



Royal Solomon Islands Police Force

Office of the Commissioner

GOVERNANCE INSTRUMENT (POLICY)

Policy Number: P/2010/CI/002

ROYAL SOLOMON ISLANDS POLICE FORCE

**FAMILY VIOLENCE POLICY AND STANDARD OPERATING
PROCEDURES**

Date of Original Issue:	4 April 2010.....
Date of Amendment:	Nil.....
Number of Pages:	16

Authorisation: Peter Marshall Commissioner of Police
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1. TITLE

This policy is to be referred to as the Family Violence Policy.

2. FOREWORD

Family violence in the Solomon Islands is often ignored and perceived by many as an internal matter for the family to resolve. A number of men and women in Solomon Islands communities still believe that family violence is a legitimate form of discipline.

Currently there is no specific legislation in the Solomon Islands that directly addresses family violence. However this should not stop us from recognising it as a crime and seeking to eliminate it from our society.

This policy guides members of the RSIPF in the stance to be taken when being called for service in relation to family violence.

3. POLICY NUMBER

The policy is authorised to take effect as Policy Number: P/2010/CI/002

4. DATE OF EFFECT

The policy is authorised to take effect after 6 months from the date of sign off by the Commissioner of the Royal Solomon Island Police Force (RSIPF). This will provide sufficient time to allow for the necessary training and familiarisation.

5. PREVIOUS POLICY

There has been no previously approved family violence policy.

6. APPROVAL

The policy has been authorised by the Commissioner of the RSIPF.

7. ADMINISTRATION

The policy is administered by the National Family Violence Unit, Operations Portfolio.

8. DEFINITIONS

“Applicant” used in the protection order to refer to either party to whom the violence has been used or threatened to be used against by the respondent.

“Respondent” used in the protection order to mean the party to who used or threatened to use, violence towards either the applicant or their child.

“**Court**” means a Magistrates Court or a Local Court as constituted under section 3 of the Magistrates Court Act¹.

“**Protection Order**” means an order made under section 22 of the Affiliation, Separation and Maintenance Act² including an order restraining the behaviour of the respondent, but does not include an ‘expedited protection order’.

“**Expedited Protection Order**” means an order made under Section 22 of the Affiliation, Separation and Maintenance Act³ where the court is satisfied that there is imminent danger of physical injury to the applicant or a child of the family.

“**Family Relationship**” means a mutual bond between two or more people that is recognised by law, religion, or custom. It can be socially created through marriage or by blood ties to include parents and siblings.

“**Family Violence**” (also referred to as domestic violence) is defined as abusive or controlling behaviour used by a family member or several family members (not confined to legal relationships) over another. Primarily the violence is directed towards women and children. Violence and abusive behaviour include: physical, psychological, sexual, economic and social.

These types of abuse include but are not limited to the following:

- Bodily injury or threats of bodily injury
- Sexual assault
- Physical restraint
- Psychological abuse
- Damage to property when directed at the victim
- Stalking
- Breach of court orders
- Death threats
- Murder

“**Assault**” according to s31.5 of the Criminal Law in Solomon Islands: an assault is an act by which the defendant intentionally or recklessly causes the complainant to apprehend immediate, or to sustain, unlawful personal violence. An assault can be committed without there being physical injury, for instance, by a threatening gesture or a threat to use violence made against a person⁴.

¹ Refer Chapter 20.

² CAP 1.

³ CAP 1.

⁴ Refer Fairclough v. Whipp (1951).

9. EXECUTIVE SUMMARY

This policy recognises family violence as a crime. It guides the RSIPF to hold offenders accountable and provide support to victims.

Family violence is being taken very seriously by the Solomon Islands Government and by the RSIPF. New legislation, policies and memoranda of understandings are being written by a range of Governmental agencies and Non Governmental Organisations (NGOs). This policy will therefore need to be updated regularly to incorporate these documents as they are implemented.

