



Kiribati Police Service Domestic Violence and Sexual Offence Standing Orders and Procedures

June
2019

This document includes Kiribati Police Service's Standard Operating Procedures for referral and coordination of sexual and gender-based violence services



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Introduction

Kiribati Police Service Domestic Violence and Sexual Offence Standing Orders and Procedures

The Kiribati Police Service (KPS) mission is “to serve and protect while working with the community for a safer Kiribati”.

The KPS believes that relationships within families should be nurturing and supportive, that every adult and child has the right to live without violence and the fear of violence, and that all Kiribati homes should be a place of peace.

This document, “DVSO Standing Orders and Procedures,” has been developed as part of the KPS’s commitment to its mission.

In 2010 the Kiribati Family Health and Support Study (KFHSS) supported by the Pacific Community (SPC), stated that more than 2 in 3 women aged 15–49 (68%) who had been in a relationship, reported experiencing physical and/or sexual violence. Approximately 47% reported experiencing emotional abuse by an intimate partner.

In response, the Government of Kiribati put in place the following:


- In 2010, SafeNet was established, which includes all frontline service providers. The committee was set up in South Tarawa and the outer islands;
- In 2011, a National Approach to Eliminating Sexual and Gender Based Violence Policy was endorsed, accompanied by a National Action Plan (NAP) 2011–2021 to operationalise the policy;
- In 2013, the Ministry of Women, Youth and Social Affairs (MWYSA) was established. It is now known as the Ministry of Women, Youth, Sport and Social Affairs (MWYSSA);
- In 2013, the Children, Young People and Family Welfare Act was passed in Parliament;

- The Kiribati Shared Implementation Plan (a 5-year implementation plan under the Ending Sexual and Gender Based Violence (ESGBV) Policy and NAP) was endorsed;
- In 2014, the Te Rau N Te Mwenga Act (TRNTM Act) was passed in Parliament; and
- In 2015, the Juvenile Justice Act was passed in Parliament.

Domestic violence is a problem in all countries and Kiribati is no exception. The National Approach to Eliminating Sexual and Gender Based Violence Policy and NAP shows the Government’s commitment to addressing the issue. Under the policy, Kiribati Police Services play a crucial role in preventing violence through community engagement and providing services to victims of violence.

The Kiribati Police Service has made domestic violence and sexual offences a priority area for response, focus and public awareness. Consequently, a national Domestic Violence Unit has been established - the Domestic Violence and Sexual Offences Unit (DVSO) -and DVSO officers have been allocated to each station in South Tarawa.

These Police Officers and the DVSO Unit, manage and oversee all reports of domestic violence throughout South Tarawa. Their role is not to attend the incidents, but to take statements and record all information relating to the victim, the suspect and situation, and to assist frontline staff to attend to and action responses to domestic violence crimes to the level of this policy, as well as assisting victims where appropriate and necessary.



The Rau n Te Mwenga Act 2014 creates offences in relation to domestic violence and provides for increased sentences for persons convicted of such offences where certain aggravating factors are present. The Kiribati Police Service has an obligation to identify offences under this Act and to hold all offenders accountable.

The Kiribati Police Service has developed a strategic plan with a vision of:

Kiribati homes are free of domestic violence where families are happy, healthy, prosperous, living in peace and are supportive of each other and their communities.

Te Utu ae kakukurei bon mwengan te I-Kiribati ae akea te kiriwe iai, e marurung raoi ba e boutokaaki iai te tangira, te aroaro ma te reitaki ae tamaroa iroura n tatabemaniira nako ma te botan aomata inanon Te Mauri, Te Raoi ao Te Tabomoa.

One of the key aims of the KPS is to significantly reduce the number of people affected by domestic violence. The Police will exercise zero tolerance to all reported physical and sexual assaults, and specifically those against women and children. Our aim is to take a leading role in addressing this issue and to work in partnership with others in our community.



Ioeri Tokantetaake
Commissioner of Police

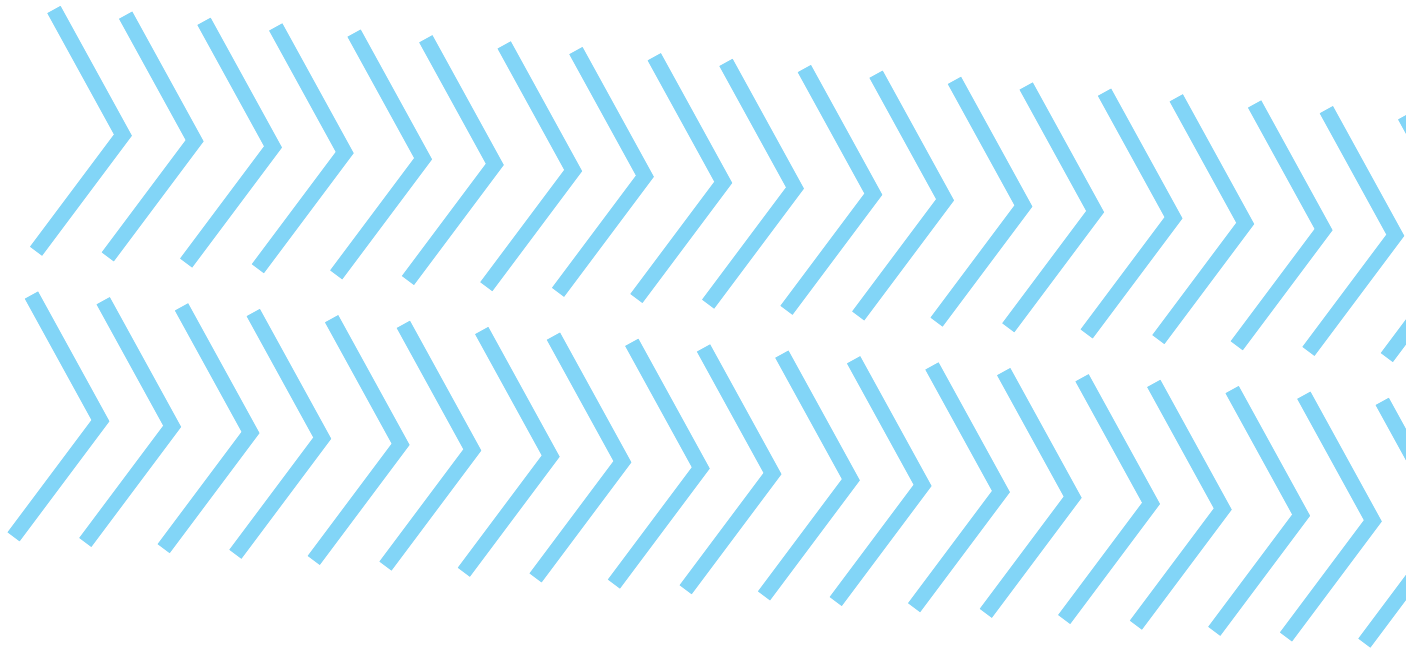


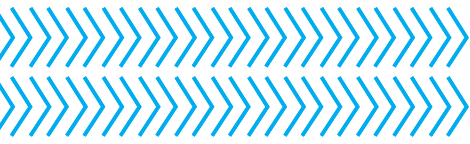
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Purpose

The main aim of the Kiribati Police Service is to allow all members of the community to live in a violence-free environment.

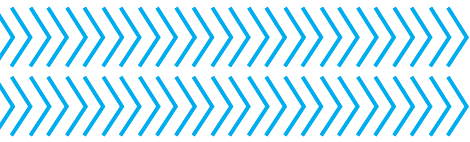
To achieve this aim, the KPS has developed this Domestic Violence Response Policy which introduces a consistent and standardised Police practice when responding to, investigating, recording, prosecuting or being proactive on all reported domestic violence incidents, ensuring Police Officers who deal with any domestic violence incident do so in a professional and effective manner.

The policy acknowledges that the standard of Police response is a critical part of determining whether victims will be safe, and offenders will stop committing domestic violence. It also acknowledges we cannot do this on our own and must work in partnership with other organisations.

