

# VIOLÊNCIA CONTRA A MULHER: CONSEQUÊNCIAS DA PERSPECTIVA DE GÊNERO PARA AS POLÍTICAS DE SEGURANÇA PÚBLICA<sup>1</sup>

## DOMESTIC VIOLENCE AGAINST WOMEN: OUTCOMES OF GENDER PERSPECTIVE ON POLICING

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### RESUMO

A Lei Maria da Penha promoveu um acréscimo significativo na demanda de atuação policial. Estudos têm demonstrado o caráter cíclico da violência doméstica, decorrente da dificuldade de rompimento de relações afetivas marcadas pela violência, com a resistência em denunciar e a tendência de reatar o relacionamento, bem como o caráter potencialmente letal na evolução deste ciclo de violência. Tais características das relações de gênero devem ser incorporadas nas estratégias político-criminais de atuação policial, trazendo como consequências: (1) a especial atenção à não prática de atos de revitimização durante as interações com a mulher; (2) a incorporação de novas estratégias de investigação criminal que não se fundamentem, exclusivamente, na palavra da vítima, diante do elevado risco de eventual não cooperação posterior da mulher com a persecução penal; e (3) a incorporação de estratégias político-criminais de monitoramento de casos de risco e de integração em rede para a prevenção da reiteração da violência. A realização de reformas nas instituições policiais a partir desse paradigma hermenêutico de gênero pode permitir substancial elevação na concretização do direito fundamental à segurança das mulheres.

### PALAVRAS-CHAVE

Atuação policial. Política criminal. Perspectiva de gênero. Ciclo de violência. Proteção.

### ABSTRACT

The Maria da Penha Law promoted a significant impact on policing. Studies evidence the cyclic character of domestic violence, related to the obstacles to break intimate relationships marked by violence, with a reluctance to denounce the violence and the tendency to re-engage the relationship, as well as the potential lethality in the evolution of this cycle of violence. These characteristics of gender relations must be incorporated on policing policies, with: (1) the special attention to not produce revictimization during the interaction with women; (2) the incorporation of new strategies of

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criminal investigation that do not rely exclusively in the women's testimony, due to the high risk of victim's noncooperation to the criminal procedure; and (3) the incorporation of policies of monitoring high risk cases and the network integration of police in order to reduce the cyclic violence. The implementation of reforms on law enforcement agencies, guided by this gender hermeneutic paradigm, may allow a substantial elevation of the effectiveness of women's fundamental right to security.

## **KEYWORDS**

Policing. Criminal policies. Gender perspective. Cycle of violence. Protection.

## **INTRODUCTION**

After the advent of Maria da Penha Act (MPA), confronting domestic violence against women began to demand intense action from the police and justice system. Prior to MPA, there was an institutional tolerance for violence against women, crystallized in the special criminal court system, which prevailed through conciliation and non-processing of cases (CAMPOS and CARVALHO, 2006). Normative change has undergone a (gradual and slow) incorporation of a new hermeneutic paradigm of equality, full respect for women and non-tolerance of violence in the private sphere. This movement, however, oscillates with reactions of resistance to the application of the law (PASINATO, 2015, CAMPOS, 2017).

The persistence of domestic violence against women in the Brazilian context demands a reflection that goes beyond the repressive dimension, demanding the understanding of state intervention as an integral public policy. Despite the limitations of the police system, this is still a relevant gateway to domestic violence news. In this context, the present article proposes a discussion about the consequences of the hermeneutic paradigm of the gender relations' incorporation for the public security policies related to the police action. In order to do so, a brief introduction will be made of the studies related to the phenomenology of domestic violence and the specific characteristics of this type of crime, marked by the cyclical character, by the paradoxical affective relationship between victim and aggressor and by the sexist values that are internalized by victim and aggressor and normalize such violence. Afterwards, the study will advance in the analysis of three political-criminal consequences for the police action on domestic violence that emerge from the incorporation of the gender perspective, related to the relevance of non-revictimization to the effectiveness of the police intervention, to the necessary preparation for the later non-cooperation of the victim and to the

integration of criminal investigation activity with prevention, through the articulation of networking and multidisciplinary work.

This analysis takes into account recent studies on the application of Maria da Penha Law (BRASIL, 2017; CAMPOS, 2017; CARNEIRO, 2017; CARVALHO; OLIVEIRA, 2016; DINIZ; GUMIERI, 2016; DISTRITO FEDERAL, 2017; GOMES, 2014; PASINATO, 2015; WAISELFISZ, 2015), and guidance documents of the police action (BRASIL, 2016; ONU MULHERES, 2016), that allow to problematize the traditional police action. Part of the information contained in the text is the result of the author's professional experience as a member of the Public Prosecutor's Office (his speaking place), with a role in overseeing public policies to promote women's rights.

Considering the central position of the police as a gateway to the justice system, this article is expected to represent a contribution on the theoretical foundations of police intervention in the light of the hermeneutic paradigm of gender relations and a promotion of innovative public policy security experiences to woman, in order to promote changes for the qualification of the services provided to women in situation of violence.

## **1 THE CYCLICAL AND POTENTIALLY LETHAL CHARACTER OF DOMESTIC VIOLENCE**

In Brazil, 4,762 women were murdered in 2013, a percentage of 4.8 deaths per 100,000 inhabitants. This percentage increased 21% from 2003 to 2013. 50.3% of these deaths occur in the context of family violence, and specifically 33.2% are committed by the partner (current or past) (WAISELFISZ, 2015). While in Australia, one woman per week dies in the context of partner violence (CUSSEN and BRYANT, 2015), and this rate is already considered to be considered a "national urgency" (OUR WATCH; ANROWS; VICHEALTH, 2015) in Brazil there are alarming four deaths per day practiced by the partner, in a total of 13 female deaths per day (WAISELFISZ, 2015). Some Brazilian capitals have proportionally even more epidemic rates of violence against women, such as Vitória/ES (11.8 deaths/100,000) or Maceió (10.7). These figures make Brazil the 5th country in the world in proportional rates of murders of women (WAISELFISZ, 2015).

These figures are associated with a daily diffuse amount of violence against women, the result of a patriarchal culture that normalizes disciplinary violence against the female gender (see BANDEIRA and THURLER, 2009). In fact, in 2014, there were 47,646 rapes of women in Brazil, an average of 1 rape every 11 minutes (FBSP, 2015).

Police records of violence against women are alarming. In Brasília, there were 4,258 domestic violence cases registered in 2008 and 12,837 cases in 2016; that means that attendances tripled over nine years (DISTRITO FEDERAL, 2017). The expectation is that such numbers continue to grow, as there are huge numbers of cases that occur and are not reported (hidden figures).

