



**INSTRUCTION No. 10/2007 BY THE SECRETARY OF STATE ON GROUNDS OF SECURITY WHICH APPROVES THE POLICE PROTOCOL TO EVALUATE THE RISK LEVEL ON GROUNDS OF VIOLENCE AGAINST WOMEN IN THOSE CASES UNDER ORGANIC ACT 1/2004 OF 28 DECEMBER AND THEIR NOTICE TO COURT AND THE PUBLIC PROSECUTIONS DEPARTMENT.**

Organic Act 1/2004 of 28 December on Comprehensive Protection Measures against Gender Violence underlines, among its guiding principles, the fact of guaranteeing prevention of gender violence through those resources and tools articulated by the various public authorities.

To this end, article 31 provides says that the Security Forces will act in accordance with the *Protocol of Operation and Coordination with Judicial Bodies for the Protection of Domestic and Gender Violence*, approved by the National Commission for the Introduction and establishment the Courts of Violence against Women and by the National Commission for the Coordination of Judicial Police.

This Protocol provides that from the moment that there is awareness of a case of gender violence there will be immediate implementation of those inquiry actions in order to determine the intensity of the risk that the victim withstands, as well as of those police and judicial measures which considered adequate in order to



protect the victim.

Apart from that, it also intends to update the risk assessment when those circumstances which were initially born in mind have changed or when time brings about new data or precedents.

Pursuant to these provisions, the Council of Ministers, by agreement of 15 December 2006 and 22 June 2007, has adopted a set of *urgent measures* in order to tackle the problem. One of the most notorious of these urgent measures is the development by this Secretary of State on grounds of Security of a Risk Assessment Protocol to be used by the State Security Forces.

As instructed by the Government, the design of the assessment tools and updating of the risk must necessarily include some elements of proven incidence -such as withdrawal of the complaint by the victim, the renunciation of the order of protection or resumption of cohabitation- whose appearance, at any point in the process entails an additional danger.

The mandate of the Council of Ministers to this Secretary of State finally involves regularising - temporarily and until there is approval by the National Commission for the Coordination of Judicial Police of appropriate General Protocol in this area- the communication between the State Security Forces, the courts and



the Public Prosecution Service concerning the risk of the victim.

For all these reasons mentioned above, I give the following instructions:

**FIRST.- Adoption of the "*Police Protocol to evaluate the risk level on grounds of violence against women in those cases under organic act 1/2004 of 28 December*".**

The *Protocol* is adopted and its contents are found attached in the Annex.

**SECOND.- Collaboration and Coordination with Local Police.**

Collaboration and coordination between the State Security Forces and Local Police bodies in the various aspects involving the protection of victims shall comply with the provisions of the Protocol signed by the Ministry of Interior and the Spanish Federation of Municipalities and Provinces on 13 March 2006.

**THIRD.- Development.**

The competent units of the National Police and Civil Guard shall adopt internal rules for implementing this Instruction.

**FOURTH.- Commencement.**

This Instruction shall enter into force on the date of



publication.

**FIFTH.- Review of risk assessments prior to the entry into force.**

Before 31 July 2007, the General Directorate of Police and Civil Guard will take appropriate action to revise, in accordance with the provisions of the protocol, the risk assessments for victims of gender violence that had judicial protective measures in effect on that date. The review should be completed before 30 October 2007.

Every month, the General Director of Police and Civil Guard will send a report on the degree of implementation of the review process to the Secretary of State on grounds of Security.

**Madrid, 20<sup>th</sup> July, 2007**

**THE SECRETARY OF STATE ON GROUNDS OF SECURITY**

Antonio Camacho Vizcaíno

**GENERAL DIRECTOR OF POLICE AND CIVIL GUARD STATE DELEGATES AND SUB-DELEGATES**



**ANNEX TO INSTRUCTION NO. 10/2007**

**"POLICE PROTOCOL TO EVALUATE THE RISK LEVEL ON  
GROUNDS OF VIOLENCE AGAINST WOMEN IN THOSE CASES  
UNDER ORGANIC ACT 1/2004 OF 28 DECEMBER"**

Whenever there is a case of gender violence, police activity will be aimed at determining:

- a) The factors relating to the violence suffered by the victim.
- b) Maintained relations with the aggressor.
- c) The background of the offender himself and his environment.
- d) Family circumstances, social, economic and employment of the victim and the aggressor.
- e) Withdrawal of complaints, the resumption of cohabitation and the resignation of the victim to the protection status granted.

