

In Partnership, Managing Family Liaison

Joint Protocol Between

Association of Chief Police Officers in Scotland
(ACPOS)

and

Crown Office and Procurator Fiscal Service
(COPFS)



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PURPOSE

This Protocol outlines the recommended procedures and practices to be followed by the Scottish Police Service and the Crown Office and Procurator Fiscal Service (COPFS) in Family Liaison. We recognise these are subject to local interpretation and application.

Family Liaison is the process through which the Police and COPFS work together to provide victims and bereaved relatives with information and support during certain major investigations which may lead to criminal or other proceedings. This Protocol has been agreed in order to identify best practice and obtain consistency of approach to these cases, with a view to improving the service we provide.

We recognise that families are also victims and will treat them appropriately, professionally, with respect and according to their diverse needs. We will never make assumptions as to the particular needs and expectations of a family and will respond to that which is communicated by them.

Deployment of Family Liaison Officers (FLO's)

1. Family Liaison Officers (FLO's) **will be** deployed in the following cases:

- Murder.
- Suspicious deaths where there is an obvious or apparent criminality.
- Missing person enquiry where there is reason to suspect foul play.
- Any other criminal enquiry where deployment of a FLO would be beneficial to the progress of the enquiry.
- Deaths in police custody.
- Victims or families of police shootings.
- Police related road deaths.

2. FLO's **may be** deployed in the following cases:

- Deaths which are likely to be the subject of a Fatal Accident Inquiry.
- Multiple deaths due to public transport accident.
- Any death which is likely to raise serious public concern and generate significant and sustained media interest.
- The investigation of every road collision involving a fatality, potential fatality or life changing injury.
- Hate crimes where the effectiveness of the police response is likely to have a significant impact on the confidence of the victim, their family and/or the community.

Role of the Family Liaison Officer (FLO)

3. The primary function of the Family Liaison Officer (FLO) is that of an investigator. They need to balance the needs of the family while gathering evidence and preserving the integrity of the investigation.

4. Having discussed the strategy for working with the victim's family with the Senior Investigating Officer (SIO), the FLO is generally responsible for the following tasks:
 - To obtain relevant background details of the victim and family members.
 - To explain legal procedures to the family as appropriate.
 - To explain police investigation procedures to the family as appropriate.
 - To ensure that the family receive appropriate written guidelines and information.
 - To advise the family on the progress of the investigation.
 - To advise the family on the existence and role of appropriate support agencies and how to contact them.
 - To acquire and document all evidence related to the family and people associated with it.

Role of Victim Information and Advice (VIA)

5. Victim Information and Advice (VIA) is the dedicated service offered by COPFS to certain victims, witnesses and the bereaved relatives of those affected by crime. VIA provides information about the progress of the case in which they are involved and helps them access sources of emotional and practical support. A dedicated VIA Officer will be the single point of contact for the family and FLO once a report has been submitted to the Procurator Fiscal (PF). Once the FLO Exit Strategy has been completed the SIO or their deputy will fulfil the Police single point of contact role for the family.

Viewing, Identification and Release of the Body

6. The FLO must liaise closely with the SIO and PF about arrangements for the post mortem (including defence post mortem), viewing the body of the deceased, the identification process and body release for burial or cremation. The FLO will keep the family advised of all developments.
7. The early release of the deceased's remains is an extremely important issue for the bereaved relatives. To expedite matters where possible, the FLO will have a single point of contact within the Procurator Fiscal's Office (PFO). This may be a VIA Officer who has been allocated the case by the PF on receipt of the Death Report.
8. It is not always possible to release the deceased's remains in accordance with the wishes of the bereaved relatives. This can be for a number of legal reasons linked with the ongoing investigation. Where family requests cannot be met the PF must provide an explanation to the FLO so that the reasons can be sensitively discussed with the family.
9. It may be helpful for the PF to meet with bereaved relatives to explain this decision. The advice of the FLO will assist the PF in determining whether a meeting at this early stage should take place. A VIA Officer can facilitate and should attend any meeting that takes place.

