



PRACTICE ADVICE – FAMILY LIAISON DEPLOYMENT TO MURDER/MANSLAUGHTER OF BRITISH NATIONALS ABROAD

This practice advice follows the Memorandum of Understanding (MOU) between the Foreign, Commonwealth & Development Office (FCDO), National Police Chiefs' Council (NPCC) and Chief Coroner of England and Wales.

<https://www.gov.uk/government/publications/murder-manslaughter-and-infanticide-of-british-nationals-abroad--2>

It is important that cognisance is taken that families bereaved from murder and manslaughter abroad are likely to face many legal, financial and logistical challenges, in addition to attempting to understand the differences of a foreign criminal justice system, language and repatriation decisions at an already distressing time.

This document is intended to assist **Senior Investigating Officers (SIOs), Family Liaison Co-ordinators (FLCs), Family Liaison Advisors (FLAs), Family Liaison Officers (FLOs)** and any other police personnel with the responsibility of decision making in relation to the deployment of FLOs to murder or manslaughter cases of British nationals abroad. It is also intended to provide some national consistency around family liaison deployments to such cases.

Consideration for FLO Deployment

The MOU sets out how all parties will work together to support bereaved families and this should be taken into account in deciding whether to deploy an FLO. Annexe 2 of the MOU outlines the roles and responsibilities of the police in England and Wales. When a SIO is deciding whether to deploy a family liaison officer they should consider the following factors:

- Where identification of the deceased is an issue and there is a request for forensic samples to be obtained. For example, dental records, DNA analysis and fingerprints.
- The overseas police service or relevant authority, specifically request for enquiries to be conducted in the UK. An example of this would be where the overseas authority contacts police via Interpol or Europol.
- The deceased's body is returned to England and Wales and the local coroner requests police assistance for the purposes of an inquest.
- Murder or manslaughter cases which occur abroad and where the suspect is a British national. Section 9 of the Offences Against the Persons Act 1861 deals with the murder or manslaughter of a British national abroad; there are certain circumstances where the suspect can be prosecuted in England and Wales, however these cases are infrequent and are particularly challenging with many legal issues to overcome.

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- The death involves a conspiracy to murder, which has taken place in England and Wales, but the actual death occurs overseas.
- Bereaved families request police to assist in establishing the circumstances of the death of a British national. This can arise where the family are dissatisfied with an investigation overseas and seek advice on murder investigations. It is important to note that a police force in England and Wales has no power to conduct criminal investigations overseas and the primacy of the relevant foreign jurisdiction must be respected.
- There is a formal request from an overseas authority for direct investigative assistance in the country where the death occurred. These requests are first considered by the United Kingdom Central Authorities (UKCA) unit in the Home Office, parameters may be set on what and how assistance may be provided by police.

The FLO forms an integral part of the investigation team and assists the SIO to achieve their investigative objectives. This often involves becoming the single point of contact between the family and the SIO. The scope and purpose for the deployment of a FLO should be discussed by the SIO and agreed with the FCDO Consular Directorate (most likely the Murder Manslaughter Team). This should include who will take primacy for family communication when a FLO is deployed, to avoid duplication and confusion for the bereaved family. The appointment of the FLO should not delay the family being informed of the death of their loved one. Very often such circumstances lead to media intrusion for the family and they should be told as soon as possible to avoid being informed via social media or other channels.

Any deployment of a FLO should be carefully considered as part of a comprehensive strategy. The primary role of an FLO is that of an investigator. There must be an investigative function to any deployment and a FLO should never be deployed solely as a support role. The SIO, in deciding whether to deploy a FLO, should consider their deployment objectives. At no stage should a FLO be appointed without the support and supervision of a SIO. There are often complicating factors and times when there will be a need for policy decisions to be made.

The aims and objectives of FLO deployment have been outlined within the Practice Advice guidance for Strategies, Briefings, Tasking and Withdrawal, please see [Working with victims and witnesses \(college.police.uk\)](http://college.police.uk)

Further consideration should be taken into account as follows:-

- What tasks will the FLO undertake? i.e. Will there be a need to take exhibits/statements from family members?
- Are there any other factors to take into account that will impact on the FLO deployment?

