

GRENADA

STATUTORY RULES AND ORDERS NO. 19 OF 2017

THE COMMISSIONER OF POLICE IN EXERCISE OF THE POWERS CONFERRED ON HIM PURSUANT TO SECTION 66 (2) OF THE POLICE ACT CAP. 244 WITH THE APPROVAL OF THE GOVERNOR-GENERAL, HEREBY MAKES THE FOLLOWING ORDERS—

(Gazetted 4th August, 2017).

1. Citation. These Orders may be cited as the

POLICE STANDING ORDERS (AMENDMENT) 2017.

and shall be read as one with the Police Standing Orders issued by the Commission of Police hereinafter referred to as the “principal Police Standing Orders”.

2. Repeal and replace. Chapter 17 of the principal Police Standing Orders is hereby repealed and the following substituted therefor—

“CHAPTER 17**DOMESTIC VIOLENCE AND SEXUAL VIOLENCE****CONTENTS**

Preamble

RGPF Goals and Values in Domestic Violence Situations

Procedures to be followed when dealing with cases of Domestic Violence

Procedures to be followed when dealing with cases of Sexual Violence

Preamble

1. Grenada has taken a number of proactive steps to address the issue of Domestic Violence by implementing the necessary legislative framework to guide the administration of justice. The framework includes the enactment of the Domestic Violence (“DV”) Act in 2010 and the

subsequent approval, by Cabinet, of the National Domestic Violence and Sexual Abuse Protocol for Grenada in January, 2011. The aim of this chapter is to provide a systematic approach in the administration of justice as it relates to domestic violence.

2. The primary role of the Royal Grenada Police Force (“RGPF”) is law enforcement. However, the Force is committed to work within an inter-sectorial, collaborative framework to meet the various needs of victims of domestic and sexual violence, including, but not limited to psycho-social support, medical care and social safety nets. Every police officer has the responsibility to provide appropriate and effective response to enforce the laws against alleged perpetrators of domestic and sexual violence.

DOMESTIC VIOLENCE

RGPF Goals and Values in Domestic Violence Situations

1. The RGPF must respond to every complaint of domestic violence. The RGPF will treat every report of domestic violence seriously and confidentially and will respond to calls for intervention in an expeditious manner, regardless of sex, race, sexual identity, religion, social status, the frequency of the reports or the conduct of the victim.
2. “Domestic Violence” is defined in sub-section 2(g) (a) of the Domestic Violence Act 2010, it applies to violence between persons in a domestic relationship whether such violence occurs in a domestic, public or other place. Specific criminal offences are identified in accordance with the relevant section(s) in the Criminal Code.
3. The following key principles guides the RGPF in enforcing the law as it relates to domestic violence—
 - (a) Ensuring the safety and dignity of the party(ties) and his/her/their family whether at the location of the incident or when a report is made in person (or) at a Police Station;
 - (b) The victim should be given information on his or her rights according to section 3(1) (a) of the Domestic Violence Act of 2010;

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- (c) All statements from the parties involved and witnesses must be taken individually;
 - (d) Refrain from making judgmental comments/statements – an officer's approach should be neutral and not bias;
 - (e) Diffuse the situation;
 - (f) Refrain from counselling or attempting to reconcile the individuals;
 - (g) Immediately refer the victims and witnesses for psycho-social services;
 - (h) Give due consideration to the characteristics of sexual abuse and its impact as highlighted in the Domestic Violence Act, 2010 and the Domestic Violence and the Sexual Abuse Protocol;
 - (i) Where an individual is reasonably suspected of having committed an act of domestic violence, a police officer may arrest that person at the scene of the incident of the domestic violence without a warrant;
 - (j) Wherever practical, detaining the alleged offender should be considered as an option, for the purpose of protecting both or any one of the parties; and
 - (k) A victim may request the presence of a support person for the duration of the interview process.

Procedures to be followed when dealing with cases of Domestic Violence

The following procedures must be adopted to ensure the protection of the victims, and the proper administration of justice, while preserving the rights of the victim(s) and alleged offender(s)–

Reports made in person (walk-in) at Police Station

1. The victim/complainant will be referred to a Non Commissioned Officer or NCO who will assign a designated officer/senior officer to address the complaint. In the absence of a designated/senior officer, the matter must be referred to a designated Department/Unit/Officer after the initial response.

