

10 POLICE INVESTIGATIONS INTO CRIMINAL ALLEGATIONS OF ABUSE:

10.1 South Wales Police:

10.2 South Wales Police are committed to a policy of co-operation with other core agencies, both statutory and voluntary and who are involved with the care, support and protection of vulnerable adults. In achieving this aim, the South Wales Police will ensure that all investigations are conducted in a sensitive, sympathetic and professional manner, having due regard at all times to the wishes of the victim and also the interests of the other core agencies involved.

10.3 In furtherance of this aim, South Wales Police will collaborate with partner agencies as part of the established inter-agency process that is contained within these procedures, ensuring that any police response is properly co-ordinated and carried out at the earliest opportunity. Officers of the South Wales Police will also endeavour to share information with designated officers and other professionals and to informally discuss relevant issues that may arise and offer guidance and advice where appropriate.

10.4 The Senior Co-ordinating Officer for Adult Protection is based at South Wales Police Headquarters, Bridgend (see Section 16: Contact list for further details). The South Wales Police force is divided into seven territorial divisions (also referred to as Basic Command Units or BCUs) each of which is co-terminus with their respective local authority area. Each BCU is managed by a Divisional Commander (usually of a Superintendent rank) who is responsible for the operational policing of that area.

10.5 Public Protection Units:

10.6 In response to the implementation of the *In Safe Hands* guidance and the phased introduction of the Youth Justice and Criminal Evidence Act 1999 which is designed to safeguard the interests of vulnerable witnesses in the Criminal Justice system, South Wales Police has established Public Protection Units within each of their territorial Divisions.

10.7 Each Public Protection Unit will be managed by Public Protection Inspector who is also the designated lead manager for Adult Protection referrals in that local authority area (See Section 16: Contact list for details of all Public Protection Inspectors).

10.8 Each of these units has a number of dedicated officers who are specialist trained in a range of interview techniques that can be used to facilitate the video interviewing of vulnerable adults. Due

to legislative changes, new video equipment has been installed at a number of interview suites located throughout the force area, ensuring that such premises are accessible to all persons. (Details of the most suitable video suite and its location can be obtained from the Public Protection Inspector) South Wales Police has also acquired portable video recording equipment in order to facilitate the recording of any video interview at a location chosen by the vulnerable adult.

10.9 Reporting and Consulting the Police:

- 10.10 It is a myth that police officers need a formal statement from a vulnerable victim in order to initiate any investigation. It may be that any formal interview is held later in the process when more information is available. Where individuals lack capacity or are being intimidated, it will be in order for the police to instigate an inquiry on the person's behalf. In some cases, it may be that immediate action is necessary to ensure the safety of the person at risk and/or to preserve evidence. Such action must take priority especially when safeguarding the vulnerable adult from possible further abuse.
- 10.11 Adult protection concerns may surface through a range of mechanisms. In exceptional circumstances, the first notification may well be made directly to the police, especially if the matter is particularly serious. Otherwise, such referrals are more likely to be made to the police designated lead manager or relative Public Protection Unit in your local authority area.
- 10.12 Although already stated earlier in these procedures, the early involvement of the police may have benefits and the following guiding principles should be followed when considering these:
- Early referral or consultation with the police will enable them to establish whether a criminal act has been committed and this will give them the opportunity of determining whether at this stage, they need to become involved. Informal contact with the police to establish the facts may assist this process;
 - Early involvement of the police will help to ensure that forensic evidence is not lost or contaminated;
 - Police officers have considerable skill in investigating and interviewing and early involvement may prevent the abused adult being interviewed unnecessarily or on subsequent occasions;
 - Police investigations can proceed alongside other investigations dealing with health and social care issues;
 - Police can provide guidance on criminal justice issues including advice on victim support and witness support schemes;

- Police can advise on the protection that is available for intimidated witnesses and the provision of 'special measures' for vulnerable witnesses who may have profound difficulties with conventional methods of communication.

