



Victim Care Policy

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1. Aim

The aims of this policy to:

- Outline the required standard of Victim Care to RCIPS officers.
- Direct Victim Care.

2. Scope

This policy applies to all officers and support staff of the RCIPS.

3. Compliance

- Code of Ethics
- Human Rights Act 1998
- Cayman Islands Constitution Order 2009 (Bill of Rights)

4. Introduction:

4. This document outlines the RCIPS obligations to victims of crime.

- 4.1 The Victims' care policy places obligations on the RCIPS in how we deal with victims of crime. The phrase 'Victim' is a broad term and can encompass family members/ witnesses/ other persons directly affected by a crime.
- 4.2 The Victim Care policy has been designed to ensure that from the point at which an allegation is received through to the conclusion of the investigation, a procedure is in place which complies with the RCIPS Annual Policing plan (see section 2.2.2 of the APP).
- 4.3 The Victim Care Policy also complements the Prosecution Witness Charter (PWC) of the Office of the Director of Public Prosecutions (ODPP). The PWC for the moment addresses ONLY those victims/witnesses in GRAND COURT matters.
- 4.4 All summary court matters the RCIPS is expected to maintain contact with the victim after the First Court Hearing. The Victim Contact Center (VCC) has 'read only rights' to access the Judiciary Electronic Management System (JEMS) and can view occurrences at court with the case.

5. First Initial Contact:

- 5.1 Immediate contact must be made with the victim (and in any case ***within 24 hours of the crime being reported and within one hour for a priority category***).
- 5.2 Once the crime has been allocated the investigating officer and their line manager will be responsible for ensuring First Initial Contact is complied with.
- 5.3 Discuss and agree the contact arrangement with the victim and update the appropriate victim update supplement heading on RMS.
- 5.4 Assess whether victim is in a priority category as per s.3 (This must be an on-going process throughout the investigation).
- 5.5 Manage the victims' expectations and give realistic timelines
- 5.6 The investigating officer will also establish the first language that the victim speaks and then endorse the RMS crime report appropriately.
- 5.7 Ask the victim if they wish to provide a Victim Impact Statement – this can be done at any point before sentencing but should be done at the point of first contact. The MG2 and MG6 must be updated to reflect.
- 5.8 The Investigating Officer (IO) must provide his/her station contact details. Where the officer is in possession of an RCIPS mobile number, that number should also be provided. The dedicated number and email address for the Victim Contact Center must also be provided. The basic elements of the offence under investigation should also be provided to the victim. This can be in the form of electronic notification (email), or hand-written. It must include:
- Name of Investigating Officer
 - Contact details – i.e. phone number and email address
 - Date incident was reported

- Date of incident (if different than above)
- RMS number
- Brief description of the incident / crime type under investigation

5.9 On completion of first initial contact, victim contact details must be inputted on RMS.

5.10 Victims shall be informed of the Victims Policy and the service they can expect from the police and also provided with the '*Information for Victims of Crime*' leaflet or referred to the information on the RCIPS website no later than 3 days after the crime was reported or when first contact with police is made.

5.11 To ensure that the Victims Policy is strictly adhered to and that the victim's expectations are managed effectively, the IO and their line manager will take responsibility to ensure that Victim Contact is complied with throughout the investigation.

6. Procedure – Is victim a priority category

6.1. Following the report of any crime that is recorded under the RCIPS Crime Recording Policy, the attending officer will establish whether the victim falls into a priority category through a needs assessment. The priority victim categories are;

6.2. **Victims of most serious crime:** domestic violence, sexual offences, human trafficking, attempt murder, kidnap, abduction, false imprisonment, arson, wounding, GBH and/or family members of murder victims

6.3. **Persistently targeted victims:** those who have been targeted repeatedly as a direct victim of crime over a period of time, particularly if they have been deliberately targeted or are a victim of a sustained campaign of causing alarm/harassment/distress or stalking

6.4. **Special Measures:** applied to Vulnerable and Intimidated victims as defined by Section 41A of the Evidence Law 2018 Revision (*outlined below*). Officers and Staff should also use their discretion and can consider other victims who may fall out of the definition of the above referenced law to be vulnerable.

6.5. **A victim is deemed a vulnerable victim if:**

- They are under 17 years of age at the time of the hearing, or
- If the court considers that the quality of their evidence is likely to be affected because:
- They suffer from mental impairment within the meaning of the Mental Health Law, 2013;
- They otherwise have a significant impairment of intelligence and social functioning; or
- They have a physical disability or are suffering from a physical disorder.

