



H. M. Inspectorate of Constabulary for Scotland



Relatively Speaking

A thematic inspection of Family Liaison in Scotland



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EXECUTIVE SUMMARY

1 While this study was prompted by a recommendation made by Dr Raj Jandoo in his report on the death of Surjit Singh Chhokar, its focus is much wider than the issue of family liaison in a murder enquiry. It also examines the needs of the families of people who have died in other circumstances where there is police involvement, such as cot death, road death, industrial accident, non-suspicious sudden death and, more recently, serious hate crime (whether or not the victim has died).

2 It was conducted against a background of a sea change in criminal justice policy in Scotland, with the Scottish Executive's 'Strategy for Victims' seeking to develop a central role for victims, and in the event of their death or incapacity *"those sharing a family-like position"*. This in itself will provide significant resource implications for all parts of the criminal justice system, particularly the police; not just dealing with the needs of families, but also creating an information management system to ensure that timely and accurate information on the current situation in a case can be made available to the family, initially through the Family Liaison Officer (FLO), thereafter by whichever agency is appropriate as the legal processes progress.

3 Family liaison in its formal sense is a relatively recent development. The generic role definition was produced in 1998 and states that it exists:

"To establish and maintain a relationship which links the family and the enquiry team in order to facilitate an investigation into the family's loss."

4 More recent developments, in keeping with the victim centred approach, have questioned that focus, suggesting that it should also service the needs of the family rather than just the needs of the enquiry.

5 Liaising closely with a family in trauma is an emotive and emotional role, rendering the welfare needs of the FLO particularly important. It is a task for volunteers and there is a responsibility on forces to equip them with adequate training and support to ensure that fulfilling the role does not have an adverse personal impact. It is also a service which needs to be properly administered; and a hierarchical structure has developed, involving the FLO, a Family Liaison Co-ordinator (FLC), Family Liaison Mentor (FLM), with a possible future function for a Family Liaison Advisor to assist the Senior Investigating Officer (SIO) in the case. Appropriate mechanisms for recruitment, selection and training are crucially important for each role.

6 But in the wider field, a more professional approach to cases where formal family liaison is required turns attention on how a quality service can be provided in those instances where FLO deployment is not considered appropriate; from a beat officer passing a death message through to the non-suspicious death situations, where the same compassion, understanding and tact are required and where the family have on-going (if less demanding) information needs which should be addressed.

7 Within the functional responsibilities of forces, there has been a tendency for the concept of family liaison to develop in a somewhat diverse way in terms of the nature of the incident resulting in death. The principal strategic documents that currently exist are: the ACPO Murder Investigation Manual, the ACPOS Racial Diversity Strategy and the 2002 Lord Advocate's Guidelines to Chief Constables on race related issues. The ACPOS Road Death Investigation Manual, due for publication early in 2003, will contain a substantial commitment to the provision of family liaison in circumstances of road death. It is important that together this guidance, which affects how family liaison is to be carried out, provides a logical and rational approach to service provision so that the needs of the family are met irrespective of the circumstances leading to their loss.

8 Allied to this is the need for internal force structures, policies and strategies to be more standardised, to secure an equality of service provision throughout Scotland; and for forces to maintain a pool of FLOs which is adequate to ensure appropriate levels of cover. Here there is a need to balance tendencies for over-use of some officers and under-use of others; to ensure that skills are up to date without risk of 'burn-out'. Issues such as ensuring an officer's routine work is managed in his or her absence on FLO duties must be addressed and there must be some acknowledgement in the appraisal system that they are not merely 'abstracted' from their real duties, but are making a valuable contribution to the operation of the force in their specialist role. There are significant training issues for senior investigators on the changing role of family liaison and how the needs of the enquiry can be balanced with the needs of the family and of the FLO.

9 Research undertaken with families who have experienced deployment of a FLO provided an interesting dimension to the study. In all, the recipients of such liaison have at the outset little or no expectation of what the FLO is there to deliver, since almost always it is a one-off experience. They are generally complimentary of how the FLO performed and recognise that many of the frustrations they feel are outwith the FLOs control. More difficult to deal with for the FLO was the 'exit strategy' since families grew to trust and depend on them. The report looks at the services provided by other agencies, many of them in the voluntary sector, and outlines the perspective they bring from their experience.

10 The roles and responsibilities of the other statutory agencies are considered; but it is recognised that addressing the Victims Strategy Action Plan is at an embryonic stage, so many existing procedures are in the process of being amended to take account of this. It has become clear that to be effective, all officers involved in the provision and delivery of the family liaison service need to be provided with appropriate information on the case so that they can brief the family effectively. In addition, practitioners must be comprehensively aware of the availability of groups and agencies that could be able to offer support to bereaved families.

11 Matters continue to progress at a pace, with significant learning points from high profile cases and major disasters. The ACPO Family Liaison Strategy Manual is due for publication in the near future and consideration of this by ACPOS should add to the professionalisation of family liaison in Scotland.

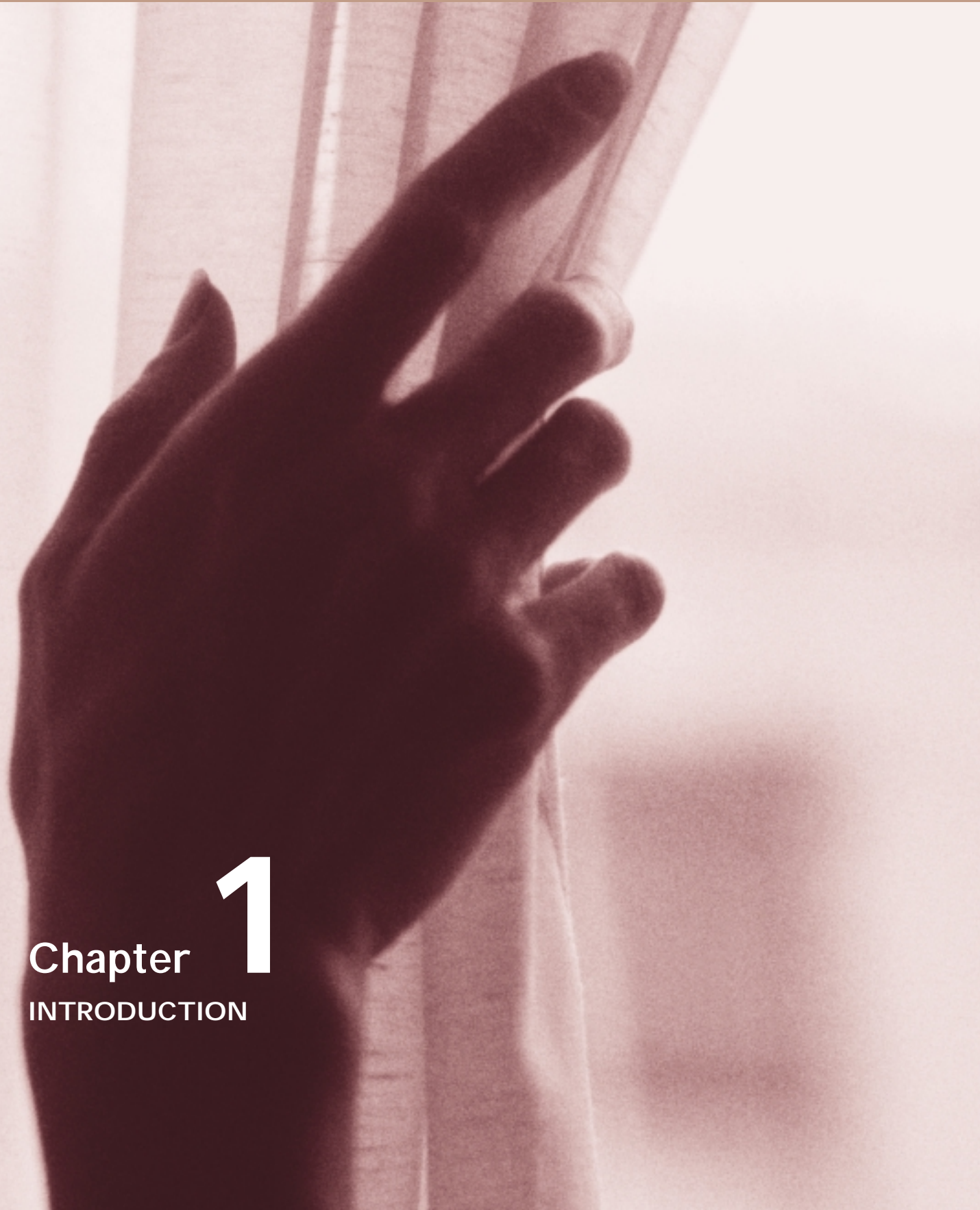
12 In essence, in the last 4 years, family liaison has moved on rapidly at a time when efforts to refocus the criminal justice system towards a victim centred approach have been moving at a similar pace. For the FLO to service the needs of the family as well as the needs of the SIO, there requires to be some further thought given to how FLOs are recruited, selected, deployed and supported. All of this will present resource implications for forces, but enhance the service provided by the police to these vulnerable members of communities. This will then have the knock-on effect of requiring the police service to further professionalise the interaction between officers, who are not fully trained FLOs, and members of the public who are in the process of coping with a loss which does not require formal deployment of a FLO. In this case there is little need for liaison to service the needs of the enquiry but a very similar need on the part of the family.

13 The history of the FLO has been one of significant progress within the Scottish Police Service; but it establishes a new plateau for minimum standards of service in the interactions between the police and the public in terms of fatalities and serious hate crime. If a victim centred approach to the investigation of crime, in keeping with a victim centred approach to criminal justice, is to develop further, the resource implications for the police service will be significant, but the 'value added' to victim support will be substantial.

SUMMARY OF RECOMMENDATIONS

HMIC recommends:

- 1** That each force identify a senior officer or officers to undertake strategic responsibilities for the formulation and development of family liaison policy (paragraph 3.5).
- 2** That each force appoint an officer of supervisory rank as Family Liaison Co-ordinator, and that the role is a sole or principal duty for the officer (paragraph 3.5).
- 3** That ACPOS publish nationally agreed role descriptions and person specifications for the posts of Family Liaison Officer (FLO) and Family Liaison Co-ordinator (FLC) (paragraph 3.10).
- 4** That ACPOS clarify the criteria for deployment of Family Liaison Officers in response to racist crimes and incidents (paragraph 3.28).
- 5** That ACPOS clarify the criteria for deployment of Family Liaison Officers in response to road deaths (paragraph 3.30).
- 6** That ACPOS establish a cross-discipline forum to ensure harmonisation of the development of Family Liaison in the areas of crime, road death, racism and civil emergency (paragraph 3.31).
- 7** That ACPOS publish nationally agreed criteria for the deployment of Family Liaison Officers (paragraph 3.41).
- 8** That ACPOS publish a nationally agreed role description and person specification for the post of Family Liaison Mentor (FLM), and associated criteria for deployment (paragraph 3.50).
- 9** That ACPOS give consideration to the establishment of a Scottish Data Register of family liaison contacts, specialist knowledge and good practice (paragraph 3.69).
- 10** That ACPOS establish a Scottish Police Family Liaison Co-ordinators Forum to promote benchmarking and the sharing of good practice (paragraph 3.70).
- 11** That forces commit to the provision of appropriate occupational health services for Family Liaison Officers, including mandatory attendance at interviews where so instructed (paragraph 3.152).
- 12** That, as part of major crime review and debrief processes, forces should actively seek the views of family members/next of kin on the effectiveness of family liaison (paragraph 3.154).
- 13** That in line with the Police Advisory Board (Scotland) Staff Appraisal System – Secondment Attachment Performance Review Forms should be completed when Family Liaison Officers are involved in protracted deployments outwith their normal areas of work (paragraph 3.173).
- 14** That probationary training provided by the Scottish Police College include an enhanced input on the effects of trauma and grief on the family members of victims of sudden violent death (paragraph 4.30).
- 15** That ACPOS ensure officers tasked with family liaison in all types of death are trained to national standards (paragraph 4.97).
- 16** That forces review their Victim Support Scotland (VSS) referral policies with a view to maximising the numbers of bereaved families who are put in touch with VSS (paragraph 5.20).
- 17** That a priority of forces' family liaison strategies be to put bereaved families in touch with support groups, and that Family Liaison Officers are proactive in their efforts to achieve this objective (paragraph 5.26).



Chapter **1**
INTRODUCTION

What is Family Liaison?

1.1 In essence, family liaison is a formalised relationship between the police service and a bereaved family. While dealing with the families of victims is a traditional role for the police, codified arrangements on how this should be undertaken are recent developments. In fact, the first training course in the subject was only held at the Scottish Police College (SPC) in the summer of 1999. Development of the FLO role is detailed within Chapter 2 of this report.

1.2 Dr Raj Jandoo's report on the death of Surjit Singh Chhokar,¹ and the subsequent liaison between his family and criminal justice system agencies, includes the recommendation that HMIC give early priority to conducting a thematic inspection on police family liaison.²

1.3 His report encompasses the extent to which the police, the Crown Office and Procurator Fiscal Service fell short of meeting the needs of the murdered man's family, who are members of a minority ethnic community. The effectiveness of police family liaison arrangements is dealt with in some detail.

1.4 This study flows directly from Dr Jandoo's recommendation, but its focus is, of necessity, much wider than arrangements in cases of murder. The police, on a daily basis, come into contact with relatives of the victims of a variety of traumatic, and often tragic, incidents. These are literally life-changing events for relatives, and coming to terms with them can undoubtedly be helped or hindered by the relationships developed with representatives of the various agencies they have to deal with as the investigation and the legal processes move forward.

1.5 Traditionally, legal processes of this nature have been undertaken in the public interest rather than the interests of victims or their families. It is important to realise that whilst a victim or family can feel very much part of the crime or occurrence, they can feel detached and ignored by the enquiry itself. More recently there is an acceptance of a role for victims in the process - that they have a right to be made aware of developments and advised, if not consulted, on decisions made which affect their case. For the police service this presents additional challenges in terms of collating and managing the available or required information and conveying it to the victim's families – and ensuring that, at an appropriate time, responsibility for informing the family of developments transfers seamlessly to the appropriate agency. It presents training requirements for Family Liaison Officers (FLOs) with appropriate monitoring to ensure that their welfare is secured when dealing with such traumatic duties.

Coping with Trauma

1.6 The development of such an ethos has implications across the spectrum of police involvement in dealing with death – from the patrol officer delivering a death message to a family home, to formal family liaison in a complex murder investigation. It encompasses violent crime, victimisation, fatal accidents, sudden deaths and suicides. In the past the necessary responsiveness and compassion have often been spontaneous, unscripted and inconsistent even if sincere and well intentioned.

1.7 Frequently, expectations of the extent of police knowledge and capacity to provide continuous post-incident support have been unrealistic, with a lack of definition where the boundaries of police involvement might legitimately end and the inclusion of other agencies' relevant roles and responsibilities might properly conjoin and be best placed to deal with the future needs of the family.

¹ Report of the Inquiry into the Liaison Arrangements between the Police, the Procurator Fiscal Service and the Crown Office and the family of the deceased Surjit Singh Chhokar in connection with the murder of Surjit Singh Chhokar and the related prosecutions by Dr Raj Jandoo, Advocate (SP Paper 424), October 2001.

² Recommendation 5.

1.8 This report highlights on-going progress and good practice in the continuing development of the family liaison dimension of modern policing, suggesting areas for further improvement. The need for proper liaison and communication with relevant agencies including the Procurator Fiscal and community groups is underlined as is the need for a clearer grasp of the roles and responsibilities of individual agencies in providing coherent family support at appropriate times.

Dealing with Diversity

1.9 The observations contained in Dr Jandoo's report, to an extent echo and develop issues articulated by Sir William MacPherson in his report³ on the death of Stephen Lawrence.

1.10 HMIC suggests that while these considerations have a heightened sensitivity in matters of racism, the professional response must be comprehensive, consistent and relevant to the wider needs of the diverse society. Dr Jandoo also recommended that HMIC review progress made by the Scottish Police Service since publication of a previous HMIC Report entitled 'Without Prejudice?'⁴ which dealt with police race relations. This is being undertaken as a separate Thematic Inspection due for publication early in 2003, however, it has already been established that there are many areas of commonality in the issues which have to be addressed in the two studies. They are effectively linked and together should provide a harmonised strategic direction for the Scottish Police Service in dealing with people whose vulnerability derives from aspects of diversity or as a result of a traumatic experience – or both.

Resourcing a Victim Focused Approach

1.11 It is clear that dealing more effectively with victims and their families will have significant resource implications for criminal justice agencies. The recently published HMIC Thematic Report 'Narrowing the Gap'⁵ highlights that to meet changing and expanding demands of this nature on the police, in the absence of additional funding, mechanisms have to come into play to reduce the demands which non-core functions are placing on the Police Service.

1.12 From the perspective of the public, the requirement for an enhanced service from the police applies equally to the different types of traumatic incident. The family will have a clear need for information irrespective of whether the victim has died as a result of violent crime, cot death, road death, train crash or other tragic incident. The criminal justice process can be a cause of major secondary trauma and therefore families of homicide victims are in a particularly difficult position and may have special needs arising from that situation. There is also a need to ensure that service delivery throughout Scotland, and from agency to agency, is fully integrated with seamless transitional arrangements.

1.13 It must also be recognised that Scottish forces will be called upon to provide these services to families where the death occurred in other parts of the world, or provide information and assistance to foreign police agencies in relation to deaths occurring here. Recent examples of the resource implications and complexity of the former are apparent from the involvement of Scottish forces in liaising with families of victims of the September 11th 2001 terrorist attack on the World Trade Centre, New York – and a graphic example of the latter was dealing with the families of those who died in the Lockerbie bombing.

³ The Stephen Lawrence Inquiry. Report of an Inquiry by Sir William MacPherson of Cluny, (CM 4262-I), February 1999.

⁴ 'Without Prejudice?'. A Thematic Inspection by HMIC Scotland of Police Race Relations in Scotland (ISBN 1 84268 449 3), December 2000.

⁵ 'Narrowing the Gap'. A Thematic Inspection by HMIC Scotland on Police Visibility and Public Reassurance – Managing Public Expectation and Demand (ISBN 0 7559 0608 X), December 2002.

Objectives and Methodology

1.14 The Thematic Inspection, which commenced in May 2002, sought to evaluate police/family liaison arrangements in the context of their contribution to public confidence, compassion and responsiveness in a diverse society, with a particular focus on the needs of victims rather than the needs of the police service. During the study, HMIC undertook:

- visits to police forces to examine family liaison arrangements in a small number of high profile cases;
- visits to police family liaison training staff at Avon & Somerset, and Lancashire Constabularies and the Scottish Police College;
- visits to traffic and probationer training divisions at the Scottish Police College, to examine training in dealing with death;
- structured meetings with senior staff from Crown Office, Victim Information and Advice, Victim Support Scotland, Scottish Cot Death Trust, and the Commission for Racial Equality;
- meetings with staff of PETAL⁶ and FOMC⁷ voluntary groups;
- consultation with voluntary groups and other agencies by means of correspondence;
- liaison and visits with key staff of the National Crime & Operations Faculty;
- circulation of comprehensive protocol questionnaires to Scottish police forces followed by force visits and interviews with senior managers and family liaison practitioners;
- the distribution of a questionnaire to every trained FLO in the Scottish Police Service; and
- qualitative research with families who have experienced the services of Family Liaison Officers, to establish how far their needs were met.

1.15 The enthusiasm and co-operation HMIC experienced from all these interested parties in undertaking this work reaffirmed the fundamental importance of effective communication between the families of the deceased or surviving victims and the agencies involved in the processes which occur after the incident.

The 'Chhokar Case'

1.16 On 4 November 1998 Surjit Singh Chhokar was assaulted in the town of Wishaw in North Lanarkshire sustaining stab wounds from which he died. Strathclyde Police carried out a murder enquiry and Family Liaison Officers were deployed to the victim's family. Three men were arrested within days. However, following two High Court trials, none were convicted of murder.

1.17 The Chhokar family raised concerns about the lack of information given to them during criminal proceedings and, at the conclusion of the second trial, the Lord Advocate announced the setting up of two Inquiries. One, by Advocate Dr Raj Jandoo, to review the liaison arrangements between the police, the Procurator Fiscal Service, and the Crown Office, and the family of Surjit Singh Chhokar, the other by the Northern Ireland Judge, The Rt. Hon Sir Anthony Campbell to look into decision making by the Crown in the case.⁸

1.18 In his Inquiry Report,⁹ Dr Jandoo identified failings in the liaison that took place with the Chhokar family, both by Strathclyde Police and by the Procurator Fiscal Service. These are described in detail within his report.

