



PRACTICE ADVICE FOR FLO DEPLOYMENT – EVIDENCE GATHERING, VICTIMOLOGY AND INFORMATION SHARING/WORKING WITH THE FAMILY

This document is intended to assist Senior Investigating Officers (SIOs), Lead Investigators, Family Liaison Co-Ordinators/Family Liaison Advisors (FLCs/FLAs) and Family Liaison Officers (FLOs) in managing information sharing to families in order to inform strategy and direction.

(Note: In this practice advice, Senior Investigating Officer (SIO), includes references to Lead Investigators, Investigating Officer or Officer in the Case)

There are a number of other documents to support dealing with families, particularly if they are designated as Vulnerable, Intimidated or Key Significant witnesses. This advice is not intended to replace or conflict with any legislation, Guidance or Authorised Professional Practice (APP).

The Code of Practice for Victims of Crime (2015) states "*Victims of crime should be treated in a respectful, sensitive, tailored and professional manner without discrimination of any kind*".

The trauma associated with a sudden, unexpected tragedy places the family of the victim under immense personal pressures at a time when the needs of the investigation make heavy demands for detailed information. Sensitivity, compassion, use of appropriate language and respect for the family's needs and requirements must underpin the approach to gathering material.

In the aftermath of any homicide, one of the highest priority actions is to gather victimology or lifestyle information about the victim. The advantage of lifestyle information in the early stages of an investigation is that it can open up lines of enquiry that might not have otherwise been immediately apparent. All victimology has the potential to provide the investigation with a number of lines of enquiry but it is important to prioritise the crucial elements early in the investigation.

In identifying the family and prior to meeting them, the SIO should ensure that as much information about the family is known. This includes determining any possible cultural or lifestyle considerations, religious beliefs or possible communication requirements in respect of language or disability.

The term "family" should include partners, parents, siblings, children, guardians and others who have had a direct and close relationship with the victim. The main point of regular contact for the FLO would normally be to the husband/wife/partner, parents or closest family member, as long as they are in agreement with this, but the family should be the main decision maker regarding the point of contact.

The Code of Practice also states:

- *"If a family is bereaved as a direct result of a criminal offence, the deceased's close relatives are entitled to nominate a family spokesperson to act as the*

single point of contact to receive services under this Code. If the close relatives cannot choose a family spokesperson, the Senior Investigating Officer working on the case must choose the family spokesperson.

- *If a family is bereaved following a road traffic collision where the police are investigating whether a criminal offence has been committed, a family spokesperson may be nominated as set out above”.*

The family dynamics and structure must always be taken into account to ensure that an appropriate level of information and evidence is gathered. This is particularly important in situations where the family is extended, estranged or divided in some way. It may also involve the victim’s possible association with a particular cultural, religious, lifestyle, diversity or some other sensitivity.

EVIDENCE GATHERING AND VICTIMOLOGY

The level of lifestyle enquiries will determine the level of detail required from families and victimology is an opportunity to gather lifestyle information from the onset of the investigation to ensure that none are missed.

Understanding the lifestyle and routines of a victim may help to gather evidence and one of the aims will be to establish a link between the suspect/s, other victims and any crime scene. It will also help to generate investigative opportunities where other lines of enquiries have been exhausted and establish the reason for their death.

There are occasions when family members have witnessed the event or are significant witnesses. In these cases there will be a need, from the outset, to exercise extreme care in the information that is shared with them. At no point should investigative updates be given to the family that would compromise them as witnesses or compromise the investigation. It is important for any interviews with designated vulnerable/intimidated/significant witnesses of family members be conducted as soon as possible in order to both protect the integrity of the investigation and allow them to be furnished with timely updates.

Where family members have been designated as vulnerable, intimidated, or significant witnesses, the reasons for this should be explained to the family, outlining why full information cannot be given to them at that time. A balanced and reasoned rationale which protects both them as victims/witnesses and the investigation should be carefully and sensitively explained to the family.

FLOs should also ensure that they comply with the obligations under The Code of Practice for Victims of Crime (2015) in obtaining evidence from families. They should ensure that they act in compliance with Achieving Best Evidence in Criminal Proceedings: Guidance on Interviewing Victims and Witnesses, and Guidance on using Special Measures (Ministry of Justice, 2011).

In gathering information from the family consideration should be given to the following:-

- What do we know?
- What do we want to know?
- What category of witness designation is the family?
- What Special Measures would they be eligible for?
- Who will apply for any special measures?
- How will the interview be progressed (statement, audio, visual?)
- Who will conduct the interview?
- What support will be needed after the interview (if any)?

