

Standardized tools of domestic violence risk assessment - European examples

Handbook for police officers



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Introduction

The phenomenon of domestic violence, due to its multi-faceted consequences is regarded not only as a significant individual problem, but also as an important social problem. The costs faced by society as a result of domestic violence are enormous, including individual and social problems and even financial expenses.

European perspective also emphasizes that especially violence against women, of which are responsible their intimate partners is not a private matter, but public and even political problem. Since this social problem is understood as violation of human rights - the EU Member States are obliged to protect these rights under the international agreements that have signed, as well as EU instruments for the monitoring of their activities.

Therefore, as a consequence of non-uniform response of European countries to the problem of domestic violence, in May 2006, the European Economic and Social Committee issued an opinion (2006/C 110/15), which calls for focusing on issues of this phenomenon and creation of a pan-European strategy in this range. This document call also for researching the scale of domestic violence, with the special attention to its impact on individuals and society, but also for studying the associated financial costs. In turn, in 2006, the Assembly The Parliamentary Council of Europe adopted Resolution 1512 (2006) calling for unity of European parliaments in combating domestic violence against women, while indicating the wide range of needs associated with it, including coordination activities, research and financing.

Therefore, in many countries of the European Union began to pay much attention to the problem of domestic violence, with particular regard to violence against women. Hence it was necessary to start to improve also police activities, which are extremely important element of locals and national systems of preventing and combating violence problem. Such action is estimating the risks associated with domestic violence, which on the one hand can be connected to the prediction of recurrence of violence, and on the other hand - the risk of its victims' death.

Due to the fact that the Polish police in 2012 did not have any standardized tools for determining the level of risk of violence acts recurrence, National Police Headquarters prepared a proposal of project which was aimed at learning the solutions used by the police forces of other member states in the area of risk assessment. To participate in the project was invited the police from UK, Sweden, Austria, Cyprus, Portugal and Bulgaria which received this invitation.

In this way was created project entitled *“Standardized tools of domestic violence risk assessment - strengthening the professional capacity of European police officers”* (No: 2012-1-PL1-LEO04-28099), which met with interest of Leonardo da Vinci Program - Lifelong learning and received funding for its implementation.

Project was the form of continuation of the previous cooperation between the coordinator and Ministry of Interior of Spain within the frame of a VETPRO project called *“Integrated System of*

Monitoring Cases of Violence against Women - a tool in the policemen training process” (No. 2011-1-PL1-LEO03-18400). The main aim was sharing the knowledge about the system used in Spain by the Police whose integrated part are two additional risk assessment tools. The first one enables to determine if the domestic violence really have occurred and what kinds of it (VPR), the second one allows to follow – up on the situation and it’s evolvement (VPER).

Crucial aspect of this project was also learning and disseminating tools of estimating domestic violence risk used by the police forces in EU member states participating in its implementation in the period 01/08/2012 – 31/07/2014 coordinated by Bureau of Prevention and Road Traffic from National Police Headquarters in Warsaw.

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Chapter 1. Solutions used in United Kingdom in the scope of risk assessment

1.1. The general description of the domestic violence phenomenon in UK

The purpose of this chapter is to provide an insight and an overall understanding of the effect Domestic Abuse has on the lives of families residing in the United Kingdom (UK), by explaining a brief summary of the scale of the effects Domestic abuse has on victims, their families and the communities in which they live and will aim to provide some clarity on the tools used by Police across the Country in order to bring the perpetrators to justice. Police in the UK focus strongly on ensuring those affected by abuse are safeguarded and reassured when reporting crimes committed against them, whilst balancing this with dealing with offenders.

The UK has forty three independent police forces in England and Wales all using risk management systems to tackle domestic abuse, the most common of these being the Domestic Abuse Stalking and Harassment questionnaire (DASH). DASH allows for a subjective risk assessment based on the incident being attended, the grading of risk may vary as a result of the demographic makeup of community's and overall volume of risk managed by each individual area.

However, it goes without saying that every force is committed to tackling this hugely under reported problem, all working very closely with a number of both government and voluntary agencies (Third Sector agencies), who are committed to ensure the safety and the wellbeing of those suffering abuse by working together. By working together, Police and agencies are committed to promoting awareness of the scale of the Domestic Abuse problem and to reduce offending (as well as re-offending) and ultimately prevent the potential for Domestic murder in the UK.

Domestic abuse in the UK is found to affect all genders, age groups and racial groups, regardless of religious beliefs and sexual orientation and is believed to be massively under reported which has been borne out in a number of studies. In some families and cultures, this is an acceptable daily practice due to various factors (such as, mistrust in Police, family pressures in maintaining respect and compounded by pressure not to bring shame on the family.) In the UK, it's often found to be the fear of reporting and the consequences of the judicial processes for Victims, their families and on occasions the perpetrator, a similarity that is no doubt mirrored around Europe if not the World.

There have been significant changes to the law in the UK in the arena of Domestic Abuse to accommodate awareness and recognition of the effect domestic abuse has on the Country and its citizens. This has caused many changes to processes and policies around how domestic abuse is managed over the last few decades. These important changes have been driven by:

1. Changes in equality and diversity for all,
2. The UK's commitment to the European Convention of Human Rights (adopted in the UK in 1998)

3. The changes to the structures and beliefs held about family life in the UK

4. Finding's from reviews concerning Serious Assaults and Murders attributed to Domestic Abuse.

These incidents are subject to internal Government reviews which are designed to assert accountability and learning for all agencies involved. The role of these reviews is not to apportion blame but to ensure that all agencies remain focused on learning and developing for the future whilst continuing to understand the cause and effect of abuse in the UK.

Other statutory frameworks such as the Crime and Disorder Act (1998) have placed a system in law ensuring every public authority (Police, Local government, councils etc.), has equal responsibility for the effects of certain crime types and places statutory guidance for agencies working together to share information, recognizing that there is a role for all to play in their independent specialist areas and that many overlap. This provides a sense of continuity for victims and a cohesive approach in dealing with any incident. Some of these agencies will be mentioned in more detail throughout this chapter and their roles defined more specifically.

The agencies involved with Police in Domestic abuse cases in the UK are:

- Local Government run Councils (responsible for a holistic view of all Government agencies' management of domestic abuse);
- Community safety teams (based within Councils, focussing on local community safety)
- Children's Services (to ensure the safety and wellbeing of any person under the age of 18 who comes to their notice);
- Women and Men's Aid Charities (independent from Police in the volunteer sector, who support victims in a wide range of ways – such as Refuge, counselling, injunctions, providing support through the Court process) ;
- National Centre for Domestic Violence (assist victims with injunctions, from applying to Court to service on suspects);
- Government Housing Groups (assist in moving victims to new accommodation not known to the perpetrator to ensure safety. This could include moving from one borough or county to another);
- Probation Service (offender management - manage perpetrators when they're released from prison);
- Education (in conjunction with Children's Services, provide an overview of any concerns regarding a child that may have arisen);
- Health and Mental Health (provide support to any persons involved in a domestic abuse situation, which can often be before any other agency);
- CAADA (Co-ordinated Action against Domestic Abuse) (nationally-based advisory service on the subject of domestic abuse).

The agencies mentioned above are a part of the Multi-Agency Risk Assessment Conference (MARAC). This is a regularly-held (depending on requirement) meeting where all high risk domestic abuse incidents are discussed individually. The majority of cases come to the attention of MARAC through Police referrals – i.e. when the DASH risk assessment deems a case to be high risk. The agencies at

the meetings then share information known to them regarding the victim and perpetrator and a risk management plan is then compiled to best safeguard the victim and any others affected by the abuse.

This definition is instrumental in providing clarity and a frame work for all agencies involved in the management of domestic abuse and brings structure to their policies and processes. Specifically it enables the Police to collate evidence to present to our legal governing body, the Crown Prosecution Service (CPS), whose specialist lawyers preside over each case and make decisions on the most effective and appropriate sections of UK law to charge a suspect with. This decision is based on the strength of the evidence obtained. This, in turn, directs the sentencing powers of Magistrates and Judges, ensuring the effective running and fairness of the legal system in the UK courts.

Summary of UK Statistics

It is important to note the scale of the domestic abuse (DA) in the UK, which naturally changes year upon year, however research shows:

- **An average of 2 women a week are killed by a male and/or former partner: and in general domestic violence affects 1 in 4 women and 1 in 6 men.**
- **Approximately 100,000 individuals are currently at high risk of serious harm or murder as a result of Domestic Abuse (CAADA, 2012).**
- **Approximately 130,000 children are currently living within a household subject to Domestic Abuse.**

Definition of Domestic Abuse

In the UK a domestic abuse incident is currently defined by UK law as:

“Any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality.”

The abuse can encompass, but is not limited to:

- Psychological abuse
- Physical abuse
- Sexual abuse
- Financial abuse
- Emotional abuse

Domestic Abuse over an individuals' lifetime:

- **Since the age of 16, almost 30 % of women and 17 % of men in England and Wales have experienced some form of domestic abuse (Chaplin et al., 2011).**

- **Not only are women more likely to have experienced domestic abuse, they are also more likely to have experienced multiple incidents of abuse.**
- **The average length of the abusive relationship is 5 years (CAADA, 2012).**
- **Domestic abuse costs the tax payer in the UK an estimated £3.9bn per year (CAADA, 2010; Walby, 2004). The impact of cost is spread amongst the loss of earning for victims and suspects as well as overall public authorities' time in managing the national problem.**

1.2. Tools used to assess the risk

Whilst there may be variation to specific working practices across UK police forces the authors of this chapter will summarize the working processes of their home force, although similar generic processes will be the same across the Country.

A domestic incident is reported by the victim and/or witness and either recorded as:

- Domestic non crime incident (verbal argument);
- Domestic crime incident (examples include, but are not limited to: Assault, Financial crime, Harassment or Stalking).

Uniformed response officers will attend every reported incident and will complete the nationally recognised DASH questionnaire with the victim. This information is then placed onto an electronic database and is given a unique reference number. Each report is subject to a full risk assessment based on the information available from the DASH and the officer's observations and opinion.

DASH was instrumental in changing the way that Police assessed domestic abuse and assists in categorising the level of risk based on available information.

The system was introduced as a result of work conducted by Laura Richards. Laura developed the Domestic Abuse, Stalking and Harassment and Honour based Violence Risk Checklist (DASH 2009) on behalf of senior UK police officer and the Co-ordinated Action Against Domestic Abuse (CAADA), who are a leading resource in tackling domestic abuse in the UK.

Laura analysed and conducted reviews on hundreds of murders and violent incidents to gain a better picture of the antecedents to murder and intervention and prevention opportunities. All this learning has informed the DASH (2009) Risk Model.

The model is subject to a number of key questions designed to draw out key risk indicators from any victim of reported abuse, these are questions that prompt a yes or no response however there is scope for elaboration to every 'yes' response, these questions are:

Each completed risk assessment is reviewed by specialist officers and supervisors who assess the accuracy of information together with other Police intelligence systems. As a result of the answers to these questions each incident is graded as; High, Medium or Standard. This assessment is based on the risk of serious harm – which has been defined by the Home Office (2002) :

“A risk which is life threatening and/or traumatic, and from which recovery, whether physical or psychological, can be expected to be difficult or impossible”

Examples:

Standard Risk

Current evidence does not indicate likelihood of causing serious harm. This could include offence such minor assault or a verbal argument between partners.

The most common of risk level, most prominently relates to couples coming to notice for the first time. The level of abuse is usually verbal or minor in nature and can include minor assaults. In general this is the first stage of a new victim coming forward and very often not all of the DASH questions are answered in full. But in general these incidents are as the title describes low level and attributed to events that do not pose a serious risk of harm.

Medium Risk

There are identifiable indicators of risk of serious harm. The offender has the potential to cause serious harm but is unlikely to do so unless there is a change in circumstances, for example, failure to take medication, loss of accommodation, relationship breakdown, and drug or alcohol misuse.

Whilst not always the case these type often have a history of Standard events. The risk is increasing with abuse intensifying and becoming more violent. There are very often more detailed elements of control displayed and the nature of the physical or psychological abuse suggests that the perpetrator shows the ability to cause serious harm the victim. Very often half three quarter of the DASH show positive signs of worrying abuse. This type may include stalking and harassment of the victim.

High Risk

There are identifiable indicators of risk of serious harm. The potential event could happen at any time and the impact would be serious.

In general terms there will be a significant history with the couple, although there are a handful of cases where there is no history at all but the incident whilst isolated is such that the victim is at serious risk of being killed. The violence is often extreme and shows a total disregard for the wellbeing of the victim. Key indicators of the DASH will identify that the perpetrator is focused on causing the victim serious harm. Many cases will involve stalking to the extent that the perpetrator follows the victim and reports on their every move.

This allows the UK Police to accurately implement appropriate tactics and risk management tools ensuring efficiency and more importantly providing a system on which to safeguard those suffering abuse.

In order to manage the risk and minimise the overall threat to the victim of abuse and their family, UK Police use various tools to manage the suspect/ perpetrator and rely on aspects of UK law and other bespoke safeguarding tools. These include the following:

Civil Restraining orders

Can be applied for by the victims independently of after contact with Police, these can take various forms and each are designed for a similar purpose, subject the detail of the abuse. Applications are imposed by the civil courts but can have restriction that if breached by the perpetrator can result in arrest and prosecution through the legal system.

Arrest / Positive Action

British Law provides each officer a warranted power of arrest. The officer has to have reasonable grounds to suspect that an offence has been committed and that they reasonably suspect the perpetrator is responsible. Once under arrest the prisoner is escorted into a custody center for interview about the offence. In every instance of domestic abuse officers are actively encouraged to take this form of positive action as a primary interim resolution. This allows for an effective investigation, whilst also allowing for other safeguarding measures to be implemented subject to the risk posed. Whilst the suspect is in custody the investigation will include obtaining witness statements and house to house enquiries and photographic evidence in support of accounts given by both parties. Cases with sufficient evidence are presented to Crown Prosecution Service (CPS) for permission to charge the Perpetrator.

Third Party Prosecution

In many high risk cases of domestic violence the victims are often reluctant to support Police and Court action against the perpetrator and will not make statements against them for varying reasons. Rules of evidence specifically relating to domestic abuse does allow for the perpetrator to be prosecuted for the crimes alleged against them without the victims support. These cases are will always be cases where the Police and CPS feel that the risk is such that it is in the public interest to continue the court case and prosecution. These cases are heard in specialist courts and result in the perpetrator serving a term in prison.

Bail Act

With any investigation there may be occasions where there is insufficient evidence at the time to prosecute the suspect. In these cases it is likely the suspect will be given bail. Bail in the UK is agreement between Police and the Perpetrator that upon release they will agree to attend Court or return to the Police station of a specific time and day, either to be subject of further questioning or ultimately trial for offences they have been charged with. UK Law allows for conditions to be imposed designed to manage the risk posed by the perpetrator. These can include restriction of travel, Non-contact of witnesses and victim, exclusions from specific areas, conditions of residency as well as curfews. If the conditions imposed are not complied with the perpetrator will commit further offences and may be liable to fines and or imprisonment.

Remand In custody

When the Crown Prosecution service (CPS) are consulted and authorise a charge on the perpetrator who is in custody the investigating officer will inform CPS on their decision to want to remand the perpetrator in custody. The Custody sergeant will then review the material and the charge and authorise for the perpetrator to be remanded in custody to appear at the next available court. This can ensure the safety of a victim if there is fear that by releasing the perpetrator from custody after charge that they will commit further offences and be a risk to the victim and or witnesses.

A perpetrator is usually remanded in custody overnight however if this is a weekend then there is likelihood that they will be remanded until the Monday morning. This is usually used if there is information that the perpetrator will not return on a given bail date or has previously committed offences whilst on bail.

