from a victim or witness officers should:

- Ensure each party is spoken to separately (speak to the victim and / or any children independently, in a place where the suspect cannot overhear, to allow them to talk more freely);
- Explain the investigation processes and procedures to the victim and / or any witnesses and make it clear that the police take these matters seriously;
- Explain that support is available for the victim or witness;
- Obtain a first account as soon as practicable after the event, when the witness may be most able to recall the incident;
- Record first accounts given by witnesses, especially those relating to suspect descriptions (these may prove to be a most reliable source of information as they are made with the incident still fresh in their minds);
- Consider that the victim may be in a distressed state and that it is not appropriate to ask the victim what course of action they wish the police to take;
- Note that previous withdrawals of support for a prosecution should not adversely influence decision making in whether to arrest for an offence;
- Make an accurate record of everything that is said by all parties;
- If a victim is taken to a refuge or other place of safety, never disclose this to the suspect, as this further endangers the victim and may result in the suspect harassing the victim, refuge staff or other family members;
- Preserve any written notes made during initial victim or witness interviews in line with PACE and in relation to unused material;
- Brief interviewing officers of lines of questioning if the suspect is to be formally interviewed later by a different officer.

Positive Action:

There is a positive obligation on police officers to take reasonable action, which is within their powers, to safeguard the rights of victims and children's:

- a) Right to life (Article 2, European Convention on Human Rights 1951[ECHR]);
- b) Right not to be subjected to torture or to inhuman or degrading treatment (Article 3, ECHR);
- c) Right to private and family life (Article 8, ECHR).

Failure to exercise a power of arrest may leave a victim at risk from further offences and may mean that the police force is vulnerable to legal challenge under the Domestic Violence Act 1994, Human Rights Act 1998 and the law relating to negligence.

The requirement for positive action in domestic violence cases incurs obligations at every stage of the police response. These obligations extend from initial deployment to the response of the first officer on the scene, through the whole process of investigation and the protection and care of victims and children. Action taken at all stages of the police response should ensure the effective protection of victims and children while allowing the criminal justice system to hold the offender to account. An effective and proactive investigation should be completed in all cases where a domestic violence incident is reported. In practice, this will usually mean that where a power of arrest exists it will normally need to be exercised to allow the investigation to be completed and / or to prevent further offences.

It is the decision of the police officer whether or not to arrest a suspect and therefore victims should not be asked whether they require an arrest to be made.

It is the decision of the Crown Prosecution Service (CPS) to prosecute. Initial police action should not pre-judge those decisions.

If a power of arrest exists, but the officer believes that arrest is not necessary to ensure an effective investigation and / or to ensure that further offences will not be committed, the officer should take the following action:

- Record the details of why an arrest has not been made;
- Explain the reason why an arrest has not been made to the victim, where appropriate;
- Offer help and protection to the victim and children,
- Gather evidence to support future criminal prosecutions, which could also be used in civil proceedings, eg, those relating to child contact,

CHAPTER FOUR

Safeguarding the Welfare of Children

Duties in relation to protecting children at domestic abuse incidents

Research has shown that there are strong links between domestic abuse and child abuse. Domestic abuse can put children at risk both physically and emotionally. In households where domestic violence takes place, children might also be subject to abuse. Similarly in households where there is child abuse, domestic violence may be present. Children witnessing domestic violence are exposed to harm and risk. In child abuse investigations the welfare of the child is paramount; failing to identify and fully investigate the domestic violence element of any abuse could result in failure to protect the safety and well-being of both child and adult victims.

Officers should be vigilant to indicators of domestic violence that may come to the attention of the police through child abuse investigations.

Where children are present in a household when a domestic violence incident has taken place, officers must ensure that they are safe and are not injured. Officers should record whether any children were at home at the time of incident and if so, whether they witnessed the incident. Where a child has sustained an injury or been used as a shield during the incident then the danger to that child / children is enhanced dramatically. The details need referral to Human Services via the Vulnerable Persons Team.

In circumstances where it is necessary to speak to the child at an early stage of the investigation, for example to establish the safety of the child, exact location of an offence, identity of suspect and location, officers should ask open (non-leading) questions and contemporaneously record both the questions and answers. It is important to allow the child to answer without interruption. If an officer asks too many questions, this could constitute an interview of the child.

Where an officer has assessed that a child has been harmed or is at risk of significant harm, they should decide how to place the child out of danger. In some cases it may be sufficient to secure a child's immediate safety by taking action to remove an alleged perpetrator or by the alleged perpetrator agreeing to leave the home. Where appropriate, officers should use powers of arrest.

Emergency Removal of a Child

Part 1.4 of the new Child Care and Adoption Bill states:

Apprehension of child:

Section 25(1) Where the Director has reasonable grounds to believe that:

- a) child is in need of protection; and
- b) the health or safety of the child is in immediate jeopardy;

the Director may without the need for any further authority other than that conferred by this section, and regardless of the consent of any person, enter by force, if necessary, any premises where the child is believed to be present or to reside, and search for, locate and take the child into the custody.

Section 25(2) A police officer not below the rank of, to be decided, shall assist the Director in the removal of a child under this section where the Director requests such assistance.

(4) Apply to the Court for a Warrant.

The use of protection powers is an emergency measure used to remove a child who would otherwise be likely to be at risk of harm. There is no power to remove a child or to enforce other arrangements where the child is not considered to be at risk of immediate harm / jeopardy. There may be occasions where the child, although not at risk of such harm, is nevertheless considered to be in need of care or control, eg, where the parent or carer is taken ill or is under arrest and the child has nobody with legal responsibility to care for them. The Police can make an application to the Family Court under the Children & Young Person's Act for an Order for care and protection or for a search for and removal of the child should the abuser be hiding the child. **In all cases Human Services need to be consulted before action is taken.**

In circumstances where the police have initiated action to safeguard a child, the identification of a suitable means of temporary care is the responsibility of Human Services however, the police have an important role in providing sufficient information to assist in that decision.