Any interviews with family members should be carefully planned and researched and consist of:-

- Setting objectives;
- Selecting interviewers;
- Supporting the interview;
- Consideration for any supplementary interviews

FLOs routinely take statements to establish identification and antecedent information. They should, however, only be tasked to conduct an interview with a significant witness (including those also designated as vulnerable or intimidated witnesses) who is a member of the family, after careful consideration of the following factors: -

- Whether or not the FLO has the skills or level of training to conduct such an interview;
- Whether the FLO's position with the family is likely to be compromised by interviewing, particularly if they are hostile or reluctant;

Any decision to task an FLO to conduct a significant witness interview (including an interview with a vulnerable or intimidated witness), the rationale for it and the decision made after he or she has been debriefed should be recorded in the SIO's policy file.

Where an FLO is tasked to conduct a significant witness interview, it is important that they are allowed sufficient time to plan and prepare for the interview as well as conduct any structured summaries, proof read any product obtained and prepare any evidence.

Further consideration should be given to their ongoing deployment in the role should any issues be identified at the conclusion of the interview.

The FLC/FLA should familiarise themselves with any information given to the enquiry prior to the deployment of an FLO, i.e. information sought as a fast track action due to a suspect being at large and urgent information needed from a family member or members. This will improve the integrity of any evidence gathered from the family and ensure no duplication of information.

Victimology objectives may consist of the following:-

- Routines/habits
- Vulnerability
- Lifestyle
- Associates
- Links to scene
- Physical Appearance
- Personality
- Relationships/family dynamics
- Finances
- Pre-cursor incidents
- Health
- Data devices/Social media
- Vehicles
- Previous or ongoing contact with external partners

This list is not exhaustive, but rather a series of considerations

The FLO conducting victimology should establish from the SIO whether they are required to obtain a recent photograph of the victim showing how they looked before the incident, and if completion of a full Personal Description Form (PDF) is necessary.

Any queries regarding victimology should be addressed with the SIO/FLC/FLA and/or Interview Advisor.

Victim Personal Statement

The FLO should take the Victim Personal Statement (VPS) in compliance with national guidelines and in a timely manner; in particular this should be done prior to any criminal trial.

In cases which qualify for the Bereaved Families Scheme consultation with Crown Prosecution Service should occur.

WORKING WITH FAMILIES AND INFORMATION SHARING

One of the primary concerns of family members will be the need for information. The trauma of bereavement can be compounded by the frustration of not knowing the surrounding facts, in particular how, when and why their loved one died. The victim's family must be provided with timely information, so far as the investigation permits.

It is expected that the family will be treated with honesty, respect, sensitivity, professionalism and openness regarding the investigation and given timely updates. At no time must a family be deliberately misled and contact must be honest and open as far as the investigation allows. It may not be possible to disclose all of the information known to the investigation to a family, especially where the suspect/s is not immediately traced, or is potentially within the family group.

In extreme cases, if certain information is disclosed, it could jeopardise the police investigation and/or subsequent prosecution. It is always going to be a challenge to balance the needs of the investigation and provide the family with updates given the potential high profile of any given case. This is particularly relevant when suspects have been arrested and charged because sub judice rules will be in effect. The family should receive an explanation if any information is being withheld from them, in particular when they have asked for information.

From the outset the FLO should explain their role, particularly in relation to being an investigator and exactly what their role of Family Liaison will entail. It is advisable that families are given documentation explaining what the FLO will do, including their contact details. Information around support agencies should be given to the family, including where to access further support/reading material. In the event of any parallel investigation, the FLO should advise the family regarding what other agency/agencies will be responsible for providing information to them. This will ensure that confusion is kept to a minimum.

Any commitments or assurances given to the family should be documented and carried out. If these cannot be met, this must also be documented and a timely explanation given to the family. Unrealistic promises should not be made to the family as this could result in mistrust and a breakdown in the working relationship.

The FLO must fully explain the possible effects of information disclosure to the family, particularly how information is sub judice once a suspect has been charged. The FLO should also explain to the family that the police will only give them information which is factual and will not deal with speculation. It is also important to outline realistic expectations about what is going to happen so that the family are not surprised or alarmed by actions or information given to them.

In some cases language could be a barrier and communication may require the services of a suitably qualified interpreter. Where such a need arises, great care must be taken to ensure that all information is clearly relayed and understood. Furthermore, caution should be exercised when interpreters are engaged in the investigative process, to

ensure that gender, personal background or beliefs do not conflict with those of the family.