⁶ People Experiencing Trauma And Loss.

⁷ Families of Murdered Children.

⁸ The Report of an Inquiry into Crown Decision-Making in the Case of the Murder of Surgit Singh Chhokar. Chairman, The Rt.Hon. Sir Anthony Campbell (SP Paper 425), October 2001.

⁹ Report of the Inquiry into the liaison arrangements between the police, the Procurator Fiscal Service and the Crown Office and the family of the deceased Surjit Singh Chhokar in connection with the murder of Surjit Singh Chhokar and the related prosecutions, October 2001.

1.19 While the family declined to give evidence to the inquiry, it was apparent that from their perspective, particular distress was caused through lack of information during the period when criminal proceedings were active. During this time the family had no direct contact with the relevant Procurator Fiscal's Office and there was insufficient communication between that office and Strathclyde Police to allow the Family Liaison Officers to keep the family fully informed.

1.20 In his report Dr Jandoo recommended that:

“HM Inspectorate of Constabulary make it an early priority to conduct a thematic inspection of family liaison, and that Justice Ministers give special attention to the report of that inspection.”¹⁰

1.21 Prior to commencing the study, staff from Her Majesty's Inspectorate of Constabulary (HMIC) met with Dr Jandoo to discuss in detail the rationale which underpinned the conclusions in his report, and a second meeting was held once the inspection process was under way. HMIC is indebted to Dr Jandoo for his frankness and the constructive way he contributed to the study.

Investigation of Death

1.22 To understand the role of family liaison in a police inquiry it must be considered against the background of the legal framework for the investigation of death in Scotland. This includes the functions of the police and of the Procurator Fiscal and Crown Office in relation to sudden or suspicious death or death occurring as a result of an incident where criminal proceedings may result; including suicide, road death and industrial accident.

1.23 In Scotland, the Procurator Fiscal within whose jurisdiction a sudden, suspicious or unexplained death occurs is charged with investigating the circumstances of death. That responsibility is entirely separate from the more commonly understood function of prosecuting alleged offenders in the name of the Crown. The Annual Report 2000-2001 of the Crown Office and Procurator Fiscal Service (COPFS) states, as regards investigation into death, that:

“Procurators Fiscal will always take into account the views of next-of-kin but the overarching criterion is the public interest.”

1.24 The police force for the area where death has occurred has a duty to investigate, and to report findings to the Procurator Fiscal. In the types of death where FLOs have been commonly utilised, they are therefore acting under the authority of the Procurator Fiscal in the sense that they are part of the police enquiry team investigating the death.

1.25 Major issues such as the instruction of post-mortems, retention and/or release of bodies, and retention of body parts for further examination, are all ones where Procurators Fiscal will have the responsibility for major decisions.

Scottish Strategy for Victims

1.26 The Scottish Executive's Strategy for Victims,¹¹ launched in 2001, aims to secure a central role for victims in the criminal justice system, and has three primary objectives that apply to each of the criminal justice agencies namely:

¹⁰ Recommendation 5.

¹¹ Scottish Strategy for Victims. Scottish Executive, January 2001.

- to provide for the emotional and practical support needs of victims;
- to provide for the information needs of victims; and
- to encourage greater participation in the criminal justice system.

1.27 Within the strategy, the definition of a victim provides that:


“in the event of death of a victim of crime, or their incapacity in relation to criminal proceedings, the family or those sharing a family-like position may also be considered as victims”.

1.28 This is a wide-ranging definition designed to encompass a diverse range of close personal relationships.

1.29 The principles underpinning the strategy are:

- a recognition of the importance of the victim and the need to provide practical and emotional support to assist the victim to recover and towards prevention of further crime or secondary victimisation;
- a commitment to provide explanations for victims about the criminal justice and other processes with which they are involved;
- a recognition that victims have a legitimate interest in the cases with which they are involved and so have a contribution to make;
- a commitment to offer victims information on the progress of their cases; and
- a recognition that victims should be enabled to have a voice throughout all stages of the criminal justice system.

1.30 The move towards a victim centred approach will have considerable practical implications for the police service and for the other agencies in the criminal justice process. There will be resource implications and a need for closer partnership working to meet increased information needs and to secure seamless transfer of responsibility from agency to agency.



Chapter **2**
FAMILY LIAISON TO-DATE

Development of Family Liaison

2.1 Historically UK police forces appointed officers to deal with the immediate family of murder victims, however they received no specialist training to prepare them to carry out this difficult task. Selection and support measures were ad-hoc, if they existed at all, and the actual liaison process was unstructured.

2.2 In 1997, the Home Office sponsored research by Detective Sergeant Richard Mason of Merseyside Police, assisted by Ms Linda Cottrill of Wirral Metropolitan College and Mr Shaun Speed of the University of Central Lancashire, into the use of Family Liaison Officers on murder enquiries. The research report¹² highlighted failings in the selection, training and support of FLOs, and recommended that steps be taken by the police service to address these core areas.

2.3 The findings of this research, while focused on murder enquiries, remain valid in relation to wider family liaison. The principal findings were:

- family liaison often continued after the investigation had closed;
- selection of FLOs often appeared to be arbitrary;
- without a clear definition of role, the purpose of the police/family relationship became clouded;
- significant numbers of FLOs became over-involved emotionally, experienced isolation from colleagues, struggled with press and media involvement, and found it difficult to withdraw from families;
- 36% of FLOs felt unsupported; and
- 10% of FLOs had been reduced to tears by family liaison duties.

A Person Specification for FLOs

2.4 A follow-up report by Richard Mason in 1998¹³ provided a role description and a person specification for the FLO, defining the role as being:

“to establish and maintain a relationship which links the family and the enquiry team in order to facilitate an investigation into the family’s loss”.

2.5 This role description was adopted by all police forces, and provided a focus for the Scottish Police Service to standardise and structure FLO deployments. It highlighted the investigatory function that FLOs performed.

2.6 The role description also identified the principal duties of the FLO including:

- to obtain relevant background details of the victim and family members;
- to act as a consultant to the family in respect of legal procedures;
- to act as a consultant to the family in respect of police investigation procedures;
- to advise the family on the progress of the investigation; and
- to advise the family on the existence and role of appropriate support agencies.

2.7 The person specification detailed a number of aptitudes and personal criteria required of a FLO. It was also highlighted that he/she should be a qualified investigator and should be a volunteer.

¹² Improving the Skills of Family Liaison Officers on Murder Enquiries. Police Research Award Scheme, September 1997.

¹³ Recommendations for the Selection, Training and Support of Family Liaison Officers on Murder Enquiries. Police Research Award Scheme, March 1998.

2.8 A role description, person specification, selection policy and support strategy, broadly based on the aforementioned research, was incorporated within the original Family Liaison Strategy¹⁴ and largely reproduced within the Murder Investigation Manual.¹⁵ This was subsequently adopted, in a Scottish context, by the Association of Chief Police Officers in Scotland (ACPOS).

2.9 The impact of the Stephen Lawrence case on family liaison cannot be over-estimated, and it has extended beyond the Metropolitan Police Service (MPS) to all UK forces. When Stephen Lawrence was murdered in April 1993 untrained Family Liaison Officers were deployed as part of the MPS investigation of his death. It is now accepted that liaison between the MPS and the Lawrence family was unsuccessful and that there was a need for improvement in this aspect of policing.

2.10 In 1997, the Home Secretary directed Sir William MacPherson to conduct an inquiry into the death with a particular objective of identifying “... **the lessons to be learned for the investigation and prosecution of racially motivated crimes**”. The report of the Inquiry¹⁶ was published in 1999 and made several recommendations specific to family liaison:

- That police services should ensure that at local level there are readily available designated and trained Family Liaison Officers.
- That training of Family Liaison Officers must include training in racism awareness and cultural diversity, so that families are treated appropriately, professionally, with respect and according to their needs.
- That Family Liaison Officers shall, where appointed, be dedicated primarily if not exclusively to that task.
- That Senior Investigating Officers and Family Liaison Officers be made aware that good practice and their positive duty shall be the satisfactory

management of family liaison, together with the provision to a victim’s family of all possible information about the crime and its investigation.

- That good practice shall provide that any request made by the family of a victim which is not acceded to, and any complaint by any member of the family, shall be formally recorded by the SIO and shall be reported to the immediate superior officer.
- That police services and Victim Support Services ensure that their systems provide for the proactive use of local contacts within minority ethnic communities to assist with family liaison where appropriate.

2.11 The Murder Investigation Manual has since been updated by ACPO and the family liaison strategy therein developed to take into account items of good practice, and to reflect issues identified by Sir William MacPherson in his report. The manual now encompasses guidance on the 3 principal family liaison roles within the police service, namely:

- Family Liaison Officer (FLO);
- Senior Investigating Officer (SIO); and
- Family Liaison Co-ordinator (FLC).

2.12 It also emphasises the partnership approach whereby the families of victims are themselves seen as victims of a serious crime, and are treated as such with sensitivity and compassion.

FLO Training in Scotland

2.13 In the summer of 1999, eighteen officers from across Scotland attended the first Family Liaison Officers course at the Scottish Police College. The training was largely facilitated by Linda Cottrill and Shaun Speed, who had participated in the original family liaison research, and focused on providing the officers with an understanding of bereavement and grieving, to prepare them to carry out family liaison duties sensitively and effectively.

¹⁴ Family Liaison Strategy. Association of Chief Police Officers, April 2000.

¹⁵ ACPO Murder Investigation Manual. Association of Chief Police Officers, September 1998.

¹⁶ The Stephen Lawrence Inquiry Report by Sir William MacPherson of Cluny, February 1999.

2.14 A number of further courses have been held at the college since then at a rate of 3 or 4 per year. A total of 215 officers¹⁷ have been trained, and each police force in Scotland has at least 10 trained FLOs. An analysis of force-by-force staffing is given in Chapter 3 (paragraph 3.62) of this report.

2.15 It is worthy of note that officers are selected for the FLO course on the basis of existing investigative skills, along with other necessary qualities, such as:

- being able to listen effectively;
- being able to use and interpret non-verbal communication effectively; and
- being able to relate an understanding of human/family relationships to investigation requirements.

2.16 The course does not attempt to develop operational officers into investigators, nor is the investigative background of candidates restricted to crime; officers with specialist experience in child protection and road traffic policing have also completed the course.

2.17 To date, the development of the family liaison role has been principally driven by the needs of the investigation and of the family of the victim, in two broad areas, viz:

- the need for detailed background information about the victim in order to build a picture of who he/she was, thereby informing lines of enquiry with the objective of identifying suspects and obtaining all available evidence to permit criminal proceedings to be commenced. and
- the need for the family to learn what happened to their loved one, in order that they can grieve fully (and eventually come to terms with their loss in-as-much as the bereaved can ever accept a sudden or violent death).

2.18 The focus since 1999 has been on the response of the Scottish Police Service to cases of murder or suspicious/sudden death where there has been a need for extended contact between police and family. However, in some forces there has been a practice of deploying FLOs to cases of cot death, missing persons, road deaths and suicides. FLOs have even been used to liaise with victims of crime directly where contact has been prolonged, for reasons such as victim support.

Scottish Police Strategy

2.19 Criteria for deployment of FLOs was drawn up by the ACPOS Family Liaison Working Group in October 2000 at the request of the Investigations Sub-Committee of ACPOS Crime Standing Committee, in response to debate on the use of FLOs (see paragraph 3.34). The working group was also responsible for formulating the Family Liaison Log used by FLOs to record their contacts with families during deployments. In December 2001, the working group reported on the need for mentoring of FLOs, and made recommendations for selection and use of Family Liaison Mentors (FLM) to provide support and independent guidance to FLOs.

2.20 In May 2002 the Scottish Police College facilitated the first Family Liaison Mentors Course where 13 experienced FLOs were trained for a mentoring role. A second course was held in January 2003, which resulted in each police force in Scotland having at least one mentor.

2.21 In addition to the Murder Investigation Manual as a source document for family liaison policy and best practice, the impending publication of the ACPOS Road Death Investigation Manual¹⁸ will serve as the definitive source of policy and standards in relation to road fatalities. To aid understanding of police family liaison strategy in Scotland, the significant elements of these complementary manuals are summarised hereafter.

¹⁷ Data provided by the Scottish Police College and valid as at 1st November 2002.

¹⁸ ACPOS Road Death Investigation Manual. Association of Chief Police Officers in Scotland.

Murder Investigation Manual

2.22 A complete chapter of the ACPO Murder Investigation Manual is devoted to the subject of family liaison and provides guidance to those officers who function as FLO, SIO and FLC. The manual defines the key aim of family liaison in cases of suspected homicide as being:

“to facilitate an investigation into the family’s loss by establishing and maintaining a sensitive, supportive and appropriate relationship, which links the family and the enquiry team”.

Also documented within the manual are the principal objectives for a family liaison strategy, which are, to:

- provide care, support and information in a sensitive and compassionate manner to the family who are themselves victims of crime;
- ensure that family members are given information about support agencies and that referrals are made to Victim Support and other agencies in accordance with the family’s wishes;
- gather evidence and information from the family in a manner that contributes to the investigation and preserves its integrity; and
- secure the confidence and co-operation of a victim’s family, which can positively impact on the wider issues of community trust and confidence as well as bringing positive benefits to the investigation.

2.23 In structuring a major investigation, the SIO has to decide upon a number of strategic elements such as the forensic, identification and arrest strategies. The family liaison strategy must be given no less consideration than the other elements of the investigation. In establishing a strategy the SIO should select a FLO(s) for deployment having given consideration to the family’s needs and any investigative requirements. He/she will set specific family liaison objectives in line with the generic objectives listed above. The SIO will also decide on whether liaison should take place with extended family or immediate family only; and on the level of information disclosure to the family.

2.24 It is important to understand that FLOs are not at liberty to disclose to family members all information held within the Major Incident Room (MIR). SIOs will direct them in this, in order that specialist knowledge (i.e. facts known only by perpetrator and investigators) is not inadvertently made public. Furthermore, family members may be key witnesses and the amount of information that can be given to them may be constrained by that fact.

2.25 The FLO is an integral member of the enquiry team, and one who provides a single point of contact for the victim’s family. FLOs should be introduced to families as soon as possible but are not normally responsible for the initial contact nor for informing a family that a death has occurred. They will usually guide families through identification of the victim’s body, obtain details of the victim’s background, and attempt to satisfy the families’ need for information.

2.26 The primary function of a FLO in a homicide case is that of an investigator. In carrying out the role in a sensitive and sympathetic fashion, a FLO will endeavour to identify and to facilitate all necessary practical measures of support that a family requires. Under no circumstances should a FLO act as counsellor to a family member.

2.27 The deployment of a FLO is a short-term measure designed to satisfy the needs of both the family and the police investigation. When the objectives have been achieved the FLO will implement an exit strategy in order to withdraw from contact with the family. It is recognised that there is the potential for a family to become over-reliant on a FLO, to the ultimate detriment of that family.

2.28 In recognition of the emotional demands placed on FLOs, they should attend mandatory debriefs with force welfare or occupational health units as required by SIOs.

2.29 Three principal roles have been identified within the Murder Investigation Manual as crucial for the effective performance of a family liaison strategy:

- Senior Investigating Officer (SIO) – The lead officer in an enquiry team accountable for the strategic direction, tactical management and ongoing performance of all facets of a major investigation. They provide investigative focus, co-ordinate and motivate all elements of the enquiry team whilst managing a whole host of specialist resources to maximum effect. Within a structured framework, the SIO is responsible for planning and defining a number of key investigative strategies in an enquiry, one of which is the family liaison strategy.
- Family Liaison Co-ordinator (FLC) – The co-ordinator should be responsible for:
 - the administrative supervision of the family liaison scheme;
 - assisting and advising the SIO in the co-ordinating and communication function in complex cases with multiple deployments of FLOs;
 - maintaining a register of all FLOs detailing their lifestyle diversities, ethnic/cultural origins, nature and experience of previous FLO deployments, details of any other skills and qualifications and current availability; and
 - providing a support and advice point for FLOs.
- Family Liaison Officer (FLO) – A specialist duty undertaken by an appropriately qualified and skilled police officer who volunteers for the role. A FLO is principally an investigator, in a chosen field, trained to identify and deal with the various stages of grief and anger usually associated with an unexpected violent bereavement. The role of the FLO involves the day-to-day management of the partnership with the family in the investigation and close liaison with the enquiry team to ensure families are treated appropriately, professionally and with respect in consideration of their needs.

2.30 These are now complemented by the role of Family Liaison Mentor (see paragraph 2.19).

Road Death Investigation Manual

2.31 The ACPOS Road Death Investigation Manual will give a substantial commitment to the provision of FLOs where road death has occurred, irrespective of the complexity of the investigation or incident. This is a significant shift in policy, and the operational implications for forces should not be under-estimated. The deployment criteria as they currently stand, will require to be amended to reflect this commitment.

2.32 The aim of a road death investigation (in family liaison terms) is now defined as being:

“to ensure that families of victims are provided with the highest level of support from trained officers dedicated towards the provision of family liaison”.

2.33 The manual is similar to the Murder Investigation Manual in that it provides guidance to the officers who function as SIO and FLO. The importance of the delivery of a death message, and of the provision of information that meets the family's immediate needs, is highlighted. The SIO is responsible for setting the family liaison strategy and clarifying the objectives for the liaison. These may include:

- keeping the family fully up to date with the developments of the investigation;
- in some cases obtaining full family background and other relevant details;
- ensuring the investigation is not compromised by the injudicious disclosure of information; and
- ensuring support is provided both through the FLO and other agencies such as Victim Support.

2.34 Specific guidance is given on cultural considerations and language issues.

ACPOS Racial Diversity Strategy

2.35 A racial diversity strategy and associated guidance manual¹⁹ was published by ACPOS in 2000 in response to recommendations made within the MacPherson Report. Commitment is given to the use of FLOs in the investigation of ***“the most serious crimes and incidents”*** whether or not a death has occurred. Selection of officers and identification of core tasks for FLOs is in accordance with the ACPO Family Liaison Strategy and the Murder Investigation Manual. Such tasks include:

- obtaining relevant background details of victim and family members;
- acting as a consultant to the family in respect of legal procedures (pertinent to the enquiry);
- acting as a consultant to the family in respect of police investigation procedures;
- ensuring the family receive appropriate written guidelines and information;
- advising the family on the progress of the investigation;
- advising the family on the existence and role of appropriate support agencies and how to contact them;
- acquiring and documenting all relative intelligence and evidence related to the family and people associated with it;
- ensuring that all such intelligence and evidence is appropriately and timeously submitted.

2.36 The principal guidance notes from the Racial Diversity Manual are reproduced below:

- The Senior Investigating Officer, at the beginning of a major investigation, should formulate a family liaison strategy, which should be the subject of regular review.
- Whenever possible fully trained Family Liaison Officers will be deployed during major investigations. Forces are strongly encouraged to consider the use of mentors for FLOs.
- Family Liaison Officers should be dedicated primarily to this role for the duration of the investigation. Any decision to deploy FLOs on duties unconnected with the family should be recorded by the SIO or their deputy in the Policy File, which should include the rationale supporting this decision. The FLOs themselves should also record such duties.
- The Senior Investigating Officer and/or their deputy, during a major investigation, notwithstanding the deployment of FLOs, should maintain personal contact with the victim's family in order to assess the quality of service provided, intervene to address or remedy any complaint or dissatisfaction and prevent any perceived marginalisation.
- Complaints from family members, together with actions taken to remedy or address those complaints, should be recorded in the investigation policy file by the SIO or their deputy. Requests from family members that are declined or acceded to should similarly be recorded together with supporting rationale. Any complaint or denied request should be notified to the Senior Investigating Officer's line manager.

¹⁹Racial Diversity Strategy & Guidance Manual. Association of Chief Police Officers in Scotland, 2000.

Lord Advocate's Guidelines to Chief Constables

2.37 In January 2002, the Lord Advocate issued revised composite guidelines to chief constables²⁰ on:-

1. investigation and reporting of racist crime;
2. assessment of language needs and cultural sensitivities;
and
3. death reports and associated crime reports.

2.38 This guidance directs the police in death cases, to advise the Procurator Fiscal when a Family Liaison Officer has been appointed, and to specify the next-of-kin and other individuals to whom communication should be directed. Any requirement for interpreting or translating should also be notified. In cases where the deceased's family appear to have specific cultural or religious needs, their ethnic and religious background should be clearly specified to ensure that liaison is sensitive to their needs.

²⁰ Lord Advocate's Guidelines to Chief Constables on Race Related Issues. Crown Office and Procurator Fiscal Service, January 2002.