This policy aims to provide clear guidelines to all Police Officers to ensure that they can:

- Perform their duties in line with the Police Powers and Duties Act (2008);
- Perform their duties in line with the endorsed Eliminating Sexual and Gender Based Violence Policy and Kiribati Shared Implementation Plan (SHIP);
- Work together with other frontline service providers under SafeNet in responding to Gender Based Violence;
- Perform their duties in line with Te Rau n Te Mwenga Act (2014);
- Ensure the wellbeing and protection of children and young people under the Children, Young Persons and Family Welfare Act (2013);
- Perform their duties in line with the Juvenile Justice Act (2015); and
- Take all appropriate measures to prevent domestic violence and promote a safer community.

It is a living document and will be updated as our knowledge and understanding of domestic violence develops, laws are introduced, and we develop partnerships in the community.



Management and Administration

Kiribati Police Service Strategic Plan Domestic Violence Steering Group

The Kiribati Police Service Domestic Violence Steering Group has been established to oversee the implementation of the KPS Domestic Violence Sexual Offences Unit Strategic Plan 2016 to 2019.

The Executive Sponsor for the KPS Domestic Violence Strategic Plan is Deputy Commissioner Operations, representing the Commissioner.

The Group will consist of the following members:

- SPO Superintendent for Police Operations;
- OCCID Officer Commanding Criminal Investigation;
- O/C Tarawa Officer Commanding Tarawa; and
- DVSO Coordinator Domestic Violence and Sexual Offences Coordinator.

Terms of Reference for the Steering Group:

- Support the implementation of the KPS Strategic Plan by regularly referring staff to the plan, the outputs and KPIs;
- Support the Executive Sponsor;
- Role model appropriate behavior in line with the Police code of Ethics within and outside the KPS;
- Receive reports from the O/Cs as per the Strategic Plan;
- Note trends, challenges and opportunities and provide recommendations on those to the O/Cs;
- Ensure the deadlines of the plan are met;
- Provide an Executive presence at key events related to Ending Violence Against Women;
- Report back to O/Cs recognising and acknowledging work of a high standard; and
- Report back to O/Cs on work that is unacceptable, outlining why it is unacceptable and with recommendations for improvement.

The Domestic Violence and Sexual Offences Unit is established under the portfolio of the Officer Commanding Criminal Investigation Division.

The DVSO is managed by the Coordinator of the Unit, is assisted by one staff member and is situated at Police Headquarters.

In each South Tarawa station, there is a Domestic Violence and Sexual Offences Unit officer during every shift. They report to the Officer Commanding Station.

The DVSO is mentored by the Executive Sponsor, the Deputy Commissioner Operations.

Core Functions of the Domestic Violence and Sexual Offences Unit

The Domestic Violence and Sexual Offences Unit (DVSO) is based at the Police Headquarters. The core functions of the Unit are to:

- Provide coordination and direction for the Kiribati Police Service responses to domestic violence;
- Maintain all policies and standards relating to domestic violence;
- Gather, store and process all domestic violence information and disseminate all vital statistical information to appropriate internal and external partners and stakeholders;
- Coordinate and liaise with relevant government, non-government organisations (NGOs), network groups and facilitate case follow-ups with appropriate agencies and organisations;
- Develop Best Practice models and expertise in policing domestic violence;
- Identify gaps in the domestic violence response by Police and address them;
- Support and interact with all appointed DVSO Officers in each Police station throughout South Tarawa to ensure high standards are being maintained by way of, but not limited to, regular meetings and refresher trainings;
- Support staff training and awareness on domestic violence and provide expertise to the KPS and other organisations in Kiribati;
- Work with Community Policing to raise awareness of domestic violence issues in the community;
- Work with prosecutors to support the frontline staff and ensure victims are safe and offenders are accountable;

- Implement proactive approaches to minimise domestic violence occurrences and its effects by way of awareness raising activities and public surveys at identified hotspots;
- Assist station DVSO officers to adopt a “pro-active” and “problem solving” response/approach to all domestic violence cases;
- Develop detailed profiles of high-risk offenders;
- Formulate Police response plans for families who repeatedly come to the notice of Kiribati Police Officers and NGOs;
- Coordinate and ensure monthly meetings held for DV Steering group;
- House victims of serious cases only overnight at the Comfort Lounge; and
- Provide transport for victims to the safe place or medical treatment if stations vehicles are not available.
- DVSO Comfort Lounge:
 - » Located at DVSO PHQ at Betio
 - » Must be used only for serious cases
 - » Short term/overnight only
 - » Contact through DVSO Coordinator
- DVSO VEHICLE:
 - » Dedicated DVSO Unit use only
 - » For serious cases only

Incidents of Domestic Violence Involving Police Staff as Offenders

The Kiribati Police Service recognises that Police Officers may commit acts of domestic violence, and that members of their families may be subject to such violence. It is essential to the integrity of the Police that no acts of domestic violence committed by Police Officers are tolerated and that they are dealt with in the same manner as the general public.

Police will not rely on a victim making a complaint. If an officer is suspected of committing a crime, the investigation will occur regardless of the victim’s wishes. The Duty Officer will ensure all reasonable steps are taken to protect the victim, this includes their emotional wellbeing as well as their physical safety. This commitment is to be ongoing until ended in consultation with the victim.

Any domestic violence incident involving a Police employee, sworn or non-sworn, is considered a serious matter and must be reported to the duty officer immediately. Failure to report such an incident by an officer who is aware of the offence is a disciplinary offence.

The duty officer will advise OC Station and OC Professional Standard to oversee the investigation. The OCS will select the investigator based on integrity and investigative ability. They must be at least a rank above the officer being investigated.

The Police Commissioner shall be advised of the matter as soon as practical by the duty officer, and in any case, no later than within 24 hours of Police being informed of the incident. These provisions apply to members of all ranks.

If the Police member is arrested at the time of the incident, any subsequent Police action must have the approval of the Commissioner or their appointed deputy.

If the member being investigated was not arrested, any subsequent Police action must have the approval of the Commissioner or their appointed deputy.

The Commissioner will ensure that all reasonable steps are taken to prevent all forms of violence and harm to the victim, the offender is held accountable in a transparent way consistent with any action involving the public, and that the integrity and professionalism of the Kiribati Police Service is upheld.

Police who perpetrate domestic violence will be referred to the O/C Professional Standards by the Commissioner or their representative. The matter will be considered a serious misconduct offence.

The Internal Domestic Violence Policy will be brought to the attention of all staff so that they are aware of their roles, responsibilities and obligations and will also be displayed in each station.

Incidents of Domestic Violence Involving Kiribati Police Staff as Victims

The same provisions referred to above will apply except the victim will not be referred to Professional Standards. The focus will be on supporting the victim.

Incidents of Domestic Violence Involving Family Members or Friends of Kiribati Police Staff Members

All domestic violence incidents which involve any family member of any Police Officer shall not be investigated or dealt with by the officer concerned. If a member is aware of domestic violence incident involving their family and is called to attend, they must refer it to a more senior Police member who will ensure that another Police Officer not related to that family attends the incident.

All domestic violence incidents that come to the attention of the Police including those involving family members of any Police Officer, shall be dealt with in the same manner and procedure as all other domestic violence incidents. There are no exceptions.

If the incident involves injury, sexual offences, use of weapons or threats to kill/ cause grievous bodily harm after working hours or weekends, the duty officer must be informed. The duty officer must be satisfied that an experienced officer with integrity* is completing the investigation.

**When considering if the investigating officer has integrity, the following matters should be considered: Rank, years of service, age, attitude, disciplinary record, reputation within and outside Police, current duties, professionalism, and responsibilities outside Police.*



Definitions

Domestic Violence:

Any act or omission or conduct of the respondent or any threats to the complainant or any person related to the complainant by the respondent in a domestic relationship shall constitute domestic violence if it:

- a. harms, injures or endangers the health, safety, life, limb or well-being, whether mental or physical of the complainant or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse;
- b. harasses, harms, injures or endangers the complainant with a view to coercing the complainant or any other person related to the complainant to meet any lawful demand for any property; or
- c. otherwise injures or causes harm whether physical or mental to the complainant by any conduct mentioned in paragraph (a) or in paragraph (b);
- d. otherwise injures or causes harm, whether physical or mental to the complainant.

