

Information Paper

Legislative Council Panel on Welfare Services

Subcommittee on Strategy and Measures to Tackle Domestic Violence and Sexual Violence

Police's handling of Domestic Violence and Family Violence Cases

'Domestic and Cohabitation Relationship Violence Ordinance' aims at dealing with incidents of violence occurring between persons of the following familial relationships as a means of civil remedy:

- (a) heterosexual couples who are married, separated or divorce;
- (b) current and former cohabitants (regardless of gender);
- (c) children (including children of same sex cohabitants), parents, grandparents, grandchildren, siblings;
- (d) uncles, aunts, nephews, nieces, cousins; and
- (e) spouses of such relatives and such relatives of their spouses (whether natural, adoptive, full/half blood, step or in-law).

2. In response to amendments made to the above-mentioned legislations, the Police have amended relevant internal guidelines and have been devoted to assist in executing any injunction attached to an 'Authorization of Arrest' and arresting any person whom he/she reasonably suspects of being in breach of the injunction.

Domestic Violence

3. All reports of Domestic Violence (Crime), Domestic Violence (Miscellaneous) and Domestic Incidents are grouped under the term of Domestic Conflict Reports. In the Police context, Domestic Violence is defined as any crime or miscellaneous cases involving violence or breach of the peace between parties who could generally be described as married or having an intimate partner relationship. This relationship is defined as follows:

- (a) heterosexual couples who are married, separated or divorced;
- (b) cohabited couples, regardless of gender, with current or past intimate relationship; and
- (c) lovers, regardless of gender, having a lasting relationship or former lovers.

4. 'Professionally handle and investigate all reports of Domestic Violence' is one of the key operational areas in the Commissioner's Operational Priorities. The Police have adopted effective policies and procedures for handling Domestic Violence cases. Officers should adhere to the following principles:

- (a) respond to all reports promptly and decisively, and take proper enforcement action according to law;
- (b) ensure the immediate safety of victim and his/her children;
- (c) take proactive steps to prevent further harm or damage to property; and
- (d) make timely referrals of victims and/or alleged offenders for appropriate follow-up services.

5. Upon receipt of a Domestic Conflict Report, an officer of the rank of Sergeant or above shall be deployed to the scene to ensure that each report is properly handled. If the suspect and victim(s) are involved in previous report of similar nature, the investigation team handling the first report will take over such case for investigation. All reports involving the same family will be consolidated to facilitate actions to be taken with better understanding of the whole situations. Designated Domestic Violence Investigation Units shall investigate serious Domestic Violence cases while Crime Investigation Teams shall deal with 'High Threat' Domestic Violence (Miscellaneous) cases. Frontline officers shall conduct a PONICS check to ascertain if an Injunction Order under the 'Domestic and Cohabitation Relationship Violence Ordinance' with Authorization of Arrest is in force. The Police will make prompt arrest of any person who is suspected of being in breach of the injunction. Frontline officers will identify risk factors and make risk assessment in respect of subsequent report and the likelihood of recurrence through 'Enhanced Central Domestic Violence Database' containing background information of Domestic Violence/ Domestic Incidents and the use of 'Emergency Referral Questionnaire' as well as 'Action Checklist' specially designed for such purpose. In response to the assessment, Police will initiate timely action to minimize risk, including arresting offenders when necessary and providing safe accommodation, counselling and other support services for victims and family members with the Social Welfare Department and other relevant organisations. For any report classified as Domestic Violence case where referral for follow-up services is deemed necessary (e.g. subjects have records of domestic violence or subjects abuse alcohol or drugs), the Police shall take proactive action to arrange referral, no matter whether the subject consents or not.

Family Violence (Crime)

6. Family Violence (Crime) is defined by the Police as cases of crime involving violence occurring between persons who fall under the familial

relationship as described in paragraph 1(c)-(e). Examples include wounding, serious assault, criminal intimidation, etc. that occurs between children, grandparents, sibling, etc.

7. All Family Violence (Crime) reports are handled by crime teams while serious cases will be taken up by District Crime Units. If investigation shows that an offence has been committed, the Police shall arrest the suspects according to the law and cases will be followed up in accordance with existing procedures and guidelines.

8. If investigation shows that the report does not involve any crime, the Police shall try to arrange for referral of the subject party for follow-up services. Family Support Service Information Card shall be given to the subject for future enquiries with agencies providing related services. If the subject in need agrees to the referral made by the Police, the case in question shall be referred to relevant departments for follow-up actions.

9. Police officers will handle and investigate all reports with sympathy, understanding, fairness and professional attitude and make timely referral, irrespective of classification of cases.

Hong Kong Police Force
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