Chapter **3**
SERVICE PROVISION

LEADERSHIP

Accountability/Organisational Structure

3.1 With the Murder Investigation Manual defining family liaison policy in Scotland, the remit for the provision of the family liaison service logically fell to crime management or criminal investigation departments within the eight Scottish forces. Consequently, strategic responsibility for service delivery rested with the functional heads of those departments whose rank ranged from assistant chief constable to detective superintendent.

3.2 The manual recommends that a co-ordinator for Family Liaison Officers should be appointed at “senior manager” level and that the appointee, whenever possible, should have had experience as a Family Liaison Officer. HMIC noted that each force had appointed a manager to act as a Family Liaison Co-ordinator (FLC) in line with this recommendation.

3.3 HMIC found great disparity in the relevant background experience of FLCs, with the majority of forces appointing Senior Investigating Officers (SIOs) from within crime management departments as their co-ordinators. In addition to bringing relevant investigative experience to the role, each had undertaken the SIOs course at the Scottish Police College, which includes inputs on family liaison. Two forces had co-ordinators that were trained Family Liaison Officers, however in both cases they were of detective constable rank. One force had appointed a senior officer from outwith the crime management structure who had no experience of major crime investigation or background in family liaison. Few forces had nominated deputy co-ordinators.

3.4 For reasons of size and numbers Strathclyde Police have delegated some of the co-ordination functions from the Family Liaison Co-ordinator, to divisional detective chief inspectors. These in the main relate to selection of Family Liaison Officers for individual deployments and the maintenance of divisional records of deployments.

3.5 The role of FLC involves the day-to-day management and administration of FLOs within respective forces. Without exception, co-ordinating functions were one of a number of tasks undertaken within wider portfolios. HMIC noted that in addition to their functional roles, a number of co-ordinators had effectively been delegated additional responsibility for development of their forces’ family liaison policies and strategies, and for their implementation. HMIC considers that family liaison is sufficiently important to demand the nomination of a senior officer in each force to take strategic responsibility for the development and implementation of policy. A clearly defined separation of responsibility would undoubtedly provide consistency in the provision of family liaison services by Scottish police forces.

Recommendation 1

HMIC recommends that each force identify a senior officer or officers to undertake strategic responsibilities for formulation and development of family liaison policy.

Recommendation 2

HMIC recommends that each force appoint an officer of supervisory rank as Family Liaison Co-ordinator, and that the role is a sole or principal duty for the officer.

PEOPLE

3.6 ACPO strategy provides that those performing the role of Family Liaison Officer must always act with the highest degree of professionalism and carry out their duties with great sensitivity. The role can be demanding, emotionally challenging and stressful, and FLOs should be volunteers with a clear and reasoned motive for wishing to train and operate in the role. Careful consideration must therefore be given to the suitability of those officers whom forces select for training.

Selection & Recruitment

3.7 HMIC found that forces were using variations of the FLO role description suggested by Richard Mason in his original research²¹ in 1998, which is no longer replicated in the current Murder Investigation Manual.²² An occasional lack of clarity was also apparent, with regards the tasks that FLOs were expected to perform, and indeed what the core functions of the role actually were.

3.8 The use of a person specification for FLOs was similarly variable with significant differences (where in use) across forces in the criteria required of applicants. The ACPOS Family Liaison Working Group previously submitted a proposed FLO person specification to the Investigations Sub-Committee for consideration but this was never formally adopted.

3.9 The elements of a role description and a person specification for force Family Liaison Co-ordinators exist in the Murder Investigation Manual and are summarised in Chapter 2 of this report.

3.10 For the integrity of the selection process for FLOs and force co-ordinators, it is essential that clearly documented role descriptions and person specifications are both available and actively utilised.

Recommendation 3

HMIC recommends that ACPOS publish nationally agreed role descriptions and person specifications for the posts of Family Liaison Officer (FLO) and Family Liaison Co-ordinator (FLC).

3.11 Methods for recruiting FLOs varied from force to force. At best, vacancies were advertised within force publications or on intranet sites, with presentations being given to interested officers by the force FLC; at worst, vacancies had never been advertised or promoted in any way. In order to ensure the best available candidates are selected for training, it is essential that there is force-wide awareness of the role and of the necessary qualifications, and as such regular efforts should be made to encourage suitable candidates to volunteer for the role.

3.12 Only Strathclyde Police was found to have adopted a full selection process for FLOs involving the elements of:

- formal advertising of posts;
- use of the standard ACPOS application form;
- divisional and HQ scrutiny of applications;
- interview of suitable applicants;
- selection of candidates against person specification.

3.13 In other forces, one or more of these elements were present. HMIC believes that the adoption of such a selection process would best serve the requirements of forces, and thereby address the needs of families.

²¹ Recommendations for the Selection, Training and Support of Family Liaison Officers on Murder Enquiries. Police Research Award Scheme, March 1998.

²² ACPO Murder Investigation Manual. Association of Chief Police Officers, December 2000.

3.14 No force has instigated tenure of post for FLOs, and only a very few individuals have formally withdrawn themselves from the role. The services of a greater number of FLOs have been lost to forces through promotion and transfer of officers. The maintenance of a register of FLOs is a duty for force co-ordinators, and it is good practice for them to meet with each FLO at least annually to establish whether he or she should remain on the register, and any constraints on deployment that should be imposed. It must be possible for a FLO to withdraw from the role, either temporarily or permanently, without any stigma being attached to such a course of action. HMIC believes that the nature of the role does not lend itself to tenure.

Training

3.15 All FLOs attend a 5-day Family Liaison Officers course at the Scottish Police College, which prepares them for dealing with families who are bereaved and traumatised by homicide or suspicious death. The theme of diversity, including racial diversity, runs throughout the curriculum. The learning outcomes may be relevant to other non-suspicious deaths, and to some other serious crimes. A small number of traffic officers have attended the course although no specific training is given in road or child death.

3.16 HMIC found that the course was of great benefit to officers, and has been instrumental in promoting recognition of a Scottish FLO cadre and the delivery of a national standard of service.

3.17 Family Liaison Mentors attend a 5-day mentoring course at the Scottish Police College. The curriculum exposes them to generic principles of mentoring and attempts to apply that learning to their own experiences as FLOs, in order that they may support others in the field. The effectiveness of the course is still being evaluated.

3.18 No force Family Liaison Co-ordinator has received training to enable them to function in that role. The logistics would perhaps suggest that the establishment of a Scottish course would not be sustainable. HMIC understands that Avon & Somerset Constabulary are developing a co-ordinators course, and believe it may be worthy of consideration for Scottish forces.

3.19 The Senior Investigating Officers Course is held at the Scottish Police College for detective inspectors, and for more senior detective officers who have not previously attended the course. The curriculum prepares officers in the setting and development of strategies for the investigation of serious crime, and includes instruction on family liaison issues.

Communication

3.20 The Scottish Police College hosts an annual one-day conference for all family liaison practitioners. Most FLOs find this facility useful as a means of developing their professional knowledge and competence. In addition, some forces held regular in-house meetings for local practitioners.

3.21 HMIC sees value in such gatherings, not only for the dissemination of knowledge, but crucially as a visible measure of support for officers who carry out stressful duties in isolation from their colleagues. The development of force intranets also provides opportunities for dissemination of knowledge and good practice which could enhance the effectiveness of FLOs. As yet, no force has made the most of the intranet potential, and FLCs should address this issue in the course of their duties.

POLICY & STRATEGY

Strategic Documents

3.22 The Murder Investigation Manual (see paragraph 2.22) was the measure against which HMIC reviewed the performance of forces during inspection.

3.23 Chapter 8 outlines the aims and objectives of family liaison, principally in the context of suspected homicide investigations, and describes in detail the roles and responsibilities of the Senior Investigating Officer, Family Liaison Officer and Family Liaison Co-ordinator. The fundamentals behind the operational deployment and tactical management of Family Liaison Officers are described in more detail within the context of these roles. The manual functions on the premise that FLOs are trained to national standards, therefore, no mention is made within it of the selection criteria and processes for recruiting and training for the role.

3.24 HMIC found that six Scottish forces had developed stand-alone policy documents outlining their organisation's approach to the delivery of family liaison. The majority of these documents broadly replicate the aforementioned chapter 8, in the way that the roles and responsibilities of the key players are set out and defined.

3.25 Those forces without policy documents and strategies are progressing development of them.

3.26 For purpose of clarity and expression of commitment, HMIC considers it good practice that forces have clear policy documents detailing their family liaison policy and strategies.

3.27 In policy terms, HMIC recognises as good practice the detailed and documented approach to family liaison advocated by Dumfries and Galloway Constabulary. The force has a documented Family Liaison Policy supported by a separate and comprehensive Family Liaison Manual of Guidance. Together these documents expand upon the principle roles of family liaison, as defined within the Murder Investigation Manual, and embody detailed role descriptions and person specifications for Family Liaison Officers. The selection process for recruiting FLOs is also documented, as are the procedures for call-outs and provision of occupational health and support. In formulating these documents the force has taken cognisance of the Home Office research into family liaison, noted at paragraph 2.2.

3.28 The ACPOS Racial Diversity Strategy and Guidance Manual provides standards for family liaison in investigations of racially motivated crimes and incidents. The guidance is essentially a summary of principles of practice, which are consistent with the Murder Investigation Manual. However, it commits forces to the deployment of Family Liaison Officers in **“the most serious racist crimes and incidents”**. Such “crimes” and “incidents” are undefined leaving open the possibility of doubt and confusion in terms of interpretation and consistent approach.

Recommendation 4

HMIC recommends that ACPOS clarify the criteria for deployment of Family Liaison Officers in response to racist crimes and incidents.

3.29 The forthcoming ACPOS Road Death Investigation Manual (see paragraph 2.31) includes a commitment that the deployment of FLOs should be considered during the investigation of every collision involving a fatality, potential fatality or life changing injury. The following extract from the family liaison chapter describes an example of the circumstances where deploying a FLO to road death would be recognised as good practice:

“The trauma associated with such a sudden, unexpected tragedy is immense and the needs of the investigation may make heavy demands for information on other members of the family who may have been involved. In many cases, the public interest generated by the incident and the resulting death may mean that the media will make additional demands upon the family. For these reasons it is recognised as good practice to appoint a Family Liaison Officer to work with both the SIO and the family to provide support and information”.

3.30 The manual lacks clarity in terms of detailing the deployment criteria for FLOs. The broad principles in the foregoing extract reflect a significant majority of, if not all, road deaths. Policy could therefore be interpreted as a thinly veiled commitment to the deployment of FLOs in all road deaths, without saying as much. If confirmed, then forces face significant implications in terms of the resourcing, training and logistics of deployment. HMIC considers that forces should undertake a structured review of the implications of such a policy.

Recommendation 5

HMIC recommends that ACPOS clarify the criteria for deployment of Family Liaison Officers in response to road deaths.

3.31 HMIC recognises that rapid developments in the field of family liaison are impacting on different disciplines within policing, and acknowledges that its application may differ substantially across disciplines. It is desirable that there should exist a means of co-ordinating developments.

Recommendation 6

HMIC recommends that ACPOS establish a cross-discipline forum to ensure harmonisation of the development of family liaison in the areas of crime, road death, racism and civil emergency.

Criteria for Deployment

3.32 The Murder Investigation Manual acknowledges that family liaison principles are not restricted to suspected homicides but eminently transferable to other types of investigations such as road deaths and large-scale disasters.

3.33 HMIC found great variance amongst forces in their criteria for deploying Family Liaison Officers. A number of force policy documents (where they existed) committed only to the deployment of FLOs in suspected homicides, whereas others had more specific and detailed criteria, including for example deploying to road deaths, suicides and cot deaths.

3.34 In April 2000 the ACPOS Investigations Sub-Committee tasked its Family Liaison Working Group with establishing deployment criteria for the use of Family Liaison Officers. In November 2000, the Sub-Committee endorsed the Working Group's proposed criteria and remitted it to the ACPOS Crime Standing Committee for consideration. The deployment, criteria endorsed by the Sub Committee, is reproduced in full hereunder.

Family Liaison Officers should be deployed in the following cases:

1. **murder;**
2. **suspicious deaths where there is obvious or apparent criminality;**
3. **missing person enquiry where there is reason to suspect foul play;**
4. **rape or other serious crime where full communication cannot be established with the victim, whether by reason of age or special needs or physical injury;**
5. **any other criminal enquiry where deployment of a FLO would be beneficial to the progress of the enquiry;**
6. **deaths in police custody.**

The deployment of Family Liaison Officers may also be considered in other types of non-criminal deaths where communication has to be maintained between police and family of the deceased for an extended period. As the availability of trained FLOs will inevitably be limited, careful consideration should be given to their use in relation to non-criminal deaths. In the following cases FLOs may be deployed:

1. **death which is likely to be subject of a Fatal Accident Inquiry;**
2. **multiple deaths due to public transport accident;**
3. **any death which is likely to raise serious public concern, and generate significant and sustained media interest;**
4. **deaths resulting from a road traffic accident where deployment would significantly enhance the quality of the police enquiry.**

In the case of (2) above, it may be necessary to deploy untrained officers to the role, with trained FLOs acting as Team Leaders providing guidance and supervision.

3.35 To date, the aforementioned criteria have not been formally adopted by ACPOS.

3.36 HMIC considers that, notwithstanding the aforementioned criteria, FLOs should also be deployed to the victims or families of police shootings and police-related road deaths, in addition to deaths in police custody.

3.37 Great care must be taken in the selection, briefing and supervision of FLOs undertaking such deployments. In particular, those dealing with and countering, not only potential hostilities towards the police service, but also the question and perceptions of the ability of the police to impartially investigate the alleged events. The importance of a family liaison strategy in these circumstances cannot be overstated and will invariably extend far beyond the scope of any criminal investigation and include, for example, police complaints and misconduct inquiries.

3.38 A recent report published by the Police Complaints Authority²³ for England and Wales alludes to legislative changes, introduced under The Police Reform Act 2002, which gives next of kin the same rights to receive information on the progress and handling of complaints or recordable conduct matters, as complainants. While this applies to England and Wales, HMIC would view such disclosure of information in Scotland as good practice.

3.39 In cases of a more sensitive nature, whether criminal or otherwise, it will be incumbent upon senior management to ensure that responsibility for overseeing the progress of an investigation, and of victim or family liaison arrangements, sits higher up the hierarchical order.

3.40 In certain circumstances it may be necessary to extend a family liaison strategy into a community liaison strategy, particularly where there is a need to encourage witnesses to come forward or to try and redress attitudes caused by misinformation.

²³ Review of Shootings by Police in England and Wales from 1998 to 2001. Police Complaints Authority, January 2003.

3.41 HMIC considers it essential that the Scottish Police Service has national criteria for the deployment of Family Liaison Officers to ensure a standardised and consistent approach to the delivery of a quality family liaison service across Scotland.

Recommendation 7

HMIC recommends that ACPOS publish nationally agreed criteria for the deployment of Family Liaison Officers.

Family Liaison Mentoring

3.42 One of the most important issues that a Senior Investigating Officer will require to consider from the outset of a homicide investigation is the provision of support to the family of a deceased. The trauma associated with a sudden and unexpected tragedy will place the family of a victim under immense personal pressure at a time when the needs of the investigation will make heavy demands for detailed quality information.

3.43 The role of the Family Liaison Officer is both sensitive and complex and involves balancing the needs of the family with the requirement to gather evidence and preserve the integrity of the investigation. Working with a family can be demanding and stressful and the FLO can become emotionally affected by performing the role, especially in protracted or complex investigations.

3.44 The Murder Investigation Manual states that the SIO has a duty of care and an obligation to support and constantly monitor the health and welfare of Family Liaison Officers. In doing so the SIO should be alert to the dangers of undue stress levels being maintained by FLOs as they are exposed to the needs and raw emotions of the bereaved.

3.45 It was acknowledged that in many instances the Senior Investigating Officer possessed a lack of knowledge

and understanding of the family liaison role and therefore was not always best placed to provide the necessary support. The requirement for a means of specialist support was identified, which met the needs of the FLO but did not negate the duty of care bestowed upon the SIO. In practice, however, mentoring of FLOs was being carried out essentially on an ad-hoc basis by other FLOs.

3.46 In January 2001 this prompted the ACPOS Investigations Sub Committee, to task its Family Liaison Working Group with a remit to **“consider and make appropriate recommendations regarding mentoring and support for Family Liaison Officers”**.

3.47 The Working Group submitted its report in December 2001 with the principal recommendation that **“the Association of Chief Police Officers in Scotland introduce a policy for the mentoring of Family Liaison Officers as one element of the FLO support system”**. A further recommendation defined what mentoring meant and highlighted particular categories of enquiries where deployment of a mentor should be considered. The report concluded with a suggested role description and person specification for the post.

3.48 The report was endorsed by the Investigations Sub Committee in January 2002 and remitted to the Crime Standing Committee for consideration. As yet the recommendations have not been formally adopted by ACPOS.

3.49 It should be noted that in the intervening period the Scottish Police College designed and delivered its first Family Liaison Mentors Course to 13 students in May 2002.

3.50 Although at a comparatively early stage in practice, it is desirable that there should be some measure of consistency by forces in the selection and deployment of mentors to FLOs.

Recommendation 8

HMIC recommends that ACPOS publish a nationally agreed role description and person specification for the post of Family Liaison Mentor (FLM), and associated criteria for deployment.

Murder Review Policies

3.51 The Major Incident Room Standardised Administrative Procedures (MIRSAP) manual provides guidance for running a Major Incident Room (MIR). Chapter 14 sets out procedures for conducting major crime reviews, principally for unsolved serious crimes.

3.52 The fundamental objective of any review is to constructively evaluate the conduct of an investigation to ensure:

- it conforms to nationally approved standards;
- it is thorough;
- it has been conducted with integrity and objectivity;
- that no investigative opportunities have been overlooked: and
- that good practice is identified.

3.53 Part of any review would involve analysis of all strategic elements of the enquiry, including the family liaison strategy.

3.54 The MIRSAP manual advises chief constables to ensure clear policy exists to reflect individual force expectations in relation to the conduct of major crime reviews. HMIC noted that one force did not routinely carry out such reviews, whilst great variance existed amongst the remaining forces in their approach and commitment to this aspect of policy.

3.55 HMIC views as good practice, and in keeping with MIRSAP guidance, that family liaison is included whenever major crime reviews are being undertaken (see paragraph 3.162).

Communication and Implementation

3.56 HMIC recognises as good practice those forces whose family liaison policy and related guidance documents are accessible via force intranet systems, in particular those forces that have systems equipped with suitable search facilities that enables practitioners to readily access relevant and up-to-date information.

PARTNERSHIPS & RESOURCES

Number of Family Liaison Officers

3.57 Since the Scottish Police College first embarked on the training of Family Liaison Officers in 1999, a total of 215 officers²⁴ throughout Scotland have been trained in the role. Within this number, a fairly equitable divide is apparent in terms of gender and operational background, with 56% being male and 46% female. Those with experience in criminal investigation departments and specialist child protection units accounted for 45% whilst the remaining 55% were drawn from various uniform roles.

3.58 However, when the total number was disaggregated by force, a less than equitable spread of operational backgrounds was apparent, with a predominance in some forces towards detective officers and, of more concern, one force where, with the exception of their Family Liaison Mentor, all their FLOs were uniform officers.

3.59 HMIC considers that, notwithstanding the significant requirements for FLOs to be conversant with major investigation procedures for deployment on homicide enquiries, drawing upon all investigative specialisms for suitable officers brings significant advantages to forces in terms of capacity to respond to diverse demands.

