**Evidence Checklist for Family Violence Cases**

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| Date: | Case reference: |
| Prosecutor: | Police Case Officer: |

The following checklist should be completed by prosecutors as soon as a Family Violence Brief is provided to the OPP or SPD.

The completed checklist should be kept on CMS and on your desktop as it will need to be completed over a few days or weeks. It is an electronic file, however, when it is completed it should be printed out and put on the file.

The safety of the complainant and any children or others in the family should be the primary consideration. Consider whether you should refer them immediately to the Vanuatu Womens Centre.

Prosecutors should refer to the Family Violence handbook for further information

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| Have you collected **all available evidence**, including material other than the complainant’s | | | |
| statement and given consideration to the **wider pattern of behaviour and its cumulative impact**? | YES | NO | COMMENT\* |
| Police first responder statements (to include nature and seriousness of visible injuries, signs of struggle, attempts of choking/drowning, or isolation, disposition of victim/offender, IDs of other persons present) |  |  |  |
| Any other first responders such as ambulance |  |  |  |
| Victim statement |  |  |  |
| Photographs; of **scene and any injuries** (request follow up photos taken 3 days after offence). Recover any possible **weapons** (sticks, footwear if victim has been stamped on). |  |  |  |
| Admissions. |  |  |  |
| Medical evidence/DNA (if available at the time); |  |  |  |
| Other statements – children, neighbours following house to house enquiries, support services. |  |  |  |
| Data: CCTV, Social Media, bank records e.g. social media/other electronic evidence, messages, diaries, spyware technology on phone, apps, bank-records CCTV. Check that phones have been seized by police |  |  |  |
| Is there any evidence of coercive and controlling behaviour? |  |  |  |
| Relevant information to include from **Police Records.** | | | |
|  | YES | NO | COMMENT\* |
| Risk of reoffending. Any previous offending or police involvement |  |  |  |
| Any previous breaches of protection orders |  |  |  |
| Any previous allegations and how these allegations were concluded (if case did not proceed why not?) |  |  |  |
| Police Interview of defendant |  |  |  |
| Were any firearms used? Does the suspect have any firearms licences or are there any reports linking suspect and household members to weapons? |  |  |  |
| Police view on bail is obtained |  |  |  |
| Information regarding the **victim and/or incident.** | | | |
|  | YES | NO | COMMENT\* |
| Victim Personal Statement; can be updated throughout case proceedings. |  |  |  |
| Safety of victim (victim’s views) |  |  |  |
| Whether victim has been contacted by suspect/friends/family whether supportive or intimidating contact – detail within comments section. |  |  |  |
| Has the suspect raised a defence (details in comments section) |  |  |  |
| Protection Order – does the victim want one and if so with what terms? |  |  |  |
| What Bail conditions are required. Ensure they that do not restrict the victim and any children. Include locations to avoid. |  |  |  |
| Any issues the police have raised in relation to proving the offence/s. |  |  |  |
| Ability/willingness of victim to attend court, give evidence and any special considerations. |  |  |  |
| Special measures needed? Screening or support person |  |  |  |
| Information regarding any **children and/or dependants** | | | |
| (When a child is interviewed it should be done in safety and privacy and in no circumstances should a child be used as a translator for their parent). | YES | NO | COMMENT\* |
| Safety of children (Police and Victim’s views). |  |  |  |
| Whereabouts of children during incident (include relation to victim/suspect and age). |  |  |  |
| Child Desk involvement |  |  |  |

\* The comment box must be completed if no evidence available

**Prompts for Prosecutors**

Prosecutors must refer to the Family Violence prosecution Handbook however, the table below provides some helpful prompts for prosecutors to consider.

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| Consider obtaining **wider information** in addition to this evidence gathering checklist. |
| If further evidence is required from the police ensure this is set out in an email in a clear and includes an action plan and is also discussed person to person with the police case manager |
| Find out whether there are any current or proposed family proceedings or civil proceedings involving the complainant or suspect. |
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| **Assessing the defendant.** |
| Are you going to have to make pre trial application or voir dires in relation to the admission of evidence said by the defendant or the admission of any bad character evidence or any relationship evidence? |
| Has the credibility of the defendant been fully considered? E.g. Are there any previous instances of misconduct/convictions? |
| Are there any aggravating features? |
| What are the possible defences? |
| What pleas would you accept other than the offences charged? Should you contact defence about this? |
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| **Victim and witness support** following a decision to charge. |
| Victim Statement obtained and updated if required. |
| Has the victim been referred to the VWC |
| Identification and consideration of vulnerabilities (physical or mental impairment, financially dependant, age). |
| All contact details for victim obtained? |
| Where there is a withdrawal or retraction; refer to the ‘Withdrawal Request Form’ |

***\*****The framework of this checklist is taken from the UK Crown Prosecution Service and Police Operations Manual. It has been amended to suit Vanuatu.*