This scenario of confronting domestic violence against women has demanded an intense and growing effort from the police forces. In effect, the MPA introduced several innovations in the police action, such as the collection of the request for urgent protective measures, the protection measures indicated in the eleventh article of MPA and a new paradigm of mandatory action in cases of bodily injury, which were previously not recorded without the authorization of the victim.

However, intervention in crimes of domestic violence against women is absolutely distinct from other forms of crime, in which there is usually no continuing relationship between aggressor and victim, nor a relationship of power that binds the victim in the violent relationship. Therefore, police action needs to understand the complexity of gender relations to be effective in confronting this criminal modality.

Domestic violence against women must be seen as arising from a patriarchal structure that has historically legitimized (and still legitimizes) various forms of violence (BANDEIRA and THURLER, 2009). This structure, internalized by men and women, imposes on men a role of exercise of power, provision, maintenance of order and aggressiveness to solve conflicts, and to women a role of submission, care and delicacy; when the woman defies this order and reacts, she is pre-judged and subjected to various disciplinary mechanisms, many of them internalized by the victim herself. The normality of this violence ends up by making it invisible. Even when the woman reacts, there is never a real relationship between equals (MACHADO, 2009). Usually the woman is caught in a cycle of violence, aggravated by the expectations of roles of care and fidelity by the woman and by a double bond with the aggressor, which at the same time attacks her, but in other contexts has an affective value and apparently is his protector (ANGELIM, 2009).

Because they remain trapped in a relationship marked by violence, it is not uncommon for victims to report police incidents, that this is not the first time they have experienced domestic violence. It is also usual for the victim, at some point in the course of the criminal investigation or prosecution, to reconcile with the aggressor and cease to collaborate with the persecution, but, given the cyclical nature of the violence, there is a high probability that she will return to suffer other acts of violence in the near future, which can culminate in potentially lethal violence. There is a resistance by the victims to register police occurrence, by factors such as fear, guilt, shame, economic or emotional dependence of the aggressor. When victims record

their occurrence, they are usually undecided if this is the best way, and often blame themselves for the violence they have suffered (PASINATO, 2012).

This situation was described by Walker (1979) as the cycle of domestic violence, which generates a predictable risk of reiteration of violence in a medium term. Numerous studies have shown that domestic violence is not just an isolated episode, it is a continuum of coercive and abusive control behaviors. DataSenado's survey (2005) documented that 50% of the women interviewed who suffered domestic violence reported that they were beaten more than once. Research by the Perseu Abramo Foundation (2011) indicated that one in five women acknowledges as been already victim of some form of domestic violence, and of the men who acknowledged that they had ever committed any domestic violence, 50% acknowledged that they had assaulted more than once. DataSenado's research (2011) documented that 32% of women interviewed who reported having suffered domestic violence continued to live with the aggressor, of whom 18% indicated that they were still suffering violence, 20% of which reported daily violence and 40% episodically. Another research conducted in the Northeast region with 10,000 women documented that 27% of the interviewees had already suffered at least one act of domestic violence in their lives, and 11.9% of the total had suffered an act of domestic violence in the last year (CARVALHO and OLIVEIRA, 2016).

Most of these women find it difficult to break violent relationships. DataSenado's research (2013) documented the main causes for women not to report violence, with the following percentage:

- Aggressor Fear – 74%
- Financial dependency – 34%
- Concern about raising children – 34%
- Shame of aggression – 26%
- There is no punishment – 23%
- Believing it would be the last time – 22%
- Not knowing their rights – 19%
- Other reasons – 2%

Studies suggest that around 41% of perpetrators commit violence against victims again within a period of up to 30 months (KLEIN, 2009), indicating that the risk of repeated acts of aggression by the perpetrator is significant in cases of domestic violence. The lethal potential for reiterating domestic violence is also essential, as 50% of women's deaths occur in the context of family violence, specifically 33% in the context of intimate partner violence (WAISELFISZ, 2015). International research indicates that most of women's deaths

occur in a context of relationship marked by previous violence (CAMPBELL et al., 2003). Although the cycle of violence is not a single and uniform pattern of manifestation of domestic violence, it is recurrent and in a usual pattern.

When institutions involved in domestic violence fail to understand these essential characteristics of this type of crime, they may lose the victim's trust, which will not only fail to cooperate with the current process, but, what is more serious, fails to report a future (and predictable) new act of violence, preventing the breakdown of the cycle of violence.

Therefore, the incorporation of the hermeneutic paradigm of gender advocated by the forth article of MPA in the scope of the police action makes it possible to formulate at least three reflections: (i) since the victim is usually reluctant to record the police occurrence, there must be adequate reception, based on her not being blamed for the violence she has suffered, otherwise police will definitively lose her collaboration; (ii) the criminal investigation must be based on the perspective that, at some point, there is a high probability that the victim will stop collaborating with the criminal prosecution institutions, which does not mean that the problem has been solved (on the contrary, it may be an indication of marked risk); (iii) before the cyclical character of violence, the purpose of police intervention should go beyond criminal investigation and incorporate aspects of prevention to the conduct's reiteration. Let's take a look at each of these aspects.

## **2 PROBLEMS RELATED TO REVITIMIZATION IN POLICE**

We will analyze some of the most common vices of action in the scope of police activity, specific object of this study. Much of the knowledge to affirm the existence of such vices derives from the professional performance of this author as Promoter of Justice, coordinator of the body responsible for overseeing public policies for the promotion of women's rights, as well as external control of police activity related to violence against the woman<sup>2</sup>.

It should be noted that numerous police officers have been touched to the subject and advanced in the institutional improvement of the police, especially, but not only, within the Special

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<sup>2</sup> Regarding the subject, the PA 08190.021245/14-71, established in February 2014, for the purpose of external control of the police activity of the Special Police Station for Assistance to Women - DEAM, and PA 08190.044436 / 13-57, launched in August 2013, to follow the news sent by the Women's Assistance Center, then Call 180, regarding the treatment of women victims of domestic and family violence in the DF police stations.

Police Stations. However, several vices persist. It should also be noted that such defects affect all institutions dealing with domestic violence, such as the Public Prosecution, Judiciary and Public Defender's Office, which also requires specialized actions to raise awareness and training on this matter.

Revictimization is, in a broad sense, all new violence resulting from a previous violence; in this perspective, the very continuity of the cycle of violence is a revitalization (BUZAWA et al., 2017, p. 187). However, the use of the expression is usually associated with secondary victimization, that means, the fact that a victim of violence has again new experiences of psychic suffering in the interaction with institutions that should protect her, usually in the form of inadequate, insensitive treatment or recriminatory (PATTERSON, 2011). Currently, Law no. 13.431/2017 defines in its article 4, item IV, the concept of "institutional violence, understood as that practiced by a public or contracted institution, even when it generates revictimization". This concept can be extended to the scope of domestic and family violence against women.

