



Valsts policija

Prevention of threats of violence and temporary protection against violence

Tallin

12-08-2022





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The main regulation of temporary protection against violence

Regulation (EU) No. 606/2013 of the European Parliament and of the Council
On mutual recognition of protective measures in civil matters

Amendments to the “Civil Procedure Law”

Amendments to the “Law On Police”

Amendments to the “Law on the Protection of Children's Rights”

Amendments to the “Law on Orphans' Courts”

Amendments to the “Criminal Law”

Regulations of Minister Cabinet no. 161 "The procedure for preventing the threat of violence and providing temporary protection against violence" (since 25.03.2014.)



Action taken by the police upon receiving the information

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- The police arrive at the scene of the situation (consecutively ascertaining - through the system, whether are there weapons stored at the address);
- Stops immediate threats;
- Finds out the circumstances of the situation (if necessary, draw up a report on the event);
- If an immediate threat is detected - a decision is made on separation (even without the protected person's written application);
- Explains the rights to the abuser;
- Explains the rights to a protected person;
- **If the rights of a third party are protected, the police inform the Orphans' Court.**
- **the child is separated from the family if the child's health or life is in danger.**

A report of the situation is sent to the Social Service for evaluation.

If the protected person wants, the police takes a written application and sends it to the court for a decision on temporary protection against violence

! If the violent person is not presenting at the scene, the police don't make a decision.



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The minor

The line between a child as a witness and a child as a victim is very fragile.

As a **witness**, the child is already suffering emotional trauma from the actions seen at the scene.

Witness status - helps to obtain important information, evidences.

Status of the **victim** - if the examination of the case has established that the child was harmed.

The investigation and/ or interview (depending on the status of the case) can be done in the presence of a teacher or psychologist /.../

The **interview** must to be done **only once** /exceptions may appear/

A child's interests might be represented by another responsible person /.../



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Regulation of prevention of threats of violence in the “Law On Police”

A police officer has the duty to prevent threats of violence (Article 10, C 21 of the Law "On the Police").

A police officer has the right to accept a police decision on separation (Article 12, C 101 of the Law "On Police").

Police decision on separation

- Both **State Police** officials and **municipal police** officers can be accepted;
- It can only be accepted in cases where there is a threat to a protected person while in the home;
- The goal is to prevent immediate (acute) threats of violence ;
- A written application of the protected person is not required (since February 17, 2022);
- The person creating the threat must be presented - the threat must be visible at the scene;
- Can only be taken against an adult;
- Police accept the Application to the court for temporary protection against violence.



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Police decision on separation

- It is an administrative act, it enters into force at the moment of its adoption;
- Accepted for up to 8 days;
- Can be appealed or contested in accordance with the Administrative Procedure Law (which does not stop its force);
- Forced execution of the decision (direct force, forced money from 50 to 5000 euros).



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Police decision on separation without written application of the protected person

Amendments to the Law "On the Police"

17.02.2022. entered into force

Amendments to the regulations of the Cabinet of Ministers (25.03.2014) no. 161

«The procedure for preventing the threat of violence and providing temporary protection against violence»

12.02.2022. entered into force





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Report on the scene

8. Notikuma būtības apraksts

- Aizsargājamā persona un persona, kas rada draudus, aptaujātas šķirti: Jā Nē
- Persona, kas rada draudus, atrodas mājoklī: Jā Nē
- Aizsargājamai personai ir redzami miesas bojājumi: Jā Nē
- Aizsargājamai personai ir nepieciešama medicīniskā palīdzība: Jā Nē
- Citi pierādījumi par iespējamo vardarbību:
ja ir, tad kādi: _____

9. Aizsargājamās personas aptauja

- Baidās, ka persona, kas rada draudus, nogalinās vai citādi fiziski kaitēs: Jā Nē
- Baidās, ka persona, kas rada draudus, kaitēs mājoklī esošām nepilngadīgām personām: Jā Nē
- Baidās, ka persona, kas rada draudus, kaitēs mājoklī esošām citām personām: Jā Nē
- Ir materiālā atkarībā no personas, kas rada draudus: Jā Nē
- Iepriekš ir cietusi no personas, kas rada draudus, vardarbības: Jā Nē
- Iepriekš ir bijis pieņemts policijas lēmums par nošķiršanu: Jā Nē
- Iepriekš ir bijis pieņemts tiesas lēmums par pagaidu aizsardzību pret vardarbību: Jā Nē
- Persona, kas rada draudus, lieto narkotiskās, psihotropās vai toksiskās vielas: Jā Nē
- Persona, kas rada draudus, regulāri (vairās reizes nedēļā vai pārmērīgi) lieto alkoholiskos dzērienus: Jā Nē
- Persona, kas rada draudus, ir draudējusi izdarīt pašnāvību vai mēģinājusi to izdarīt: Jā Nē
- Vēlas, lai tiktu pieņemts policijas lēmums par nošķiršanu: Jā Nē
- Vēlas, lai tiktu pieņemts tiesas lēmums par pagaidu aizsardzību pret vardarbību: Jā Nē

**The municipal social service must be informed in all cases,
when a threat of violence is detected during the call**



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2022 (9 months)

"Family conflict" registered **6737** calls/ cases
State police officials prepared **2733** reports on the case
State Police officials adopted **466** police decisions on separation

Police decisions on separation made by the State Police:





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Analysis of the status of the relationship between the protected person and the violent person 2022 (9 months) - 466 cases

