

'Commission of Enquiry into Policing in Guyana'
Submission to the Disciplined Services Commission from Red Thread and Help & Shelter

INTRODUCTION

This submission is made to the Commission to highlight the problems of the response of the Guyana Police Force to the following :-

- a) Child Abuse – where children are victims of different forms of abuse
- b) Domestic Violence – specifically incidents of male partner violence against their female partners
- c) Rape & sexual assault

and to recommend some actions.

Our experiences in working with victims of domestic violence, child abuse and rape have found that the following obtains :-

The Senior Management of the GPF have spoken of the need for reform of the police attitudes to dealing with child abuse, domestic violence and rape.

The GPF has committed to training police officers in responding to domestic violence and in some cases, Child Abuse. This training is expected to transform attitudes to domestic violence and child abuse. However, the training has to be part of a strategy of reform which will include policy review and revision, re-organisation of resources and a monitoring component to ensure that the police response will bring perpetrators to justice without further trauma to victims.

Some police officers go out of their way to help. The following are true :-

“In Sparendaan, a police officer woke his wife to come with him one night so that she could take two children to safety with their grandparents’

“In Berbice, a single parent police women in one weekend took two children from two abusive families to her own home since she could not find alternative accomodation for them. ’

“Two police women brought a girl to Help & Shelter from the East Bank , Demerara. The women had kept the child at the station for her own security.. however they were scared that their male colleagues would further abuse the child if they left her when they went off duty’

- **Many police officers of junior ranks have pleaded with us to ensure that senior ranks are trained since they feel that they cannot implement what they have learnt when senior ranks make orders which are opposite to the training.**

The Georgetown Public Hospital Corporation and other public health facilities are the venues where most victims of violence will go for medical treatment. The GPHC falls within the Albertain Police Station area and the Emergency Room nurses have noted that most times, the police will not visit the hospital to take statements since there are not enough officers at the station or that the police do not think that they can take the report.

It is therefore immediate for a clear protocol to be worked out with all of the Health Facilities in the country to determine which Police Stations should be called to send officers to take statements from victims and associates. The creation of 'Special Victims Units would help in the implementation of these cases.

A. The response of the Guyana Police Force to child abuse in Guyana

The incidence of child abuse in Guyana is underreported since many parents do not wish to pursue charges or many older children try to hide signs of especially sexual abuse. The law is unfortunately not clear on physical abuse , emotional abuse and neglect so many times police have had to make judgement calls, challenging their own views on beating children as a form of punishment for example.

Annex A to this submission contains a draft of a police procedure document (tabled as 'an Order' which the Guyana Police Force should implement.

The order deals with the following :-

Definitions of child abuse

Procedures for

- Responding to reports
- Interviewing the child
- Protecting the Child

Involving other child welfare agencies and individuals

Dealing with the offender

Orienting the child to the courtroom procedures

Each officer should agree to the implementation of the Order. The Officer in Charge of each police station/outpost will be responsible for the implementation of the order.

This implementation of this order should be done in a participative / consultative/training workshop session at each police station or sub division. This is to ensure that all police are clear on their responsibilities and that feedback could be received to improve on the guidelines in the order.

B. The response of the Guyana Police Force to domestic violence in Guyana

It is estimated that between 1 in 3 and 2 in 3 women suffer from violence and other forms of abuse from the men who are supposed to love them. Domestic violence continues in an environment in which many still believe that 'man and woman' story should be private, and that the sanctity of the family is more important than the safety of the members of the family.

The global attitudes to domestic violence have been changed due to legislation and strong lobbying for a change in policing policy and procedures. The Guyana Police Force must be commended for exposing their officers to training in domestic violence intervention and for involving members of specialist civil society groups in that training. We commend the officers outside of the Felix Austin Police College who have also arranged training in their districts and stations and who collaborate with community based organisations and women's groups to conduct the training.

However, the impact of this training is limited by the lack of police procedures and policies, especially in the police stations which are furthest away from urban centres. There is also a problem in that some of the trained police are moved out of the frontline areas so that the effects of the training are not felt in the community.

Help & Shelter and Red Thread continue to receive reports of police inaction, and while we acknowledge that we could get action by calling on senior officers of the Police, this does not solve the problems of poor police response to domestic violence, especially in the rural communities.

We hereby make the following submission to the Commission :-

1. Domestic Violence Policy

The Guyana Police Force should develop a policy for dealing with matters of domestic

violence and create the procedures for their implementation. These procedures will better guide the frontline police officers in the execution of their duties. The GPF should continue to collect and disseminate the data about domestic violence reports. The key element of this policy should be that the safety of the victim is paramount.

