

Pursuant to Article 11 Paragraph 4, Article 12 Paragraph 4 and Article 14 Paragraph 3 of the Law on Protection from Domestic Violence (RS OG 118/05) and Article 112 Paragraph 1 of the Law on Administration in the Administrative Bodies of RS (RS OG 16/02, 62/02, 38/03 and 42/04) the Minister of the Interior issues the following

**BOOK OF RULES
ON THE MANNER OF IMPLEMENTATION OF THE PROTECTION MEASURES
WITHIN THE MINISTRY OF THE INTERIOR AUTHORITY**

I GENERAL PROVISIONS

Article 1

(1) The Book of Rules specifies the manner by which the following protection measures shall be implemented: 1) removing the perpetrator of domestic violence from the apartment, house or other dwelling and prevention of the perpetrator's return to apartment, house or other dwelling; 2) the imposition and monitoring of restraining orders to prevent the perpetrator from contacting, harassing and indirectly monitoring the victim.

(2) The protection measures from Paragraph 1 of this Article shall be implemented by the authorized officers in accordance with the Law on Protection from Domestic Violence (RS OG 118/05).

Article 2

(1) The police station with jurisdictional authority over the victim's permanent or temporary residence shall be responsible for filing a motion for the initiation of a protection measure pursuant to Article 18 Paragraph 1 of the Law on Protection from Domestic Violence and for its implementation.

(2) When a police station other than the one specified by Paragraph 1 of this Article files a motion for the initiation of a protection measure, or when a court appoints a police station outside the jurisdiction of the victim's permanent or temporary residence to implement the measure, the motion for the protection measure and the court order shall be immediately delivered to the police station authorized by Paragraph 1. The court which pronounced the protection measure shall be notified about this delivery.

(3) If the victim changes permanent or temporary residence during the implementation of the protection measure, the police station with jurisdiction over the victim's former residence shall act in accordance with Paragraph 2 of this Article. The implementation of the protection measure, in accordance with the provisions of the Book of Rules, shall continue by the police station in the jurisdiction of the victim's new permanent or temporary residence.

Article 3

(1) When acting in accordance with Paragraph 1 of this Article, the police officers shall maintain a professional manner with both the victim and the perpetrator.

II PREPARATION AND PLANNING OF IMPLEMENTATION OF PROTECTION MEASURE

Article 4

(1) Following notification on the pronounced protection measure by the misdemeanor court the Chief of Police Station, or another officer specified by the Chief of Police (hereinafter: the Authorizing Officer), shall appoint a police officer responsible for preparation and planning of the implementation of the protection measures (hereinafter: the Implementing Officer) from Article 1 of the Book of Rules.

(2) If the court order authorizing the implementation of the protection measure does not contain clear information on a timeframe for the implementation, the area, location and distance for restraining order, or is unclear on any other circumstance necessary for the implementation of a protection measure, the Implementing Officer shall in accordance with provisions of the Law on Protection from Domestic Violence and laws on minor offences, file an appeal for correction, alteration or cancellation of the order to elimination of identified shortcomings. An appeal for correction, alteration or cancellation of the decision on pronouncement of a protection measure shall also be filed if the order failed to include additional measures necessary for successful implementation of the pronounced protection measure.

Article 5

(1) Once identified as an Implementing Officer, s/he shall immediately check the safety of the victim and collect information to confirm whether the perpetrator complies with the pronounced protection measure.

(2) The Implementing Officer shall invite the victim to participate in implementing the protection measure. S/he shall train the victim on the self protection techniques and on the appropriate means of communicating with the Implementing Officer to facilitate the timely exchange of information and ensure that actions needed to protect the victim will be promptly taken. The victim shall be instructed to report to the police station prior to vacating his/her permanent residence to ensure that the police station in the jurisdiction of the new location can participate in the implementation of the protection measure in a timely manner.

(3) In accordance with Paragraph 2 of this Article and with the consent and participation of the victim, the Implementing Officer shall develop the following activities:

- 1) a plan of action to be taken by the victim when s/he is threatened by the perpetrator or any agent of the perpetrator;
- 2) the means by which the victim's family and/or other competent persons may aide and protect the victim from threats to his/her security by taking the appropriate actions including but not limited to notifying the perpetrator, the victim and/or the police;
- 3) and any other necessary actions to provide temporary protection for the health and safety of the victim until police officers may arrive. These activities will depend on the pronounced protection measure and other context of the situation.

Article 6

(1) The Implementing Officer shall draft an Victim Risk Estimate and an Implementation Plan based upon the information gathered under Article 5 of the Book of Rules and any other relevant data collected from the police registry, the victim, her/his family, neighbors, friends and acquaintances in her/his private and social life as well as from institutions with information on the personality and behavior of the victim and perpetrator.