Clare's Law Disclosures

A relatively new piece of legislation named after a victim that lost her life to abuse. It allows for the Police to disclose a perpetrator's previous convictions to a current victim and or new partner. Designed to raise awareness and enable the partner to make informed decisions, based on a view that the Police believe the history of that person is so significant that the partner needs or ought to know the risks posed.

Emergency Safety Markers

An emergency safety marker is completed by the investigating officer in most cases; this marker is placed on to the victim's home address or an address where they are residing whilst the perpetrator is on bail. These markers can also be used when a perpetrator isn't being investigated but police have been made aware of domestic abuse at the address. The marker is usually sent to the control room. If someone were to call the police about the address it would raise an alert that give a brief summary of the history and potential risks posed by the occupants. These markers can be placed on the address by Police or the Fire department

Personal Attack Alarms

These alarms can come in several variations; The personal attack alarm which can be installed at a victim's home address, this consists of a button within the address which when pressed in a time of need it will make contact directly with the relevant Police Force. Most forces have a policy where by any activation of a personal attack alarm should be attended whether or not it is a false alarm.

Some forces have personal attack alarms that you can carry with you on your keys, this is the same as the system that is installed in the house however they have GPS tracker on them therefore if they are activated the police can locate the victim using the GPS from the device.

The other form of personal attack alarm are a phone called TecSOS (Technical SOS) these look like normal phone handsets but have GPS on them, with the push of one button they call Police directly. This phone holds information about the victim, the reasons why they have the phone and will act as an emergency response should they be activated. They are designed to look like a phone so as not to alert the perpetrator.

Briefing slides

These slides are created to inform front line officers of current High risk cases, they will often have photographs of perpetrators and make requests for extra vigilance during their daily patrols. This also ensures that should during the tour of their duty officers be called to this address that they have already been given prior knowledge of what is happening. This can help to safeguard the victim and make sure that positive action is taken to continue to safeguard. Briefing slides are usually seen by officers at the beginning of their shifts.

Refuge

Refuge can be offered to victims of domestic abuse, they are places of safety where by the address is unknown and kept secret, this is to minimise the chances of the suspect finding out where the victim is. Refuges are usually used in cases of high risk domestic abuse and will often house the victim and their children. If it has been identified that the victim would benefit from being in a refuge then they can be contacted by the officer or the victim themselves. Refuges are usually offered to victims out of their general area where they usually reside, this again is to minimise the risk of the suspect being able to locate the victim.

Surveillance

In cases of Stalking and continued abuse and breach of court conditions, live surveillance on perpetrators can be used as a tactic to catch the suspect committing offences and support their remand in custody by the courts.

Covert Camera's

Again a discrete tactic that can be used to capture the suspect committing offences and or breach relevant conditions imposed by Police of the law courts

Panic Rooms

Panic rooms are usually not installed by the police but can be done by certain support agencies. These are usually a room within the victim's house that is designed specifically for the victim to go to should the perpetrator turn up and cause risk to the victim. Within the rooms is usually access to a telephone and the door is more often than not reinforced and locked from the inside meaning that the victim can ensure that they are locked away safe from the perpetrator until police arrive.

Women's Aid support agencies

Women's aid and other support agencies are there to offer other services that are perhaps not available to the police to offer the victim. As well as being there to support with Refuge, safe rooms and legal assistance, women's aid can also assist with things such as counselling, housing, benefits and much more. Victims of domestic abuse can refer themselves to these agencies or this can be done by the officer in charge of the investigation.

Multi Agency Safeguarding Hub (MASH)

Most forces in the UK now have a team made up of Police, Children services, Mental Health, Probation. By working together in the same office this supports information sharing and speeds up the response process in providing those services to the families suffering abuse, ensuring they are as safe from harm as possible.

Multi Agency Risk Assessment Conference (MARAC)

MARAC meetings consist of managers from; Children services, Housing, Health, Mental Health, women's aid charities, Probation and are chaired Police. They discuss all High risk cases for that month relevant to their respective areas and are designed to ensure that all agencies are doing their part to protect the families involved

Media coverage

Media is a key part in the fight against Domestic Abuse. Each Police area works with partners to actively promote awareness of domestic abuse and the variety of support agencies available to victims , who often feel there is little or no way of getting out of their particular situation. It also makes it very clear to perpetrators that Domestic abuse will not be tolerated in the UK.

As explained at the start of this chapter it is recognised across the globe that Domestic violence often goes unreported and that many victims suffer for many years before they have the courage and support to speak out. The UK is no different to any other country but over the last few years has started to priorities this form of abuse as it attempts to reduce the number of murders committed each year. Whilst performance gives us a steer on how well we deal with abuse the level of safeguarding and preventative work conducted by all support agencies can never truly be measured and an exact figure of how many lives have been saved could never realistically be calculated. That said those that have worked in this arena for a number of years know they are dealing with the tip of iceberg. All agencies however have processes in place to recognise and escalate the risk and all have appropriate mechanism in place to manage this. As with many country's we know that whilst the processes are effective they are by no means perfect and everyone involved is committed throughout the country to making improvements and adapting to the ever changing picture surrounding Domestic Abuse. Everyone from the Government to the Police is committed to improving our response and do all we can to prevent and help those that suffer abuse.

Chapter 2. Solutions used in Sweden in the scope of risk assessment

2.1. The general description of the domestic violence phenomenon in Sweden

Definition of Domestic Violence used within Swedish Police

“The relevant relationships between victim and perpetrator when referring to ‘Domestic Violence’ are husbands, wives, ex-husbands, ex-wives, co-habiting partners or ex-co habiting partners or couples with children. Also included are children, parents and siblings. The crimes can be physical, psychological or sexual. The crimes can also include threats, coercion, or forcefully keeping someone locked up or entering someone else’s home unwanted”.

Some statistics in Sweden

Comparisons between countries that are based on their individual crime statistics require caution since such statistics are produced differently in different countries. Criminal statistics do not provide a simple reflection of the level of crime in a given country.

Criminal statistics are influenced by both legal and statistical factors, and by the extent to which crime is reported and registered. These factors can vary from one country to another. There are no international standards for how crime statistics should be produced and presented and this makes international comparisons difficult. For example in Sweden, all reported to be registered as a criminal offense, and the police also have a greater self-reporting obligations.¹

According to the National Crime Prevention Council (Brå), there were 30 800 Domestic Violence crimes reported to the police in 2012. The victims were men, women and children². The statistics point toward that the victims of Domestic Violence are mostly women who have been victimized over a long period of time³.

Approximately 20 women are killed each year by a partner or ex-partner. The figure accounts for one fifth of all murders in the country. In almost half of the cases, there had been a police report regarding abuse or threats made to the victim prior to the killing. In 80 percent of the cases where a women is killed by a partner or ex-partner, the woman is killed indoors, which is significantly more often than in murders generally⁴.

¹ About comparing different countries' criminal statistics: www.bra.se/bra/bra-in-english/home/crime-and-statistics/crime-statistics.html.

² Criminal Statistics, Official Statistics of Sweden (Brå Report 2013:18).

³ Partner violence against women and men (Brå Report 2009:12).

⁴ Utvecklingen av dödligt våld mot kvinnor i nära relationer (Brå Report 2007:6).

Each year approximately four men are killed by a female partner or ex-partner. In these cases both victim and perpetrator are often substance abusers, and in more than half of the cases the women have been subjected to violence prior to the murder³.

Regarding the male perpetrators' characteristics, the National Centre for Knowledge on Men's Violence Against Women (NCK) have published information that the male perpetrators of domestic violence are from diverse socio-economic backgrounds. Regarding the male perpetrators of domestic homicides, however, 50 percent have been unemployed, in non-secure employment or on permanent sick-leave. 50 percent of the perpetrators suffered from alcohol abuse. More than 75 percent of the convicted male perpetrators were assessed to be suffering from mental illness or other psychological problems and approximately 60 percent had previously committed a crime prior to the murder. It has been estimated that around 80 percent of the occurring violence against women never gets reported to the police⁵.

2.2. Tools used to assess the risk

Swedish police specialized investigators dealing with Domestic Violence. There are also – within the police Crime Victim Specialists who can offer information, support and protection to crime victims in need which ensures the safety of victims and enables investigators to focus on the criminal investigation. Crime Victim Coordinators can also carry out risk assessments.

Description of the tool SARA:SV

Within the context of domestic violence, Swedish police use three different structured assessment tools; the SARA:SV⁶ (The Spousal Assault Risk Assessment and Management Short Version), SAM:SV (Stalking Assessment and Management) and PATRIARCH⁷ (Checklist for assessing Honour related crime). For the purpose of this project, the focus will only be on SARA: SV.

The SARA:SV checklist contains 10 risk factors and 5 victim vulnerability factors which, in accordance with previous research, appear to be important when assessing risk of future violence. There is a user manual including an interview guide which can be used together with the checklist⁸. When carrying out an assessment, the assessor gathers all the available information regarding the victim, the perpetrator and the situation or context they are in. The risk factors are assessed one at the time regarding the present situation and past situation. The assessor takes all the information into account and records for each factor in the checklist: Y for present, P for possibly or partially present

⁵ www.nck.uu.se

⁶ Kropp, P. R., Hart, S. D., & Belfrage, H. (2010). Brief Spousal Assault Form for the Evaluation of Risk (B-SAFER), Version 2: User manual. Vancouver, Canada: Proactive Resolutions Inc

⁷ Kropp P R, Belfrage H & Hart S D (2013). Assessment of risk for honour based violence (Patriarch). User manual. Vancouver, B.C: ProActive ReSolutions.

⁸ Bedömning av risk för upprepat partnervåld (SARA:SV) Användarmanual, P. Randall Kropp, Stephen D Hart, Henrik Belfrage, Landstinget Västernorrland Rättsspsykiatriska regionkliniken.

and N for not present. The aim of the assessment is to reach a final level of risk regarding the

a) imminent risk of spousal assault (any physical harm, attempted physical harm, or threat of harm) if no safety measures are taken and

b) risk of extremely serious assault/death.

The final risk level is rated as Low- Moderate- or High risk.

Swedish police has used risk assessment tools in Domestic Violence cases since 2000. SARA:SV was tested out by the National Police Board and consequently implemented nationally as the official tool used to assess risk in Domestic Violence cases. The SARA:SV is a Swedish version of the B-SAFER checklist developed in North America.⁹ The checklist is a Structured Professional Judgment (SPJ) approach to risk assessment¹⁰. When using the SPJ procedure, the evaluator gathers information in the case at hand guided by the recommendations in the guidelines. The assessor will consider the same set of risk assessment factors for each individual they assess which, according to the authors, should improve consistency of assessments. It also encourages evaluators to consider many empirically validated risk factors in each case, rather than only the ones that the assessor thinks of him or herself.

In the SPJ procedure it is emphasized that each case and context has unique risk factors which means that there is no specific set of risk factors that must be included for all assessments. According to the authors, the tool provides a guide and sets the minimum set of risk factors that should be considered in each case. Certain risk factors may not be relevant, in a particular case, and at other times, additional risk factors should be added to an assessment. This principle applies to all SPJ tools. All risk factors should be considered even if some are later rejected as not relevant to that particular case.

An important strength of this approach is that risk assessment is integrated with risk management. The authors argue that they do not predict violence rather that they aim to prevent violence. The purpose of the assessment is therefore to identify risk factors that are relevant to, and can be implemented in a risk management strategy¹¹.

The use of the tool by the Police in practice

The process of the use of the tool within the police organization is not straight forward. Different aspects of risk assessment and risk management within the police have been tested and evaluated in the various regions since the beginning and there are currently ongoing projects. Since 2010 there

⁹ Brief Spousal Assault Form for the Evaluation of Risk (B-SAFER) (www.proactive-resolutions.com).

¹⁰ Hart, S.D., & Logan, C. (2011) Formulation of violence risk using evidence-based assessments: The structured Professional Judgment approach. In P.Starney & M.Mc Murrin (Eds.) Forensic case formulation (pp.83-106). Chichester, UK: Wiley-Blackwell.

¹¹ Douglas, K. S., Hart, S. D., Webster, C. D., & Belfrage, H. (2013). HCR-V3: Historical Clinical Risk Management (Version 3). Professional guidelines for evaluating risk for violence. Burnaby, BC, Canada: Mental Health, Law, and Policy Institute.

are National Guidelines¹² on the process of risk assessment, clarifying who is responsible for the assessment being carried out and the subsequent risk management in each case. The guidelines have also come to include risk assessment for all victims of violent crime and not only in Domestic Violence cases.

Risk assessment for victims of crime is carried out on three levels within the Swedish Police organization based on different time perspectives: an **initial assessment**, a **structured assessment** and **in-depth assessment**. The purpose of the initial assessment is to assess the need for supportive and protective measures in the acute phase. The initial assessment is based on the police officer's experience and knowledge. If the risk is initially assessed to be high for continued spousal assault, a structured risk assessment should be carried out.

In the national guidelines, it is recommended that the structured assessment should be carried out by a small number of designated assessors to ensure a high standard of the assessments. The user of the SARA:SV must have attended specific training for this purpose. The SARA:SV assessment should be carried out as soon as possible after the reported crime. The Swedish Police Board have identified crimes after which SARA:SV must be carried out. These are aggravated spousal assault, aggravated violation of integrity between spouses, and illicit persecution. There is a yearly follow up to ensure that this recommendation is followed.

If the risk is assessed to be high at the structured assessment level and when the case is assessed to be especially complicated, an in-depth assessment should be carried out at a Criminal Intelligence department to facilitate subsequent risk management. The risk is then assessed on a scale from 1 to 5, where 1 is low level of threat and 5 very high threat.

Risk management

After the SARA:SV is carried out, the Crime Victim coordinator contacts the victim in order to comprise a safety plan if this is needed. The victim should also receive information regarding other organizations both governmental and Non-Governmental Organizations which could be of support and help to the victim. A referral to the relevant organization is made if the victim would like the contact.

The police can inform the victim about the assessed risk and discuss which strategies the victim can employ to be as safe as possible at home, at work and while moving around outside. It is also important that the victims understand and can identify factors that can escalate the threat toward them in order that they alert the police or other agencies for further help should it be needed. The Police have personal alarms with GPS which can be administered to the victim in high risk cases for a limited time. In very high risk cases, the victim will be offered help to relocate permanently in a safe way.

¹² Swedish Police Guidelines, Risk Assessment of Violence at Individual Level (POA-400-1222/09).

Swedish police use a short version of Brief Spousal Assault Form for the Evaluation of Risk (B-SAFER) which is added in the end of publication.

1.3. Training the policemen to use the risk assessment tools properly

The training offered to police staff assigned to carry out structured risk assessment is a one week course at the Police Academy. Assessors can be Police Officers, analysts trained in social sciences or assistants with relevant work experience.

The training is focused on the characteristics, dynamics and consequences of Domestic Violence. Furthermore an overview of the Structured Professional Judgment approach to risk assessment is taught and the students learn basic skills in carrying out structured assessments using the checklists previously mentioned. The training includes theory and relevance of the risk- and vulnerability factors and how to relate the risk assessment to violence risk management strategies. The training is a combination of theory and practical exercises.

The aim of the training is to provide risk evaluators with sufficient skills to carry out structured assessments and to promote that the assessments are carried out on a uniform basis. The goal is also to increase the quality of the assessments and that within the police there are equal opportunities for education.