What tasks will the FLO undertake?

The SIO should instruct the FLO on what information is to be shared with the family.

It is important when deploying to such cases that a full explanation of what can be achieved should be given to bereaved families. Assurances of investigative assistance

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should not be made to families, as this is likely to lead to promises being unfulfilled and may cause further trauma and frustration to families.

It is also important that the objectives of the FLO deployment reflect:-

- Evidential statements that may need to be taken. For example on behalf of HM Coroner for purposes of inquest, or on behalf of a foreign jurisdiction. If statements are provided for a foreign jurisdiction, the SIO/FLO must ensure there is an appropriate legal basis and be clear for what purpose statements are being taken, how they will be forwarded to the foreign jurisdiction, and explain to the family if the statements are likely to be used in any other parallel investigations.
- Ante-mortem collection that needs to be carried out i.e. what exhibits need to be taken should there be a need for identification. This may include DNA, medical and dental records, fingerprints or other forensic samples. The SIO must ensure there is an appropriate legal basis if exhibits or statements taken on behalf of another country.
- In cases where the family ask questions and it is not possible to share the information, a full explanation should be provided as to why we are unable to share such information.
- The differences between investigations in the UK and abroad, i.e. inquests, criminal procedures, child death operating procedures (CDOP) and how the police share information with other countries. In particular FLOs should seek advice through the FCDO to understand other countries judicial processes, such as secrecy laws or death penalties, and how this effects information sharing.
- How the police work with the FCDO, HM Coroner and other law enforcement agencies.
- Signposting appropriate support services with the families' consent.

Are there any other factors to take into account that will impact on the FLO deployment?

The rules of evidence in other countries are different to the UK. In some countries, the judiciary lead and direct investigations and not the police, if not understood or explained this may cause confusion. In all instances, the legal and judicial process in the other country must be respected.

It is unusual for a FLO to travel to the country in question with family members.

It is possible for matters to be reported in the media and social media from abroad, which may lead to distress to the bereaved families. The SIO, FLC/FLA and FLO will need to inform the family and ensure there is sufficient support in place for them.

Facilitating co-operation with international law enforcement

The UK International Crime Bureau (UKICB) provides the UK National Central Bureau for INTERPOL. This is the main route for police co-operation and co-ordination. Any formal requests from a foreign country should come into the UK police force in this way.

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Other routes do exist, enquiries should be made through the force international liaison officers in the first instance.

In cases where a British national is returning to England and Wales after being convicted of a murder, further information is provided in Authorised Professional Practice – Managing Sexual Offenders and Violent Offenders – <https://www.app.college.police.uk/app-content/major-investigation-and-public-protection/managing-sexual-offenders-and-violent-offenders/mappa/>

Assistance to HM Coroner

HM Coroner may request formal identification, as a visual identification may not be sufficient. In incidents where more than one person has died, it is vital that the identification is conducted according to international standards to ensure the correct person is identified and repatriated.

Where there is repatriation to England and Wales, the Coroner may ask police for assistance when conducting an inquest, such as enquiries to establish how that person died. Securing evidence for an inquest in England and Wales is more difficult in such cases, since it relies on the voluntary co-operation of overseas authorities. In cases where more than one person has died in the same incident and they are from different Coronal areas, a Coroner may transfer coronial responsibilities to another Coroner. The Coroner may also require a post mortem even if one was conducted abroad.

Where required by the Coroner, the FLO can provide information to families about the inquest, organ or tissue retention and the release of the deceased to the bereaved families. Where requested by the Coroner, the FCDO can also provide information to bereaved families about post mortem processes in the foreign country and further information can also be provided in the FCDO bereavement packs.

<https://www.gov.uk/government/collections/death-abroad-bereavement-packs>

If exhibits or statements are being taken on behalf of HM Coroner for the Coronal process in England and Wales, discussions should be held with the Coroner with regards to any request from the host country for disclosure in any criminal proceedings overseas. The bereaved family should also be informed.