Where the use of temporary alternative arrangements to parental or other lawful care is considered, any temporary carer and any residents at their address should be seen and their identity verified.

Checks should be made of the temporary carer to identify any issues which may affect their suitability with Police Human Services and other Agency records.

Where there is a risk to the life of a child or a likelihood of serious immediate harm, the police should act quickly to secure the immediate safety of the child this may occur before consent from Human Services is obtained.

CHAPTER FIVE

Investigation

All lines of enquiry should be explored by Investigators in order to secure the best available evidence. Having established the welfare of the victim and any children, officers should ensure the completion of a full investigation and the preservation of any evidence. It is our role to gather all available evidence and to place it before CPS and the Courts for them to make informed decisions on each case.

Officers might be faced with volatile situations where preservation of life and protection of themselves is the priority. The following scene protection guidelines should be put into place when it is safe to do so, and in such a manner that ensures personal safety is not compromised, and any material of evidential value is preserved. It is likely that the suspect will have had legitimate previous access to the scene. However, any forensic material preserved and collected from the scene may still prove a valuable source of evidence to corroborate the victim or witness account.

Preservation of evidence (intimate and non intimate samples)

To safeguard potential evidence, prior to a medical examination, any person liable to be the subject of a forensic medical examination should be advised not to:

- Drinking or eating;
- Washing;
- Smoking;
- Going to the toilet;
- Removing clothing.

There may be circumstances where the above has not or could not be conformed with, or there may be undue delay in organising a forensic medical examination. In these circumstances, officers may need to consider the following actions and advise the victim, as appropriate:

a) Oral sex – if oral sex has taken place, a mouth swab should be taken as soon as possible. This is a non-intimate sample and therefore could be taken by an officer, if so equipped. Victims can be advised to spit into a clean cup or clean their teeth, retaining the toothbrush for forensic examination.

b) Penetrative sex and / or ejaculation in the vicinity of genitalia or anus – the victim should be asked to pre-wipe the area with a sterile swab or other suitable material. If attending officers have no sterile materials available, toilet tissue or cotton wool may meet requirements. Where applicable, officers should take a control sample of any non-sterile material used to collect samples and place it in separate packaging. Alternatively, victims may be asked not to remove underwear. Consideration should be given to seizing bedding and mattresses.

c) Clothing – if clothing has been changed or discarded following the offence these items should be recovered and packaged as appropriate. If circumstances require the removal of soiled clothing prior to examination, particular attention should be paid to any suspect material on the head or hair which may be disturbed by taking off any garments over the head. Any jewellery, particularly earrings should be removed and packaged.

d) Drug assisted sexual assault – blood and urine samples should be obtained as soon as possible. Officers should use equipment included in early evidence kits. If not available a clean plastic cup can be used to collect a urine sample. Officers should make a full record of the reason for any pre-examination actions as detailed above and should inform the forensic medical examiner of these.

Initial Enquiries with Victims and Witnesses:

The role of the police officer is to investigate and not to:

- Act as a conciliator or mediator;
- Attempt to counsel any party;
- Allocate blame by asking inappropriate questions

Proving a history of domestic violence

Investigating officers should always explore the history of domestic violence. In situations where there is a suggested pattern of abuse and it is not an isolated or single incident, officers should seek more detailed information. Such information should be used to support the prosecution file and to prove that the offence is part of a pattern of domestic abuse and is not an isolated or single incident. These procedures should be applied to all domestic violence cases and to cases where

there is a possibility that domestic violence is an element, for example a suspicious missing person enquiry.

Officers should follow these potential lines of enquiry:

- History of the relationship through previous calls and any incidents;
- Previous violent incidents including those with prior partners, to support that the case is not an isolated incident and part of a pattern, as often Domestic Abuse is;
- Police intelligence systems;
- Incidents of sexual violence not previously disclosed;
- Incidents that have been witnessed by children;
- Incidents witnessed by other family members, friends, colleagues;
- House-to-house enquiries;
- Incidents that have occurred outside of the home or in public;
- Previous threats made to the victim, children, family members or friends;
- Child contact agreements or disputes;
- Civil injunctions;
- Medical information that may constitute evidence;
- Evidence of social isolation. This might, for example, include lack of contact between the victim and their family, friends, neighbours or schools for example. Officers might also ascertain whether medical appointments have not been made, kept or if the suspect has accompanied the victim to medical appointments;
- Evidence held by other agencies such as Human Services, Education, Probation, Family Court (including any applicable Orders), Medical professionals and other professional witnesses;
- Evidence held from any data source on previous victims.

Sources of Evidence:

- Statements from witnesses – speak with potential witnesses e.g. ambulance or other agency personnel.
- Conduct house-to-house enquiries – speak with Neighbours to obtain further witnesses.
- Check Closed circuit television footage – Not all incidents occur behind closed doors and many retail premises have these facilities.
- Secure any evidence from mobile phones – this is very important regarding calling numbers and texts or photographs.
- Obtain evidence from other agencies and professional witnesses – as stated above.
- Obtain the tape of the 999 – Copies can be obtained from the Control Room at LaToc.
- Victim Interviews – these will be covered in greater detail later.
- First Officer on the Scene debrief.
- Past Medical Records
- Photographs of the Victim and the scene should be taken by Scenes of Crime.

Victim Interviews

An early decision should be made in relation to the taking of a witness statement, consideration should be given to the interviewee's wishes, the circumstances and the gravity of the offence. In some cases note taking may be the preferred option.

An early decision should be taken on the best way to proceed in each case. The degree of preparation and planning for the interview should be appropriate to the situation.

When considering which areas are to be covered during interview, the aims and objectives of the interview should be clear. Questioning should be built around these aims and objectives in order to identify further lines of enquiry and to assist in the planning for the suspect interview. Officers should ensure that information gained from the victim and witness interviews is included in any risk assessment and safety planning processes. Before conducting the victim interview, the interviewing officer should ensure that the interview would meet the required standards as set out in legislation and the Officers should ensure that any confidential details, such as the address of a place of safety, are not disclosed in the interview. Interviewing officers should also ensure that they make provision, as required, for the use of suitable interpreters for the interview, as required.