Chapter 3. Solutions used on Cyprus in the scope of risk assessment

3.1. The general description of the domestic violence phenomenon on Cyprus

Domestic Violence Police Statistics are available at:

[http://www.police.gov.cy/police/police.nsf/All/5A9011B3BE3E14B1C2257B4F002E6CE7/\\$file/FamilyAbuse%20gia%20web.pdf](http://www.police.gov.cy/police/police.nsf/All/5A9011B3BE3E14B1C2257B4F002E6CE7/$file/FamilyAbuse%20gia%20web.pdf)

- Domestic Violence in Cyprus is monitored on the basis of Law 119(I)/2000 as amended by Law 212(I)/2004 on Domestic Violence;
- Protection of Witnesses Law, 2001 (L. 95(I)/2001).

General Provisions (Law on Domestic Violence)

"*Member of the family*" (Art1) is defined as:

- A man and woman who have been legally married (whether the marriage exists or not) or are/were cohabiting as husband and wife;
- The parents or children (natural or adopted) of either / both persons above, as well as their grandchildren and/or any person residing with them.

"Violence" (Art3) means:

- Any act, omission or behaviour by a member of the family which causes physical/sexual/mental injury to any other member of the family (includes violence used for the purpose of having sexual intercourse without the consent of the victim, as well as of restricting one's freedom);
- Offences referred to in the Criminal Code (section 147 (incest));
- Any act or behaviour constituting violence, according to Criminal Code sections 174 (intercourse with young male under 13 years old), 175 (bestiality) and 177 (indecent exhibition), when committed in the presence of a child in the family, shall be considered as violence used against him/her.

3.2. Tools used to assess the risk

Special provisions are made in the law in relation to:

- Mandatory reporting of abuse against a child or a person with severe mental or psychological deficiencies, which comes to one's knowledge. Not reporting these cases is an offence, liable to imprisonment up to 2 years and/or a fine (L.119 (I) 2000, Article 35A).
- Videotaping statements of child victims/witnesses of domestic violence (L.119 (I) 2000 & L. 95(I)/2001).

Court Protection Orders

- Restraining Order (banning the accused from entering the family home);
- Removal of the victim (minor) – grants (upon application from the Police/Department of Welfare/Attorney General, or the victim, or his/her representative to a Criminal Court) the Department of Welfare the right of care and supervision of a minor victim, authorizing removal of the minor from the family home and placing him/her in a State shelter/foster family.

Advisory Committee for the Prevention and Combating of Violence in the family

The Advisory Committee for the Prevention and Combating of Violence in the Family is the coordinating body of dealing with domestic violence issues in Cyprus. Its members include governmental and non-governmental departments/organisations. Cyprus Police is one of the members of the Committee.

Bodies responsible for implementation of national strategy:

- Social Welfare Services, Ministry of Labour and Social Insurance;
- Ministry of Justice and Public Order;
- Ministry of Health;
- The Ministry of Education and Culture (Educational Psychologist);
- Attorney General's Office;
- Police;
- Association for the Prevention and Handling of Violence in the family;
- Cyprus Family Planning Association;
- Cyprus Association of Psychologists;

- Pancyprrian Association for the promotion of the mental health of children and adolescent people;
- Mediterranean Institute of Gender Studies.

Interdisciplinary procedures handbook

The Advisory Committee drafted the interdisciplinary procedures to be followed by the various services in cases of Domestic Violence (later adopted by the Council of Ministers). It also promotes initiatives for the prevention of domestic violence.

The Interdisciplinary procedures Handbook can be found at:

http://www.familyviolence.gov.cy/cgibin/hweb?-A=16&-V=manual&_VCATEGORY=0000

Police procedures

All Domestic Violence complaints are investigated by the Local Police Stations. Serious cases are investigated by the Divisional Criminal Investigation Departments. Police members investigating these cases are specifically trained on issues of domestic violence.

The *investigation* of domestic violence offences by the police *does not require a written complaint*. The Police are entitled to investigate such cases, ex officio.

The police should inform the victim(s) about the basic legal provisions, and other Services available to them. The brochure "Violence between Spouses or Cohabiting Couples - Useful Information for Victims" (in Greek, English and Turkish language) is given to them for this purpose. <http://www.police.gov.cy/police/police.nsf/All/8D8C39DC0ED6CC22578A900272E31?OpenDocument>

The Police request the complainant to sign a written statement describing the details of the offence. Where the complainant is not the victim of the offence, the police seeks the statement of the victim himself / herself, in addition to the statement made by the complainant.

The Department of Social Welfare and Attorney General are informed of all the reported cases to the Police, irrespective of whether a written complaint has been filed or not.

In cases where the complainant initially gave a (written) statement and expressed his / her wish to pursue the criminal prosecution of the offender but at a later stage declares that s/he does not wish to proceed with Court proceedings (does not wish to appear before the Court / does not intent to testify in Court) the Police records his / her wishes in a secondary statement, which must be signed by the complainant.

The reasons leading to a change in the complainant's decision to proceed with court proceedings, should be investigated (possible threats / promises made by the assailant / family).

The Attorney General decides whether on not to proceed with prosecution regardless of the victim's intention to repeal his / her statement.

Many criminal files relating to Domestic Violence are forwarded to the Domestic Violence and Child Abuse Office (Police Headquarters-Dept. C') for review and recommendations. Persons involved in the DV cases are checked against the Special Electronic Registry of the DVCA office. Whenever it is deemed necessary, the DVCA Office seeks information from other relevant State departments (mainly Social Welfare Services) and / or contacts the complainants themselves, before submitting relevant recommendations.

Prevention of domestic violence - campaigns

In the context of prevention of Domestic Violence and child sexual abuse, the police carry out campaigns, inform people on the legislation regarding domestic violence and on the support and services they may use in such cases. Various brochures, posters and radio/TV messages have been issued for this purpose, while informational material is also posted on the police website and activities for children such as face painting are organised.

Informative brochures published

- "Useful Advice for the prevention of attacks against women" both in Greek and English (2012), covering such as issues of safety on the road, at home, etc, as well as advice on what to do if a woman becomes a victim of rape.
- Citizen's Charter for children and youngsters in a language understood by youngsters/ children and are highly illustrated.

Attrition

During the Cyprus Presidency of the EU, a conference was organized by the Cyprus Police which brought together experts from law enforcement agencies in the Member States, as well as academic experts in the field, who shared knowledge, experiences and good practices in overcoming attrition in domestic violence cases. The aim was to draft an EU police handbook of good practice on the subject, which was later agreed by the Law Enforcement Working Party. The Handbook reviews system and/or person-related factors that contribute to attrition, it highlights main strategies and approaches that have been applied in overcoming attrition and it identifies common features, underlying principles and elements of success in intervention programs. It ends with recommendations in tackling attrition.

The handbook is available at:

<http://www.eucpn.org/goodpractice/search.asp?category=7&country=3&keyword=attrition>

and its background study is available at:

<http://www.eucpn.org/library/results.asp?category=2&pubdate=2013>.

3.3. Training the policemen to use the risk assessment tools properly

Police officers receive training about the legislation and the procedures to be followed in cases of domestic violence, while at the same time they are trained on the psycho-social aspects and dynamics of domestic violence.

During Basic Training, Law enforcement officials are trained on issues of the rights of children, child abuse (including child sexual abuse) child pornography and child sexual exploitation, in order to protect the rights of children, prevent sexual exploitation and detect any form of sexual abuse of children.

Specialized courses are periodically organized annually at the Cyprus Police Academy, aiming to sensitize, and to offer police officers of all ranks, an update on current trends and developments in police practice and law in relation to child abuse of all kinds.

Other specialized courses carried out in Cyprus and abroad, are utilized in order to promote professional advancement in dealing with such issues.

Chapter 4. Solutions used in Portugal in the scope of risk assessment

4.1. The general description of the domestic violence phenomenon in Portugal

Portugal is a country with a population of approximately 10.5 million inhabitants, whose safety is ensured by the Guarda Nacional Republicana (GNR – National Republican Guard) and the Polícia de Segurança Pública (PSP – Public Security Police), which are under the purview of the Ministry of Internal Affairs.

The GNR shares the policing responsibilities in mainland Portugal with the PSP, whereof the latter is merely responsible for the major urban centers (5% of the national territory) and the GNR is responsible for 40% of the cities, 98% of the towns and all of the villages of the country. All districts have investigators who are specialized in domestic violence, providing victims with the necessary protection, support and aid.

Domestic violence (DV) is a social and criminal phenomenon which includes a significant number of psychological, social, economic and cultural variables that compete in a complexity which is based, among others, on the relationship that exists between the victim and the offender, on existing social beliefs and on the myriad forms that violence can assume.

There is a whole social and cultural argument which relates domestic violence to alcohol or drug abuse, stress, unemployment, the provenance of a dysfunctional family, mental illness, social class and so on. Despite the possibility of these and other factors being present in some cases of domestic violence, none of these alone cause violence.

As set out in the IV national plan against domestic violence from 2011 to 2013, the Ministry of Internal Affairs, by way of its own organs, in conjunction with the Security Forces, and with the support of the *Minho* University and the Office of the Attorney General of the Republic, are designing and validating a risk assessment tool for all situations of domestic violence (spousal violence, violence against ascendants/descendants or any other). The aim of this work is based on the creation of a more simple and consistent tool from a scientific point of view rather than the current risk assessment form (Annex A to the standard domestic violence notice) in use in first line security force attendance.

Risk assessment procedures are intended to assist professionals in the analysis of concrete situations, introducing a greater objectivity, identifying the level of risk present and thus guide police action better in order to promote the safety of victims.

Domestic violence generally involves repeated incidents of violence and in many cases result from serious injuries to the victims or even their death. Security forces are often the first entity to which the situation is reported, and one of the services to which most victims resort to for requesting

support, which entails additional responsibilities within the framework of the prevention of their revictimization, namely at the level of the first line of intervention.

In Portugal, domestic violence takes on the nature of public crime, which means that the criminal procedure is not dependent on the victim's complaint, wherefore an accusation or acknowledgement of the crime is sufficient for the Public Prosecution to promote the proceedings.

The criminal procedure begins with the news of the crime, and can be carried out by the crime victim lodging a complaint or any person or entity making a criminal accusation at a PSP police station, a GNR post or directly at the Public Prosecution Office.

Domestic violence is considered to be any action or omission of a criminal nature, between persons residing in the same household or, if not residing, are ex-spouses, ex-partners, ex-boyfriends, parent of a child in common, relative in ascending or descending line, and who inflicts physical, sexual, psychological, economic suffering.

Based on this concept we can still distinguish domestic violence between domestic violence in a more restricted sense and domestic violence in a broader sense. Domestic violence in a more restricted sense includes all criminal acts suitable under article 152: physical ill-treatment; psychological ill-treatment; threat; coercion; injuries; defamation and sexual crimes). Domestic violence in a broader sense includes other crimes in household contact [breaking and entering or disturbance of privacy; invasion of privacy, (images; telephone conversations; e-mails; reveal secrets and private facts; etc., violation of correspondence or telecommunications; sexual violence; child abduction; violation of maintenance obligations violation of maintenance claims; attempted/consummated murder; harm; theft and robbery)].

Domestic violence also encompasses different types of abuse, namely emotional, social, physical, sexual, financial violence and stalking pursuit.

- **Emotional violence:** any behavior that the partner has which aims to make the other feel fear or useless. It generally includes behaviors like: threatening the children; hurting the pets; humiliating each other in the presence of friends, family or in public, among others.
- **Social violence:** any behavior that intends to control the partner's social life through, for example, preventing her from visiting family or friends, cutting off the telephone or controlling telephone calls and accounts, lock the other at home.
- **Physical violence:** any form of physical violence that an offender inflicts on the partner. It can translate into behaviors such as: punching, kicking, strangling, burning, inducing or preventing the partner from obtaining medication or treatments.
- **Sexual violence:** any behavior in which the partner forces the other to take part in sexual acts that she doesn't wish. Some examples: pressure or force the partner to have sex when she doesn't want to; pressure, force or try to get the partner to have unprotected sex; force the other to have sex with other people.

- **Financial violence:** any behavior that attempts to control the partner's money against her wish. Some of these behaviors can be: controlling the other's salary; refusing to give the other money or forcing her to justify any and all expenses; threatening to withdraw financial support as a form of control.
- **Pursuit:** any behavior that seeks to intimidate or harass the other partner. For example: follow the partner to her workplace or when she comes out alone; constantly control the other's movements, whether at home or not.

Who are the victims?

Violence against women is a complex and multidimensional phenomenon, which cuts across social classes, ages and regions, and has relied on women's non-reaction and passivity, having them seek informal and/or conformist solutions, as there has been much reluctance to take this kind of conflicts to the public space, where it has been silenced for a long time.

Each woman's reaction to their situation of victimization is unique. These reactions should be regarded as psychological survival mechanisms that each one triggers differently to support victimization.

Many women do not consider the mistreatment to which they are subject, the kidnapping, harm, slander, defamation or sexual coercion and rape by the spouses or partners to be crimes.

Women find themselves in domestic violence situations, in most cases, due to the dominance and control that offenders wield over them through numerous mechanisms, such as: relational isolation; exercise of physical and psychological violence; intimidation; economic control, among others.

Domestic violence cannot be seen as a destiny that women have to accept passively. Their fate is theirs alone; they should be the ones to decide upon it, without having to resignedly accept the violence that doesn't fulfill her as a person.

Children can be considered victims of domestic violence as:

- **witnesses of domestic violence:** This includes witnessing or hearing abuses inflicted on the victim, seeing physical signs after incidents of violence or witnessing the consequences of such violence in the person abused;
- **tools of abuse:** Father or mother offenders can use their children as a form of abuse and control;
- **victims of abuse:** Children can be physically and/or emotionally abused by the offender (or even, in some cases, by the victim herself).

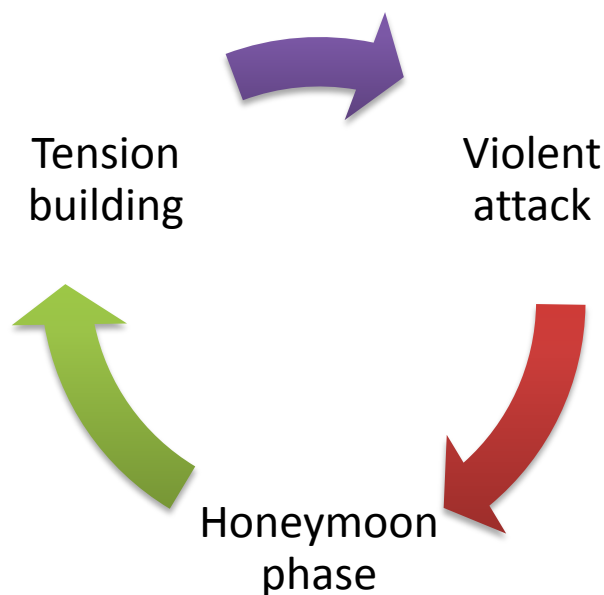
The World Health Organization (WHO) defines violence against elderly as "A single or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust which causes harm or distress to an older person".

Violence against the elderly has been classified into different types – physical violence; psychological violence; sexual violence; economic or financial violence; neglect; abandonment – whereby these may appear individually or combined.

Although women suffer higher rates of domestic violence, men are also victims of this crime. Women also commit domestic violence often, and not merely in self-defense. Male victims of domestic violence experience control behaviors; they are subject to physical (in many cases with serious physical consequences) and psychological aggressions, as well as the fact that they also fear abandoning abusive relationships. Fear and shame are for these victims the main barrier to initially seeking help. These men fear being belittled and humiliated by others (family, friends and even judicial and police institutions) if they decide to report their victimization.

Scale of the phenomenon

Domestic Violence acts as a circular system – the so-called **Cycle of Domestic Violence** – which generally has three phases:



1. **Tension building:** the tension built in everyday life, the injuries and the threats made by the offender create a sense of imminent danger in the victim.

