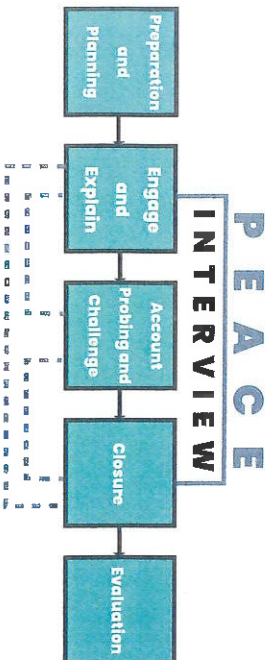


# Things to consider when taking a VRE statement



## PLAN

### ENGAGE & EXPLAIN

- Demonstrate active listening e.g. qualifying statements, minimal encouragers (uh huh, yes, nodding etc).
- Find common ground (mutual attentiveness)
- Positivity (mutual friendliness and caring)
- Find balance and harmony (co-ordination) [common goal with defined roles]
- Maximise complainant choice and control reminding about choice to withdraw consent, and alternative options such as written statement (see Informed consent section for more detail).
- Obtain informed consent

### ACCOUNT

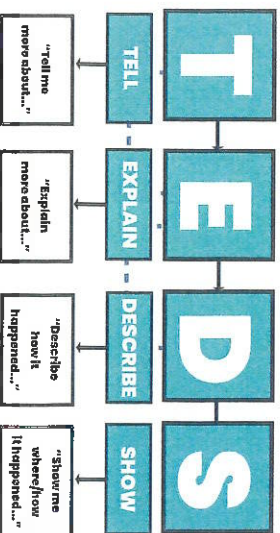
Interviewee Topics: Action, Person, Place --- 5W/H (Who, What, When, Where, Why, How), ADVOKATE

### CLOSURE

- Polite, positive and prospective engagement
- Acknowledgement or Declaration

### EVALUATION

Review of the interview, the investigation and your performance



# Who will view/receive a copy of the VRE statement

**IF THE ACCUSED IS NOT LEGALLY REPRESENTED**  
The accused, or an appropriate person such as an interpreter may only view the statement and receive a transcript.

**IF THE ACCUSED IS LEGALLY REPRESENTED**  
Prosecutions must disclose a copy of the statement to the lawyer. The lawyer must not give the copy to the accused or anyone other than someone in the law firm or expert. It is a criminal offence for someone to unlawfully possess the statement or make a copy of the statement.

The copy must be returned to the prosecution within 14 days of the end of the proceedings.



### ADDITIONAL RESOURCES

- Evidence Act 1977
- Operational Procedures Manual (OPM)
- Chapter 2 - Investigative Process
- Chapter 3 - Prosecution Process
- Chapter 9 - Domestic Violence
- DERIE Manual
- Use of Interpreters in Domestic and Family Violence Incidents: Best Practice Guidelines
- Body Worn Camera and Evidence.com: Good Practice Guide
- Domestic Violence VRE User Guide
- DFV/PC - VRE intranet page

If you are unsure of the appropriate course of action to take, seek advice from your supervisor, Station DVLO, your District DFVC or DDO.

Domestic and Family Violence Coordinators are also available in the Brisbane Police Communications Centre on 07 3361 3450  
DFVC.BPCC@police.qld.gov.au

Alternatively contact the State DFV&VPU Manager on 07 3364 6323  
ManagerDomesticFamilyViolenceAndVulnerablePersonsUnit@police.qld.gov.au

# Domestic Violence Video Recorded Evidence (VRE)

### VIDEO RECORDED EVIDENCE: PRE-RECORDING

Video recorded evidence (VRE) statements can only be taken from a person who is a complainant in a domestic and family violence (DFV) criminal proceeding to be heard in the Magistrates Court including specialist domestic violence courts. The VRE must be taken as soon as practicable after the DFV incident has occurred.

### THINGS TO CONSIDER PRIOR TO RECORDING VRE

- A complainant of a DFV Criminal Offence
  - Complainant is aged 18 years or over
  - Complainant is an Aboriginal or Torres Strait Islander person (may require a support person)
  - Complainant has impaired capacity (see section 93A Evidence Act 1977 for statement purposes)
  - Complainant requires an interpreter
  - Complainant is intoxicated (statement may need to be delayed with consideration of a VRE or written statement depending on passage of time)
  - Ability of complainant to provide a statement is impacted
- AND**
- Complainant has provided consent to record VRE statement



# Introduction

## VIDEO RECORDED EVIDENCE: INTERVIEW STRUCTURE

### PART A: Introduction

To be read at the commencement of the video statement

Officer: My name is [rank], [name], [registration] from [station name].

The date is [date] and the time is [time].

Officer: Could you please state your full name and date of birth.

Answer: -----

[Officer NB: if there has been an extended lapse of time, for example more than a week has passed, the officer should address why the time frame for the statement to be taken was 'as soon as practicable'.]

### PART B: Obtaining Informed Consent

Officer: I would like to take your statement about what has happened in the form of a video recorded statement. This means I will record your statement using this body worn camera as both video and audio. Before I do that, I need to inform you of certain matters:

Your recorded statement may be presented as your evidence-in-chief in a court in relation to this event.

This means that you will not be required to verbally repeat your version of the event to court. Instead this recording will be played and taken as your testimony.

You will still be required to attend court for cross-examination and re-examination.

Do you understand?

Answer: -----

# Video Recorded Evidence

## PART B: Obtaining Informed Consent

Regardless of whether your recorded statement is presented as your evidence in court, your recorded statement can be disclosed to and used by the accused and certain other persons.

Do you understand?

Answer: -----

If your recorded statement is presented as your evidence in court you may be required to attest to the truthfulness of the content in court and give further evidence in court.

Do you understand?

Answer: -----

You do not have to consent to providing a recorded statement. You may prefer to provide a written statement to a police officer and are entitled to do so. Do you understand?

Answer: -----

Officer: Understanding these matters, do you consent to making a recorded statement?

Answer: -----

# Complainant Free Recall

Prompt the complainant to continue to exhaust a free recall version:  
e.g. What happened next?

- Ensure all elements of the offence are covered: time, date, place, offender, relevant DV relationship.
- Canvass any possible defences/exculpations available to the accused
- Ascertain all persons present at the DV incident or any other witnesses
- Deal completely with one aspect before moving on to the next
- Ask questions to probe - use TEDS model

## PART C: Obtaining Oaths Act Declaration or Acknowledgement

Officer: Is there anything else you wish to tell me?

Answer: -----

Officer: So that this VRE may be admitted as evidence I must ask you to make either a declaration by virtue of the Oaths Act 1867 or an acknowledgement. Do you wish to make a declaration or acknowledgement?

Answer: -----

### OPTION 1 - OATHS ACT DECLARATION

Do you solemnly and sincerely declare that the recorded statement made by you on this day is true to the best of your knowledge and belief?

Answer: -----

### OPTION 2 - ACKNOWLEDGEMENT

Officer: Is your recorded statement true to the best of your knowledge?

Answer: -----

### CONCLUDE

Officer: And did you make this statement knowing that you may be liable to prosecution for stating anything you know to be false?

Answer: -----

Officer: I now conclude this video recorded statement at (time) on (date).

[Officer NB: If any parts of this statement were recorded in a language other than English, the recorded statement must include an oral translation in English]