10.13 **When should you contact the police?**

- 10.14 If any criminal abuse is alleged or suspected against a vulnerable adult then any subsequent investigation of the circumstances must involve the police at the earliest opportunity subject of course to the consent of the victim. Before contacting the police however, the wishes of the victim must always be respected and can only be overruled if it is in the public interest to do so, e.g. where there is clearly a risk of abuse taking place against other vulnerable adults. The capacity of the alleged victim to make such a judgement must also be considered and further guidance on this can be found in Section 8: Capacity & Consent.
- 10.15 Prompt notification to the police will allow them to carry out an assessment of the situation and will also allow the victim or carer to be interviewed in the most appropriate manner at the earliest opportunity. When making this decision, you must take considerable care not to alert any potential suspect that may still be in the vicinity of the alleged abuse as this may lead to vital evidence being lost or the victim being intimidated.
- 10.16 Subject to the consent of the victim (see above) - You must contact the police at the earliest opportunity if it is suspected or alleged that:
- Any form of sexual abuse has occurred;
 - Any non-accidental injuries are apparent;
 - Theft or any kindred offences involving misappropriation of a person's money or property;
 - Any other criminal offence has been committed.
- 10.17 The police not only have a duty to the victim to assist, support and obtain evidence of any offence, they also have a responsibility to investigate and interview any suspect that may be identified. When making any referral or consultation with the police, the Police designated lead manager must be contacted (or in their absence, the Public Protection Unit). The Police will then assess the situation, provide any appropriate guidance and make suitable arrangements for the investigation to commence.

10.18 **Interviewing the Victim and other Vulnerable Adults:**

- 10.19 At this stage, arrangements may be made for the vulnerable person to be assessed in order to establish their suitability as a potential witness and to decide the most appropriate method of interview - see Section 14:Legal Context and 'The Youth Justice and Criminal Evidence Act – Special measures that can be provided to vulnerable witnesses', paragraph 14.45.
- 10.20 Interviews with vulnerable and intimidated witnesses will be governed by the Home Office guidance '**Achieving Best Evidence in Criminal Proceedings**'. This comprehensive guidance forms the basis for the way vulnerable and intimidated witnesses are assessed and interviewed during the criminal investigation process. Decisions on an individual's capacity and whether they will be eligible for 'special measures' will be made by the Police working in conjunction with the Crown Prosecution Services, the Social Services and other professionals who may need to be consulted.
- 10.21 It is envisaged that the planning and preparation stage prior to any interview with a vulnerable adult will be undertaken jointly by the Police and Social Services working together. In the event that a decision is taken to video interview the vulnerable adult, this will again be conducted jointly by the Police and Social Services, utilising specialist trained police officers/social workers.
- 10.22 **It must always be remembered that a police investigation may not necessarily result in prosecution and the best interests of the victim as well as their own wishes and wellbeing must remain paramount considerations at all time when planning and making decisions about the conduct of the investigation.**
- 10.23 **Action to be considered when preserving evidence:**
- 10.24 If you should find yourself in a situation where a vulnerable person has just been physically or sexually attacked, your immediate and paramount concern must always be the wellbeing of the victim. However, whilst attending to the needs of the victim and arranging any emergency medical assistance that may be required, you should also be mindful of the need to preserve any evidence which may assist the police later in their investigation.
- 10.25 When police involvement is required in such circumstances, they are likely to be in attendance fairly quickly. To enable the police to investigate effectively, it is imperative that potentially

vital evidence is preserved. For that short time before the arrival of the police, what you do or do not do can make a crucial difference to the outcome of the investigation.

