FUNCTIONINGS OF POLICE IN APPLYING OF THE PROCEDURE THE "BLUE CARD"

Abstract: Home intervention which is associated with the violence in the family based on the procedure "Blue Cards" is undergone. Normalizing appearing theories, the definition and collecting is intention of this publication and systematizing the knowledge about the counteraction ago for phenomenon. For the effective prevention of violence in the family, of especially appropriate defining of tasks of organs you, in it of law enforcement agencies and the judiciary, is justified understanding character of the phenomenon and the knowledge about the cycle of the violence in the family and the psychological situation of persons for her experiencing, particularly that in the family is connected with the violence number of myths and stereotypes, certainly making it difficult for the violence the fight against the phenomenon in the family. The publication is describing regulations and action taken by Police in the issues associated with the violence as well as is presenting the "Blue Card" as procedures, safety in the family.

Key words: "Blue Card", crime, home violence, Police, Gminy/Miejski social welfare centre, victim.

Introduction

In the Polish legislation the definition of the home violence is included in the act on the counteraction of the violence in the family. Article 2 pt 2 is entering acts into definition of the concept "of violence in the family". It is the first definition of this date in provisions of the generally applicable Polish law. According to this definition "the violence in the family" constitutes deliberate action one-time or repeating itself or the omission, violating laws or personal rights of persons in particular losses of life exposing these persons to danger, health, disturbing their dignity, personal inviolability, freedom (in it sexual), causing damage of their physical health or psychological, as well as provoking suffering and moral injustice at persons touched with the violence" [1].

A helpline is one of the first assistance measures. It comes into existence at major urban centers, however they are missing in small towns. Reporting for the interested person about it is setting the helpline, where and what kind the help can receive. Next consulting points for persons made conditional and victims are providing the temporary help to persons with the home violence dependent, for their families and victims of the home violence in the form of information and institutions being able to grant the professional assistance are indicating.

Also hostels are providing the first aid for victims with the violence and the emergency service of different kind family. In countries about the elaborated aid scheme hostels are being used above all in the period of the weekend. Also therapy programs are being hosted. There psychologists, family advisers and lawyers are the employed.

In administering the hurt child first aid in the main measuring cup a school is acting. Such a possibility is coming into existence exceptionally then, when a teacher or a school nurse are employed. However the school to a larger extent is giving the knowledge about specializing ways of seeking the help and the activity of the institutions than in carrying of this type of help.
Aid schemes also of different kind are playing the greater role critical which the family, friends and acquaintances belong to. If these persons are granting the support and the help to the wronged personas a result of the home violence, are performing the therapeutic function all at the same time. Such a help is exceptionally important, since is based on an environment which the victim of the violence knows, what is giving a sense of security for her.

Taking home intervention which is associated with the violence in the family based on the procedure "Blue Cards" are being undergone which is an object of this publication. The counteraction ago for phenomenon it should, so to take the strategic place amongst tasks of organs of you. For the effective prevention of violence in the family, of especially appropriate defining of tasks of organs you, in it of law enforcement agencies and the judiciary, is justified understanding character of the phenomenon and the knowledge about the cycle of the violence in the family and the psychological situation of persons for her experiencing, particularly that in the family is connected with the violence number of myths and stereotypes, certainly making it difficult for the violence the fight against the phenomenon in the family.

1. Tasks of Police and the role of the community beat officer in the system of applying the "Blue Card"

One of institutions which is obliged to take action for the counteraction of the violence in the family these are Police, besides the welfare, commune committees of solving drink problems, the education or the health care.

Analysing the role of law enforcement agencies in the counteraction of the violence in the family, it should be emphasized, that for statutory tasks of police it lies among others:

- the protection of the life and the health of people and possessions against unlawful infringing assaults these goods;
- the initiating and organising action being aimed at preventing committing offences and of petty offences and for crime-related phenomena and cooperating in this respect with state agencies, self-government and with social organizations;
- the detection of crimes and petty offences and prosecuting their perpetrators (Art. of 1 act from the day 6 April 1990 about Police).

From presented tasks and entitlements it being entitled to police officers, determined in the act, it is possible to describe counteractions concerning more exactly setting of the violence. Still, action protecting the victim of the violence in the family which police are entertaining it: intervention; drafting a thorough description of the event in the form of the official note or with using the press of the "Blue Card"; stopping the violence for the perpetrator in the family which in the obvious way is posing a threat to the life, the health of victims, as well as possessions; starting and conducting preparatory proceedings – go against the perpetrator of the home violence; protecting tracks and evidence of the crime; taking preventive action towards the perpetrator of the violence [2, s. 49].

Persons which are calling police for intervention have the right to receive getting the temporary safety engaged from Police, of receiving information about who arrived and who will conduct intervention, and then of using police documentation as evidence in preparatory proceedings and reporting intervening police officers as witnesses [3, s. 85].

