

# **NATIONAL DOMESTIC VIOLENCE AND SEXUAL ABUSE PROTOCOL FOR GRENADA**



Commissioned by:  
Grenada National Organisation of Women (GNOW)  
and the  
Ministry of Social Development

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# National Domestic Violence and Sexual Abuse Protocol for Grenada

## 1.1 Background

This domestic violence and sexual abuse protocol was commissioned by the Grenada National Organization for Women (GNOW) in collaboration with the Ministry of Social Development. It is a resource document intended to assist professionals with the management of domestic violence and sexual assaults.

The development and implementation of a protocol was part of a larger project managed by GNOW which addresses support networks for women experiencing gender based violence. From the standpoint of the Ministry of Social Development, the development and implementation of a protocol was an essential component of the activities under a project aimed at strengthening state accountability and community action for ending gender based violence.

Accordingly, the protocol was regarded as a critical step in ensuring a more coordinated and integrated response system to the growing levels of gender based violence in Grenada, especially in relation to intimate partner violence and sexual violence.

Although Grenada is unable to produce comprehensive national data on the prevalence of domestic violence, the limited and fragmented empirical data from various stakeholder groups forcefully demonstrates cause for concern. The data from the Legal Aid and Counseling Clinic, an NGO that does extensive work in the area of domestic violence reports that approximately 40 % of their caseload is directly linked to services sought by persons who are experiencing intimate partner abuse.

The Domestic Violence Unit of the Ministry of Social Development reports that they receive an average monthly figure of ten (10) victims.

The Royal Grenada Police Force has been vigorously encouraged to produce data on domestic violence. Unfortunately, this data is not systematically or routinely disaggregated and accordingly many of the stations can only report on categories of criminal offences as defined by the Criminal Code. These would include offences such as assault; causing harm; threaten death; wounding; attempt murder and murder. Within each of these categories of offences, there are those that are of a domestic nature, usually involving intimate partner violence. Without the disaggregation of this data by all police stations on a consistent basis, it remains difficult for Grenada to produce any meaningful statistics on the national status of domestic violence.

However, some effort at limited record keeping by the RGPF and Ministry of Social Development would still indicate that domestic violence is a significant issue for Grenada.

### **Domestic Violence Cases Recorded January 2009- December 2009**

<b>YEAR 2009</b>	<b>Royal Grenada Police Force</b>	<b>Ministry of Social Development</b>
January	27	7
February	19	10
March	25	12
April	24	20
May	35	16
June	34	27
July	9	22
August	15	3
September	22	8
October	2	-
November	3	5
December	18	1
<b>TOTAL</b>	<b>233</b>	<b>131</b>

The absence of collected data is concerning, but even the available statistics, when combined with the compelling anecdotal evidence shared by interviewees during the course of the research for this initiative, would suggest that rates of domestic violence are high. This is compounded by the reality that reporting rates of domestic violence are very low compared to actual rates of prevalence.

High rates of domestic violence are common in the region and regional studies have confirmed that violence against women is particularly concerning.

#### **Regional Studies on the Prevalence of Violence Against Women\***

- **One in four** women in Guyana has been physically abused in a relationship.
- **Approximately 30%** of women surveyed in Trinidad & Tobago experienced domestic violence.
- **67% of women** in Suriname have experienced violence in a cohabiting relationship.
- Domestic homicide cases increased in the Bahamas from **42% in 2000 to 53% in 2002**.
- **30% of adult women** in Antigua & Barbuda and Barbados have experienced some form of domestic abuse.

\*Regional Studies in the Prevalence of Violence Against Women (Taken from UNIFEM/ECLAC Regional Assessment of Actions to End Violence Against Women.

Comprehensive data with respect to sexual offences is more forthcoming. This is largely attributed to the fact that the categories of sexual offences are self explanatory and there is no need for disaggregation of the data to ascertain how many offences of a sexual nature are reported in any given year. Offences such as rape, incest, defilement of a female and indecent assault are reported to the police and comprehensive record keeping is done at the Records Department.

The figures reported by the Royal Grenada Police Force clearly indicate that the incidence of sexual violence in Grenada is also alarming.

## Sexual Offences Cases from the RGPF from 2006-2009

YEARS	2006		2007		2008		2009	
	INDECENT ASSAULT	42	33	61	39	83	63	87
RAPE	22	17	30	20	31	22	57	45
INCEST	2	2	7	3	5	2	10	10
UNLAWFUL CARN/KNOWLEDGE	0	0	0	0	2	1	1	1
DEFILEMENT OF A FEMALE	32	29	55	45	48	38	59	45
UNNATURAL CONNECTION	5	4	4	1	6	4	8	7

The high incidence of sexual violence is also reflected in the Assizes list of criminal cases heard in Grenada's High Court. In a study conducted by UNIFEM/UNICEF into child sexual abuse in Barbados and the OECS, the total number of sexual offences on the Assizes list in Grenada was found to be disproportionately high when compared to all other criminal offences. This is reflected in the below mentioned chart, which indicates that sexual offences represent about 30 % of all criminal offences.

### Criminal Assizes List October 2006 to June 2007

Assizes List	Total No. of Cases	Total No. of Sexual Offences	Total No. of Overall Cases
October 2006	98	28	29%
February 2007	95	23	24%
June 2007	73	27	37%

It is important to note that sexual violence against women is alarmingly high across the Caribbean, with CARICOM countries showing higher than the global average per capita rates. In fact, the region has become increasingly noted for its culture of coerced sex, with one PAHO study finding that almost 50% of the region's adolescent girls have experienced a first sexual encounter that was forced or coerced.

It is within this context and against this backdrop that Grenada, in coming to terms with the realities of gender based violence and all of its serious implications; has embarked on a process to develop a

protocol. The protocol will guide both the internal procedures of major stakeholders, as well as the external working relationship between these stakeholders. The need for guidance in this regard was underscored by an existing system that was fragmented and insufficiently co-ordinated.

Stakeholders not only had underdeveloped internal response systems, but the working relationship between key stakeholder groups was also in urgent need of redress, so as to generally ensure a more effective response to domestic violence and sexual assaults.

## 1.2 Terms of Reference

The specific objectives of the protocol were informed by the following considerations:

- 1) To create awareness amongst stakeholders of the importance of adopting a more integrated and systematic response to domestic violence and sexual assault.
- 2) To serve as a guide for stakeholders in the reporting and management of domestic violence and sexual assault.
- 3) To support a coordinated response to domestic violence and sexual assault that would better facilitate data collection on the nature and extent of domestic violence.
- 4) To enhance the systemic responses to domestic violence and sexual assault so as to ensure more effective service delivery to victims of gender based violence.

It is expected that the Ministry of Social Development will take forward this protocol for endorsement and implementation. It is understood and accepted that although the protocol was commissioned by GNOW in collaboration with the Ministry of Social Development, that the Ministry, as the State agent, would be ultimately responsible for ensuring the effective implementation of this policy document. This will include provision of sensitization training in the correct use and application of the protocol.