- 10.26 The following checklist, whilst not meant to be definitive, may help to ensure that vital evidence is not destroyed or contaminated in some way:
- Always try and obtain the consent of the victim before examining them;
 - Where possible, leave things as they were. If anything has to be handled, keep this to a minimum and try to make a note of its original location.
 - If the scene is in disarray, do not clean or tidy this up.
 - Do not wash anything or in any way remove blood or fibres from the victim or the area around the victim.
 - If you have been given items of possible relevance to the offence committed i.e. a weapon, avoid handling this if possible. Keep it in a dry and secure place until the police are able to retrieve it.
 - Preserve the clothing and footwear of the victim. If taking possession of these, try to handle them as little as possible.
 - Preserve anything used to comfort or warm the victim e.g. blanket.
 - Preserve any obvious evidence such as fingerprints or footprints.
 - Secure the room and do not allow anyone to enter until the police arrive.
 - It may also be useful to make a note about the state of the clothing worn by both the alleged victim and alleged perpetrator if present. Similarly, a note should also be made of the condition and attitude of those persons who were believed to be involved in the incident.
- 10.27 In cases of any sexual abuse, the following considerations must also be made:
- It is crucial for both the victim and alleged perpetrator to be medically examined for forensic evidence at the earliest opportunity. An appropriately trained Forensic Medical Examiner will always carry out this examination subject to the consent of the persons involved.
 - Try not to have any physical contact with either the victim or the alleged perpetrator as cross contamination can destroy evidence. This may be difficult if you are alone and need to comfort both parties but you must be aware that cross-contamination can easily occur. If you do inadvertently come

in contact with of these persons, you must notify the police of this fact.

- Do not allow the victim or alleged perpetrator to take a bath/shower as this may destroy evidence
- Preserve bedding where appropriate.
- Preserve any bloody item/ used condoms.

10.28 In any instance where the victim is seriously injured and is taken to hospital, then you should ask that a sample of blood is taken from the victim before any transfusion is given as a transfusion will invalidate any blood related evidence at a later date.

10.29 **Methods of Preserving Evidence:**

10.30 When considering the best way of preserving any potential evidence, the following suggestions may be helpful:

- For most things, use either clean brown wrapping paper, a clean brown paper bag or envelop. If using an envelope, do not seal it down by licking it.
- For liquids, use clean glassware.
- Do not handle items unless it is necessary to move and make safe.

10.31 These are obviously ideal solutions and may not be possible at a time of trauma. You should do your best in the circumstances and should you be unable to comply with these guidelines, then you should communicate any issues to the investigating officer.

10.32 **Interview of Vulnerable Adults who are suspected of a criminal offence:**

10.33 A vulnerable adult who becomes a suspect in a criminal offence, may be formally interviewed by the police. In such cases, the vulnerable adult will be entitled to legal representation (a solicitor) and an 'appropriate adult'.

Code C (Annex E) of the Codes of Practice issued under the Police and Criminal Evidence Act 1984 (revised 1.4.03) states that an 'appropriate adult' means:

- (a) a relative, guardian or other person responsible for their care or custody;
- (b) someone experienced in dealing with mentally disordered or mentally vulnerable people but who is not a police officer or employed by the police;
- (c) failing these, some other responsible adult aged 18 or over who is not a police officer or employed by the police.

Further guidance relating to an 'appropriate adult' is provided in Section 14: Legal Context, paragraph 14.42.

