

Prevailing challenges for police officials in implementing emergency protection order

Introduction

Violence against women is a serious offence against almost quarter of the population of any society. It is not just an act of violence or an act of harassment, it is more than that, it is violence against human rights in all aspects of human dignity.

Since the 1990s, the Council of Europe has undertaken a range of activities to protect women against violence. In April 2011 Council of Europe adopted an Istanbul Convention on preventing and combating violence against women and domestic violence. It is the first legally-binding instrument in Europe on this topic and in terms of scope. Istanbul convention aims at zero tolerance for violence against women and domestic violence and is a major step forward in making Europe a safer place. Preventing violence, protecting its victims and prosecuting the perpetrators are the cornerstones of the Istanbul Convention.

Based on this Istanbul Convention and especially according to the universal declaration of Human Rights Article 3:

- Everyone has the right to life, liberty and security of person

This brings me back to my topic, presenting some ideas and views about police officials tackling domestic violence and violence against women.

Police and co-operation

First of all I think that these types of crimes and incidents are everybody's business in police organization. By this I mean that there shouldn't be only female police officers who interview the female victims of domestic violence or any abuse of women, as I have heard some speculation on this topic. Of

course we should respect the opinion of the victim, if she wants to deal only with the female police officer. But to me it is equally important to train male police officers to deal with these type of crimes. In Finland we have learned that male investigators are equally good in handling the victims as women investigators especially if there is proper training and right attitude. And I think this shows equality in the line of police work.

Secondly it is obvious that police officials cannot deal with domestic violence and violence against women incidents by themselves. In this matter police need to co-operate for example with victim support system. Quite often abuse of the victim, especially domestic violence, has been on-going for a long period of time, for several years. Violence could have been either physical or mental or more often both of these and it has cracked down the dignity of the victim. If she has enough strength to come to police to report about the violence or incidents she might not probably have the strength to sit there in the inquiry or all by herself not knowing what to do or what to say feeling already depressed and somewhat guilty.

When I have been interviewing victims in the presence of a victim support person, I have found it very relieving. I felt relieved because during the interview I was certain that the victim will get help and support if she might break down in the middle of the interview, I could still maintain myself as a police officer doing my job and getting not too much involved with the feelings of a victim rather keeping my focus on the investigation at hand. As it is, police should maintain him or herself objective in the investigations.

In addition to victim support system police officials need co-operation with victim shelters. Sometimes when a police patrol is sent to the scene of a domestic violence or any other case of a violence against women, it is either necessary or for the benefit of a situation to take the female victim to a victim support shelter rather than taking the perpetrator into police custody. I think it shows good judgment and good proficiency of the patrol to consider whether to take the perpetrator or the victim away from the situation.

One of the ways to deal with domestic violence or any kind of violence or harassment against women or preventing re-victimization is to get a restraining order. Restraining order will give time for the victim for example to live in peace without the fear of being abused again.

I will present you shortly this restraining order and how it is set into effect.

Restraining order

The purpose of the Act on the Restraining Order is to prevent crimes happening again and to improve the possibilities to interfere with severe harassment. A restraining order means that in order to protect the life, health, freedom or peace of a person, another person may be ordered not to contact him/her. A restraining order may be imposed also when the person protected by the order and the person on whom the restraining order is imposed live in the same household. This is called an inside-the-family restraining order.

According to the inside-the-family restraining order the perpetrator is the one who will be made to leave his home and the victim will stay in the house, normally this is with the children.

Because an obligation to leave one's home involves stronger interference with the rights of a person than an ordinary restraining order, the prerequisites for imposing an inside-the-family restraining order are stricter than those of an ordinary restraining order.

The order may be imposed only to prevent a crime on the life, health or liberty of a person or to avert a threat thereof, but not if the case involves crime on or harassment of peace. In addition, what is required is that the likelihood of a crime referred to above would be greater if the order is not imposed.

In order to get the restrain order for the victim there must have been previous incidents such as threat of violence or act of a violence or stalking or such.