10. PURPOSE

The purpose of this policy is to outline the stance to be taken by the RSIPF in relation to family violence. Family violence is to be treated as a crime, offenders are to be made accountable for their actions and victims are to be kept safe.

This policy indicates to officers what action is to be taken when a report of family violence is received either about a member of the community or a police member.

11. BACKGROUND

The RSIPF has engaged in developing strategies to counter the growing number of family violence incidents, and is committed to promoting a “family-violence-free Solomon Islands”.

The RSIPF is mandated under Solomon Islands laws to protect the rights of individuals and enforce the rule of law for peaceful coexistence and security of all its citizens. This includes vulnerable groups such as women and children regardless of their cultural affiliation.

12. POLICY

12.1 All members of the RSIPF are to respond consistently to the incidence of family violence and are to treat it as a crime. The RSIPF must ensure that those who commit the offence are held accountable for their actions and that victims are respected and protected.

12.2 This policy will guide the RSIPF to achieve the following:

- Protect and assist victims
- Hold offenders accountable for family violence acts
- Promote a safer community
- Fairly apply the ‘rule of law’

13. PROCEDURE (including Standard Operating Procedures)

13.1 Reporting Family Violence Offences

- 13.1.1 All family violence incidents that come to the notice of Police must be reported and recorded using the RSIPF FV-100 form.
- 13.1.2 The RSIPF FV-100 forms is a carbonated triplicate form. Once completed, the original copy stays on the case file, one copy remains with the station where the incident was reported and one copy is forwarded to the provincial Family Violence Coordinator.
- 13.1.3 Provincial Family Violence Coordinators (FVC) will collate all of the completed FV-100 forms and submit them with the monthly family violence report to the Family Violence Unit office based in Honiara by the 20th day of each month.
- 13.1.4 FVC will follow up on the cases reported on the FV-100 forms received, ensuring that the incident is correctly documented and that the appropriate services have been contacted to provide support to the victim and assist in the case.

13.2 Protection Order Records

- 13.2.1 In every station a specific file for Protection Orders is to be established.
- 13.2.2 The Provincial Police Commander (PPC) is to ensure a copy of every Protection Order issued in that area by the RSIPF is retained in the station Protection Order file.
- 13.2.3 The Provincial Coordinator is to ensure that the Protection Order file is maintained at all times. They should also inform appropriate supervisors when the file is not maintained to a suitable standard.

13.3 Stakeholders Network Approach

- 13.3.1 A link is to be created between the RSIPF and other stakeholders to ensure that a suitable service is rendered to victims and offenders. Counseling, rehabilitation and safety are crucial to this policy and RSIPF officers must refer victims and offenders to the appropriate available services where possible.
- 13.3.2 It is desirable that a network should include all government agencies and institutions, non government organizations (NGOs) and where appropriate, community chiefs and religious leaders. All these organisations should share statistical information, deliver services and jointly search for solutions.

- 13.3.3 Where there is a limited presence of service providers, especially in the remote parts of the Solomon Islands, the Provincial Family Violence Coordinator should establish a local network that may include the Police, Village Chief, Provincial Government Representative, Church Leader and Local Court Official.

13.4 Family Violence Involving Children

- 13.4.1 Police attending any incidents of family violence involving children either as a victim or as a witness must always consider the safety of the child as the highest priority.
- 13.4.2 Police Officers should make direct contact with the child at the scene to determine the child's welfare.
- 13.4.3 Police Officers should contact a suitable support person with whom the child can confide before proceeding with any investigation. If there is evidence that a child is the victim of a crime then a normal process of investigation involving children should be adhered to.
- 13.4.4 When the attending officers conclude that a support service or other means of care is required for the child, then all necessary arrangements should be taken to ensure the safe transport and care of that child to a responsible family member, particular agency or specialist.
- 13.4.5 Care should be taken when interviewing children. If a child is to be interviewed, they should have a support person who is not directly involved in the enquiry present during the interview. This support person should be where possible and appropriate a parent, guardian or relative. The child should be interviewed separately from other parties.