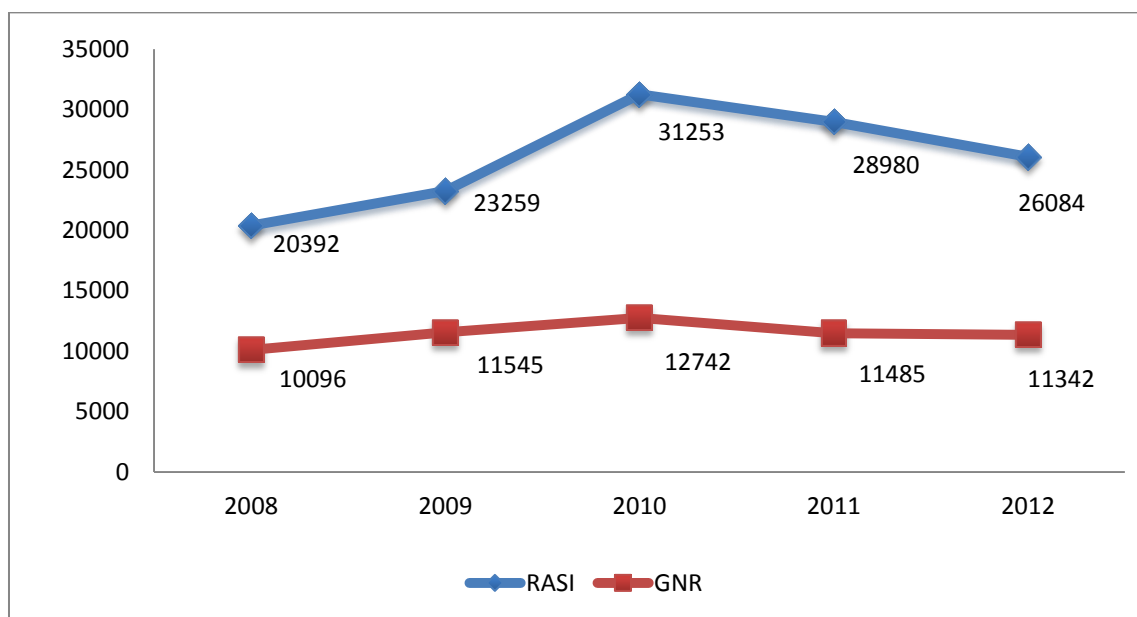
3. **Honeymoon phase:** the offender now showers the victim with affection and attention, apologizing for the aggressions and promising to change (he will never again commit violence).

2. **Violent attack:** the offender mistreats the victim physically and psychologically; these ill-treatments tend to increase in frequency and intensity.

This cycle is characterized by its continuity in time, that is, by its successive repetition over months or years, wherein the tension building and appeasement phases may become shorter and the violent attack phase becomes increasingly more intense. This interaction pattern generally ends where it once began. In extreme situations, these incidents can culminate in murder.

Some statistics which give general overview

Domestic violence is the third most registered crime in Portugal, fit under crimes against people, as can be seen in the chart below.



In 2012, from among the crimes against persons (86,548), three of them have assumed particular prominence due to the number of complaints, namely “simple voluntary offence to physical integrity”, “domestic violence against spouse or similar” and “threat and coercion”.

- | | |
|--|-------|
| ▪ Simple voluntary offence to physical integrity | 30.5% |
| ▪ Domestic violence against spouse or similar | 25.7% |
| ▪ Threat and coercion | 18.2% |
| ▪ Others | 25.6% |

Most cases of domestic violence occur at home, more than 40% are witnessed by minors and, in many cases, happen repeatedly.

4.2. Tools used to assess the risk

Risk assessment is a process of gathering information on the people involved to facilitate the decision-making process regarding the risk of recidivism of violence, materialized into a tool created for this purpose.

Objectives include the characterization of the risk of future violence, development of management strategies to minimize the risk, in order to understand how and why individuals choose to act violently and determine which factors may contribute towards the individual opting for violence in the future.

Risk assessment in cases of domestic violence can be defined as an attempt to identify victims who are more exposed to the risk of experiencing violence in the future.

Many studies regarding the risk of spousal abuse and recidivism define risk as being a term that refers to some form of violence which will take place in the future (Kropp, 2004).

In risk assessment practice, the extent of the risk can be determined by the context of the evaluation. For example: courts are often interested in the likelihood of occurrence of violence; the technicians who develop treatments, in turn, may be more interested in the nature and imminence and the victims are interested in all dimensions (Heilbrun, 1997; quoted by Kropp, 2004).

Risk assessment tools provide a structured manner of gathering relevant information from the victim. When shared with other entities, this information may help provide a better service to the victims. The assessment also aids public prosecutors by enabling them to make more informed decisions about how to proceed in cases where the victims withdraw into their shell (Robinson, 2006).

The aim is therefore to introduce greater objectivity to the assessment carried out, through a tool with scientific validity, being possible to: 1) promote accountability in the risk assessment and management process; 2) create a more reliable basis for the proposition of victim protection measures to the public prosecutor's office and for the adoption of measures within the compass of domestic violence policing (promoting victims' safety/protection); 3) increase the efficiency, effectiveness and quality of domestic violence policing and 4) contribute to decrease the rate of revictimization and the number of murders involving victims already referenced to security forces (with prior complaint). Security forces are in the front line of domestic violence prevention; criminal justice system operators are the first to be activated by victims of domestic violence. The intervention and the decisions that are made by the operational police officers in what regards to the situation of the offenders and victims influence the likelihood of new incidents of violence occurring or not. Perception and response to risk are core elements in domestic violence policing. In order to attain a uniformity of criteria and methodologies for reflecting upon risk of revictimization and to achieve identical levels of quality in risk identification and subsequent management, the tools used by the Portuguese security forces need to be standardized, assessed and speeded up. The capability to anticipate future violent behavior is not infallible and it is especially complicated when offenders do not reveal personal traits denoting predisposition for violent behavior or a violent history, but it is possible to estimate the likelihood of violence occurring under certain conditions of time and context.

Description of the tool

The domestic violence risk assessment form is designed for elements of the security forces that, during patrol, investigation or neighborhood policing actions, register incidents in the form of complaint/notice/notice addendum involving victims of domestic violence, be they female or male,

adults or minors, living with the offender or not, and fall under the situations referred to in article 152 of the Criminal Procedure Code (violence between partners or ex-partners of an intimate relationship, ill-treatment to other people, particularly helpless ones that live with the offenders, namely ascendants, descendants and others).

The use of a tool conceived in accordance with a model of structured analysis that is consistent with the investigation and scientific knowledge produced at a national and international level on the phenomenon of domestic violence becomes a technical asset for the professionals in the field that, along with their professional experience, can thus confirm and consistently rate, by way of a simple checklist, what are the main risk factors present in a specific case.

The form has two versions, one for the first line of police intervention and another for the second stage. It was designed as a quick, concise and uniform form of identifying the risk factors present in a given situation, in order to enable a quick and effective action on behalf of the police forces, at first when drafting the domestic violence notice or notice addendum.

However, it is important to understand, at a second stage, when a reassessment of the level of risk (in the context of neighborhood policing or criminal investigation) or even in the first contact with the victim (if practicable), not only the presence or absence of certain indicators, but also the manner in which they are articulated and develop in the situation, given that risk assessment is a complex process and is not only related to the number of risk factors present. In fact, the risk that exists for the victim or others in a particular situation depends on who the people are and its context. Thus, the assessment should be a dynamic process.

It is also important to distinguish the immediate risk identification items that are quickly perceptible to those who receive the complaint and can promote a swift action, from others that constitute above all risk management elements which are more deferred in time and that necessarily involve further and thorough analysis work. This risk assessment tool should be used when drawing up the notice/notice addendum (by way of a new complaint) or during any other contact with the victim/complainant, being completed with the information available then (provided by the victim, third parties, technical information, etc.).

The use of the tool by the Police in practice

From the crime prevention point of view, designing and creating a common tool which standardizes police understanding and assessment of the risk that victims of domestic violence run of once again being mistreated and maybe even dying allows for developing more suitable victim protection strategies and monitoring offenders. On the other hand, the completion of this checklist simplifies and clarifies the basis for police decisions and interventions undertaken after the crime has been reported, allowing periodic and subsequent scrutiny of procedures for victim security implementation and monitoring offenders.

Some considerations should be taken into account when applying the tool. Thus:

- Risk assessment is based on professional judgment, with the objective of supporting decision structuring and information. It constitutes itself as a guide, not providing a measure of absolute or relative risk through the use of cut-off points;

- Risk assessment is a complex process, which is not related to the isolated number of risk factors. On the contrary, the imminent risk for the victim or others in a particular situation depends on who the victims are and how the risk factors can be applied to them in a given context. In the case of domestic violence, for example, it is known that the risk is higher for the victim at home than outdoors and when the offender is unoccupied;
- This tool allows for decision-making regarding risk identification and management to take place in a consistent, standardized, open and transparent fashion;
- The risk assessment process should remain dynamic. In cases of domestic violence, events and circumstances may undergo quick and frequent changes –the assessment should be revised whenever appropriate and repeated in its entirety when necessary;
- Ensure that the victim is comfortable at the time of assessment and that she understands all the questions asked. Particular attention and sensitivity is required for those questions regarding the offender's physical and/or sexual aggressions;
- Take into consideration the victim's perception of risk. Sometimes the victims minimize the risk they run, based on a distorted perception of what conjugal abuse is; for example referring to alcohol as the source of the problems, neglecting other serious elements of abusive dynamics;
- The risk assessment process should be fluent and continuous. Remember that when there are changes in the (individual and context) factors the risk assessment should be revised.

Diagram: adjustable procedures according to the level of risk:

Low Risk	Moderate Risk	High Risk
Draw up a Security Plan with the victims		
Indication of victim support resources/responses		
Attribution of victim status		
Provide the victims with emergency contact numbers, as well as those of the Security Force closest to their home		
If there are weapons, these should be seized		
Attach the risk assessment carried out to the proceedings and submit to court		
In accordance with the risk and until enforcement measures are applied to the offenders or teleassistance measures are provided for the victims, (Personal or telephone) contacts		

should be established with the victims, as well as accompanying them whenever requested to locations where they must go (ex.: court, social security, hospital)		
	Warn the victims to consider the possibility of moving away from the offender , resorting for instance to a shelter or house of a trustworthy relative/friend/colleague for the first days (when the offenders are not arrested)	
	Verify if the conditions are met for the offenders' arrest when they are not caught in <i>flagrante delicto</i>	
	Report the situations to the hierarchical superiors to contact the public prosecutor's office suggesting that the offenders be kept away from the victims' homes and/or forbidding contacts with the victims and providing teleassistance measures to the victims	
	Complete Annex A of the proceedings and submit it to court	
Annex A – DV – Forwarding to court		
1 st risk reassessment up to 60 days ¹	1 st risk reassessment up to 30 days ²	1 st risk reassessment up to 3/7 days

Security plan

Risks and threats change constantly, according to the events and the complex circumstances of people's lives. The victim's security plan should not be limited to filling out a paper form, in the expectation that the victim is capable of locating and taking with her or having everything readily available.

The security plan must meet the victim's individual needs and be designed through an implication, connection and partnership process. It should also be understood and structured as a community-based responsibility. It should include widely available information for friends and family on the most useful and effective forms of victim protection.

In cases of Low (standard) risk a more comprehensive security plan may be drawn up upon a second contact with the victim, or on a scheduled date (subject to the availability of both the victim and the police officer).

In cases of Moderate or High risk, the preparation of the plan may also be scheduled for another occasion, to be held as soon as possible, if the victim is unstable from an emotional point of view.

In any case, basic guidance to promote victims' safety should always be provided.

Annexes – forms used

- Annex A – Domestic Violence Risk (DVR) Form – 1L
- Annex B – Domestic Violence Risk (DVR) Form – 2L
- Annex C – Procedures to take into account in applying Domestic Violence Risk Assessment Forms
- Annex D – Security Plans

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Robinson, A.L. (2006) *Reducing Repeat Victimization Among High-Risk Victims of Domestic Violence. The Benefits of a Coordinated Community Response in Cardiff, Wales. Violence Against Women*, Vol.12 (8) (pp.761-788). Sage Publications. doi: 10.1177/1077801206291477

Procedures to take into account in applying Domestic Violence Risk Assessment Forms

1st Part – Type of occurrence; Items I, II and III must be filled out

Fill out information indicated in the DVR–1L and DVR–2L forms.

There is a field with mandatory information (location and application context, NUIPC Inquiry number, registration number/NIPP and assessment date) and a small framing and brief instructions for completing the form;

Domestic Violence Risk (DVR) Form – 1L:

I. Location of application: ☐ Incident location ☐ At the police station/squadron ☐ Other location (which?):		

II. Context: ☐ Claim - Notice ☐ Claim - Addendum		
III. NUIPC Inquiry number: _____ IV. Registration number/NPP: _____ V. Current date: _____		

To be applied when drawing up the notice or notice addendum.

In the case of Domestic Violence Risk (DVR) Form – 2L:

I. Type of application: 1 st Reassessment ☐			2 nd Reassessment ☐			3 rd Reassessment ☐		
II. Context:			Criminal investigation ☐			Neighbourhood policing ☐		
III. NUIPC Inquiry number: _____			IV. Registration number/NPP: _____			V. Current date: _____		

This is a tool to be applied during a reassessment of the level of risk (in the context of neighborhood policing or criminal investigation).

The current date, in both forms, refers to the application date of the form (conclusion of occurrence).

2nd Part – 20 Risk Assessment Items that must be filled out.

If the question does not apply (N/A) or is unknown (UNK), use the existing option for this purpose.

Only one option may be provided for each item: Yes, No, or N/A / UNK. It is vital for its application that all questions are asked as set out in the form.

The security force personnel should inform the victim as to the reason for asking such questions, given that these issues are important for their safety

Whenever the victim's statements or the questions asked do not correspond exactly to the question on the form – ask the question in its full wording and whenever necessary ask additional questions to clarify the victim's answers.

Avoid at all costs inferring answers to the form based on what the victim reported.

There are potentially uncomfortable issues that should not be evaded – it is necessary to ask the victim in regard to her fear of being murdered and, for example, in what regards to sexual violence, one can make an introduction to the issue to facilitate (*Ex: I'm going to ask you a question that may cause you some discomfort but it is very important that you answer it – your answer is vital so that we can protect you better*).

The victim may have a calmer or more anxious speech, but we cannot infer the level of risk/severity based on the form of speech (each person reacts to danger in their own way and can be more or less conscience of such).

The tendency to draw conclusions on the validity of the victim's speech based on her non-verbal behavior should also be avoided.

Security force personnel shall apply the Domestic Violence Risk (DVR)–1L assessment form to all domestic violence cases, after drawing up a notice/notice addendum, regardless of the source, or while reassessing the level of risk in the context of the investigation or neighborhood policing.

DVR–1L and DVR–2L forms will be applied to: victims; witnesses/relatives/neighbors/acquaintances; Observation/Confirmation of security force personnel or statement/information of organism (e.g. medical statement) and alleged offender.

The 20 questions listed in the form shall be asked in accordance with the format of the written question, in order to minimize subjective interpretations by the complainant.

Only the victim is asked question number 8.

After asking each question, an X should be marked in YES, NO, or N/A / UNK (for all 20 questions).

Within the context of a reassessment, there is an open field after each question in the DVR–2L form (criminal investigation or neighborhood policing) that should be completed aiming mainly to ascertain facts which may alter or determine in more detail the risk present in each one of the 20 items.

There can be one or more (cumulative) sources of information for filling out each item – thus, the sources of information used should be indicated in question 21.

If there are other sources of information besides the victim, it should be indicated in 21.1 as to which items wherein another source of information was used.

Upon completing the form's 20 questions, in addition to including the victim as a source, all technical information should be included in the field **Sources**.