Initial Contact with VIA

10. The identity and contact details of the FLO should be included in any Death or Standard Prosecution Report (SPR) submitted to the PF.
11. There should be early contact between the FLO and the VIA Officer appointed by the PF. The FLO must provide the VIA Officer with a detailed Victim Profile ([Annex 1](#)). This form should include information about the deceased, circumstances of death, details of family contacts, family dynamics, diversity issues, information about support agencies and any other relevant information. In cases of multiple fatalities, a photograph of the deceased should be provided.
12. In terms of the ACPOS guidance, "family" should include partners, parents, siblings, children, guardians and others who have had a direct and close relationship with the victim. FLO's always take into account the possible dynamics of a family's structure to ensure that an appropriate level of support is offered and information provided. This is particularly important in situations where the family is extended, split in some way or involves the victim's possible association with a particular cultural or lifestyle diversity.
13. The Criminal Justice (Scotland) Act 2003 introduced the right for bereaved relatives to make Victim Statements, about the affect a crime has had upon them, and to receive information about prisoner release. This entitlement is restricted to nearest relatives and it is important therefore that FLO's provide details of the nearest relatives and not only the family spokesperson ([Annex 2](#)).
14. VIA staff, on behalf of COPFS and the Scottish Government (SG), also administer a Scheme that enables families bereaved by homicide or road death to attend court. Again, this is determined by a strict family hierarchy.

Intimation of Initial Court Results

15. Until the FLO has formally ended their involvement with the family there is a presumption that all communications with the bereaved relatives will be through the FLO. If the FLO is not available this information must be relayed to the SIO or their deputy.
16. Following receipt of the SPR a dedicated VIA Officer should be allocated the case. They must provide the FLO with the outcome of preliminary court hearings (Committal for Further Examination – CFE and Full Committal – FC) in order that the FLO can inform the family on the day of the court hearing. The FLO must be informed urgently if the accused has been released and the terms of any additional conditions of bail.
17. VIA must alert the FLO to any Bail Appeal or Application for Review of Bail at the instance of the PF or the accused. The FLO must also be told of the decision of the court in order that the family can be informed.

Exit Strategy and Arranging the Handover Meeting

18. The SIO has a responsibility for ensuring that a FLO is not deployed any longer than necessary to meet the initial needs of the family and the investigation. When such needs have been met, consideration should be given to implementing an exit strategy for the FLO and transferring responsibility for the provision of information to the family to COPFS, through the VIA Officer.
19. The exact timing of such a handover of responsibility will depend on the circumstances of the case. It may be after the funeral, after the accused has appeared in court, or it may be later if police investigations have not been completed. This is ultimately an operational matter for the SIO but decisions in this regard should be made after discussion with the VIA Officer and PF and documented accordingly.
20. It is essential that a formal Handover Meeting takes place in every case. This event marks the official responsibility for transferring Family Liaison from the Police to COPFS. It is important that the bereaved relatives are aware of the partnership and protocol arrangements between the Police and COPFS and that they are aware of the level and standard of service and interaction they will receive as the case progresses.
21. The timing and location of the Handover Meeting should be agreed between the FLO and VIA Officer at a suitable time agreed in advance with the family. This can be at the PFO, Police Station, family home or other suitable location (provided there has been a risk assessment). In practice the PFO is generally the preferred location. Handover Meetings should not be delayed without good reason.
22. If a FLO is encountering difficulties in arranging a Handover Meeting they should raise this with their Family Liaison Coordinator. A VIA Officer should raise any concerns with the PF or VIA National Team Leader.
23. The FLO and VIA Officer must have a discussion in advance of the Handover Meeting. The Victim Profile must be provided and as much information about the victim, family background and circumstances and the involvement of any support agencies given.

The Handover Meeting

24. As the SIO is responsible for supervising the implementation of the exit strategy, best practice has shown that the SIO/deputy SIO should chair the Handover Meeting with the FLO and bereaved relatives. Should this not be the case, the policy decision should be noted including the reasons for this decision.

25. Following the Handover Meeting the VIA Officer will become responsible for family liaison on behalf of COPFS. The intention is that they will become the single point of contact for the bereaved relatives. There may be cases in which it is considered appropriate for a PF or Precognition Officer to be present at the Handover Meeting but this is not recommended if the purpose of their attendance is merely to be introduced to the family. Subsequent meetings can be arranged for this purpose. Experience has shown that family members are often in a state of shock and do not recall all that is said to them. .
26. If a family is receiving support from an external agency it is reasonable for a representative to attend with the family. This demonstrates that neither the police nor COPFS are support services. The family may be apprehensive about asking questions or have expressed concerns to their support worker. At the Handover Meeting they can do this on behalf of the family.
27. At the Handover Meeting it is recommended that the SIO should:
- Introduce everyone at the meeting - the family will not usually have met the VIA Officer before this
 - Explain that the police investigation has reached the stage where a report has been submitted to the fiscal – the accused will most likely have appeared in custody.
 - Explain that information about case progress will be the responsibility of COPFS – the FLO will no longer be directly involved in family liaison.
 - Explain that any enquiries that the family may have about the police investigation or conduct of the FLO should be directed through a dedicated police contact – normally the SIO (who will give their card).
28. The VIA Officer should then explain that:
- They will deal with all case related enquiries from hereon and be the single point of contact
 - The case is now being prepared for consideration by senior prosecutors – there has not yet been a decision made and no prosecution or conviction can be guaranteed.
 - They will be kept informed of any developments – the preferred method and timing of any communications should be discussed and agreed.
 - The bereaved nearest relatives' scheme will assist them if there is a substantive court hearing.
 - If there is to be a prosecution eligible family members will have the opportunity to make a Victim Statement.
 - We recommend that they cooperate with any request for a Defence Precognition.