## **WHY HAVE A DOMESTIC VIOLENCE AND SEXUAL ASSAULT PROTOCOL**

To establish standards for points of contact, methods of contact and purpose of contact between agencies

- To define professional roles and responsibilities
- To strengthen and clarify relationship between relevant agencies
- To improve the credibility and accountability of the agencies involved
- To inform and educate the community about how cases of domestic violence are handled
- To ensure consistency in the way that cases are handled

- i. A protocol which is a set of policies, procedures and agreements to be followed helps to offer direction to the agencies and professionals involved in child abuse cases.
- ii. Medical professionals, social workers, police, prosecutors and judicial officers will be guided by the coordinated approach promoted by the protocol.
- iii. The mandates of each agency must be respected, overlapping areas of activities among professionals must be acknowledged and partnerships should be expected to move effectively towards meeting the needs of victims of domestic violence.
- iv. This type of multi disciplinary approach to the prevention and management of domestic violence and sexual assault is widely recognized as the most effective way of responding to domestic violence. The multidisciplinary nature of the responses encourages the respective professional disciplines to work collaboratively and requires implementation sharing and open communication among professionals

## 1.3 Scope and Methodology



### ❖ 1.3.1 *Scope*

Although it is acknowledged that domestic violence is broad in scope, the protocol is limited in scope to address domestic violence within the context of intimate partner relationships. The decision to limit the protocol to these circumstances was informed by the following considerations:

- i. Intimate partner violence is a large component of domestic violence and is a major issue for Grenada relative to other types of domestic violence.
- ii. Manageability in the use of the protocol required that its application not be over extended to cover every possible type of domestic violence.
- iii. A child abuse protocol has already been drafted by the Grenada National Coalition on the Rights of the Child and this policy document addresses the specific needs of child victims.
- iv. Easy access to information and general user friendliness was an essential criterion of the . Information overload was actively discouraged.

In relation to sexual violence, the protocol addresses all forms of sexual abuse, including rape, incest, defilement of a female and indecent assault.

The protocol although it can be extended to cover the needs of children, focuses on primarily adult victims. This approach is informed by the above mentioned consideration that a child abuse protocol already exists and offers guidance to professionals about co-ordinated and multidisciplinary responses for child protection matters. However, to the extent that this protocol supports the procedures outlined in the child abuse protocol, they should be utilised in that regard.

The protocol is intended to guide the work of four (4) major areas of service delivery:

- i. **Medical Services**
- ii. **Law Enforcement**
- iii. **Social Services**
- iv. **Legal Services**

The protocol addresses both the internal processes and procedures of each of these areas of service delivery, as well as the working relationship between them.

It is understood that stakeholders may already have some guidelines that help inform internal procedures with respect to either the issue of domestic violence or sexual assault. These existing documents should continue to help guide the internal procedures of the applicable service providers and additional standards which can guide a specific area of responsibility ought to be encouraged.

Nevertheless, it is understood and recognized that this national protocol is the primary instrument to be utilised by all key stakeholders and will supersede any and all existing guidelines to the extent that there are any inconsistencies therein.

### ❖ 1.3.3 **Methodology**

The methodology applied to the creation of this protocol attributed paramount importance to a consultative process that guaranteed full participation by representatives of each stakeholder group.

Stakeholders participated in a multidisciplinary round- table discussion in July 2009. At that session, major gaps and deficiencies were highlighted and the general response system was evaluated. This was followed up with individual interviews and focus groups comprised of the identified sectors. This created the opportunity for more targeted discussion of the specific issues relevant to each area of service delivery. Extensive interviewing was conducted with senior officers of the Royal Grenada Police Force; prosecutors with the police and D.P.P's office ; magistrates, health providers; counselors, social workers and officials within the respective ministries who have responsibility for policy development.

A consultative process was critical to facilitating consensus amongst stakeholders and willingness to bring meaningful effect to the actual implementation of the protocol.

## STATEMENT OF PRINCIPLES

A sensitive approach to the problem of gender based violence requires a commitment to certain guiding principles.

The principles that serve as the foundation for this protocol are as follows:-

- 1) **Persons have the right to live a life free from abuse.**
- 2) **Domestic Violence and Sexual Assault are serious social problems with short and long-term implications to victims, their families and society as a whole.**
- 3) **Domestic Violence and Sexual Assault should be treated seriously and an immediate response to incidents of abuse should be provided.**
- 4) **Effective responses for victims of domestic violence and sexual assault require cooperation and coordination amongst service providers.**
- 5) **Treatment and support resources for victims, their families and offenders are components of an effective multidisciplinary response to domestic violence and sexual assault.**

## STATEMENT OF CO-OPERATION BETWEEN STAKEHOLDERS

It is recognized that there is a need for coordination of services for victims of gender based violence and their families. The contents of this protocol reflect the Government's continued commitment to ensuring that all persons in Grenada, especially those most vulnerable to domestic violence and sexual assaults, are protected and fully valued as members of society.

Accordingly, we endorse this protocol for the prevention and management of domestic violence and sexual assaults. We consider it critical for all professionals in our various Ministries and Departments to adopt these protocols and henceforth use them as an essential part of their regular operation. It is our sincere hope that these protocols will provide the direction that has been lacking for handling domestic violence and sexual assault cases and will enable us to fulfill our mandate to the people of our Nation.

.....  
*Hon. Sylvester Quarless*  
*Minister for Social Development*

.....  
*Senator the Hon. Ann Peters*  
*Minister for Health*

.....  
*Hon. Tillman Thomas*  
*Minister for Legal Affairs*

.....  
*Hon. Tillman Thomas*  
*Minister for National Security*

# **DOMESTIC VIOLENCE: Definitions, Characteristics and Considerations**

## **2.1 Definitions**

Domestic Violence is defined by the relationship of the victim to the abuser and not by the act that is committed. Generally, it includes harmful acts or threats, occurring between current or former family or household members. This broad interpretation of domestic violence applies to sexual or intimate partners: children, the elderly and or any other family/household member.

Domestic Violence is defined in the **Domestic Violence Act** (2010) as follows:

**“Any controlling or abusive behaviour that harms the health, safety or well-being of a person or any child and includes but is not limited to the following -**

- (a) physical abuse or threats of physical abuse;**
- (b) sexual abuse or threats of sexual abuse;**
- (c) emotional, verbal or psychological abuse;**
- (d) economic abuse;**
- (e) intimidation;**
- (f) harassment;**
- (g) stalking;**
- (h) damage to or destruction of property; or**
- (i) entry into the applicant’s residence without consent, where the parties do not share the same residence.”**

The **Domestic Violence Act** (2010) also defines “domestic relationship” to include persons who -

- (a) are or were married to each other;
- (b) are or were cohabitants;
- (c) are the parents of a child or had parental responsibility for a child;
- (d) are family members related by consanguinity, affinity or adoption;

- (e) would be family members if persons in a cohabiting relationship were, or were able to be married to each other;
- (f) are or were in an engagement, dating or visiting relationship which includes an actual or perceived relationship;
- (g) they share the same household or residence.