Note: Until concluding the official paperwork pertaining to the first incident, the (patrol) police officer can also alter the items, based on new information that arises in the meantime (except for item 8. Do you believe the offender is capable of killing you or having you killed?).

3rd Part – Sources; fill out up to item 21.

The SOURCES (item 21) will be indicated in the 3rd part – source of information that allowed for conducting the risk assessment.

Indicate the source(s) of information used to conduct this risk assessment:

→	X	Victim – information provided by victim
		Other(s) – information provided by witness(es), relative(s), neighbor(s), acquaintance(s)
		Offender – information provided by alleged offender
→	X	Technical information – Observation/Confirmation of security force personnel or statement/information of organism (e.g. medical statement)

4th Part – Rating; fill out items 22 to 24.

Such corresponds to the final rating of the tool, consisting of 3 items (22, 23, 24).

This part contains a chart with a first set of indications on how to rate (consider its flexible nature).

Proceed to the rating:

The total number of YES, NO and N/A / UNK should be added in the appropriate space on the form and in accordance with the combination resulting from the information gathered a level of risk should be assigned to the case. See chart on page 13 with regard to possible combinations.

After the risk assessment carried out according to the results of the form, it is important to understand if such coincides or not with its perception of the level of risk in this case.

The result obtained from the form may not be the outcome that will be considered as final, you can opt for another level of risk, justifying it on the basis of your professional experience and identifying other risk factors you have identified. Hence, in item 23 you should mark an X on the perception of the level of risk on the part of the security force personnel, regardless of the rating of the levels of risk obtained by the sum of the items.

Other risk factors (Item 22 – register other important risk factors not envisaged in the 20 questions).

Consider issues such as children referenced in prior situations of violence by the Commission for the Protection of Children and Young People, lack of hygiene, offender referred to having his “honor tarnished”, offender’s sole “purpose in life” seems to be to live with the victim again, offender prevents the victim from having contact with others, offender has a privileged/powerful position in the community that may condition the victim/others, presence of “intense” emotional/psychological violence, any signs of “desperation/saturation” on behalf of the victim that may indicate she might

murder the offender or commit suicide or other cultural constraints (particularly in the case of foreign citizens, immigrants or refugees).

IN SHORT (for the 2 domestic violence risk forms):

In item 22, other important risk factors should be registered (not envisaged in the 20 questions).

In item 23 it is (compulsory) to indicate which level of risk you assign to the situation, based on the information collected and your professional experience.

In item 24 there is a space to explain the level of risk assigned (mandatory in situations in which you choose a rate other than the indicated).

In the case of DVR – 2L form there are two more items (item 25 and 26)

Item 25 – indicate the measures adopted previously as a result of the 1st assessment.

Item 26 – register changes that also occurred in the time gap between the first assessment and the reassessment (since the implementation of the DVR-1L form and the application of the DVR-2L form).

5th Part – Evaluator must fill out items 25 to 29 of the DVR-1L form and items 27 to 31 of the DVR-2L form.

In the 5th part there are questions that must be filled out for security force personnel data placement and a field for comments or suggestions for application tool and methodology enhancement (in open format/free text).

6th Part – Determination of the Supervisor, must fill out items 30 to 32.2 of the DVR-1L form and items 32to 34.2 of the DVR-2L form

Here are the measures to adopt, be they the measures to be proposed as a result of an initial assessment or the new measures resulting from the data obtained in a reassessment, with a view to promoting victim's security. The measures should be determined by the supervising officer.

Guidance for Final Rating

A - If there are more than 10 items marked as "N/A / UNK": **Moderate Risk**

Carry out another assessment as soon as possible based on more comprehensive information.

Consider to be **Moderate Risk** until another assessment is carried out.

Do not however disregard the information gathered in the items completed.

B - If there are at least 10 items with valid answers (that is, “Yes” or “No”):

High Risk: If half or more than half of the items with valid answers are marked “Yes”.

Moderate Risk: If a quarter or more than a quarter of the items with valid answers are marked “Yes”.

Low Risk: If at least a quarter of the items with valid answers are marked “Yes”.

To facilitate, these rules translate into:

Number of N/A = not applicable; UNK = Unknown

		0	1	2	3	4	5	6	7	8	9	10	11-20
Number of “YES”	0-2	L											M
	3	L	L	L	L	L	L	L	L	M	M	M	
	4	L	L	L	L	M	M	M	M	M	M	M	
	5	M	M	M	M	M	M	M	M	M	M	H	
	6	M	M	M	M	M	M	M	M	H	H	H	
	7	M	M	M	M	M	M	H	H	H	H	H	
	8	M	M	M	M	H	H	H	H	H	H	H	
	9	M	M	H	H	H	H	H	H	H	H	H	
	10-20	H	H	H	H	H	H	H	H	H	H		

L- Low;

M- Moderate; H- High

In this rating, all items have the same weight in terms of the final assessment, however there are items that can be considered vital (ex: 1, 4, 8, 9, 10, 11, 12, 18 ...) and, in a given combination of answers, can be considered another level of risk other than that resulting from the proposed rating.

In case the risk is considered to be **LOW** after a first analysis the items marked do not indicate the likelihood of serious physical injuries or murder occurring within a short term.

In case the risk is considered to be **MODERATE**, risk factors are present that could pose actual danger of serious physical injuries/murder if there are changes either in the context or circumstances, for example interruption of mental health medication; moving out of the offender’s house/offender’s

total inoccupation; separation or victim's intention to get separated; abuse of alcohol or other psychotropic substances.

In case the risk is **HIGH**, risk factors are found that denote the likelihood of serious physical injuries or murder occurring at any moment.

Risk assessment is not final; whenever any change in the situation is verified (ex: separation or manifestation of intention to do so) the risk level should be reassessed Flexibility is necessary in attributing a level of risk.

Assigning the level of risk may lead to a false sense of security.

It is intended that professionals think and reflect upon what is happening and not proceed "on autopilot" through a process that is influenced by numerous variables. You can't simply add the items and attain a sum/formula that works like a "crystal ball" anticipating what will happen.

The decisions of the criminal police bodies and the empirical-professional judgments about who those decisions are made are issued by police professionals daily. This is merely another procedure to help them guide their empirical-professional judgment.

What to do after risk identification?

After all 20 factors have been rated, after your personal assessment of the case and have assigned a Low, Moderate or High level of risk to the case on hands, it should not be forgotten that the diagnosis and the prognosis of each case does not have a temporal validity that is defined in time, considering a validity not exceeding 30 days for cases of Moderate risk and 72 hours to a week for cases of High risk.

Filling out this form and assigning a level of risk are intended not only for the proper registration procedure of the complaint; they are above all an assessment/information intended to respond to a set of questions formulated by colleagues of criminal investigation, judicial authorities and, last but not least important, the victim herself. The question that arises among all operators of the criminal justice system and to the victim herself is: How should we act in view of a high, moderate and/or low level of risk?

This procedure is initially intended to ensure more adequate police protection for each concrete situation of domestic violence, ensuring an adequate level of protection for the victims and, where appropriate, their families or persons in a similar situation, whenever the competent authorities consider that there is a serious threat of acts of vengeance. It is resorting to these methodologies to

determine the level of risk that will sustain the individualized risk management strategy that is most appropriate for the actual case.

Subsequent procedures

It is important to take into account the type of procedures to adopt in accordance with the level of risk identified.

Even if the DVR form is not applied, in view of the assessment carried out for each case, security force personnel should adopt police procedures and provide guidance to the victim/complainant in order to promote their safety. **These procedures should be upheld, regardless of the outcome of the DVR form.**

What significance do these three referenced levels of risk have?

If the level of risk is considered **LOW**, the professional should communicate it to the victim avoiding any embellishment or minimization of the situation, without neglecting his duties of informing and raising awareness in the victim herself so that she is informed of the existing social responses that may help her to become autonomous (empowerment) and to protect herself from any repetition of acts of violence.

If the level of risk is considered **MODERATE**, the police officer should plan police monitoring compatible with the police resources available, the capability of victim protection (for example: family or other support) and the situational analysis of risk (for example: safety conditions of the victim's home and workplace and in any and all possible usual routes), also considering the possibility of the offender being subject to control measures designed to minimize some of the risk factors that, most likely, may determine a higher risk of revictimization in the future. In these cases, the person within the security force that is responsible for the criminal investigation should carry out another risk assessment within thirty days.

If the risk is considered **HIGH**, the police officer should immediately ensure police protection compatible with the gravity of the situation wherein referencing the case to the hierarchical superior; in these cases one should consider arresting or not the offender and consequently proposing that the defendant/offender be subject to urgent enforcement measures foreseen in law, namely those that involve keeping the offender away from the victim. In these cases, the person within the security force that is responsible for the criminal investigation should carry out another risk assessment within 72 hours to 1 week if another shorter term is not recommended.

4.3. Training the policemen to use the risk assessment tools properly

Procedures to take into account in applying the domestic violence risk assessment form (see annex C).

In view of the implementation of the domestic violence risk assessment form, a domestic violence policing handbook was created for the security forces, wherein all acting procedures in the compass of domestic violence are foreseen, as well as a set of instructions for completing the domestic violence risk assessment forms, which consists of 6 parts.

Chapter 5. Solutions used in Poland in the scope of risk assessment

1.1. The general description of the domestic violence phenomenon in Poland

The scale of the phenomenon of domestic violence in Poland is measured by counting the number of forms initiating the procedure called 'Blue Cards', which is dedicated exclusively to monitoring the situation in the families where the presence of violence has been diagnosed.

In the year 2013 police officers filled exactly 61 047 forms of „Blue Cards” which means that in all this cases at least one form of violence was determined. This number may slightly rise or fall, but over last few years in general stays the same level. Annotations made in the form enable to determine where the phenomenon of domestic violence is predominant.

In year 2013 it turned out that there were 34 874 cases noted in cities whereas in rural territories there were 26 173. Different forms are dedicated to the cases never reported before and to those which have been reported before but a new incident occurred.

From all the forms filled by police officers in the year 2013 only 16,57 % were those dedicated to already started procedure and taking notice of an new incident. In this perspective the conclusion can be drawn that the protection offered to the victims that have reported the presence of violence in their family, seems to be quite effective. The real challenge remains in the field of never reported cases and families suffering from violence unknown to the police or other institutions. Statistics clearly show that women remain the biggest group of victims.

In year 2013 from all the victims that “Blue Cards” procedure safeguards assistance 67 % were women, 22% were children and underage persons and 11% were men. In the last few years new alarming tendency of a rising number of elderly people exposed to violence can be observed. In the year 2013 there were 4 622 women and 1 192 men over 66 years of age that were victims of domestic violence.

Analizing situations during which police intervention was needed, the conclusion can be drawn that being under the influence of alcohol remains an important factor related to offenders in Poland. In year 2013 domestic violence offenders arrested under the influence of alcohol amounted to the number of 37 650. The particular attention should always be paid to the situation of children exposed to violence in their families. In year 2013 there were 426 cases where taking away children from homes was a necessary measure to take. They were placed with a relative living separately, foster families or state children's care institution.

5.2. Tools used to assess the risk

From the beginning of the year 2014 Polish police officers from all regions have started to use risk assessment tools related to the situations threatening life or health of persons experiencing domestic violence. The risk assessment tools are meant to be used during or directly after the intervention.

After diagnosing the potential risk police officers are to refer to the guidance of conduct to determine the further actions to take that are in line with the level of risk. The term *“tool for assessing risk”* means the questionnaire that is composed of risk factors in the form of questions that heighten the possibility of potential danger that victim of domestic violence is or potentially can be exposed to in the future. It should be clearly highlighted that this risk assessment tool is to be used by police officers during the domestic violence intervention in the situation beyond any doubt that this violence in fact is occurring.

A flow chart known as the *“Guidance of conduct”* (contains suggestions about possible actions that police officer may undertake), is then used by Police officers at the scene of domestic violence to take appropriate action subject to the risk to life and wellbeing of the victim and other family members involved.

The history of introducing the risk assessment tool in the field of domestic violence in Poland dates back to the end of May 2013 when the Minister of Interior noted repeated cases of murders where the victims were experiencing domestic violence. All the above mentioned cases were analyzed in detail by Prevention and Road Traffic Bureau in General Police Headquarters with the particular attention paid to the action undertaken by police officers in regard to each family before the tragic events. The Minister ordered the preparation of tools that would help reaching the ultimate goal that is to avoid similar situations in the future.

The tools were supposed to increase the effectiveness of police officers actions during the interventions. Therefore it is clear that the necessity to assess risk of danger that victim is exposed to, was a direct consequence of striving to raise the level of security and safety that police forces can grant to the domestic violence victims. The ultimate aim of using the risk assessment tools by police officers is to minimize the threat and dangers that victims of domestic violence are exposed to on many levels (not only physically but also psychological, emotionally, financially, sexually etc.).

At the end of May and beginning of June 2013 the risk assessment tools together with the guidance of conduct were elaborated. The working group responsible for its preparation consisted of the police officers from Prevention and Road Traffic Bureau in General Police Headquarters, representatives from NGOs called National Help Assistance for Victims of Domestic Violence “Blue Line” and Nobody’s Children Foundation. During the work, the experience from other police forces from European Union was used, as well as up to date scientific research. The key that is present on the questionnaires leads the police officers to the Guidance which are the integral part of the tools. They contain the suggestions what way of conduct should be assumed during the intervention. The

guidance were elaborated basing on the possibilities that are present in polish law. Among other things, they enumerate the legal basis for making an arrest of a person that is suspected of committing a crime with the use of violence, making an arrest of a person that is a domestic violence perpetrator and poses a direct threat to human life or wellbeing, but also the legal basis for taking away a child from a family and placing it in foster family of an interventional type or in an intervention care center for children. The Guidance also reminds police officers of the absolute necessity of initiating a preventative procedure called “Blue Cards” in the situation that domestic violence was diagnosed no matter the intensity of the threats posed.

During the preparation process of risk assessment tools, the strong notion that the precise explanation of the term “risk assessment” itself was indispensable. The definition by J. Roehl i K. Guertin was assumed. They define the risk assessment in domestic violence as: **“formal application of tools to assess the probability that the violence from intimate partner will repeat and escalate. This term is equal to the estimation of danger and estimate of mortality, in other words use of instruments elaborated especially to identify potentially mortal situations”¹³.**

The definition of risk assessment factors (markers) that was assumed was that of E. W. Gondolf **“features that increase the probability of another attack”**. Basing on the theoretical knowledge and experiences from different police forces from European Union two risk assessment tools in forms of questionnaires were prepared. Each included 13 risk factors that give an reasonable suspicion that in case of their presence and accumulation the risk posed to life and wellbeing of a victim will raise. First questionnaire was called “Part A” and is relevant to the situation of intervention when the victim is adult. Second one called “Part B” is dedicated exclusively to the situation when the victim is a child.

The main aim of the tools described above is to facilitate police officers in making the decision whether in the situation of domestic violence intervention, the act of isolation of the person that is suspected to be the perpetrator, is needed and justified from the formal point of view. Other aims include:

- providing police officers with a standardized tool and ensuring that the severity of the given situation is apprehended;
- helping police officers then conduct an intervention to diagnose extremely dangerous and serious cases of domestic violence, the ones that pose direct and imminent threat to victim’s life or well being;
- helping police officers to make explainable decisions aiming at arresting the perpetrator, decisions that are based on solid analysis of the situation;

¹³ J. Roehl, K. Guertin, *Intimate partner violence: The current use of risk assessments in sentencing offenders*, “The Justice System Journal”, vol. 21, no. 2, 2000, s.171.

- filled questionnaire becomes an important document, which may be used during further work related to the concrete case of domestic violence, for example during the meetings of interdisciplinary teams.