13.5 Attending to a Family Violence Situation

- 13.5.1 Police Officers should identify all witnesses and establish the relationships between all the people concerned.
- 13.5.2 When a police officer has witnessed a family violence incident in a public place, the officer shall immediately intervene and deal with the matter accordingly.
- 13.5.3 Where a police officer believes that a family violence offence has been committed or is about to be committed in a private area, the officer may enter, with or without the consent of the owner, and stop the violence or if necessary affect an arrest (s9.4 arrest without warrant and s9.5, Common

Law Powers of arrest in Criminal Law in Solomon Islands). In all such cases due consideration must be given to the officer's safety.

13.6 When the offender has left the scene

13.6.1 The responding officers shall:

- Determine whether an offence has been committed
- Make all relevant enquiries, including checking with prosecutions regarding active warrants
- Record statements particularly from the victim and eye witnesses
- Seize and record all relevant exhibits
- Exhaust all reasonable means to identify and locate the alleged offender
- Document all actions taken in a timely manner

13.6.2 If the responding officers are unable to locate the offender in a timely manner the file should be forwarded through to the Criminal Investigation Division (CID) for enquiries and follow up work to be completed.

13.6.3 Whenever a police officer who is involved in a family violence incident is not arrested or a warrant is not sought for their arrest then the on-scene supervisor shall write a full report outlining the incident detailing reasons for the decision, to the Commissioner of Police, within a timely manner.

13.7 When the victim has left the scene

13.7.1 The responding officers shall make every effort to locate the victim and follow through with the investigation. The responding officers shall ensure the victim is informed of the following:

- The judicial process and victim's rights
- Actions justifying arrest by RSIFP officers
- Procedures for obtaining a 'Protection Order'
- Community resources and local family violence support services

13.8 Investigation Practice

13.8.1 Family violence offences and incidents have the potential to include a wide range of offences such as: homicide, sexual offences, assaults, threatening behaviour, willful damage, trespass and burglary.

13.8.2 Action taken by Police must focus on:

- Protection of victims (including child witnesses)
- Identify and investigating offences
- Holding the offender accountable

13.8.3 The responding officers shall investigate the incident thoroughly and perform the following actions

- Address the immediate safety of all parties involved including police officers
- Separate the parties involved
- Take control of any weapons used or threatened to be used in the incident
- Secure the scene and preserve all evidence
- Note all admissions and/or incriminating statements
- Obtain medical assistance if required
- Interview all victims/witnesses, persons involved or present
- Consider the need to obtain photographic evidence of all parties involved and of the scene
- Note any injuries to the victim and damage to property
- Suggest the victim undertake a medical examination if required
- Ensure all elements of the intended charge are covered and all exhibits are collected and preserved⁵
- Make an arrest if reasonable suspicion exists
- Complete the RSIPF FV - 100 in a timely manner

13.8.4 If requested, copies of the victim's statements shall be made available to the victim as soon as practicable for no charge by the RSIPF.

13.9 Power of Arrest, Detention, and Bail

13.9.1 Offenders shall, except in exceptional circumstances, be arrested by police. In cases where action other than arrest is contemplated, police officers must seek approval from their immediate supervisors before taking the intended action.

13.9.2 When the victim makes a formal statement but refuses to sign it police will continue with the investigation. The officer must make a note at the bottom of the victim statement regarding their refusal to sign.

13.9.3 Where the victim has made a formal statement but refuses to give evidence in court, the case is to continue. Police Prosecutions will explain to the court the decision made by the victim to not give evidence.

13.9.4 Where a victim requests that charges be withdrawn, the victim shall submit a formal written statement to the Police Prosecution Unit explaining the situation and their wishes. Where there is sufficient evidence, Police will proceed with the intent to pursue prosecution.

⁵ Refer to the RSIPF Manual titled, "Gather, Collate and Record Information".