One of the most usual acts of revictimization is the devaluation of the severity of the facts at the moment of care. It occurs when police officers try to induce the victim to relieve the facts, dissuading them from recording police occurrences, requesting urgent protective measures, or, further, encouraging them to portray themselves from representation (PASINATO, 2012). It can therefore also be seen as an incentive to quit the process rather than as an incentive to continuity, to the breakdown of tolerance to the violence situation.

This also happens when the veracity of the victim's statements is questioned. Especially, but not only, in crimes against sexual dignity, the woman's word is questioned and her moral judgment is a condition to the credibility of her testimony (see Andrade 1999, Patterson 2011). Outside the context of sexual violence, doubts about the victim's property interests or possible "abusive use of the law" may diminish the value given to her word (PASINATO, 2015). Another manifestation is to give credence to the version of the aggressor in the case of reciprocal injuries, even when disconnected from the evidence of defensive injuries by the victim, her state of distress and lack of protection, or previous patterns of coercive or intimidating behavior. The worst situation would be to punish the woman herself as the perpetrator of the aggression, or to defer (within the judicial system) reciprocal protective measures, when, in fact, the

woman is the victim of domestic violence<sup>3</sup>. This vice occurs because we lose sight of the continuous nature of domestic violence, that is, by conducting the investigation exclusively of the episode that demands police intervention, not the context of domestic violence.

Another form of revictimization, often disguised as an attempt to support it, is the moral recrimination for the continuity of the relationship. It occurs when the woman is blamed for not breaking the violent relationship, ignoring all the complexity underlying the identity role that sexist culture attributes to the affective relationships in women's lives<sup>4</sup>. The "loving device" is internalized by women and imposes, under the pretext of "true love", the idea of self-sacrifice and submission (NAVARRO-SWAIN, 2008). It is usually expressed in the question "but why are you still with him?" Or in recrimination when the woman resumes the affective relationship after a record of occurrence and asks for the filing of the suit. It may even occur in a context of alleged good intentions, in order to stimulate the rupture of the violent relationship, but if the subject is placed in a recriminatory way or the victim feels recriminated, it will have the effect of inhibiting the woman's future demands from the police institution. Instead of blaming, it is necessary to welcome, understand the limitations in which the woman is, to make a positive stimulus so that it takes the step that is possible to be given at that moment, and leave the door open so that she feels that she is free in case of repeated conduct.

Another form of revictimization is the institutional discrimination, which occurs when public institutions replicate stereotypes of discrimination, that is, there is intersection of gender with other markers of discrimination, such as race, social class, age, sexual orientation, religion, disable person status. The experience of being a woman is not unique, apart from gender discrimination, it is also possible that other factors will further aggravate access to public protection policies. The so-called institutional racism represents the collective failure of organizations to provide adequate services to people from vulnerable groups to discrimination (color, culture, racial or ethnic origin), not to avoid replicating within their institutions the stereotypes that prevail in society, lack of attention and ignorance about discrimination (see SAMPAIO, 2003). Studies have documented the poor provision of public services to the black population, especially in the

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<sup>3</sup> Victoria, 2016, p. 18, indicates a number of surveys in which often, when women are charged with domestic violence, they are, in fact, reacting defensively to a context of aggression, with a reversal of positions. A number of countries have been working with the concept of "primary aggressor" to consider the history of controlling and abusive behavior of one of the partners (usually the male one) in cases of mutual aggression in order to anticipate the episode within the context of violence (see Hirschel and Buzawa, 2012).

<sup>4</sup> In training courses given by the author to the police officers, on several occasions, there was a misunderstanding of this specific topic, including reports of policemen who "give a hard time" to the woman, to "help" her to get out of the situation of violence.



health area (KALKMANN et al., 2007). The mechanisms of racial discrimination operate at the level of the unconscious and induce a less relevant representation of the stigmatized subject. Law no. 13.431/2017 provides in its article 4, item II, letter “a” and clause IV, that the discrimination practiced by public institutions is a form of institutional violence. This concept of institutional discrimination was also accepted by the Racial Equality Statute (Law No. 12.288/2010, article 4, IV). Although the focus of these laws is partly distinct, the concept of institutional discrimination applies perfectly within the broader scope of violence against women, manifesting itself specifically within the scope of police activity as the greater risk of a more incisive police approach to black aggressors, (RAMOS and MUSUMECI, 2005), as well as underestimating the importance of serving black women (see CARNEIRO, 2017).

In fact, statistics indicate that 66.7% of the murdered women are black (WAISELFISZ, 2015), although blacks account for 51% of the population (IBGE, 2010). From 2003 to 2013, the percentage rate of murders of white women decreased by 9.8%, while that rate increased by 54.2% for black women (WAISELFISZ, 2015). Other studies indicate that macrosocial factors, such as social inequality and the disintegration of social relations can raise the death rates of women (GOMES, 2014).

Such institutional discrimination may be manifested, for example, in the lack of patience or discriminatory comments during a care given to a woman of low socioeconomic status or with mental problems who may have difficulty expressing herself or detailing episodes of violence, or a lesbian woman.

All these manifestations of revictimization are the result of an institutional discrimination, the repetition within the public institutions, by their agents, of stereotypes of gender, race, social class discriminations or other factors. The confrontation of the problem, therefore, goes through a change in the organizational culture related to gender relations and, specifically, domestic violence against women.

Finally, in addition to these specific problems of domestic violence or their intersections with other markers of discrimination, there is the usual complaint about the lack of police action. The CPMI of domestic violence documented the scrapping of the various Specialized Attendance Offices for Women in Brazil, except for the DEAM of the Federal District (BRAZIL, 2013, p. 48-51). The picture is of absence of servers, lack of adequate structure, lack of training and the total non-application of provisions of Maria da Penha Act. For example, the CPMI

documented the practice, in several police stations, of not carrying out the hearing of the victim at the time of recording the police occurrence, but scheduling for a future date. This practice creates the risk of women's withdrawal in this interregnum, as well as creating an obstacle to access to justice, since the victim's hearing is a prerequisite for formulating the request for urgent protective measures. In addition to this practice, there was a delay in the completion of the investigations, with many procedures that had not been in progress for several years (as in the case of Manaus).

Although the study of the CPMI dates from 2012 and it is possible that some of these services have improved, the feedback given by several professionals has indicated the persistence of structural problems in police action in Brazil, despite some positive experiences in state capitals<sup>5</sup>.

A study by Diniz and Gumieri (2016) indicated that about 48% of the requests rejections for urgent protective measures in the Federal District occur due to the lack of detailed information on the case, indicating, on one hand, a probable resistance of the judicial system in the application of MPA but, on the other hand, a possible deficiency of the police system in properly instructing the request for urgent protective measures.