Planning the victim interview

Full planning for the interview should include acquiring the following information:

- Full details of the current incident including evidence to support the alleged offence;
- Details of witnesses present during the incident;
- Nature and seriousness of the victim's injuries (physical and emotional);
- Details of family members;
- History of the relationship and any other incidents;
- Reference to previous incidents including those with previous partners;
- Whether a weapon was used (how and what type) and whether any attempt at choking or strangulation has been made;
- Details of any threats made before or since the incident;
- Whether any children were present and, if so, the effect that the incident had on them;
- Whether the suspect planned the incident;
- Whether the parties are separated;
- Victim's view of the future of the relationship;
- Whether any civil action has been taken by the victim or any previous partners;
- Whether any sexual violence has occurred;
- Points to prove;
- Victim's view of the likelihood of further violence and victim's views about their own safety and that of any children.

Interviewing Child Witnesses

Officers should make an assessment of the potential for interviewing child witnesses based upon the age and circumstances of the child. This should also depend upon the offences disclosed and the characteristics of the child. Often children can and want to give an account of events. It is possible for a child to give consent to be interviewed even when one or both of the parents refuse consent. In any such case all requests for consent to interview should be recorded and Human Services should

be consulted and involved as appropriate however, if unavailable a Social Worker from any other agency can serve this role.

Debriefing the First Officer at the Scene

The first officer(s) at the scene is a witness and the investigating officer should, where cases warrant it, interview the officer or take a full statement. This interview should be recorded appropriately. Supervisors should ensure that welfare considerations are included prior to and post interview as some officers might have encountered distressing circumstances.

Interviews should cover the officer's initial appraisal of:

- Victim's injuries;
- Suspect's injuries;
- Presence of children and any injuries they have sustained;
- Any damage to property;
- Observations of the scene, eg, overturned furniture, broken ornaments, marks on clothing;
- Demeanour of the suspect, victim and witnesses, including children;
- Allegations made by the victim;
- Unsolicited comments made by the suspect;
- Significant statements made by the suspect.

Where relevant, all of the above issues should be addressed in the officer's statement and included within the prosecution file.

Historical disclosures

At any point during the enquiry a historical disclosure of serious violence might be made. This should be accurately recorded and brought to the attention of a senior officer for consideration for either a separate investigation or for supporting the current prosecution.

Retraction Statements

An officer from the VPT should be consulted before any withdrawal statement is taken. If a withdrawal statement is taken with care it may still be used as evidence in current or future criminal proceedings, as evidence in family court proceedings or in a child contact dispute.

Where there is suspicion that a Victim is being pressured or coerced or bribed to make a withdrawal statement, the officer should speak to the Victim separately. In such cases officers should also consider investigating relevant connected offences, eg, perverting the course of justice, intimidating a witness, compounding a crime or harassment.

Reasons for the withdrawal of a statement, such as fears of court appearance or intimidation by the suspect, should result in discussions with the CPS to explore the options available to protect vulnerable witnesses.

Taking comprehensive withdrawal statements

A withdrawal statement should contain the following information:

- Details of the person(s) present when the statement is taken
- Confirmation that the original statement given to the police was true(if the account given originally is to be amended an explanation for this should be included)
- Whether the victim has been put under pressure to withdraw
- Victim's reasons for withdrawing the allegation
- With whom they have discussed the case - particularly anyone who has advised them ie, solicitor particularly a Defence Solicitor
- Whether any civil proceedings have been or are likely to be instigated
- **Impact on the victim's life and that of any children if the case is continued.**

Withdrawal statements should be forwarded to the CPS and accompanied by a report from the officer taking the statement. The report should detail their observations about the reasons for the victim's withdrawal of their statement and their views about whether the case should proceed. It must be stressed that because a withdrawal statement is made it is still possible to carry on with a case to court and obtain a prosecution provided there is sufficient supporting evidence.

Evidence from Other Agencies

Other agencies may hold relevant evidence which could assist in supporting a prosecution. This might take the form of photographic evidence, 'body maps', witness evidence or perhaps items that they are safeguarding on behalf of a victim. Body maps allow medical staff to mark the location of injuries on the patient's body; these can be particularly useful in cases when the victim declines to have photographs taken of injuries to the body. Investigating officers should establish what procedures are undertaken by other agencies to gather and secure domestic violence related evidence.

Police officers should note that partner agencies might, on occasions, be better placed to obtain evidence from victims. For example, victims may consent to have photographs taken of their injuries, or body maps completed, by medical staff at a time when they are not ready to disclose the abuse formally to the police.

Police forces should consider providing other agencies with equipment and guidance to enable valuable evidence to be gathered which would otherwise be missed.

Past Medical Records are an extremely useful source of corroborative evidence of injuries sustained. Consent should be obtained from victims for the police to access medical records and Officers should seek information from a variety of sources. Obstetric records can provide evidence of miscarriages and injuries sustained during and post pregnancy. Dental records might also provide evidence of oral injuries and should be considered as well as records from general practitioners, mental health specialists and hospital emergency departments. Such evidence should be routinely sought when investigating domestic homicides.

CHAPTER SIX

Post Arrest Management

Custody plan

When detaining a domestic violence suspect Custody Staff and Arresting Officers should:

- Consider the suspect's right to a phone call in respect of the potential to harass and intimidate the victim, children, family members and potential witnesses;
- Ensure any phone calls are supervised;
- Record if a suspect threatens to commit suicide, this should be included within the custody risk assessment process for the care of the suspect in police detention;
- Consider suicide threats by the suspect as a risk factor relating to further harm being caused to the victim and children, and include as part of any decision making process for police bail;
- Record significant statements on the custody record and invite the suspect to sign and verify them;
- Record injuries to the suspect;
- Document any intimidating, aggressive or threatening behaviour exhibited by the suspect on the custody record;
- Consider placing suspects arrested for breach of the peace before the next available court;
- Consider charging for substantive offences rather than for breach of the peace, where evidence allows, or delay charging to allow for the collection of further evidence.