### **🔑 Definition under the Protocol**

**Domestic Violence, for the purpose of the protocol, will be restricted to acts of violence, whether physical, verbal or other abuse, on a romantic, sexual or intimate partner, whether presently or formerly a member of a household or whether as a party to a visiting or dating relationship.**

The decision to limit the protocol to adult victims of intimate partner violence has already been explained earlier in the document.

## 2.2 Domestic Violence: - Characteristics and Special Considerations

### Characteristics of Domestic Violence

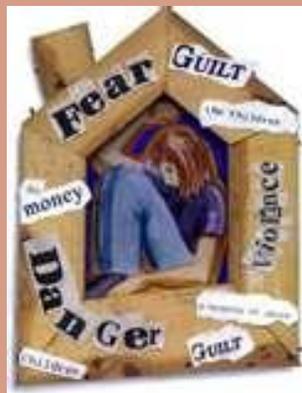
- 95% of adult victims of domestic violence are women.
- Domestic Violence occurs in every racial, ethnic, religious and socio-economic group.
- Perpetrators use violence as a tool to achieve power and control over their partner.
- Violent behavior often increases in severity and frequency at the time of separation and thereafter.
- Victims may not leave and may even return to an abusive situation. There are a number of factors including economic dependence that compels them back into the abusive relationship.
- Over 50% of men who use violence against their partners abuse their children as well.
- Children witness domestic violence and this has implications for their emotional wellbeing.



## Why Don't They Leave?

One of the most commonly asked questions of victims who remain in abusive relationships is “*why didn't you just leave?*” There are many reasons for that reluctance to leave.

- The victim believes the abuse is his/her own fault.
- The victim loves the abuser and remembers him as a charming and loving person. The victim wants the violence to end, not the relationship.
- The victim is ashamed and embarrassed.
- The victim is afraid of leaving.
- The victim does not have anywhere to go.
- The victim does not have enough money to support himself/herself and the children without the abuser.
- The victim may feel pressured to stay in the relationship because of his/her religion or actual beliefs.
- The victim may be under family or social pressures to stay in the relationship.
- The victim may be dependent on the abuser due to their immigration and labour status in the country.
- Past efforts at leaving may have failed or resulted in further violence.
- The victim believes the abuser will change.



## SEXUAL ASSAULT: Definitions, Characteristics and Considerations

### 3.1 DEFINITIONS

Sexual Assault or Sexual Abuse is defined as any sexual activity involving a person who does not or cannot consent.

Sexual assault can be verbal, visual or anything that forces a person to join in unwanted sexual contact or attention. It can include

- Rape
- Indecent Assault
- Incest
- Child Sexual Abuse

It is important to note that the legal definitions of different kinds of sexual assaults are set out in Grenada's Criminal Code and that rape as currently defined in Grenada does not include non-consensual sex between married persons. For many, this is a serious limitation in the law and does not adequately protect persons in a marriage union from unwanted sexual intercourse or other forms of sexual contact.

#### **Definitions under the Protocol**

Sexual Abuse or sexual assault for the purpose of the protocol is sexual contact with a person who does not consent.

Consent means to give permission and there are times that a person cannot consent, even if he or she wants to. These situations would include:

- (i) If he or she is under the influence of alcohol or drugs
- (ii) If he or she is developmentally delayed
- (iii) If he or she is under the age of consent, which is sixteen (16) for the purposes of Grenada.

## Sexual Assault: - Characteristics and Special Considerations

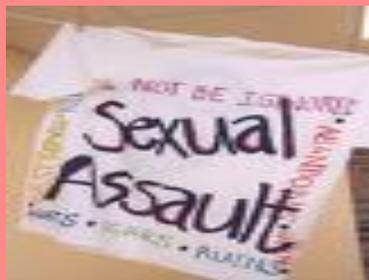
### Characteristics of Sexual Assault

- Sexual Assaults are very under reported so the number of reported cases is only a fraction of the actual number of cases.
- Sexual assaults victims often know their assailant. The assailant may be a family member, friend or person in the community.
- Sexual assaults are perpetrated against children and adults. The overwhelming majority of rape victims are female.
- Prosecution of sexual offences is not easy and conviction rates across the globe are relatively low.
- Male victims of sexual assault experience the same reactions as women, as well as an increased sense of vulnerability, damaged self-image and emotional distancing.
- The effects of sexual assault on a victim are devastating and can have long-term implications. The effects include depression, alcohol abuse, suicide ideation and suicide attempts.



## SEXUAL ASSAULT MYTHS

- Rape is a crime of sex. (**Rape is a crime of power disguised as sex**).
- Only women are raped. (**Men, Women and children are raped.**)
- Women secretly want to be raped. (**No one likes to be overpowered, with their power of choice taken away from them.**)
- Only sexy looking women are raped. (**Rape is a crime of power, perpetuated by people who find gratification in overpowering. It doesn't matter how sexy or attractive the victim is perceived as being.**)
- Persons who dress provocatively deserve to be raped. (**No one deserves to be raped, no matter what they were doing.**)
- Normal men don't rape. (**Most sexual offenders appear very normal.**)
- Women falsely accuse men of rape all the time. (**Instances of false accusations are no higher for rape than any other crime.**)
- If rape is not physically resisted it is not rape. (**People react to dangerous situations in different ways.**)



# MEDICAL INTERVENTIONS



## A - Policy Considerations

- Medical intervention is particularly important in domestic violence and sexual assault cases because it is often the first point of contact with the system for most victims. Studies have established that early detection and timely interventions with these types of violations is of extreme importance.
- All health care providers should be trained to recognize and manage victims of domestic violence and sexual assault. This would include personnel at hospitals, district health facilities and private medical institutions.
- All patients whose complaints are inconsistent with their clinical presentation must be evaluated for domestic violence.
- An integrated multidisciplinary approach to responding to domestic violence and sexual assault is to be actively encouraged and whenever possible a team approach with law enforcement and social services should be pursued.

Acknowledging that the laws are silent on the issue of reporting domestic violence or sexual assault, it is agreed that the policy to govern reporting of these violations on the part of medical professionals is as follows:

- i. If a patient is under the age of eighteen (18), an injury believed to have been caused by a criminal act must be reported to the police and/or the relevant child protection agency. This is consistent with the mandatory reporting policy on child abuse incorporated into the

current Child (Protection and Adoption) Act. This will require notification of the child protection agency, namely the Child Protection Authority.

- ii. If the patient is eighteen (18) years of age or older and has **received a gunshot wound, a knife wound, or other serious bodily injury**, injuries caused by domestic violence or sexual assault must be reported to the police, **“Serious bodily injury” means any harm to the body which causes or could cause severe, permanent or protracted loss of, or impairment to, the health or function of any part of the body.**
- iii. Patients who do not fall into either of the above categories, but who have injuries caused by domestic violence or sexual assault, **must be asked whether they object to having their injuries reported to the police.**

## B- Procedures

1. All patients should be interviewed alone in a quiet, private environment where confidentiality is assured.
2. Cases involving sexual assault should be prioritized and victims should not be required to endure long waiting periods before receiving medical attention.
3. Interviews should be approached in a direct, non threatening and empathetic manner

### Example of Interviewing Strategies

- † I noticed you have a number of bruises. Could you tell me how they happened? Did someone hit you?
- † You seem frightened of your partner. Has your partner ever hit you or hurt you in any way?
- † You mentioned your partner uses drugs/alcohol. How does your partner act when drinking or on drugs.
- † Your partner seems very concerned and anxious, was he responsible for your injuries?
- † You are not alone, you are not to blame, there is help available; you do not deserve to be treated this way.



