



The Attorney General of the
Falkland Islands

AGG41

PROSECUTION TEAM DOMESTIC VIOLENCE PROSECUTIONS MANUAL

Introduction

Cases involving domestic violence can be very difficult to prosecute, and because of their nature require sensitive and careful handling, especially with regard to victim care and support. The provision of accurate and up-to-date information to the victim throughout the life of the case, together with quality support, and careful consideration of any special measures requirements are all important factors for the prosecutor to consider.

It is important that we work closely together as a prosecution team and with other departments/agencies to ensure that the best evidence is gathered and presented to the court. A strong, coordinated prosecution team is required to proactively build and manage a case. It is also essential that we liaise with the Court, Witness Service and any voluntary sector support organisations, to ensure that the victim's safety and support needs are addressed throughout the life of a case, we remain informed of the victim's situation and we keep them up to date with actions.

Simon Young
Attorney General

The definition of domestic violence

The accepted definition of domestic violence is:

"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".

An adult is defined as any person aged 18 years or over. Family members are defined as mother, father, son, daughter, brother, sister and grandparents whether directly related, in-laws or step-family.

The definition is supported by an explanatory text:

"The definition acknowledges that domestic violence can go beyond actual physical violence. It can also involve emotional abuse, the destruction of a spouse's or partner's property, their isolation from friends, family or other potential sources of support, control over access to money, personal items, food, transportation, the telephone and stalking. Violence will often be witnessed by children and there is an overlap between the abuse of women and abuse (physical and sexual) of children. The wide adverse effects of living with domestic violence for children must be recognised as a child protection issue. They link to poor educational achievement, social exclusion and to juvenile crime, substance misuse, mental health problems and homelessness from running away. It is acknowledged that domestic violence and abuse can also manifest itself through the actions of immediate and extended family members through the perpetration of illegal activities, such as forced marriage, so-called 'honour crimes' and female genital mutilation. Extended family members may condone or even share in the pattern of abuse."

HOWEVER, the safety of victims and children in addition to the defendant's accountability are so important to us, that when prosecuting cases of domestic violence, we will apply our policy to all cases of current or former partner or family abuse **irrespective of the age of the perpetrator or the victim.**

Therefore the police will use the prosecution definition, i.e. including under 18s, to identify cases of domestic violence when referring cases for advice and charging decisions.

Though the majority of victims covered by domestic violence offences are women, we recognise that a minority of offenders will be women and likewise a minority of victims will be men. Prosecutors should recognise the connections and links between crimes of violence against women - in terms of both defendants and victims.

Prosecutors should also recognise that domestic violence also takes place within same sex relationships; that men can be abused by women; and that family members can be abused by siblings, children, grandchildren and other relatives.

Prosecutors should recognise the diversity of victims. Victims' experiences of domestic violence are undoubtedly affected by identities distinct from gender, like their ethnicity, age, sexuality, disability, immigration status, and religion or belief. Each victim's individual experiences of violence will be different, and some victims may encounter additional barriers to accessing justice. For example, an older, disabled woman experiencing sexual violence at the hands of her partner could find it more difficult to report abuse because of her dependence on the perpetrator and her fear that no services are available to her. A young woman forced into marriage may find it difficult to report domestic violence because she fears she will not be taken seriously as a result of her age. The safety and needs of each victim should be assessed on an individual basis.

Case Building

It is important that the police focus efforts on gathering evidence to build a prosecution case that does not rely entirely on the victim's statement.

Where possible, cases should be constructed on the basis of evidence other than that of the victim. The police are aware of the need to gather evidence in this way and close liaison with them is essential.

When reviewing cases and deciding whether and how to proceed, matters to be taken into account should include the following:

- effective and pro-active evidence gathering and case building;
- any formal risk assessment;
- the Victim Personal Statement, and if not on the file, information as to whether one was requested and consideration given to obtaining one if possible;
- use of hearsay evidence ;
- the possibility of calling doctors/probation officers/voluntary agency supporters to provide information or give evidence as to fear etc.;
- witness summonses;

- special measures and facilities available under the Criminal Procedure and Evidence Ordinance 2014; and
- use by victim of civil proceedings, information or evidence from other key agencies, for example, the social services department about requests for emergency accommodation or public works department about repairs to doors or windows etc.

For further advice on what a proactive approach requires, prosecutors should refer to the Evidence and Issues Checklist at Annex A and the Aide-memoire on Charging in Domestic Violence cases at Annex B.

Early consultation

In domestic violence cases, there must be full and early consultation with police to build the case together by exploring all avenues of investigation and evidence gathering.

Generally, the police should provide the following background information:

- the ability and willingness of the victim to testify;
- the history of the relationship, particularly if there has been violence and/or abuse in the past;
- details of any civil orders made and whether there have been any breaches;
- whether the suspect/defendant has made any threats since the incident;
- details of any children of the family, including where they were during the incident and the impact of the violence on them;
- the officer's view on the chances that the suspect/defendant will re-offend;
- the current status of the relationship between the victim and the suspect/defendant;
- the effect on the relationship of continuing with the prosecution against the victim's wishes;
- the victim's view on their own and their children's safety if a prosecution does or does not follow;
- whether counter allegations have been made;
- information on whether the victim has been contacted by the suspect/defendant, his friends, relatives, or associates (either since the incident or post-charge); and
- information from other agencies or organisations who are involved with the family.

Where the background information is inadequate, we should be proactive in requesting it from the police.

Early consultations need not be restricted to cases where there is already an identifiable suspect or cases that pass the Threshold Test. They may take place in any case where the early involvement of a prosecutor would assist in the gathering of relevant evidence, the questions to be asked of suspects, any pre-charge court procedures and any strategy for a likely prosecution. A brief written record of the consultation should be made.

Where we consider there is not enough evidence to proceed to charge but that further evidence could be obtained, we should provide investigative advice, identifying all evidence that may be gathered to provide a realistic prospect of conviction, including the completion of a detailed action plan on the MG3.

Previous Domestic Violence incidents and serial perpetrators

Prosecutors should make proactive enquires of the police to ensure that all information in respect of the suspect's criminal behaviour or intelligence reports relating to domestic violence incidents (even if they concern a different complainant) are provided. Prosecutors should also be aware that the police define all acts of domestic violence as '**domestic abuse**'.

Due to the nature of domestic violence, many victims may experience multiple assaults and become '**repeat victims**' (more than one domestic violence incident in 12 months).

In addition, prosecutors should be aware that some suspects will have perpetrated abusive or violent behaviour in other relationships. Where a suspect has committed an act of domestic violence against two or more different victims or complainants they should be considered a '**serial perpetrator**'.