This picture reflects a general failure of criminal investigation in Brazil. In fact, studies have indicated the archiving of notification of occurrence without the establishment of police investigations, the delay in the completion of investigations instituted and the low level of effectiveness in the resolution of more complex cases (ADORNO and PASINATO, 2008; Misse, 2010).

According to information provided by Call 180 Central, of the Secretariat of Policies for Women, the main complaints related to the services of the network to attending women are the following:

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<sup>5</sup> This author is part of the Permanent National Commission of State Prosecutors of Domestic Violence against Women – Copevid, where he gets constant feedback in the situation of several Brazilian states.

Table 1: Information from Central Call 180 about complaints on public services to take care of women.

<b>PUBLIC SERVICE</b>	<b>Year 2015</b>	<b>Year 2016</b>	<b>Total</b>	<b>Percentage</b>
Police Office	577	987	<b>1,564</b>	<b>21.2%</b>
Police Office to Women	431	620	<b>1,051</b>	<b>14.2%</b>
190	343	632	<b>975</b>	<b>13.2%</b>
Public Attorney	157	202	<b>359</b>	<b>4.9%</b>
Courthouse	139	186	<b>325</b>	<b>4.4%</b>
Specialized Center	125	123	<b>248</b>	<b>3.3%</b>
Women Care Central	121	111	<b>232</b>	<b>3.1%</b>
Public Prosecutor	85	106	<b>191</b>	<b>2.6%</b>
Juizado Especial de Violência Doméstica e Familiar	32	39	<b>71</b>	<b>1.0%</b>
Corregedoria	16	43	<b>59</b>	<b>0.8%</b>
Casa Abrigo	17	23	<b>40</b>	<b>0.5%</b>
Others	919	1,350	<b>2,269</b>	<b>30.8%</b>
<b>TOTAL</b>	<b>2,962</b>	<b>4,422</b>	<b>7,384</b>	<b>100%</b>

Source: BRASIL, 2017.

Considering that the complaints related to the Call 190 are usually related to the military police (delay or omission of service after a call in flagrante delicto or emergency), it is verified that almost half of the cases of complaints of women (48.6%) are related to the police action.

Specifically regarding complaints related to police stations (35.4% of cases), the most common complaints are the following:

Table 2: Information from Central Call 180 about the reasons of complaints related to police stations during women's reports.

<b>REASON</b>	<b>Year 2015</b>	<b>Year 2016</b>	<b>Total</b>	<b>Percentage</b>
Physical abuse	152	246	<b>398</b>	<b>15.7%</b>
Omission	124	266	<b>390</b>	<b>15.3%</b>
Denying registration to the crime	124	229	<b>353</b>	<b>13.9%</b>
Inappropriate Service	117	166	<b>283</b>	<b>11.1%</b>
Lack of acts about the crime reports	103	179	<b>282</b>	<b>11.1%</b>
Lack of abilities on cases of domestic/family violence	108	170	<b>278</b>	<b>10.9%</b>
Difficulty to access	56	85	<b>141</b>	<b>5.5%</b>
Poor infrastructure	2	3	<b>5</b>	<b>0.2%</b>
Others	134	275	<b>409</b>	<b>16.3%</b>
<b>TOTAL</b>	<b>920</b>	<b>1,619</b>	<b>2,539</b>	<b>100%</b>

Source: BRASIL, 2017.

It is verified that the most common cause of complaint is the non-police action, due to omission, refusal to register the crime, or lack of provisions on the crime notice (40.3%). According to the content of several complaints of the police activity received in the MPDFT, there are reports

of victims calling Call 190, but the police did not go to the scene, or they waited too long at the police station to give up their service<sup>6</sup>. On the other hand, in addition to cases of police mistreatment, inadequate care and unprepared care (37.7%), the second most common cause of women's complaints is the active behavior of revictimization. It should be emphasized that even omission is a form of revictimization (by inaction). This information from Call 180 places the police as a sensitive area to the implementation of the protection system to women, at least in the perception of the women who are served. The omission problems are due to the lack of structure, the mismanagement of the few available human and material resources, but above all by a criminal investigation model permeated by several structural failures that block its abstract possibility of effectiveness. In fact, criminal investigation in Brazil is developed within a bureaucratic model segmented in the cycle of prevention/investigation, bachelor, which does not value the technical evidence and is not articulated with the service network and the community for the construction of strategies. One of the few possible criticisms of Maria da Penha Act is precisely the repriming of this ancient investigative instrument, the police investigation (PASINATO, 2010).

In an ordinary environment of overloaded work, the non-confrontation of a sexist culture of under-representation relevant violence against women ends up forcing a drift into police inaction in the face of violence against women. Re-victimization removes the predisposition for continued victim collaboration with criminal prosecution, and withdraws its willingness to report new forms of violence (PATTERSON, 2011; PASINATO, 2012; BUZAWA et al., 2017, p. 187). In addition, these problems of revictimization in the police scope compromise the effectiveness of all state intervention, as they create a de-legitimation for the other services of the public network, weakening its ability to create a bond of trust with woman. It is urgent to build new non-revitalizing police practices, as a strategy not only of respect for fundamental rights (which would be a sufficient reason) but also of efficiency in police intervention, insofar as the humanized reception reduces the natural ambivalence of women in context of violence.

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<sup>6</sup> For more info, see the documents on PAs from NG/MPDFT, mentioned before (PA 08190.021245/14-71 and PA 08190.044436/13-57).

### 3 PREPARATION FOR THE ABSENCE OF COLLABORATION OF THE VICTIM

A second consequence of the gender perspective for police action is the predictability that a significant number of victims will likely cease collaborating with the criminal prosecution at some point. This does not mean that the problem has been solved, only that the cycle of violence is at the stage of reconciliation and that, if there is no adequate intervention, it may return to more severe episodes of violence. Therefore, to hold the perpetrator accountable for his acts, despite the absence of collaboration of the victim, it is a central aspect of preventing the repetition of other violent behaviors. There is a public interest in this accountability, which transcends the availability of the victim, since the closure of the case, without any effective intervention in the situation of violence, that would only reinforce the risk of violence reiterating itself in an aggravated manner and reaffirming the unacceptable value of tolerance against violence against women<sup>7</sup>.

Thus, apart from the aforementioned problems of revictimization, even if the police team is sensitized to intervention in cases of domestic violence, it is necessary to think strategies to overcome the predictable situation of absence of victim's collaboration. Studies in the USA indicate that in about 60% of domestic violence cases the victim has been requested to file the case (BUZAWA et al., 2017, p. 135).