Describing the aims of risk assessment tools it should be stated that the questionnaires should not be used in obligatory way, but only in the situation when doubts about the justification of arrest of the perpetrator appear.

During the process of the preparation of the risk assessment tools, a pilot was introduced for front line officers, experienced in dealing with domestic violence. Its purpose was to test and assess the practicalities of using a risk assessment tool to safeguard victims of domestic abuse. The pilot was organized in one region of Poland – Lubuskie Voievodship.

After the evaluation the necessary changes and corrections were made and the final version of the tools was prepared and printed. All police officers that may come to the contact with domestic violence cases were equipped with the tools including among others police officers from patrol units and other police officers from prevention service, duty officers, criminal investigators, police officers specializing in helping victims of crime, also police officers from Internal Issues Bureau who investigate domestic violence cases where perpetrators are police officers.

The risk assessment tools are in use on the territory of whole Poland since 1 of January 2014.

Questionnaire part A and Guidance – used in the case of domestic violence against adult victim:

Kwestionariusz szacowania ryzyka
W przypadku wystąpienia czynników ryzyka zaznacz X w kratce

1	Czy doszło do aktów przemocy z użyciem niebezpiecznego narzędzia lub groźb jej użycia?	☐
2	Czy sprawca grozi ofierze zabiciem? Czy ofiara boi się o swoje życie? Czy ofiara uważa, że jest zdolny do zabicia jej?	☐
3	Czy doszło do duszenia?	☐
4	Czy w ostatnim czasie doszło do nasilenia przemocy?	☐
5	Czy sprawca ma zaburzenia psychiczne, leczyl lub leczyl się psychiatrycznie?	☐
6	Czy sprawca jest pod wpływem środków odurzających (alkohol/narkotyki/leki)?	☐
7	Czy sprawca był wcześniej karany za przestępstwa z użyciem przemocy (w rodzinie lub poza nią)?	☐
8	Czy sprawca kiedykolwiek groził lub próbował popełnić samobójstwo?	☐
9	Czy ofiara przemocy próbowała popełnić samobójstwo?	☐
10	Czy sprawca jest chorobliwie zazdrosny o ofiarę przemocy?	☐
11	Czy w ostatnim czasie ofiara przemocy rozstawała się ze sprawcą?	☐
12	Czy ofiara przemocy kiedykolwiek została pobita przez sprawcę podczas, gdy była w ciąży?	☐
13	Czy w domu jest broń?	☐

Jeżeli na miejscu interwencji znajduje się dziecko zwróć uwagę na jego potrzeby!
Pamiętaj, że ofiarą lub sprawcą przemocy w rodzinie może być mężczyzna lub kobieta

Interwencja w związku z przemocą w rodzinie

Część A przemoc wobec osób dorosłych

Interwencja w rodzinie w związku z przemocą

Jeżeli sprawca nie jest osobą najbliższą lub wspólnie zamieszkującą lub gospodarującą to działaj na zasadzie odrębnych przepisów.

Tak → **Rozpocznij procedurę Niebieskie Karty (Wypełnij kartę A i prześlij ofierze kartę B)**

Nie → **Jeżeli w rodzinie występuje przemoc skorzystaj z kwestionariusza w celu oszacowania ryzyka**

Tak → **Czy odpowiedziałeś pozytywnie na któreś z pytań 1-3?**

Nie → **Czy odpowiedziałeś pozytywnie na przynajmniej 4 pytania z pytań 4-13?**

Tak → **Rozważ zatrzymanie sprawcy na podstawie:**

art. 244 §1a k.p.k. **art. 244 §1b k.p.k.** **art. 15a ust. o Policji**

Nie → **Postępuj zgodnie z procedurą Niebieskie Karty**

Sprawca – osoba, co do której istnieje podejrzenie, że stosuje przemoc w rodzinie

Ofiara – osoba, co do której istnieje podejrzenie, że jest dotknięta przemocą w rodzinie

Przemoc w rodzinie – jednorazowe albo powtarzające się umyślne działania lub zaniechania naruszające prawa lub dobra osobiste osoby najbliższej lub innych osób wspólnie zamieszkujących lub gospodarujących

Osoba najbliższa (wg art. 115 §11 k.k.) – małżonek, wstępny, zstępny, rodzeństwo, powinowaty w tej samej linii lub stopniu, osoba pozostająca w stosunku przysposobienia oraz jej małżonek, a także osoba pozostająca we wspólnym pożyciu.

art. 244 §1a k.p.k. Policja ma prawo zatrzymać osobę podejrzaną, jeżeli istnieje uzasadnione przypuszczenie, że popełniła ona przestępstwo z użyciem przemocy na szkodę osoby wspólnie zamieszkującej, a zachodzi obawa, że ponownie popełni przestępstwo z użyciem przemocy wobec tej osoby, zaliczając do popełnienia

art. 244 §1b k.p.k. Policja zatrzymuje osobę podejrzaną, jeśli przestępstwo, o którym mowa w § 1a, zostało popełnione przy użyciu broni palnej, noża lub innego metalicznego przedmiotu, a zachodzi obawa, że ponownie popełni ona przestępstwo z użyciem przemocy wobec osoby wspólnie zamieszkującej, zaliczając do popełnienia takiego przestępstwa grozi.

art. 15a ust. o Policji Funkcjonariusz Policji ma prawo zatrzymać sprawcę przemocy w rodzinie stwarzających bezpośrednie zagrożenie dla życia lub zdrowia ludzkiego w trybie określonym w art. 15.

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Questionnaire part B and Guidance – used in the case of domestic violence against child:**Kwestionariusz szacowania ryzyka**

W przypadku wystąpienia czynników ryzyka zaznacz X w kratce.

Zwróć uwagę, że w rodzinie może być **kiloro dzieci**

Pytania adresowane **do osoby dorosłej** o sytuację dziecka:

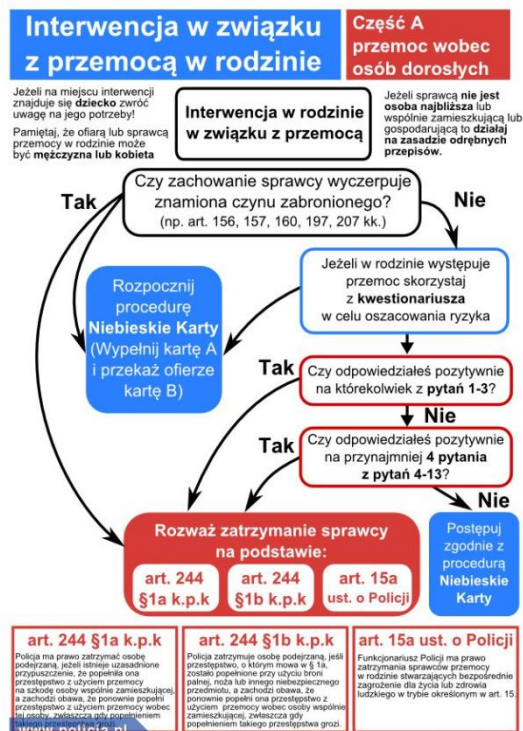
1	Czy sprawca rzucił dzieckiem?	☐
2	Czy sprawca dusił dziecko?	☐
3	Czy sprawca bije, uderza, popycha, rzuca w dziecko ciężkim przedmiotem?	☐
4	Czy sprawca przypalał dziecko papierosem lub innym rozgrzanym przedmiotem?	☐
5	Czy sprawca uderzył dziecko przedmiotem lub rzucił w dziecko przedmiotem?	☐
6	Czy sprawca jest agresywny słownie wobec dziecka (krzyczy/wyzywa)?	☐
7	Czy kiedykolwiek musiałeś/ęś bronić dziecko przed sprawcą?	☐
8	Czy sprawca groził/straszył dziecko?	☐
9	Czy uważasz, że sprawca może zrobić krzywdę dziecku?	☐
10	Czy agresywne zachowanie wobec dziecka zdarzało się wcześniej?	☐
11	Czy są widoczne oznaki zaniedbywania dziecka?	☐
12	Czy występują inne niepokojące zachowania wobec dziecka?	☐
13	Wiek dziecka od 0 do 6 lat lub niepełnosprawność	☐

Pozytywna odpowiedź na jedno z pytań 1-4
↓
Zacznij procedurę Niebieskie Karty + Rozważ zatrzymanie lub odebranie dziecka

Pozytywna odpowiedź na powyższe 5 pytań z pytań 5-13
↓
Zacznij procedurę Niebieskie Karty + Rozważ zatrzymanie lub odebranie dziecka

Pozytywna odpowiedź na 2 do 4 z pytań 5-13
↓
Zacznij procedurę Niebieskie Karty

UWAGA! Zaistnienie nawet jednego z wymienionych czynników ryzyka lub innego niepokojącego sygnału może świadczyć o występowaniu przemocy w rodzinie. Kwestionariusz jest jedynie narzędziem pomocniczym. Zwróć uwagę na przepisy i procedury.



Questionnaires and algorithms (guidance) are the size of the official notepad used every day by police officers.

5.3. Training the policemen to use the risk assessment tools properly

The integral part of tools prepared became also a “*Handbook for police officers - how to use risk assessment tools*”. That was elaborated for the training purposes.

First police officers – leaders in the field of domestic violence were trained from the correct way to the tool and then during the cascade training all police officers from prevention forces were trained and asked to use the tools for one month from 1 of September 2013 till 30 of September 2013. After the pilot the evaluation of the tools was conducted. During the meetings with police officers that were using the tool from the whole region, their comments, opinions and suggestions about the tested solutions were gathered. The evaluation also covered the already mentioned “*Handbook for police officers - how to use risk assessment tools*” in the scope of its usefulness when it comes to the explanations how to properly approach risk assessment task.

Every police officer has to be trained before starting of tools using. Training are compulsory in every single police station in Poland.

Chapter 6. Solutions used in Bulgaria in the scope of risk assessment

6.1. The general description of the domestic violence phenomenon in Bulgaria

On 16 March 2005 the Bulgarian Parliament adopted the Protection against Domestic Violence Act (PADVA). With this law the state recognizes the importance of the problem of combating domestic violence in Bulgarian society and by that confirms that violence within the family and the partnership is no longer a private but a public concern. PADVA provides rights to persons who have suffered domestic violence, measures for protection and the order for their imposition. Responsibility under the law does not exclude the civil, the administrative penal and the punitive responsibility of the perpetrator. The new regulation is a modern law, which is in compliance with the Bulgarian legislation, according to the international standards on VAW.

The law provides for a special urgent civil procedure, such as court administration in cases of domestic violence. It is a *sui generis* procedure although similar to the quick civil procedure.

The law also contains elements of criminal procedure but remains within the framework of the civil one, which allows the shift of the burden of proof in favour of the victim of domestic violence.

According to PADVA, “Domestic violence shall be any act of physical, sexual, psychic, emotional or economical violence as well as the attempt for such violence, any forced restriction to the personal life, the personal liberty and the personal rights, against related persons, persons that are or have been in family relationship or in cohabitation”.

Currently, the PADVA’s definition of domestic violence in addition, it has been recognized that children witnessing acts of violence are victims of domestic violence *per se*.

Apart from the victim (when older than 14), the immediate family members have standing in such applications, as well as the guardian (when the victim is a minor or legally incapable), and a state agent - the head of the Social Assistance Directorate (when the victim is a minor, legally incapable or disabled).

The applications are submitted to the Regional Courts free of charge.

Protection under PADVA may seek any person that has suffered domestic violence committed by: husband or former husband; person, who is or has been in factual marital co-existence; person by whom there is a child; ascendant; descendant; a collaterally related person of up to fourth degree inclusive; a person currently or formerly related by affinity of up to third degree inclusive; guardian, trustee or receiving parent; an ascendant or descendant of the cohabitant; a current or former cohabitant of a parent.

Scale of the phenomenon

The number of protection orders issued by the courts in the country (2008 - 2012) increased from 1 253 to 1 837.

Most common forms of violence

- Physical Violence - near by 80%;
 - Sexual Violence - 5%;
 - Emotional Violence - 15%;
- Elderly people (above 65years) share increases from the side of their children;
- Increased share of victims with psycho and physical disabilities;
- Increase in cases of minors from the side of their guardians;
- Presence of cases of violence with significant risk for human trafficking;
- Increase of homicide of women from their partners;
- Increase of cases of sexual abuse, incl. over children in the family and
- Suicidal attempts after long lasting violence.

6.2. Tools used to assess the risk

At this moment in Bulgaria there is no official risk assessment tool. A project of the National Referral Mechanism for assistance and support to survivors of domestic violence is on going and it is an opportunity to improve the interaction in cases of domestic violence.

The prerequisites for setting the framework for the National Referral Mechanism are:

- Non-identification of domestic violence cases and failure to provide support;
- Lack of a common approach in cases of domestic violence;
- Lack of a good referral practice and exchange of information between involved parties in the case;
- Diverse action approach by employees/officials in various institutions and organizations, including actions leading to retraumatization;
- Non-implementation of the Domestic Violence Act when there are protective measures stipulated in the law.

Description of the tool

The National Referral Mechanism for assistance and support to survivors of domestic violence is the first attempt of Bulgarian authorities to implement a Risk Assessment Procedure that will be obligatory for all responsible institutions, including NGOs. The RAT will consist of three main steps, as follows:

- Step 1. Involving the survivor in the risk assessment process;
- Step 2. Preparing an individual safety plan for survivors of violence;
- Step 3. Updating the risk assessment and the safety plan at each contact with the survivor of violence and (in the course of the development of the case) during the work on the case.

If the risk assessment shows a high risk for the person, appropriate measures will be taken. If the survivor is of full age and an active citizen, each protective measure will require his/her consent.

According to the National Referral Mechanism for children victims of violence or at risk, if the survivor is a child, the decision for the protective measures will be taken by the Child Protective Services working on the case of the child. Every person who has information that a child is a victim of violence, has an obligation under the Child Protection Act to file a report.

Nowadays, the essence of the PADVA is the issuing by the regional court of special orders for protection of victims of violence, containing restraining measures for the aggressors.

The orders for protection are vested in the form of a court decision and can contain one or more of the restraining measures.

In case of domestic violence the aggrieved person shall have right to address the court for protection.

When there is information that the life or the health of the victim are endangered, he can submit an application to the authorities of the Ministry of Interior to take measures according to the Law on the Ministry of Interior.

Upon request by the aggrieved person each physician shall be obliged to issue document in which to certify in writing the damages or traces of violence.

The measures of protection from domestic violence shall be:

- obliging the perpetrator to restrain from implementing domestic violence;
- removing of the perpetrator from the jointly inhabited abode for the term, defined by the court.
- prohibition for the perpetrator to approach the victim, the abode, the place of work and the places for social contacts and recreation of the aggrieved person under conditions and term, defined by the court.
- temporary determining of the place of living of the child with the suffered parent or with the parent who has not committed the violence under conditions and term, defined by the court, if this does not contradict with the interests of the child;
- obliging the perpetrator of violence to attend specialized programmes;

- directing the aggrieved persons to programmes for recovery.

The measures under items 2, 3 and 4 shall be imposed for a period of three to 18 months.

The measure under item 4 shall not be imposed in case of a pending judicial dispute between the parents regarding the exercise of the parental rights, the place of residence of the child or the regime of personal relations.

In all cases the court with its decision shall impose to the perpetrator also fine in extent from 200 to 1 000 leva, aprox. 100 to 500 euro.

A positive moment in the PDVA is the possibility to issue the order in some cases only based on the declaration of the victim in the absence of other evidences.

For the sake of the speed and urgency of the procedure, the applications and requests will be registered immediately and legal guarantees exist the decision can be issued within one - one and a half months.