Therefore, prosecutors should ensure that the police carry out checks for intelligence when dealing with a domestic violence suspect so the prosecutor is aware previous abusive or violent behaviour. It is very important that this information is provided to the prosecutor at the earliest opportunity. When reviewing charges prosecutors should then ascertain if information pertaining to earlier complainants can be used to:

- form separate charges;
- support an application to adduce the defendant's 'bad character' or 'reprehensible behaviour' under section 375 of the Criminal Procedure and Evidence Ordinance 2013.

Where 'repeat victims' or 'serial perpetrators' are involved, there may be circumstances when, in the light of new evidence from a further case or cases, cases which previously failed to meet the evidential stage of the Full Code Test in the Code for Prosecutors may now merit further review. This further review may lead to the conclusion that the evidential stage is now met and that the earlier case can be joined with the later case(s).

It remains the position that each constituent case would need to satisfy the two-stage Full Code Test in the Code for Prosecutors, but corroborating evidence from other victims may strengthen cases where it had been previously decided not to prosecute as there was insufficient evidence at the time to proceed. In a situation where previous victims are willing to give evidence, and their allegations were of the same or similar nature against a suspect, these cases can be joined properly when there is sufficient nexus between the constituent cases. An indictment may contain more than one count if all of the offences charged are founded on the same facts or more importantly in this context: 'form or are part of a series of offences of the same or a similar character'.

Therefore, by joining individual cases together in such a way against a single suspect, there should be other evidence available of the suspect's abusive or violent behaviour. This may mean that each of the cases is mutually strengthened to the point where there was now sufficient evidence to afford a realistic prospect of conviction.

However, it should be remembered that where a non-imprisonable offence has been committed, such as disorderly conduct, such offences must be charged (or information must be laid) within 12 months of the date of the alleged incident. This time limit may prevent some previous cases being joined with those involving later victims. However, the earlier victim(s) may still be able to support the later case through the provision of bad character evidence against the suspect.

This potential to join cases and/or give bad character evidence underlines the need for good information-sharing arrangements between investigators and prosecutors.

Pre-charge activity

Upon receipt of a request for a charging advice from the police the case will be allocated to a prosecutor, who should:

- create an MG3/3A and Action Plan with action dates;

- check that the reverse of the MG11 is filled in and any related MG2 completed. The prosecutor should consider the needs of the victim when advising on charge. This should include the need to apply for special measures;
- create a detailed review on the MG3/3A (and attach it to the file) which refers to all relevant issues from the Advice/Review Checklist; and
- consider unused material, especially potential third party material (detailed guidance is contained in the Attorney General’s Guidelines on Disclosure and the Disclosure Manual)

Upon receipt of such a case if the prosecutor decides to take no further action or to charge a lesser offence the complainant will be informed by the officer in the case.

Charging

Charging decisions are made by prosecutors. The prosecutor will need to satisfy themselves that evidence has been or is being effectively gathered and that the MG2 and MG11 will include sufficient details to enable witness care issues to be comprehensively assessed.

The Aide-memoire on charging cases of domestic violence can be found at Annex B This sets out the main issues relevant to charging cases of domestic violence, with an emphasis on the importance of proactive case-building and support for victims and witnesses.

All available charges should be considered, including charges for breach of Domestic Violence Protection notices and orders, restraining orders, and offences under the harassment provisions of the Crimes Ordinance. We should actively consider as wide a range of appropriate charging options as possible in accordance with The Code. The charges selected should reflect the seriousness and extent of the offending, give the court adequate powers to sentence and impose post-conviction orders, and enable the case to be presented in a simple and clear way. Annex C outlines an interpretation of domestic violence offences.

The charging decision must be recorded on the MG3/3A, and must set out which of the Threshold Test or Full Code Test applies. The detailed review must include a list of the authorised charges and refer to all relevant issues from the Advice/Review Checklist.

We must agree with the police a realistic timescale for receipt of evidence and preparation of case papers. The timescale must be recorded in the Action Plan.

Out-of-Court Disposals

Simple cautions

Cautions are rarely appropriate in domestic violence cases. This is because such cases involve a breach of trust and are unlikely to be the first offence. Generally, the public interest will require the prosecution of the suspect where there is sufficient evidence for charges to be brought.

Conditional cautions

Part 8 of the Criminal Procedure and Evidence Ordinance 2014 makes provisions for offenders to be diverted from the courts by issuing them with a conditional caution.

As stated clearly in the Attorney General's Guidelines on Conditional Cautioning domestic violence cases are rarely eligible for conditional cautioning.

Domestic Violence Protection Notices and Orders (DVPN and DVPO)

From the date of commencement of the Crimes Ordinance 2014, the prosecution team will have new powers to help victims of domestic violence and abuse.

When an incident of domestic abuse is reported to the police but there is insufficient evidence to bring a charge, the suspect is currently released from custody, often without any restrictions on their movement. Under the new scheme, if there is concern that an associated person has been the subject of violence or the threat of violence and that risk remains, a 48-hour Domestic Violence Protection Notice (DVPN) can be authorised by an Inspector or more senior officer before a suspect leaves custody.

The DVPN will prohibit the molestation of the associated person by the suspect and can result in banning the suspect from returning to the victim's address (which might also be their home), or the area around it.

The decision must then be referred to either the Summary Court or the Magistrate's Court which will decide if the notice should be turned into an order (DVPO), which can last between 14 and 28 days.

What is a DVPN?

A DVPN is authorised by a Police Inspector or above where violence or a threat of violence has occurred.

A DVPN can be issued to protect the victim from further violence and/or threats. This can be done with or without the victim's consent.

A DVPN can only be issued to a person over 18 years old.

What is the purpose of the DVPN?

The purpose of the notice is to prevent the suspect from assaulting or threatening violence towards a victim and can prevent them from being in the same home as the victim as well as restricting them from returning whilst the notice is in place.

The notice gives the victim time to consider what they want to happen next.

During the time the notice is in place, the victim will be contacted by support services that can help them.

How long does a DVPN last?

A DVPN can last up to 48hrs (excluding Sundays/Bank Holidays).

During that time the Police must apply to the court to grant a Domestic Violence Protection Order (DVPO).

What happens if the perpetrator does not follow the conditions of the DVPN?

The suspect can be arrested and held in custody.

He/she can be brought to court where the application for a DVPO will be heard within 24hrs (excluding Sundays/Bank Holidays).

What is a DVPO?

A Domestic Violence Protection Order (DVPO) can be granted by either the Justices of the Peace or the Senior Magistrate.