There are two distinct legal situations for the absence of collaboration of the victim: crimes of conditioned or unconditional public action. The crime of personal injury is proceeded through an unconditional public criminal action, as decided by the STF.<sup>8</sup> Likewise, innumerable other criminal offenses usually committed in the context of domestic violence, such as all criminal offenses (especially de facto and disturbance of tranquility), as well as harm in the context of violence to the person or serious threat, the jail and the disobedience to the order of protective measure of urgency (with the polemic about the typicality of the latter conduct)<sup>9</sup>.

With regard to the crime of threat, there is still a need for the victim's authorization for a criminal prosecution, and it is permissible that she voluntarily (and not induced) portray herself from the representation, applying the procedure of the ratification hearing set forth in article 16 of MPA.

<sup>7</sup> We are not advancing here in the discussion whether imprisonment is the only form of state response to domestic violence against women, or whether it would be possible to build less violent and more effective forms of accountability.

<sup>8</sup> STF, ADIN 4424, Judge. Marco Aurelio, Pleno, m.v., j. 09 February. 2012, DJe 01 August. 2014.

<sup>9</sup> Recent decisions of the STJ have wrongly denied the typical nature of this conduct, to the argument that there would be other specific sanctions and in the legislation of regency, such as enacting preventive detention or imposing a fine, notwithstanding the need for immediate protection of the woman. See STJ, AgRg in REsp 1528271 / DF, rel. Min. Jorge Mussi, 5th T., j. Oct 13 2015, DJe 21 Oct. 2015.

Similarly, for crimes against honor, the criminal action will be private, which means that, in addition to expressing their will to initiate police action, it will be necessary for the victim to hire a lawyer, or to contact the legal aid service that must be provided by the State, for it to promote criminal prosecution. For example, in the Federal District, in 60% of cases, there is a threat of news, 58% reported crimes against honor, 32% reported news of bodily injury, and 14% reported criminal contravention of fights (DISTRITO FEDERAL, 2017).<sup>10</sup> This means that the most reported domestic violence cases are still within the sphere of victim availability.

The solution to the problem of the victim's lack of cooperation in relation to the crimes she has available (and even of the ones she does not possess, but because of the relevance of their cooperation) goes through more effective victim support strategies throughout the process, in order to decrease their dissatisfaction with the state response and then to increase their cooperation (BUZAWA et al., 2017, p. 220; BRAZIL, 2016, p. 31).

With regard to cases of unconditional action, it is necessary to prepare the criminal prosecution to proceed successfully despite the possible absence of the victim's collaboration. This is not to say that criminal prosecution is not possible with just the victim's word. On the contrary, homeland jurisprudence has rightly been inclined to value the victim's word, especially when there are no other witnesses (and usually there will not be in the domestic context)<sup>11</sup>. But the risk of subsequent non-cooperation exists and it is the duty of public institutions to be prepared for this scenario.

To do so, it is essential that the police have criminal investigation protocols based on the premise that it is possible not to have the victim's collaboration and produce sufficient evidence to support an accusation in that situation (EIGENBERG et al., 2012). This investigation should go ahead in collecting statements from third parties, such as interviewing neighbors about the facts (see example of *voisinage* survey in French police in Ávila, 2014), interview with relatives or children of the family nucleus, as well as documentation of other evidence of violence. It may also cover the use of cameras at the time of the police response (so-called body-worn cameras – BWC), so that the statements made by the victim and the perpetrator are immediately documented, with possible use in court (see example of this strategy in the English police in SUXBERGER, 2014).

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<sup>10</sup> It is possible that on the same legal process more than one crime is reported.

<sup>11</sup> STJ, AgRg no AREsp 962.903/DF, Judge. Reynaldo Soares da Fonseca, 5ª T., j. 15 set. 2016, DJe 23 set. 2016.

Victoria Domestic Violence Coordination Commission (2016, p. 80), Australia, also recognized the relevance of this investigative methodology and recommended its use. Incorporating into the process the recordings of the calls made by the woman to the emergency service (190), for the police intervention call, is another good strategy.

Regarding the use of the BWC, White (2014) states that they have the benefit of: raising the transparency and legitimacy of police action, avoiding any unlawful conduct by police officers, preventing illicit behavior by citizens being approached, as they will know that they are being filmed, and therefore there will be a documentary evidence against the person in case of contempt or aggression against the police, facilitating the investigation of possible complaints related to the police action, as well as facilitating the proving of the illicit that demanded and police intervention, as well as they are a useful tool in collaboration with training in police activity. Eventually, the victim's testimony could be collected directly at the crime scene, preventing her from having to explain the situation to the police officer and then repeating her statements at the police station. On the other hand, the use of the BWC must be accompanied by the concern to regulate the proper authorization of the victim to carry out its recording, the ostensive information to the one already covered in the scene of the crime of which is being recorded and of which is entitled to the silence, special precautions related to the violation of the citizen's privacy (e.g. an intimate magazine), adequate training actions and adequate maintenance of new work equipment (including data storage capacity). The right of defense to cross-examine the victim in court must be preserved. Special attention should be given to the impossibility of disseminating such material, given the strongly intimate nature of its content, and the risks to the victim related to the virtual impossibility of removing from circulation an intrusive content that eventually becomes available on the Internet. Despite all the considerations, the use of BWC for cases of domestic violence against women is a worldwide trend, with experiences in the USA, Canada, UK and Australia (SUXBERGER, 2014; WHITE, 2014; VICTORIA, 2016, p. 80; BUZAWA et al., 2017, p. 221).

Even when there is no filming of the crime scene assistance, intervention to the occurrence call should already involve a high level of investigative activity, such as interviews with neighbours or witnesses, documentation of the victim's emotional state, aggressor and eventual children in the scene of the crime, the oral recollection of the victim's first statements about the dynamics of the facts at the crime scene, the careful analysis of the signs of a domestic violence context at the scene of the crime, such as broken objects, disorder, if possible already taking photographs at the moment (see the list of measures to be taken in the intervention of flagrante delicto of

domestic violence in: BRAZIL, 2016, p. 51). It is essential that there is police sensitivity to collect such details still at the scene of the crime, and usually this intervention will be done by the military police. Experts will not always be able to attend all ordinary incidents of domestic violence. The investigation of domestic violence cases is usually not complex, since at the moment of initiating the police intervention the victim already provides the general information of the case, simply documenting the versions of those involved, the possible witnesses, and the remaining material of this crime.