4. Obtain a complete history of symptoms or injuries, trauma history and relevant social history.
5. Accurate and concise documentation is essential for future medical and legal assessments.

### Documentation Tips



- Avoid long descriptions and quotes which deviate from the medical problem.
- Avoid subjective data that might be used against the patient
- If patient states abuse as the cause of the injury preface patient's explanation by writing "*Patient states.....*"
- Where abuse is suspected but patients deny being assaulted write, "Patient explanation of injuries is inconsistent with physical or medical findings.
- Record size, pattern, estimated age, description and location of all injuries. (Body maps/ Photographs should be used). NB Where photographs are considered necessary; RGPF should be contacted for obtaining the said photographs.
- Record non-bodily evidence of abuse, such as torn clothing or jewelry.

6. Preserving physical evidence is critical. When medical or forensic evidence is collected, chain of evidence guidelines should be strictly followed. Law enforcement officers will help facilitate this process.
7. Conduct a safety assessment if the patient is believed to be a victim of domestic violence.

### Safety Assessment Questions



- ✓ Are you afraid to go home?
- ✓ Are weapons available to the abuser?
- ✓ Has the abuser been drinking or taking drugs?
- ✓ Has the abuse been increasing in frequency and /or severity?
- ✓ Do you have children?
- ✓ Are they being abused?
- ✓ Has the abuser threatened to commit suicide if you leave?
- ✓ Has the abuser threatened to kill you?
- ✓ Do you have a safe place to go?
- ✓ Would you object to me notifying the police and seeking their involvement in this matter? **(please note this question is not relevant where patient is under eighteen ( 18) or has received serious bodily injury)**

8. Pursue a treatment plan that integrates diagnosis lab-work and x-rays as required; treatment for physical injuries and emotional trauma; education on the physical and emotional sequelae of chronic battering and referral to other service providers.
9. When a victim has been sexually assaulted, HIV testing and the option of post –coital contraception should be routinely offered. Follow up testing should be arranged and where children are involved, the Child Protection Authority should be notified of all follow up procedures.

## C- Working with other Key Stakeholders

In acknowledgement of the established effectiveness of a more integrated multidisciplinary response system to domestic violence and sexual assaults, all reasonable efforts should be made to ensure a co-ordinated approach that includes other important service providers.

Working with Police Officers (RGPF)	Working with Social Service Providers	Working with Legal Professionals
<ul style="list-style-type: none"> <li>🔑 Reports to be the Royal Grenada Police Force (RGPF) should be made consistent with the guidelines already established.</li> <li>🔑 So as to avoid having the victim give multiple interviews, police officers should be present for interviews, where police involvement is either required or requested.</li> <li>🔑 Police Officers should be present for collection of medical/forensic evidence to ensure chain of evidence protocol. Proper handover to laboratory facilities should also be ensured.</li> <li>🔑 If a victim is reluctant to involve the police, she should be provided with the address and phone number of her nearest police station before she leaves the medical centre.</li> </ul>	<p><i>Psycho –social support of victims is important. A support person, who is trained to work with victims of domestic violence and sexual assault, can go a long way in making a victim feel more comfortable and secure.</i></p> <ul style="list-style-type: none"> <li>🔑 Victims should be encouraged to speak to a social worker or support person.</li> <li>🔑 Referrals to a social worker support person should ordinarily occur as soon as possible in the medical intervention.</li> <li>🔑 Having secured the victims consent, the social workers at the hospital or Ministry of Social Development are the designated social service providers that should be contacted. Psychosocial support services are also available at the Legal Aid &amp; counseling Clinic (LACC) and other agencies.</li> <li>🔑 Social service providers can offer meaningful assistance during the interview and should be contacted for the involvement in that process whenever possible.</li> <li>🔑 Where a victim has been sexually assaulted, a support person is particularly helpful in responding to the trauma.</li> </ul>	<p><i>Medical Professionals do not usually interact with lawyers, prosecutors, magistrates unless there is a subsequent court process.</i></p> <ul style="list-style-type: none"> <li>🔑 In the event of a court proceeding, medical professionals should offer their co-operation and assistance. This may include offering expert evidence at a trial. Familiarity with their case, notes and other relevant documentation would be required.</li> <li>🔑 Where possible, co-ordination of schedules should be done in advance of court dates and ongoing communication between the police and medical professionals should be encouraged in that regard.</li> </ul>

# SOCIAL SERVICE INTERVENTIONS



## A- Policy Considerations

Social service plays an integral role in the systemic responses to domestic violence and sexual assault. Social workers provide myriad services to victims and perpetrators of gender based violence.

- (i) Social Service providers would include social workers, counselors, or any organised work intended to advance the social condition of the victim.
- (ii) Social Service providers who would ordinarily work with victims of domestic violence and or sexual assault should be trained to handle these types of cases effectively.
- (iii) Social service providers who work with families experiencing trauma take on a significant responsibility to act ethically and within or above the expected standard of practice. Ethical issues of confidentiality, competence, self-determination and cultural awareness are of particular importance in the handling of domestic violence or sexual assault cases.
- (iv) Social Service intervention should be viewed as an essential component in the integrated response to domestic violence and sexual assault. The linkage with other services, such as medical, law enforcement and legal is to be vigorously encouraged and consistently cultivated.

## B- Procedures

- ✓ In all cases of domestic violence and sexual assault, deliberate consideration should be given to the inclusion of a social worker or other social service providers to strengthen the support available to victims.
- ✓ Social service support to medical professionals should be offered in a timely fashion.
- ✓ Support to the victims in the early stages of the traumatic incident is important.
- ✓ This support can flow from the social workers stationed at the General Hospital or at the Ministry of Social Development. Psychosocial support is also available through LACC and other agencies. Informal community support for on-going interaction is available through GNOW volunteer programme.
- ✓ Social service support to law enforcement is also of critical importance and should be encouraged. Social workers should be equipped to offer support at various stages of the law enforcement process including facilitation of statements and preparation for trial.
- ✓ Social workers should ensure documentation of all cases requiring their involvement. This applies to all cases of domestic violence or sexual assault, including those where social work assistance was requested by another stakeholder (e.g. hospital, police, etc.).
- ✓ In the absence of mandatory reporting laws, social workers can encourage victims to report domestic violence or sexual assault but cannot themselves report the violence without the full consent and approval of the victim. This is not the case for child victims where mandatory reporting procedures may apply.

- ✓ Counseling Services to victims and perpetrators is another area of intervention by social service providers. Counseling to offenders should be premised on the core principles of victim safety and offender accountability.