For more information on the role of the Coroner (England and Wales) please see Annex 3 of the Memorandum of Understanding between the Foreign and Commonwealth Office (FCDO), National Police Chiefs' Council (NPCC) and Chief Coroner of England and Wales.

Further information can be found at

<https://www.gov.uk/government/publications/guide-to-coroner-services-and-coroner-investigations-a-short-guide>

Child Death

Cases involving the death of a child should be responded to in accordance with existing guidance and legal framework. <https://www.app.college.police.uk/app-content/major-investigation-and-public-protection/homicide/>

Working with the FCDO

It is the responsibility of the SIO to ensure that a FLO deployment strategy and risk assessment is completed and subject to ongoing review. The FLO should be supported and supervised appropriately throughout the deployment by an SIO and FLC/FLA.

It is important that the FLO and the FCDO Consular Directorate agree roles and responsibilities, this will include the plan for communication with the bereaved family. The FCDO can provide information on repatriation, foreign policy and judicial systems, cultural issues and the likelihood of obtaining information from non-UK authorities.

It is essential that the family understand that the UK police through the SIO and FLO are working with the FCDO. A record should be made of all information that is shared between the FLO and FCDO. This should ensure there are no misunderstandings and a record is retained for any future proceedings.

It may be necessary for both the FLO and the FCDO to directly contact families. Where this occurs, it is important that police and the FCDO inform each other of such contact in support of families. This will lead to consistency of information to the family and avoids duplication or misinformation. Where appropriate, the family may wish to nominate a member of the family to act as a single point of contact when dealing with UK agencies, such as the FCDO.

In order for an effective relationship to develop between the FCDO and police, an initial telephone briefing of the circumstances and information must be provided by the FCDO to the SIO or FLC/FLA. This will then be followed up by written confirmation.

In incidents where there is more than one death and the families are from different parts of England and Wales, a decision will be made between chief officers as to which police force will take primacy for any investigation.

The FCDO will ensure that the FLO has a copy of the FCDO bereavement information and will email a copy of the FCDO in-country bereavement guide. The deployed FLO should be briefed by the FCDO on the cultural and judicial process in the country of the death in order to inform bereaved families.

The following may form part of the FCDO briefing:

- What is known?
- What can be achieved?
- How can this be achieved?
- Who does what?
- Has the FCDO contacted the Homicide Service?
- Establish whether bereavement information has been sent to the family/families and whether it is appropriate for the police to be provided with the same documentation.

Foreign, Commonwealth and Development Office Support: What to do if someone dies abroad

<https://www.gov.uk/after-a-death/death-abroad>

Foreign, Commonwealth and Development Office Support for British nationals abroad: A guide

<https://www.gov.uk/government/publications/support-for-british-nationals-abroad-a-guide>

Foreign, Commonwealth and Development Office Support: Death abroad through murder and manslaughter

<https://www.gov.uk/government/publications/helping-british-people-abroad-murder-and-manslaughter>

- Who is the main point of contact FOR the family?
- Will this person be the ONLY point of contact for family?
- Who will be the main point of contact WITHIN the family?
- Ensure that all appropriate family members are given relevant information.
- Information sharing arrangements? If the FLO is not the only point of contact, how is information sharing with the family recorded and retained?
- How regularly will there be contact with the family?
- How regularly will there be contact between the FCDO/SIO/FLO? (To be discussed and agreed jointly)
- Update the SIO on any Coroner's requests that have been received by the FCDO (have the FCDO written to the court to get a copy and when it is expected to receive it?) If not, FCDO to confirm as soon as the request comes through.

For incidents overseas involving multiple or mass fatalities. The FCDO may activate police and wider assistance via the national UK Disaster Victim Identification unit (UK DVI). A police Senior Identification Manager (SIM) may be appointed and initiate family liaison deployments. The SIM will be a trained SIO.