Violence:

a. Physical Abuse:

Any act or conduct which is of such a nature as to cause bodily pain, harm or danger to life, limb or health or impair the health or development of the complainant and includes assault, criminal intimidation and criminal force.

b. Sexual Abuse:

Includes any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of a person.

c. Psychological Abuse:

Psychological abuse is an emotional rather than a physical attack on a person. It includes but is not limited to, name calling, constant criticism and put downs, threats of physical and sexual abuse,

restricting the victim from leaving the family home, not allowing the victim to have any money or personal effects, and/or blaming the victim for the violence inflicted on him or her. Examples include:

- i. repeated insults, ridicule or name calling, manipulating, making the victim feel guilty, ashamed and responsible for what he or she is experiencing;
- ii. repeated threats to cause physical and emotional pain; or
- iii. the repeated exhibition of obsessive possessiveness or jealousy, which is such as to constitute a serious invasion of the victim's privacy, liberty integrity or security.

d. Psychological abuse of children

Psychological abuse of a child may also include:

- causing or allowing the child to see or hear the physical, sexual or psychological abuse of a person with whom the child has a domestic relationship; or
- causing or allowing a child to be put at real risk of seeing or hearing that abuse occurring.

Note: The person who suffers the abuse is not regarded as having caused or allowed the child to see or hear the abuse, or causing or allowing the child to be put at risk of seeing or hearing the abuse.

e. Economic Abuse:

- i. deprivation of all or any economic or financial resources to which the complainant is entitled under any law or custom, whether payable under an order of a court or otherwise, or which the complainant requires out of necessity including but not limited to, household necessities for the complainant and dependent children, any property jointly or separately owned by the complainant, payment of rent related to the shared household and maintenance;

- ii. disposal of household effects, any alienation of assets whether movable or immovable, valuables, shares, securities, bonds and the like or other property in which the complainant has an interest or is entitled to use by virtue of the domestic relationship or which may be reasonably required by the complainant or her children, or any other property jointly or separately held by the complainant;
- iii. prohibition to, or restriction on, continued access to resources or facilities which the complainant is entitled to use or enjoy by virtue of the domestic relationship including access to the shared household; and/or
- iv. damaging or destroying personal property in which the complainant has an interest.

Domestic Relationship:

Domestic relationship means a relationship between the complainant and the respondent in any of the following ways:

- a. they are or were married to each other, whether in accordance to law, custom or religion;
- b. they live or lived together in a relationship in the nature of marriage, although they are not, or were not, married to each other;
- c. they are the parents of a child or are persons who have or had parental responsibility for that child;
- d. they are family members related by legal or customary adoption;
- e. they are or were in an engagement, courtship or customary relationship, including an actual or perceived intimate or sexual relationship of any duration;
- f. they share or recently shared the same residence; or
- g. they are wholly or partially dependent upon ongoing care in the same household.



Principles

The home environment should be the safest place for any I-Kiribati to be, but unfortunately it can be one of the most dangerous places for some, as well as a place of sadness and shame. The Kiribati Police Service recognises and acknowledges that domestic violence has a considerable impact on our communities. We understand and acknowledge that the Gender Based Violence and Child Abuse Survey showed that Kiribati has unacceptable levels of violence, particularly towards women and children and that addressing this situation is critical for Police.

As a result, domestic violence is one of the highest priorities for Police. The Police are committed to ensuring all victims of domestic violence receive a prompt, effective and professional response from their Police in collaboration with other partner agencies. A priority is to significantly reduce and then eliminate domestic violence in our nation.

We also accept that initially we can expect to see a significant increase in reported domestic violence. We will celebrate that as a success as people develop trust in our ability to respond professionally.

Domestic violence is a crime usually affecting the most vulnerable members of the community, who are often victimised over a long period of time. Studies have proven that domestic violence is a behavioural problem and that reported cases do not occur in isolation. Repeat occurrences of domestic violence victimises people who are particularly vulnerable and offenders who have patterns of thinking that allow them to use violence to control others. These cases require special follow up and active case management so that the risk to these persons can be reduced and the offender's behaviour changed.

International studies and research have also shown that children who see, hear or are victims of domestic violence are more likely than other children to grow up to be victims of violence, to perpetrate violence, to be involved in other criminal offences and to develop health issues such as mental illness and alcohol abuse.

The following principles must be kept in mind and applied at all times when responding and dealing with domestic violence.

Safety

It is paramount that Police ensure victims, including children, involved in domestic violence are safe. Victims include children who live in homes where domestic violence is occurring. The safety of all victims must be considered by attending Police Officers and the domestic violence officers when they are notified of such incidents.

Police Officers must take reasonable steps to ensure that parties remain safe after their departure or their involvement ends. In other words, their responsibility goes beyond their leaving the address.

Children are especially vulnerable and attending officers must ensure they have no concerns about any child's welfare before leaving an address where domestic violence has been reported. If there are any concerns about the child's ongoing welfare and protection, Police should immediately notify a Social Welfare Officer to follow-up.

Police Officers must also be aware that attending domestic incidents where emotions are high is one of the more dangerous jobs that an officer may attend. Police Officers must take all necessary precautions to ensure their own safety and the safety of their peers. This is best done by gathering all information from callers, planning their approach, sharing information between officers and maintaining communication at all times. Do not assume, and plan and communicate at all times.

In responding to domestic violence and sexual violence cases, Police Officers ensure that victims are not put at risk or no further harm is done to them as a result of Police actions or interventions. Decisions should protect and promote their safety, health and wellbeing. Victims' safety and autonomy and ensuring the best interest of the child at all times is important.

Accountability

People who believe they can solve situations or control others by being violent have learnt negative behaviours. They need to understand that violence will not be tolerated and that there will be boundaries around their behaviour and consequences for their actions. It is essential that all offenders of domestic violence are held accountable for their actions. This can be achieved by the Kiribati Police Service ensuring they have a prompt and professional response to all reported incidents of domestic violence. The offender must see that the Kiribati Police Service takes domestic violence seriously. This requires all such incidents to be thoroughly investigated, and where there is evidence of a crime, the offender is charged. Police Officers must ensure that all corroborating evidence is obtained at the earliest opportunity during the investigation and is presented at the prosecution phase.

In cases where the domestic violence offender may benefit from supportive interventions aimed at changing their behaviour e.g. anger management, the Police recognise the value in such interventions and encourage those persons to attend such programmes. Attendance alone is not enough, there must be demonstrated changes in the offender's behaviour.

We recognise that an apology and reconciliation are important in our culture. We also believe that changes in behaviour must be demonstrated and that this important cultural practice should never override the safety of the victims.

We are mindful that sometimes victims do not make complaints, despite offenders committing crimes against the laws of Kiribati. The Kiribati Police service has a zero-tolerance approach to all domestic violence cases such as physical assault and other serious crimes. This means that the Police will actively investigate offences of assault or any other serious crime(s) committed as a result of domestic violence and will progress each case to a court hearing.

Partnership

The Kiribati Police Service has an established history of working with partners and we will build further on relationships that are focused on reducing domestic violence by being part of a co-ordinated inter-agency response that aims to enhance risk assessment, information sharing and meet the many and varied needs of families.

Confidentiality

Confidentiality is paramount when working with victims (survivors) of domestic violence. It is a crucial component of a victim's safety. In getting information from survivors, the Kiribati Police Service ensures that confidentiality is discussed with survivors. However, there is a limit to confidentiality, and this is mainly in the case where harm may be perpetrated against someone else. Sharing of information from victims should be discussed with them prior to being shared with other services.

Respect of Equal Rights and Non-Discrimination

Respect of equal rights and a non-discrimination approach considers all human beings as being born free and equal. Equality means all individuals have the same rights, so they deserve the same level of respect and treatment. Non-discrimination is an essential part of the principle of equality. It ensures that no one is denied their rights because of factors such as race, color, sex, language, religion, political or other opinions, national or social origin, property or birth.

Kiribati Police Services commit to perform their duties through an equality and non-discrimination approach.

