

Operation Nightingale – improving evidential quality in domestic abuse cases

A collaboration with medical contractors to improve the evidential quality when examining victims of domestic abuse (DA) or assault.

First published

6 August 2024

Key details

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| Stage of practice | Untested |
| Purpose | Prevention |
| Topic | Violence against women and girls Public Protection, Safeguarding & Vulnerability Criminal justice |
| Organisation | Durham Constabulary |
| HMICFRS report | PEEL 2023–25 Police effectiveness, efficiency and legitimacy: An inspection of Durham Constabulary |
| Contact | John Tyers – John.tyers@durham.police.uk Heidi Weir – Heidi.weir@durham.police.uk |
| Region | North East |

Key details

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|--------------------------------|---|
| Partners | <ul style="list-style-type: none"> Police Community safety partnership Criminal justice (includes prisons, probation services) Education Government department Health services Local authority |
| Stage of implementation | The practice is implemented. |
| Start date | June 2023 |
| Scale of initiative | Local |
| Target group | <ul style="list-style-type: none"> Adults Children and young people Communities Families General public Offenders Victims Workforce |

Aim

The initiative aims to provide a gold standard of services to victims of assault.

Durham Constabulary work in partnership with Total Health Care who are the force's medical services contractor. Their main role is to provide medical services within the custody setting, treating detainees such as administering medication, examining injuries, and obtaining samples.

In partnership with Total Health Care, an agreement has been put in place to examine victims of assault in safe environments including a victim's home address, at a police station or a victim referral suite.

Medical staff are required to complete an examination booklet (which includes body mapping), take injury photographs, and provide an evidential medical statement for presentation to the Crown Prosecution Service (CPS).

The aim is to provide an improved evidential booklet that is available immediately as opposed to waiting several weeks awaiting the supply of medical statements from the NHS.

Intended outcome

The intended outcomes of Operation Nightingale are to:

- reduce victims waiting hours in A&E to receive treatment
- reduce waiting times for police to receive evidential statements from A&E
- reduce the number of victims disengaging with professionals
- receive positive feedback from victims
- increase the number of evidence led prosecutions due to the medical professional evidence including in the legal bundle
- decrease the time taken to submit case files.

Description

Medical statements and injury photographs are classed as key evidence in investigations and subsequent case file management and must be provided when seeking charging advice from CPS. Durham Constabulary identified that obtaining medical statements and injury photographs for use in investigations were resulting in delays in investigations and obtaining a charge.

Funding was provided by the Home Office Safer Streets Fund for medical equipment, such as a medical storage facility cabinet, digital cameras and measuring rules (highlighting injury size).

When analysing the increased demand for obtaining medical statements the following can be seen:

- There were 175 requests for medical statements made by Durham police staff to medical services in the last financial year, totaling £6,492.
- The quality of statements is often poor and require amendments, building in a further delay.
- On average each medical statement request takes 42 days from the submission of the consent form to the receipt of the statement.
- Once completed, the request is sent to the officer and the officer must travel to the destination of origin to collect the documentation.

Additionally, the analysis identified three specific reasons which frustrate the investigatory process:

1. In cases where the victim has attended A&E to be treated for their injuries, it is difficult without a medical statement and injury photos for the police to obtain the correct charge due to the lack of confirmation by a medical professional. Medical establishments will not provide investigators with the patient's notes or provide a statement immediately after treatment and within the 24-hour custody time limits.
2. With the increasing delays in A&E departments across County Durham and Darlington, it is becoming difficult for assault victims to access the care they need in a timely manner, meaning many disengage from the criminal justice process prior to being treated for their injuries.
3. The third factor is in relation to non-remand and historic investigations where the victim has obtained, at some point, medical attention. This medical evidence is key to the investigation and therefore, to proceed as quick as reasonably possible is paramount.

The analysis concluded that the current practices are laborious and time consuming. Streamlining processes and identifying modern methods of working are key to improving the timeliness and quality of investigations, which will result in increased victim engagement and satisfaction.