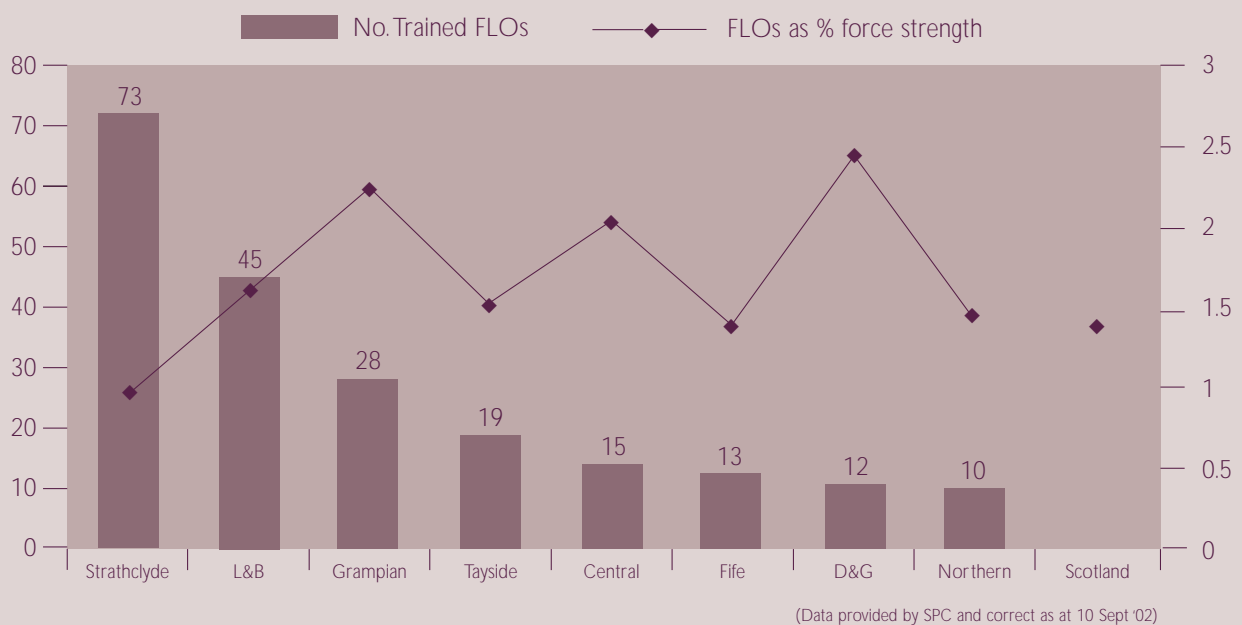
3.60 There are no FLOs in the Scottish Police Service from an ethnic minority background. This may be a reflection of inconsistencies in the promotion of the role within forces, although it must always be remembered that the role is entirely voluntary.

²⁴Review of Shootings by Police in England and Wales from 1998 to 2001. Police Complaints Authority, January 2003.

3.61 In general, forces were satisfied that they had sufficient and available numbers of FLOs to meet demands. This, however, related principally to deployment on homicide investigations. The ability of forces to deploy to a greater breadth of incidents, without over-using FLOs or utilising untrained officers, is less certain; hence the necessity for forces to ensure promotion of the role in order to encourage more officers to volunteer for it.

3.62 HMIC notes that Strathclyde Police have proportionally fewer FLOs, as a percentage of force establishment, than any other Scottish force – with just under 1% of officers trained in the role. Comparative figures for other Scottish forces range from 1.4 – 2.5%. Given the relative incidence of homicide in the Strathclyde Police area (64% of all Scottish homicides 1997-2001)²⁵ an increase in FLO establishment in that force would be a worthy objective. The following graph illustrates relevant force establishments.

Fig 1: FLO Resources by Force



Scottish Police College

3.63 The Scottish Police College facilitates an annual conference of all Scottish family liaison practitioners. This provides an opportunity for Family Liaison Officers, Mentors and Co-ordinators to update their knowledge of developments in the field, and to learn from the experience of others.

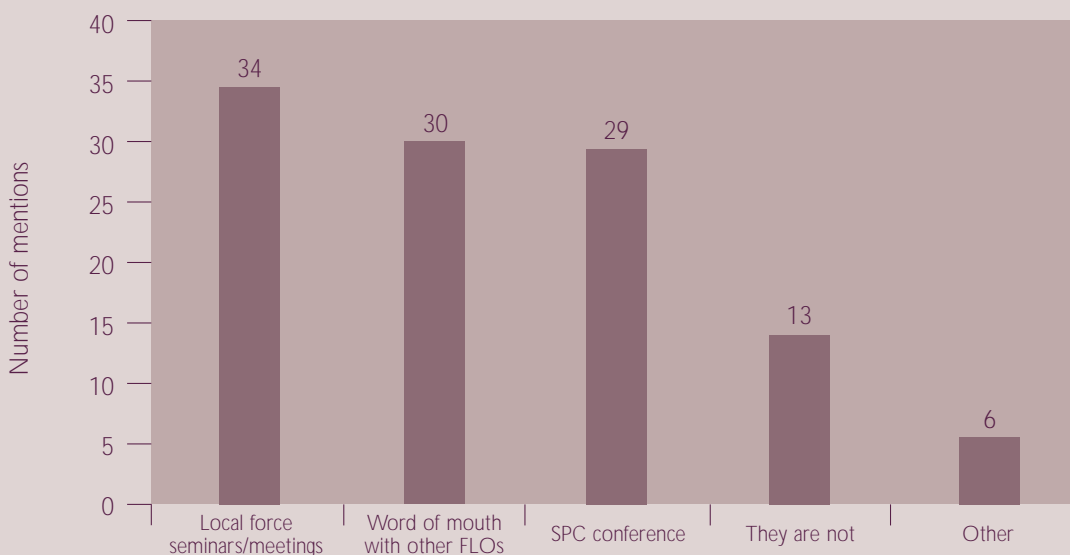
3.64 The Thematic Inspection Team attended the 2002 conference in September and was particularly impressed with the informative and thought provoking study of the Sarah Payne murder enquiry provided by FLOs and their co-ordinator from Surrey Police. The conference was well attended and considered by FLOs as worthwhile and extremely valuable in terms of their professional development.

²⁵ Homicide in Scotland. Scottish Executive National Statistics publication, November 2002.

3.65 During inspection visits to forces and training centres, HMIC regularly encountered FLOs eager to recount their experience of unusual or difficult deployments, and innovative solutions found to unique or awkward situations. An obvious wealth of specialist knowledge was apparent amongst FLOs but no structured means existed of harnessing it for the benefit of a wider FLO audience. HMIC found that, although FLOs had established informal networks within their own forces, there was very limited contact and exchange of information outwith.

3.66 Respondents to the FLO questionnaire were asked how examples of good practice or the learning experience of others was communicated to them. Most commonly mentioned methods were force meetings, annual FLO seminars or “word of mouth”. The following graph more fully illustrates respondent’s answers.

Fig 2: Communication of Good Practice



3.67 In a similar vein, respondents were asked how or where they would go during difficult or complex deployments to access guidance, examples of good practice or persons with specialist knowledge in dealing with a particular type of incident. The most common response (48%) was other FLOs, followed by their FLC (29%). SIOs were mentioned by only 3% of respondents.

3.68 HMIC considers that the establishment of a Scottish family liaison database of deployments would provide a *library* of knowledge of potential benefit to practitioners (FLOs, SIOs and FLCs) dealing with hitherto unknown situations, and the Scottish Police College may be ideally placed to maintain such a database.

3.69 The overwhelming majority of questionnaire respondents (89%) agreed with the need for a Scottish Data Register as a means of accessing specialist knowledge, learning from examples of good practice or from the experience of others.

Recommendation 9

HMIC recommends that ACPOS give consideration to the establishment of a Scottish Data Register of family liaison contacts, specialist knowledge and good practice.

3.70 The diversity of approach to family liaison issues amongst forces is significant, and it may be that the lack of any formal forum for force co-ordinators has been a contributory factor. HMIC believes that such a forum could only be of benefit.

Recommendation 10

HMIC recommends that ACPOS establish a Scottish Police Family Liaison Co-ordinators Forum to promote benchmarking and the sharing of good practice.

National Crime and Operations Faculty

3.71 The National Crime and Operations Faculty (NCOF) is based at Bramshill, and provides a central source of contacts and good practice for all aspects of major investigations. Two Scottish liaison officers are based at the Scottish Police College. The faculty has two National Family Liaison Advisors on secondment from forces with a role that encompasses the provision of strategic and operational advice on family liaison matters.

3.72 HMIC found that no Scottish force had ever utilised the services of the NCOF (nor its predecessor, the National Crime Faculty) regarding family liaison. Whilst it should not be necessary to contact the national advisors routinely, there will undoubtedly be cases where liaison is of potential value. Examples may include, mass transport disasters or the death of a foreign national where elements of cultural diversity, liaison with foreign authorities or heightened community tensions might exist.

Other Agencies and Organisations

3.73 It is essential that close working relationships exist between the police and Procurator Fiscal services, in order that the continuum of the criminal justice process is sensitive to the needs of victims and their families.

3.74 In the context of family liaison, this link is clearly functioning effectively where the Victim Information and Advice (VIA) service has been established (see paragraph 5.8). In the absence of VIA, the effectiveness of police – Procurator Fiscal Service liaison has been much more variable.

3.75 HMIC notes that Doctor Jandoo's report recommended:

"There should be a more structured system of communication and liaison between the Procurator Fiscal and the police, from the earliest stages of an investigation right through the trial, and in particular with police Family Liaison Officers."²⁶

3.76 Crown Office and ACPOS are actively working towards that goal.

3.77 It is the firm opinion of HMIC that the rollout of the VIA service provides an outstanding opportunity for a structured link between police and prosecution services, which is capable of providing for the needs of victims.

3.78 There are a number of voluntary support and self-help organisations that may legitimately be viewed as partners of the police service in family liaison terms. Victim Support Scotland (VSS) with its twin objectives of providing practical and emotional support for victims of crime, is perhaps the best known. In addition, several groups provide support on a more limited or localised basis. HMIC found strong bonds between such organisations and the police service in some areas of Scotland but conversely a lack of communication, and perhaps trust, in others. There would appear to be a dearth of peer support groups outwith the central belt.

²⁶ Recommendation 6.

3.79 Local authorities are undoubtedly partners of the police service in addressing crime and disorder, and partnership links are well established throughout Scotland. Very little evidence was found of police engaging with local authorities, using existing mechanisms, to address and support families' needs, particularly in areas such as social work, education and housing.

Working with Intermediaries

3.80 When there is no direct dialogue with the family there is generally an intermediary acting on their behalf, often a family friend, solicitor or community leader. The wishes of the family must always be respected in this regard. The family may find it more comfortable and less traumatising to communicate through an intermediary.

3.81 Experience of dealing with intermediaries was fairly widespread among respondents to the FLO questionnaire, with more than two thirds (68%) having done so.

3.82 Learning points gleaned from such experiences were highlighted by 45% of respondents. Of these, a number were factual comments such as the need to designate one single point of contact and the realisation that other external agencies can help in the family liaison process. Positive comments included, the usefulness of using intermediaries at an early stage, the help they can give to the FLO and the opportunity for the FLO to overcome previous hostilities towards the police. Of the instances where comment was wary or negative, the overriding concerns stemmed from difficulties in establishing the trust and reliability of the intermediary and ensuring that information passed on to the family was accurate.

3.83 Whilst difficulties in family liaison involving third party intermediaries can be frustrating, SIOs must maintain a positive and professional approach. It is important to recognise the reality of a breakdown in trust between the family and the police and to pursue every avenue to foster good relations. It is imperative that SIOs guard against allowing the lack of direct contacts with families to cloud their perceptions and instead focus on providing support and sustaining an effective investigation.

PROCESSES

Selection and Appointment

3.84 Of the 510 solved homicide cases in Scotland in the five year period between 1997-2001, the victim and the main accused were known to each other, either as relatives or acquaintances, in 394 (77%) of cases.²⁷ In very many instances the lifestyle, family, friends and associates of the victim may hold the key to identifying witnesses or suspects; making family liaison potentially, of great value, and in some cases a pivotal factor for success in the investigation.

3.85 With the Scottish Executive's commitment and move towards a victim focused criminal justice system, dealing properly and sensitively with the family will be a key feature of progress in that direction.

3.86 Selection of a particular FLO for deployment must always be a considered decision by the SIO in discussion with the Family Liaison Co-ordinator. Whether or not this responsibility is delegated, the officer making the selection must be aware of all professional and personal circumstances of potential candidates and their ability to effectively perform the function at that time, so that an inappropriate selection is avoided.

3.87 In a number of forces FLOs were selected for deployment by the force co-ordinator, who matched a FLO(s) to the anticipated demands of the SIO and family. Other forces, notably those with larger numbers of FLOs or wider geographical areas, have chosen to delegate the selection of officers to territorial commanders, with Family Liaison Co-ordinators maintaining an overview and scrutiny of FLO usage.

3.88 It is accepted that both systems have their merits, however the crucial element common to both is the awareness of all the professional and personal circumstances of FLOs prior to their selection for deployment.

²⁷ Homicide in Scotland. Scottish Executive National Statistics publication, November 2002.

3.89 HMIC found that the selection of FLOs was frequently based on immediate availability or with short-term financial considerations in mind, rather than an appropriate and considered selection based on the collective needs of the family and the investigation.

3.90 When considering a particular FLO, it is good practice to seek confirmation that they are in a position to take on a new deployment before appointing him or her to the post. Consideration should also be given to the employment of deputy FLOs in appropriate cases to ensure resilience and continuity in the liaison function over extended periods.

3.91 In some forces it is common practice to select a second, untrained, officer to shadow and deputise for the FLO. Where this is done, it is important that the same selection criteria are applied in appointing untrained officers to the role. Good management may provide an opportunity to give officers who have expressed interest in the role some exposure to it, whilst ensuring that the needs of the families and investigative requirements are not compromised.

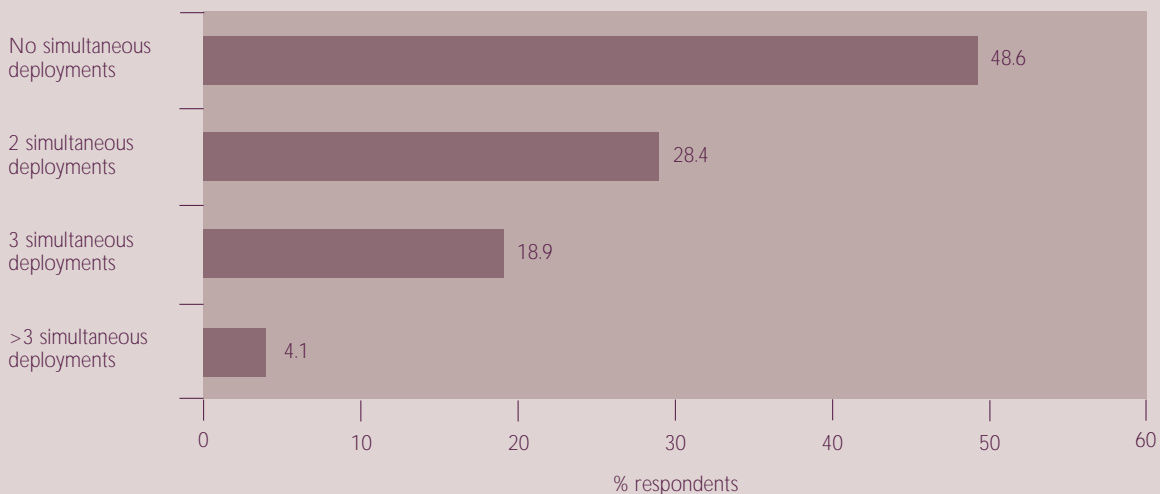
3.92 In view of the pressure which maintaining a pool of suitable officers may place on forces, **perhaps consideration could be given to utilising appropriately skilled retired officers or specifically trained support staff to undertake an FLO or FLO support role.** HMIC notes that Avon and Somerset Constabulary are already giving serious consideration to the feasibility of this option.

Deployment

3.93 It is recognised good practice that an FLO should not be deployed on a new case whilst he or she has yet to implement an exit strategy in an existing deployment. HMIC found substantial evidence, during Inspection visits and from questionnaire responses, that FLOs were regularly engaged in multiple deployments, with a significant number of FLOs managing three or more simultaneous deployments.

3.94 The following graph illustrates the experience of questionnaire respondents in terms of their greatest ever number of simultaneous deployments.

Fig 3: Experience of Simultaneous Deployments



3.95 Those FLOs with experience of more than 3 simultaneous deployments are from the same force.

3.96 HMIC considers this situation far from ideal, as a family should have the undivided attention of the FLO in its time of need. HMIC considers that forces should be more proactive in managing deployments to ensure that such situations are kept to an absolute minimum.

3.97 Evidence was apparent within forces of a significant imbalance concerning the use of particular FLOs with a tendency towards overuse of a core number of tried and tested officers to the detriment of others. Some FLOs had been deployed almost continuously whilst others had been rarely used since completing their training. The results of these findings were again borne out in answers to the FLO questionnaire, where 25% of respondents felt that selection for deployment was “not very fair” while a further 12% believed selection to be “not at all fair”.

3.98 Some anecdotal evidence was found within forces of FLOs being deployed as a means of addressing issues which required police action, but in no way fell within the scope of family liaison. One example given was of a senior officer recalling a FLO to duty for the sole purpose of delivering a routine death message. There was also evidence of FLOs being deployed midway through *lesser* investigations to avert criticism of an enquiry and/or to appease victims’ families. Other examples included the deployment of a FLO to the victim of an attempted homicide several weeks after the attack when the accused had been arrested on the day of the crime and remanded in custody the day after.

3.99 HMIC considers such deployments to be inappropriate and a misuse (or at least misguided use) of scarce resources, which do nothing to enhance the role or to encourage officers to volunteer for it.

3.100 There are many good reasons for (at least) two FLOs being deployed to a family, not least to ensure continuity of service to family members and to provide a measure of support for individual FLOs. HMIC found that practice in forces varied, and that FLOs had been deployed singly in the majority of cases when a double deployment would have been more appropriate. On occasions when FLOs were deployed in pairs, it was usually at their insistence and not a considered decision by the SIO.

3.101 HMIC heard of the experiences of two FLOs deployed alone in different incidents. One recounted how a family member had assaulted them by grabbing their jacket, the other described being verbally threatened with physical violence. Whilst it is accepted that there will be cases where a single FLO will be able to meet all the objectives without detriment to that officer’s welfare, HMIC believes that the single deployment should be the exception rather than the rule.

Co-ordination of Deployments

3.102 The role of the Family Liaison Co-ordinator is essential to the cohesive and efficient structure of family liaison within forces. The FLC is responsible for the administrative supervision of family liaison and acts also as a support point for FLOs. Within this remit, the FLC has responsibility for maintaining a register of all FLOs, which should include:

- details of their lifestyle diversity;
- ethnic/cultural origins;
- FLO experience (number and nature of deployments) and brief synopsis of specific FLO skills utilised and enhanced;
- details of other skills or qualifications held by the officer (e.g. trained to deal with sexual offences, language/communication skills);
- current availability status of FLO.

3.103 The importance of a monitoring system for deployments cannot be over emphasised as an essential tool in the effective management and co-ordination of family liaison. As well as providing a means for matching the suitability of a FLO to the requirements or unique demands of a particular investigation, an accurately maintained register should also serve to highlight instances of over and inappropriate use of individual FLOs, thereby ensuring fair and even use of available resources.

3.104 HMIC was concerned to note that a significant minority of forces had failed to implement any means for monitoring or co-ordinating deployments, which evidently contributed, to over-use and multiple deployments of a core number of FLOs, within the forces concerned. It was also apparent that co-ordination worked best in the smaller forces where the FLC managed a correspondingly small pool of FLOs, invariably through a single point of contact.

3.105 The methods employed by forces to gather and record information and maintain deployment registers varied considerably. The more effective systems were found in forces where the FLC created a register entry from the outset of a deployment and updated it as the enquiry progresses. Other forces operated a retrospective system whereby the onus fell on the FLO to notify the co-ordinator at the conclusion of an enquiry that they had been so deployed, usually by submitting a written report outlining details of the deployment.

3.106 In practical terms, the latter system was found to be less robust, not least because FLOs were regularly failing to submit these deployment reports and no backup mechanism existed to secure their submission, with the result that many deployments went unrecorded.

3.107 HMIC considers that forces must ensure more robust monitoring systems exist to accurately record details of all FLO deployments.

3.108 HMIC acknowledges as good practice the systems within Tayside Police and Dumfries and Galloway Constabulary of computerising their deployment registers, including FLO contact details, and the benefits derived from ready access to accurate and detailed information.

Briefings

3.109 In formulating the family liaison strategy the SIO must aim to achieve a partnership approach with the family involved in the investigation.

3.110 The strategy should be defined and developed taking into consideration the needs of the family, the lines of enquiry and the available intelligence. This is a dynamic process that must be reviewed at regular intervals and in consultation with the FLO.

3.111 FLOs are an integral part of the investigation team and are expected to be present at and take part in all regular team briefings and debriefings. In addition there must be direct communication between the SIO and the FLO in connection with their role and issues concerning the family. Ideally the FLO should be debriefed by the SIO or someone delegated that task after every contact with a family member.

3.112 As the principal player in the partnership, it is imperative that the FLO is fully briefed and debriefed of developments in the investigation so that accurate information is exchanged between the family and the enquiry team, and importantly, to ensure that the integrity of the investigation is maintained.

3.113 It is apparent from inspection visits to forces that FLOs are regularly attending team briefings as full members of enquiry teams. However, HMIC found that attention to debriefings was less stringent, and would commend forces to pay close attention to this issue.