Survivor-Centred Approach

A survivor-centred approach means that Police Officers prioritise the **rights, needs and wishes of the victim (survivor)**. The survivor should be at the centre of any decision made, reporting and referral.

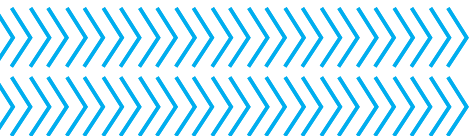
The survivor-centered approach aims to create a supportive environment in which the victim's rights are respected and in which she/he is treated with dignity and respect. The approach helps to promote the survivor's recovery and her/his ability to identify and express needs and wishes, as well as to reinforce her/his capacity to make decisions about possible interventions. Kiribati Police Officers must have the resources and tools they need to ensure that such an approach is implemented.

Non-Judgmental Approach

A non-judgmental approach is making judgement without being influenced by personal biases, opinions and ideas. It is about being open minded about different people and different ideas.

Cultural and Age-Appropriate Approach

A culturally and age-appropriate approach considers differences in ethnicities, gender, status and other differences in age groups. Using this kind of approach will encourage people to share more information and feel more secure in the process.



Police Power and Duties Act (2008)

Police Officers should note that the Purpose of this Act is to:

- Provide the powers that are necessary for effective modern policing and law enforcement;
- Consolidate and rationalise the powers and duties that Police Officers have for investigating offences and enforcing the law;
- Provide consistency in the nature and extent of the powers and duties of Police Officers;
- Standardise the way in which the powers and duties of Police Officers are to be exercised;
- Ensure fairness to, and protect the rights of, persons against whom Police Officers exercise powers; and
- Enable the public to better understand the nature and extent of the powers and duties of Police Officers.

Relationship between this Act and other Acts

- It is important for Police Officers to know that if another Act confers a power or imposes a duty on a Police Officer, this Act prevails over that Act to the extent of any inconsistency between the two Acts.
- A Police Officer may exercise a power in accordance with this Act in order to do something under another Act, even though the other Act specifies the way to exercise the power.

General powers and duties

- A Police Officer has and may exercise the powers of a constable at common law or under any other law.
- A Police Officer who holds, or is acting in an office in the Police Service below the rank of Inspector, has and must perform the duties of a constable at common law or under any other law.
- This Act does not derogate from the powers, duties and liabilities of a constable at common law or under any other law.

Note: See Appendix 1-3

Te Rau n Te Mwenga Act (2014)

Under the Te Rau N Te Mwenga Act 2014, originally the Family Peace Act, the Police are required:

- To understand their role as mentioned in Te Rau N Te Mwenga Act, Kiribati Police Powers and Duties Acts and other acts which mention their duty when dealing with domestic violence incidents;
- To identify domestic violence as identified in Te Rau N Te Mwenga Act;
- To record and document all domestic violence incidents appropriately;
- To protect victims and adhere to their obligations to assist victims as outlined in the Family Peace Act;
- To appropriately issue Police Safety Order (PSO) and adhere to applications for a Protection Order;
- To adhere to the requirements for issuing and serving Protection Orders;
- To identify offences under Te Rau n Te Mwenga Act and other laws and hold offenders accountable, and
- To work in preventing domestic violence with other government agencies with the support from civil society through human rights and gender training and public awareness programs.

The Act also imposes a duty on the Prosecutor to provide information to the victim to lessen the impact of trial and prohibits the counselling of the victim to reconcile or withdraw the case.

Children Young Persons and Family Welfare Act (2013)

Under the Children Young Persons and Family Welfare Act (2013), the Police are required;

- To provide assistance to the Director or any Social Welfare Officer in execution of his/her duties under this Act.
- Police Officers who receive a report of, or has concerns that a child or young person has been abused, neglected, or exploited must:
 - » Take action to ensure the safety and well-being of the child or young person;
 - » Notify the Director of Social Welfare or a Social Welfare Officer as soon as possible.
- Police Officers authorised by a magistrate to use an Emergency Protection Power Warrant to bring the child to a place of safety may at any time enter any premises or vehicle, or board any vessel specified in the warrant, by force if necessary, and may search for and remove the child or young person.
- A Police officer may, without a warrant, remove a child or young person to a place of safety if the officer believes on reasonable grounds that:
 - » The child or young person's health or safety is in immediate danger;
 - » There would be a substantial risk to the child or young person's health or safety during the time necessary to obtain a warrant.
- It is the responsibility of a Police Officer exercising authority under this section to notify the Director or a Social Welfare Officer as soon as possible and hand the child over to their care.

For further information on handling children in conflict please refer to the **Kiribati Police Service Standard Operating Procedures on Child Protection and Handling Young People 2012**.

Eliminating Sexual and Gender Based Violence Policy (ESGBV Policy) and 10-year National Action Plan (NAP)

Under the Eliminating Sexual and Gender Based Violence Policy (ESGBV Policy) and 10-year National Action Plan (NAP), police personnel are required:

- To be part of the Eliminating Sexual and Gender Based Violence Taskforce, a committee which coordinates the Implementation of the ESGBV Policy.
- To be part of SafeNet a committee comprised of all frontline service providers.
- To be part of the Case Management Review Committee, a committee of frontline service providers who deal with pending and high-risk domestic violence cases.
- To work closely and in collaboration with other SafeNet members in dealing with Domestic violence cases.

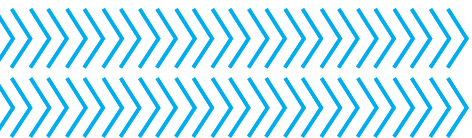
- To support the implementation of Te Rau n Te Mwenga Act and its Implementation Plan.
- To support the implementation of the Children, Young Persons and Welfare Act and Juvenile Justice Acts in partnership with SafeNet members.
- To attend training on new Acts in order to identify their new roles and responsibilities.
- To update the Standard Operating Procedure to align it to the new Acts.
- To incorporate implementation of the new Acts in its annual workplan.
- To update data collection of domestic violence cases.
- To develop, update intake and risk assessment forms to be in line with the requirements of the new Acts.
- To strengthen the capacity of Police Officers by supporting training by regional and international partners to improve Police responses to domestic violence cases.
- To attend in- country training on domestic violence to upskill themselves in this area.
- To strengthen and improve preventive and protective support services such as the Comfort Lounge, which provides temporary accommodation to victims.
- To eliminate and prevent domestic violence through civic engagement and advocacy.

SafeNet

Kiribati Police Service

The Police, pursuant to the Kiribati Police Service Domestic Violence Operating Procedure, are responsible for the provision of services to victims of violent incidents as follows:

- » Provide security for victims from immediate harm;
- » Investigate reports of violence and collect evidence;
- » Arrest of perpetrators;
- » Prosecute complaints according to Kiribati Law;
- » Enforce protection orders;
- » Follow SafeNet procedures as per the agreed operating procedures;
- » Refer survivors to appropriate services within SafeNet, according to their needs;
- » Escort survivors where possible to appropriate service within SafeNet, according to their needs;
- » Advocate prevention of gender-based violence and support the development and implementation of prevention strategies; and
- » Maintain an up-to-date register of all cases seen and report monthly to the SafeNet Secretary on their number and nature using the SafeNet DVSO Unit Data.



Process and Procedures

Roles and Responsibilities

Domestic Violence Complaints Received by the Kiribati Police Service

- All Domestic violence cases that come to the attention of the Police must be documented and recorded in the Record Book and a file commenced.
- All frontline officers should report and record accurate information and complete the record book for all domestic violence incidents. This must be completed by the attending Police Officer and the shift supervisor advised.
- The Shift Supervisor is responsible for ensuring standards are met and its policy is adhered to.

Attending a Domestic Violence Situation

- Where a Police Officer witnesses a domestic violence incident, the officer shall immediately intervene and deal with the matter accordingly.
- 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 (Power of Arrest without warrant).
- Police Officers should identify and record all witnesses and establish the relationships between all people concerned.
- In cases where the offender has left the scene prior to the officers' arrival, 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 eyewitnesses;
 - » 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 in a notebook;
 - » Determine whether an offence has been committed.