2. A statement should be obtained from the victim/complainant in an appropriate room.
3. Where the alleged incident involves a minor(s), or if it occurred in the presence of minors, the Child Protection Authority must be contacted immediately.
4. Assistance for Medical Care–
 - (a) In cases where the victim/complainant sustains injuries, the Officer will issue a medical form to the relevant party(ies) and refer him/her to seek medical attention, and where appropriate may accompany him/her, to seek medical attention.
 - (b) Assistance from trained medical personnel should be requested since it is not advisable to move an injured person without proper training.
 - (c) The RGPF wherever possible, may provide transportation assistance, to persons who are in need of medical attention, at the nearest medical facility, based on the seriousness of the injury sustained.
 - (d) The senior officer or NCO will determine whether the Police Officer should wait for the victim for the duration of the administration of medical care.
5. The responding officer(s) must conduct a safety assessment to ensure the safety of the victim(s) after leaving the Police Station.
6. The responding officer(s) must offer advice on safety and other support network available to the victim/complainant and make the necessary referrals.
7. Fill out the requisite domestic violence report in accordance with Form VIII of the Domestic Violence Act, 2010.

Reports made via telephone

1. When a call relating to an on-going act of domestic violence is received at a Police Station, the RGPF must respond immediately as lives may be

at risk. A safety assessment must be conducted with the victim/caller on the phone.

The Officer should seek to obtain the following information from the caller—

- (a) Name of the victim and the caller (in cases where the caller is a third party);
 - (b) Directions to the place of the incident;
 - (c) Contact information of the caller – telephone numbers etc;
 - (d) Present location of the victim(s);
 - (e) Name, alias, age and location of the alleged offender;
 - (f) Information about the incident, including whereabouts of minors (if any) at the time of the incident, whether there is a minor involved, either as offender or as victim, type of abuse, and weapon used, (if any);
 - (g) Relationship of the victim to the alleged offender;
 - (h) Sex of the parties concerned;
 - (i) History of domestic violence;
 - (j) Whether to the caller's knowledge if there is a protection order in play;
 - (k) Whether there is any threat or impending threat to the victim or victim's family member(s);
 - (l) Whether medical attention is required;
 - (m) Approximate time the incident occurred; and
 - (n) Any other pertinent information the caller may be willing to provide.
2. The NCO will deploy Police Officers to the location of the alleged incident. The number of officers deployed will depend on the magnitude

of the incident. As far as is possible, one or more female police officer(s) should form part of the responding delegation.

3. A written record of the complaint must be recorded in the appropriate manner and referred to the designated Department/Unit/Officer for further investigation and action, in a timely manner.
4. The Police Officer recording the report may offer information on sources of psycho-social and other support to the caller or victim.
5. Fill out the requisite Domestic Violence report in accordance with Form VIII of the Domestic Violence Act, 2010.

Procedures to be followed on the scene of the alleged incident

1. Upon arriving at the scene of the alleged incident, the responding officer(s) must take immediate steps to control the scene, such as, restraining the alleged offender, separating the combatant parties and or transporting the parties to the nearest Police Station, medical facility or place of safety as the case may be.
2. The officer(s) must inform the victim(s) of his or her rights in the form set out in Schedule I of the Domestic Violence Act, 2010, and provide him or her with a printed copy of the information relating to his or her rights as soon as is reasonably practicable.
3. Where the report is of a breach of a protection order, the officer(s) must inform the victim of his/her right to lodge a complaint against the respondent, if it appears that a criminal offence has been committed against the victim, a person or child who is subject to the protection order.
4. The responding officer(s) must also take steps to preserve evidence. The relevant Department must be contacted for the collection and processing of any physical evidence.
5. Whenever a child or children are involved the responding officer(s) must ensure that the Child Protection Authority is contacted.
6. Officers must be guided by the Criminal Procedure Code and the Domestic Violence Act, 2010 in relation to the entry of premises.

7. Further investigation/intervention should continue.

Follow-up responses/action

1. The responding officer(s) must complete a domestic violence report in Form VIII in Schedule II of the Domestic Violence Act, 2010.
2. The Chief of Police must establish and maintain a Domestic Violence Register as required by section 19 of the Domestic Violence Act, 2010.
3. The responding officer(s) may apprehend the alleged offender for questioning and conducting further investigation. In appropriate cases, the alleged offender should immediately be apprehended, pending completion of the investigation.
 - (a) If the alleged offender is a juvenile he or she should be dealt with in accordance with the Juvenile Justice Act, 2012.
4. Where a senior officer forms the view that the matter should be proceeded with under the Criminal Procedure Code instead of the Domestic Violence Act 2010, the case must be referred to the Prosecution Department to process the matter.
5. In the case of the victim, a Police Officer--
 - (a) at the request of the victim/complainant, should attend with him/her to remove his/her items or personal belongings from the hostile environment to ensure there is no further breach of the law.
 - (b) will work in collaboration with the victim/complainant and other stakeholders for placement in a safe environment.
6. The victim/complainant must be notified about the progress of his/her case.
7. The victim should be assisted with completing and submitting a Protection Order application to the Court for processing.
 - (a) Ensure a copy of the Protection Order is logged at the relevant Police Station(s).

