

OFFICIAL SENSITIVE – WHEN COMPLETE

Joint NPCC and CPS Evidence Gathering Checklist – For Use by Police Forces and CPS in Cases of Domestic Abuse (DA)

Date:
Staff number:

Officer in case:
Case reference:

The Police to provide completed check list to CPS in every case where charging advice or a charging decision is sought. The form is an important part of the evidential file - it should be fully and accurately completed.

Ensure that: timely decisions are made; a charging checklist is completed for each complainant where more than one is involved; the overall allegation is considered through the assessment of all available evidence including the role and behaviour of the suspect.

The checklist **does not** replace the MG3 - but should complement it. The CPS should comprehensively endorse the MG3 including addressing any evidential weaknesses.

The safety of the complainant and any children or other dependants should be the primary consideration. If IDVA or equivalent specialist service support is available make a referral at the earliest possible opportunity.

The Police must refer to the College of Policing Authorised Professional Practice ([link](#)). Further information about charging domestic abuse cases is available here ([link](#)).

Have you collected all available evidence , including material other than the complainant's statement and given consideration to the wider pattern of behaviour and its cumulative impact ?			
	YES	NO	COMMENT*
999 Call, Body Worn Video with current DASH.	<input type="checkbox"/>	<input type="checkbox"/>	
999 Call supplied to CPS Direct	<input type="checkbox"/>	<input type="checkbox"/>	
Victim statement - refer to previous DA if relevant.	<input type="checkbox"/>	<input type="checkbox"/>	
Photographs; of scene (broken door locks, evidence of tidying up) and any injuries (taken over time as injuries develop). Recover any possible weapons (sticks, footwear if victim has been stamped on). Consider CSI advice .	<input type="checkbox"/>	<input type="checkbox"/>	
Admissions.	<input type="checkbox"/>	<input type="checkbox"/>	
Medical evidence/DNA (if available at the time); signed consent form; medical exhibits i.e. hair.	<input type="checkbox"/>	<input type="checkbox"/>	
Other statements – children, attending Officer (to include nature and seriousness of visible injuries, signs of struggle, attempts of choking/drowning, or isolation, disposition of victim/offender, IDs of other persons present), neighbours following house to house enquiries, support services. Consider threats made to other witnesses.	<input type="checkbox"/>	<input type="checkbox"/>	

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Passive data/Comms data/Financial data e.g. data mining foot prints, social media/other electronic evidence, messages, diaries, spyware technology, apps, bank-records CCTV. Check all devices for incoming and outgoing data, WIFI and cell site data, (NB: communications data can be collected retrospectively from the service provide).	<input type="checkbox"/>	<input type="checkbox"/>	
Is there any evidence of coercive and controlling behaviour? See College of Policing Authorised Professional Practice for further information (link).	<input type="checkbox"/>	<input type="checkbox"/>	
Relevant information to include from Police Records.			
	YES	NO	COMMENT*
Risk of reoffending. Any previous DASH or equivalent risk identification checklist with outcome (i.e. MARAC case, high risk, standard risk).	<input type="checkbox"/>	<input type="checkbox"/>	
Any civil orders/proceedings and whether there has been previous breaches (DVPOs / DVPNs).	<input type="checkbox"/>	<input type="checkbox"/>	
Any previous allegations (with URNs and including other victims) and how these allegations were concluded (if case did not proceed why not?) DVDs.	<input type="checkbox"/>	<input type="checkbox"/>	
Police to inform CPS of any breach or further offences, submit files to CPS and supply interview record in a timely way.	<input type="checkbox"/>	<input type="checkbox"/>	
Were any firearms used? Does the suspect have any firearms licences or are there any intelligence reports linking suspect and household members to weapons?	<input type="checkbox"/>	<input type="checkbox"/>	
Whether the Bail Amendment Act should be invoked in a custody case.	<input type="checkbox"/>	<input type="checkbox"/>	
Information regarding the victim and/or incident.			
	YES	NO	COMMENT*
Victim Personal Statement; can be updated throughout case proceedings.	<input type="checkbox"/>	<input type="checkbox"/>	
Safety of victim (victim's views and IDVA/specialist support service views).	<input type="checkbox"/>	<input type="checkbox"/>	
Whether victim has been contacted by suspect/friends/family whether supportive or intimidating contact – detail within comments section.	<input type="checkbox"/>	<input type="checkbox"/>	
Counter allegations/defence.	<input type="checkbox"/>	<input type="checkbox"/>	
Restraining Order – does the victim want one and if so with what terms?	<input type="checkbox"/>	<input type="checkbox"/>	
Bail conditions that do not restrict the victim and any children. Include locations to avoid.	<input type="checkbox"/>	<input type="checkbox"/>	

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Withdrawing support/retraction. There may be a number of reasons why the police might be asked not to proceed further including fear of further harm or repercussions. See CPS Legal Guidance for further information and steps to follow including the need for an officer's statement on the appropriateness of a summons.	<input type="checkbox"/>	<input type="checkbox"/>	
Ability/willingness of victim to attend court, give evidence and any special considerations.	<input type="checkbox"/>	<input type="checkbox"/>	
Special measures needed? And type (views of victim and IDVA/specialist support service) need to complete an MG2.	<input type="checkbox"/>	<input type="checkbox"/>	
Information regarding any children and/or dependants			
(When a child is interviewed it should be done in safety and privacy and in no circumstances should a child be used as a translator for their parent).	YES	NO	COMMENT*
Safety of children (Police and Victim's views).	<input type="checkbox"/>	<input type="checkbox"/>	
Whereabouts of children during incident (include relation to victim/suspect and age).	<input type="checkbox"/>	<input type="checkbox"/>	
Child Protection Proceedings; include whether referral made to Children's Services.	<input type="checkbox"/>	<input type="checkbox"/>	

* The comment box must be completed if no evidence available

CPS Prompts for Prosecutors

Prosecutors must refer to the CPS Legal Guidance on Domestic Abuse ([link](#)); however, the table below provides some helpful prompts for prosecutors to consider.

Provision and gathering of wider information in addition to this evidence gathering checklist.
If further evidence is required from the police ensure this is articulated in a clear and concise action plan and discussed with the Officer as appropriate.
Find out whether there are any concurrent or imminent public law or private law family proceedings or civil proceedings and remedies involving the complainant or suspect.
Assessing the suspect/defendant.
Ensure timely applications for; hearsay evidence and/or bad character.
Has the credibility of the defendant been fully considered? E.g. Are there any previous instances of misconduct/convictions?
Are there any aggravating features?
What are the possible defences?

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Consider the acceptability of pleas.

Victim and witness support following a decision to charge.

Victim Personal Statement obtained and updated throughout the case progression.

Timely consideration of; special measures, Pre-Trial Witness Interviews, expert evidence and other support measures.

Identification and consideration of vulnerabilities (BME, physical or mental impairment, LGBT, age).

Ongoing communication through IDVA/Witness Care Units/other specialist services on case progression and any other useful information.

Where there is a withdrawal or retraction; see CPS Legal Guidance for further information on the possible reasons including fear or coercion, which should be fully explored with victim/WCU/IDVA/Specialist support.