Media

For homicides that occur overseas, it is imperative that the local police force liaises with the media office at the FCDO who will prepare press lines in relation to any questions or requests from media outlets.

Community Impact Assessment

The effect of a homicide abroad on a community should not be overlooked and any community impact considerations should also take account of any media or wider community interest. Significant events such as vigils, funerals and wakes, should be subject to a community impact assessment.

Withdrawal Strategy

The withdrawal of any FLO deployment should be carefully well thought out and managed in accordance to the national practice advice for briefing, tasking and strategies.

Support for Bereaved Families

Victim Support Homicide Service

In cases of murder or manslaughter abroad, bereaved families should be given information about the Homicide Service (HS). The service is provided by Victim Support and is an enhanced service in partnership with the FCDO and the Ministry of Justice (MOJ) for bereaved families in England and Wales. This service can be offered to the families by either the FCDO or FLO.

The Homicide Service are an independent organisation and can assist with practical services such as assisting with the funeral, childcare and transportation, help with access to financial assistance such as state benefits and assess whether they can offer financial support toward legal advice in the country of an incident; can inform other organisations that there has been a death and also signpost to a range of other support services.

Further information can be found at



VS_FC&DO Support
for families bereaved

<https://www.victimsupport.org.uk/more-us/why-choose-us/specialist-services/homicide-service>

In addition the following organisations may be able to assist:-

Murdered Abroad - A support group providing guidance to families, partners and friends of the victims of murder and manslaughter abroad.

Contact details are 0845 123 2384

Email support@murdered-abroad.org.uk

<http://www.murdered-abroad.org.uk/>

LBT Global – Providing families information, liaison, advice and support through a missing person's case overseas.

www.lbt.global

telephone: 01983 718802

e-mail: enquiries@lbtglobal

HM Coroners Support Services – to support practically and emotionally the family and other witnesses attending HM Coroners Courts. Helpline 0300 111 2141 or info@ccsupport.org.uk

FLACSS – Family Liaison and Co-ordination of Support Services – is a network of organisations who exist to help those affected by Murder/Manslaughter, Fatal Road Collisions, Mass Disasters and Terrorism. Website www.flacss.co.uk

<https://www.gov.uk/government/publications/coping-with-death-abroad/death-abroad-uk-organisations-that-can-help>

Law Enforcement Officer at FCDO

There is a police advisor, a seconded Detective Superintendent, based in the Consular Directorate of the Foreign Commonwealth and Development Office. The police advisor is also a member of the national NPCC Homicide Working Group and is available to provide operational support to SIOs dealing with deaths abroad.

Crown Prosecution Service (CPS) Liaison Prosecutors

As well as a London based international team, the CPS has a number of specialist prosecutors, termed Criminal Justice Advisors or Liaison Magistrates, based overseas in countries of strategic importance to CPS casework and/or wider government strategies to counter the threat from serious and organised crime and terrorism.

As well as acting as a centre of expertise for the CPS in international engagement, co-operation and evidence-gathering, the team is responsible for assisting with justice reform and other assistance to improve the detection and effective prosecution of particular types of criminality of concern to the UK, such as terrorism and serious and organised crime in certain countries where they have placed a Criminal Justice Advisor.

National Crime Agency (NCA)

Major Crime Investigative Support (MCIS) employs a number of specialist services including: -

- ❖ National SIO Advisor (NSIOA)
- ❖ Crime Investigation Support Officer (CISO)
- ❖ National Family Liaison Advisor
- ❖ National Suspicious Missing Persons Advisor

International Liaison Officers

International Liaison Officers (ILOs) work closely with the police and judicial authorities in the countries that they are deployed. They ensure that information is shared appropriately and the support they can provide varies dependent on their location and the capabilities of the country where the investigation is based. Enquiries should be directed to the international regional desks where advice and guidance can be provided.

International Crime Co-ordination Centre

Provides a range of advice, support and guidance on policing including Judicial Co-operation. They provide advice to police officers and staff across the UK. The contact details are available through local forces.