2. Training and monitoring

The GPF should continue with their training programme and should also an element of eight month evaluations to check up on police who have been trained to note impact.

There could be an element of peer mentoring to check on the police.

Senior officers of the Guyana Police Force must be exposed to the training – many of the junior ranks have noted that their efforts are stymied by the ignorance of their untrained superiors.

3. Domestic Violence Units

The GPF should seek to establish Domestic Violence Units (or include as part of Special Victims Units) in sub-divisions or each stations which are staffed by the trained officers. Where possible the officers in these units could be supported by social workers and anti-domestic violence advocates in the community.

4. Community Relations

The trained officers in the Guyana Police Force could themselves become advocates against domestic violence in the community. The GPF should seek to use these officers as part of Domestic Violence education programmes in the communities in which the officers work. At least three officers have already participated in such community education programmes – but during off duty.

Suggested guidelines for police intervention :-

- When dealing with reports of domestic violence, each police officer is expected to :-
- Listen to report and conduct a brief interview. The Guidelines for questioning are available from the Felix Austin Police College Domestic Violence Training .
- Record report in domestic violence book
- Conduct interview in convenient space away from the public . Some stations have established special interview rooms.
- Look for visible signs of injury.
- Escort victim to seek medical attention, if necessary.
- Take statement from the virtual complainant and witnesses, *including any children who were present.*
- Visit scene of any recent attack. Secure exhibits, if available.
- Inform virtual complainant of the Domestic Violence Act and the provisions which are available. Provide the forms to make the application for the Protection Order.

- Arrest perpetrator.
- Put allegation to perpetrator and note response.
- Keep perpetrator in custody
- Charge perpetrator

In the event that the virtual complainant is interested in counselling, the police officer could give information on places to which counselling is available.

If victim does not want to file for a Protection Order, the police can do so on behalf of the children or any other persons who are abused by the perpetrator.

The police officer should follow up on the status of the case.

C. The response of the Guyana Police Force to rape and other forms of sexual assault

The Sexual Offences Act in Guyana has an outdated definition of rape and the associated punishments do not take into account the effect on the victim which would result whether the assault was done with a penis or any other object. The law does not reflect that males could be victims of rape as well , relying on the charge of sodomy which again does not take into account any other forms of assault.

The response of the police officers is supposed to be that a police officer should accompany the victim to the hospital or medical facility to collect the medical certificate.

In many cases the police response consists of the following :-
 they have no transportation to get to the hospital
 they do not have the medical forms for the victims to use

Many victims go to the hospital first, and depending on the level of trauma, the nurses may try to call a police station to get an officer to visit. As we noted before, the police response to the calls from the Hospital are inadequate.

Male victims of sexual assault

In some training sessions, police officers have admitted that their homophobia will prevent male victims of sexual assault – whether adult or child, from making reports.. There have been instances where the police officers have laughed or mocked at the males who have tried to make reports. As a result, male victims of sexual assault are doubly traumatised and the perpetrators are allowed to continue their behaviour

We urge the Guyana Police Force to examine the procedures with respect to dealing with victims of rape and sexual assault, and to consider the effects of the homophobia of their officers which would traumatize male victims of rape, and to evaluate the response of the stations in especially rural areas.

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Annex 1 – Suggestion for a preliminary Police Procedure Document which outlines procedures when dealing with reports of Child Abuse

Title : Guyana Police Force – Police Procedures when dealing with reports of Child Abuse

Purpose

The role of the Guyana Police Force in protecting child abuse is immediate and critical. This order is to ensure that the members of the Guyana Police Force treat children with dignity and respect while ensuring the rights of the accused. The children who are abused are sometimes further traumatised by the police investigation. **Community police** should also be involved in the enforcement of this order.

Objectives

The objectives of this order are :

- To ensure child abuse cases are properly and effectively investigated and prosecuted.
- To reduce trauma and provide protection and continued support for abuse victims and their families.
- To increase awareness and reporting of child abuse cases.
- To increase co-operation of all agencies and individuals who are responsible for the welfare of children

What is child abuse?

Child abuse consists of any form of behavior which **undermines** the well being of the child. **Such** behaviour includes

- physical abuse - beatings, burnings, stabbing, kicking, hitting
- neglect - not caring for the child, not **satisfying the** child's physical, **social** or emotional needs
- sexual abuse - **rape**, fondling, **buggery**, **exploitation of** the child **by videotaping** or **in** other ways for the sexual gratification of the perpetrator
- emotional abuse - constant verbal and threatening abuse which results in the lowering of the child's self esteem.