Victim	Violent		
Wife	Husband	143	The violent - man The victim - woman
Ex wife	Ex husband	11	
Partner woman (lives together)	Partner man (lives together)	175	
Ex partner woman	Ex partner man	1	
Mother of the common kids	Father of the common kids	30	
Mother	Son	60	
Grandmother	Grandson	1	
Sister	Brother	5	
Daughter	Father	8	
Other	Other	12	
Mother	Daughter	4	The violent - woman The victim - woman
Partner woman (lives together)	Partner woman (lives together)	1	
Other	Other	1	
Father of the common kids	Mother of the common kids	1	The violent - woman The victim - man
Partner man (lives together)	Partner woman (lives together)	3	
Father	Son	5	The violent -man The victim - man
Brother	Brother	4	
Son	Father	1	



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2022 (duration 9 month): a total of 466 cases

376 (80%) - protected person called the police, **90 (20%)** - other person;

164 (35%) - the conflict took place in the presence of minors;

88 (19%) - physical damage to a protected person has been visually detected;

328 (70%)- the protected person wants the Police to take a decision on separation,

138 (30%) - didn't want to;

132 (28%) - the protected person wanted the Court's decision on temporary protection against violence to be made, **334 (72%)** - didn't want to;

304 (65%) – abuser intoxicated;

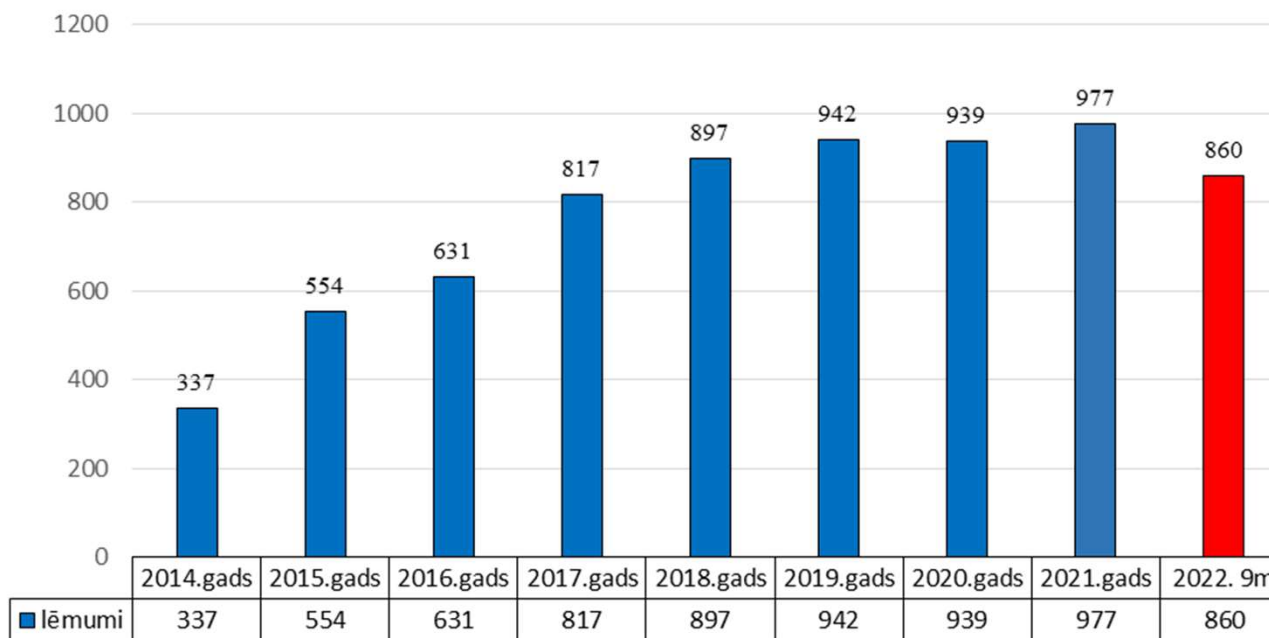
85 (18%) – the victim in a state of intoxication;

79 (17%) - both intoxicated;



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Court decisions have been received by the State Police on temporary protection against violence



440 violations were detected, 359 criminal proceedings were initiated
(Article 168.1 of the Criminal Law)

Services for children as witnesses in domestic violence

- In the social field, the attitude towards the victim and the witness is not fundamentally different, because through the individual evaluation of the child, it is defined how exactly the child needs to be helped.
- Namely, a child who is a witness of violence will be able to receive a social rehabilitation service in the same way as a child who has suffered from violence, if a psychologist or a social worker has indicated the need for a social rehabilitation service in the opinion;
- Thus, in the social field, the needs of the child are evaluated based on their nature, not the criminal procedural status, whether the child has the status of a victim or witness determined in the criminal process.

Without limitation of custody rights

- Crisis centre with parent(s)
 - Mainly, the work is done with the child's parent(s), but child receives social care and rehabilitation, which includes a safe environment, looking after child, provision of basic necessities, etc. as well as psychologist consultations, including sand play therapy sessions for smaller children in some centers.
- Rehabilitation at the place of residence for the child (psychological consultations);
- Support program depends on assessment of social worker or psychologist and/or opinion of the inter-institutional group

With the limitation of custody rights

- Rehabilitation at the place of residence for the child (psychological consultations) in cases when child is in the care of a guardian (usually family members or relatives)
- Children's crisis centres (psychologist's assessment and support plan based on needs, including psychological consultations, social work, daily activities. 30 days, can prolong to 60 days)
- Certain of out-of-home care institutions provide short-term service with psychosocial support;
- Foster families, incl. specialized crisis foster families, combined with rehabilitation at the place of residence .