In cases of serious threats for the health and the life of the victim, an urgent procedure is applied where the order for protection is issued for 24 hours in an ex parte procedure which then develops in the normal procedure for issuing protection orders.

The state shall create conditions for the fulfilment of programmes for prevention and protection from domestic violence and programmes, ensuring assistance to the aggrieved persons.

The bodies of the executive power shall implement selection and training of the persons, charged with the protection under this law.

The executive authorities and/or the legal persons registered under the Law on the Social Support or under the Law on the Non-Profit Legal Persons shall work for protection of the persons, aggrieved by domestic violence.

Every year by 31 March the Council of Ministers shall adopt a National Programme for Prevention and Protection from Domestic Violence.

The resources to fund the performance of the duties under the National Programme shall be determined every year in the annual law on the state budget of the Republic of Bulgaria in respect of the budgets of the ministries specified in the programme.

Every year in the annual law on the state budget of the Republic of Bulgaria there shall be funds allocated to the budget of the Ministry of Justice in order to finance projects of non-profit legal persons that meet the requirements, provided that they carry out activities according to this law, for development and implementation of:

- programmes for prevention and protection from domestic violence related to: drafting and approval of programmes in educational institutions; programmes for cooperation with the authorities of the judiciary and the authorities of the Ministry of Justice; monitoring on the implementation of the law; conducting seminars and conferences; publications;
- programmes for assisting victims of domestic violence, including: social, psychological

- and legal consultations and assistance by specialists; redirection to other necessary specialists and
- interdisciplinary consultations as well as to crisis centres for victims of domestic violence;
- education of the persons that realize the protection under the law;
- specialized programmes attended by persons that have committed domestic violence including social and psychological consultations.

On 15 March 2007 the Minister of the Interior issued an order for approval of the Methodological guidelines on actions of the police authorities, according to the PADVA. It contained basic requirements and rules for action in accordance with the PADVA without excluding all possible situations and variants which could rise as a result of police practice.

From 2012 the Mol continued to work according to the new Methodology for working with victims of domestic violence (adopted in 2012) as well as the Instruction for the order for cooperation between the bodies of the Ministry of Labour and Social Policy and the Mol for protection from domestic violence.

Police officers are obliged to inform the local Social Assistance Directorate when they identify a victim of domestic violence who is a child, a person with disability or a person under guardianship.

The Social Assistance Directorate is responsible for monitoring the implementation of the court-appointed measures in cases of DV when the victim is a child, a person with disabilities or under guardianship, and when the measure concerns the temporary residency of the victim or the prescription of recovery support for the victim.

NGOs as a social service deliverers are responsible for monitoring the implementation of the court-appointed measures in cases of domestic violence when establishing perpetrator programmes.

In specific cases the authorities hold the initiative, for example: recommendation of recovery treatment for victims of domestic violence is a measure prescribed by the courts.

When the committed violence is a crime, as determined Penal Code, the police officer informs the victim about the legal possibilities. When the crime is committed by an ascendant, a descendant, a sibling or spouse and is subject to prosecution on a complaint of the injured person for starting the penal procedure in the cases provided in the Special Part of the Penal Code, it is necessary a complaint to be made. The police officer informs the victim that penal prosecution shall be initiated upon complaint by the injured person to the Prosecutor office and will not be terminated when the injured person makes a motion for discontinuation of the penal procedure before the first-instance court.

When the committed crime is a crime of general nature the penal prosecution must be instituted irrespective of the request of the injured person.

Where the competent state body is obligated ex officio to institute penal proceedings without complaint from the victim, there the crime is a crime of general nature.

The conduction of the pre-trial penal procedure is separate and independent from procedure for imposing of protection measures against domestic violence under the PADVA.

In cases of DV, punishments are imposed for the respective special section of the Penal Code depending on the specific action comprising the criminal activity, whereby in some cases the family relationship with the victim appears to be a qualifying indicator leading to a more severe punishment.

In April 2009, the violation of a protection order was criminalized and was made punishable by imprisonment or a fine.

The role played by the police in providing support to victims of crime

The victims of crime have the right to be informed about their rights during the criminal proceedings.

Police officers are obliged to:

- provide victims of crimes and their relatives with information about the institutions, organisations and the establishments that provide legal, medical and psychological support and financial compensation, and mediation.
- to inform the victims about the compensation and other services under the Assistance and Financial Compensation of Victims of Crimes Act.
- to hear all victims of crime and to refer them to other institutions and organisations if the problem presented by the victim is not in the competence of the MoI.
- to report about the victim's need of interpreter, teacher, psychologists, medical persons, etc.

The police officers who hear and support victims of crimes have to attend courses which raise their professional qualification at the MoI Academy Bulgaria.

Chapter 7. Solutions used in Spain in the scope of risk assessment

8.1. The general description of the domestic violence phenomenon in Spain

From the data provided at the beginning of 2012 by the Spanish Ministry of Health, Social Policy and Equality it can be clearly concluded that in Spain the problem of violence as to sex despite numerous efforts with regard to restriction – is continuously intensified. More than 10% (10.8) Spanish women, namely more than two million people, admit that they were victims of violence against sex. In turn 3% admit that attacks of violence addressed towards them by a man whom they considered their partner or former partner, took place in the previous year, i.e. 2011. In total, nearly 14% of Spanish women admit to have experienced violence from a man¹⁴.



Results of the survey concerning violence against sex where the perpetrator is a man, and woman a victim.

Source: Emilio de Benito, Mafía R. Sahuquillo, *El 10,8% de las españolas ha sido víctima de la violencia machista*, "El País", 16.12.2011 [Online]. Access on: www.sociedad.elpais.com [date of access: January 2011].

To illustrate the size of phenomena it should be mentioned that in 2006 similar declarations came from 6.3% of women. Thus, significant growth in this number within only 5 years may be observed. Adverse development of this problem will be even more visible when the mentioned results of the survey from 2011 are compared with a similar one but carried out in 1999. Since that time the number of women suffering due to violence that the closest men use against them doubled. Experts, however, admit that this data analysis should rather lead to a conclusion that it is not the number of sudden, aggressive behaviours in relationships that increased, but awareness of the problem among

¹⁴ M. Kordaczuk-Wąs, M. Putka, *Integrated System of Monitoring Cases of Domestic Violence – Spanish experience*, Warsaw 2011, p. 11.

victims who already recognize the phenomenon and more actively than years ago seek possibilities of solving their problems. Without a doubt change of perception and sensitivity of the society as to this issue of violence contributes to it, which was in the recent years, widely and loudly commented in mass media. However, in spite of the aforementioned growth in awareness, the situation still in a dramatic manner slips out of control, as 87% of women touched by violence in the past, in 2011 had to face this problem again¹⁵.

Annual tests of the Ministry make it possible, in addition, to determine the victim profile, which for years has not changed significantly. Violence first of all touches immigrants and women affected by some form of disability. In 2011 as much as 20.9% immigrants suffered because of violence against sex, which constitutes percentage twice higher than applies to native Spanish women touched by violence. In turn, in the group of disabled women this percentage is as much as 30%. Hence, it can be easily observed that the problem of violence remains in strict association with the state of some weakness and dependency from other people, or susceptibility to being hurt¹⁶.

The problem of violence against sex remains however, in close correlation with phenomenon of violence against children. According to the mentioned results of research conducted in 2011, approximately 840 thousand children in Spain were exposed to situations related to violence. Out of this group, approximately 60% were touched by violence directly. The authors of the research also notice that the perpetrators often use violence against children in order to indirectly inflict harm on a woman. In turn paradoxically having common children is one of the major reasons, for which women do not decide to break relationships with perpetrators. For this reason, the problem of children being victims or witnesses of violence is a priority issue for Spaniards, mainly in connection with a tendency confirmed by tests and a tendency observed in Spanish society to recreate violence patterns in adult life¹⁷.

8.2. Tools used to assess the risk

A problem related to high number of cases of violence against women, particularly extreme cases ended with death of the victim, as well as the need of realization of the binding regulations in Spain to restrict the size of this phenomenon caused that in the Ministry of Interior of the Kingdom of Spain in 2007 began works on an Integrated System of Monitoring Cases Of Violence Against Women. The place of formation of the system was not accidental, since the Ministry is responsible first of all, for implementation of such tasks as implementation of government policies and strategy with regard to public safety, but also for performing tasks designed to observe and promote human rights, supervision and work management of institutions as well as agencies responsible for maintenance of public order and prosecution bodies. Moreover, it supervises the work of police and other services, also in the area of issues of domestic violence (violence against women). This entity prepares special strategies, as well as programmes which are to counteract and combat this phenomenon, it also prepares and implements tools that are to facilitate different services combating violence against

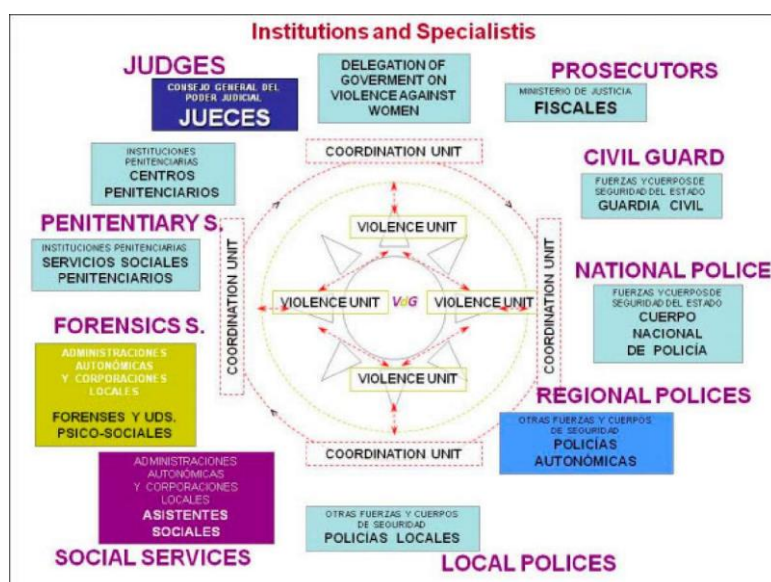
¹⁵ M. Kordaczuk-Wąs, M. Putka, op.cit., p. 12.

¹⁶ Ibidem, p. 13.

¹⁷ Ibidem, p. 13.

women. Such a tool is Integrated System of Monitoring Cases of Violence Against Women (VdG system). It should be emphasized that it is used to gather and manage information related only to violence against women¹⁸.

Basing VdG system on contemporary IT systems made it possible to support the police and other professional groups both in terms of effective communication as well as efficient information exchange. Through an integrated system of monitoring from well defined data model prepared in cooperation with appropriate agencies and specialized entities, information may be generated for the purposes of reports monitoring prepared for specialists, as well as statistical reports used for the purpose of development of the strategy of violence problem against sex by competent entities. Additionally, an integrated monitoring system supports preventive actions, pursuing perpetrators of sex-conditioned violence, as well as protection of the victims. All these tasks cannot be effectively implemented only by means of procedures that are not based on using Internet tools, since the system integrates actions of many entities. These include: police forces (local, regional, national), Guardia Civil (i.e. Civil Guard), prosecutors, government delegates for violence against women, judges as well as judiciary system, penitentiary system, as well as social services whose actions are coordinated by specialized departments for violence against women¹⁹.



Partners involved in design and configuration of Spanish Integrated System of Monitoring Cases of Violence Against Women. Source: www.cepol.europa.eu [access date: November 2011].

VdG system structure has been designed in a way allowing maximum flexibility in the case of both monitoring the victim's situation, and prevention and/or protection of victims of violence against women. As it has already been mentioned, it is possible thanks to placement in the system of uniform tools used for risk estimation of violence attacks re- occurrence, which are used by all users. Two tools listed below are the heart of the system:

- VPR questionnaire used for risk evaluation by the police (Spanish. Valoración Policial del Riesgo);

¹⁸ M. Kordaczuk-Wąs, M. Putka, op.cit., p. 18.

¹⁹ Ibidem, p. 20-21.

- VPER questionnaire used for risk evolution evaluation (Spanish. Valoración Policial de Evolución del Riesgo)²⁰.

VPR questionnaire

In police practice risk assessment consists in filling a form, which enables risk level determination to which the victim is exposed in the context of re- occurrence of attacks on the part of the perpetrator. VPR form is filled in two cases:

- When a new case of sex-related violence is recorded;
- When already registered case requires a change owing to emergence of new circumstances or facts²¹.

VPR form consists of three columns:

- in the first the source of knowledge is defined as to a specific index which may be the victim, the perpetrator, violence witnesses, but also a report, inspection, or test performed by relevant services;
- in the second one, indicators affecting the possibility of attacks repeating, or aggressive behaviours on the part of the perpetrator are included - there are 16 indicators together;
- in the third one, on the other hand, the estimated intensity a given ratio along with the following intensity is marked: low, average, high, extremely high. Also an option is possible: "lack of knowledge" or "is not present"²².

In order to fill the form properly a policeman or officer of Guardia Civil must answer the following questions, specifying, at the same time, intensity, as well as source from which they gained the knowledge about a particular violence case:

- physical violence - with or without visible injury;
- sexual violence;
- use of firearm, hazardous tool or other object when attacking the victims;
- intimidation, threats of physical/mental harm addressed at victims;
- increase, intensification of and/or repeatability of violence cases or threats;
- mental violence used by the perpetrator against victims; damages caused at the place of residence , damages to property;
- non-observance of protection orders issued by the court;
- breach of the principles of serving the sentence adjudged by a court;
- provocative and/or disregarding behaviour of the perpetrator towards authorities, police officers, or other persons representing police services or justice bodies, as well as towards the victim in the presence of the abovementioned persons;
- previous conflicts with the law, in particular related to the use of violence;
- alcohol consumption, drugs or other psychoactive substances by the perpetrator;

²⁰ M. Kordaczuk-Wąs, M. Putka, op.cit., p. 24.

²¹ Ibidem, p. 31.

²² Ibidem, p. 32.

- the perpetrator shows envy and/or obsessive behaviour towards the victim;
- clear problems, inflammatory points in the couple's relation;
- problems with employment and/or financial problems of the perpetrator;
- previous attempts and/or suicidal tendencies²³.

When the above catalogue does not cover all indicators that are known to a person filling the form at the end of filling there is a possibility to add indicator (e.g. concerning mental diseases of the perpetrator).

Then when the form is complete, the system automatically estimates degree of risk, from among the defined 4 levels:

- extremely high;
- high;
- average;
- low.

In order to adequately monitor hazards that the victim may be exposed to, each degree of risk has also assigned date, after which the situation and its potential consequences should be reassessed. In the case with regard to which the degree of hazard has been defined as "extremely high" this time is 72 hours and further respectively:

- high degree - 7 days;
- average degree - 30 days;
- low degree - 60 days⁵¹.

It should be added at the same time that a policeman or officer of Guardia Civil filling VPR form may for various reasons evaluate the situation differently than the system automatically generated. In order to deal with such a possibility the authors of the system have designed an additional option, which permits the change of the degree of risk, and it shall always be a higher degree than the one which has been generated automatically. Thus, there is a possibility of increase in the degree of hazard, however, there is no option to reduce it²⁴.

VPER questionnaire

After filling VPR form and expiration of the above deadlines a policeman or officer of Guardia Civil moves to the next phase of the procedure, which consists in monitoring the evolution of hazards related to violence towards sex in the analyzed case. Periodically, according to dates that are assigned to each risk degree, until the end of the case they fill in the VPER form. In principle it is very similar to VPR questionnaire, however, in its assumption it focuses to large extent on the assessment whether the applied preventive and protective measures have achieved the desired result. VPER form is filled periodically to estimate how the violence situation in the analyzed case develops. It

²³ M. Kordaczuk-Wąs, M. Putka, op.cit, p. 32-33.