3.114 FLOs themselves were generally critical of the standards of briefings and debriefings received from SIOs, particularly in terms of guidance and information on the family liaison strategy and needs of the enquiry. The Inspection Team uncovered clear evidence across forces that structured briefings/debriefings between SIOs and FLOs were inadequate and on many occasions non-existent. Two FLOs recounted pre-deployment strategy briefings with SIOs that amounted to no more than “go and do your bit” and “go and read the statements”.

3.115 HMIC considers this situation to be wholly inadequate not only from the point of view of the needs of the investigation and the family concerned, but also from an FLO perspective as such briefings provide a mechanism for support and supervision.

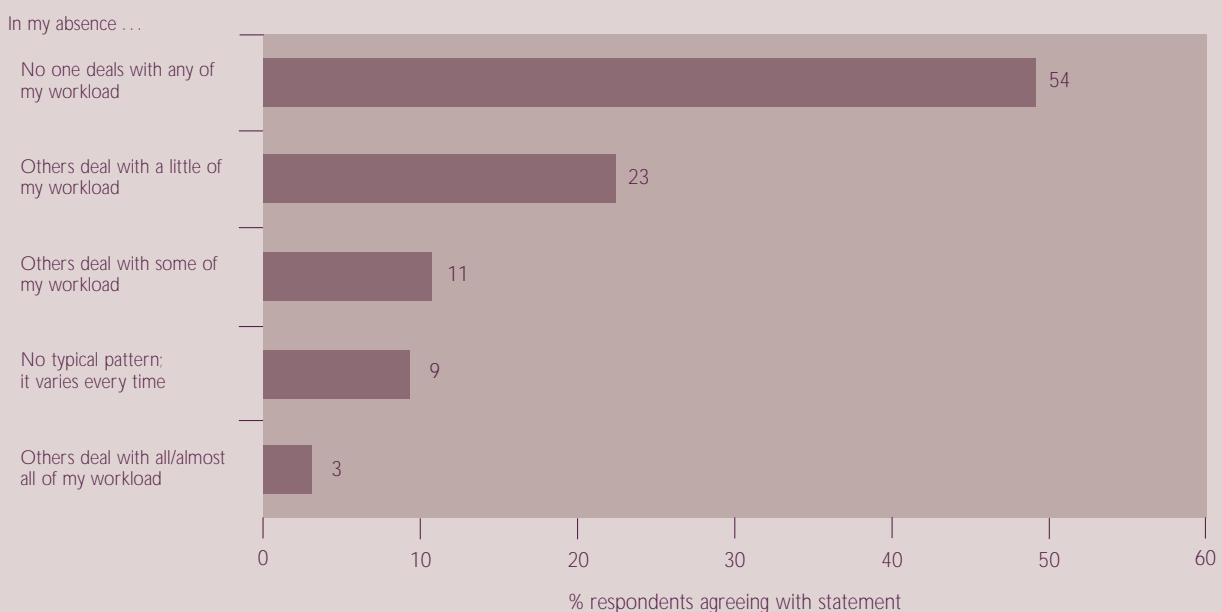
Workloads

3.116 It is recognised good practice that Family Liaison Officers, where appointed, should be dedicated primarily if not exclusively to that task.

3.117 HMIC was disappointed to note that FLOs in a number of forces were not being deployed in such a capacity, even in the early stages of major enquiries, and were regularly having to combine routine work commitments with their FLO deployments.

3.118 When FLOs were asked, via questionnaire, what typically happened to their normal workloads during routine deployments, respondents answered as follows: –

Fig 4: Routine Workloads During Deployment

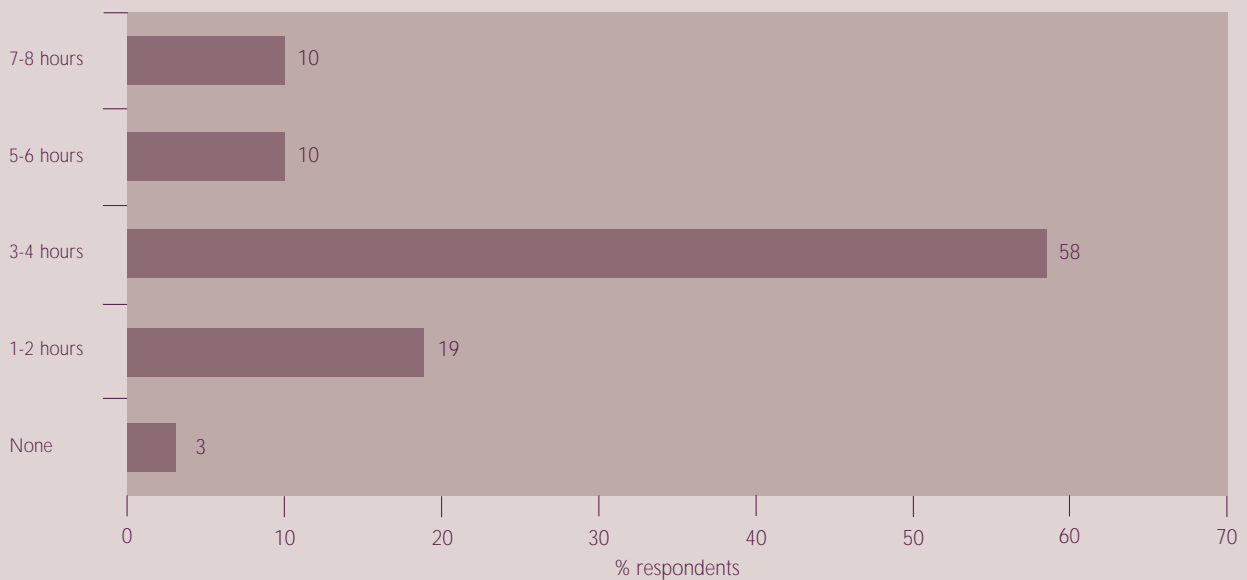


3.119 Consistent themes emerged through inspection visits of FLOs returning to backlogs of outstanding work at the conclusion of deployments. Some even encountered additional work to that already outstanding because the specialist nature of their day jobs prohibited re-allocation of incoming enquiries. Others explained the difficulties and pressures of balancing their FLO role around normal work commitments when not deployed in a dedicated capacity. Numerous instances were highlighted where family liaison duties were undertaken by officers in their own time, including evenings and rest days, as the capacity in which they had been so deployed and/or other work commitments had prevented visits being carried out during normal tours of duty.

3.120 The outcome of such poor practice was apparent when a bereaved woman who was interviewed for a case study, commented ***“I was very aware that she (FLO) was a police officer and had other work to do”***. It is very disappointing that any victim should have formed such a perception of the family liaison service.

3.121 When FLOs were asked, via questionnaire, how many hours they typically worked in excess of their normal shift on a routine deployment, respondents answered as follows: -

Fig 5: Hours Typically Worked in Excess of Normal Shift



3.122 Of those working excess hours, the majority (82%) said they received full financial recompense, while 15% claimed to receive part payment, time off in lieu or a combination both.

3.123 It is the opinion of HMIC that the emotional demands made of FLOs, combined with the physical demands generated through working regularly extended hours, renders them particularly liable to stress. For the sake of the vulnerable families they are supporting, and for the sake of their own health, it is essential that forces take steps to positively manage the normal work commitments of their FLOs so that the officers concerned are free to devote their full attention to the family liaison role when called upon to do so.

3.124 Whilst FLOs may have to manage family liaison within a normal workload in the latter stages of a deployment, when contact with a family is significantly reduced, it must not be permitted or condoned when liaison is active.

Understanding of FLO Role

3.125 The experience of a significant number of FLOs spoken to during inspection visits indicated that some SIOs had little or no functional understanding of what family liaison was about and knew neither what to expect of a FLO or what could be achieved in an enquiry from deploying one. Line and area managers were said to have even less understanding of the role, which seemed in part to contribute to the number of inappropriate deployments alluded to, earlier.

3.126 Such perceptions were confirmed when 51% of respondents to the FLO questionnaire felt that SIOs had "little" or "no" understanding or appreciation of the demands made upon them when deployed in the FLO role. That figure rose to 56% when the same question was asked of their first line manager.

3.127 There was some anecdotal evidence that this lack of understanding and appreciation of the liaison role occasionally contributed to a strained relationship between the FLO and SIO. However, feedback from other FLOs suggested that some SIOs are becoming more appreciative of the particular nuances of family liaison as their understanding of the role develops.

Exit Strategies

3.128 FLOs must remain focused that their primary function in an enquiry is that of an investigator. Where the FLO has developed a good relationship with the family there is potential for the family to become over reliant on them. The implications of this could have long term effects for both the family and the FLO.

3.129 In every case the FLO and SIO should agree an exit strategy such that the FLO can maintain a professional relationship with the family and withdraw at an appropriate time. The needs of the family should also inform the exit strategy which is ultimately implemented. There is a danger of a FLO over-identifying with a family and allowing professional boundaries to erode. Whilst in the short term this may benefit the family, there is evidence that it may adversely affect them in the longer term when the FLO withdraws.

3.130 One in eight respondents to the FLO questionnaire had experienced difficulties ending contact with a bereaved family. In two thirds of these cases it was clearly the family member who, having come to rely on the FLO, appeared to prolong the contact. In other cases family contact was maintained by the FLO to counter a lack of support from the Crown Office and Procurator Fiscal Service.

3.131 The following extracts from the FLO questionnaire typify difficulties experienced by FLOs in severing contact with a family:

- *“... family members did not want to let me go. I did not return their calls and eventually they stopped”.*
- *“Boundaries weren’t set from the outset and the natural instinct was to want to help as much as possible, particularly because of a lack of outside agency support – mainly regarding legal proceedings”.*
- *“They (family) relied on my support and became very attached and didn’t want to let go”.*

3.132 At present there is no definitive guidance on the stage at which a FLO should seek to withdraw, and it is recognised that it can be extremely difficult to do so without generating a sense of abandonment within the family, due to the close bonds that have formed. It was found that practice varied between forces; generally an exit was effected either at the conclusion of the police investigation or after a criminal trial. It was also apparent that contact between FLO and family was often maintained, even after the professional relationship had been formally ended. HMIC believes that force co-ordinators have a role to play in ensuring the formulation of appropriate exit strategies and their implementation.

3.133 That said, the needs of families must be high in the list of priorities, and their continual support must be assured through the involvement of whichever groups or agencies can provide for their needs.

3.134 Where professional boundaries had been unclear or had been allowed to erode; for example FLOs giving out their own mobile or even home telephone numbers to families, then the ending of the relationship between FLO and the family was invariably more difficult for all concerned. At worst, officers and family found it impossible to end contact and to continue their professional and personal lives.

3.135 Some clarity in policy should be developed when it is clear how VIA (and in its absence a role for the Procurator Fiscal in meeting the information needs of families) is to develop. Clearly it is inappropriate for police liaison to continue after the point where responsibility has transferred to another agency.

Mobile Phone Provision

3.136 HMIC noted that forces did not automatically provide FLOs with mobile phones. Only one in 4 questionnaire respondents claimed to have the use of a force phone “always” or on “most occasions” while deployed on an incident. Over half claimed never to have been given this facility.

3.137 Just less than three-quarters (72%) of FLOs had resorted to using their own mobile phone at some point in time with one third of these using it on a regular basis. Of the 36% of respondents, who had given out their mobile phone number to families, one third had experienced difficulties in being called at unusual hours, on and off duty.

3.138 Only 8% of those who had used their own phone for family liaison purposes had received any financial recompense.

3.139 It is essential that a FLO has use of a force mobile phone whenever a deployment is made in order that a family has a point of contact with its FLO, and that appropriate professional boundaries are established and maintained (unless a decision is taken to only issue an incident room number). Consideration may also be given to using a separate mobile number where an officer already has a phone for work purposes.

Family Liaison Support

3.140 The Senior Investigating Officer has a duty of care and an obligation to support and constantly monitor the health, safety and welfare of FLOs. SIOs should in particular be aware of the dangers of undue stress levels being maintained by FLOs as they are exposed to the raw emotions and needs of the bereaved, nor should FLOs be left feeling abandoned or isolated.

3.141 Recent case law has reinforced earlier legal rulings regarding the legitimacy of emotional injury and employers duty of care towards employees.

3.142 In the case of *Hillsborough Officers v Chief Constable of South Yorkshire Police* the legal position of officers vulnerability to emotional injury was examined. The case established the law relating to police officers suffering “psychiatric injury” from exposure to mental injury.

3.143 Extracts from an article discussing the court of appeal decision in the officers’ favour, reported in the *New Law Journal*, appear below.

“It reinforces the decision in Page v Smith that psychiatric and physical injuries should be looked at in the same way and are not different kinds of injury.”

“Employers owe their employees a duty of care to prevent them being exposed to a danger which is likely to create a mental injury.”

3.144 The Murder Investigation Manual sets out obligations on SIOs in providing a duty of care for FLOs. In discharging these duties account should be taken of the following issues:

- The roles and lines of responsibility for the management of the FLO(s) should be clearly set out;

- there must be direct communication between the SIO and FLOs in connection with their roles and issues concerning the family;
- that FLOs take part in regular briefings and debriefings with the SIO and investigation team;
- that the FLOs attend mandatory debriefings with force welfare or occupational health departments;
- SIOs should ensure that FLOs are only employed on one active homicide investigation at any one given time.

3.145 It should also be emphasised that FLOs are under an obligation to inform the SIO and Family Liaison Co-ordinator (FLC) of any concerns they have in continuing to perform in a specific case or in any future role as a FLO.

3.146 The emotional intensity of the family liaison role is more pronounced than almost any other specialist role within the police service. The mental and physical demands can be extreme and, unfortunately, not always recognised or acknowledged. A recurring theme of attributing factors emerged during inspection visits, which can be summarised as follows:

- Sustained contact with a family in grief;
- regular extended tours of duty;
- prolonged periods of working in isolation;
- expectations to manage existing workloads whilst performing the FLO role;
- lack of support and recognition of the role;
- multiple deployments.

3.147 The indication that 34% of respondents to the FLO questionnaire admitted that the demands and stresses placed on them in their role as a Family Liaison Officer had a “fairly significant” or “substantial” impact on their home life, with a further 46% experiencing a “minor” impact, reinforces the points made at paragraph 3.123, regarding the stressful nature of this role.

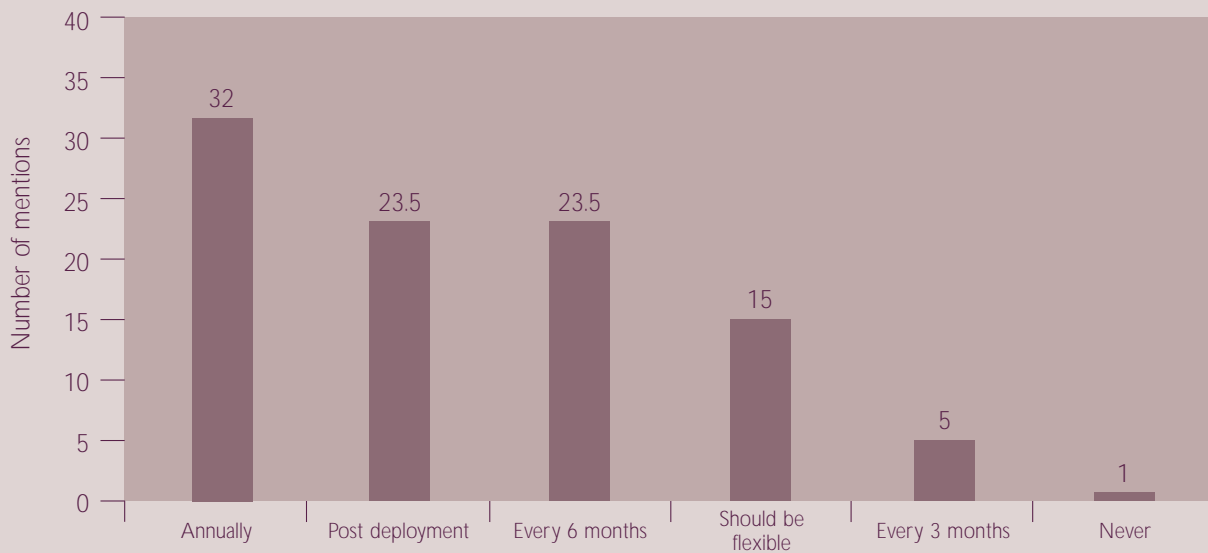
Occupational Health Interviews

3.148 Policy in the Murder Investigation Manual directs that FLOs should attend debriefings with force or occupational health departments. Such visits are mandatory at intervals determined by the SIO in consultation with the appropriate unit and dependant on the particular case in which the FLO is deployed. Failure of an FLO to attend such debriefs must preclude them from performing the role on future occasions.

3.149 Only Dumfries and Galloway Constabulary has implemented this aspect of policy, encompassing mandatory annual interviews with an independent psychologist in accordance with a documented force policy.

3.150 The views of FLOs were sought regarding the need for occupational health interviews and if so their frequency. HMIC was interested to note that only one questionnaire respondent disagreed with the concept of mandatory interviews, whilst the remaining respondents expressed the following opinions.

Fig 6: Preferred Frequency of Mandatory Occupational – Health Interviews



3.151 When asked who was the most appropriate person to conduct these interviews, the majority of respondents (63%) favoured an external specialist with the remainder opting for either a force occupational health officer or force welfare officer.

3.152 HMIC believes that forces must take steps to meet their obligation of ensuring the health and welfare of Family Liaison Officers, and that this can be best achieved by the formulation of policies designed to include the following elements:

- availability of independent psychological services;
- mandatory attendance of FLOs at occupational health interviews, where instructed by forces;
- a minimum standard of mandatory annual interviews for all FLOs;
- additional interviews as directed by force co-ordinators; and
- confidentiality of interviews unless there are reasons to believe that a FLO should withdraw from the role.

Recommendation 11

HMIC recommends that forces commit to the provision of appropriate occupational health services for Family Liaison Officers, including mandatory attendance at interviews where so instructed.

Family Liaison Co-ordinators Debriefings

3.153 In addition to their administrative roles, Family Liaison Co-ordinators provide a support point for FLOs, one aspect of which involves independent debriefings of FLOs to draw out good practice, and any other relevant issues. Whilst this responsibility is clearly articulated within policy it was concerning to hear that nearly three quarters (73%) of questionnaire respondents had never been debriefed by their FLC. Only 8% of respondents had received these debriefings on “every” or “most” deployments.

3.154 Another facet of support provision befalling force co-ordinators is the promotion and facilitation of mutual FLO peer group support. Policy advises that FLCs should meet formally with all force FLOs not less than twice a year.

3.155 Such meetings provide opportunities for training, legislative updates and the sharing and dissemination of good practice. HMIC notes that only Northern Constabulary and Tayside Police fulfil the meeting criteria, with the latter meeting on a quarterly basis. FLOs in the three forces where no such meetings take place – all foresaw a need for internal dialogue to improve communication and address management and information gaps, perceived to exist. HMIC considers that these shortfalls should be addressed as a matter of good practice.

3.156 The use of mentors is still in its infancy, and forces are clearly still coming to terms with how to obtain maximum benefit from their expertise.

SIO Support Interviews

3.157 It is recognised good practice for SIOs or nominated deputies to conduct support interviews with FLOs at regular and significant stages of deployments. A section within the Family Liaison Log is dedicated to the recording of such interviews. HMIC was disappointed to learn that this important aspect of support was being addressed sporadically by SIOs. Sixty five percent of respondents to the FLO questionnaire indicated they had never received such an interview, in any deployment, while at the other extreme 10% of respondents received more than one interview per deployment. These facts confirmed information gathered by the Inspection Team during force visits.

Family Liaison Logbooks

3.158 In 2000, the ACPOS Investigations Sub-Committee produced a standardised Family Liaison Logbook that was subsequently introduced and adopted by the Scottish Police Service as a matter of ‘good practice’.

3.159 The FLO is responsible for maintaining the logbook and detailing within it all contacts made with family members or intermediaries, including times, dates locations and methods employed e.g. telephone contact or home visit.

3.160 HMIC found that these logbooks were generally being used as intended, however less clear was the extent to which SIOs were scrutinising them. It is essential that SIOs regularly supervise the FLO logbooks to ensure the effective management and conduct of the liaison process.

3.161 Completed deployment logbooks must be securely stored with relevant case papers to ensure availability for internal or external review. HMIC was concerned to note the number of occasions where FLOs retained completed logbooks at the end of deployments, a practice that is far from ideal and which should be discouraged.

Murder Reviews – Family Liaison

3.162 The strategic importance of conducting major crime reviews has been alluded to already within the “Policy and Strategy” section of this chapter.