It can last up to 28 days and will include conditions which the suspect must comply with. Examples of conditions include:

- Prohibit them assaulting or threatening the victim or other associated persons
- Prohibit them from making the victim leave the home
- Prohibit them from entering the home
- Require them to leave the victim's home, or
- Prohibit them from coming within a specified distance of the victim's home

What happens if the perpetrator does not follow the conditions of the DVPO?

The suspect can be arrested and held in custody.

He/she can be brought before the court where they may have to pay a fine or may be imprisoned.

Bail and Remand

Bail

Our primary concern is the safety of the victim and any children. We look to the police to supply us with sufficient information, including the victim's views, to help us make our decisions.

Use of pre-charge bail

Delay can jeopardise the safety of the victim and the victim's family and may also result in the victim's withdrawal of support. Serious consideration should be given to expediting such cases.

Post-charge bail

Victims of domestic violence may be afraid of what will happen to them once a defendant is charged. To protect victims and witnesses from the risk of danger, threats or repeat offences, we may ask the court to impose conditions on the bail or may ask for the defendant to be remanded in custody. The court can only agree if we can show that there are substantial grounds for not granting bail as set out in the Criminal Procedure and Evidence Ordinance 2014.

It is vital that the prosecutor gets as much information about the offence, the effect on the victim and any fears or concerns that the victim may have about repeat offending or intimidation. Normally, the police will supply such information with the case file, but we need to be proactive to ensure that every effort is made to protect vulnerable victims or witnesses by seeking confirmation or further information about any views or concerns expressed by the victim or any witnesses.

A victim may have expressed concerns in a Victim Personal Statement about the effect the crime has had on them and may have raised particular issues about bail in such a statement. These must be taken into account when making our recommendations to the court about bail.

Bail conditions

It is the defendant who is subject to bail conditions, not the victim. Care should be taken when formulating bail conditions to ensure that the victim retains as much freedom of movement as possible by curbing the ability of the defendant to approach or intimidate the victim at home, work or on the way to family, school, shopping etc.

The court should be encouraged to make it clear to defendants that bail conditions apply to them, not victims, and that any breaches will be taken very seriously. The court will, of course, be aware that it is for the family court to make arrangements regarding child contact and generally it should not be a matter to be considered within a bail hearing.

It is important that any changes to the bail conditions or custody status of a defendant are communicated to victims, either by the police or by the prosecutor.

Applications to vary bail

We should insist that the defence gives proper notice of any application to vary bail in order that enquiries can be made of the victim to seek views and check whether any court orders already exist or are pending. This is especially important when the defence try to raise such an application without notice at court.

Where the proposed variation concerns child contact, we should be aware that we rarely have the necessary information or training to deal with this - family courts do, along with Crown Counsel Child Protection, Social Services and the Safeguarding Children Board. Contact with a child may permit opportunities to intimidate the child and/or victim and in the worst cases can result in murder or suicide.

Preparing and managing the case

Upon receipt of the full file, a review must be drafted by the prosecutor and recorded on the file. We should:

- draft and forward to the police a further Action Plan (if required);
- review the unused material;
- serve prosecution evidence in accordance with court's directions;
- supply initial disclosure and update the file;
- prepare special measures applications, bad character applications and hearsay applications as necessary;
- If applicable, brief an appropriate advocate which would include preparing Instructions to counsel, arranging to hold a conference with trial counsel, the investigating officer, and any expert witnesses as soon as possible. Ensure a record is made of any conference, including those held at court;
- co-ordinate any special measures meeting to enable counsel to meet the witness;
- consider the defence statement and any actions required, or chase defence and advise court if none received;
- copy defence statement to police with Action Plan;
- supply continuing disclosure letter;
- liaise with the court and/or Witness Service over the outcome of any special measures application and pre-court familiarisation visit, and ensure that the victim is updated on progress;
- address any victim/witness concerns; and
- check that an updated Victim Personal Statement has been served on the defence and court.
- Ensure that there is a balance of the implications of delaying the case (to obtain further evidence) with the need to deal with cases involving domestic violence as expeditiously as possible.

Case review

In cases of domestic violence there is a particular need to ensure that we are kept informed of the victim's current view regarding the prosecution through witness and victim personal statement(s), or through links with the police. This is because of the safety issues for the victim and any children and also because the victim is usually the main witness. Prosecutors should be minded of the long term context of domestic violence, information regarding previous incidents will always be relevant when reviewing the case and in some instances it may amount to admissible evidence.

Special measures

Many victims and witnesses of domestic violence experience stress and fear during the police investigation of a crime and the process of attending and giving evidence to a court. Stress affects the quantity and quality of communication with witnesses of all ages. In particular, victims often fear having to face their attacker in the courtroom or may even refuse to be in the same room as the defendant. In such circumstances, where victims and witnesses are held to be vulnerable or intimidated, special measures can improve the quality of their experience by allowing them to give the 'best evidence' they are capable of.

Applications should be made in time and the victim notified of the outcome as soon as practicable.

Self-defence and Counter-Allegations

In domestic violence cases, we should be alert to the fact that there may be sharply conflicting accounts of what has taken place, with each party claiming to be the victim. The defendant may make a counter-allegation or argue that s/he acted in self-defence.

In cases where a counter-allegation has been made, police officers are instructed to conduct immediate further investigation at the scene (or as soon as is practicable) to attempt to establish the primary aggressor and to assess whether the victim may have been justified in using a reasonable level of force.

When there are counter-allegations, police officers should have noted and recorded the following information:

- the comparative severity of any injuries inflicted by the parties;
- whether either party has made threats of future harm to others (including children, other families, or other members of the household);
- any prior history of violence by either party;
- any previous counter-allegations by either party and the results of those allegations; and
- whether either party acted defensively to protect himself or herself or a third party from injury.

It may also be useful to ask the police for the views of the first officer at the scene and the investigating officer.

Where self-defence is raised, we should request from the police as much of this information as is appropriate, especially if considering discontinuing the case because of insufficient evidence.

Counter-allegations may give rise to difficulties in prosecutions, particularly as instances where the defendant alleges that the victim is the abuser may end up being used as the basis of bad character applications against the victim (section 374 of the CPE Ordinance 2014 allows for the bad character of any witness to be admitted, subject to certain conditions). As noted above, there will need to be a thorough investigation of such claims to ensure that factually incorrect or misleading information is not put before the courts.

Briefing counsel

Prosecutors will need to ensure that counsel is familiar with the Attorney General's Policy on Prosecuting Domestic Violence. They must be made aware that decisions on acceptability of pleas, issues affecting witness attendance at court (including compelling their attendance) must be referred to the prosecutor.