Complexities may include:

- Family members who are actively involved in criminality and their inherent distrust of police.
- Fractured/estranged families. FLOs must always work within The Code of Practice for Victims of Crime (2015) and be deployed to both sides of a fractured family. The FLO should be honest and transparent explaining their duty under the Code.
- Differing ability to cope with information disclosed – one member of the family may want to know everything, whilst another may not.
- Family members who are oblivious to aspects of the deceased's lifestyle.
- Family members' mental health (consider POVA referrals and risk assessment considerations).
- Family members' abuse of alcohol or drugs (both prescribed and illegal), referrals and risk assessment to be considered.
- Proximity of family to offence location.
- Family members' expectations for meaningful updates on protracted investigations i.e. where the suspect is unknown or has evaded custody.

Cases of Estrangement

Difficulties can arise when the deceased may have been estranged from the family or individual family members, and may have had relationships that some members of the family were unaware of. In these circumstances the decision may be taken to deploy additional FLOs to different sections of the family/ family members. The family should be made aware of any FLO deployment to other family members or other persons.

Indirect Communication

It is extremely important that direct dialogue exists between the family and the police to ensure that the family is being supported appropriately and there is a direct flow of information. However, cases may arise when, from the outset or at an early stage in the investigation, direct dialogue with the family and the police cannot be established or it breaks down. The SIO must continue to look to families to be part of an effective investigation as it is much harder to support, protect and work with a family at arm's length. Without direct dialogue with the family, the intelligence flow may be restricted, thereby weakening the investigation.

The onus is on the SIO to take all possible steps to overcome any barriers or difficulties. In some instances communication might take place through representatives of the family such as a solicitor or member of a community interest group.

Working with Representatives of the Family

When there is no direct dialogue with the family, the family should be encouraged to appoint a representative to act on their behalf (this may be a solicitor). The wishes of the family must always be respected in this regard. The family may find it more comfortable and less traumatising to communicate through a representative. Solicitors may have legitimate concerns that their client families are frightened of, or upset by the police, or that they may be concerned about the progress of the investigation. The SIO should make every effort to allay those concerns.

The presence of the representative must not deter the SIO from striving for timely and effective communication with the family, from offering the continued support of the police or from continuing to progress the investigation.

SIOs must always maintain an empathetic and professional approach while they are working with representatives of the family. They should also pursue every avenue to foster good relationships with the family. It is imperative that the SIO guards against allowing the lack of direct contact with families to cloud their perception and should instead focus on providing them with support and sustaining an effective investigation.

Independent Advisory Groups and Independent Advocates

In cases where direct dialogue with the family has been ineffective, strained or has broken down, the SIO may consider involving local advocates to facilitate communication, and/or seek advice from an Independent Advisory Group. The purpose of an independent advisor would include advising the SIO in re-establishing effective dialogue with the family and rebuilding trust and confidence in the police investigation. If a specific Independent Advisory Group is formed for an investigation, the SIO should record, and take into account, recommendations of the group.

The family and/or their representative should be consulted about the engagement of any independent advocate (which is different to independent advice), and asked to nominate representatives in whom they have confidence and trust. The SIO should ensure that terms of reference, operating protocols and confidentiality agreements are documented when an independent advocate is engaged by the police. In some cases the FLO may be expected to work alongside the local advocates in their liaison with families. The intention is to build the family's trust and confidence in the police investigation, with the objective of restoring effective direct police communication with the family.

Suspects within the Family

In situations where there may be a suspect in the family group, a comprehensive risk assessment must be carried out prior to deploying an FLO.

N.B. FLOs are overt investigators and must never be used in any other role that could undermine the family's confidence in them. Care must be taken to ensure that the FLO does not stray into the area of Covert Human Intelligence Sources (CHIS).

The information provided to the family should always be open and honest; however this may need to be carefully balanced against not disclosing investigative information that may hinder the investigation. It is the responsibility of the SIO to set any parameters on what cannot be shared with a family.

When a member of the family has been arrested, interviewed and given bail or remanded in custody it makes it very difficult to provide updates, particularly if they are a direct family member. It is entirely possible that further interviews will need to be conducted or statements taken from family members during an investigation. This will need to be carefully managed throughout the investigation. In cases where it is suspected that a child has been murdered by a family member there is potential for the interviews to be used in Family Court as well as any criminal case.

The following issues should also be taken into consideration:

- Investigative and/or evidential impact of deployment - discussions with the interview advisor and SIO should occur on every occasion due to any PACE implications.
- How any intelligence that arises from the FLOs contact with the family is to be managed;
- In view of the potential for intelligence and evidence gathering, the need for the FLO to be clear concerning his or her interaction with the family in respect of the requirements of any relevant legislation.

- The importance of fully documenting all contact and interactions with the family;
- The consideration of deployment of a new FLO if/when a suspect is arrested.