- 13.9.5 No family violence related charges will be withdrawn by Police unless directed by the Provincial Police Commander (PPC) or the Directors of Police Prosecutions and Public Prosecutions (DPP).
- 13.9.6 A respondent who breaches a protection order will be arrested without warrant under Section 22 of the Affiliation, Separation and Maintenance Act where the powers of arrest are attached to the order by the Court.
- 13.9.7 If the order has no power of arrest attached and the officer is satisfied that the respondent has disobeyed an order, the officer may refer the victim to legal assistance so they can apply for an arrest warrant.
- 13.9.8 Police may arrest the offender without a warrant if he/she acted in a manner that may amount to an offence found in the Penal Code⁶
- 13.9.9 On arrest consideration must be given to:
- The welfare and safety of all parties directly involved
 - Access rights to any children
 - Potential risk of re-offending

13.10 Bail and Custody

- 13.10.1 The question of whether bail should be granted or not, should take into account the possibility of repetition of the offence or the likelihood of further offences being committed by the defendant if released.
- 13.10.2 If the suspect is granted bail, police prosecution should ensure that the bail considers conditions which may include the prevention of further violence, threats or harassment to the victim.
- 13.10.3 Police must make sure that the victim is informed of the intention to release the suspect on bail and ensure the victim is afforded appropriate protection and/or support.
- 13.10.4 If circumstances indicate that it may be appropriate to bail the offender, consideration should be given to the safety of the victim and assistance provided to the victim should a protection order be sought.
- 13.10.5 Victims must be advised of any conditions of bail pertaining to the offender.

⁶ Refer chapter 7.

13.11 Support and Information for Victims

- 13.11.1 Police shall ensure that all victims of family violence have access to appropriate and timely support and information about available services.
- 13.11.2 In each province the Family Violence Coordinator should work with the Police Commander to engage with agencies that are able to provide appropriate and timely support for victims.
- 13.11.3 Unless the victim has already indicated that he or she does not require support, police shall make an entry in their official notebook. Where assistance is requested, they shall take action to ensure immediate notification is made to the relevant support agency, in accordance with locally agreed practice.
- 13.11.4 The RSIPF shall respect the privacy of offenders and victims, and not make idle gossip about individuals involved in family violence cases.
- 13.11.5 The RSIPF shall also ensure available assistance is offered to all victim/s including plans regarding their safety and protection.
- 13.11.6 Police Officers in charge of an investigation shall ensure the victim is kept updated and informed of the progress of the investigation, including any court proceedings, in a timely manner.
- 13.11.7 All officers shall be aware of possible victim/witness intimidation or coercion and the increased danger when a victim decides to leave her abusive partner.
- 13.11.8 If an officer suspects occurrences of intimidation or coercion of the victim/witness, the officer shall complete a written report to be delivered immediately to the officer in charge of the case through the chain of command.
- 13.11.9 If the officer in charge of the case receives any written report in relation to intimidation or coercion he or she shall conduct enquiries to determine if this intimidation or coercion is occurring.
- 13.11.10 Whenever possible the case should not be withdrawn and the matter should proceed to court.

13.12 Case Disposition

- 13.12.1 Charges must accurately reflect the seriousness of the offence.
- 13.12.2 It is the duty of the prosecution to ensure that bail conditions sought are adequate for the benefit of the victim.
- 13.12.3 It is the duty of the officer in charge of the case to make sure that the victim is safe and not being subjected to any harassment by the offender, prior, during or after court proceedings.