3.163 A small number of major investigations are the subject of review, normally if unsolved after 28 days (or less if appropriate), with the primary objective of identifying further potential lines of enquiry to assist the Senior Investigating Officer in their task. In addition, most forces have a process for reviewing solved cases, with the objective of identifying and disseminating good practice.

3.164 Family liaison is one of the areas encompassed by the review process, however no force takes this aspect to the logical conclusion of simply asking the family their opinion of the family liaison process. Whilst acknowledging the potential complexities and sensitivities involved in seeking out the thoughts of a family at a time when emotions are still raw, HMIC favours extending this aspect of the review process to include the family's perspective.

Recommendation 12

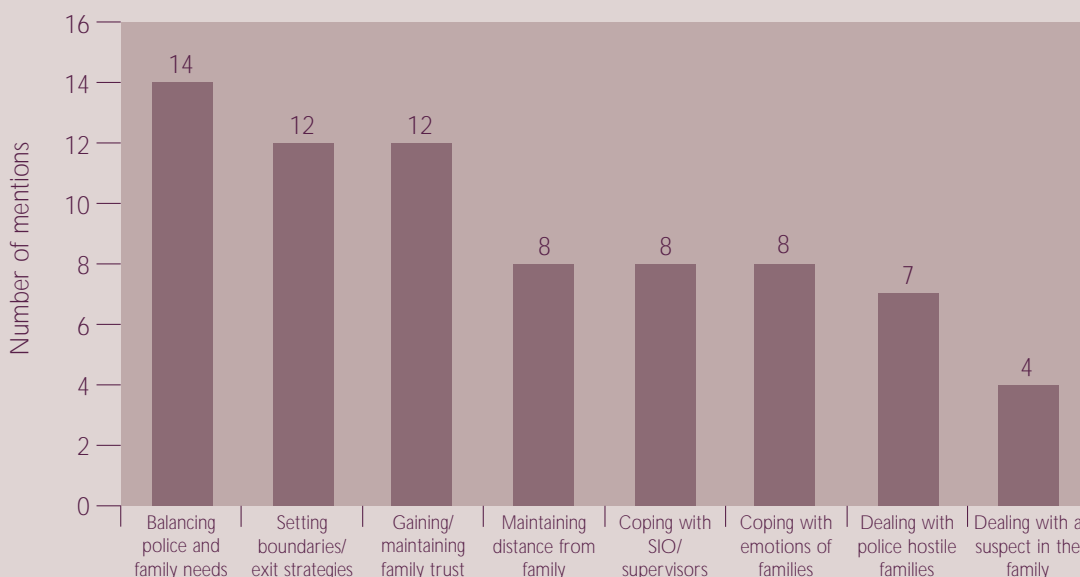
HMIC recommends that, as part of major crime review and debrief processes, forces should actively seek the views of family members/next of kin on the effectiveness of family liaison.

RESULTS

People Results

3.165 The following graph illustrates the experience of respondents to the FLO questionnaire, in terms of the most difficult and challenging aspects of the FLO role. A broad spread of concern is evident with no one issue emerging greatly ahead of any other. Additional difficulties mentioned include lone working, the lack of response from the Procurator Fiscal and juggling FLO duties with routine workloads.

Fig 7: Challenges of the FLO Role



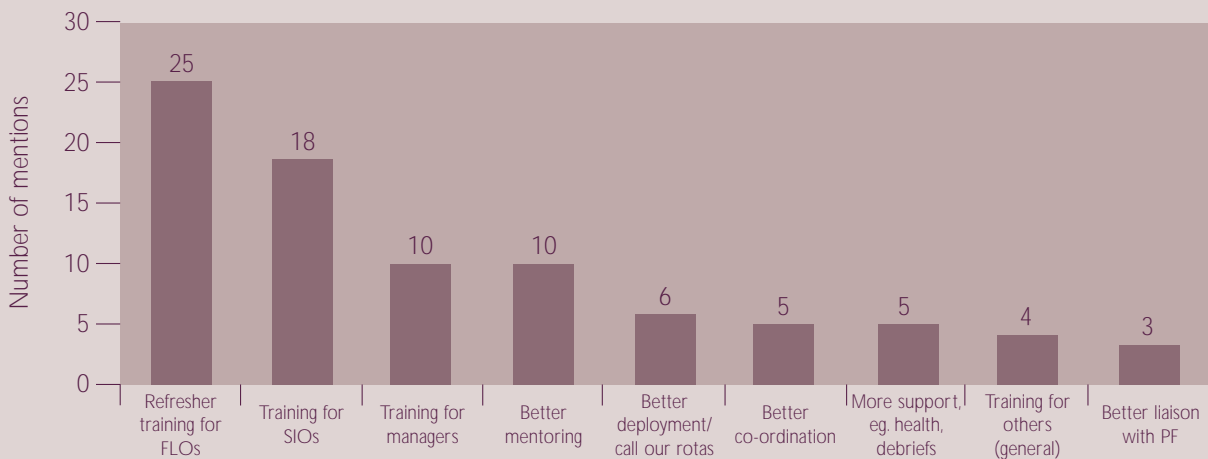
3.166 When asked what the most satisfying and/or rewarding aspects of the role were, the most common response (71%) was helping the victim or victim's family and /or receiving positive feedback from them. A further 10% appreciated being able to portray the police service in a favourable light or reversing previously hostile attitudes.

3.167 From the perspective of police activity, 24% of respondents mentioned that helping in the enquiry and getting positive feedback from the SIO was amongst the most satisfying. An additional 11% of respondents

commented on being able to do a good and professional job, while a further 5% reported that getting a successful outcome to an enquiry was the most rewarding.

3.168 When asked what could be done to improve the role of the Family Liaison Officer, 30% of respondents expressed a desire for refresher training, while a cumulative 39% of respondents mentioned the need to train or educate SIOs and other police personnel to better understand the role and duties of FLOs. The following graph illustrates the range of responses.

Fig 8: Suggestions for Improving the FLO Role



Recognition and Reward

3.169 The National Police Performance Review System stipulates that if an officer is to be employed through secondment or attachment to a role other than their core role, for a period of three months or more, during the performance review period, then the officers work performance in their temporary role should be reviewed on a Secondment/Attachment Performance Review Form (see Appendix 'A').

3.170 HMIC found that the majority of forces had no structured means of formally assessing or recognising the performance and contributions of FLOs during short-term or protracted deployments. Furthermore there was a lack of awareness amongst some forces to the existence of the Secondment/Attachments Performance Review Form.

3.171 Whilst a few forces claimed to appraise the performance of their FLOs following deployment in the role, little or no evidence was found by HMIC of this approach being implemented in practice.

3.172 In a wider context, over three-quarters of respondents to the FLO questionnaire (78%) had never received any form of recognition or appraisal following deployment. Only 5% claimed to receive such recognition on "all" or "most" deployments. Of those who had received 'appraisals' the format varied from an informal chat or being thanked for doing a good job, to being fully debriefed by the SIO.

3.173 It was evident during inspection visits that a significant number of FLOs had concerns that their efforts and contributions were not being recognised in their annual performance reviews. One FLO recounted being deployed on a seven-month continuous deployment with no acknowledgement of the fact being made in their annual appraisal. Examples of similar experiences were found in other forces.

Recommendation 13

HMIC recommends that it in line with the Police Advisory Board (Scotland) Staff Appraisal System – Secondment/Attachment Performance Review Forms should be completed when Family Liaison Officers are involved in protracted deployments outwith their normal areas of work.



Chapter **4**
VICTIMS' VIEWS

RESEARCH STUDY

Introduction

4.1 At the outset of the thematic inspection it became apparent that, although extensive research had previously been carried out with victims of crime, little was known of the needs and expectations of families of victims who had died. Similarly, although police forces review both solved and unsolved investigations, including the effectiveness of family liaison, no force has adopted a practice of retrospectively seeking out the views of bereaved families on how well their requirements were met, whether by the police service in particular or by the criminal justice service in general.

4.2 In an effort to address this gap and to more fully inform the inspection process, HMIC commissioned a research project based on a case study review of a number of incidents where Family Liaison Officers had been deployed. All Scottish forces contributed to a pool of 17 cases, which included murders, rape, road deaths and missing person enquiries.

4.3 The case study analysis was undertaken by independent professional researchers, based on face-to-face interviews with those family members who had been in receipt of the family liaison service, and aimed to achieve the following objectives:

- to identify the needs and expectation of the family members in cases where FLOs were deployed; and
- to identify how, and to what extent these needs and expectations were met.

4.4 The intention of the exercise was to draw conclusions on the extent to which the service offered by FLOs in the Scottish Police Service responds appropriately, professionally and with respect and consideration of victims and their families' needs, and to identify any areas for improvement.

4.5 The case study approach helped paint a picture of the needs and expectations of the families in the cases analysed, and of the actions taken by the FLOs to meet them. ***It is, however, acknowledged that the research findings may not necessarily be representative of all cases in which FLOs are deployed.***

Needs of the Families

4.6 The families of the victim (and the victim themselves in one case) identified a range of varying needs at different stages of the process, from learning of the incident to dealing with the aftermath. Although the cases differed in detail (some involved a period searching for a missing person, for example, and in some there was a trial, while in others there was not), a number of common threads emerge. These can be identified as a strong need for:

- information – what happened, how did the victim die, what was being done, etc;
- being involved and keeping busy;
- emotional support – helping the victim or the family member to deal with the emotions arising from the incident;
- support during the trial; and
- practical help and assistance – helping with registering the death, offers of transport, assistance in dealing with the media, etc.

Information

4.7 All of the family members interviewed reported a strong need for information at the early stages of the event. Where a report of a missing person was involved, the need was for detailed information about the progress of the search. Where a body had been found, or a death identified, the need was for as much detail as possible about how the death came about, who did it, for what reason, and the cause of death. In some cases families placed no bar on the extent of the detail they were looking for. A few, however, were clear that they didn't want to know the more "macabre" details – though even in these cases, there was reference to needing to know that they could access the details later if required.

4.8 As the investigation progressed, the need for information continued unabated, but changed in nature, to becoming a need to know about the processes involved – of the investigation, of the process for dealing with the death, of the procurator fiscal's involvement, and of the court process itself.

4.9 Despite the strong interest in, and demand for information, the emotional state of the family members at the time often meant that they didn't entirely take in the answers given to their questions. One family member talked of writing her questions down, so that she would remember to ask them, but none talked of writing down the answers.

4.10 In some instances, family members were themselves potential suspects and this created an ambivalence in their approach; on one hand, they still wanted to ask the FLOs for detailed information, but on the other, felt they had to be guarded about what they said for fear of it being used in evidence. In such cases, as well as in instances where the family members might be called as witnesses, the FLOs, other police officers and procurators fiscal were particularly guarded in the information they provided. In some instances, this was made clear, but not in others, and this later gave rise for concern that the FLO (or other information provider) had not been as frank or honest as they could have been.

Being Involved/Keeping Busy

4.11 In most of the cases in the study, the family member found the earlier stages of the event easier to cope with than the later stages. Initially, they keep themselves busy by seeking out the detailed information they need, by being involved in the inevitable to-ing and fro-ing of the investigation process, and by actively busying themselves with the family or with the search or investigation. A number talked of keeping busy, and how this helped them cope with the emotional upheaval experienced, and some managed to extend this throughout the investigative process, trial and beyond. But for most people, the trial marked an end to the activity of the event, and where they had relied on keeping busy as a means of coping, found themselves after the trial with a heavy emotional burden. Some claimed at this stage "***I just fell apart***". This need for active involvement was equally applicable to families of missing persons.

Emotional Support

4.12 The form of emotional support needed varied from person to person, and there was little general pattern between cases, other than to identify that the need for emotional support tends to manifest itself some months after the event, rather than at the time or immediately thereafter.

4.13 Most of the family members interviewed reported not needing any external emotional support in the first months after the event. Initially, their need was for information about the event and the police investigation, followed by their dealings with the procurator fiscal and finally the trial. Where strong need for emotional support became evident, it tended to be after the trial, or inquest in other cases.

4.14 Most interviewees looked to their own families for their first line of emotional support – not necessarily resulting in the family getting together, but apparently just knowing that the family was there, and having telephone contact, can be enough. In a few instances, the family members talked of not needing external support, of a feeling of self-sufficiency, or of not wanting to discuss their problems with strangers. For some this tended to be re-enforced when they attempted to make contact with support groups, and the result was less than beneficial. Those who contacted support organisations more specific to their own experience tended to be more satisfied with the outcome, and in some cases continued their contact for a considerable time.

4.15 In a few cases, it was clear from the interview that family members were suppressing their emotional needs, and were dealing with them by ignoring what had happened or by suppressing their feelings in some other way.

4.16 The key point to emerge is that the emotional needs of the victims' families are greatest at the point when all support and contact from the judicial system ceases or is withdrawn.

Support During Trial

4.17 In most cases where a trial, or court hearings was involved, the family members talked very negatively about their experience. Their needs centred round de-mystifying the legal jargon, understanding the court processes and of being treated appropriately. Nearly all talked about the court process, in their eyes, being centred around the accused; of trial dates being repeatedly changed, of defence lawyers devaluing the memories of their loved ones, of not being able to convey their feelings to the court, and of instances where they had been expected to share a waiting room with the accused's family.

4.18 What families primarily required during a trial was the provision of relevant information, about what evidence would be led, the sequence of events, coupled with an explanation each day of what had happened and why.

4.19 Most of all, families need to be recognised as people who have lost someone precious to them, and expect that they are treated with dignity and compassion whether they are giving evidence or observing in court.

Practical Needs

4.20 The practical needs of family members were many and varied and in practice few were identified by the individuals themselves, but instead through the actions of the FLOs (or of others), which they found helpful. Most families interviewed had never heard of family liaison and consequently had no preconception of the service, or of the needs it could meet.

4.21 For most, identifying the body of their relative was a very difficult task, and help was required beforehand to prepare for the task. Even so, most found it traumatic, made worse by the fact that a glass viewing screen meant that they were unable to touch the body.

4.22 The strong need for support with identification of the body contrasted strongly with the clear need for family members to make their own arrangements for the funeral. Although assistance with funeral arrangements was offered in most cases, it was accepted in none. Most families were categorical about the funeral arrangements being “their responsibility”.

4.23 The majority of families found the media intrusion difficult to cope with and most were taken aback when confronted by the full glare of publicity that high profile cases invariably generate.

4.24 In a number of cases the active participation of the media was needed – to help find a missing person, or to help find the perpetrator of a crime. In these cases, the families required assistance from the police in dealing with the media in a constructive way, and this was invariably handled through force’s Press Officers and by organising press conferences.

4.25 Other practical needs identified were:

- help with delivering a death message to other family members;
- using unmarked cars for visiting the family or for offering transport;
- help with obtaining a death certificate and with registering a death;
- help with recovering the victim’s possessions;
- interpreter services for people who do not speak English fluently; and
- the need to know that “someone’s there” if the family need them.

Response of the Family Liaison Officers

Introduction

4.26 The views of individuals and families interviewed in the case research was overwhelmingly positive in terms of the help and support offered by FLOs – raising particular comments about their sensitivity, helpfulness, resourcefulness, and understanding. In all but two cases, the individuals concerned spoke highly of the FLOs involved, and in the two cases, one was attributable possibly to the coping strategy which the individual adopted, and the other involved family members who were themselves suspects in the case, and this influenced the relationship that the family had with FLO.

4.27 The examination of how FLOs responded to the needs of the individuals and families must therefore recognise the overwhelmingly positive feedback reported. The points in each case where the FLOs could potentially have offered a better service are relatively minor in comparison.

Breaking the News

4.28 In most of the cases studied, the police were responsible for delivering the death message to the victims’ families. Where this was done, the families reported it had been handled extremely well, sensitively and with care, and the police involved generally ensured that family or other support was on hand before leaving.

4.29 In only a minority of cases, was there some criticism; in one instance it was felt that the police officer was inexperienced and had great difficulty passing the message. In two others it was felt the police officers were too blunt, using the phrase “is dead” where “had died” would have been preferred. In one other, a family member was left on their own after being told the news, without the police officer checking that some means of support was on hand, and in another instance the partner of the victim was not the first to be told of the death.

4.30 The effect of receiving entirely unexpected news of the death of a partner, child or close relative is traumatic in the extreme. Family members will need assistance in taking even simple decisions, as they will experience shock. Police officers must have an understanding of the effect that passing a *death message* has and ensure that the recipient is capable of taking any immediate decisions that are required, with such assistance as may be necessary. As (often comparatively inexperienced) patrol officers invariably undertake such duties, the training of those officers must prepare them as fully as possible in that respect.

Recommendation 14

HMIC recommends that probationary training provided by the Scottish Police College include an enhanced input on the effects of trauma and grief on the family members of victims of sudden violent death.

4.31 FLOs were particularly commended for being prepared to break the news to other family members, and to take guidance from family members they contacted first. Both of these points were found important to the families – particularly where there may be former partners involved, and sensitivities within a family.

Search

4.32 In the cases where a person was reported missing, it was important that the police should treat the report seriously – and demonstrate that they are actively searching. One family stated it was important that the police should be assertive and take control of the situation. In the cases examined, the police were commended on the fact that they did take the initial report seriously and responded quickly.

4.33 A number of families felt it helped if the police allowed them to assist in any search activities being undertaken as this provided a focus and a feeling of working constructively to locate their missing relative.

4.34 In most of the cases involving a search for a missing person or for a body, the families have been quite assertive, and the police have responded to that. In one instance, however, the family was very unsure of themselves and did not want to act out of turn, though they were very concerned that their relations were missing. In this case, they were looking to the police to take an assertive line on their behalf, but were partly disappointed.

Immediate Reaction

4.35 For many, the immediate reaction on hearing the news of a death is to want detailed information. For others it can be more about needing people to be caring and considerate – police, hospital staff, and others – and generally the family members were full of praise for FLOs, both for the level and quality of their information and the support provided. One interviewee even described their FLO as an *“angel”* when commenting upon the gentle and considerate manner with which the FLO had asked difficult questions.

Introduction of the FLO

4.36 The FLOs generally introduced themselves (or are introduced) at a very early stage in each case, and were careful to explain their dual role (support and investigator), though the family members did not always recall the explanation very clearly. In one instance, the family had been in receipt of a FLO but did not recognise the term Family Liaison Officer and did not know that one had been deployed to them. They did know, however, that a very helpful and supportive police officer had worked closely with them.

4.37 Families generally seem content with the dual role, though the investigating aspect is not always appreciated at the time. In only one case did a family member claim that they had not understood that the FLO had an investigative role.

4.38 Visiting other family members was viewed as both positive and negative; for some, it is helpful that the FLO offers to speak to others, but in other instances there can be resentment that distant, or estranged family members receive the same support as that given to the *immediate family*. The research results indicate that FLOs appear sensitive to these issues, and exercise remarkable judgement in those that they include in the service. In some families, they clearly walk a tightrope between two (or more) estranged parts of the same family without, in general, upsetting or offending either.

Early Need for Information

4.39 All the family members interviewed expressed the need for information; the need is intense – and in immense detail, explained clearly and honestly.

4.40 FLOs were generally regarded as excellent at providing appropriate information, both immediately after the incident and on a continuing basis thereafter. Families accept that on some occasions the FLO is constrained in the information they can provide. This can be very frustrating for the family concerned, particularly if it is not made clear what information is being withheld, and why.

4.41 In one instance, information on the cause of death was withheld, however the family later learned of the facts by accident when they received the death certificate. In this case, better management of the information would have been preferable, either to avoid accidental disclosure or to manage the dissemination of the information so as to avoid the situation arising.

4.42 Honesty by the FLO is very important. One family member was very concerned when they read information about the case in a local newspaper, which the FLO had not passed on. In this instance the FLO claimed the press report was untrue, but it later transpired to be accurate, which left the family feeling quite negative. In another instance, the bond of trust never fully developed because the FLO held back information, as the family member was initially a suspect.

Investigation

4.43 Interviewees saw Family Liaison Officers as being thorough in their investigative role, but at the same time sensitive and keen to ensure those being interviewed were supported and as re-assured as possible.

4.44 Some difficulties emerged in cases where a family member was a potential suspect. One interviewee volunteered that this can **“limit what you feel you can say”**, but even in such circumstances, families viewed FLOs as being unbiased, objective, and non-judgemental in their questioning – features which in many instances resulted in a close trust forming.

4.45 Most importantly, the majority of individuals interviewed felt they could talk openly and frankly to the FLO, and that the FLO could **“even cope with tears”**.