10.34 Planning Large Scale Criminal Investigations:

- 10.35 When considering whether to carry out any criminal investigation into adult abuse involving more than one vulnerable adults, either in one or multiple institutional settings and/or other forms of establishment, and/or involving one or more alleged abusers, there will need to be a significant degree of forward planning and inter-agency consultation prior to the commencement of any criminal investigation.
- 10.36 Such investigations will frequently involve a number of statutory agencies such as the Police, Social Services, Health Trust and/or the Care Standards Inspectorate for Wales. Accordingly, it is vitally important to ensure that all aspects of the investigation are carefully planned and that the agencies and individual professionals involved are included in early consultation in order that they are made aware of their respective roles and responsibilities.
- 10.37 When a large scale investigation is being planned, designated lead manager(s) who are responsible for Adult Protection within their respective agencies, will need to be alert to the possibility that any number of vulnerable adults may still be potentially at risk. In extreme cases, vulnerable adults who may have been abused may now be re-located outside their local authority area and as such, may have been abused over a significant period of time by a serial abuser or a group of abusers.
- 10.38 It is important that those designated officers who receive adult protection referrals also remain alert to the possibility of more than one vulnerable adult being at risk and a crucial activity throughout any investigation will be the need to continually monitor for such a possibility. To identify any possible related cases of abuse, cross-agency networks should be put in place to allow an effective means of inter-agency consultation to take place and for screening of suspected cases to be given priority,
- 10.39 Where evidence supports the conclusion that this should be treated as a large scale investigation, the South Wales Police are likely to appoint a Senior Investigating Officer to lead and co-ordinate the overall criminal investigation. It will also be necessary for other agencies to appoint a senior practitioner (Social Services or other outside agency) whose role will be to act as a liaison officer between the police and other core agencies involved.

10.40 As already stated, it will be essential for agencies involved in any major investigation of this nature to collaborate over planning and preparations for the investigations. Such planning should take into account the need to:

- Develop joint response and decision making;
- Establish parameters as to what exactly is to be investigated;
- Agree on what is not to be investigated;
- Maintain a file of policy decisions affecting/concerning the investigation;
- Consider the timing of investigative actions;
- What background enquiries are needed;
- Obtain details of those persons (staff and vulnerable adults) affected by the investigation and if an establishment or other unit involved, obtain details of the normal regime, plans of building and maps of the area.

10.41 **Management issues to be considered:**

- Identify key managers from appropriate agencies involved;
- Jointly agree staffing and the location for the investigation;
- Agree staffing not directly involved in the investigation;
- Ensure staff involved with the investigation are relieved of other responsibilities;
- Identify funding and resourcing for investigation;
- Prepare for medical examinations – staff available and location;
- Prepare for interview of vulnerable witnesses – specialist staff and interview facilities to be made available (Police & Social Services)
- Clarify legal advice arrangements – Crown Prosecution Service and Local Authority Legal Department Solicitors.
- Agree and prepare joint press releases/liase with press offices;
- Consider other local and central government agencies, not normally involved;
- Plan for security of records;
- Plan for 'disclosure' policy – material evidence disclosure to CPS.
- Consult on management action and where appropriate, agree on issues relating to 'disciplinary and suspension'.

10.42 **Professional issues to be considered:**

- Identify differing agency priorities;
- Team building;
- Regular briefings – daily for large scale enquiries;
- Early contact with non-abusing carers;
- Support and protection for referrers;
- Legal position and opportunities;

- Care arrangements for vulnerable adults;
- Implications of any ethnic/religious differences;
- Language and communication considerations;
- Therapeutic services;
- Help-line facilities;
- De-briefing at conclusion of investigation;

10.43 Operational Issues to be considered:

- Use of Major Incident procedures;
- If above not used, establish what procedures are to be used to maintain an accurate log and record of information exchange;
- Joint incident centre or room;
- Use of available information technology facilities (i.e. use of Major incident Computer);
- Consideration of forensic examination policy;
- Video scene of alleged abuse.

10.44 Post Investigation action to be considered by the Senior Investigating Officer:

10.45 At the conclusion of any large scale investigation into allegations of vulnerable adult abuse, it is important any lessons learnt or 'best practice' identified from the investigation is made available to statutory agencies involved so that any training issues can be addressed.

10.46 In furtherance of this, consideration will be given by the Senior Investigating Officer (Police) to prepare a summary of the investigation outcomes and conclusions. This will be after criminal proceedings are concluded and subject to limitations of on the release of any sensitive or confidential information. The summary should be sent to the Senior Co-ordinating Officer (Adult Protection) for appropriate dissemination to the Area Adult Protection Committee in that agency's area.