Acceptability of pleas

We should consider the following factors when deciding whether or not to accept a plea to a lesser offence or a plea to one of a number of offences in a domestic violence case:

- whether the defence offer a plea that is in accordance with the evidence available to the prosecution;
- whether it would be advantageous to the victim and any children not to have to give evidence;
- the victim's views on the pleas offered (some victims would prefer to give evidence rather than accept a reduced plea);
- whether the plea fetters the discretion of the court in relation to sentencing;
- whether the difference between the prosecution and defence version of events is such that it would significantly affect the sentence that would be imposed (if it is, there should be a Newton Hearing to determine the facts); and
- the fact that defendants will often seek to minimise the offence or give mitigation for their offence.

Where we and the defence have agreed to a plea on a limited basis, the basis should be put into writing and signed by both parties.

Withdrawals in Domestic Violence cases

A victim may withdraw for a number of reasons.

In these cases, consideration should be given to the following:

- whether it is possible to proceed without using the victim's evidence, for example, using evidence other than that of the victim or by making an application under section 394 of the CPE Ordinance 2014;
- investigating whether the victim will proceed if special measures or other forms of support could be provided;
- issuing a summons and compelling the victim to give evidence; and
- discontinuing the case as a result of the victim withdrawing support for the prosecution.

The police must be asked to provide a withdrawal statement, as there cannot be an informed decision about the next steps without it. A withdrawal statement should include:

- confirmation of whether the original statement given to the police was true (if the account given in the original statement has to be amended, an explanation for this should be included);
- whether the victim has been put under pressure to withdraw;
- the nature of the original allegation (if not fully covered in a previous statement);
- the victim's reasons for withdrawing the allegation;
- details of those with whom the victim has discussed the case - particularly anyone who has advised them (a solicitor, for example);
- whether any civil proceedings have been, or are likely to be, commenced; and
- the impact on the victim's life and that of any children if the case is continued.

Withdrawal statements should be accompanied by a background report by the officer in the case. This should contain (without duplicating the withdrawal statement):

- the officer's views on the case, including the veracity of the statement, any suspicions of witness intimidation or pressure (if not already included in the withdrawal statement), and a general assessment of the reasons given by the victim;

- views on how the case should be dealt with, including proceedings against the victim's wishes;
- how the victim might react to being compelled to give evidence; and
- details of any identified risks to the safety of the victim, children or any other person;
- details of the support available to the victim; and
- the likely impact on the victim and any children of proceeding or not proceeding with the case.

We should assess at an early stage whether there is sufficient evidence to proceed without the victim, for example, the 999 tape, admissions in interview, CCTV or other recorded footage and police officers' statements. If there is, and providing the public interest test continues to be met, there may be no need to consider a witness summons if the victim subsequently withdraws support. We also should consider the Victim Personal Statement. If we consider proceeding against the victim's wishes we must consider all parties' human rights (including children's) and endorse fully the decision making process on the file.

As a result of the police officer's report we may need to consider whether further charges, for example, witness intimidation, are appropriate

In cases where victims assert that the original complaint was false, prosecutors should be very cautious before considering offences of perverting the course of justice. Prosecutors must ensure that all steps are taken to assess whether there is any pressure on the victim and to assess all the complexities of the situation before reaching a decision. Information from any support services will be crucial here.

Witness summonses

Sections 279 and 300 CPE Ordinance 2014 allows the court to issue a witness summons if it considers it to be in the interests of justice to do so. It should only be considered as a last resort.

Before a decision to issue a witness summons is taken, we must make enquiries to satisfy ourselves, as far as possible, that the safety of the victim and any children will not be endangered by our decision. Through the police, we should check that the victim has been made aware of any available specialist support and whether it has been offered and accepted or declined.

Police and specialist support services where available should be asked to advise on their assessment of the victim and any children's safety. Information shared at Multi-Agency Risk Assessment Conferences (MARACs) in higher risk cases will also be invaluable.

A witness summons should only be considered once it has been determined that

- (a) the safety of the victim and any children will not be jeopardised by the case continuing;
- (b) the victim will not give evidence, even with the help of special measures and other support; and
- (c) the case cannot proceed without the participation of the victim.

Witness summonses will be appropriate in some circumstances and can be very successful. They can support victims and assist their attendance at court by 'removing' the pressure of making that decision from them. Where a witness attends as a result of a witness summons, there is often a guilty plea. However, it is also possible that a witness will still not attend, or may come to court but refuse to give evidence, or give evidence contrary to their original statement.

If going ahead with the prosecution against the victim's wishes, consider the following and any combinations

(Note: A combination of factors may be present which may make a summons more or less desirable. Options must be balanced; even a seemingly minor incident, maybe serious in the context of escalating violence).

The seriousness of the offence in the context of that case:

1. Serious offence

Summons more desirable: Yes

2. Minor offence and isolated event

Summons less desirable: Yes

Victim's injuries (including psychological):

1. Serious injuries

Summons more desirable: Yes

2. No or minor injuries

Summons less desirable: Yes

Use of a weapon:

Summons more desirable: Yes

Any subsequent threats by defendant:

Summons more desirable: Yes

Whether attack planned:

Summons more desirable: Yes

Whether incident witnessed (seen or heard) by children:

Summons more desirable: Yes

Whether offence committed in presence of, or in close proximity to a child:

Summons more desirable: Yes

Effect (including psychological) on any children living in the household:

Summons more desirable: Yes

Recurrence likely:

Summons more desirable: Yes

Threat to the health and/or safety of the victim or any other person involved:

Summons more desirable: Yes

Pregnancy:

Summons more desirable: Yes

Current state of victim's relationship with defendant:

1. Further incidents

Summons more desirable: Yes

2. Relationship assessed as "unstable"

Summons more desirable: Yes

3. No divorce proceedings

Summons more desirable: Yes

4. No further incidents

Summons less desirable: Yes

5. No further police call-outs

Summons less desirable: Yes

6. No ongoing civil proceedings

Summons less desirable: Yes

7. No history of a volatile relationship

Summons less desirable: Yes

History of relationship:

Violent relationship and/or pattern of offending

Summons more desirable: Yes

Defendant's criminal history (particularly if previous violence):

Summons more desirable: Yes

Information from any other agencies supporting proceeding, e.g. Social Services, Housing, Health, voluntary sector etc.

Summons more desirable: Yes

Witness warrants

If a witness refuses to attend as a result of a summons, we must go on to consider whether a warrant is appropriate. The decision to seek a witness warrant is separate from the decision about whether or not to seek a summons. For example, in situations where the victim cannot be seen to support the prosecution process in any way, but does want the case to continue, then a summons may be appropriate.