Police have an extraordinary role for playing in the prevention of violence in the family. He often depends on the effectiveness of intervention, whether the help received by other services will be effective. Stopping the violence and granting the safety persons are an aspiration of police intervention for the aggrieved parties, e.g. separating the perpetrator, instructing injured persons about entitlements it being entitled to them and substantiating the event. He is a mistake to expect that one intervention once and for all will eliminate the issue of the violence in the family. Guaranteeing the safety cannot consist only in short-term operations, since they aren't insufficient [4, s. 16].

From analysis of media events on the side Headquarters of Main Police it results that very often persons which will sustain the violence are ringing to the police after a few hours or even a
few days from the creation of an act of violence or when of persons which applies the violence there is already on the spot no event. Then there is no need of urgent directing the patrol at the domicile of the person reporting intervention. Police officers which after in place intervention arriving should identify the course of the event, his causes and consequences, and in the main measuring cup grant the necessary assistance, in it of first aid pre-medical or to call the emergency ambulance service, the fire service or other institutions which can provide assistance if necessary. When the person which applies the violence is aggressive very much and is ignoring orders and cautions of police officers, they have the right to apply coercive measures direct. Police officers conducting intervention have it duty to assess the existing situation and it they under they are taking both decision on the filling of the form "Blue Card" - when also about stopping the person applying the violence.

Upon completion of intervention "Blue Cards" are staying decree on right community beat officers. He ranks among their tasks: covering the file "home Violence" and accumulation in it of documentation withdrawn from every intervention and action after intervention. Collecting documentation is very important in case of starting criminal proceedings towards the perpetrator of the violence; visiting one's family with intention of discerning the situation and reading of what kind the help is essential; regular visits (at least once in the month) checking the safety state of household members and keeping perpetrators. Both victims, and perpetrators, should have feeling an permanent interest in their fates; establishing the cooperation with other services helping victims of the home violence with the local environment; adherence to the principles of interviewing with victims of the violence in the family, that with special returning the attention to children.

Conversation from the children injured of violence, particularly when a suspicion or stating the sexual application are, should run in the atmosphere of the peace, understandings and demands special abilities. About the situation of children in families, where applying the violence was stated should immediately be informed department/sections for juveniles.

The community beat officer is a chief director on behalf of Police of directed action for the counteraction of the violence in the family in frameworks of the procedure "Blue Cards".

At present these are members of the working group or will recognize the interdisciplinary team in the individual plan of the help multiple of visits of the community beat officer, testing the safety state. Community beat officer, coordinator of the procedure of the Blue Card are equal with team member or groups and are co-deciding both about forms of assistance and about ways and dates of her realization. In case of the suspicion of applying the violence in the family towards the child at works of the working party a police officer from organisational unit of juveniles and pathology should participate also.

One should stress, that the file should contain only documents created by Police or received from other operators, but concerning exclusively functionings of Police in frameworks of the procedure "Blue Cards". It is fitting to remember, that in the framework of the supervision access to documentation included in the file "Violence in the family" superiors of the community beat officer which aren't team members have interdisciplinary or of working party.

2. Procedure of the "Blue Card"

Article nr 9d in the family governs of the act on the counteraction of the violence procedure "Blue Cards", which intervention is being taken in the environment towards the family touched with the violence according to. He is describing also entities competent for the realization of the procedure "Blue Cards" which includes principles of her realization the whole of undertaken activities of both organizational units carried out on the principle of cooperation by representatives of welfare, commune committees of solving drink problems, police, education and the health care[1].

Course of proceedings "Blue Cards" the whole is regarding the activity of violations taken and performed in relation to the proven suspicion of coming into existence in the family. Taking intervention towards the family touched with the violence which is being undergone according to the procedure "Blue Cards", according to Art. 9 d sec. 1, doesn't require the approval of the person
which is touched with the violence in the family. In that case starting and the realization of the procedure don't require expressing by the person touched with the violence in the family the agreement.

"Blue Cards" are being filed from four parts: form starting the procedure "Blue Card - A" (attachment 1), instructing for persons touched with the violence in the family, "Blue Card - B" (attachment 2) and forms filled in on sittings of team members Interdisciplinary or of working party, "Blue Card - C" (attachment 3) and "Blue Card - D" (attachment 4).

With fundamental intention of the introduction of a procedure "Blue Cards" there is interaction to the family in order to contribute to long-term disappearing in it of home violence based on dense recognizing the violence and the professional aid offered by representatives of all sorts services in the local environment. Based on experiencing persons which are helping victims of the violence with the family a system, multifunctional model of collaboration was drawn up with the family. A need of both the education and streamlining the aid for persons of the aggrieved parties and implementing solutions of improving the functioning of services which are encountering victims was noticed of home violence [5, s. 20].