The effectiveness of these research strategies involves a necessary reconstruction of the traditional division of tasks between civilian and military police. This is because the one who usually responds *in loco* the calls for police occurrences of all crimes, including domestic violence, is the military police. In the traditional division of functions, the military police are not formally responsible for the criminal investigation, which will be conducted by the civil police. However, if the military police do not see themselves as co-responsible for the success of the criminal investigation, a significant amount of investigative information, consisting on the documentation of the moment of attending the police occurrence, it will be lost. This segmentation of criminal investigation is linked to the split of the investigative cycle in Brazil, which generates an institutionalized dysfunction in the investigative process and would require a “revolution in the institutional architecture of public security” (SOARES and BALESTRERI, 2012). The division of responsibilities between military and civilian police ends up removing a significant part of the potential effectiveness of the immediate investigative intervention at the crime scene.

In other countries, immediate documentation of police service is provided by the police officers who attend to the incident, and only in situations of necessary in-depth investigation is the case referred to “detective” police who will continue the investigation (see VICTORIA, 2016, p. 70). In Brazil, the information of the military police officers who possess the richness of the details of the attendance to the police occurrence is usually disregarded, and unnecessary rework is imposed on the civil police, who ends up acting merely as a documentation clerk rather than proactive in the investigation of crimes that would require further investigation.

Therefore, the necessary effectiveness in the investigation of domestic violence crimes against women requires an active participation of the military police in the production of investigative information at the moment of intervention in the call of police occurrence, since they are acts of order maintenance with direct reflexes in the criminal investigation activity (Ávila, 2016b, p. 207). It is a mistake to say that the military police have no investigative attribution in the Brazilian system, since it is substantially responsible for the preliminary investigation into the possibility of civilian police



intervention. While there is no structural reform in public security, we must consider the implementation of a “principle of cooperation of public security institutions” (Ávila, 2016a: 353), which already allows a greater role of the military police in the cooperation for obtaining information at the time of attending to the police incident.

Another relevant but systematically neglected strategy within the civilian police force is to photograph personal injuries to document the marks of crime. As Eigenberb et al. (2012, p. 134): “this is the type of test that least consumes time and expenses to collect”. In many cases women are not taken by the police to IML, as determined by article 11, item II, of MPA, losing the proof of the materiality of the lesions. In other situations, the victim’s loss of collaboration occurs in the course of police service, and often she stops crossing the street to go from the police station to the IML.

It is worth emphasizing that such criminal investigation strategies will have the beneficial effect of alleviating the pressure on the victim to have to cooperate with the criminal justice system at a future time when it has already achieved its protection objectives and therefore the punitive prospect does not make a lot of sense, despite its relevance to the affirmation of social intolerance to domestic violence (BUZAWA et al., 2017, p. 220).

Finally, in cases of high risk to the victim and a history of emotional dependence on the aggressor or exposure to the risk of embarrassment for retraction, it is convenient to perform the anticipated production of evidence. In order to do so, it is essential that the current rules for the anticipation of proof (CPP, article 156, item I and article 225) are interpreted in the light of the hermeneutic guidelines of Maria da Penha Act, which expressly provides in its article 4 that “In the interpretation of this Law, the social purposes for which it is intended will be considered, and especially the peculiar conditions of women in situations of domestic and family violence.” The peculiar condition of the woman consists precisely in this fragility to the continuity of the potentially lethal violent relationship or to the risk of pressure for the absence of collaboration, which requires documentation of her statements at the current moment of the cycle of violence, while there is still a prospect of cooperation institutions of criminal prosecution. This requires agility in his or her trial in court incompatible with the ordinary slowness in completing the criminal investigation and in the preliminary stages of the judicial process. This is an urgent and relevant test, which cannot exist in full if you wait for the ordinary procedure of a few months (in the best of situations of a police station and judicial branch not overloaded).

Several countries expressly foresee this type of probative production in the context of domestic violence, such as Portugal (Law 112/2009, article 33)<sup>12</sup> and Italy (Italian CPP, article 392, 1-bis, with the drafting of Law no. 212/2015), as well as international guidelines for its realization (BRAZIL, 2016, p. 19 and 65). Specifically, in Brazilian law, Law no. 13,431/2017, art. 11, paragraph 1, (from April 4, 2018 on) establishes the obligation to produce evidence in cases of sexual crimes against children and adolescents, or for the hearing of children under 7 years old, as well as the head of this norm indicates that it is advisable (“whenever possible”) such a probative methodology in other contexts of crimes against children and adolescents. The article 21, item VI, of the mentioned law, correctly aligned with the accusatory system, indicates that the procedure of this hearing is proceeded through a precautionary action filed by the Public Prosecutor’s Office (CPC, article 382 plus CPP, article 3), and the article 22 indicates the relevance of collecting other evidence through criminal investigation, in addition to the victim’s testimony.

It is appropriate that the Brazilian legislation expressly incorporates such rules of anticipated production of evidence in the context of domestic violence against women. However, a systematic interpretation of the novel legislation and current rules of the CPP, together with the guideline of article 4 of Maria da Penha Act, allows the conclusion of the admissibility of the anticipated production of evidence in case of risk of embarrassment to the woman in situation of domestic violence or even of the risk of re-establishing the relationship, in order to lose the victim’s collaboration during the criminal prosecution. This directive applies especially to elderly women, foreign women, women on the verge of moving to escape from violence, or even in situations of economic hyper-sufficiency that increases the risk of not being located in court. This methodology of protection for women through early appeals requires a high degree of coordination between the Police, Public Prosecutors and Judiciary, since it will require communication by the Police, prosecution by the MP, and the sensitivity of the Judiciary to receive the precautionary measure. Therefore, this articulation must materialize in inter institutional protocols. The operability of the proposal also requires

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<sup>12</sup> This is the law that governs the “legal regime applicable to the prevention of domestic violence, to the protection and assistance of its victims”. Check: “Art. 33. Statements for future memory. 1. The judge may, at the request of the victim or of the Public Prosecution Service, conduct the inquiry in the course of the investigation, so that the testimony may, if necessary, be taken into account at the trial. [...] 7 - The taking of statements under the terms of the preceding paragraphs does not prejudice the provision of testimony at a due process hearing, whenever this is possible and does not call into question the physical or mental health of the person who must render it”.

the delimitation of the most serious cases of risk of loss of the victim's collaboration, leading to the early production of evidence. Assigning priority to high-risk cases can be a substitute for this strategy.

Currently, some tools are proposed to contribute as guides to the improvement of criminal investigation, such as the National Criminal Investigation Guidelines with a gender perspective, a document produced by SPM, COPEVID/GNDH and SENASP/MJ, in partnership with the European Union (BRAZIL, 2016), as well as the National Feminist Guidelines, a document produced in partnership with UN Women (UN WOMEN, 2016)<sup>13</sup>.

The practical consequence of not incorporating investigative strategies to prove the context of violence is the increased risk of acquittal due to lack of evidence if the victim does not cooperate with the production of evidence in court. It must be aware, however, that it is impossible to ensure full effectiveness in all cases, and a percentage of acquittals is inevitable (certainly, much less than is currently seen). The penal intervention of punitive bias has a limit of action (PASINATO, 2015). Beyond punishment, it is necessary to think of integrated protection strategies.