Warrants should **not** be automatically applied for. The intention of obtaining the warrant should not be to penalise or criminalise victims, but to assist their attendance at court. Applications for warrants should be made on a case by case basis after careful consideration of the issues. Obviously, if the incident involves a serious assault, escalating violence or other aggravating features then it is more likely that a warrant will be requested than if it is a minor isolated incident. Throughout the safety of the victim and any children should be borne in mind.

An additional factor militating against seeking a witness warrant is the fact that it could deter the victim from seeking help in the future, thereby jeopardising the future safety of the victim and any children. Arresting a victim also may also have the effect of 'criminalising' the victim, and may have a detrimental effect on the quality of the victim's evidence.

Bind overs

Bind overs are usually inappropriate in domestic violence cases. However, where the victim withdraws support for the prosecution and *all* avenues for continuing the case have been explored and discounted, a bind over may be an acceptable last option. Although, it is not a criminal conviction, it can provide some future protection for the victim. However, bind overs should not be routinely used and should be viewed as a last resort.

Victim Personal Statements

A Victim Personal Statement (VPS) is a statement made by a victim of crime explaining the effect that the crime has had on him or her.

In domestic violence cases the statement can be an important way to empower the victim. Through the statement the true impact of the cases can be relayed to the court. A VPS statement is useful for bail purposes, when applying for a restraining order - including on acquittal and in pre-sentence reports.

Sentencing

We need to be aware of our duties in relation to sentencing issues and domestic violence, particularly with regard to appeals, potentially unduly lenient sentences (ensuring they are cognisant of recent sentencing case law) and correcting derogatory defence assertions. We should also highlight domestic violence as an aggravating feature.

We can and should guide the court in relation to ancillary orders available (such as anti-social behaviour orders, exclusion orders or restraining orders) and draw attention to relevant cases. Applications for compensation should be made, where appropriate, bearing in mind that where the parties remain together such orders will probably be met from family money.

The impact and dynamics of Domestic Violence

Because of the particular dynamics of domestic violence, it is crucial that prosecutors are proactive in addressing the security and safety of the victim and any children from the point of charge and throughout the prosecution.

Offenders in cases of domestic violence may have much to lose if the prosecution ultimately leads to a permanent separation. Some of the conflict that may surround separation could ultimately lead to witness intimidation.

It is also crucial that prosecutors recognise the importance of support for victims from the outset and throughout the life of the case. It is important to bear in mind that support for the victim and improving their safety raises their confidence in the criminal justice system, participation in prosecutions, and therefore overall prosecution outcomes.

Prosecutors must therefore consider special measures requirements at an early stage, and should alert the police to refer the victim for specialist domestic violence support wherever it is available early on in appropriate cases. Examples of when this would be appropriate are: when there has been previous violence; the victim has retracted previous statements; escalation of violence; presence and involvement of children in an incident; incidents where it is apparent that the victim is isolated and has little other support.

Issues relevant to particular groups of people

This section outlines the impact of domestic violence on people from different communities and the particular considerations that prosecutors will need to bear in mind when dealing with cases involving victims and witnesses who are:

Children

The presence of children during a domestic violence incident must be treated as an aggravating factor when applying the public interest stage of the Code Test.

Prosecutors should always seek information from the police regarding the presence of children in the household, the extent to which they have been exposed to the domestic violence and whether the children are the subject of any orders (for example, child protection register, contact, non-molestation orders). We should also explore whether any child wishes to give evidence.

We should always consider whether an offence has been committed against the child in particular.

Same sex and transgender relationships

The dynamics of violence within same-sex or transgender relationships are similar to those within heterosexual relationships, but there are likely to be additional barriers to reporting. For example, any pre-existing isolation from the family due to the person's sexuality and/or life-style may be exploited by the abuser.

The victim may fear "outing", or removal of children by social services, or loss of legal rights that would be afforded to a heterosexual person in the same position (for example, tenancy rights or rights of access to children). The potential to use reporting restrictions may go some way to alleviating worries about publicity of any court proceedings.

Victims may also fear homophobic or transphobic reactions from the statutory services when reporting incidents. These fears or previous experiences of negative reactions can make it more difficult to report the violence.

Older people

Some older victims of domestic violence may be mentally or physically frail. There may be a mutually dependent relationship between abuser and victim. Where this situation exists, victims may fear that by reporting the abuse and supporting a prosecution, they will be left without a carer or companion.

Disability issues

Many disabled people already face problems of negative attitudes towards impairment, isolation from participation in "mainstream" society, limited access to services, low self-esteem and enforced dependence on others to carry out physical tasks necessary for daily living and often survival. This social and physical dependence can increase a victim's vulnerability to domestic abuse.

Abuse can be in many forms, for example but not limited to:

- withdrawing physical assistance;
- financial abuse;
- withdrawing medication/care/mobility aids;
- denying visitors access to the disabled person;
- verbal abuse and name-calling; or
- threats to withdraw care/place the victim in residential care/gain custody of any children.

Disabled victims of domestic violence may remain in abusive relationships for longer, because of these additional barriers. They may feel they cannot leave, because, for example, they have limited economic opportunities, they may lack transport, they feel they are responsible for financial and social tensions within the relationship/family, they fear loneliness and think no-one else would want them, they fear losing their independence and having to move into residential care, or they fear losing their children. Even if a disabled victim wants and is able to leave, emergency accommodation with provision for disabled victims is difficult to find.

Minority communities

Perceptions or experiences of racism and lack of confidence in the criminal justice system may make it difficult for victims of domestic violence in minority communities to report an offence or support a prosecution. Pressure from within the immediate and extended family and the wider community, together with cultural traditions, can also act as barriers to reporting offences of domestic violence.

Domestic violence may take different forms within minority communities. Some examples of these are forced marriage (as distinct from an arranged marriage, where the marriage is based on free consent), dowry-related violence and female genital mutilation. However, it should not be assumed that all domestic violence within minority communities takes these forms.

Refugees and asylum seekers

Whilst very rare in the Falkland Islands, if a victim is a member of a refugee family or an asylum seeker, prosecutors should take into account the combination of social and cultural factors, communication difficulties, lack of information in their own language and lack of access to informal and formal support, which may make it difficult for the victim to support or take part in a prosecution. The review note should deal with potential problems and possible solutions and set out what steps need to be taken if the victim is to give evidence (for example, special measures, use of an interpreter, support from a specialist support organisation etc.).

Support and safety of victims and witnesses

Providing support and protection for victims and witnesses of domestic violence is one of the most crucial aspects of domestic violence cases.

Prosecutors should take all practicable steps to help domestic violence victims through the criminal justice system.