FLO Availability

4.46 In nearly every case the FLO stressed to the families they would be available at any time of the day or night to provide support and help, which was greatly appreciated by all concerned. Very few took up this option, not because they didn't want to, but because the FLO appeared to have the ability to sense when a visit was required, and would call round. Phrases such as **“always there when we need him”** featured, as did **“never forced himself on us”**. Some families reported that the FLO would arrive immediately there was even the slightest new piece of information to pass on – which was greatly welcomed. In only one case, where this availability was not stressed, did family members feel distant from the FLO, and hence less likely to turn for help or information.

4.47 Interviewees found it helpful that FLOs were the only, or principal, point of contact with the police. Some commented that it would have been extremely traumatic to deal with a different person each time.

4.48 Criticisms of FLOs and their availability were few and minor. In one case it was welcomed that the FLO took time to talk to the children in the family, but on the other hand there was some criticism that the FLO did not follow this up by checking if there was anything that could be done to help the family support the children.

4.49 The overwhelming view of those interviewed was that the FLO *“was amazing – checked out what our concerns were, and was keen to do anything to help”*.

4.50 Many of the family members commented on the ability of the FLOs to anticipate their needs, and to be available whenever required. Small touches, such as the FLO and other police officers attending the funeral of the victim, and offering to help with introductions to the procurator fiscal were highly appreciated.

Ability to Listen

4.51 The ability of FLOs to listen in a non-judgemental way was seen as important and commented upon or implied in most cases. Some of those interviewed felt that the FLO knew and understood what they were going through.

4.52 It was important too, that FLOs do not present themselves as authoritative figures, but as people to help and support the family, which seemed in part to contribute to their approachability.

4.53 A mix of male and female FLOs had been deployed in the case studies. While none of the family members suggested that either was preferable, it was noticeable that in the cases involving male FLOs, the comments made tended to be that gender did not matter, while in the cases involving female FLOs, comments were more about how a female officer was better able to empathise with the family member and to understand what they were going through (this being said mainly by female family members).

Identification of the Body

4.54 Families found the experience of identifying a body traumatic with few aware that viewing is conducted through a glass screen. Some found the screen distressing as they had strong needs to touch the body but were prohibited from doing so. Some found additional anxiety was caused when having to view an unprepared body i.e. with medical tubes still attached.

4.55 In most instances where identification was involved, the FLO was praised for spending time beforehand explaining what the family member should expect. In the majority of cases the FLO offered to accompany the family to the identification. Sometimes this was accepted and, when it was, families welcomed the support that FLOs provided afterwards.

4.56 Family members found the whole identification ordeal traumatic and despite being warned what to expect, none were prepared for what they encountered.

4.57 Where formal identification was not required, but the family member expressed a desire to view the body, FLOs tended to dissuade them. In hindsight families felt this was good advice. In one case, where the family member insisted, the FLO supported them through it, which was much appreciated. In another, the FLO resisted and the family went to a more senior officer and then to the pathologist, before eventually getting to see the body. This action of going over the head of the FLO left the family member feeling they had endured more of an ordeal than they should have. In one further instance the FLO decided which of the family members should carry out the formal identification, and this greatly upset another member of the family, who felt that they should have done it.

Return of Possessions

4.58 In cases where it was relevant, the family members stressed the importance of getting the victim's possessions back, and commented on the sensitivity with which this was done in most cases. In some instances, the FLO would ask the family which items they would like back, and would arrange to uplift the possessions and deliver them. In other cases it could have been handled better – in one case the victim's clothes had been disposed of without reference to the family and, in another, the family themselves were told to collect the belongings from the police station.

4.59 It is important that FLOs are sensitive to the different needs of the families; some want all the victim's possessions back, while others are selective – wanting to avoid those that are particularly badly damaged, or might reflect the harm caused to loved ones. It is clearly important that families are asked what items they wish returned.

Need for Emotional Support

4.60 It was clear that nearly all those interviewed needed emotional support in some form, though only about half recognised or admitted it. The greatest need appears to arise well after the incident, and where applicable after the trial.

4.61 In nearly all of the cases examined, FLOs offered families' leaflets on a range of support organisation, and explaining their function. Take up was low, primarily because the provision of information on support organisations occurred too early in the grieving process, when families are preoccupied with the judicial process (see paragraph 4.13). However, when that all concludes, the need for emotional support increases sharply. Some family members talked of this in terms of *"it just hit me"* and *"I went to pieces"*. At this stage the formal support has all but gone, and most found support through other routes, such as medical practitioners and occupational health schemes, or adopted other coping strategies for example, not talking about the event, busying themselves in other activities, or just trying to live with it.

4.62 Those who had tried voluntary support organisations commented that it was very important that the person who provides the support should have direct experience of what they themselves had experienced – so in the case of a murder, victims' felt that the volunteer should also have lost a family member to murder.

4.63 There was some criticism, in hindsight, of FLOs not following through on their recommendations of support. In the case of one referral, it was felt that the FLO could have checked how the family were getting on, and hence was unaware that the family had actually abandoned the particular organisation, feeling the support on offer was ineffective.

4.64 There was also concern that FLOs maybe focus too much on one member of a family, and this can leave others unsupported, or the FLO may offer support to other members who may be viewed as not needing it.

4.65 The research indicates that FLOs could be more proactive in initiating contact between family members and support organisations. In the few instances where contact had been initiated by the FLO, this was greatly appreciated – with such comments as *"I wouldn't have made contact on my own"*. This, however, requires considerable judgement on the part of the FLO, as some family members would resent being steered into counselling, while others need the push.

4.66 In some instances, cultural issues can get in the way of effective emotional support. One family from a minority ethnic background reported that they could not seek help outwith the family even if they wanted to.

4.67 The problem of the emotional need being greatest after the trial is a difficult one, and identifies a clear gap in the provision of support services through the continuum of the criminal justice process. Once the judicial process concludes, none of the component agencies appears to have a remit to help ensure that victim's families are supported emotionally, and this creates a vacuum at a time when the family members are most in need.

Procurators Fiscal

4.68 Family Liaison Officers tended to take a lesser role after details of a case had been forwarded to a Procurator Fiscal (PF). This withdrawing stage was done carefully and sensitively, although FLOs still re-assured families that they were available if required. In most instances the FLO came back into the frame as the trial approached and usually attended court with them.

4.69 In the majority of cases studied, the Procurator Fiscal assumed the role of information provider to family members upon receipt of a case report from the police, fulfilling much of the role initially undertaken by the FLO. Family members were generally full of praise with the amount of time Procurators Fiscal gave to them and explaining likely outcomes in simple language. They also appeared to share the FLOs ability to be sensitive and caring, in most, though not all, cases. In some instances, the PF did not involve themselves significantly with the family until the time of the trial, and then only in a limited way. But these contrast with the majority of cases where the PF was described in glowing terms.

4.70 Interviewees had less praise for the precognition process, where it applied, but their criticism was reserved for the defence agents who interviewed them. Most found this experience traumatic and there were claims of **“trying to put words in my mouth”, “tried to make out it wasn’t as serious as I claimed”,** and of **“trying to make out I was stupid”**. It should be noted that a recent code of conduct,²⁸ issued by the Law Society of Scotland, contains guidance for solicitors in precognosing witnesses, within which it states:

“When precognosing witnesses, a solicitor has the responsibility to ensure that this is done in a way which is as sympathetic as possible to the needs of the witness.”

The Trial

4.71 Those families who attended a trial viewed the experience in highly negative terms. On the positive side, however, FLOs recognised the need to support family members at this time and offered various forms of help. Most significant of which was the physical presence of the FLO at court, throughout the trial in most (though not all) cases. This was greatly welcomed – **“just knowing he was there was enough”**. FLOs also took time to explain what would be happening in court each day and often this was supplemented by the Procurator Fiscal doing likewise. FLOs were praised for trying to protect families from unexpected shocks, by advising them when particular details were likely to feature in the trial, although they were caught out in two instances when photographs of murder victims were presented without the FLO knowing. Although most family members said they would want to stay when such details were being presented, they did emphasise that it helped to be pre-warned so they could adjourn from the court if they so wished.

4.72 In some instances, particularly where family members were to appear as witnesses, pre-trial visits to courts had been arranged by FLOs and viewed by those concerned as beneficial.

Other Practical Help

4.73 In some cases FLOs assisted by registering the death, which was much appreciated by the families concerned, particularly as it invariably coincided with a time when families were finding it difficult to cope, and unfamiliar with the procedures involved.

4.74 The funeral is an important part of the grieving process for families, and it is important to them that it is not delayed or disrupted by procedural difficulties. Such delays occurred in a number of occasions, causing considerable concern for the families involved, however, intervention by the FLO in each instance facilitated release of the body to obvious relief.

²⁸ Codes of Conduct. The Law Society of Scotland, June 2002.

4.75 Families welcomed the fact that FLOs visited in plain clothes, using unmarked police vehicles, which avoided unnecessary attention being drawn to them.

Homicide Pack

4.76 In his Inquiry report Dr Jandoo recommended that:

“A Scottish equivalent of the Home Office Pack for Families of Homicide Victims should be produced as soon as possible.”²⁹

4.77 The Scottish Executive is progressing development of such a pack, to include a description of the criminal justice system together with leaflets for various agencies and voluntary organisations.

4.78 As part of the research project, family members were asked to evaluate the proposed pack, based on the Home Office version, and assess whether the availability of such information would have assisted them. The main findings were as follows:

- Having one pack would be more convenient as relevant information could be found more easily than separate leaflets that tended to get lost or thrown out.
- Verbal and printed information was not often taken in at the early stages of an incident as families are still in shock. They felt that a pack could be put away and read at a later stage.
- Very few people had experience of the criminal justice system so clear explanations in simple language were welcomed.
- Most people liked the format as it meant they could pick and chose which information to read.

4.79 Families felt that the FLO would be best placed to deliver the pack after compiling it from a range of leaflets specific to the circumstances of the particular case or incident.

VICTIM RESEARCH

4.80 In addition to the case study project, cognisance was taken of existing research with victims, where it offered informed findings, appropriate to the field of family liaison.

4.81 Research carried out in 2000³⁰ identified broad categories of victim and witness needs:

- physical protection and security;
- information throughout the criminal justice process;
- emotional and counselling support;
- courtesy, respect and sensitivity;
- assistance in coping with physical disability, speech or hearing impairment, language or cultural differences;
- comfort.

4.82 It was also recognised that victims of crime can feel the need for an active role in the criminal justice process in order to restore control over their lives. The stages at which these different needs manifested themselves could be summarised as pre-trial, trial and post-trial. For example, demand could be expected for information about the progress of the case (pre-trial), court processes and procedures (trial), and offender release date (post-trial).

4.83 During research for the British Crime Survey³¹ respondents were asked what kinds of help they would have wanted immediately following the incident. In 63% of cases made known to the police at least one need was reported. The most common were:

- information from the police (29%);
- someone to talk to (19%);
- protection (19%).

4.84 Where the incident involved violence, some 30% of victims had found a need for **“someone to talk to”**.

²⁹ Recommendation 39.

³⁰ Feasibility Study for a Victim and Witness Support Service in Scotland. Lambda Research and Consultancy Ltd, The Scottish Executive, 2000.

³¹ The British Crime Survey 1998. Mirrless-Black et al, Home office, 1998.

4.85 It is noteworthy that many more respondents (34%) obtained some form of help from family and friends, than from any other source. Consequently, family liaison officers should pay particular attention to the needs of those victims who have neither family members nor close friends to turn to for support.

4.86 It was identified during Scottish research³² that in 41% of cases (crime type – robbery, assault) where the respondent stated they had wanted support, they had neither sought support nor been offered it. Clearly then, there is a challenge for all agencies who are in contact with victims to ensure that appropriate support is offered in such a way as to encourage maximum uptake. It is neither sufficient nor realistic to make an offer on a one-off basis, and expect an immediate acceptance.

4.87 One study³³ concluded that victims wanted information for one or more reasons that could be grouped under five main headings, viz:

- rights; victims feel that they have a right to know certain information, such as the progress of the investigation;
- anger; victims experience anger at being a victim of crime;
- fear; victims want information for reasons of personal safety;
- curiosity; simple interest in the case;
- financial; information in connection with financial matters.

4.88 The type of information required could be case-specific or general. Specifics included factual details on the progress of the investigation, court dates and times, and trial outcomes. General information was required on the sequence of events in a criminal case, and criminal justice procedures.

CONSULTATION

4.89 HMIC consulted widely with voluntary organisations and support groups, and sought views on how family liaison might improve. Written responses were received from a number of groups, and HMIC staff made personal visits to others. A full list of consultees may be found at Appendix 'B' to this report. The activities of a number who contribution are described below.

4.90 Victim Support Scotland (VSS) – manages the Support After Murder (SAM) project whose volunteers are trained to provide emotional and practical support to the families of victims. VSS highlighted the particular importance of practical needs being identified, by FLOs or SAM volunteers, in order that they may be timeously addressed by the relevant agency or by a suitable voluntary group. Such needs might vary from the (normally) mundane e.g. baby-sitting, to the major, such as relocation. VSS is of the opinion that early introduction of a SAM volunteer to a bereaved family is to be commended, although it is acknowledged that this would only take place with the consent of a family.

4.91 People Experiencing Trauma And Loss (PETAL) – is a support group for families and friends of murder victims, and has a small number of trained counsellors. PETAL reported that families were generally very appreciative of the availability of Family Liaison Officers, but that family members had sometimes felt let down when FLOs had made their final exit (perhaps indicating over-dependence on FLOs). When attending court, families had remarked on the absence of their FLOs, reflecting their vulnerability at that time and their need for support. PETAL was firmly of the opinion that only people who had been similarly bereaved, or a trained counsellor, could fully understand the emotions experienced by someone bereaved through violence and would therefore be best placed to offer the required emotional support.

³²The Scottish Crime Survey 2000. MVA, The Scottish Executive, 2002

³³Information Needs of Victims, 1995. MVA, The Scottish Executive, 1995.

4.92 Families of Murdered Children (FOMC) – is a self-help group for people who have lost a loved one due to an act of violence. The group holds regular meetings, can provide for home visits in some cases, and has provided court support where necessary. The group does not provide direct counselling. FOMC reported that families invariably experienced strong needs for information in the early stages of bereavement, and also the need for long-term emotional support. The group's co-ordinator was extremely doubtful on whether the provision of such emotional support could be met by volunteers who had no personal experience of violent bereavement. The initial contact with the group was often a particularly difficult step for someone to take, and on occasion it had taken years to achieve. A special plea was made to consider children and young people who are bereaved through the death of a parent or older sibling, as they can find it particularly difficult to cope. They may be alienated by the understandable concentration on the loss suffered by the partner or parents of the victim.

4.93 The Scottish Cot Death Trust – provides support to parent's bereaved by Cot Death, in addition to raising awareness of such deaths and funding for research. It is noteworthy that Sudden Infant Death Syndrome is the biggest single cause of death in children under 15 years of age, with some 40-50 deaths being so classified each year in Scotland. The trust provides emotional support, advice and information to bereaved parents throughout Scotland albeit with the assistance of only a single field worker. It was apparent that the unexpected, and often unexplained, loss of a child is hugely traumatic for parents and siblings and often provokes intense feelings of confusion and guilt. Counselling is commonly used. The trust commends the work of Yorkhill Family Bereavement Service which is based at Yorkhill Hospital, Glasgow, and which provides free counselling and the opportunity to meet others who have shared similar experiences.

4.94 BrakeCare – is a part of Brake, a road safety charity that works to reduce death and injury on roads. BrakeCare promotes emotional support and advice for people bereaved and affected through road death. It is their perception that the status afforded by the police service to a death on the road is less than that of a death through personal violence, and that consequently a lesser service is provided to bereaved families. They also believe the deployment of trained Family Liaison Officers in every road death would have the maximum positive impact in supporting families devastated by tragedy.

4.95 Scotland's Campaign against Irresponsible Drivers (SCID) – is a support and pressure group which seeks *“to help and advise victim families of road crashes”* and campaigns for safer driving and appropriate legal changes. SCID provided a comprehensive response to HMIC, and made a number of points on behalf of families bereaved by road death:

- The trauma experienced by these victim families is akin to those of victim families who have been bereaved by murder.
- A road death is not a normal death; it is a violent death, as violent as murder.
- The criminal justice system is insensitive to the needs of victim families, especially in the area of information.
- Bereaved families are grappling to understand the whole criminal justice process which has been thrust upon them at their most vulnerable time and to make sense of the information given on a 'need to know' basis.
- To aid the grieving process it is necessary for bereaved families to have confidence in the ability and professionalism of the crash investigation team.
- Families who are in a traumatised state and incapable of remembering verbal information welcome the use of a FLO leaflet.

- Deep emotional wounds have been caused by a criminal justice system that has ignored and been insensitive to the needs of victims, causing victim's secondary trauma.
- FLOs have been found to be compassionate, sensitive and supportive to family bereavements, but their 'hands have been tied' in many respects.

4.96 Campaign Against Drinking and Driving (CADD) – provides support for family's bereaved by road death, and welcomes the deployment of FLOs in such cases. The need for families to have virtually constant contact in the early stages of bereavement has been highlighted, to help overcome the isolation that individuals experience at that time. CADD distributes a booklet entitled *Coping with Grief / Helping Children Cope with a Death in the Family*, which is used by a number of English police forces.

4.97 HMIC recognises that the introduction of the Road Death Investigation Manual by ACPOS will set out commitments that significantly address the issues raised by road death support and action groups. In practice however, locally trained or untrained officers largely conduct the liaison with families bereaved by road death in Scotland. If it is accepted that these families are deserving of no less a service than those bereaved by acts of personal violence, then it follows that the Family Liaison Officers who are deployed should have been trained to a common standard.

Recommendation 15

HMIC recommends that ACPOS ensure officers tasked with family liaison in all types of death are trained to national standards.



Chapter 5

ROLES AND RESPONSIBILITIES OF OTHER AGENCIES

5.1 Clearly the police service is responsible for family liaison in the immediate and short-term stages after a death (or occurrence) which prompts a significant police investigation. In those stages family and police will have extensive dependence on each other to assist in dealing with their respective needs. Particularly for families, the police service will invariably be the primary, or only, source of the information they crave. Equally clearly, the police service cannot address all the middle and long-term requirements of families, whether for information or support. For example, FLOs are not able to act as counsellors for family members as it is recognised that they neither possess the skills, qualifications nor experience to do so.

5.2 It may be valuable to briefly consider the roles of statutory and voluntary agencies that have a part to play in the provision of family liaison.

Scottish Executive

5.3 In January 2001 the Scottish Executive launched a Scottish Strategy for Victims to place the needs of victims right at the heart of the criminal justice process. The strategy was developed with the major criminal justice agencies – the Crown Office and Procurator Fiscal Service, the Association of Chief Police Officers in Scotland, the Scottish Court Service and the Scottish Prison Service – and endorsed by Victim Support Scotland. The strategy acts as a framework for the development of services for victims, to improve the information and support available, and increase participation in the judicial system. The Victim Steering Group, chaired by the Scottish Executive, is responsible for overseeing the work being done by the various agencies and for encouraging and co-ordinating progress on the strategic objectives (see paragraph 1.26).

5.4 In 2001 the Executive published a Victims of Crime information leaflet and in August 2002 launched a website (www.scottishvictimsOfcrime.co.uk), both of which are available in 6 community languages. The website is particularly useful in describing the criminal justice system, from a victim's perspective, and provides information and guidance on what can be expected, in terms of service and support, from the component agencies, including a brief explanation on the role of the FLO. Hyperlinks provide access to related organisations.

Crown Office and Procurator Fiscal Service

5.5 The Crown Office and Procurator Fiscal Service (COPFS) is a department of the Scottish Executive. The service has the sole responsibility for prosecution of criminal offences in Scotland, under the authority of the Lord Advocate who is also a minister in the Scottish Executive. Essentially, the most serious crimes will be prosecuted in the High Court of Justiciary by Advocate Deputes. Typically, these include murder, culpable homicide, rape and armed robbery. Other prosecutions take place within Sheriff and District Courts, and are carried out by local Procurators Fiscal and their deputies.

5.6 COPFS has given a commitment to ***“be sensitive and responsive to the needs of the public, including victims, next of kin and witnesses”***. A number of responsibilities have been identified which are shared with the Scottish Court Service in respect of prosecution witnesses who attend court, including victims. These specifically include that, in any case where the Procurator Fiscal is investigating a death: ***“the next of kin will be kept informed of the progress of the investigation”***.

5.7 COPFS is committed to the Scottish Strategy for Victims, principally through the work of the Victim Information & Advice (VIA) service. In addition, victims' information needs are being met through multi-lingual booklets and the Crown Office website (www.crownoffice.gov.uk).

Victim Information and Advice

5.8 The Crown Office is in the process of establishing the Victim Information & Advice (VIA) service within each of the 11 Area Procurator Fiscal offices in Scotland (as of December 2002 the service was active in 6 areas). VIA will ultimately comprise a major element of the Crown Office response to the victim's strategy.