#### **4 INTEGRATION BETWEEN INVESTIGATION AND PREVENTION OF VIOLENCE REITERATION**

Finally, incorporating a gender perspective requires the conclusion that the police cannot be limited to merely investigating past events, to ensure the proper punishment of the perpetrators. The police action must incorporate an articulated set of political-criminal strategies to protect women, in order to understand their fundamental right to public safety<sup>14</sup>.

Properly addressing the current episode of domestic violence is also to prevent a possible future episode. Criminal investigation is projected into the past, while victim protection strategies project future effects and require a new logic of police intervention. This work of protection against future acts is not only of the military police, responsible for preventive policing, but also of the civil police, since it is not possible to dissociate the investigative intervention from the protective intervention.

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<sup>13</sup> It is also interesting to read the Portuguese Manual of Domestic Violence from MAI (PORTUGAL, 2014).

<sup>14</sup> About the fundamental right to public safety in police action, see ÁVILA, 2016a: 447.

A reflection of this vision of protection by the police is outlined in art. 11 of Law no. 11.340/2006, which describes several protective duties that must be carried out by the “police authority”, starting from the generic prediction in item I (“guaranteeing police protection”), and other examples of protective actions, such as transporting shelter III), to accompany the woman in the removal of her belongings at the couple’s home (item IV), and to be active in providing information to the victim about her rights and the service network (item V). Despite the possible disputes within the police field by whoever possesses the title of “police authority”, if only the Police Delegates (according to an extensive interpretation of article 2, § 2, of Law 12,830/2013 would induce) or any police officers that they come to exercise an authority, it is also undoubtedly responsibility of the civil police to protect the victim.

This protection transcends the mere information on available services, according to a superficial reading of article 11, paragraph V, of MPA could induce, but it covers a real articulation among police with the network of protection of rights, with an active stance in the sharing of information for protection. In the expression of Pasinato (2015, p. 538):

There is no need, in this regard, to press on that these women are not only victims, but people whose needs and difficulties go beyond violence, overflowing into other fields where lack of rights is often the rule and not the exception.

In order to advance preventive action in the context of domestic violence, it is essential that the police open up to work in partnerships with other institutions to strengthen inter institutional dialogue, making it easier for other institutions to understand the limitations of police action, the improvement of the police as well as the police understanding how other institutions in the service network work so it can integrate better into that network. In this sense, the CPMI of domestic violence indicated the relevance of the integration of specialized police stations with the local network to deal with domestic violence. To confer (BRAZIL, 2013, p. 50):

The articulation with the service network does not always happen. This is due to the geographical dispersion of services and the lack of articulation between them, as well as to the lack of an institutionalized network, with regular services meetings and exchanges of experiences among professionals.

The perspective of preventive action projects the police to a proactive, not merely reactive, action. This makes it possible to place the police as effective subject in the implementation of public security policies in the broadest sense. It also promotes the reorganization of public security policy in a transversal and interdisciplinary sphere, since it shares the strategies of

protection with other institutions, such as health, education, social assistance, employment and income, justice and others. This vision of integrated prevention involves considering violence against women not only as a criminal problem, but as a problem of public policies, of which the interventions of police and justice sub-systems are only one perspective (PASINATO, 2010; CAMPOS, 2017).

The police action in the context of domestic violence must necessarily be focused on the needs of the victim (victim-centric policing). According to Victoria Police, Australia, this police perspective should establish as priorities (VICTORIA, 2015, p. 8):

- a) Raise the organizational focus on the victims and people who need help;
- b) Provide timely and adequate information to victims;
- c) Streamline the communication process to the support institutions (referral) of the victims and other people who need support;
- d) Increase opportunities for empowerment of victims.

One of the indicators of effectiveness referred to the police activity, within Victoria, has been the increase of police communications (referrals) to the member organizations of the network, both of women victims and of children exposed to violence, in order to ensure prevention of the repetition of violence due to early interventions in the cycle of violence (VICTORIA, 2016, p. 50).

An example of multi-agency work, still in Victoria, are the PACER and Alexis programs, in which a mental health professional performs shifts at police units related to domestic violence and holds periodic coordination meetings to assist in the integrated mental health (of the victim or aggressor) and coping with domestic violence. In the Alexis program, weekly visits are also made to the victim to monitor respect for the protective measure, and to ensure that the victim does not encourage contact with the perpetrator violating the court order (VICTORIA, 2016, p. 61-63).

The interaction between police activity and the provision of information to the woman about the procedural process has been indicated as promising to reduce her affliction to the proceedings and to give her more confidence to continue collaborating with the criminal prosecution. Experiences in Brazil indicate that the integration of police officers in the referral of women to receive specialized support is promising (see the Open Doors program, in Sobradinho/DF, in SILVA and RIBEIRO, 2017, p. 204). Studies indicate that the presence of an advocacy program for the victim is one of the most efficient strategies to raise their trust in the system and thus maintain their collaboration throughout the processes (BUZAWA et al., 2017, p. 220; PATTERSON, 2011).

These programs should go beyond the current activity carried out by the Public Defender's Office, be available only for consultations on the initiative of the woman, or psychosocial care, to materialize in a process of follow-up of the victim throughout the process, in an active posture of supporting her before, during and after the legal proceedings.

One of the central strategies for this articulation, in order to foster the sharing of information between the police institution and the network of partners, are the risk assessments. International studies have pointed out that there is a set of predictive factors of the most likely occurrence of new episodes which are more serious, potentially lethal, domestic violence requiring an articulated set of network intervention strategies (CAMPBELL et al., 2003; MEDEIROS, 1998; Ávila et al., 2017, p. 395). Risk assessment and management of risk factors (safety plans) are central strategies of criminal prevention policies in the context of domestic violence. They allow the various members of the service network to speak the same language about the risks of the concrete case, and it arouses in the police the sense that the integration in the network also corresponds to a protective police activity (MCCULLOC, 2016, p. 35).

For the effectiveness of this risk management intervention, it is essential that the civilian police proceed to carry out the risk assessment at the time of the initial assistance to the victim and that the relevant data is effectively shared with the service network in cases of high risk, through protocols. It is also essential that there is a dynamic update of risk information as the investigations progress.

Even if it is recognized that the police do not have the expertise to carry out risk assessments in complex situations or to carry out therapeutic interventions directly, there must be a greater capacity of the police to carry out risk assessments in ordinary situations and to carry out the first referrals of protection, since police are usually one of the earliest institutions to have contact with the victims (McCULLOCH, 2016, p. 44). And, as one of the consequences of the gender perspective, one should not miss opportunities of contact with the victim.