Data shows that the greatest proportion of unsuccessful outcomes in domestic violence cases is due to victim issues (including victim retractions, witness intimidation, non-attendance at court and victims not supporting the prosecution case). But support for victims and witnesses should not necessarily start or stop at court. Instead, domestic violence victims need to be supported throughout the criminal justice process, from the point of charge, through the prosecution and after the case has been finalised. In that way, victims will be encouraged to participate in and support prosecutions, the likelihood of repeat victimisation will be minimised, and confidence in the criminal justice system will be increased.

Prosecutors should also be fully aware of the importance of working with the police, the Witness Service and any available specialist support organisations to prioritise the safety of domestic violence victims. The impact and dynamics of domestic violence make this a critical consideration.

Risk assessments

Risk assessments conducted by the police can provide invaluable background information for prosecutors. Prosecutors should therefore routinely request risk assessments from the police, and should consider these in every domestic violence case.

Prosecutors need to be aware that unless the risks faced by victims are reduced or counteracted by a series of proportionate interventions by multi-agencies an ineffective trial is the likely outcome.

Multi-agency risk assessment conferences

Multi-agency risk assessment conferences (MARACs) are meetings attended by representatives of the agencies that have a role in protecting a victim in a particular case. The police or probation frequently take the lead role.

The role of the MARAC is to facilitate, monitor and evaluate effective information sharing to enable appropriate actions to be taken to increase the safety of the victim. All victims referred to the MARAC have been assessed to be at high risk of serious injury or death.

The prosecution is not represented at MARACs because it is seldom that we have any information that is not already known to the police. However, there may be a need for the information discussed in the MARAC to be relayed to the prosecutor to inform the case. Additionally, if the prosecutor becomes aware of information that may alter the risk status of the victim - for example, information obtained at court, this should be relayed as quickly as possible to the police.

As with MARACs, prosecutors should make enquiries to find out whether any of the information discussed as part of these protection arrangements are of relevance to the criminal case.

Multi-Agency working and information sharing

In order to tackle domestic violence effectively, we need to work in partnership with other departments and agencies - both criminal justice and non-criminal justice - and where in existence, voluntary sector organisations. The prosecution cannot deal effectively and safely with the effects of domestic violence alone.

Partnership working has been identified as a hugely significant factor in affecting attrition rates, and improving victim participation, safety and satisfaction.

Responsible information sharing plays a key role in enabling organisations and professionals to protect victims of domestic violence and their children and to save lives. Casework, advocacy, conducting risk assessments and providing general support and protection may all require information about individuals to be shared with other agencies.

Civil proceedings

Prosecutors should routinely make enquiries to see if there are any concurrent civil proceedings. If it is not already contained within the file, the police should be asked to provide information about any relevant civil proceedings past, current or pending. The fact that civil proceedings are ongoing does not mean that criminal proceedings cannot be commenced or continued.

Obtaining and using documents and information from family proceedings

Prosecutors may need to obtain information or documents that pertain to family proceedings. This information may be crucial to the: decision to charge; the nature of the charge; bail conditions; applications in respect to witnesses; and the admissibility or otherwise of bad character and hearsay evidence.

Annex A: Joint Prosecution Team Evidence Checklist

Joint Prosecution Team Evidence Checklist – for use by RFIP and the Attorney General’s Chambers in cases of Domestic Violence

Checklist of information to be provided to the prosecutor at the time of charging decision. This checklist does not replace the MG3 – but should complement it.

Officer In Case			
Staff Number		Case Reference	

Have you collected all available evidence , including material other than the complainant’s Statement?			
	YES	NO	COMMENT
999 Call	<input type="radio"/>	<input type="radio"/>	
Photographs; of scene and injuries (taken over time as injuries develop)	<input type="radio"/>	<input type="radio"/>	
Admissions	<input type="radio"/>	<input type="radio"/>	
Medical evidence (if available at the time); signed consent form; medical exhibits i.e. hair	<input type="radio"/>	<input type="radio"/>	
Victim statement (include reference to previous DV if relevant)	<input type="radio"/>	<input type="radio"/>	
Other statements – neighbours following house to house enquiries, children, attending Officer (to include visible injuries, signs of struggle, disposition of victim/offender, IDs of other persons present) and other witnesses	<input type="radio"/>	<input type="radio"/>	
Visually Recorded footage/ bodycam footage (if relevant/available)	<input type="radio"/>	<input type="radio"/>	
Is there relevant information to include from Police Records ?			
Bail history and any breach orders (including civil)	<input type="radio"/>	<input type="radio"/>	
DVPN or DVPO in existence? Dates; any breach details	<input type="radio"/>	<input type="radio"/>	
Previous Domestic Violence incidents (including against other victims)/call outs/pre-convictions – for defendant and victim/witnesses	<input type="radio"/>	<input type="radio"/>	
Risk identification checklist with outcome (i.e. MARAC case, high risk, standard risk)	<input type="radio"/>	<input type="radio"/>	
Any civil orders/proceedings and whether there has	<input type="radio"/>	<input type="radio"/>	

been previous breaches			
Any previous allegations (with case numbers) and how these allegations were concluded (if case did not proceed why not?)	<input type="radio"/>	<input type="radio"/>	
Information regarding the victim and/or incident			
Whether victim has been contacted by suspect/friends/family	<input type="radio"/>	<input type="radio"/>	
Relationship status and history (to include domestic arrangements), Police view of future relationship and likelihood of recurrence/any threats	<input type="radio"/>	<input type="radio"/>	
Counter allegations/defence	<input type="radio"/>	<input type="radio"/>	
Is the victim supported by a specialist DV service?	<input type="radio"/>	<input type="radio"/>	
Ability/willingness of victim to attend court, give evidence and any special considerations	<input type="radio"/>	<input type="radio"/>	
Special measures needed? And type (views of victim and specialist support service) need to complete an MG2	<input type="radio"/>	<input type="radio"/>	
Does victim wish to retract? Have they previously retracted? Officers statement on retraction and views on witness summons (include victim/specialist support service views)	<input type="radio"/>	<input type="radio"/>	
Safety of victim (victim's views and specialist support service views)	<input type="radio"/>	<input type="radio"/>	
Restraining Order – does the victim want a RO and if so with what terms?	<input type="radio"/>	<input type="radio"/>	
Victim Personal Statement	<input type="radio"/>	<input type="radio"/>	
Any location(s) to avoid in bail conditions	<input type="radio"/>	<input type="radio"/>	
Whether a Bail appeal should be invoked in a custody case	<input type="radio"/>	<input type="radio"/>	
Information in relation to children			
Whereabouts of children during incident (include relation to victim/defendant and age)	<input type="radio"/>	<input type="radio"/>	
Safety of children (Police and victim's views)	<input type="radio"/>	<input type="radio"/>	
Child Protection proceedings; include whether referral was made to Social Services	<input type="radio"/>	<input type="radio"/>	

Early and meaningful case building between Police and Prosecution in cases of Domestic Violence is crucial to ensure effective prosecutions.