**Accordingly, counseling of victims and offenders in the context of domestic violence is NOT MARRIAGE OR PARTNER COUNSELLING and should not be geared at effecting reconciliation. Joint sessions should never be undertaken where there is physical or sexual abuse or where the victim is at any risk of harm.**

- ✓ Counseling Services for offenders should be provided over a reasonable period of time and should require a minimum number of sessions to be attended.
- ✓ Counseling Services for victims should be encouraged whenever appropriate but should not ordinarily be of a mandatory nature.
- ✓ Social work support to the court process should be encouraged. The work of prosecutors, magistrates and judges can often be enhanced by social work support. Accompanying victims to court and other types of interventions are extremely helpful.
- ✓ Referrals to other agencies or social service providers e.g., housing and public assistance should be formally documented and follow up with these entities should be a standard procedure.
- ✓ The Ministry of Social Development is the co-ordinating agency for shelter placements. All requests for emergency placement in a shelter facility should be arranged through that agency.
- ✓ Social workers and other social service providers should play a pivotal role in advocacy and generally ensuring that victim's rights are safeguarded.

## C- Working with other Key Stakeholders

Social Service intervention is a vital component of co-ordinated, systematic response to domestic violence. Although, social workers and other service providers offer independent services to their clients, social service delivery is a much depended- upon intervention for other stakeholders that are involved in the area of domestic violence.

<b>Working with Medical Professionals</b>	<b>Working with Law Enforcement</b>	<b>Working with Legal Professionals</b>
<p> Providing support to victims at the General Hospital. This will be offered primarily by the in house social workers at the hospital and the Ministry of Social Development. Other agencies, such as GNOW and LACC can also be utilized.</p>	<p> Assisting Law enforcement, when appropriate, with securing statements from victims. This is often required when victims are feeling intimidated and anxious.</p> <p> Helping to explain the overall process to victims in a way that is more user-friendly.</p>	<p> Providing general support for victims during court appearances.</p> <p> Providing counseling services that comply with the protocol guidelines.</p> <p> Assisting victims with referrals to other agencies or required services. e.g. housing, public assistance etc.</p>



# LAW ENFORCEMENT INTERVENTIONS



## A- Policy Considerations

The Royal Grenada Police Force (RGPF) has Standing Orders that address domestic violence and different forms of sexual assault.

Chapter seventeen (17), which speaks to domestic violence, sets out the goals to be achieved, the responsibilities of the initial responding officer and the responsibilities of police supervisors.

These orders do not embody a mandatory charging policy, but do list a number of considerations that should apply in responding to domestic violence. Some aspects of the current Standing Order can co-exist with the suggested procedures in this protocol, whereas others are clearly inconsistent with the protocol.

This protocol is guided by the following considerations.

- † Domestic violence and sexual assaults are **CRIMINAL CONDUCT**. Accordingly, the State has a vested interest in ensuring that these types of offences are vigorously prosecuted. Reports of such crimes should necessarily trigger full investigation and collection of all available evidence.
- † Given the positioning of law enforcement, it is often the site where the first report of a violent act is received. An expeditious and effective response system is therefore of critical importance.
- † Mandatory charging is the policy that should guide police charging practices. In so doing, police officers should be guided solely by the consideration of **“whether there is**

**reasonable cause to believe that an offence has been committed.”** If this threshold has been met, there is a presumption that the officer will charge the accused, whether or not the victim is co-operative with this course of action.

- † In light of the abovementioned policy, the use of warnings should not be a common practice. However, if circumstances warrant the issue of a warning, a police officer must justify this course of action in writing and the warning must be duly recorded. The issuance of only one warning for any offender is the standard that ought to be applied.
- † In circumstances where a victim subsequently indicates that she does not wish to proceed with charges, the Officer should advise that the charges have been laid by the State and cannot be unilaterally withdrawn by the victim.
- † Acknowledging that the RGPF does not have a Special Victim’s Unit, it is important that Officers who are specially trained to respond to cases of sexual assault and domestic violence are heavily relied upon to respond in those circumstances. Domestic violence and sexual assault cases should be handled by a cadre of officers who are well equipped to handle these types of cases.
- † The civil remedy for victims who are seeking protection from an abusive partner is currently sought under the ***Domestic Violence Act 2010***. A protection or other types of order can be sought, restraining the offender from having contact with the victim. However, these protection orders are often breached and such occurrence would require the immediate and urgent response of the police.

## B- Procedures

### ↳ Investigation and Laying of Charges

1. Police Officers will treat all reports of domestic violence and sexual assaults seriously and will respond to calls for their intervention in an expeditious manner. All possible efforts will be made to ensure the early and continued involvement of officers who have received any specialized training with respect to these types of offences.
2. At the scene, the investigating officer will ensure the safety of the victim and other family members. The officer will then conduct a thorough investigation and document the report regardless of the victim's willingness to press charges.

#### KEY ELEMENTS OF INVESTIGATION

##### DOMESTIC VIOLENCE



- 🔑 Interview victim, suspect, children and other witnesses. The interviews should be done privately and certainly not within the presence of the accused person.
- 🔑 Assess extent of injuries if any.
- 🔑 Document victims, suspects and children's condition and demeanor. E.g. torn clothing, broken furniture, and emotional state.
- 🔑 Consider use of photographs, both to demonstrate injuries to victim and to display crime scene.
- 🔑 Victims should be protected from having to repeat their experiences too many times.

##### SEXUAL OFFENCES

- 🔑 Attempt to have a medical examination within seventy-two (72) hours of the assault.
- 🔑 Many victims of rape and other sexual offences prefer the involvement of a female officer. A female officer should be made available in cases of domestic violence and/or sexual assaults, especially where the victims expressed such a preference.
- 🔑 Ensure that the victim is afforded the opportunity to have a support person with her during the investigation

3. A charge must be laid where there is evidence to afford reasonable grounds to believe that an offence has been committed, whether or not the victim of the offence wants the perpetrator to be charged. Evidence is not to be construed as only physical evidence.
4. Victims should be actively encouraged to fully co-operate with the investigation and all reasonable efforts, including expeditious referral to counseling and community support should be made to facilitate victim empowerment.
5. Police Officers should verify the existence of any restraining orders against the accused, including a civil protection order or bail conditions of any kind. If such restraining order is verified, then the appropriate steps should be taken.

### **FACTORS WHICH SHOULD NOT INFLUENCE THE OFFICER'S DECISION TO INVESTIGATE OR CHARGE IN DOMESTIC VIOLENCE AND SEXUAL ASSAULT CASES**

- The relationship or marital status of the victim and the accused.
- Whether or not the accused was in the premises with the victim
- The verbal assurances that the violence will cease.
- The victim's history of making prior complaints
- Speculation that the victim may not follow through with the criminal justice process or the arrest may not lead to a conviction
- The officer's judgment of the severity of the alleged abuse should not be a factor
- The officer's judgment of the character of the victim or abuser or prior knowledge/opinion of that person, or community's knowledge/ opinion of that person should not be a factor.
- The victim's immigration status.
- The victim has indicated that the matter is being "settled" out of court.
- The victim is a child and the parent is reluctant to proceed.
- The victim is viewed as sexually promiscuous or has a sexual history that may be considered prejudicial.