Some Brazilian experiences are already underway to introduce risk assessment routines when in police service (ÁVILA, in press). In implementing this project, despite all the sensitivity of the police leadership, it was noticed the resistance of several high-ranking police officers to recognize themselves as co-responsible for completing the risk assessment form, as if the collection of such information about the history and the context of

domestic violence was not attributed to the civil police, but to other institutions. The participation of these policemen in the network meetings was decisive to overcome the initial resistance.

It is essential that the Civil Police is also seen as responsible for protecting women from future acts of violence. Protective intervention is as important as criminal investigation, and it is not legitimate that the necessary investigative activity drains all institutional resources to the detriment of activities integrating police intervention in protecting women. As Campos (2017) argues, it is necessary a “new paradigmatic turn” in the application of Maria da Penha Act, which favors prevention and care policies.

Within the risk management policies, one of the essential ways is to construct routines for the construction of victim safety plans, individualized to the risk factors, protection factors and specific diversity factors of the victim, as well as their periodic monitoring (AMCV, 2013).

As Pasinato (2015) argues, granting urgent protective measures without articulating a surveillance mechanism means only giving a piece of paper to the victim. In this sense, say Diniz and Gumieri (2016, p. 225), referring to processes in the Federal District between the years 2006 to 2012:

The research showed signs of a lack of a monitoring system for protection measures, which guides victims on how to report cases of noncompliance, standardize the judicial responses to these violations and ensure a quick follow-up of the deferred and effective measures, even in different judicial processes. In order to respond to these problems, a dialogue effort is needed between the police authorities, the Public Ministry and the Judiciary to establish a common protocol to be implemented. The guidelines of this protocol for victims could be conveyed in information materials, such as the aforementioned booklets on protective measures.

A number of states have created specific programs within the military police to monitor compliance with emergency protective measures, with periodic visits to victims and perpetrators, such as the Citizen’s Round or Maria da Penha patrols (Gerhard, 2014). Within the Federal District, such a program is called the Domestic Violence Prevention Program – PROVID. As the human resources of these teams are limited, ordinarily only the highest risk cases are selected to be included in the monitoring (ÁVILA, in press). Other monitoring strategies include rescue devices (in some places called a “panic button”<sup>15</sup>), possibly associated with the aggressor’s GPS monitoring (with anklets or bracelets).

<sup>15</sup> It should be noted that this nomenclature “panic button” ends up carrying strong rancidity of revictimization, because it induces the representation that it would be necessary to panic to trigger police rescue, that the victim must always carry the device with her because the state of panic is imminent. Other less revitalizing nomenclatures could be used (such as a distress button, help, emergency or protection).

Monitoring high-risk cases is a real criminal prevention activity, with a view to monitoring a sensitive area for the detection of crime. Thus, the subsequent research activity becomes a progression of the previous activity of surveillance of habitual behaviors.<sup>16</sup> The visits to monitor emergency protective measures are aimed at deterring the practice of new violence against women, as well as detecting their practice and collecting the necessary information to enable them to be held accountable. There is a unitary and indivisible character in this function. In the words of Valente (2009: 43): “The legal-administrative and legal-criminal activity of a postmodern police force must be based first on the prevention of danger – which precedes the prevention of harm.”

The risk that an unbridled expansion of prevention activity may generate a new technology of social control, a new panopticism (see Hassemer, 1999: 261; Albrecht, 1989: 47), and it is likely to fall on the most important social vulnerable groups, in the Brazilian context, the blacks and the poor. However, the legitimacy of police intervention to monitor emergency protective measures stems from an earlier demand for protection by the victim, from the objective risk experienced by the victim, and from the high value of the fundamental right to protection of the victim, resulting from the numerous investigations that document the actual risk to their lives in the context of domestic violence (see CAMPBELL et al., 2003). Possible interferences in the area of investigated rights, such as electronic monitoring, should be supported by prior judicial decision, with due use of the principle of proportionality to justify the exceptional restriction of fundamental rights concerned to the serious risk to the victim.

Finally, the participation of reference police, specialized in coping with domestic violence, in local committees to confront domestic violence and to articulate network should be institutionalized as a functional activity. It is necessary to create mechanisms to measure this participation, giving statistical visibility to networking in the police sphere. One of the relevant aspects of this integration is to ensure that there is not excessive turnover in the police stations in these specialized units, so as not to lose trust relations with the victims and members of the network that are built in this function (VICTORIA, 2016, p. 78).

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<sup>16</sup> About possibility of criminal investigation activity to become a progression of administrative police activity, see Ávila, 2016a: 49.



One of the new frontiers to advance the prevention activity is the network committees for the management of high risk cases (ÁVILA, in press). Such committees should not only discuss interagency cooperation protocols in general, but they should also have a routine of discussion of high-risk concrete cases, in order to proceed with an inter institutional risk management co-operation routine in a crisis context.

## 5 CONCLUSION

The present original article supports the idea that the incorporation of the gender perspective in the scope of police action requires a reformulation of traditional intervention, so as to cover the reception of victims as a strategy for the efficiency of police investigation and protection activities, the need to reformulate the investigation crime to incorporate other evidence besides the victim's word, and the integration of police in networking as a mechanism to promote victim protection.

Usually, the overcoming of these challenges involves investment in protocols for action, training, supervision, evaluation of the guidelines implementation, and reformulation of those guidelines (Ávila, 2016a: 397-408), specifically focused on the peculiarities of this crime from a gender perspective. Above all, it involves a reform in the police organizational culture related to the values of gender equity and valorization of women within the police institutions themselves (VICTORIA, 2016, p. 31), and by reformulating the strategic vision of police organizations to be seen as responsible for protecting victims.

A part of the structural problems of criminal investigation cannot be fully solved within the framework of the subsystem of domestic violence against women, given the structural limitations, especially the lack of accountability by the military police for criminal investigation at the time of occurrence and bureaucratic and hermetic investigation of the police investigation. However, the subsystem of Maria da Penha Act has allowed some "glimpses of rationality" in the interaction between the police and justice systems, with embryonic experiences of network integration and problem-oriented intervention. This perspective of networking allows us to even problematize the current centrality of the police station as the gateway to the protection system, in favor of a new multi-door system that is not only focused on criminalization, but especially on protection.

In addition to the changes in the police institutions, it is necessary to add the other interlocutors to the discussion of public security policies to protect women. Among the

participants in this democratic control of the police action are the Public Prosecutor's Office, as an organ of external control of the police and to promote protection to the victims' fundamental rights (Ávila, 2016a), women's and feminist movements, as well as the academic nuclei of gender and public safety research. Adequate gender mainstreaming in public security policies can give Brazilian women hope for better days.

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