5.9 The Crown Office has undertaken, through VIA, in all serious cases, deaths where criminal proceedings or a Fatal Accident Inquiry will be held, sudden deaths where there are likely to be or it becomes clear after initial investigation that there will be significant further enquiries, racially-aggravated crimes, and some other categories of offences, to:

- provide information to victims, bereaved next-of-kin, and some witnesses about the criminal justice process in general;
- keep victims and bereaved next-of-kin informed about the progress of the case which affects them in particular; and
- advise on and facilitate referral to other agencies for specialist support and counselling if required.

5.10 VIA has therefore a crucial role to play in the family liaison process, and its officers are ideally placed to take over the provision of information to victims' families from police FLOs when the lead in an investigation has passed from the police to the Procurator Fiscal. This stage is normally reached (in the case of a crime) when the alleged perpetrator has been arrested and has appeared in court. In the past FLOs have experienced difficulty in keeping families informed regarding questions such as the charge(s) to be faced, the number of persons being prosecuted, dates and even places of trials. Quite simply, the police are no longer masters of information once an accused person has been committed for trial. From that point on they are not in a position to meet the information needs of families.

5.11 It is worthy of note that there are 48 Procurator Fiscal offices in Scotland. It is essential that victims' families receive the same level of service whether or not there are VIA officers based within the particular PF office that is dealing with their case. It is clear to HMIC that COPFS accepts that VIA requires to operate so as to provide a consistent service to the whole of Scotland with clear identification and understanding of the roles of police, the Procurator Fiscal and other agencies.

Scottish Court Service

5.12 The Scottish Court Service (SCS) is an executive agency of the Scottish Executive Justice Department, and is responsible for the administration of the High Court and of Sheriff Courts in Scotland, in addition to other civil courts and tribunals. Its aim is:

"To help secure ready access to justice for the people of Scotland."

5.13 To achieve this aim the SCS has identified several objectives including:

- to provide the staff and services required to meet the needs of the judiciary and court users;
- to implement and develop the Justice Charter for Scotland.

5.14 The Justice Charter³⁴ details practical provisions which members of the public attending courts can expect, including **“adequate and comfortable accommodation”**. The SCS is also committed to the Scottish Strategy for Victims, and introduced an action plan in 2001-2002 with the intention of improving services to victims attending courts. This plan details some very welcome measures including:

- avoiding contact between victims and accused except where required by court;
- prevention of secondary victimisation;
- training all staff in victim awareness by the end of 2002;
- exploring means of reducing waiting time for victims at court before giving evidence; and
- publication of standards of service for victims.

5.15 It is apparent therefore that the Scottish Court Service has an extremely important role to play in the wider field of family liaison in that victims and/or their families are particularly vulnerable when attending trials, whether as witnesses or as observers. They will require measures of practical support such as private rooms where they can be shielded from other members of the public. Clearly such facilities are being provided on many occasions, and favourable comment has been forthcoming from relatives of victims. However there have been occasions when the relatives have attended courts and found themselves in close proximity to friends and even relatives of the accused, causing trepidation and upset. It is to be hoped that in the not-too-distant future, the provision of appropriate accommodation for the relatives of victims will be accomplished in every case.

Victim Support Scotland

5.16 Victim Support Scotland (VSS) is a charitable voluntary organisation with the stated aims of providing practical and emotional support to victims of crime. Within its 5-year strategy³⁵, VSS commits to working throughout Scotland to ensure that **“people affected by crime get access to services, which will reduce the impact of crime and assist them in their recovery”**. Under the auspices of the Support After Murder (SAM) project, a number of volunteers have received additional training to enable them to offer support to families who have been bereaved. The aim of SAM is:

“To provide a comprehensive, high quality support service to families and communities affected by murder, through partnership between statutory and voluntary agencies, combining the skills, experience and knowledge of both.”

5.17 VSS undertakes to provide both emotional support and practical support. Volunteers who are trained to provide ‘a listening ear to your thoughts, feelings and concerns’ facilitate emotional support. Practical support can be provided to assist in dealing with other agencies at what is a particularly difficult time. VSS can also offer assistance with information on various aspects of the criminal justice system, and can arrange pre-trial visits to court.

5.18 VSS plays an integral part in the delivery of the Scottish Strategy for Victims. It receives over 90 % of its funding from the Scottish Executive, and has a strategic aim of substantially increasing the level of government funding in order to achieve a growth in services.

³⁴ The Justice Charter. The Scottish Office & The Crown Office, 1991.

³⁵ No More Victims. Victim Support Strategy, 2002-2006

5.19 Some doubt has been expressed to HMIC about the capability of VSS/SAM volunteers to provide the level of emotional support that bereaved families require although no criticism has been made of the positive intentions of volunteers. Put simply, it may be that only a professionally trained counsellor or a volunteer, who has personal experience of violent bereavement, is able to understand the strength and effect of emotions experienced by such families. As part of its SAM service, VSS has established contacts with professional counsellors and specialist support groups, in order to facilitate referrals to ensure that the emotional requirements of the bereaved can be met.

5.20 In cases of murder, VSS will accept a referral from police where the victim's family consents to their details being passed. HMIC considers that there is potentially much to be gained by promoting contact between victims and their families, and VSS. In light of the development of an ACPOS system for referral with a victim opt-out element, the time is now right for forces to review their referral practices.

Recommendation 16

HMIC recommends that forces review their Victim Support Scotland (VSS) referral policies with a view to maximising the numbers of bereaved families who are put in touch with VSS.

5.21 There is little doubt that Victim Support Scotland has a significant part to play in addressing the needs of victims of crime, including the families of victims who are deceased.

Witness Service

5.22 The Witness Service is presently based within the Sheriff Courts of Scotland, with the objective of providing practical and emotional support to assist people who attend court as witnesses. The service is confidential and staffed by volunteers, funded by the Justice Department of the Scottish Executive, and administered by Victim Support Scotland.

5.23 As the majority of criminal proceedings involving deployment of FLOs take place in the High Court, it is hoped that the Witness Service will extend beyond the Sheriff Courts. The Justice Minister has declared his intention (September 2002) that the service would be so extended, and it has been estimated that the roll-out could be completed during Spring 2003. HMIC welcomes this addition to the range of services that are available to meet the needs of victims and their families.

Voluntary Support Groups

5.24 HMIC is convinced of the immense contribution that support and peer groups can make to the whole process of coming to terms with the loss of loved ones. It is abundantly clear that in coping with sudden and violent bereavement, significant numbers of families have long-term emotional needs, and that these needs may be met by support from others who have had similar experiences that enable them to empathise with each other. HMIC has been impressed by the dedication of groups such as PETAL,³⁶ FOMC,³⁷ and the Scottish Cot Death Trust.

5.25 The provision of information on support groups and organisations appears to be occurring at too early a stage in the grieving process, with a resulting low take-up. FLOs should offer information and advice at various stages and where it is known that contact with an organisation has been established, then progress should be monitored. The potential need for improved support should be continually assessed and where the need is identified, FLOs should adopt a more proactive role to help establish contact between the family member and the organisation concerned.

³⁶People Experiencing Trauma And Loss.

³⁷Families of Murdered Children.

5.26 It is incumbent upon Family Liaison Officers to carry out such enquiries as are necessary in order that they have a comprehensive awareness of the availability of groups and agencies which may be able to offer support to a bereaved family, wherever they may be located.

Recommendation 17

HMIC recommends that a priority of forces' family liaison strategies be to put bereaved families in touch with support groups, and that Family Liaison Officers are proactive in their efforts to achieve this objective.



Chapter **6**
CONCLUSION

The Future

6.1 The operational police officer of today is of necessity multi-skilled, and requires to be capable of working on his or her own initiative or as part of a team structure. Officers must display patience, understanding and sensitivity when called upon to interact with people who have been traumatised. When death has occurred violently or unexpectedly, particular care is required in carrying out the necessary initial enquiries. In such incidents the operational officer who responds to the scene, sets the tone for the following investigation.

6.2 Whenever a police enquiry team is formed to investigate a death, whether a homicide, suspicious death, road death, cot death, death in custody, or in any other abnormal circumstances, a Senior Investigating Officer will be appointed. The SIO will be expected to deploy a Family Liaison Officer to provide a personal link between the family and the investigation. Police forces must ensure that they have a sufficiency of trained FLOs to meet demands.

6.3 The police service is called upon to respond to many sudden deaths that do not require a dedicated enquiry team to carry out an investigation of the circumstances. In such cases FLOs will not be deployed, and it is therefore incumbent upon the officers who are in direct contact with the relatives to display no less sensitivity to their needs.

6.4 Of course FLOs may be deployed in cases other than death where it is not possible to establish full contact with the victim for some reason. The objective of such a deployment is still that of linking victim and/or family to a remote police enquiry team. FLOs are drawn from the ranks of experienced officers who have proven ability in an investigative field, and as valuable but limited resources their use must always be well-reasoned and clearly-intentioned to ensure that those members of the public who have greatest need benefit from their special skills.

6.5 Officers who deal with victims of more routine incidents must endeavour to provide a high quality of service to each and every victim. Quite simply, they should treat others, as they themselves would wish to be treated. It is the responsibility of supervisory officers and police managers to ensure adherence to such standards.

6.6 When multiple death occurs, such as at the Ladbroke Grove train crash and at the World Trade Centre, the challenges for the police service in terms of family liaison may be enormous. While such incidents will always attract the services of trained officers, forces must recognise that sheer scale may direct that officers drawn from outwith the FLO cadre are utilised in the family liaison role.

6.7 Training for FLOs is based on the concept of an intense, awareness heightening, shared experience, which naturally lends itself to a small group of participants. The concept cannot easily encompass a significant increase in the numbers of officers who can be trained to such a standard, notwithstanding the availability of suitable volunteers for training.

6.8 The Scottish Police College currently provides only limited training to constables on the topic of death, specifically the traumatic effects, which it can generate in the bereaved. HMIC believes that the basic training course for probationary constables provides the best opportunity for enhancement of general police awareness of the effects of trauma, and how they may be countered as positively as possible. The operational officers, often relatively young or inexperienced, who invariably provide the first response of the police service to traumatic incidents, would undoubtedly benefit from increased understanding, hopefully leading to an increase in the quality of service provision to the public.

National Family Liaison Strategy

6.9 The Association of Chief Police Officers (ACPO) through its Crime Committee, has carried out work throughout 2001-2002 on the preparation of a Family Liaison Strategy Manual with the intention that a single document will address the guidance needs of the police service (England, Wales and Northern Ireland) in relation to any incidents that require a family liaison strategy to be implemented. Publication of the manual is expected in the near future, at which time it will complement the existing ACPO manuals for murder, road deaths and emergency procedures, and the ACPO Guide to Identifying and Combating Hate Crime.

6.10 There are a number of significant changes and factors that can be expected to feature in the new Family Liaison Strategy Manual. They include the following:

- principals equally applicable to homicide, road deaths, mass disaster, and non-fatal cases such as hate crime;
- guidance for Senior Identification Managers (SIM);
- enhanced aims and objectives which increase focus on the needs of the family;
- introduction of the role of Family Liaison Advisor;
- formalised risk assessments for FLO deployment;
- guidance in relation to deaths abroad.

6.11 The new strategy manual will provide the base upon which guidance on family liaison is founded. Whilst each of the ACPO documents referred to, will include information which is specific to particular types of incident, it is envisaged that the generic manual will be the principal source of reference for information to direct the formulation of a family liaison strategy. An example is the inclusion of detailed references to the role of Senior Identification Manager (SIM) which would be filled in a case of multiple death, to ensure control of all aspects of victim identification.

6.12 The aims of the police service, in discharging its responsibility for family liaison, are described as:

- to analyse the needs, concerns and expectations of the 'family' in order to identify relevant and realistic action that should be taken, in the context of their human rights and the obligations set out in this document;
- to work with the 'family' in order to comply with their right to receive all relevant information connected with the enquiry, subject to the needs of the investigation, while seeking conclusively to gather all information and evidence from them which assists the investigation, in a way that is proportional to their fundamental right to privacy and family life.

6.13 The objectives arising from these aims are:

- to provide information to and facilitate care and support for the family, who are themselves victims, in a sensitive and compassionate manner in accordance with the needs of the investigation;
- to gather evidence and information from the family in a manner which contributes to the investigation and preserves its integrity;
- to secure the confidence and trust of the family thereby enhancing their contribution to the investigation.

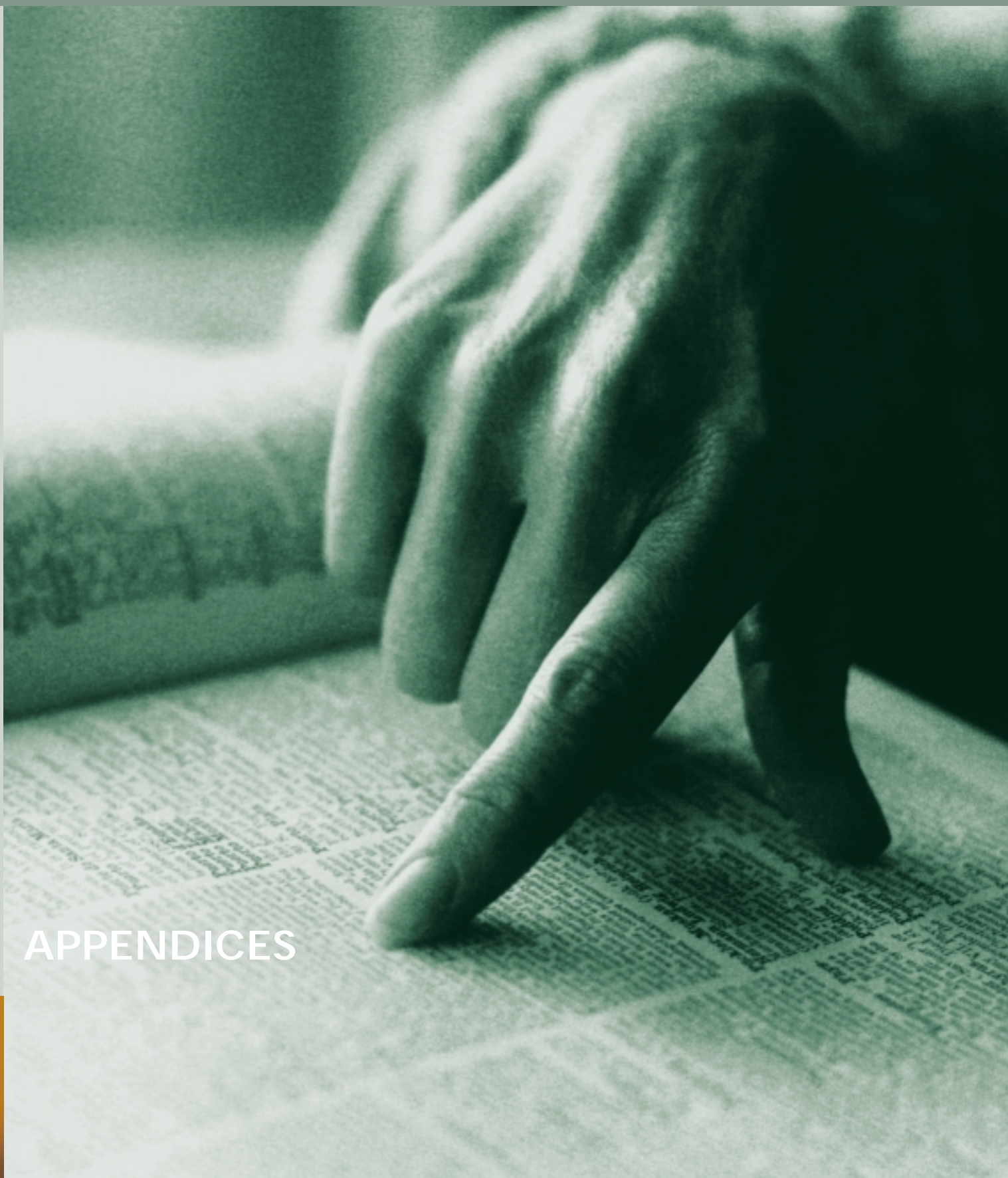
6.14 Whilst these aims and objectives have yet to be finalised it is arguable that, in comparison to those within the Murder Investigation Manual, they effectively shift the focus of family liaison from the needs of the investigation to the needs of the family.

6.15 The role of Family Liaison Advisor is an entirely new one, which is introduced by the manual. It is envisaged that a supervisory officer with family liaison experience would fill the post and assist the SIO in the initial stages of an investigation with formulation and implementation of a family liaison strategy. It is recognised that the post would be optional given that the Family Liaison Co-ordinator may be in a position to provide this type of support.

6.16 The process of risk assessment for FLO deployments is detailed within the manual, which will be a responsibility of the Senior Investigating Officer in every case.


6.17 The issue of deployment of FLOs in response to the death of British subjects outwith the United Kingdom, is one that has come to the fore a number of times in recent years, most notably post 11th September 2001. The growing realisation of the police role in such cases is reflected by the inclusion of a significant volume of guidance with regard to the roles of FLO, FLC and other agencies.

6.18 The publication of the ACPO Family Liaison Strategy Manual will represent a further landmark in the development of family liaison and necessitate due consideration by the Association of Chief Police Officers in Scotland (ACPOS).



APPENDICES

Appendix A

 POLICE ADVISORY BOARD (SCOTLAND) Staff Appraisal Working Group			
SECONDMENT / ATTACHMENT PERFORMANCE REVIEW			
APRAISEES PARTICULARS	Rank	Div / Dept	Duty Performed
Name			
COMPLETE SECTIONS ONE TO ELEVEN IN RESPECT OF ALL RANKS WHERE THE CORE SKILL IS RELEVANT TO THE POST			
1. Communication			
Comments:			
2. Self Motivation			
Comments:			
3. Relationships with Colleagues			
Comments:			
4. Relationships with the Public			
Comments:			
5. Decision Making			
Comments:			
6. Self Management			
Comments:			

7. Creativity and Innovation

Comments:

8. Leadership

Comments:

9. Managing and Developing Staff

Comments:

10. Business / Divisional Planning

Comments:

11. Strategic Planning

Comments:

Appraisers Comments:

Signed:

Date:

Comments by Appraisee :

Signed:

Date:

Appendix B

List of Consultees

Action of Churches Together in Scotland – Dunblane.
Aftermath – Sheffield.
BrakeCare – Huddersfield.
Campaign Against Drinking & Driving – Wantage.
Child Bereavement Network – Nottingham.
Child Death Helpline – London.
Child Victims of Crime – Stafford.
Commission for Racial Equality Scotland – Edinburgh.
CRUSE Bereavement Care – Perth.
Disaster Action – London.
Families of Murdered Children – Motherwell.
Foundation for Study of Infant Deaths – London.
Jewish Bereavement Counselling Service – London.
Justice for Victims – Glasgow.
Lesbian & Gay Bereavement Project – London
London Bereavement Network – London.
National Association of Funeral Directors – Edinburgh.
People Experiencing Trauma And Loss – Hamilton.
Road Peace – London.
Samaritans – Edinburgh.
Scotland's Campaign against Irresponsible Drivers – Cumbernauld.
Scottish Cot Death Trust – Glasgow.
Scottish Interface Council – Glasgow.
Survivors of Bereavement by Suicide – Hull.
The Compassionate Friends – Bristol.
The Moira Anderson Foundation – Airdrie.
The Traumatic Stress Clinic – London.
Trauma Aftercare Trust – Gloucestershire.
Victim Support Scotland – Edinburgh.

Appendix C

Glossary of Abbreviations

ACPO	Association of Chief Police Officers
ACPOS	Association of Chief Police Officers in Scotland
CADD	Campaign Against Drinking and Driving
COPFS	Crown Office and Procurator Fiscal Service
FAI	Fatal Accident Inquiry
FLC	Family Liaison Co-ordinator
FLM	Family Liaison Mentor
FLO	Family Liaison Officer
FOMC	Families of Murdered Children
HMIC	Her Majesty's Inspectorate of Constabulary
MIR	Major Incident Room
MIRSAP	Major Incident Room Standardised Administrative Procedures
MPS	Metropolitan Police Service
NCOF	National Crime and Operations Faculty
PETAL	People Experiencing Trauma And Loss
PF	Procurator Fiscal
SAM	Support After Murder
SCID	Scotland's Campaign against Irresponsible Drivers
SCS	Scottish Court Service
SIM	Senior Identification Manager
SIO	Senior Investigating Officer
SPC	Scottish Police College
VIA	Victim Information and Advice
VSS	Victim Support Scotland

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