Sometimes it may be difficult to prove a threat. If the other party does not admit the harassment, it would be good in order to prove it if the harassment

could also be noticed by an outsider. Earlier contacts with the police or social workers will support your case. Accounts of the threat may include doctor's certificates, written messages or technical recordings as well as testimony by witnesses, for example, by neighbors or co-workers.

The District Court may decide a case relating to a restraining order even if the person against whom the order is applied for refuses to come to court. The restraining order will enter into force as soon as it has been imposed.

I see this restraining order as a good tool to police officials and also as a good tool to protect the safety of a victim. How this works?

When police has been in the scene of a domestic violence incident and the perpetrator has been taken into the custody by police, then police chief of investigations can enter the temporary restraining order into force by his or her decision. This doesn't require anything else except the consideration of the chief of investigations. I mean by this that no interviews or investigations are required; chief of investigations can make the decision just based on the incident report and based on the proof of the case. After this the chief of investigations has three days time to take the case into the District Court. Then the District Court has to take the case to court within seven days counting from the day when the restraining order was issued.

If the restraining order later on proves to be unnecessary, victim can apply to the District Court to have it repealed. Victim and the perpetrator cannot mutually agree on the termination of the order, it always needs court order, except when the time limit of the order has been expired. One of the benefits of the inside-the-family restraining order is that with the same order you can protect also the children of the family if necessary.

Ideology behind the restraining order

It is equitable that it is the perpetrator who is the one who has to leave the house, not the victim. This is the meaning of this inside-the-family order. Seldom is this restraining order in itself enough to cut the circle of violence.

Without different support systems for the family this restraining order can turn against itself and the situation can culminate into provocative action and the perpetrator might turn into violent action against the victim. This could happen especially then when the perpetrator who has been taken away from the family's home hasn't been able to arrange any proper place to stay while been under this restraining order. In order to avoid this type of situations authorities, that is, police officials, welfare workers etc. should be able to quickly evaluate the situation and consider if the insufficient accommodation of the perpetrator will risk the safety of the family. In this situation authorities should consider if it would be better to accommodate the family into protection shelter for a while or if the community or social welfare system could provide decent accommodation for the perpetrator.

Again we came to the conclusion that police cannot act alone when tackling domestic violence and violence against women.

Obstacles of the restraining order

Obstacles of the restrain order lies in the controlling of the order. Once the restrain order has entered into force it is up to the victim(s) to control the compliance of the order. It is the victim who should report about the violation of the order. Sometimes it happens that the victim don't want to inform about the violation because he/she thinks that police will not take it seriously. One of the setbacks is also in the use of punishments when dealing with violation of the restraining order. Nowadays it seems that the perpetrator can violate the order about five times without being punished. This seems a bit frustrating to the police officers, especially to investigators who investigate the violations of the restraining order.

Punishment of the violating the restraining order is either ticket or imprisonment for maximum period of one year.

Support systems

As I mentioned earlier sometimes it is better to take the victim to the protection shelter rather than to take the perpetrator away from the house. For this there should be enough protection shelters covering the whole country, which can offer a decent place to stay for the victim and sometimes for the victim with children.

In addition to victim protection shelters there should be also support systems for the perpetrator. I mean by this some sort of counselling system. I think it is necessary also to offer counselling system for the perpetrator in order to deal with his acts of violence.

The most important thing is that police should be aware of these support systems and inform about these systems for the perpetrator and/or for the victim. This doesn't mean only the investigative police officials but also patrolling police officers who often are the first ones to deal and discuss with the victim and with the perpetrator.

In conclusion

Domestic violence has an impact on children as well even though the perpetrator hasn't directly done any harm to the children, because of this violence against women and especially domestic violence is not a private matter; it is whole society's matter. Since tackling of domestic violence and violence against women are whole society's matters, combating this type of violence should include different actors of society, different Governmental organizations and non-governmental organizations together. I want to repeat again: police can definitely not tackle this issue alone.

Thank you,