Communications Response

- Domestic violence cases should be prioritised. On the initial receipt of any domestic violence case, Communication Officers, Dispatchers or any frontline involved shall immediately notify the General Duties Shift Supervisor and make sure that the Shift Supervisor is made aware of the domestic violence incident.
- All Communication Officers/Dispatchers shall make certain that the following information from the informant/victim/complainant, whether by phone or in person, is recorded:
 - » Location of incident - this is the priority information in the event the call is ended;
 - » Names and addresses of both the alleged offender and victim and informant, including contact telephone number;
 - » Safety of victim or caller;
 - » Any injuries to victim/offender, and is urgent medical assistance required;
 - » Description and demeanour of the suspect;
 - » Who is involved, what has happened and what is occurring now;
 - » Where is the offender now;
 - » Any witnesses;
 - » Are there children involved;
 - » Any weapons or other hazards involved;
 - » Has offender got any weapons in his possession, and if so what;
 - » What is known about the people involved;
 - » What is their relationship?

Once this information is obtained the recording officer shall immediately disseminate all known information to all frontline staff attending the incident and minimise any risks to the safety of those attending Police Officers.

Travel to and Arrival at the Scene

- It is ideal for two or more staff to attend all reports of Domestic Violence incidents in order to minimise the risk and increase the safety of the attending Police staff.
- Attending Police staff should ensure they have relevant equipment such as handcuffs, baton, radios and torch.

- Enroute staff should plan their approach and consider their safety and safety of the parties.
- They should be watching for the offender or victim as they may have left the scene.
- They should park a short distance from the address and advise Communications of their arrival.
- As they walk to the scene they should be looking and listening to identify hazards and gather evidence.
- Take control of any weapons used or threatened to be used;
- Secure all weapons as an exhibit;
- Freeze/control/preserve scene;
- Identify any offences and offender(s) - consider there may be more than one victim or offender;
- Note all admissions and or incriminating statements;
- Obtain any medical assistance if required.

Actions at Scene

Domestic violence incidents have the potential to include a wide range of offences such as (but not limited to) homicides, sexual offences, assaults, threatening behaviour and wilful damage.

Upon attending the scene, Police Officers must ensure:

- Safety of all parties is paramount;
- Continual protection of victims including any children present;
- Holding the offender accountable.

Initial Action

- The attending Police Officers shall investigate the incident thoroughly and carry out the following action:
- Ensure the immediate safety of all parties involved;
- Issue Police Safety Order if necessary, with or without consent of victim;
- Separate all persons present at the scene - remembering to position themselves so the suspect and victim's backs are towards each other, the victim feels comfortable to talk in confidence and the attending Police can see each other, can counter any allegations of inappropriate behaviour and support each other if required;

Officer in Charge of Shift Responsibilities

The Officer in Charge of the Shift shall be informed of any domestic violence incident where the suspect or offender:

- Is suspected of committing any domestic violence related offence (no matter what the seriousness of the offending is); and/or
- Has criminal convictions relating to domestic violence; and/or
- Is deemed by the DVSO to be a high-risk domestic violence offender.

The Officer in Charge of the Shift shall have the responsibility of ensuring:

- The victim's safety - including children, extended family, witnesses and Police Officers;
- The offender is charged as appropriate i.e. the charges reflect the seriousness of the offence;
- consideration of the appropriateness of bail, including the safety of the victim when questions of bail are raised. When bail is denied the arrested person shall be brought before the courts at the earliest opportunity;
- Informing the next shift O/C if an offender is not located and provide a file for inquiries to be carried out by the next shift; and
- Ensuring the next shift O/C is aware of the victim's location and any safety concerns.

Investigation in Domestic Violence

Initial Interviews

- Conduct separate initial interviews with victim/suspect and witnesses.
- Use appropriate interview techniques - remember 'tell, explain, describe, show'/'Tuangai, Kabarabara, Kaotia'.
- Remember to caution the offender as soon as you suspect the person of criminal offending.
- Be patient and gain the trust of the victim - demonstrate care/empathy - think about your tone of voice and non-verbal communication.
- Remember that the victim is not to be asked if they wish to make a complaint. Police have a responsibility to investigate crime and enforce the law. Offences are committed against the State.
- If appropriate, and if safety permits, allow the victim to tell her/his version of events in the presence of the offender and record any reaction/admissions/denials stated by the offender.

Scene and Exhibits

- Consider the need to obtain photographic evidence of all parties involved, including photographs of injuries on either party.
- Note any injuries to the victim/offender at the time; the offender may argue self-defence later in court.
- Note and/or photograph damage/exhibits at the scene.
- Consider all elements of any intended charges are covered when obtaining exhibits and statements.

Formal Interviews and Written Statements

- Obtain written signed statements from all parties. **Do not delay**, as victims and witnesses may recant their statements.
- Ensure that caution is given to the offender and recorded at the start of the statement.
- Where possible, ensure children are not further traumatised by hearing the interviews.
- Ensure the following safety questions are asked as part of evidence gathering and assessment of risk to the victim and children:

General Questions

How often does this happen?	Tao maanra ao e riki aekan aio nakoim?
Tell me about the most frightening thing that has happened?	Tuangai te kabanea ni kakamaku n mwakuri ae ea tia n karaoia nakoim?
Is he regularly abusing alcohol?	E nang bwabwaina te manging?
Has he recently threatened self-harm or to commit suicide?	Ea tia n kataia n kaikoakia ke n bakabureia?
Has he been violent towards anyone else in the family?	Ea tia n kataia n kaikoakia kain te auti?

Aekan titiraki

Additional Questions if Intimate Partner Violence

Is he jealous or controlling?	E nang bwaina te kooko, tauooiko ao man unun nakoim?
Has he ever tried to harm you in the past?	Ea tia n kataia n kaikoakiko ma imwaina?
How safe do you feel?	N am iango ko mano ngkai ma irouna ke ko aki?

Additional Questions if children are involved

Has he ever deliberately harmed any child?	Ea tia n kataia n kaikoakia ataei?
Are the children safe now?	Iroum a mano raoi natim/ataei man te kanganga?
What is the effect of this on you and your children?	Tera rotakim ngkoe ma ataei imwin te mwakuri ae ea tia n riki?

Remember: The aim of interviewing victims, witnesses and suspects is to obtain complete, accurate and reliable information in order to discover the truth and assess the risks that the victim faces. This helps to inform the Safety Plan.

Police Officers are not required to and should not pass judgement on the actions of the parties involved. Judgemental comments are unhelpful to building trust, are unprofessional, and are usually made when Police do not have all the information. The Police Officer must gather evidence independently and fairly.

Arrest

Make an arrest if the officer suspects on reasonable grounds an offence has been committed - refer to Appendix D for the relevant legislation for powers of entry and arrest without warrant.

Domestic Violence Investigations

Due to the dynamics of domestic violence cases, investigations require special considerations.

- The attending Police Officers should always remember that it is vital not to re-victimise the victim.
- The attending Police Officers must be sensitive to their situation and emotional vulnerability.
- The attending Police Officers should take note that once there is sufficient evidence to charge any offender with domestic violence assault, then a charge **shall** be laid.
- The attending Police Officers shall consider the appropriateness of charging the offender for any other offences committed.
- The attending Police Officers shall also inform the offender and victim that the decision to charge the offender has been made by Police and it is not the decision of the victim.
- It is important to note that victims often recant their allegation and may wish to withdraw their complaint soon after it has been made. It is important for the attending Police Officers at any domestic violence incident to bear this in mind and ensure that all available evidence is obtained at that time, because it may not be available later.
- It is important for attending Police Officers to factor this dynamic into their planning and attitude towards the investigation and remain focussed on the outcome, which is victim safety and offender accountability.
- Whenever possible, the case should not be dependent on victim's statement of complaint alone. It is important that Police are able prove all charges relating to domestic violence with or without the victim's cooperation - gather as much evidence as is available.

If Children Are/Were Present or Reside at the Scene

- Risk assessment of the safety of children present or residing at the address, or who are children of either party but not present, is crucial.
- Time should be taken to assess any immediate risk to the children, and if there are any concerns about the child's well-being, the Social Welfare Officer should be contacted to conduct a more comprehensive assessment.