## ↪ Medical Evidence



6. Medical evidence can be very important in cases of sexual assault. All efforts should be made to ensure that medico-legal evidence is collected and properly stored. This will mean that chain of custody guidelines should be vigilantly followed.
7. Upon completion of any and all forensic or laboratory tests, the police should ensure that samples are properly stored, appropriately tagged and ready to be entered as exhibit evidence.
8. In preparation for trial, the investigating officer should ensure that all the necessary medical evidence is available. Doctors, lab technicians and other medical personnel should be made aware of pending court dates and generally keep informed about all relevant developments.

### **Working with Vulnerable VICTIMS**



- Receiving initial reports of domestic violence or sexual assault must be handled with care and sensitivity, Officers should ensure the following:-
  - That interviews are conducted in a physical setting that is private and otherwise appropriate for receiving highly sensitive information.
  - That the victim is made to feel as comfortable as possible.
  - That the interviewing guidelines are strictly followed, including the use of non-accusatory language.
- All subsequent stages of the investigation should be conducted in a manner that demonstrates sensitivity and a keen sense of professionalism.
- Every report of domestic violence and sexual assault should be treated seriously **REGARDLESS of the FREQUENCY OF THE REPORTS OR THE CONDUCT OF THE VICTIM.**

## ↪ **Bail**

9. In the appropriate circumstances, alleged perpetrators of domestic violence and sexual assault should be placed on bail **with conditions that would facilitate the safety of the victim**. The victim should receive notice of the bail conditions. The Legal Aid and Counseling Clinic could be utilised to ensure the victim's awareness of the bail conditions.

## ↪ **Protection Orders**

10. Breach of a Protection Order is an offence. Where a breach has occurred, the Police Officer should arrest the accused and can do so without warrant. (Domestic Violence Act, 2010)

**WHERE THE PARTIES HAVE RECONCILED DESPITE THE EXISTENCE OF A PROTECTION ORDER, THE PROTECTION ORDER IS STILL IN EFFECT AND THE POLICE OFFICER SHOULD BE GUIDED ACCORDINGLY.**

## ↪ **Other Steps**

11. Consideration should always be given to referral of victims to The Department of Social Development, the Legal Aid and Counselling Clinic (LACC) or the Grenada National Organisation for Women (GNOW).
12. The victim should always be kept informed of the progress of the case.
13. Where young victims are involved, the police should always consider the involvement of the Child Protection Authority (CPA) to allow for a child protection investigation under the Child (Protection and Adoption) Act, 2010.

## 🔑 C. Working with other Key Stakeholders

<b>Working with Medical Professionals</b>	<b>Working with Social Service Providers</b>	<b>Working with Legal Professionals</b>
<ul style="list-style-type: none"> <li>🔑 Police Officers may often accompany victims to the hospital as a result of a serious assault.</li> <li>🔑 Law enforcement intervention is frequently sought by medical professionals in circumstances where a victim has not objected to police notification.</li> <li>🔑 Even in circumstances where a victim has not given permission, medical professionals are required to contact the police where there is a gunshot wound or other “serious bodily injury”.</li> <li>🔑 Police assistance may also be sought by the police in relation to taking photographs of victim’s injuries.</li> <li>🔑 In sexual assaults, police involvement is critical for the collection of evidence and protecting the chain of custody.</li> <li>🔑 In sexual assaults, the investigating officer should follow up on the forensic evidence and communicate with lab technicians.</li> </ul>	<ul style="list-style-type: none"> <li>🔑 Police Officers should always consider involvement of a social worker at any stage of the process.</li> <li>🔑 Referrals to the Ministry of Social Development or any other service provider should be documented.</li> <li>🔑 Any requests for emergency shelter services should be directed to the Ministry of Social Development.</li> <li>🔑 Where bail conditions have been imposed, officers should ensure that victims are aware of such conditions. Victim advocates at Legal Aid and Counselling Clinic (LACC) could be utilized in this regard.</li> <li>🔑 Referrals for counseling should be carefully considered and should not be viewed as an alternative to the appropriate law enforcement procedures. Counseling referrals can be made to LACC or any other agency equipped to offer those services.</li> </ul>	<ul style="list-style-type: none"> <li>🔑 Consultations with the Department of Public Prosecutions (DPP) can be sought in the laying of charges.</li> <li>🔑 With respect to arrestable offences, bail conditions should be imposed and the specific nature of those conditions should be discussed with the D.P.P.’s office</li> <li>🔑 Police and prosecution should adopt a co-ordinated approach to ensuring that D/V and sexual assault cases are brought to court in a timely fashion and that multiple adjournments are discouraged.</li> <li>🔑 Police should ensure that all statements and other evidence are ready for trial. A close working relationship with police prosecution should be maintained at all times.</li> <li>🔑 Investigation Officers should always follow up with the prosecutors about court return dates and communicate these dates to the victim in a timely fashion.</li> </ul>

# LEGAL INTERVENTIONS



## A- Policy Considerations

Domestic violence and sexual assault are criminal conduct and prosecutors have the same responsibility to aggressively prosecute these cases as they do with any other violent crimes. Magistrates and Judges in their role as adjudicators also play an essential role in the dispensation of justice in these types of criminal matters. Justice responses to domestic violence, both in the criminal and civil jurisdiction of the Court, can greatly influence the overall effectiveness of a co-ordinated community effort to end violence against intimate partners.

1. The successful prosecution of domestic violence requires an approach designed to protect the victim from retaliation by the offender, allay the victim's fears of the criminal justice system and encourage a victim's co-operation with the prosecution's efforts.

## GOALS OF PROSECUTION



- To stop the violence
- To protect the children or other family members from exposure to or possible injury from, domestic or sexual violence
- To protect the public
- To deter the defendant from committing continued acts of violence in the community
- To rehabilitate the offender
- To create a general deterrence in the community to acts of violence
- To uphold society's interests in holding all criminals accountable for their violent conduct

2. The successful prosecution of sexual offences requires an approach that reflects the highly sensitive nature of these cases, recognizes the obvious reservations that victims may have about proceeding with the charges, whilst also generally encouraging a victim's co-operation with the prosecution efforts.
3. Victims of sexual assault and domestic violence may be reluctant to see the court process to its legal conclusion. This may be due to any number of reasons.

### Reasons for Victim Reluctance

- Fear of retaliation by the defendant.
- Unwillingness to confront the defendant's anger for involving the justice system.
- A feeling of shame or guilt that the victim's own behaviour may have caused the attack in some way or that the court or public may perceive the victim's behavior as causative.
- A desire to put the whole incident behind and move on with life.
- Denial, ambivalence, withdrawal and emotional swings as a result of being a victim of trauma.
- These reasons are then compounded by the victim's realities which could include
  - The victim may have genuine concern or love for the abusive partner
  - The victim may be under religious, family or social pressures to support the spouse
  - The victim and children may be dependent on the defendant for economic support.
  - The victim may believe that the intervention of the criminal justice system will not be effective in stopping the violence, or providing protection.
- In cases of sexual assault, fear and embarrassment are also major factors. However, with younger victims there may also be some pressure from adults members of the family to 'settle' the case for monetary gain.