6.6. A victim is deemed an **intimidated victim** if it is considered the quality of their evidence will be affected because of fear or distress about testifying in court. When assessing whether a victim is **intimidated**, officers must take the following into account:

- Any behaviour towards the victim on the part of the accused, members of the family or associates of the accused, and any other person who is likely to be an accused or witness in a potential court case;
- The nature and alleged circumstances of the offence to which a potential court case relates. Victims of a sexual offence or human trafficking will automatically be considered to be intimidated victims;
- The victim's age and, if relevant, the victim's social and cultural background, religious beliefs or political opinions, ethnic origin, domestic and employment circumstances.

6.7. The supplement heading; **priority victim update (PVU)** on RMS must be used to identify all persons who are regarded as priority victims. The MG2 & MG6 must also be updated to reflect.

6.8. **Pink case file covers** are kept within Crime Management Unit (CMU) and are to be used in matters involving priority victims; with the exception of domestic violence green case file covers which remain the same.

7. Procedure – Provide information of available Victim Support Services (VSS)

7.1. On initial report of a crime being committed the victims will be provided with information of victim support services available to them. The victim has the option to not require such services at the time or can do so at a subsequent time.

7.2. The facility to decline or restart the referral, if the victim wishes, must be inputted on RMS under supplement. The **RCIPS Listen Principles card** has all available services at the back.

7.3. If the victim is a victim of a sexual offence/domestic violence or homicide, then the victim's details must only be passed to VSS, with the explicit consent of the victim or family spokesperson.

8. VICTIM CONTACT

8.1. Victim Contact is a process that will be ongoing throughout the investigation and will be carried out in line with the RCIPS **LISTEN** principles:

- Listen to victims & take their concerns seriously
- Inspire confidence & help them to feel secure
- Support with information, including reference number & contact details
- Take ownership, and deliver on our promises
- Explain what we can & cannot do

- **Notify victims of progress regularly & the final outcome of their case**
- 8.2. All linked crime victims should receive an update in line with their separate contact agreement and not just the master crime victim.
 - 8.3. In cases where the victim is 16-17 years old with no vulnerability aspect, both the adult and the victim must be fully updated.
 - 8.4. Victim Contact remains the responsibility of the IO and their line-managers to ensure the contact agreement is complied with throughout the investigation.
 - 8.5. In most cases there is an expectation that victims will be kept updated every 28 days and within 72 hours of any significant change/prime event.

9. Major considerations regarding victim welfare when re-investigating serious crime

- 9.1. In cases referred to the Serious Crime Review Team (SCRT), the obligations under Victim Care remain with the originating officer/department, until such time as the investigation is officially handed over for review.
- 9.2. With regards to historical un-solved serious crime (often referred to as Cold Cases), the commitment to victim care are essential. The Family Liaison Officer (FLO) Policy book and the Senior Investigating Officers (SIO) Policy book should cover both general and specific circumstances.
 1. Un-solved cases often referred to as Cold Cases are exactly that (Cold) and victims & family members have to be re-engaged by the newly appointed Investigators.
 2. Before such action is taken however a full review of the case is required in order that the Investigator has a full over-view of the circumstances.
 3. Without such a review taking place it is possible that any communication with the victim or family could cause either psychological harm or potentially hinder the investigation.
 4. Also before any communication is made all efforts to contact and liaise with the original FLO and SIO and IO should be made.
 5. It is imperative that when the Cold Case Investigator first speaks with the Victim or family he/she can show a good working knowledge of the case and its history.
 6. As in all cases full records of any contact should be maintained.
 7. Experienced fully trained investigators should be appointed to liaise with victims when an historical case is being re-investigated.

10. Major considerations regarding Domestic Violence Victims

- 10.1. The obligations under the Specialist Domestic Violence Court (SDVC) Memorandum of Understanding (MOU) between the Office Director Public Prosecution (ODPP), The Judicial Administration, Department of Community Rehabilitation (DCR) and Royal Cayman Islands Police Service (RCIPS) remain as per the existing MOU.

- 10.2. Strict adherence to the SDVC/MOU is mandatory to ensure that there is no duplication of effort by the Victim Contact Center (VCC) and the Family Support Unit/ Domestic Violence Unit (DVU).