If it becomes apparent that children were, or are present at the scene at the time the domestic violence incident occurring, the following steps shall be taken by the attending Police Officers:

- Check the whereabouts of those children and establish that they are safe;
- If you suspect that the child is a victim of physical or sexual abuse, OC DVSO and the Social Welfare Officer should be contacted immediately. Note that children have experienced domestic violence when they have witnessed it;
- Speak to the children separately (without the presence of the victim and offender) to confirm their safety;
- Take your time with children - be careful if using leading questions - remember 'Tuangai-Tell, Kabarabara-Describe/Explain, Kaotia-Show', e.g. "tell me what you have seen or heard today/tonight?"
- Take notes of what you asked, and the response; and
- Get down at their eye level, use a friendly tone of voice, and trust what they say/believe what they are saying, unless **proven** otherwise.

For further information on handling children in conflict please refer to the **Kiribati Police Service Standard Operating Procedures on Child Protection and Handling Young People 2012**.

When the Offender is Not Located at the Scene

When the offender has left the scene prior to Police arrival, the following actions should be completed:

- Consider the victim's and children's safety and whether they should be relocated (i.e. placed at the Crisis Centre or taken to a relatives or friends);
- Consider whether an NGO, church member or another supporting agency should be called and notified of the incident before leaving the scene;
- If the offences disclosed by the victim and/or witnesses justifies arrest of the offender when s/he is located, alert all other frontline Officers and obtain assistance to locate the offender.

- If the offender is not located immediately, inform the Shift Supervisor who must ensure the supervisor of the next shift is made aware of the situation;
- The next Shift Supervisor shall prioritise locating the offender;
- If the offender is not able to be located and arrested within a 24-hour period, the OC Station is to be notified;
- The OC Station shall review the file and determine what further inquiries need to be completed and will assign the file to CID who will prioritise the inquiries; and
- Checks are to be made with the victim that they are safe, and the offender is not at their location.

Prima Facie (Sufficient Evidence of Offending)

- If there is sufficient evidence that an offence has been committed, the offenders responsible for domestic violence offences **should** be arrested. In **rare** cases where actions other than arrest are contemplated, the Shift Supervisor must be consulted (noting there is a zero tolerance to physical assaults - without exception).
- The Shift Supervisor must carefully consider the decision not to arrest and document the reasons in their notebook.

Both Victim and Offender Commit Criminal Acts

If the evidence discloses that both parties involved in the domestic incident are offenders, that is, they have assaulted each other, consider the fact that one party may have been acting in self-defence. In these circumstances, Police Officers should carefully examine the circumstances of each case and consider:

- Questioning the parties and other witnesses about the history of previous violence, use of weapons, threats, etc;
- Ask the safety questions referred to in the formal interview section;
- Who is the most at risk of serious harm;
- Careful examination of the scene to corroborate statements; and
- Factors in the violence e.g. alcohol.

If the evidence supports a reasonably-held belief that one offender is the 'primary aggressor' or more dangerous, whether or not the person 'started' that incident, the 'primary aggressor' must be arrested.

Insufficient Evidence to Arrest

- If there is insufficient evidence to arrest but you have victim safety concerns, ensure the victim and the children are safe before departing the scene, e.g. that the aggressive party either leaves the address for a cooling down period or the victim is taken somewhere safe.
- If you have any concerns about the safety or well-being of a child, you must notify the Social Welfare Officer. Even if criminal charges are not being pursued, the Social Welfare Officer can take action under the CYPFWA to protect the child.
- Safety for the parties remains the responsibility of Police.
- The DVSO officer should be advised of all concerns for a victim and /or a child's safety through a report, so that follow up action can be taken.

Serious Offences Committed

- Whenever there is evidence that a serious crime has been committed, the O/C CID must be advised. O/C CID is to ensure that a thorough and timely investigation is carried out. They must advise the investigators that timeliness is crucial to a successful prosecution.
- O/C CID should review all serious criminal prosecution files relating to any domestic violence incident prior to each matter coming before the court. The O/C CID is responsible for the standard, corroboration and preparedness of every prosecution file involving a serious crime of violence.
- Serious crimes of violence will involve sexual offences, multiple significant bruising, cuts requiring stitches, broken bones, i.e. serious injury through to wounding and grievous bodily harm.

Recording/Reporting

- All incidents of domestic violence received by any Police Officer **MUST** be reported and recorded in each station by completing the Report Book and a DV Register. A daily crime return must be filled and sent to the HQ on the next working day. Once an offence is identified, a file must also be created
 - Completing the Report Book ensures that all the required information relating to the alleged offender and victim of each domestic violence incident is obtained. This allows Police to implement a professional, efficient and effective response to each reported incident.
 - The information in the Report Book is transferred to the Domestic Violence Register and a Daily Crime Return by the DVSO or a shift Officer and is used to collect statistical information and provide base details for the investigator. This information is then forwarded to the Headquarters DVSO or the CRO Office, where it is inputted into the electronic CMIS database
 - The statistical database is capable of providing information that can be utilised to create strategies to minimise the effects of domestic violence. For example, the database assists the DVSO in identifying high risk families who are the subject of repeated domestic violence incidents, and assists in identifying common factors that may be present in many of these occurrences, i.e. prevalent days of the week, the involvement of alcohol etc.
 - The records are essential as there is no other record kept by any other government department. The records are a key document for many researchers and necessary for determining the impact of the strategic plan. They are a source of credibility for the KPS for that reason
 - The information recorded in each file will include but will not be limited to:
 - » Statement from the victim;
 - » Statement or notebook entries from the suspect;
 - » All immediate and subsequent contact the Police have with either party in relation to their domestic situation;
 - » Referrals of either party to any supporting agency, i.e., Crisis Centre, church groups, etc;
 - » Safety plans;
 - » High risk profiles;
 - » A record of the result of/ or any impending prosecution; and
 - » Police Safety Order and Protection Orders.
- All Police Officers who are in receipt of any domestic violence complaint shall ensure that the Report Book, DV Register and the Daily Crime Return are completed accurately by the end of that Police Officer's shift. Shift Supervisors shall check to ensure accurate records, proper compliance and risk factors have been considered.
 - A report must be provided which outlines safety concerns, and information for follow-up investigators and for the prosecutor, such as bail conditions being sought, etc.

Victim Support

- The DVSO Officer shall take responsibility for ensuring there is suitable communication between the victim and the O/C Investigation.
- The victim should be kept informed of the progress of the investigation, court dates and decisions to charge or withdraw charges, with the reasons for those decisions.

Case Closure

Prior to being filed in court the file should be reviewed by the station DVSO Officer. They will carry out the following:

- Identify best practice and advise the DVSO Coordinator;
- Acknowledge high quality work by officers by providing a report to the OCS;
- Ensure the victim has been advised of the outcome of the file; and
- Identify gaps in the file/investigation/prosecution and where appropriate and in discussion with the DVSO Coordinator, provide a report to the OCS.

Prosecution

Under Te Rau n Te Mwenga Act (2014)

Duty to prosecute

1. Where there is a report of domestic violence and provided that there is sufficient evidence for doing so, every Police Officer handling the matter shall undertake to do all things necessary in order that a charge or information is laid with the court, in order to commence prosecution of the matter in court.
2. In addition to subsection (1), no Police Officer shall endeavour to provide counselling to the parties to the proceedings to reconcile or to withdraw a charge or information laid under subsection (1).
3. In every case prosecuted before the court, it is the duty of the Police Officer:
 - a. to provide information to the complainant about court processes and procedures in a language that he or she understands, the remedies available under this Act and the right to hire or have access to a court appointed lawyer and lodge an appeal; and
 - b. where necessary, make arrangements for the complainant and the complainant's dependents to find a suitable shelter, to obtain medical treatment, and/or counselling services where needed.
4. The failure of a Police Officer to comply with an obligation imposed under this Act shall constitute misconduct for the purposes of section 41 of the Police Service Act 2008.