4. The decision as to how to proceed with charges is solely the responsibility of the prosecutor. Given the complexity of domestic violence and sexual assault cases, it is important that prosecutors receive specific training that will enhance their overall ability to effectively prosecute these types of cases.
5. Whereas a policy of mandatory prosecution may not be feasible, it is vital that prosecutors, magistrates and Judges operate under some well-defined guidelines relating to the treatment of domestic violence and sexual assault cases where the victim is reluctant to proceed. These guidelines should demonstrate the State's serious regard for the safety of victims, and the broader public- interest consideration of creating a violent free society. **Cases should not be dismissed without all possible efforts being made to have them adjudicated.**
6. Given the emotional and other difficulties experienced by victims, a speedy court process is of extreme importance. For many victims "justice delayed is justice denied." A deliberate policy geared at prioritizing the scheduling of cases involving sexual assaults and domestic violence should be duly considered. Adjournments of these cases should be resisted especially in those situations where victims are emotionally distraught or otherwise vulnerable.
7. Increasingly, other jurisdictions have developed strategies for initiating prosecution of domestic violence cases in the absence of the primary witness/virtual complainant. These strategies require thorough police investigation and trial preparation and underscore the important working relationship between law enforcement and legal process.
8. Protection Orders under the ***Domestic Violence Act (2010)*** provide a civil remedy to victims who need protection. Applications for these orders should be brought before the court on an expedited basis and dealt with as swiftly as possible. These orders, by their very nature, are usually sought in situations where the victim is at risk of harm and require the immediate intervention of the justice system.

## B- Procedures

1. In deciding whether to pursue a specific charge, the prosecution must determine whether there is sufficient admissible evidence to sustain a guilty finding and a reasonable probability of a conviction. This requires a review of the FACTS and corroborating evidence.

### FACTS FOR REVIEW

- † The elements of the offence under consideration
- † The extent and seriousness of injuries and/or threats
- † The use or threatened use of a weapon
- † The defendant's criminal history and history of violence towards the victim.
- † The potential lethality of the situation
- † The defendant's use of drugs or alcohol
- † The victim's co-operation or reluctance.

### EXAMPLES OF CORROBORATING EVIDENCE

- ✓ Statements from the victim and potential witnesses.
- ✓ Photographs of the victim's injuries
- ✓ Medical records documenting the victim's injuries
- ✓ Police Reports
- ✓ Physical evidence e.g. weapons, torn clothing, blood stained clothing, broken furniture.



2. Upon receiving the case, the prosecutor should determine whether there is a protection order or other restraining order in effect. If there is no such order in place and the prosecutor is of the view that this is required, this should be immediately communicated.
3. In all appropriate circumstances, prosecutors should ensure that conditions of bail are properly formulated to promote the victim's safety.
4. In cases involving young victims of sexual assault, the prosecutor should assess whether the child is in need of protection pursuant to the ***Child (Protection and Adoption) Act 2010***. In these circumstances, a close working relationship with the Child Protection Authority (CPA) is recommended.

#### **POSSIBLE BAIL CONDITIONS**

- ✓ A condition of no contact with the victim by any means, direct or indirect, including contacts through a third party.
- ✓ A specific order barring the defendant from the victim's residence, school or place of employment
- ✓ A prohibition on the defendant destroying, selling or disposing of the victim's property.
- ✓ Any other conditions to help safeguard the victim.



### Dismissals or Reluctant Victims

5. Dismissal or *nol prosequing* of charges should not be employed as a trial avoidance strategy. However, dismissals may be appropriate in cases in which evidentiary problems preclude the possibility of proving all the elements of the crime charged.
6. Reluctance of the victim **SHOULD NOT BE THE SOLE FACTOR** in deciding to dismiss cases of domestic or sexual violence. The Prosecutor should look at the case in its entirety before making a decision about dismissal.
7. Delaying a nol pros until trial can give the prosecution further opportunity to persuade the victim to go forward or allow time to develop strategies to proceed to trial without the victim. It is with this consideration in mind that **prosecutors should avoid an early dismissal of charges, waiting until trial date to do so whenever possible.**

#### **STEPS TO BE TAKEN BEFORE DISMISSING A CASE**

- ✓ Prosecutor should meet with the victim in person to discuss his/her concerns to explain that the ultimate responsibility for dismissing a case lies with the State and not with the victim.
- ✓ Ensure that the victim has had the opportunity to meet with an advocate and is sufficiently empowered to make an informed decision.
- ✓ Explore the possibility of the defendant entering into counseling or a psycho-educational programme for batterers. This could potentially be made a condition for withdrawal of the charges but should be done upon successful completion of such a programme.
- ✓ Explain to the victim that the dismissals will not be held against the victim and that the state can prosecute future crimes.

8. It is important for prosecutors to distinguish between victims who are reluctant to testify, and those who refuse to testify. The majority of victims who are reluctant to testify will do so if provided with adequate support during the criminal justice process.

9. In cases where the victim is refusing to testify, Prosecutors should look into the reasons for the victim's lack of co-operation. In the event that there is any evidence of a cash settlement, the prosecutor should make it clear the criminal matter cannot be influenced by these private arrangements. In the appropriate circumstances, due consideration should be given to further charges of obstruction of justice where bribery is clearly evident.

### **Sentencing**

10. Counseling or referral to some other psycho- social intervention is one of the dispositions available to the Court. However, counseling should not be used as an alternative to a fine or custodial sentence, where the nature and gravity of the offence would suggest otherwise.
11. Where counseling is utilized, the court should ensure that minimal standards are set for compliance and that offender accountability and victim safety are essential objectives of the referral to counseling. Whereas victims, in appropriate circumstances should be encouraged to attend counseling, orders for mandatory attendance at counseling for victims may not be appropriate. Couple's counseling, Family Counseling and/or Marriage Counseling should not be encouraged. It should be up to the counselor to recommend joint counseling if he/she assesses this to be safe for the victim.

### **Protection Orders**

12. The ***Domestic Violence Act*** makes provision for the granting of Protection Orders on an ex parte basis. Where the circumstances warrant, ex parte applications should be filed, with the understanding that an inter partes hearing would be scheduled shortly thereafter. Hearings for an ex parte application should be heard **within two days** of the filing date of the application. Hearing dates for regular applications should be heard within **five days** of the filing date of the application.
13. A breach of a Protection Order is a criminal offence and should be dealt with accordingly.
14. Once an order of protection is made, a copy of the Order should be made available to the victim and another copy should be filed with the police.