Durham Constabulary identified that after receiving treatment at a medical practice, the medical statement does not have to be written by the attending medical personnel, and in practice can be written and forwarded to the police by medical administration teams. Furthermore, the injury photos do not have to be exhibited by crime scene investigator (CSI) officers, and on occasions when CSI have not been available, officers try to obtain photos from body worn video which is often of poor quality.

The following steps are now taken for a victim examination:

- Identify victim.
- Suspect is in custody or outstanding.
- Discuss examination with victim and identify a safe location for examination such as interview suite or the victim's home address.
- Obtain consent from the victim and complete a Data Protection Act (DPA) form.
- Contact Total Health Care and provide the following information:
 1. Confirm you are seeking a victim medical examination.
 2. Provide a location for the examination.
 3. Provide a contact number for the officer.
 4. Send over the consent and data protection form to Total Health Care.
 5. Medical staff will contact the officer direct to arrange the time and location.
 6. The officer will accompany the victim to desired location. If this is the victim's home address, an officer must be present to assist medical staff.
 7. Provide an Operation Nightingale booklet to medical staff who will complete it during the examination.
 8. The force medical examiner and/or healthcare practitioner will carry out a thorough examination of the victim's injuries and will provide the best possible treatment.
 9. Injury photographs are captured using force issued mobile phones or digital cameras and are then uploaded onto the police system.
 10. Safeguard the victim and transport them to a safe location.
 11. Medical staff will present a comprehensive detailed statement and a completed Nightingale booklet which can be used evidentially.

The police will then obtain the evidential account from the victim either via a video recording interview or statement. The booklet minimises victim attrition and any delays in referring the case to the CPS, who in turn can make an informed charging decision to reflect the severity of the injuries.

There is no additional cost for Total Health Care to complete these examinations as they are already contracted to the police.

The media team have been instrumental in implementing the project. A separate online 'tile' was created on the force intranet and a short video blog was released. Currently the force is in the process of an additional automatic action being populated within a new crime report. This would be for all violent crimes and the action would be "have you considered Operation Nightingale?"

CPS have welcomed Operation Nightingale as the force are committed to delivering gold standard evidence as well as providing the best possible service to victims.

Overall impact

Operation Nightingale was launched to help provide an improved service for those who have suffered domestic abuse. It has been a positive opportunity for Durham Constabulary and Darlington NHS Foundation Trust's forensic practitioners to work in collaboration to provide a safe and streamlined holistic care package to victims. Police data suggests that this approach leads to more time-efficient, streamlined charging decisions in domestic abuse cases.

Operation Nightingale resources were used 35 times in 2023, resulting in charges for offences such as attempted grievous bodily harm, non-fatal strangulation, and assault causing actual bodily harm. Due to the detail of statements provided through Operation Nightingale, an offender was charged with a section 47 assault instead of a section 39 assault. Moreover, another offender was charged with a section 18 over a section 47 assault. In both case studies, the perpetrators pleaded guilty at their first appearance at Crown Court, which saved time in further case file building.

The impact of Project Nightingale has improved CPS decision-making in relation to the appropriate charging and level of assault; it has provided Magistrates with a clear ability to make robust remand decisions.

Learning

- Organisational learning – ensure that officers using Operational Nightingale are fully aware of the procedure by providing detailed briefings (force wide) and provide relevant documentation. Occasionally officers have provided victims contact details to medical staff as opposed to their own, which has been rectified.
- Officers must be present when the examination is conducted.
- Several meetings took place with medical staff before and after implementation who supported Operation Nightingale.
- When designing a medical booklet and posters, assistance will be required from the printing and design department.
- Posters can be shared force wide to ensure that Operation Nightingale is being encouraged and implemented.

- By reducing demand through delivering more effective and efficient working, time and money can be reinvested into other priority areas of threat and risk.

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