The information listed must be made available to the prosecutor before a charging decision in every case of domestic abuse. Prosecutors must consider information before making appropriate charging decisions.

Police to inform Prosecutor of any breach, further offences, submit files to Prosecutor and supply interview record in a timely way.

Prosecution guidance on charging in DV cases:

Prepare your case on the assumption that the **victim may in the end not support the prosecution**. Consider all information provided by the police (see above).

Ensure that you liaise with **police and specialist support organisations**, to ensure that the victim's needs particularly relating to safety are addressed throughout the life of a case.

Comprehensively endorse **MG3** including addressing any evidential strengths and weaknesses

Ensure you have information in relation to **aggravating features and defence**

Ensure that the Police **provide all relevant material** to the Prosecutor.

Ensure any action plan you provide the police is **detailed and prioritised**

Consider **victim's evidence**

- On withdrawal/retraction review see Manual of Guidance on DV
- Ensure specialist support is offered if available.
- Has a Victim Personal Statement been taken and refreshed?
- Have you considered a PTWI?

Apply for suitable **bail conditions** to prevent further offences or intimidation which do not restrict the victim and children.

Ensure **special measures** are considered and any application is made in a timely way and results communicated to the victim.

Consider **hearsay/bad character**

Prevent unnecessary delay by taking **timely** decisions

Find out details of the **defendant's previous misconduct**, if any, at the earliest opportunity so you can assess whether this evidence could be used as part of your case (*If the suspect has committed or is suspected of having committed acts of violence against different victims (a 'serial' perpetrator), as well as considering whether this information can be adduced as bad character evidence you should also consider if these offences have sufficient nexus to be joined in the same indictment (or can be heard as part of the same trial process in the magistrates' court). Consider time limit on summary only offences, and whether there is sufficient nexus*

Explore **credibility of defendant's account**

Consider **expert evidence**

Find out whether there are any **concurrent or imminent public law or private law family proceedings or civil proceedings and remedies** involving the complainant and/or accused. Also, find out whether Social Services has been alerted to the violence or involved with the family.

Annex B: Aide-memoire on charging in domestic violence cases

Purpose

This 'aide-memoire' has been to assist prosecutors with charging advice in domestic violence cases.

Relationship between the Code and domestic violence policy

The domestic violence policy statement and guidance should always be read in conjunction with the Code. These documents **support and underpin the Code** by providing further guidance. The policy and guidance should never be interpreted in such a way that the Code test is diluted or supplanted.

Points to consider

Building a robust case

1. Actively build a case. Make sure you are satisfied that **all available evidence** has been gathered; including all information that either undermines or supports the Crown's case (refer to the Attorney General's Guidelines on Disclosure and the Code for further detail).
2. Don't assume that a complainant giving evidence in court is the only way to prove the matter. Instead, consider if there is **other material that supports the prosecution case** but is independent of the complainant, or corroborates the complainant.
3. Whilst each case must be considered on its merits, you should routinely ask yourself the following **questions**:
 - Is the victim's account supported by any other evidence?
 - What other evidence can we rely upon apart from the victim's account?
 - a police officer's account?
 - a neighbour's account?
 - another eye witness statement (for example, from a child)?
 - 999 tape (remember to listen to this even if someone else made the call)?
 - Visually recorded evidence or body camera footage?
 - hearsay?
 - bad character?
 - a note of injuries in the police incident report book?

- evidence of previous incidents?
- medical evidence?
- any photos of injuries and the scene?
- any damage on property noticed by the officer?
- Is there a history of previous incidents?
- Are there any civil orders in place?
- Has the defendant breached any bail conditions or criminal or civil orders in the past?
- Do you intend to rely upon expert evidence? If yes, have you fully briefed the expert?
- Have you carefully considered whether children should give evidence (for example, through discussions with the police and special measures meetings)?

4. Make sure you consider all available charges and record full reasons for your decisions. Always **comprehensively endorse the MG3** to show the elements you consider.

5. Ensure that the police **provide all relevant material**.

6. If there is an action plan for the police, make sure that it is **detailed and prioritised**, so that time isn't wasted gathering evidence that doesn't substantially take the case any further.

7. Where it isn't necessary to detain a suspect in custody, short periods of **pre-charge bail** may be helpful to ensure the best evidence can be gathered before a prosecution is brought. But remember that the safety of the complainant and any children is a key consideration. **Suitable bail conditions** - that do not restrict the victim and children - should be imposed to prevent further offending and intimidation of the complainant.

8. Find out whether there are any **concurrent or imminent public law or private law family proceedings** involving the complainant and/or accused. Also, find out whether Social Services has been alerted to the violence or involved with the family.

9. Make sure you are aware of available **civil remedies** and how they might affect criminal proceedings.

10. Try to **prevent unnecessary delay** and take decisions in a timely manner. But remember to balance the need for expedition with the need for proper investigation.

Evidence by and about the defendant

11. Don't focus solely on the behaviour of the victim. Instead, find out details of the **defendant's previous misconduct**, if any, at the earliest opportunity so you can assess whether this evidence could be used as part of your case:

- Does the defendant have any related previous convictions or acquittals?
- What was the defendant's conduct and demeanour like when arrested?
- Has the defendant made any admissions?
- Are there any previous domestic violence reports that may not have been pursued to court?
- Is any available bad character evidence admissible?

12. Explore the **credibility of the defendant's account** as part of the charging consultation:

- How plausible is the defendant's account?
- Were there any signs of injury to the defendant upon arrest (see domestic violence guidance on dealing with self-defence and/or counter-allegations)?
- Are there any contradictions in the defendant's account?
- Has the defendant made no comment from which an adverse inference can be drawn?

Victim participation and support

13. Consider the nature of the **victim's evidence**:

- What does the victim say happened?
- Would a pre-trial witness interview be appropriate and useful to test the evidence (not to ascertain whether the victim will attend court)?
- Does the victim have any previous convictions or cautions?

14. Make sure that the victim's statement includes information about whether s/he supports the prosecution. If the victim indicates that they wish to **withdraw the complaint** or their support for the prosecution, ask yourself:

- Is there any reason to believe that the victim might have been pressured or frightened into retracting? Some victims may be particularly vulnerable, for example, victims with mental health issues or learning difficulties;
- Has the victim previously retracted a complaint or failed to give evidence in proceedings? If so, why? What was the nature of the previous allegation?
- Has a risk assessment been conducted by the police?
- If the victim resolutely refuses to proceed, have you considered:
 - continuing the case without the victim?