Arresting officers should ensure that:

- Evidence is seized appropriately and, where possible, avoiding evidence contamination, is taken to the custody suite and recorded on the custody record;
- Photographic evidence of injuries and / or the scene is available in the custody suite, included in the custody record and used in the interviewing and investigation processes;
- Photographs of the suspect are obtained, including any clothing or jewellery that might have inflicted a specific injury to the victim.

Principles of conducting a suspect interview

- (a) Interviewing should be planned, conducted by experienced interviewers and completed around an interview strategy.
- (b) Understanding the legal requirements and points to prove, or defences of an offence, are key elements in achieving interview aims and objectives.

Additional considerations for Domestic Violence Interviews are:

- (c) Consider the welfare and safety of the victim or witness at all times; and
- (d) Exercise the right to decide what information is disclosed and when it is disclosed

The seven principles of investigative interviewing are listed below, along with special considerations for child abuse cases and details of the stance an interviewer should adopt.

1. The role of investigative interviewing is to obtain accurate and reliable information from suspects, witnesses and victims in order to discover the truth about matters under police investigation. In addition to obtaining a first account from a child abuse suspect, the following areas should be considered when planning lines of questioning:

- Circumstances leading up to the alleged offence;
- Motive when committing the alleged offence;
- Character of the suspect;
- Previous child abuse and Domestic Violence by the suspect;
- General relationships with children and child contact arrangements, if applicable;
- Nature of other relationships, past and present, including history of domestic abuse and controlling behaviour on the part of the suspect;
- Relationship with other family members, family structure and functioning;
- Contact with external support agencies;
- Parenting style, where applicable;
- Self care and care of other family members, where applicable;
- Significant family events, such as deaths and illnesses;
- Other abuse towards strangers and acquaintances;
- Any drug or alcohol misuse issues.

Information from the suspect interview should be used in police bail decision making. It should also assist in the decision making of the CPS and the courts in determining the appropriate method of protecting any children deemed to be at risk of harm, and assessing and managing risk.

2. Investigative interviewing should be approached with an open mind. Information obtained from the person who is being interviewed should always be tested against what the interviewing officer already knows or what has or can be reasonably established.

- Interviewers should adopt an ethical and impartial approach to the suspect interview;
- Interviewers should seek to establish what happened in a non-judgemental way;
- If the suspect attempts to minimise their involvement then any contradictory facts known by the interviewer should be put to them during the interview.

3. When questioning anyone, a police officer should act fairly in the circumstances of each individual case.

- Each interview should be considered on its merits;
- Explanations as to why incidents occurred should be sought and probed;
- Interviewers should not allow their own value judgements to influence a set of circumstances or explanation given but should explore the thought processes of the suspect.

4. The police interviewer is not bound to accept the first answer given. Questioning is not unfair because it is merely persistent.

- If a suspect gives an account as to why the offence happened but this does not equate with the investigation findings, then this account should be challenged;
- Relevant questioning around areas needed to prove the offence should be conducted for as long as necessary, taking into account all of the circumstances;
- Tone and delivery of the questions should be in a format that avoids criticism or collusion.

5. Even when the right to silence is exercised by a suspect the police still have the right to put questions.

- Interviewers have a responsibility to question the suspect thoroughly in order to afford them the opportunity to give their account;
- A particular area of questioning might result in the suspect deciding to waive their right to silence;
- In order to achieve the full impact of a potential adverse inference in the event of a prosecution, questions should have been put to the suspect.

6. When conducting a suspect interview, police officers are free to ask questions in order to establish the truth.

- In child abuse cases there may be a history of abuse, including previously unproven allegations which should be introduced into the interview process;
- Questions should always be relevant to the offence being investigated;
- Admissibility is for the courts to decide.

7. Vulnerable people, whether victims, witnesses or suspects, should be treated with particular consideration at all times.

- Questioning of suspects should not be unfair or oppressive;
- An appropriate style should be adopted when dealing with a vulnerable person;
- Different interpreters should be used for the suspect, victim and witnesses;
- Arrangements should be made for people with hearing impairments. These might include using sign language interpreters, lip speakers, speech to text reporters or specific interpreters for those with dual sensory impairment.

Role of the legal representative

The PACE Codes of Practice (code C the notes of guidance 6D) state:

“The solicitor’s only role in the police station is to protect and advance the legal rights of their client. On occasions this may require the solicitor to give advice which has the effect of their client avoiding giving evidence which strengthens a prosecution case.”

As part of the planning for the interview, interviewers should decide what information they are prepared to disclose to the legal representative prior to an interview and what evidence they should withhold. These decisions should be recorded for possible justification at court. The advice given by the legal representative will be determined by what they are told by the interviewer. The PACE Codes of Practice detail the types of intervention a legal representative is allowed to make during a suspect

interview and those that are unwarranted ,together with any action that should be taken.

Ethics and professionalism

Both the interviewing officer and the legal representative should appreciate each other's position in the legal process. Both have roles in ensuring the ethical interviewing of the suspect. Although each approaches the interview from a different perspective, both should work within their prescribed roles as their actions may be scrutinised in the future by others involved in the legal process. Decisions relating to pre-interview disclosure should be balanced with the legal representative's possible tactics of active defence and the risk that an unplanned pre-interview disclosure may have an adverse effect upon subsequent interview(s) and the investigation.

Admissibility of evidence

If the legal representative attempts to debate the admissibility of evidence or questions what the officer is putting to their client, the officer should not engage in discussing this during the interview. The officer should explain that the questions they are asking are relevant to the investigation and the issue of admissibility will be decided in court at a later date if a prosecution ensues.

Pre-interview briefing with legal representatives

When planning and preparing for a suspect interview, a pre-interview briefing with the suspect's legal representative should be considered. Apart from the reason for arrest the interviewing officer is under no legal obligation to disclose any information prior to a suspect interview. It is the decision of the interviewer as to when and how much information is actually disclosed. The officer should provide enough information to allow the legal representative to advise their client.