For the purposes of the procedure "Blue Cards are being ranked:
- facilitating recognizing the home violence,
- safety guarantee for victims of the violence in the family,
- interrupt of the isolation of the family,
- help for victims of the violence in the family,
- inspiring to take protective actions,
- categorical action towards the perpetrator of the violence,
- recording of the - event using synchronized documentation of intervention, which concerning the violence in the family,
- defining the scale and characteristics of the violence, of creating conditions for the cooperation of services and conducting interdisciplinary trainings.

Implementing the procedure "Blue Cards" is taking place through the filling of the form "Blue Card - A" if given person of official or professional activities in progress conducted he connected, that a violence was applied towards family members or as a result of effected reporting by family members or by the person which is witnessing the violence in the family. After the filling of the form "Blue Card – A" a form is being handed over to the person, as for which the suspicion that she is touched with the violence exists in the family, "Blue Card - B" (§ 6 sec. of 1 regulation). Completed application form "Blue Card - A" belongs, but not later than within 7 days of the day of implementing the procedure, to send to the captain of the interdisciplinary team. With person obliged to hand over form, according to § 3 sec. 1 of guidelines, there are a head of the organisational unit of Police or a person authorised by him. Copy of the completed application form "Blue Card - A" the head of the organisational unit of Police or the person authorised by him are handing over the person, as for which the suspicion that she is touched with the violence exists in the family to the community beat officer having jurisdiction over the place of residence.

The form is describing "B" the most important crimes associated with the home violence and the contact details of the institution and non-governmental organizations to which the victim can turn for the help if a child is a person, as for which the suspicion that she is touched with the violence exists in the family, form "Blue Card – B" they are handing over to the parent, for legal guardian or actual or for person which proposed the suspicion of applying the violence in the family.

Form team members are filling "C" up or of working party of the person on the sitting, in the presence invited, as for which the suspicion that she is touched with the violence exists in the family. They aren't being invited to the sitting of the interdisciplinary team or the working party children. The person which is touched with the violence in the family doesn't have a duty of keeping an appointment and by it no penalty is threatening her. However such a situation isn't suspending works of the team.
Form team members are filling "D" up or of working party in the presence of the person, towards which the suspicion that he applies the violence in the family exists. This person is staying for the sitting of the team or the working party called. If the potential perpetrator isn't rebelling against the violence for calling the team or the working party on, such a situation isn't stopping further actions of specialists.

Procedure "Blue Cards" and the "Blue Card" is defining templates for forms regulation of the council of ministers from 13 September 2011 on the procedure "Blue Cards" and of templates for forms "Blue Card", d given based on Art. 9 sec. 5 acts from 29 July 2011 about the counteraction of the violence in the family.

On 1 August 2010 an amendment to a bill came into effect about the counteraction of the violence in the family which appointed so-called interdisciplinary teams, of which coordinating the system of the counteraction of the home violence is an aim.

A commune administrator, a mayor or a mayor are forming an interdisciplinary team, appointing representatives to him: organizational units of the welfare, commune committee for solving drink problems, Police, education, health care and non-governmental organizations. Probation officers, public prosecutors and representatives of acting institutions for the counteraction of the violence can are a member of an interdisciplinary team [6, s. 93].

The social welfare centre provides the organizational service and technical of team. Sittings of the interdisciplinary team depending on needs, however are more rarely than once in three months cancelled. Among others identifying the problem of the violence in the family is included in tasks of the team, and later taking action in the environment threatened with the violence to preventive purposes or taking intervention in the environment which is touched with pathology. Drawing up and executing the individual plans of the help and beginning is justified of action applying the violence, but next supervising the situation in the attitude to persons in these families. Also documenting taken action, as well as their results is included in tasks of the team.

In order to solve issues which are associated with the riot of the violence in the family in individual cases the interdisciplinary team can create the working party. The mode of appointing working parties was specific in Art. 9 but sec. 10 acts from 29 July 2005 about the counteraction of the violence in the family [1].

Representatives are a member of working parties: of organizational units of welfare, commune committee of solving drink problems, Police, education, health care and probation officers and representatives of other operators, specialists in the field of the counteraction of the violence in the family.

Team members interdisciplinary and data concerning persons touched with the violence in the family and persons applying the violence in the family can process working parties: of the medical condition, addictions, convictions, decisions to punish, as well as other rulings made in judicial proceedings and administrative, but are obliged to a confidentiality of all the information and data.

Works in frames of working parties are being conducted depending on needs reported by the interdisciplinary team or resulting from appearing matters in individual cases.

3. Help for victims of the violence and setting working parties

There are a study and an implementation of a plan of the help for tasks of working parties in individual cases of the withdrawal of violence in the family, monitoring of the situation families in which the violence is happening and the families threatened with the riot of violence, documenting action taken towards families in which the violence is happening and effects of this action[6, s. 94-95].

Members of the teams fly's to preserve the special confidentiality and to file special statements, which they are obliged to the information security and data which they received at the performance of tasks of the violence associated with the counteraction in the family, as well as upon completion of the teamwork in.