## 🔑 C- Working with other Key Stakeholders

<b>Working with Law Enforcement</b>	<b>Working with Medical Profession</b>	<b>Working with Social Service Providers</b>
<ul style="list-style-type: none"> <li>🔑 Prosecutors and Police Officers should work in consultation on the laying of complaints so as to ensure that the appropriate charges are before the court.</li> <li>🔑 The RGPf should be aware of Protection Orders granted by the Court. Protection Orders should be filed both at the Public Relations Dept, as well as at the Police Station in the district where the victim resides.</li> <li>🔑 The investigating officers who were assigned to the domestic violence or sexual assault case should remain involved in the legal processing of the case, including having knowledge of all court return dates. Police Officers should assist however possible in facilitating the victim's attendance at required court dates.</li> <li>🔑 Prosecutors should ensure that they work closely with the investigating officers in ensuring that <b>all</b> the necessary evidence has been pursued and is available. Where Prosecutors review a file and detect a gap in the evidence, this should be immediately communicated to the investigating officer.</li> </ul>	<ul style="list-style-type: none"> <li>🔑 Doctors, nurses or other professionals could be called as a witness, especially if a medical record is to be admitted into evidence.</li> <li>🔑 Lab technicians should also be called as witnesses and summoned where forensic findings need to be admitted into evidence.</li> <li>🔑 Medical professionals can also be called as expert witnesses but would have to be qualified as such.</li> </ul>	<ul style="list-style-type: none"> <li>🔑 Victim advocates should be routinely present to assist victims with court appearances. The Ministry of Social Development LACC or GNOW should be contacted for any victim requiring support during any stage of the legal process.</li> <li>🔑 Victim impact statements could assist a court at the stage of sentencing. To the extent that this assistance is required, social workers could be utilized.</li> <li>🔑 As it presently stands, LACC often assists victims with the preparation of applications for Protection Orders. Persons who require protection orders should be referred to LACC or another source of legal representation. It is important to note that the clerks in the Magistrate's Courts have received training in the preparation of Protection Orders.</li> </ul>

# THE ROLE OF THE OMBUDSMAN'S OFFICE

Pursuant to the **Ombudsman Act** No. 24 of 2007, the position of an Ombudsman was created. In this capacity, the Ombudsman has the power to investigate the administrative actions taken by or on behalf of the Government and other authorities.

The actions taken by police officers, prosecutors and other public authorities, is therefore subject to the scrutiny of this newly established office. This added feature underscores the importance of state accountability and can help in the improvement of especially law enforcement and justice responses to domestic violence and sexual offences.

ACCORDINGLY, WHERE REPORTS OF “MAL-ADMINISTRATION” IN RELATION TO CASES OF DOMESTIC VIOLENCE AND SEXUAL OFFENCES ARE RECEIVED, SERIOUS CONSIDERATION SHOULD BE GIVEN TO REPORTING THESE ACTIONS TO THE OFFICE OF THE OMBUDSMAN.

## WHAT CONSTITUTES “MAL-ADMINISTRATION”?

According to the Laws of Grenada, “mal-administration” includes:

- **Unreasonable delay**
- **Abuse of power**
- **Unlawful actions**
- **Unfair or discriminatory actions**
- **Application of unreasonable procedure**
- **Negligence**



In the event that a victim is desirous of filing a complaint with the Ombudsman, the service provider should direct her to that office or to an agency that does victim advocacy work such as **Legal Aid and Counseling Clinic (LACC)** or **The Grenada National Organization of Women (GNOW)** who can assist the victim in filing the complaint.

## DATA COLLECTION PROCEDURES



Data Collection is an essential component of the overall effort to enhance systemic responses to domestic violence. It is difficult to respond to any problem effectively without having an appreciation of the nature and extent of that problem. At an expert working-group meeting on data collection systems for domestic violence, the representative of the ECLAC/CDCC Secretariat specially noted that there have been difficulties in ascertaining the incidence of domestic violence, despite evidence of a growing body of sociological research on the issue. Not surprisingly, she attributed such issues to under-reporting and data collection inadequacies.

The availability of data would enable policy makers and other stakeholders to engage in the following:-

- i. Obtain a profile of victims and perpetrators**
- ii. Understand the frequency and incidence of D/V**
- iii. Identify the groups at risk**
- iv. Develop Intervention Programmes**
- v. Monitor the effectiveness of violence prevention and intervention activities.**

Grenada, like other countries in the region, must give due consideration to the implementation of data collection systems, starting with the development of a monitoring and surveillance system targeting reported cases.

The establishment of data and surveillance systems for domestic violence has been a massive undertaking in Trinidad and Tobago and Belize. In these countries, recommendations have already been made pertaining to the definition and development of the methodology and tools proposed in the data collection system for central registries. These tools and methodologies are complex and will not be achieved solely by the introduction of a protocol.

A protocol, on its own, will not remedy the data collection crisis. However, it is a vital first step in any effort to ensure that the various sectors are collecting the data which will subsequently have to be fed into a national data- base for processing and analysis.

## B- Procedures

- 1) All sectors, namely health, law enforcement, social service and legal must devise an instrument to record information relating to domestic violence cases. There should be as much consistency in the data capture as possible. This may require the creation of a standardized instrument that is used across all of the stakeholder groups.
- 2) Such an instrument should be able to capture basic information relating to the characteristics of the incident and outcomes of the intervention. Where suitable, other information, such as the characteristics of the perpetrator, should also be recorded.
- 3) Whereas some agencies, such as the police will be able to capture the actual name of the victim, other agencies may not be able to record names because of issues of confidentiality. This is especially relevant in circumstances where the victim has chosen not to report the matter to the police, but has made a disclosure to another service provider.
- 4) Given the issue of confidentiality, it is important to develop a method of uniquely identifying victims of domestic violence to avoid duplication of incident reports. This may involve, for example, characteristics such as date of occurrence, nature of incident, date of birth, place of residence etc.
- 5) Each stakeholder group would need to ensure that the data is collected on a routine basis and sent to a central entity to be agreed upon, for processing and analysis.
- 6) Consultation with experts in the area of data management systems should be conducted before any further steps are taken to advance data- collection procedures.

## REVIEW AND REVISION TO THE PROTOCOL

There are several factors which could trigger the need for review and revision of this protocol. Turnover in positions; changes in programmes and services, as well as amendments to the law or practice can necessitate changes in a protocol that has been working well.

In anticipation of the subsequent need for amendments to the protocol, the following review procedures are recommended:-

- ↪ An Implementation Committee should be formed to ensure that the Protocol has meaningful application. This Committee should have representation from the four (4) sectors affected by the protocol.
- ↪ Stakeholders should meet on an annual basis to review the protocol for its overall effectiveness.
- ↪ The Ministry of Social Development will assume responsibility for convening the stakeholders' review meetings. Should this not occur any other stakeholder group can assume responsibility for convening such meeting upon advising the Ministry.
- ↪ An assessment of the effectiveness of the protocol will be thoroughly discussed and documented, with a clear indication of the portions of the protocol which seem to be working well, as well as those that are not working as well.
- ↪ Any amendments to the protocol will be made after the stakeholders have reached a consensual agreement on the nature and terms of the amendment(s).