29. The family members should be invited to ask any questions and any other matters raised during the meeting by any party should be addressed. Care must be taken and unrealistic promises should not be made to the family. The strength of the evidence in the case should never be discussed.
30. In ensuring the building of trust with a family it is vital that any commitment or assurance given is documented, carried out and its result passed on to the family. The VIA Officer should prepare a note of the meeting. A copy should be sent to everyone who attended the Handover Meeting.
31. Once the FLO has withdrawn from the case, the VIA Officer will primarily be responsible for providing the family with information about the progress of the case. Where appropriate they will try and facilitate referral to organisations that can provide counselling and support through what will inevitably be a difficult time for the family.
32. It is expected that there will be no further contact or engagement by the FLO with the family.



ANNEX 1: ACPOS – COPFS VICTIM PROFILE

Details of Deceased	Police Ref No:
	PF Ref No:
Name in Full:	Age:
Known as:	
Address:	
Photograph Enclosed:	
Religion:	Cremation or Burial:
Undertaker:	Contact Telephone Number:

Contact Details of Nearest Relative	
Name:	Age:
Known as:	Relationship to Deceased:
Address:	
Contact Telephone Numbers:	Home:
	Work:
	Mobile:
	Email Address:
Interpreter required:	Language:

Contact Details of Other Persons Included in FLO Contact	
Name:	Age:
Known as:	Relationship to Deceased:
Address:	
Contact Telephone Numbers:	Home:
	Mobile:
	Email Address:
Interpreter required:	Language:

Contact Details of Other Persons Included in FLO Contact	
Name:	Age:
Known as:	Relationship to Deceased:
Address:	
Contact Telephone Numbers:	Home:
	Mobile:
	Email Address:
Interpreter required:	Language:

Contact Details of Other Persons Included in FLO Contact

Name: Age:
Known as: Relationship to Deceased:
Address:
Contact Telephone Numbers: Home:
Mobile:
Email Address:
Interpreter required: Language:

Contact Details of Other Persons Included in FLO Contact

Name: Age:
Known as: Relationship to Deceased:
Address:
Contact Telephone Numbers: Home:
Mobile:
Email Address:
Interpreter required: Language:

Details of any Support Organisations

Name:
Contact Telephone Number:
Involvement with Family (if known):

Diversity Issues (including any disabilities, cultural sensitivities or equality issues):

Brief Summary (include details of deceased, relationship to accused, family dynamics and brief description of circumstances surrounding death):

VIA

Name of VIA Officer:

Contact Telephone No:

Email Address::

Proposed location and time of Handover Meeting:

Police Contact Details:

Name of Senior Investigating Officer

Station:

Office Telephone No:

Email Address:

Name of Family Liaison Co-ordinator

Station:

Contact Telephone No:

Email Address:

Name of Family Liaison Officer

Station:

Contact Telephone No:

Mobile Telephone No:

Email Address:

Any other relevant information (this can include who the FLO has spoken to and what they have said about preferred contact with the family):

**ANNEX 2: RELATIVES ELIGIBLE TO MAKE A VICTIM STATEMENT
AND TAKE PART IN THE VICTIM NOTIFICATION SCHEME
(TAKEN FROM SECTION 14(10) CRIMINAL
JUSTICE (SCOTLAND) ACT 2003)**

- a) Spouse;
- b) Cohabitee;
- c) Son or daughter or any person in relation to whom the victim has or had parental responsibilities or rights vested by, under or by virtue of the Children (Scotland) Act 1995 (c.36);
- d) Father or mother or any person in whom parental responsibilities or rights are or were vested by, under or by virtue of that Act in relation to the victim;
- e) Brother or sister;
- f) Grandparent;
- g) Grandchild;
- h) Uncle or aunt;
- i) Nephew or niece,

The elder of any two persons described in any one of paragraphs a) to i) is to be taken to be the higher listed person, regardless of sex.

"Cohabitee" means a person, whether or not of the same sex as the victim, who has lived with the victim, as if in a married relationship, for at least six months and was so living immediately before the offence (or apparent offence) was perpetrated.