Defendants' Families

In some cases (i.e. murder, where the person responsible has then committed suicide) the SIO may consider deploying a contact officer to a defendant's family. This will require a strategy which outlines what is required of the contact officer. Advice should be sought from the FLC/FLA in developing a strategy concerning such deployments.

This can be a complex area of deployment especially if the alleged perpetrator is within the same family as the victim and they are key/significant witnesses. Care must also be taken to ensure that the bereaved family does not feel isolated and neglected by the deployment of contact officer(s) to a defendant's family.

SUPPORT FOR FAMILIES

The Code of Practice for Victims of Crime (2015) sets out the support and information that families bereaved should receive.

"They should receive appropriate support to help them, as far as possible, to cope and recover and be protected from re-victimisation. It is important that victims of crime know what information and support is available to them from reporting a crime onwards and who to request help from if they are not getting it".

"Victims of criminal offences, including bereaved close relatives, should have access to information on the range of victim support services available. These victim support services may be provided by locally or nationally commissioned organisations. You will be directed to victim support services where required under this Code, but this does not prevent you from accessing those services directly if you wish".

The Government website www.victimandwitnessinformation.org.uk provides information to bereaved families.

In cases of murder or manslaughter in England and Wales, bereaved families should be given information about the Homicide Service. The service is provided by Victim Support and is an enhanced service funded by the Ministry of Justice. It is a service offered to bereaved families and designed to assist families in knowing what to expect from the criminal justice system. The Homicide Service provides:

- assistance with the funeral, childcare and transportation,
- help with access to financial assistance such as state benefits and compensation claims and can inform other organisations that there has been a death, and

The Homicide Service also offer or commission specialist services such as:-

- bereavement counselling
- restorative justice
- support and advocacy through the Domestic Homicide Review process, and other reviews such as Serious Case Reviews and inquests
- support for murder or manslaughter abroad
- child bereavement support
- welfare advice
- advocacy on the family's behalf for housing, finance (e.g. debt), employment, welfare benefits, family and school issues
- access to legal advice and support when needed
- Comprehensive peer support network, where the family can share knowledge, emotional assistance and practical help with others who have been bereaved through murder or manslaughter.

Domestic Homicide Review

Families bereaved by a domestic homicide or by a suicide where domestic abuse was involved will have a wide range of support needs.

Domestic Homicide Reviews are part of the Domestic Violence, Crime and Victims Act 2004 which became law from 13th April 2011. A review team will be formed of members of local statutory bodies but they do not include any officers that have been directly involved in the case.

Families are given the opportunity to be integral to reviews and it is important that the SIO notifies the local authority community safety partnership (CSP) that there has been a homicide.

FLOs should explain to families the services of the Homicide Service as part of their role. In cases of domestic homicide they should also explain the support services that can be accessed for domestic homicide review.

Advocacy After Fatal Domestic Abuse is a national charity offering free specialist and expert advocacy after domestic homicide. They also offer this service after suicide following domestic abuse. Their team includes advocates who have suffered homicide and suicide in their families following domestic abuse. They can be contacted on 07768 386922 or info@aafda.org.uk Our website is www.aafda.org.uk

Fatal Road Traffic Collisions

In relation to those cases involving a road death fatality the Police and Crime Commissioner (PCC) within the responsible policing area will have placed victim care support in their Local Policing Plan.

In England, Wales, Scotland and Northern Ireland and abroad, bereaved families should be given information about the National Road Victim Service. This is accessed through distribution of the Brake pack, which includes the number to access the service 0800 8000 401.)

The service is provided by Brake (www.brake.org.uk) and is an enhanced service funded by the Department for Transport and further supported by many PCCs as part of their local policing plan but available nationally. It is a service offered to bereaved families who are assigned a case manager, who works with the family often for up to more than a year, assisting with issues including:

- criminal justice system procedures including Victim Personal Statements and court procedures;
- practical issues such as the funeral, childcare and transportation, and additional issues if the death happened abroad;
- financial issues such as state benefits and compensation claims;
- informing other organisations that there has been a death.

The service also provides:

- emotional support
- help accessing local bereavement services and specialist support groups, for example child bereavement, and in some areas road death support groups
- access to assessments for diagnosis of mental health needs
- legal advice

Families should be given the information about support and information from charities and voluntary organisations. This should include:

The Government website www.victimsandwitnessinformation.org.uk provides information to bereaved families.

Brake Road Safety Charity

Provides a freephone, confidential support service on advocacy for those families bereaved by fatal road traffic collisions. Website www.brake.org.uk, Helpline 0808 8000 401.

FLACSS – Family Liaison and Co-ordination of Support Services. This is a network of organisations that exist to help those affected by murder and manslaughter, fatal road collisions, mass disasters and terrorism. Website www.flacss.co.uk