Relationship of Penal Code and Relevant Written Laws to This Act

1. Subject to section 10(5) of the Constitution, in addition to prosecution under section 30 of this Act, a respondent may also be prosecuted under any other criminal laws in force for the perpetrator's acts of domestic violence, if the facts disclose the commission of a criminal offence under those provisions.
2. In relation to domestic violence, the following circumstances shall be considered as aggravated circumstances, resulting in enhanced penalties for the offender:
 - a. domestic violence is committed against a child; or the action of domestic violence is performed in the presence of a minor;
 - b. domestic violence is committed against a person with special needs, a pregnant woman or a woman who, due to whatever reason, is incapable of resisting;
 - c. the violence is severe or life threatening;
 - d. a weapon is used; or
 - e. the respondent has committed repeated incidences of domestic violence.

Note: See Appendix 4 for Standard Operating Procedure for Domestic Violence and Sexual Assault.



Safety Plans

High Risk Offenders - Identification and Response

- All victims that are deemed by the DVSO to be “high risk victims” (i.e., all persons believed to be at risk of having serious domestic violence inflicted upon them,) shall have a safety plan put in place at the earliest opportunity to minimise the risk to that victim. This plan must be completed within two days of initial Police attendance at a family violence incident.
- If the survivor is a child or young person, the Social Welfare Officer is responsible for developing a care and protection plan in conjunction with the DVSO.
- A safety plan is constructed by a Domestic Violence Officer in partnership with the victim(s), so that the victim(s) have a prearranged and devised plan in place to ensure their continual safety, and that this plan can readily be actioned by the victim(s) in all circumstances when the offender is likely to become violent or is being violent.
- Such safety plans should be flexible and should be able to include the victim either:
 - » Staying in the violent relationship;
 - » Leaving the violent relationship; and/or
 - » Relate to the victims needs after they have left the relationship.
- The safety plan may cover a period of a few days, weeks or even months after the time of the initial attendance by Police. Risks to consider when initiating a safety plan include:
 - » The offender’s whereabouts, i.e., residential address/employment etc;
 - » The offender’s known previous behaviours/ threats/offending;
 - » Could the offender have other persons harm the victim;
 - » Severity of this incident and previous occurrences;
 - » Likelihood of further interference/offending; and
 - » Concerns about children and others family and friends of the victim.
- The safety plan may consider using safe houses, Crisis Centre, church support, relatives and neighbour’s assistance and vigilance.
- The safety plan should record a set of actions that the victim and other parties need to follow to manage the risks identified. Have the victim sign the plan and ensure that the responsibilities for actions to be completed are clearly stated. The plan should always be agreed upon and put in writing.

Note: See Appendix 5 for Developing Safety Plan

Working with Other Agencies

Ongoing support for victims is vital and Police work closely with other agencies to meet the many and varied needs of families. This interagency approach ensures the needs of families are addressed.

These agencies include but are not limited to: MWYSA, AMAK, the Courts, Magistrates, Crisis Centre, AAFR, churches, schools, health services, and the Kiribati Family Health Association (KFHA) through Kiribati Women and Children Centre (KWCC).

Domestic Violence Officers in Bikenibeu and Bonriki will ensure that frontline Police know the location of the Crisis Centre at Nawerewere and the Kiribati

Women and Children Centre in Bairiki and respond to an emergency calls with urgency.

Working with other agencies also involves campaigns to change community attitudes and beliefs. DVSO Officers will support other agencies in raising public awareness of domestic violence within schools, church and other community groups. The Kiribati Police Service actively supports all EVAW-related activities including the 16 Days of Activism and Human Rights Day on 10 December of each year. These are the international days where persons demonstrate their opposition to violence towards women.

No-Drop Policy

Domestic violence cases require a no-drop policy because victims withdraw complaints through fear and other pressures, not because the offender has changed their behaviour. The offender's belief that they can use violence against people close to them has developed over time, and any change in behaviour must also be clearly demonstrated over time. Promises and apologies (Kabwara bure) - are the beginning of the process of change, not the end.

Under Te Rau n Te Mwenga Act (2014), Section 37, where a complainant makes an oral or written application for withdrawal of a complaint against the respondent, the Court:

- a. must investigate the reasons for withdrawal;
- b. must ensure the safety and wellbeing of the complainant and any dependants;
- c. may make further directions; or
- d. grant the application.

Kiribati Police has a zero-tolerance approach to all physical assaults and all other serious crimes committed as a result of domestic disputes. This

means that the Police will actively pursue all charges where an assault or a serious crime has been committed and will ensure each complaint progresses to a judicial hearing.

Victims may recant, or request charges be withdrawn. It is of the utmost importance that all domestic violence complaints are investigated thoroughly, and no charges are withdrawn on such a request made by the victim. The no-drop policy ensures that all alleged domestic violence-related physical assaults and all other alleged domestic violence-related crimes are investigated and prosecuted in a consistent and uniform manner.

The reasons that the victim wants to withdraw their complaint should be recorded and provided to the O/C Investigation and Prosecutor, as that explanation may be crucial for later court action.

Responsibility rests with the Court as to the outcome of the prosecution, not Police.

Public Awareness and Community Engagement

The DVSO and Community Policing shall provide their communities with domestic violence public awareness campaigns and develop and maintain partnership with organisations such as schools, church groups, town councils, NGOs, government departments, etc.

The Police undertake to engage with all sections of the public to help raise public awareness of domestic violence.

A safe community is a result of the Police practice which starts from quality investigation of domestic violence incidents. Quality investigation of domestic violence incidents inform frontline safety plans. Safety plans enable intervention from SafeNet, a committee of frontline service providers. This reduces reoffending and re-victimisation, leading to safer communities.



Appendices

APPENDIX 1

Police Powers and Duties Act (2008)

Power of Entry

Section 35: Entering property to prevent offence, injury or violence

1. This section applies if a Police Officer suspects, on reasonable grounds, that-
 - a. an act of violence is occurring or has occurred before the officer's arrival at a place; or
 - b. there is an imminent risk of either of the following happening at a place-
 - i. an injury to a person
 - ii. an offence involving damaging property.
2. The Police Officer may-
 - a. enter the place; and
 - b. stay there as long as is reasonably necessary in the circumstances for the Police Officer-
 - i. to establish whether the reason for the entry exists; and
 - ii. to ensure that, in the officer's opinion, an imminent risk of violence, injury or damage does not exist at the place; and
 - iii. iii) to give or arrange for reasonable help to any person at the place.
3. The Police Officer may detain anyone at that place for as long as is reasonably necessary to establish whether the reason for the entry exists
4. If the Police Officer is reasonably satisfied that a reason for the entry exists, the Police Officer may do any of the following:
 - a. detain a person for search, or to prevent acts of violence or damage to the property;
 - b. search anyone detained for anything that may be, or has been used to cause the violence, injury or damage;
 - c. search the place:
 - i. for anyone who may be subject to an act of violence or risk of being injured; and
 - ii. for anything that may be, or has been, used to cause the violence, injury or damage.
 - d. seize anything found at the place or on a person at the place that may be, or has been used to cause the violence, injury or damage

5. The Police Officer must, before searching the place, inform the occupier of the place, if present, that the occupier may accompany the Police Officer while the place is being searched.
6. For this section, a place that is a building includes a vehicle at the place.