This information is essential in order to set the level of risk of violence and the measures to be taken in each case in order to guarantee protection.

Assessing the risk of violence against women (Police Assessment of Risk, VPR in Spanish) and its evolution (Police Assessment of Evolution of Risk, VPER in Spanish) will be conducted



by using the tools and standardised forms approved for that purpose by the Secretary of State Security and available at the 'Comprehensive Tracking System of cases of gender violence', which the officials concerned can access through the corporate INTRANET of the corresponding Security body.

## **1. INITIAL ESTIMATE OF THE SITUATION OF RISK**

1.1. The first assessment of the risk of violence will be made by the official who is examining the case proceedings and who is in charge of the investigations.

1.2. Both the Comprehensive Tracking System and the standardised assessment form will be implemented.

1.3. The form will be completed when sufficient information has been collected and verified. The first sections to fill in will be those whose answer clearly appears in the police report, requesting the parties just those details which are missing.

1.4. If the preliminary investigation is going to take a long time, there will be an initial evaluation as soon as the victim has been taken statements (for the purpose of activating police protective measures), and a new assessment, once all the information as been gathered and the police report procedures have



been completed.

1.5. The system will automatically assign one of the following levels: 'not appreciated', 'low', 'medium' or 'high'.

1.6. The result of the assessment shall be recorded in the corresponding procedure. In cases where the risk is 'medium' or 'high', a report including the major risk factors appreciated will be also included thereof.

1.7. Each of the levels will be associated to corresponding police actions in accordance with the catalogue above in this Annex, for immediate implementation.

1.8. If the risk level is 'medium' or 'high' the victim will be informed.

1.9. In all cases, the victim will be informed about the police protection measures adopted.

1.10. When the risk assessment leads to police actions that go beyond the competence to take operational decisions by the evaluator, the latter shall immediately inform anyone with the competence to allocate those human and material resources which are necessary for this purpose.



1.11. When applying police protection measures corresponds to officials who belong to units or personnel which are different to those of the officials who made the assessment, these will be immediately given all necessary information in order to carry out this task.

## **2. ESTIMATION OF THE EVOLUTION OF THE LEVEL OF RISK**

2.1. In order to keep the risk assessment up-to-date, the officials or units responsible for the protection of victims will periodically carry out new assessments and perform, if necessary, new interviews with victims and people around them.

2.2. When there is significant new information about the factors which were initially considered, the new assessment will be made by using the Police Assessment of Risk form.

2.3. Then, the Police Assessment of Evolution of Risk form will also be filled in.

2.4. In any case, the current level of risk adopted will be that resulting from the most recent assessment.





2.5. The following periodic assessments will be carried out:

- 'High' level, weekly.
- 'Middle' level, biweekly.
- 'Low' level, monthly.

2.6. There will also be new evaluations in the following cases:

- At the request of the Judicial Authority.
- At the request of the Public Prosecution Service.
- When there have been significant changes in the circumstances and/or conduct of the victim or the aggressor.

2.7. The result of the assessment shall be recorded in the corresponding procedure. In cases where the risk is 'medium' or 'high', a report including the major risk factors appreciated will be also included thereof.

2.8. In case of discrepancies between the police protection measures agreed by the court and those which result of the police risk assessment, the measures decided by the court will always be preferred and judicial authority will immediately be informed about the existing discrepancy in order to agree what it is most appropriate.



2.9. When by examining the assessment and evaluation forms it is considered that the circumstances that threatened the victim have disappeared or remitted (level of 'unappreciated risk') police shall promptly send a procedure to the corresponding court in order to inform about the determinant factors of such assessment.

### **3. PERFORMANCE OF UNITS SPECIALISES IN GENDER VIOLENCE MATTERS**

Specialized units will perform the following actions:

3.1. Assess the risk, according to the above points, when they are in charge of the examination or investigation of the case proceedings.

3.2. Ensure proper implementation of research protocols and risk assessment by the non-specialists in their area of competence. In order to do so, such personnel will be accordingly trained and they will be advised when required.

3.3. Analyse in detail the procedures for risk assessment and implementation of protective measures whenever there are imperfections and in all cases of gender violence resulting in death, in order to identify the circumstances, factors and variables not taken into account, so that these may be incorporated into the



system and improve its performance.