- using the hearsay provisions to include the complainant's evidence?
 - compelling them to attend by use of a witness summons and, if appropriate, a warrant?
- What would be the effect of proceeding or not proceeding with the case without the victim?

15. Previous retractions are common in domestic violence cases, and they do not necessarily indicate that a victim cannot be relied upon to give evidence. If appropriate, try to obtain an **explanation from the victim** of previous retractions.

16. Do all you can to **support the victim** through the criminal justice process to encourage them to participate in the prosecution and to give their best evidence.

- Has the victim indicated what support s/he needs through the prosecution process (for example, special measures, reporting restrictions)? Has this been reflected in the police's action plan?
- Do you have enough information to ensure that victim care issues can be comprehensively assessed (for example, on the MG2 and MG11 forms)?
- Has a specialist domestic violence support agency (where available) made contact with the victim?
- Does the victim have any individual needs such that they require specialist support (for example, cultural or language barriers, alcohol or drug dependency, disability, physical or mental illness)?
- Can the case be progressed expeditiously?
- How would the victim feel if forced to face the defendant during trial?
- Has a victim personal statement been taken? Is it up-to-date?

Annex C: Examples of domestic violence offences

Example of Behaviour: Neglecting, abandoning or ill-treating a child.

Possible Offences: Child cruelty.

Example of Behaviour: "Honour crimes".

Possible Offences: Murder, aiding and abetting suicide.

Example of Behaviour: Female Circumcision.

Possible Offences: Female Genital Mutilation.

Example of Behaviour: Forcing entry into a house.

Possible Offences: Using violence to secure entry.

Example of Behaviour: Pressuring a victim/witness to "drop the case" or not to give evidence.

Possible Offences: Witness intimidation, obstructing the course of justice, conspiracy to pervert the course of justice.

Example of Behaviour: Physical violence, with or without weapons, inc: punching, slapping, pushing, kicking, headbutting, and hair pulling.

Possible Offences: Common assault, actual/grievous bodily harm, wounding, attempted murder.

Example of Behaviour: Violence resulting in death.

Possible Offences: Murder, manslaughter.

Example of Behaviour: Violence resulting in miscarriage.

Possible Offences: Child destruction, procuring a miscarriage or abortion.

Example of Behaviour: Choking, strangling, and suffocating.

Possible Offences: Common assault, actual/grievous bodily harm, attempting to choke, strangle or suffocate.

Example of Behaviour: Spitting at a person.

Possible Offences: Common assault.

Example of Behaviour: Threatening with an article used as a weapon e.g. a knife, tool, telephone, chair.

Possible Offences: Common assault, affray, threatening behaviour.

Example of Behaviour: Throwing articles, e.g. crockery, even if they miss their target.

Possible Offences: Common assault, actual/grievous bodily harm, wounding, criminal damage, threatening behaviour.

Example of Behaviour: Tying someone up.

Possible Offences: Common assault, actual bodily harm, false imprisonment.

Example of Behaviour: Threatening to kill someone.

Possible Offences: Threats to kill, harassment.

Example of Behaviour: Threats to cause injury.

Possible Offences: Common assault, affray, threatening behaviour.

Example of Behaviour: Threats seriously to damage or undermine social status.

Possible Offences: Harassment, blackmail.

Example of Behaviour: Damaging or destroying property or threatening to damage or destroy property.

Possible Offences: Criminal damage, threatening to cause criminal damage, harassment.

Example of Behaviour: Harming or threatening to harm a pet.

Possible Offences: Criminal damage, threatening to cause criminal damage, cruelty to animals, harassment.

Example of Behaviour: Locking someone in a room or house or preventing him or her from leaving.

Possible Offences: False imprisonment, harassment.

Example of Behaviour: Preventing someone from visiting relatives or friends.

Possible Offences: False imprisonment, kidnapping, harassment.

Example of Behaviour: Preventing someone from seeking aid, e.g. medical attention.

Possible Offences: False imprisonment, actual bodily harm.

Example of Behaviour: Preventing someone from dressing as they choose or forcing them to wear a particular make-up, jewellery and hairstyles.

Possible Offences: Actual bodily harm, harassment.

Example of Behaviour: Racial abuse.

Possible Offences: Racially aggravated threatening behaviour, intentionally abusive conduct, disorderly conduct or harassment.

Example of Behaviour: "Outing", e.g. sexual orientation or HIV status.

Possible Offences: Harassment, blackmail.

Example of Behaviour: Enforced financial dependence or unreasonably depriving someone of money.

Possible Offences: Harassment.

Example of Behaviour: Abuse related to dowry demand.

Possible Offences: Blackmail, harassment, common assault, actual/grievous bodily harm.

Example of Behaviour: Unreasonable financial demands.

Possible Offences: Blackmail, harassment.

Example of Behaviour: Forced marriage.

Possible Offences: Forced marriage, kidnap, blackmail, false imprisonment, common assault, actual/grievous bodily harm, rape, sexual assault.

Example of Behaviour: Enforced sexual activity.

Possible Offences: Rape, indecent assault, harassment, living off immoral earnings.

Example of Behaviour: Persistent verbal abuse, e.g. constant unreasonable criticism.

Possible Offences: Harassment, actual bodily harm.

Example of Behaviour: Breaching the conditions of a non-molestation order.

Possible Offences: Breach of non-molestation order.

Example of Behaviour: Offensive/obscene/menacing telephone calls, text messages or letters.

Possible Offences: Improper use of public telecommunication systems, malicious communications, actual/grievous bodily harm, harassment.

Example of Behaviour: Excessive contact, e.g. numerous 'phone calls to check someone's whereabouts.

Possible Offences: Harassment, false imprisonment.

Example of Behaviour: Secret or enforced administration of drugs.

Possible Offences: Common assault, actual bodily harm, grievous bodily harm, administering poison.

If the threatening or disorderly words/behaviour are used in a dwelling house, the offence can only be committed if the other person is not inside that or another dwelling.

Actual physical or mental harm must be proved to have resulted from the behaviour to sustain a charge of ABH.

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This Document is also available online at: <http://www.fig.gov.fk/legal/>

Document Control

Document Reference: AGG41: Prosecution Team Domestic Violence Prosecutions Manual

Edition and Issue Date: 2nd Edition, June 2018

Ownership and Review: The Attorney General is the document owner for this document and the next scheduled review date is June 2019

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