²⁴ Ibidem, p. 33-34.

serves first of all to monitor hazards and determine directions of further actions. It is used already after ordering court protective measures (*Spanish - Orden de Protección Judicial*)²⁵.

As in the case of VPR, VPER questionnaire consists of three columns:

- in the first the source of knowledge about a specific indicator is defined, which may be the victim, the perpetrator, violence witnesses, but also a report, inspection, or research performed by relevant services;
- in the second one - indicators of attitudes evolution and the perpetrator's proceedings are included - together there are 17 indicators;
- in the third one, the estimated intensity of a given indicator is given according to the criteria: "lack of knowledge", "no", "sometimes", "often", "yes".

VPER form filling is based on the following indicators:

- the perpetrator has no possibility to harm the victim. They are in prison or closed centre of different nature, left the country or because of the state of health is physically unable to use violence;
- the perpetrator left the victim. He does not persecute the victim, changed the place of residence far from the victim, applies preventive measures adjudged by a court, together with electronic supervision measures (wearing appropriate rim on the wrist);
- from the moment of proceedings' initiation the perpetrator has been behaving calm, controlled. He accepts the situation. They do not show the willingness to take revenge on the victim or persons from its environment;
- the perpetrator applies to order of dismissal from the victim the perpetrator's behaviour is full of respect towards law, police officers, or other persons representing police services or justice bodies; social situation, financial and professional situation of the perpetrator is stable; the perpetrator shows remorse, has pangs of conscience, voluntarily takes part in classes or corrective therapy;
- the victim may count on support from their environment when taking care of safety;
- the victim changed the place of residence for such that the perpetrator has small chances to get to know;
- the situation proceeds without any events since the last risk evaluation;
- the perpetrator ran away, hides or is in an unknown place;
- the perpetrator shows envy and/or obsessive behaviour towards the victim;
- the perpetrator had previous attempts and/or suicidal tendencies, mental illnesses, psychological nature problems, addiction from alcohol, drugs or other psychoactive drugs;
- the victim does not apply any agreed safety principles, e.g. prohibition to contact the perpetrator, electronic supervision, shows the desire to appeal reports, changes testimonies, wants to resign from the preventive measures;
- the victim is in a relationship that the perpetrator does not accept and/or shows willingness or really wants to force the victim to break this relationship;

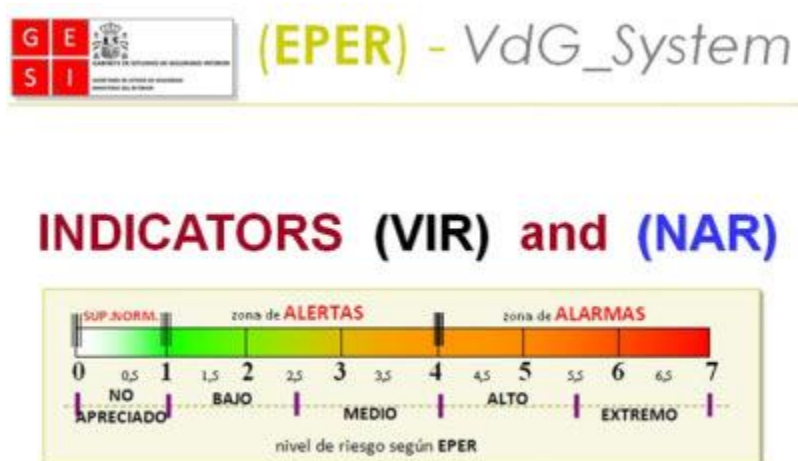
²⁵ M. Kordaczuk-Wąs, M. Putka, op.cit., p. 35.

- the victim has mental problems, psychiatric problems and/or is addicted to alcohol, drugs or other psychoactive substances; In the environment of the victim there is a person related to him or the perpetrator who is a real threat for their mental integrity²⁶.

In the discussed form there is also a possibility to add an indicator, if the person performing estimation has significant knowledge concerning the given case, and it is not reflected in a standard indicators catalogue. An example of such an indicator may be information regarding previous conflicts of violence perpetrator with the law. From statistical data it results that 44% of perpetrators who killed their wives previously had conflict with the law, of which nearly 30% did not concern domestic violence. For this reason, subsequent changes in VPER form introduced the question about previous conflicts with the law, which constitute the basis for increasing risk level²⁷.

Constant risk evolution assessment (EPER)

EPER (Spanish Estimación Permanente sobre Evolución Riesgo) is a tool for forecasting victim hazard states, and as a consequence, used to manufacture and distribute automatic alerts notifying police units. This tool activates operating mechanism of victim protection and was transferred for use in experimental version in January 2010, as a part of VdG system. The system of automatic notices, which, depending on the level of risk defined with regard to the situation of a person who suffers violence, sends to police units two kinds of automatic warnings in the form of alerts and alarms. On average, per day 2 thousand of such notices are sent, containing information about recorded critical situations, delays in completing new risk assessment or significant circumstances detected by VdG system²⁸.



Scale of permanent risk evolution assessment (EPER).

Source: www.cepol.europa.eu [access date: November 2011].

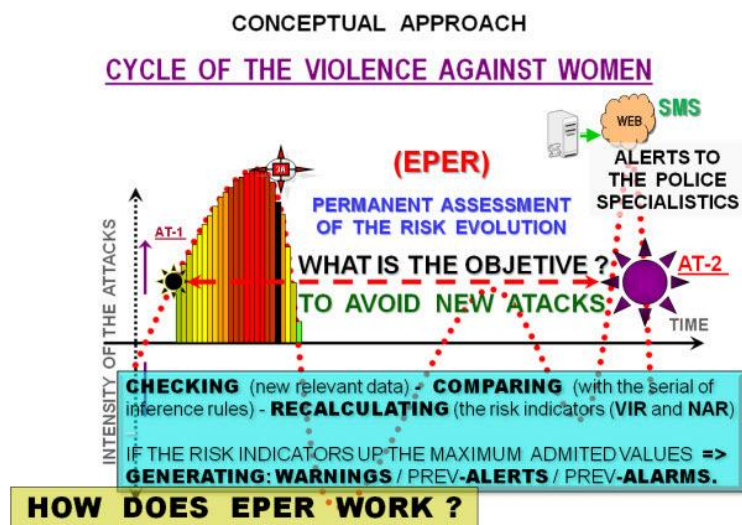
Sending notices directly to police officer or other person responsible for prevention of crime and victim protection has been in the phase of development since autumn 2010. On the basis of new essential information concerning a specific violence case, on the basis of principles of reasoning,

²⁶ M. Kordaczuk-Wąs, M. Putka, op.cit., p. 37.

²⁷ Ibidem, p. 37.

²⁸ Ibidem, p. 38.

police officers recalculate the risk indicators based on VPR and VPER tools. Based on this, the type of alarm is assessed that is then sent to specialist police units.



Management of permanent risk evolution assessment (EPER).

Source: www.cepola.europa.eu [access date: November 2011].

On the other hand, automated e-mail notifications that are generated at night, are sent to police units, as well as to government regional offices competent in violence cases²⁹.

²⁹ M. Kordaczuk-Wąs, M. Putka, op.cit., p. 38-39.

Summary

Polish point of view:

Implementation of the project has allowed familiarize with the tools to estimate the risks associated with domestic violence, which are used by European countries. It helped confirm the thesis that the risk assessment process is necessary for effective implementation of the tasks of reducing the size of this phenomenon, protection of domestic violence victim life, as well as preventing further acts of violence. The knowledge and experience gained during the implementation of the study visits supported the Polish police in the process of creating standardized risk assessment tools, which previously this entity have not had.

Swedish point of view:

The project has contributed to strengthening knowledge about domestic violence and methods for risk assessment of domestic violence used by European countries. Experience gained during the project will be handled to improve and develop risk assessments within the police work.

Cypriot point of view:

The project was an excellent opportunity to share experiences with colleagues from other European countries, who face similar difficulties in dealing with Domestic Violence and the protection of victims of DV. It was also a forum to try out our pilot risk assessment tool for spousal abuse, and get feedback from the group in order to get the best possible result.

Implemented project has allowed to observe some similarities, both - in the domestic violence phenomenon, as well as in the ways of police work for its prevention - in all involved partner countries. Certainly we can say that this social problem is treated as seriously by all European Union police forces. The police looks for and solutions and tools which allow to improve and monitor occurred incidents of violence, as well as these which allow to estimate if such violence could occur again in the future. Police forces also train systematically their officers in the purpose of treating and solving by them the problems connected to domestic violence in professional way. And this manual will support further process of European police training in this area.

Attachments to the publication:



**Worksheet for the Second Edition of the
Brief Spousal Assault Form for the Evaluation of Risk (B-SAFER)**
P. Randall Kropp, Stephen D. Hart, & Henrik Belfrage

Instructions

The B-SAFER is a guide for the assessment and management of risk for spousal assault. It helps evaluators to exercise their best judgment. The administration procedures and risk factors included in the B-SAFER were determined from a review of hundreds of scientific and professional publications on intimate partner violence. There are no cutoff scores or other rules that can be used to determine the nature or degree of risk posed by a perpetrator/suspect; the presence of a single risk factor may justify a conclusion that the person poses a high risk for future intimate partner violence.

This Worksheet is intended to assist administration of the B-SAFER. It should be used as described in and only in conjunction with the B-SAFER User Manual. Users evaluate and document the presence of each risk factor "Currently" (in the past four weeks) and "In the past" (prior to the past four weeks). These judgments are documented as "Y" for Yes, the factor was present; "?" for Unsure, the factor was possibly or partially present; or "N" for No, the factor was absent. If a risk factor was not considered due to missing information, it should be omitted. Following consideration of individual risk factors, users recommend risk management strategies and document conclusory opinions.

Use of the B-SAFER requires the gathering and documenting of sensitive information. Every effort should be made to keep confidential any information that could jeopardize the safety of the victim/complainant. The language used in the Worksheet assumes the offender/suspect is male and the victim/complainant is female, but the B-SAFER can be used regardless of the gender or marital status of the people involved.

Case Information

Identifying Information

Name:

ID:

Evaluated by:

Date completed:

Sources of information reviewed:

- ☐ Interviews with perpetrator/suspect
- ☐ Interviews with victim/complainant
- ☐ Review of police/criminal records
- ☐ Other

Summary of Psychosocial History

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This Worksheet is intended to assist completion of and should be used only in conjunction with the *Brief Spousal Assault Form for the Evaluation of Risk: User Manual, Second Edition*, by P. R. Kropp, S. D. Hart, & H. Belfrage, © 2010, P. R. Kropp & S. D. Hart, portions of which are included herein.

Family/childhood

Education

Employment

Relationships

Medical problems

Mental/emotional problems

Substance use

Legal problems

Future plans

Other

History of Spousal Assault
<i>Recent</i>
Describe incidents • When (time), what (nature of harm), who (identity of and relationship to victim), why (motivation, precipitants, goals), where (location, context), personal reaction (feelings then and now)
<i>Past</i>
Describe incidents and pattern • When (time), what (nature of harm), who (identity of and relationship to victim), why (motivation, precipitants, goals), where (location, context), personal reaction (feelings then and now) • Chronicity (ages, frequency), diversity (types), severity (consequences), escalation (trajectory)

Presence of Perpetrator Risk Factors and Victim Vulnerability Factors	
Section I: Perpetrator Risk Factors, Intimate Partner Violence	Coding
1. Violent Acts	Currently ☐ Y ☐ ? ☐ N In the Past ☐ Y ☐ ? ☐ N
2. Violent Threats or Thoughts	Currently ☐ Y ☐ ? ☐ N In the Past ☐ Y ☐ ? ☐ N
3. Escalation	Currently ☐ Y ☐ ? ☐ N In the Past ☐ Y ☐ ? ☐ N
4. Violation of Court Orders	Currently ☐ Y ☐ ? ☐ N In the Past ☐ Y ☐ ? ☐ N
5. Violent Attitudes	Currently ☐ Y ☐ ? ☐ N In the Past ☐ Y ☐ ? ☐ N
Other Considerations	Currently ☐ Y ☐ ? ☐ N In the Past ☐ Y ☐ ? ☐ N

Section II: Perpetrator Risk Factors, Psychosocial Adjustment	Coding
6. General Criminality	Currently ☐Y ☐? ☐N In the Past ☐Y ☐? ☐N
7. Intimate Relationship Problems	Currently ☐Y ☐? ☐N In the Past ☐Y ☐? ☐N
8. Employment Problems	Currently ☐Y ☐? ☐N In the Past ☐Y ☐? ☐N
9. Substance Use Problems	Currently ☐Y ☐? ☐N In the Past ☐Y ☐? ☐N
10. Mental Health Problems	Currently ☐Y ☐? ☐N In the Past ☐Y ☐? ☐N
Other Considerations	Currently ☐Y ☐? ☐N In the Past ☐Y ☐? ☐N

Section III: Victim Vulnerability Factors	Coding
11. Inconsistent Attitudes or Behaviour	Currently ☐Y ☐? ☐N In the Past ☐Y ☐? ☐N
12. Extreme Fear of Perpetrator	Currently ☐Y ☐? ☐N In the Past ☐Y ☐? ☐N
13. Inadequate Support or Resources	Currently ☐Y ☐? ☐N In the Past ☐Y ☐? ☐N
14. Unsafe Living Situation	Currently ☐Y ☐? ☐N In the Past ☐Y ☐? ☐N
15. Health Problems	Currently ☐Y ☐? ☐N In the Past ☐Y ☐? ☐N
Other Considerations	Currently ☐Y ☐? ☐N In the Past ☐Y ☐? ☐N

Management Strategies			
Monitoring/Surveillance What are the most appropriate ways to monitor changes in risk?	<u>Face-to-face interviews</u> ☐ Perpetrator/suspect ☐ Victim/complainant <u>Notes:</u>	<u>Telephone interviews</u> ☐ Perpetrator/suspect ☐ Victim/complainant	<u>Visits</u> ☐ Perpetrator/suspect ☐ Victim/complainant
Control/Supervision What restrictions on activity, movement, association, or communication are most appropriate?	☐ Remand in custody ☐ Restraining order ☐ Report as directed <u>Notes:</u>	☐ Reside as directed ☐ No weapons ☐ No alcohol/drugs	☐ Don't contact (specify) ☐ Don't associate (specify) ☐ Don't travel (specify)
Assessment/Treatment What assessment, treatment, or rehabilitation strategies are most appropriate?	Emergency ☐ Hospitalization ☐ Certification <u>Notes:</u>	Assessment/treatment ☐ Mental health ☐ Crisis intervention	Counseling ☐ Spousal violence ☐ Substance use
Victim Safety Planning What steps could enhance the physical security or self-protective skills of the victim/complainant?	Counseling ☐ Support/advocacy ☐ Mental health <u>Notes:</u>	Improve security ☐ Residential (specify) ☐ Workplace (specify)	Lifestyle changes ☐ Residence ☐ Work/travel

Step 6: Concluding Opinions	
Case Prioritization What is the level of concern that the person will commit spousal violence in the future if no intervention is taken?	☐ High/Urgent ☐ Moderate/Elevated ☐ Low/Routine <u>Notes:</u>
Life-Threatening Violence What is the level of concern that any future spousal violence will involve life-threatening physical harm if no intervention is taken?	☐ High/Urgent ☐ Moderate/Elevated ☐ Low/Routine <u>Notes:</u>
Imminent Violence What is the level of concern that the person is an imminent risk to commit spousal violence if no intervention is taken?	☐ High/Urgent ☐ Moderate/Elevated ☐ Low/Routine <u>Notes:</u>
Likely Victims Who are the likely victims of any future spousal violence?	☐ Current or former intimate partner ☐ Family/friends of current or former intimate partner ☐ Other <u>Notes:</u>