



## DOMESTIC ABUSE EVIDENTIAL CHECKLIST

**Joint CPS and ACPO Evidence Checklist is for use by Police Forces and CPS in cases of Domestic Abuse.**

Checklist of information to be provided to CPS at the time of charging decision. This checklist does not replace the MG3, but should compliment it.

<b>Officer in case: PC Byrne</b>			
Staff No:	969613	Case Ref./URN:	45 AA 02098 20

  

Have you collected all available evidence, including material other than the complainant's Statement?			
	Yes	No	Comments
999 Call	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Phone call from complainant.
Photographs; of <b>scene and injuries</b> (taken over time as injuries develop)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	PNB from officer at scene - notes injuries
Admissions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Medical evidence (if available at the time); signed consent form; medical exhibits, i.e. hair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	comp didn't seek medical attention
Victim statement (include reference to previous DA, if relevant)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Other statements – neighbours following house to house enquiries, children, attending Officer (to include visible injuries, signs of struggle, disposition of victim/offender, IDs of other persons present) and other witnesses	<input checked="" type="checkbox"/>	<input type="checkbox"/>	neighbour Lucy Doyle
CCTV/Headcam footage (if relevant/available)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BWF of officer on scene - D had left vicinity.
Is there relevant information to include from Police Records?			
Bail history and any breach orders (including civil)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Previous Domestic Abuse incidents (including against other victims)/call-outs/pre-convictions – for defendant and victim/witnesses	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Several previous incidents D had just been released from custody due to previous <b>assault</b> on C.
DASH or local equivalent risk identification checklist with outcome (i.e. MARAC case, high risk, standard risk)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	High grading - MARAC referral made
Any civil orders/proceedings and whether there has been previous breaches	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Any previous allegations (with URNs) and how these allegations were concluded (if case did not proceed, why not?)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	As above
Information regarding the victim and/or incident			
Whether victim has been contacted by suspect/friends/family	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Relationship status and history (to include domestic arrangements), Police view of future relationship and likelihood of recurrence/any threats	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Although they do have a child together there is now no contact with that child due to social services intervention and the family court. C has indicated that she wishes to break from D to avoid future <b>assaults</b>
Counter allegations/defence	<input type="checkbox"/>	<input checked="" type="checkbox"/>	none at present
Is the victim supported by a specialist DA service?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

**OFFICIAL-SENSITIVE: Personal**

Ability/willingness of victim to attend court, give evidence and any special considerations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Victim supports a prosecution and is willing to attend court.
Special measures needed? And type (views of victim and IDAA/specialist support service) need to complete an MG2	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MG2 PROVIDED
Does victim wish to retract? Have they previously retracted? Officers statement on retraction and views on witness summons (include victim/IDAA/specialist support service views)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Safety of victim (victim's views and IDAA/specialist support service views)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Referred
Restraining Order – does the victim want a RO and if so with what terms?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Victim Personal Statement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	requested
Any location(s) to avoid in bail conditions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Victim's home address
Whether the Bail Amendment Act should be invoked in a custody case	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>Information in relation to children</b>			
Whereabouts of children during incident (include relation to victim/defendant and age)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Child to relationship is in care and not in further danger
Safety of children (Police and victim's views)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	as above
Child Protection proceedings; include whether referral was made to Children's Services	<input type="checkbox"/>	<input checked="" type="checkbox"/>	already made and child removed previously

**View 'Guidance' below.**

## Guidance Notes

**Early and meaningful case building between Police and CPS in cases of Domestic Abuse is crucial to ensure effective prosecutions.**

The information listed must be made available to CPS before charge decision in every case of domestic abuse. Prosecutors must consider information before making appropriate charging decisions.

CPS Legal Guidance on prosecuting domestic abuse is available here:

[http://www.cps.gov.uk/legal/d\\_to\\_g/domestic\\_violence\\_aide-memoire/](http://www.cps.gov.uk/legal/d_to_g/domestic_violence_aide-memoire/)

**Police inform CPS of any breach, further offences, submit files to CPS and supply interview record in a timely way. CPS guidance on charging in DA cases:**

Prepare your case on the assumption that the **victim may in the end not support the prosecution**. Consider all information provided by the police (see above).

Ensure that you liaise with **IDAAs, Witness Care Units and specialist support organisations**, to ensure that the victim's needs particularly relating to safety are addressed throughout the life of a case.

Comprehensively endorse **MG3** including addressing any evidential strengths and weaknesses.

Ensure you have information in relation to **aggravating features and defence**.

Ensure that the Police follow Local Service Level Agreements by **providing all relevant material** to the Duty Prosecutor.

Ensure any action plan you provide the police is **detailed and prioritised**.

Consider **victim's evidence**:

- On withdrawal/retraction review see LG.  
[http://www.cps.gov.uk/legal/d\\_to\\_g/domestic\\_violence\\_aide-memoire/#a24](http://www.cps.gov.uk/legal/d_to_g/domestic_violence_aide-memoire/#a24)
- Ensure specialist support is offered through an IDAA if available. And the case is progressed through SDAC.
- Has a Victim Personal Statement been taken and refreshed?
- Have you considered a PTWI?

Apply for suitable **bail conditions** to prevent further offences or intimidation but that do not restrict the victim and children.

Ensure **special measures** are considered and any application is made in a timely way and results communicated to the victim.

Consider **hearsay/bad character**.

Prevent unnecessary delay by taking **timely** decisions.

Find out details of the **defendant's previous misconduct**, if any, at the earliest opportunity so you can assess whether this evidence could be used as part of your case (*If the suspect has committed or is suspected of having committed acts of violence against different victims (a 'serial' perpetrator), as well as considering whether this information can be adduced as bad character evidence you should also consider if these offences have sufficient nexus to be joined in the same indictment (or can be heard as part of the same trial process in the magistrates' court). Consider time limit on summary only offences, and whether there is sufficient nexus.*

Explore **credibility of defendant's account**.

Consider **expert evidence**.

Find out whether there are any **concurrent or imminent public law or private law family proceedings or civil proceedings and remedies** involving the complainant and/or accused. Also, find out whether Social Services has been alerted to the abuse or involved with the family.