13.13 Application Procedures and Police Roles

- 13.13.1 Protection will be afforded to “specified persons” who may include children of the applicant under Section 22 of the Affiliation, Separation and Maintenance Act⁷.
- 13.13.2 If a victim wishes to make an application to obtain a Protection Order, police are to refer the victim to a relevant agency for assistance in making that application.
- 13.13.3 Police Officers are to:
 - Execute the order and ensure that all conditions stated in the order are met
 - Collecting statements documenting breeches of court orders
 - Investigate any alleged breach of an order
 - Prepare all intended charges for the breach of an order and other offences committed by the respondent under the penal code

13.14 Service and Record of Protection Orders

- 13.14.1 When a protection order is issued by a court, the Registrar of the court in which the order is made shall, if possible, provide a further copy of the order and ensure it is furnished to the Provincial Police Commander at the nearest Provincial Headquarters.
- 13.14.2 The Police Commanders of the Provincial Police Headquarters must without delay forward copies of the order received, to the Station Officer of the nearest police station:
 - Nearest to where the protected person(s) resides;
 - Nearest to where the respondent resides.

⁷ Refer chapter 1.

- 13.14.3 Station officers must ensure that copies of Protection Orders issued in their area are retained in a specific station folder.
- 13.14.4 The station officer will assign the task of service of the protection order to the shift in-charge or the officer assisting the applicant on whom the application was made.
- 13.14.5 Responsible officers must make necessary background checks on the respondents likelihood to pose a threat to the applicant and others including police.
- 13.14.6 If there are any findings that the respondent has in his possession, dangerous weapons, the police should take all necessary steps to ensure that these threats are minimised and reduced appropriately.
- 13.14.7 For the safety of applicants and children whom may face immediate danger from the respondent, the police must ensure that the protection order is served as soon as possible and to intervene should the respondent breach any conditions specified in the order.

13.15 Family Violence and Police Families

- 13.15.1 This section recognises that police officers can commit acts of family violence. It offers a comprehensive, proactive approach to family violence by the RSIPF employees with an emphasis on victim safety, offender accountability and consistent practices.
- 13.15.2 It is essential to the integrity of the profession of policing and the sense of trust communities have in their local police force that it is understood that acts of domestic violence by RSIPF members will not be tolerated.
- 13.15.3 Further, this section specifically addresses family violence and police families to address prevention through recruitment, awareness, and training practices. It also provides direction to supervisors for intervention when warning signs of family violence are evident, and offers a structured response to reported incidents of family violence involving police officers.
- 13.15.4 In responding to family violence incidents where the victim and or offender are police officers, standard domestic violence procedures in accordance with this policy should be followed.
- 13.15.5 Standard background checks on all potential new recruit applicants shall include identifying any incidents of family violence. All recruit applicants shall be clearly informed at the time of joining, of the RSIPF position of zero tolerance towards family violence by fellow police officers and the subsequent disciplinary action that may result.

- 13.15.6 Recruits shall be informed of their responsibilities as police officers to report any information where they know a fellow officer is involved in any family violence incident.

13.16 RSIPF Responsibilities

- 13.16.1 The RSIPF shall ensure that any family violence incident involving a police officer is reported through the appropriate chain of command in a timely manner.
- 13.16.2 RSIPF shall, either in response to observed warning signs or at the request of an officer, spouse, family member, child or close partner provide appropriate assistance and intervention to the members involved before an act of family violence occurs.
- 13.16.3 RSIPF shall provide assistance to that officer and give him/her details of confidential counseling services available to them and refer them onto the RSIPF Welfare Unit.
- 13.16.4 A disclosure on the part of any officer, spouse, family member, child or close partner to any member of the RSIPF that a police officer has been personally involved in a domestic violence incident will be treated as an admission or a report of a crime and shall be investigated both administratively and criminally.

13.17 Police Officer's Personal Responsibilities

- 13.17.1 Officers who engage in any of the following actions may be subject to disciplinary action up to and including dismissal.
- Family violence
 - Fails to report knowledge of abuse or violence involving a fellow officer
 - Interferes with cases involving themselves or fellow officers
 - Intimidates/coerces witnesses or victims

13.18 Incident Response Protocols for Incidents Involving RSIPF

- 13.18.1 Members of the RSIPF shall accept, document and preserve all calls or reports, including those made anonymously, regarding family violence.
- 13.18.2 All reports implicating police officers in family violence shall be documented fully in accordance with the policy covering family violence. Such reports shall include the 'Daily Dispatch Report'.