The interviewing officer, who should be fully prepared and ready for any given situation, should anticipate the stance the legal representative decides to take. Officers should not enter into debates about the legal representative's advice to their client. Equally, this does not mean that the officer has to agree with the position, or indeed, be controlled by the demands or requests made upon them.

Pre-interview disclosure

Interviewing officers should:

- Make decisions as to what information is to be supplied to the legal representative, taking into account the safety of victims, children and witnesses;
- Decide upon objectives for the interview and remain focused on trying to achieve these;
- Not attempt to mislead or misrepresent the strength of the evidence;
- Consider providing legal representatives with a summary of a victim or witness statement. Do not disclose the actual or copy of the statement.
- Consider not disclosing some parts of the evidence as it may be beneficial to conduct additional investigations before doing so;
- Consider whether the victim or witness account is in the form of a written statement. A legal representative will advise the suspect differently if they are aware that a victim has provided a recorded account rather than a purely

verbal allegation. An interviewer should take this into account when considering the timings of a suspect interview.

Using photographic evidence during interview

Any photographic evidence collected at the scene, or of injuries caused to the victim, should be made available to the interviewing officer prior to planning for any pre-interview briefing. In pre interview briefings, interviewing officers should consider informing the legal representative of the existence of the photographic evidence, rather than providing them with access to it before the interview.

If photographic evidence is not disclosed to a legal representative in the pre-briefing, interviewing officers should plan at what stage in the interview the existence of photographic evidence should be disclosed. It will often be beneficial to allow the suspect to provide a full account before giving detailed disclosure of photographic evidence. If the interview is taking place several days after the incident, interviewing officers should use more recent photographs of injuries which allow for the development of bruising and might show the full extent of the injury. Polaroid photographs should be protected when used in interview by placing them in clear evidence bags.

Note: that in domestic violence cases the suspect might be expecting the victim to withdraw their evidence. Where other evidence exists, it might be central to proving the case, bringing appropriate charges and inducing a guilty plea.

When 999 tapes are used in interview they can be very powerful and often an offender will be heard in the background shouting, swearing or threatening the victim. The fact that they are recorded may have a positive impact on any interview.

Charging and Post Charge

Cautions are rarely appropriate in domestic violence cases. This is because they are not usually the first offence and because the nature of such offences tends to constitute a breach of trust. International research will demonstrate that a domestic violence victim will come to the Police for our assistance on or around the 35th occasion that violence has occurred. It is therefore necessary to do as much as we can to assist these victims. Supervisors should monitor the administering of cautions in domestic violence cases.

Officers should ensure that the charges in domestic violence cases reflect the seriousness and persistence of the suspect's behaviour, the provable intent and the severity of the injury and harm suffered by the victim. Officers should enable the court to impose a suitable sentence and should help the CPS to present the case clearly and simply.

Post Arrest Management

General principles should always be considered when using discretion in selecting the appropriate charge(s). The charge(s) selected should:

- Accurately reflect the seriousness of the offending and the defendant's alleged involvement and responsibility;
- Give the court adequate sentencing powers;
- Enable the case to be presented in a clear and simple way, particularly where there is more than one defendant.

Managing risks associated with released suspects or defendants

When a decision has been made to release a suspect with or without charge, consideration should be given to the risks posed by the suspect to the victim and risks posed by others to the suspect. The Victim should also be informed that the suspect has or is being released and the reasons why, it may also be necessary to inform any Shelter, School etc for the safety of all family members. (See notes below on Safety Planning).

This is particularly relevant to Domestic Violence offenders when the suspect is a member of the victim's household, a friend or associate. Advice should be sought from your Supervisor if you are concerned. No firearms should be returned until a full assessment of risk has been carried out by the Special Branch.

Remand and police bail

Where a suspect is charged with an offence related to domestic abuse, consideration should be given to asking the CPS to apply for a remand in custody. If there is no power to apply for a remand in custody, conditional bail should be used.

The following police bail conditions should be considered for domestic violence suspects to afford the maximum protection to victims, children and other witnesses:

- Not contacting the victim either directly or indirectly;
- Not going within a specified distance of the victim's home or workplace;
- Not going within a specified distance of schools or other places the victim or victim's children attend, such as shopping areas, leisure or social facilities, child minder's, family, friends;
- To live at a specified address, not that of the victim;
- To report to a named police station on specific days of the week at specified times;
- To obey curfews as applied.

Prior to a decision to allow bail, victims and their parent or carer should be consulted (where possible). All efforts should be made to impose effective bail conditions that protect victims, children and witnesses from further intimidation and abuse. In this context, children include other children who may be placed at risk of harm.

If there is insufficient evidence to charge a suspect or the advice of CPS needs to be sought, consideration should be given to releasing them under section 47(3) of PACE to enable further enquiries to be completed. This will allow time for other witnesses to come forward and for a more detailed investigation to be undertaken.

Remember that anyone who interferes with any witness or victim can commit the offence of perverting the course of Justice.

Keeping the victim informed

Once a decision on bail has been made and before the suspect has actually been released, the investigating officer **must** contact the victim. The victim should be updated throughout the investigation and during the pre-trial period. In particular they should be informed of any decision to charge and / or bail the suspect, including details of any bail conditions. A description of the conditions that have been placed on the suspect should be given to the victim along with what action should be taken if the conditions are breached. Once a decision has been made to bail a suspect, their

release should not be delayed by difficulties in contacting the victim or their representative.

Where a joint investigation with Human Services is ongoing they should be informed where practicable of the status of the suspect due to the impact on the victim and / or their family.

Assisting with the Recovery of Property from the Suspect or Victim

Following an arrest or in response to a court order, officers might be required to assist with the exchange of property or the removal of property from a residence. Police officers might also be required to facilitate recovery or exchange to prevent a breach or further breach of the peace. Officers should not facilitate any recovery of property that breaches bail conditions.