11. Major considerations regarding Child Safeguarding Victims

- 11.1. With respect to Child Safeguarding matters the 'victim' is often a child of tender age and therefore such formal contact from the Victim Contact Center (VCC) would not be appropriate.
- 11.2. The Child Safeguarding Investigator will take the lead on that aspect and maintain contact with the parent/guardian etc. taking in to account the full sensitivities of the case at hand.
- 11.3. Once a formal handover of a Child Safeguarding matter is completed (similar to the SCRT) then the Multi-Agency Safeguarding Hub (MASH) take on that victim/guardian contact role as in existence.
- 11.4. To keep it simple; all designated child safeguarding matters are dealt with by FSU Child Safeguarding Investigation Unit.

12. All victim contact must be updated on RMS using the appropriate Victim Update Supplement heading.

- 12.1. The victim MUST also be notified when any of the following significant/prime events occur during the investigation:
- No Further Action and why.
 - Decision to close case and why.
 - Suspect is arrested/Interviewed under caution/bail/charged/Remand (notifications should be done for each of these events if they occur at separate times)
 - Date of First Court Appearance
 - Bail Conditions Imposed and what to do if conditions are broken
 - Bail Conditions Varied (if known)
 - Caution/Warning/other non-court disposal methods
 - If an offender escapes from custody (once aware of the escape or notified of it by the prison, hospital or immigration detention centre) and explain any measures taken for the victims' protection.
- 12.2. Priority victims must be informed of the above within 1 day. In all other cases, the victim must be informed within 72 hours.

12.3. The IO must inform victims of police decisions not to prosecute where a suspect has been identified and interviewed under caution and give the reasons for this. This includes matters where an Adult Caution was administered.

12.4. Where the ODPP decide not to prosecute you must:

- Inform the victim and give a reason for decision (e.g. insufficient evidence) within 72 hours, or 24 hours for priority victims upon receipt of information from the ODPP.
- The ODPP do consider requests for review, that is, the DPP or Deputy DPP will review a decision not to charge made by Crown Counsel, but this is on a case by case basis.
- A victim aggrieved by a decision not to charge may also seek judicial review through the courts. This however is for the victim to decide.
- Although there is **NO 'formal Right to Review Scheme'** in the Cayman Islands, a victim may request a reason for a particular decision and request a review by the DPP if dissatisfied.

12.5. Where victim reports a breach of bail and a decision is made not to place the suspect before the court, the police should notify the victim and explain the reasons why. RMS must be updated to reflect the decision.

13. Procedure – Review and Finalization

13.1. The supervisor will review and finalize every crime report ensuring that it has been classified correctly, conforms to RCIPS Crime Recording Standard and final Victim Contact has been completed.

13.2. Once a crime report has been allocated by the Supervisor or Victim Contact Center, the report will not be closed unless the victim has been informed of the outcome of the case, and RMS updated. It is the responsibility of the Investigating Officer (IO) and their line manager to ensure that this is done.

13.3. Once contact via telephone has been completed the finalization letter can be sent out to the victim by the Victim Contact Center, if required.

14. Victim Contact Center

14.1. The Victim Contact Center (VCC) is an office within the RCIPS dedicated to supporting investigating officers with the maintenance of victim contact throughout the investigation process. While investigating officers still retain their duties of duly contacting and informing victims of updates on their matters, the VCC may assist with

these contacts where necessary, and serves as a single point of contact for victims seeking updates or having difficulty obtaining information on their cases.

14.2. The Victim Contact Center (located within the CMU) will comply with all obligations set out in the victim care policy.

14.3. The Victim Contact Center will provide quality assurance (QA) of all crimes to ensure that victims were updated as per the policy.

14.4. Victims should be given a dedicated phone line (located in the Victim Contact Center) as well as a dedicated email address to call/email if they require an update or wish to liaise with the officer. The Victim Contact Center will ensure the Investigating officer is contacted and informed.

14.5. To ensure Victims of all crimes receives an explanation of what actions have been taken, and why the crime will not be investigated further, if such is the case.

15. Additional information

Item	Details
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Below details revisions relating to this document	Date

Equality and Human Rights Assessment

I am satisfied this policy demonstrates compliance with both the Human Rights Act 1998 and the Cayman Islands Constitution Order 2009 (Bill of Rights) and that 'Due Regard' has been given to the need to eliminate unlawful discrimination; advance equality of opportunity; and foster good relations.