- 13.18.3 At the time the report is made, the duty supervisor shall forward a copy of the report, to the Commissioner of Police through the chain of command.

13.19 Communications Response

- 13.19.1 All communications officers/dispatchers shall assign a high priority to all family violence calls.
- 13.19.2 Communications officers/dispatchers shall immediately notify their Communications Supervisor of any family violence calls received that involves or appears to involve any police officer.
- 13.19.3 Communications officers/dispatchers shall ensure the General Duties Shift Supervisor is notified and is made aware of any family violence incident that involves or appears to involve RSIPF.
- 13.19.4 Communications officers/dispatchers shall prepare and preserve documentation (job attendance sheets) of facts and circumstances of the call, for use in potential administrative or criminal investigations.

13.20 Investigation Practices, General Duties Response

- 13.20.1 Upon arrival at the scene of a family violence incident involving a police officer, the primary unit shall immediately notify their supervisor. A request should then be made for a supervisor of higher rank than the RSIPF officer involved in the offence, to report to the scene regardless of the location of the involved officer's province or home station.

13.21 Post Incident Administrative and Criminal Procedures

- 13.21.1 The RSIPF shall conduct separate parallel administrative and criminal investigations of alleged incidents of family violence involving police officers.
- 13.21.2 Regardless of the outcome of the criminal case, the RSIPF shall uphold all administrative decisions. If the facts of the case indicate family violence has occurred or any RSIPF policies have been breached, administrative action shall be taken independent of any criminal proceedings as soon as practicable.
- 13.21.3 Any member of the RSIPF who is the subject of any administrative and/or criminal investigation shall be afforded natural justice and protection of their departmental and legal rights.

13.22 Criminal Investigations

- 13.22.1 The responsibility to complete a criminal investigation of a police officer domestic violence incident shall rest with the PSII.
- 13.22.2 In accordance with the officers and victims privacy rights, the investigating officer shall conduct sufficient interviews of family members, friends, neighbours, colleagues and others who may have information regarding criminal charges.
- 13.22.3 Even though an initial report may already exist concerning a police officer, reports of any subsequent or additional criminal or non criminal incidents, which may include fellow officers engaging in surveillance or intimidation of the victim, shall be documented in separate incident reports, assigned a case number and thoroughly investigated.
- 13.22.4 Where sufficient evidence is obtained to warrant laying charges against a member of the RSIPF, the prosecution case shall continue regardless of whether the victim wishes to withdraw their complaint.
- 13.22.5 The officer in charge of the case will liaise with the Prosecuting Officer and request that they be notified in a timely manner about any decisions regarding the adjudication of the case.
- 13.22.6 The investigating officer shall request filing of court papers/complaints, ensure that the victim is notified in a timely manner and offer available assistance where required including any safety plans.

14. MONITORING, EVALUATION AND REVIEW

- 14.1 The National Family Violence Unit will collect information from the FV-100 forms to produce statistical reports.
- 14.2 Police Commanders must ensure that all incidents of family violence details are accurately recorded on the RSIPF FV – 100 form and stored in an orderly manner.

15. CONCLUSION

This policy outlines the stance to be taken by the RSIPF in relation to family violence regardless of whether the incident involves members of the community or the RSIPF.

In all cases, family violence is to be treated as a crime, offenders are to be made accountable for their actions and victims are to be kept safe.

16. RELATED REFERENCES, POLICIES, AND PROCEDURES

Nil

17. APPLICABLE LEGISLATION / REGULATION

- Affiliation, Separation and Maintenance Act⁸
- Criminal Law in Solomon Islands
- Evidence Act (2009)

18. REFERENCES

Nil

19. APPENDIX/APPENDICES

Domestic Violence Report RSIPF-FV100

⁸ Refer CAP 1.