Suspect requests for property recovery

Officers should request that the suspect make a list of property for removal that can be checked with the victim. This list should include items that could reasonably be required for short-term use. Officers should not facilitate removal of a significant amount of property beyond what is reasonably needed for short-term use, or property that is jointly owned by the couple. The victim should not be required to be present at the residence to observe the recovery of property. Officers should not allow telephone contact from the suspect to the victim to arrange for property recovery. They should instead make the telephone contact directly with the victim to discuss the suspect's requests and determine whether the victim is willing to allow the exchange. Where appropriate, officers should request that victims prepare for the removal of the suspect's property by packing it in advance. It might be possible for the victim to appoint a third party to safely recover property.

Victim property recovery

Victims intending to recover property from a residence should be offered assistance to ensure that this process can be carried out safely. The same safeguards exist in terms of the amount of property to be reasonably removed. Officers should note that post separation violence is an established risk factor and victims seeking to recover property might be at risk of further violence, see Page 6 previous.

File preparation

The police should provide as much information as possible to the CPS in order that the Crown Prosecutor can make an informed decision about each case.

The CPS requires the following information:

- All relevant victim statements (including withdrawal statements, medical statements and any statement made on behalf of the victim);
- All relevant witness statements (including, for example, neighbours and other children);
- Details of all case exhibits (including photographic evidence);
- Defendant interviews;
- Any photographic, video or CCTV evidence;
- Relevant police records, for example, pocket notebook entries, incident logs, custody records and 999 tapes;
- Crime reports and intelligence relating to previous allegations including those

- against other victims, which may indicate potential similar fact evidence;
- History of the relationship, particularly if there has been violence or abuse in the past;
- Any past or current civil proceedings;
- Any previous convictions;
- Details of the victim's injuries (medical, photographic and written);
- Description of the scene with any photographic evidence or relevant statements including those from the first officer at the scene;
- Whether the defendant used a weapon;
- Whether the defendant made any threats before or has made any since the attack;
- Whether the defendant planned the attack;
- Status of the victim's current relationship with the suspect / defendant;
- Effect on that relationship of continuing with the prosecution against the victim's wishes, and the victim's views on their own and their children's personal safety if a prosecution does or does not follow;
- Chances of the defendant offending again;
- Measures taken to protect the victim from the defendant such as exercise of police protection powers;
- Whether any bail conditions apply;
- Whether counter allegations have been made;
- Whether the defendant, victim or witness requires an interpreter;
- Names of any interpreters used during police interviews;
- Any requests by the defendant, victim or witness for an interpreter of the same sex or of a particular ethnic group, political orientation or affiliation;
- Evidence of the suspect or defendant or their relatives or associates contacting the victim or their family since the incident or post charge;
- Any relevant records or statements from other agencies;
- Details of previous involvement of Health, Human Services, Family Court, Women's Support Centre or other agency action;
- Details of any mental health problems, drugs and alcohol misuse relating to any party in the case;
- Details of the wishes and feelings of the victim about going to court;
- Details of other potential evidence or evidence currently being processed and therefore not available as part of the file, and when this will become available.

Safety Planning

Safety Planning is an area of policing which should not be limited to Domestic Abuse work. There is no point in dealing with an issue if you fail to address the ongoing problems that may become apparent when a case progresses towards Court or otherwise. The opportunity to intervene in this type of offence offers the chance to impact on further domestic abuse offences or domestic related murders. By acting positively you will reduce the opportunities for further offences to be committed.

Principles of safety planning

Safety planning should be formulated to:

- Assist in reducing the risk of further harm;
- Reflect and supply information to any risk identification and assessment processes;
- Build on existing coping strategies;
- Reinforce the fact that violence may recur and increase knowledge of the levels of danger the victim and children may face;

- Assist victims to focus on their own needs as opposed to the needs of the suspect or organisations providing services;
- Give victims and children a wider range of options, particularly, for example, staying in their own home;
- Encourage victims and children to increase their own safety;
- Be kept confidential from the suspect;
- Be part of a safety and protection process rather than a single occurrence;
- Be appropriate for all domestic violence victims irrespective of their level of contact with the suspect, eg, whether they are separated or living with the suspect.

Improving Home Security

Police officers should be able to give basic advice on home security. Where possible, victims of domestic violence should be supported to remain in their home and police should assist in making them safe.

Improvements in home security will reassure victims and their families and help to protect them from further violence. The improvements may be possible from external agencies.

The most effective method of improving the personal safety of the victim is to keep the location of the victim from the suspect / defendant. This is particularly important if the victim is residing at a shelter or in temporary accommodation.

Other effective means of safety planning are the use of:

Cocoon watch

This requests the help and support of neighbours, family and relevant agencies in further protecting the victim by contacting the police immediately if further incidents occur. A cocoon watch is only implemented with the informed consent of the victim. In some cases, in consultation with the victim, it might be appropriate to make the suspect aware of the action. Cocoon watch should not be implemented where there is any reason to suspect that neighbours and / or family may be included in the violence inflicted, or if the victim might feel further endangered by neighbours being informed. For example, revealing the sexuality of a victim could place them at risk of homophobic abuse.

Police watch

This provides a visible police presence to both the victim and the suspect and involves regular police patrols within the vicinity of the incident following reported incidents. In some situations, police officers might visit to check on the safety of the victim.

Practical Safety Tips for Victims

It is easy as Police Officers to fail to understand why some victims will not leave their partner's even when they are domestic abuse perpetrators or embark upon a criminal court case. However, if this does occur here are some areas of advice you may wish to impart to Victims:

If you are staying with your abuser:

- Seek professional advice and support from Family Court Social Support Section, local support and outreach organisations, domestic violence services and help lines;
- Consider how agencies can make contact safely, eg, through a work number or at a friend's address;
- Consider where you can quickly and easily use a telephone and who are safe people to contact – memorise a list of numbers for use in an emergency, like friends, police, support organisations;
- Consider a signal with children, family, neighbours, friends or colleagues, which will alert them to call the police when help is needed;
- Think through escape routes in advance, if possible avoid rooms with no exit or with weapons in (eg, bathroom or kitchen);
- Try to save some money for fares and other expenses;
- Receive medical help for any injuries ensuring that they are recorded and if possible photographed. These may be used at a later date to support court cases or re-housing applications.