(b) Ensure enforcement of all Orders is in accordance with section 7 in the Domestic Violence Act, 2010.

(c) Where an arrest has been made and bail is granted, and where deemed appropriate, the Court should be asked to include any existing Protection Orders or to attach terms of a Protection Order in the conditions of the bail.

Rights of victims of Domestic Violence

1. You have the right to request the assistance of a member of the Royal Grenada Police Force, in order to protect yourself and your child or children, and the member is obliged to provide you with information on how to obtain a protection order.
2. You may also request police assistance in locating and taking you and your children to a place of safety, including a shelter, the home of a family member or friend, or any other place of safety.
3. If you or your children are in need of medical treatment, you have the right to request a member of the Royal Grenada Police Force to assist you in obtaining such medical treatment.
4. A protection order can be obtained from the Court and will be served on the perpetrator free of charge.
5. You may request that your address should not be disclosed to the perpetrator.
6. The perpetrator can be ordered to pay emergency monetary relief, and any or all contact with you or your children may be prohibited.
7. You may also request the Court to evict the perpetrator or prohibit the perpetrator from preventing you to enter the shared household. This order is of a temporary nature, and if you wish it to be confirmed, you will be required to appear in Court at a later date.
8. If you and your children require any counselling or support, you should contact [The Ministry of Social Development] who can offer services to you and your children.
9. You also have the right to lodge a criminal complaint against the perpetrator, if a criminal offence has been committed against you and your child or children. You may do this now, or at any time in the future.

10. Should you obtain a Protection Order, or lodge a criminal complaint, in which false facts are knowingly alleged, you may be convicted of an offence.

If you do not understand any of the above information, you may request more details from the responding officer or another member of the RGPF that you may be more comfortable with.

SEXUAL VIOLENCE

Procedures to be followed when dealing with cases of Sexual Violence

1. **“Sexual violence”** or **“sexual abuse”** is defined as any sexual conduct that abuses, humiliates, degrades or otherwise violates the sexual integrity of a person.
2. All reports of sexual violence must be immediately referred to a medical practitioner.
3. All physical evidence must be collected in the presence of a Police Officer, as the Police Officer is responsible for the chain of evidence in accordance with the relevant rules of the Court. Therefore, a Police Officer of the same sex as the person being examined, must be assigned to observe/facilitate the collection of the evidence.
4. When reports of sexual violence are made to persons other than a Police Officer or at places other than a Police Station, such as at a health facility or to a social care provider, the RGPF must respond when contacted by such person(s) acting in his/her professional duty, as a medical provider or psycho-social care responder, to effectively address those cases.
5. Forensic experts should be called in to conduct crime scene investigations in accordance with relevant statutes.
6. Efforts should be made to reduce the number of times a victim is asked to relate the incident(s).

Sexual violence involving a Minor

1. Upon arriving at the location of the incident, and in collaboration with the Child Protection Authority, the responding officer(s) will take

immediate steps to secure the minor, control the scene and preserve evidence.

2. In accordance with the above mentioned principles, the officer must obtain a statement from the victim(s) in the presence of a responsible adult.
3. A Police Officer and the victim's parent(s), where the parent is not the alleged perpetrator, must accompany the victim for the duration of the medical examination.
 - (a) In cases where a parent is the alleged perpetrator, the Child Protection Authority must accompany the victim for the duration of the medical examination.
4. The RGPF must collaborate with the Child Protection Authority to ensure the safety of the child.
5. If there is sufficient evidence that a crime has been committed the alleged perpetrator must be formally charged.
6. Reports made by persons acting under the obligation of mandatory reporting shall be extended the protections afforded under the relevant laws.”.

Made by the Commissioner this 26th day of May, 2017.

WINSTON JAMES
Commissioner of Police (Ag.).

Approved by the Governor-General this 26th day of July, 2017.

CÉCILE E.F. LA GRENADE
Governor-General

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