What does our law say?

The Domestic Violence Act criminalises the abuse of children. The Sexual Offences Act also criminalises the rape of minors.

Sections of the procedures

- Responding to reports
- Interviewing the child
- Protecting the Child
- Involving other child welfare agencies and individuals
- Dealing with the offender
- Orienting the child to the courtroom procedures

Section 1. Responding to reports of Child Abuse

Cases of child abuse may be reported from different sources such as :-

- Hospital or other medical facilities, or medical staff
- Social workers and other counselling agencies
- Neighbours of the child's home
- Teachers or School Welfare Officers
- Relatives of the child
- Acquaintances of the perpetrator

The police will respond immediately to all reports of child abuse.

The police shall seek the support of the Probation Officer or any other recognised community based counsellor or caregiver who is capable of supporting the child through the interviewing process.

In this community, those people are : (please insert names, addresses or phone numbers)

The police shall

- determine if the child needs medical attention and try to help that child seek the attention. The police shall endeavour to convince the parents of the necessity of a medical (examination or certificate). It may be necessary for a police medical form to be filled out, in which case the police shall contact the nearest medical officer at (please insert name of medical facility)
- determine if the child was abused or neglected by a person responsible for the child's health or welfare and whether the child is in need of protection;
- determine if there is probable cause to believe a crime has been committed and if so, who committed it;
- Minimize trauma to the victim;

- Ensure fairness to the accused.

Section 2 Interviewing the child and taking the statement

The child should be interviewed in the presence of supportive family members or social workers in a separate room if possible or at the hospital/health facility.

Guidelines for Interviewing

- Do not force the child to remove clothing or to answer any questions if the child is not ready to answer them. It may be necessary to let the child draw or use signs or other means of communication to describe what happened.

Do not question the child in the presence of the accused.

Assure the child that ALL ANSWERS WILL REMAIN CONFIDENTIAL.

- If possible, the interviewing officer shall not be the same sex as the accused e.g., if the accused is a man or boy, the interviewing officer should be a woman.

- If the child is disabled or mentally impaired, seek the help of an Independent Third Person - either trained, or persons whom the police know to be of good reputation within the community like the persons listed in Section 1 above.

- Any person who has recently been abused will be distraught so answers may be confusing. Police must be patient to get a clear statement of what happened without traumatising the child.

- REMEMBER THAT IN SOME CASES, the accused would have told the child not to tell anyone or maybe even threatened to kill the child if he/she told anyone. The child must be assured that he/she will be safe if he/she tells what happened.

It is important for the police to interview all other witnesses including any other children.

Section 3. Protecting the child

The police must ensure that the child is safe, in an environment away from the accused if the accused is not arrested. The child may say where he/she wants to go. The police could also accompany the child to a home where he/she could stay temporarily.

Section 4. Referring the child to counselling

The police will refer the child for counselling from appropriate agencies such as the Probation & Welfare Department or organisations such as Help & Shelter or any of the organisations listed here

(List here the closest agencies/individuals and the contact phone numbers)

Section 5. Dealing with the accused

If the accused is a juvenile then the police will take appropriate steps to arrest the juvenile or to ensure that the juvenile is far away from the accused.

If the accused is an adult , the police will take appropriate action to arrest or to ensure that the child is safe from the adult.

Section 6. Orienting the child to the courtroom procedures

During the PI it is important the Police prosecutor works with the child to get him/her comfortable with court procedures and with the prosecutor. The police prosecutor shall ensure that :

the child gets a chance to see an empty courtroom

the child recognises the police prosecutor as a supportive ally e.g., dressing in civilian clothes when educating the child

if possible, the police prosecutor will use the recognised support services of Red Thread, Help & Shelter or individuals like (please name some individuals in the community)

the hearings are held *in camera*

Community Relations

It is recommended that the police at the station level invite organisations like Red Thread and Help & Shelter to conduct training on child abuse with them. It would be useful for this to be done in collaboration with the FAPC to help improve record keeping and monitoring of training

The police who have been trained in Child Abuse Intervention must also see themselves as advocates against child abuse and go into the schools in the community to talk to children about child abuse and also find opportunities to speak to adults about child abuse.

This order will remain in effect until repealed.

This order was adapted from

<http://www.ahsc.arizona.edu/ACAInfo/protocol/maricopa/03.htm>