If you are planning to leave:

- Take care over who to trust with any plans that you are making to leave;
- Consider whether or not an injunction is a viable option – seek legal advice;
- Make an extra set of keys for home and / or car and store them somewhere safe;
- Make up a bag with spare clothes, phone numbers, keys, money and keep it safe so you can take it quickly or keep it with a trusted friend;
- Have the following available in case you have to flee:
 - Important papers such as birth certificates, social security cards, driver's licence, divorce papers, lease or mortgage papers, passports, insurance information, school and medical records, welfare and immigration documents, court documents,
 - Credit cards, bank account number,
 - Some money,
 - Extra sets of keys – for car, house and work,
 - Medications and prescriptions, including those for children,
 - Phone numbers and addresses for family, friends, doctors, lawyers and community agencies,
 - Clothing and comfort items for you and the children,
 - Photographs and other items of sentimental value such as jewellery;
- Take identification that might help others to protect you from the abuser, such as a recent photo of the abuser and their car details;
- Talk to children about the possibility of leaving and try to take all children, whatever long term arrangements might be.

If you are living without your abuser after separation

- Seek expert legal advice on child contact and residence applications, and about options for injunctions;
- Change phone numbers to ex-directory and screen calls; pre-programme emergency numbers into the phone;
- Change the locks and install a security system and an outside lighting system if possible;
- Notify neighbours, employers and schools about any , and ask them to call the police immediately if they see the abuser nearby;

- Make sure that schools and those who care for any children know who has authorisation to collect them;
- Employ safety measures before, during and after contact visits, if appropriate;
- Consider changing children's schools, work patterns – hours and route taken – and the route taken to transport children to school;
- Avoid banks, shops, and other places frequented when living with the abuser;
- Make up a code word for family, colleagues, teachers, or friends, so they know when to call the police for help;
- Keep copies of all relevant paperwork (including civil injunctions) and make written records of any further incidents.

CHAPTER SEVEN

Partnership Working

The Vulnerable Persons Teams should develop information-sharing principles with partner agencies. These protocols should be regularly reviewed and the Corporal in charge of the Teams should monitor police sharing of information to ensure that it corresponds with the principles. All requests for information from other agencies should be reviewed by the VPT.

The VPT should develop agreements with partner agencies that state the methods of collecting, recording and securing of intelligence and evidence. They should ensure that such processes comply with legislation and that agreements include guidance on correctly preserving, handling, documenting, storing and presenting evidence.

All referrals made to Human Services departments are made by VPT Officers. Due to the workload they will be unable to refer to any other Departments or Agencies however the VPT Corporal should dip-sample domestic violence cases to ensure that child abuse and protecting children issues have been identified and properly referred.

Information Sharing

One of the functions of the VPT is to provide a filtering and monitoring system to assess which police information should be shared with specialists and other agencies. In many cases it is only when information from a range of sources is put together that risk to adults and children can be identified and properly assessed. The effective sharing of information about individuals in the context of domestic violence enables agencies to identify, assess, manage and reduce the risk that is inevitably associated with domestic violence cases. Sharing de-personalised information about domestic violence can assist in identifying the scale of domestic violence and assessing gaps in information and service provision.

Key Questions to Consider before Sharing Information

The following questions should be considered before sharing information in the context of domestic violence:

Why should the information be shared?

- What is the purpose of the disclosure?
- Is the disclosure necessary?

What information should be shared?

- What is the nature and extent of the information to be disclosed?
- What is the minimum amount of information to achieve the purpose of the disclosure?

To whom?

- To whom is the disclosure to be made?
- Do they need to know?
- Is there a formal agreement in place to regulate what that agency does with the information?
- Are there any specific risks associated with the agency (for example, is there a possibility of the information becoming available to the suspect)?

How?

- What is the most secure and effective way of transferring the information to the partner agency?
- Has the victim provided consent and / or been made aware of the information sharing?
- What is the authority and justification for the decision?
- Have the decision making processes been documented?

Sharing information with the Civil Court System

Evidence gathered within a criminal investigation should also be regarded as evidence that may be appropriate for the Family Court to consider for use in child contact hearings and civil injunction hearings. Where possible, officers should inform victims of domestic violence that records of incidents (including 999 tapes, withdrawal statements, interviews, photographs and forensic medical reports) may provide evidence of domestic violence in situations where suspects are not charged or prosecuted with an offence, eg, child contact hearings or applications for civil injunctions. If there are current criminal proceedings, the CPS should be involved in any decision to pass information to the Family Court as this might have implications for the criminal case. Information sharing might assist the safety planning process for victims and any children and should assist the court to make informed judgments. This requires that the police maintains information sharing principles and structures for sharing information with the Family and Magistrates Courts.

Information sharing with the civil court system might mean that police are requested to assist when a 'finding of fact' is needed in a child contact case or a civil injunction hearing. Information might be sought by agencies involved in the civil system in relation to the victim, suspect, children and other previous partners or family members.

Assisting Family Court Hearings

When assisting Family Court hearings officers should:

- Compile information efficiently as delays might postpone a Family Court's decisions relating to a child's future;
- If there are current criminal proceedings, consult with the CPS before passing information to the Family Court;

- Provide police reports detailing incidents of domestic violence that have come to police attention, particularly information relating to any children normally resident at the address and any observations made by attending officers;
- Provide relevant witness statements;
- Provide photographic or videotaped evidence to the court, when available;
- Provide first accounts made by the officer attending the incident, including the seriousness and the effect of the incident upon the victim and any children.

Agency Contacts and Services Available

Below is a list of contacts available across the Island who may be of assistance to victims of Domestic Abuse.