APPENDIX 2

Police Powers and Duties Act (2008)

Power of Arrest

Section 74: Arrest Without Warrant

1. A Police Officer, without warrant, may arrest an adult who the Police Officer suspects on reasonable grounds, has committed or is committing an offence, if it is reasonably necessary for one or more of the following reasons;
 - a. To prevent the continuation or repetition of an offence, or the commission of another offence
 - b. To enquiries to establish the person's identity
 - c. To ensure the person's appearance before a court
 - d. To obtain and preserve evidence relating to the offence
 - e. To prevent harassment of, or interference with, a person who may be required to give evidence relating to the offence
 - f. To prevent fabrication of evidence
 - g. To preserve the safety or welfare of any person, including the person arrested
 - h. To prevent a person fleeing from a police officer or the location of an offence
 - i. Because the offence is an offence against section 140 or 141 (obstruction and fails to follow direction of Police)
 - j. Because of the nature and seriousness of the offence
2. Also, a Police Officer without warrant may arrest a person who the Police Officer suspects on reasonable grounds, may have committed, or is committing a felony in order to;
 - a. Question the person about the offence or
 - b. Investigate the offence

APPENDIX 3

Te Rau N Te Mwenga Act (2014)

Part 4: Police Powers and Duties

26. Duty of Police to act in relation to domestic violence

1. If a Police Officer suspects on reasonable grounds that a person who is or has been in a domestic relationship with another person
 - a. has committed or is about to commit a domestic violence offence; or
 - b. has breached a protection order, the Police Officer may issue a Police Safety Order in Form 6 of the Schedule if the officer
 - i. does not arrest that person for an offence against any enactment involving the use of violence; but
 - ii. has reasonable grounds to believe, having regard to the matters specified in sub section (2), that the issue of a Police Safety Order is necessary to ensure the safety of the victim in accordance with section 27.
2. When considering whether to issue a Police Safety Order under subsection (1), the Police Officer must have regard to the following matters:
 - a. whether there is a likelihood that the person will use, or again use domestic violence against the victim or any other person in the household;

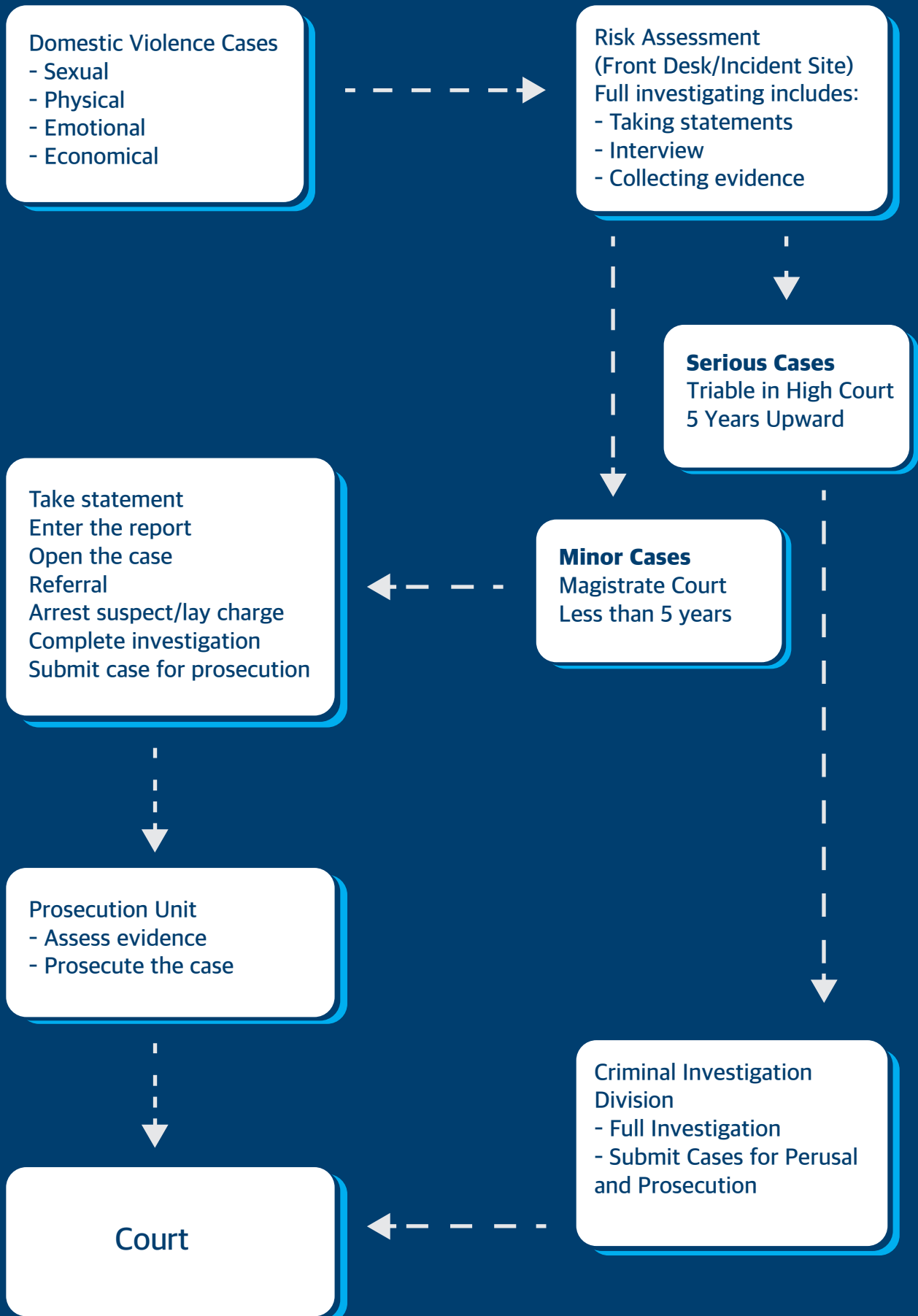
- b. the welfare of any children residing in the household with the victim; and
 - c. any other matter the Police Officer considers relevant.
3. A Police Safety Order comes into force immediately on being served on the person who commits domestic violence.
4. An Order continues in force for the period specified in the Order, but that period must not exceed 14 days.

27. Police Safety Order

1. A Police Safety Order issued under section 26(1) must be served as soon as practicable on the person against whom the Order is issued
2. An Order may be issued without the consent of the person at risk for whose safety the Order is proposed to be issued.
3. A Police Officer who issues a Police Safety Order must explain to the person against whom the order is issued.
 - a. the purpose, duration and effect of the Order; and
 - b. the consequences that may follow if the person against whom the Order is issued contravenes the Order.
4. If an Order issued under section 26(1) has not been served within 48 hours from the time of issue, the Order lapses.
5. A Police Safety Order may be issued by a Police Constable or any Police Officer above the rank of Constable.

APPENDIX 4

Standing Operating Procedures for domestic violence and sexual assault



APPENDIX 5

DEVELOPING A SAFETY PLAN

Step 1: Safety to avoid serious injury and escape violence

- Tell your neighbour, close friend or family member living close to you to ring the Police once they hear suspicious noise from your house.
- Think of a safe place that you can go to once the violence happens.
- Always use your judgement and instincts. When the situation gets serious try to calm your partner down. You must protect yourself and the children until you are OUT of DANGER. Leave for a safe place as fast as you can, and do not worry about taking anything.
- Tell your children to call the neighbours once they see the violence occur.
- Keep your mobile phone charged so you can easily call someone else for help when violence occurs.

Step 2: Safety when preparing to leave

- Leaving must be done with careful planning. Remember to familiarise yourself with the services that can support you such as Police, Kiribati Women and Children Centre, Our Lady of the Sacred Heart Crisis Centre etc. Try to get the numbers for these services.
- Leave extra money somewhere as you might need it for your and your children's bus fare when you plan to leave.
- Leave at a time when your partner is not home, and he is going to be away for a while. This will give you time to leave safely without the offender seeing you.
- Get the number for a close family and friend and save it on your mobile.

Step 3: Safety in my own residence

- Teach your children to make a call when violence occurs.
- If your abusive partner has left you with the kids, it is wise to inform your neighbours and close family members to keep an eye on the offender and let you know if they see him around the residence.
- Always have your phone with you so you can easily call the Police when violence occurs.

Step 4: Safety in my workplace

- Inform your boss about your situation so he/she can be aware of your situation.
- Ask your workplace's receptionist to screen calls for you.
- Always let your work colleagues know your whereabouts during the day so they can easily track you.
- Have your mobile on at all times and make sure your work colleagues have your number.

Step 5: Items to take when leaving

- Passport
- Driver's License
- ATM Card
- Birth Certificate for you/your children
- Police clearance
- Certificates/academic documents (handy if you need to look for a job)
- Other important documents (including a protection order if any)
- Fully charged mobile phone/charger with contact numbers
- Cash
- A few changes of clothes for you and your children
- Medication for you and your children
- Anything else you think you might need.



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