The analysis carried out will urgently be forwarded to the State Secretary on grounds of Security.

#### **4. NOTICE TO JUDICIAL BODIES AND THE PUBLIC PROSECUTION DEPARTMENT AS FOR RISK ESTIMATES AND THEIR EVOLUTION**

Pending the approval by the National Commission for the Coordination of Judicial Police of a General Protocol which improves the communication between the State Security Forces, the courts and the Public Prosecution Service concerning the risk situations as for women victim of gender violence and its evolution, the State Security bodies shall comply with the following rules:

4.1. The corresponding police officials will refer to the competent court and public prosecution service the following communications:

- The initial estimate of the risk level with the report including key risk factors appreciated.
- Each and every one of the estimates of changes in the level of risk which have been regularly undertaken –on



times as set forth in the Protocol– together with the report on major risk factors assessed, necessarily including among them whenever they take place, the withdrawal of previous complaint/s, the renunciation of previous security measures and a resumption of cohabitation, where appropriate.

- Each and every one of the estimates of changes in the level of risk that have been undertaken at the request of the Judicial Authority or the State Public Prosecutor, and once they have been made, significant changes in circumstances and/or conduct of the victim or the aggressor, together with a report on the major risk factors assessed, necessarily including among them whenever they take place, the withdrawal of previous complaint/s, the renunciation of previous security measures and a resumption of cohabitation, where appropriate.
- The discrepancies between the police protection measures agreed by the judge and those resulting from the police risk assessment.
- The reviews of risk assessments prior to the entry into force of this Protocol, made as provided in the instruction sixth.



4.2. These communications shall be made -as soon as possible and in any event within 24 hours after the risk assessment– by using those electronic means which enable secure and urgent transmission without prejudice to its subsequent transfer through ordinary means.

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## ANNEX TO THE PROTOCOL OF RISK ASSESSMENT

### ESTIMATED LEVELS OF RISK AND POLICE PROTECTION MEASURES TO BE TAKEN<sup>1</sup>

#### **LEVEL 0 (not appreciated risk)**

The same police action to any other citizen complainant, including information on rights and resources available.

#### **LEVEL 1 (low)**

##### **Mandatory: level 0 measures plus:**

Providing the victim permanent contact telephone numbers (24 hours) with the nearest Security Forces.

Sporadic telephone contacts with the victim.

Informing the aggressor that the victim has police corps for her protection.

Recommendations on self-protection and ways to avoid incidents.

Accurate information on the mobile remote assistance service.

##### **Complementary:**

Occasional and discreet personal contacts with the victim (agreeing with them the convenience of using uniform and/or vehicles with distinctive signs or not).

Preparation of a form with relevant data from the victim and the aggressor for the patrol personnel to have.

Accompanying the accused to collect belongings at home, if the Judicial Authority orders his departure.

Personal interview with the victim and the person responsible for her protection.

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<sup>1</sup> In case of discrepancies between the police protection measures agreed by the court and those which result of the police risk assessment, the measures decided by the court will always be preferred and judicial authority will immediately be informed about the existing discrepancy in order to agree what it is most appropriate.

## **Level 2 (medium)**

### **Mandatory: measures of Level 1 plus:**

Regular monitoring at home, workplace and entrances and exits of schools.

Accompanying the victims in as many proceedings, either judicial, administrative or as for assistance, as it is required.

Training the victim in self-protection measures.

Try that the victim be provided with a mobile terminal (remote assistance service).

### **Complementary: Level 1 measures plus:**

Periodic checking of compliance by the offender of the judicial protection measures.

Interview with the Assistance Services staff caring for the victim/Municipal Attention Points to identify other effective protective methods.

Moving the victim to a support centre.

## **Level 3 (high)**

### **Mandatory: measures of Level 2 plus:**

Continuous surveillance of the victim during the emergency, until the circumstances of the offender are no longer considered an imminent threat.

Encouraging the victim to move to a support centre or to the home of a relative if she has not done it yet, at least during the first days and especially if the author has not been arrested.

Sporadic control of the aggressor's movements.

### **Complementary: Level 2 measures plus:**

Sporadic contacts with people in both the aggressor's and the victim's environments: neighbours, relatives, work colleagues, leisure partners...

Sporadic control in the victim's holiday residence.

Try that electronic devices are provided in order to monitor the offender.

Permanent monitoring in entrances and exits of schools.