Telephone Numbers:

Emergencies:	999
VPT North:	456 3800
VPT South:	456 3919
Family Court:	453 2839
Human Services:	468 5361
Womens Support Unit	202 (24 hour)

CHAPTER EIGHT

Managing Police Officers and Staff who are Offenders

The core aims of responding to police officers and staff who commit domestic abuse-related offences are:

1. To **protect** adult and child victims, potential future victims, members of the public and police staff from further violence, serious injury and homicide.
2. To ensure that police officers and staff who commit domestic abuse-related criminal offences and discipline offences are **held accountable** through the criminal justice system and are dealt with appropriately through internal misconduct procedures.
3. To ensure the maintenance of **public confidence and the confidence of victims** in the policing of domestic abuse and the integrity of the service.

The Royal Saint Lucia Police Force is committed to protecting victims, including children and the public, from domestic abuse-related criminal offences by holding **all** offenders of domestic abuse-related criminal offences accountable through the Criminal Justice System.

Guidance for Police Officers

To safeguard the integrity of the investigation, supervisors should ensure that, wherever possible, officers involved in detention and investigation in relation to the case are not known personally to the suspect. For example, police suspects should be held in custody at a different police station to that in which they are normally based. This should not prevent officers from taking positive action when responding to an incident involving a known colleague. Any firearms held under lawful licence will

be removed from the Officer and stored at a local Police station. If the Officer is in possession of a Police Firearm, the authority for that possession will be immediately withdrawn by the Duty ACP. Vulnerable Persons Team Officers will deal with all Police Offenders and will be responsible for updating the victim on the progress of the criminal and disciplinary investigations.

Police officers who commit domestic violence related offences should not be treated as distinct from any other suspect. They should be investigated and held accountable through the criminal justice system in the same way as any other person.

Immediate Action

The following immediate action should be taken in cases where the suspect is a police officer:

- The first recipient of information reporting a domestic violence incident involving a police suspect or if the victim is a member of the Force, a Police officer or civilian member of Staff, should refer the information at once to a supervising officer, normally of the rank of inspector or above. This also includes where the matter comes to the notice of the Police from the court if a Domestic Violence Order has been made or is being applied for;
- A Corporal will attend the scene immediately to ensure that the investigation is carried out with integrity. If the Offender is a Sergeant or above then the Supervisor will be at least that of Inspector rank. If the matter is via the Court then a member of the VPT will attend the Court.
- Any Firearms will immediately be taken possession of whether held under licence or by express Police permission.
- The supervising officer should pass the information to all of the following:
 - Divisional Commander,
 - Divisional Detective Inspector,
 - Vulnerable Persons Team Corporal (Investigating Officer),
 - ACP Crime;

Provision of support to victims

The Royal Saint Lucia Police Force should ensure that victims of police officers who commit domestic violence related criminal offences are given the same level of service as other victims of domestic violence. They should have access to the same level of police support as provided to all victims. If necessary, arrangements should be made to access this from another police division.

Where the Victim is a member of the Royal Saint Lucia Police Force, Police officer or civilian member of Staff, the VPT Corporal will ensure that in addition to the normal level of service provided to victims they will also be able to access internal support services as a matter of urgency.

The Force should also ensure that such victims are given a full explanation of the Force policy and are kept fully informed about the progress of the internal investigation and misconduct processes. Police personnel providing such information should be of an appropriate rank and appropriately skilled and trained.

Consideration should be given to VPT Officers assisting a senior-ranking officer in providing such information and support.

Appendix 1 Sample Offences

This is not a definitive list of all offences which may be committed within Domestic Abuse relationships. However, we must be cognisant of offences committed against or with children. All offences refer to the Criminal Code of Saint Lucia 2004 unless otherwise stated.

<u>OFFENCE</u>	<u>SECTION</u>
1. Causing the death of a child	82 (1) and (2)
2. Unlawful Command to Kill	83 (1) and (2)
3. Murder	85 to 88
4. Death caused by negligence or Recklessness	92
5. Suicide	94
6. Administering noxious substance	96
7. Wounding & Associated Offences	97 to 103
8. Negligent Harm by omission	105 to 113
9. Threat of Death	114
10. Assault	115
11. Aggravated Assault on male under 12 yrs or female	116
12. Lawful chastisement	117
13. Stalking	118
14. Kidnapping	120
15. False Imprisonment	121
16. Rape	123
17. Unlawful sexual connection	124
18. Inducing sexual intercourse or Connection by force etc	125
19. Sexual intercourse with child under 12 yrs	126
20. Sexual intercourse with person 12 to 16 yrs	127
21. Sexual intercourse with adopted minor	128
22. Indecent assault	130
23. Indecent act	131
24. Gross indecency	132
25. Buggery	133
26. Bestiality	134
27. Unlawful detention of person with intent to have sexual intercourse	135
28. Transmission of Aids	140
29. Procuring and Abetting for the purposes of Prostitution	141
30. Procuring defilement or abatement of defilement By Guardian or Parent	142
31. Trading in Prostitution by Female	149
32. Living on earnings from Prostitution	151
33. Conspiracy to defile	153
34. Defilement of person suffering from mental Illness	154
35. Permitting or aiding and abetting defilement	156
36. Incest	157

37.	Attempt Incest	158
38.	Abduction	160
39.	Abduction of unmarried person under 16yrs	161
40.	Abduction of any person with intent to marry and defile.	162
41.	Termination of Pregnancy and Child birth offences	164 to 168
42.	Child Abandonment or exposure to harm	169 & 170
43.	Concealment of body of child	174 & 175
44.	Sale of pornographic material	330
45.	Causing harassment, alarm or distress	356
46.	Compounding Crime	371
47.	Compounding any offence involving a child	373
48.	Causing a person to refrain from giving evidence In a criminal trial	374
49.	Perverting the Course of Justice	376
50.	Failure to comply to the terms of a Protection Order or Interim Protection Order	Sec 5(1) Domestic Violence Act 1995