(2) The Victim Risk Estimate from Paragraph 1 of this Article shall contain the following:

- a) all relevant data on the perpetrator including any previously filed reports against the perpetrator and his/her compliance with pronounced measures;
- b) all relevant data on the victim and her/his behavior following the pronouncement of the protection measure;
- v) the evaluation of the behavior of the perpetrator and the victim during the application of the protection measure with the victim risk estimate.

(3) The Implementation Plan from Paragraph 1 of this Article shall contain the following:

- a) the title of the court, order's identification number and date, pronounced protection measure and its duration;
- b) personal data and a photograph of the perpetrator;
- v) the measures and actions that shall be implemented during the application of the protection measure;

- g) the geographic scope of any restraining order as defined the distance from the victim court required the perpetrator must maintain (The restricted area shall be a circle centred upon the victim with a radius equal to the distance set by the court. The distance shall be of sufficient size to permit timely notice and necessary action in order to prevent the perpetrator from endangering the health and safety of the victim). If perpetrator violates this distance s/he shall be warned off;
 - d) all relevant data on police officers assigned to implement planed measures and actions with the timeframe of implementation,
 - d) urgent measures and actions that may be expected in the implementation of a protection measures and a manner and bearers of its implementation,
 - e) the manner by which police officers shall be familiarized with the protection measure and its plan for implementation.
- (4) The Social Welfare Centre shall be consulted in the drafting of the Plan for Implementation of the Protection Measure.
- (5) The Implementation Plan from Paragraph 1 of this Article shall be approved and supervised by the Authorizing Officer or a police officer authorized by him/her.
- (6) The Victim Risk Estimate and the Implementation Plan may be used for operational purposes.

III IMPLEMENTATION OF PROTECTION MEASURES

Article 7

- (1) The Authorizing Officer shall file created for monitoring of the protection measures' implementation and shall evaluate the appropriateness and efficacy of the planned and applied measures at least once a month. If necessary, the Authorizing Officer shall propose amendments to the Implementation Plan.
- (2) The Authorizing Officer shall ensure that the police officers who are not directly involved in the implementation of the protection measure are also familiarized with the actions related to the Plan for Implementation of the Protection Measure.

Article 8

- (1) The Implementing Officer shall familiarize any police officers who are directly involved in the Implementation Plan with their responsibilities, their assignments and other information relevant for the implementation of the protection measure.
- (2) The police officers from Paragraph 1 of this Article shall draft a written report about implementation of the protection measure and submit it to the responsible officer.

Article 9

- (1) At least once a week throughout the duration of the protection measure, the Implementing Officer shall verify with the victim whether the perpetrator has respected measure.
- (2) Depending on the circumstances and behavior of the perpetrator towards the pronounced protection measure, the verifications required by Paragraph 1 of this Article shall be conducted either directly, through other police officers or by an alternative means of communication.

Article 10

- (1) If the Implementing Officer is not able to take urgent measures or actions to protect the health and safety of the victim, the Authorizing Officer shall ensure continuation of the implementation of the protection measure.

Article 11

(1) If a police officer apprehends the perpetrator in violation of the protection measure or in a situation which suggests an intent to violate the protection measure, the officer shall immediately take measures to protect the health and safety of the victim. The officer shall report the measures taken to the Implementing Officer or his/her substitute. The police officer will follow the same procedure if notified by the victim, any other person or an anonymous report that the perpetrator's behavior may violate the protection measure.

Article 12

(1) If the perpetrator requires psychosocial assistance during the application of the protection measure, a police officer shall refer him to competent social welfare centre.

a. IMPLEMENTATION OF THE PROTECTION MEASURE OF REMOVING THE PERPETRATOR FROM THE APARTMENT, HOUSE OR OTHER DWELLING AND PREVENTING THE PERPETRATOR'S RETURN TO APARTMENT, HOUSE OR OTHER DWELLING

Article 13

(1) The police officer shall implement the protection measure of removing the perpetrator from the apartment, house or other dwelling and preventing of the perpetrator's return to apartment, house or other dwelling, with presentation of a court order, in the following manner:

- a) the police office shall assist the perpetrator's in taking his/her identification documents and other objects necessary for daily personal use from the dwelling from which the perpetrator is denied access and shall provide the perpetrator with information on the possible alternative accommodations, if necessary;
- b) the police officer shall inform the perpetrator of his obligation to give to the victim, or another person who shall give the key to the victim, the keys of the dwelling from which the perpetrator is denied access;
- v) the police officer shall transport the perpetrator from the apartment, house or other dwelling to a location beyond the boundary of the restraining order impose by the court.

(2) If the perpetrator refuses surrender the key to the dwelling from which s/he is denied access to the victim, or another person who shall give the key to the victim, the key shall be confiscated only if confiscation is ordered by the court.

(3) The police officer from Paragraph 1 of this Article shall escort the perpetrator to a dwelling and allow him/her an adequate time to regain custody of the identification documents and objects necessary for daily personal use. The police officer shall inform the perpetrator that s/he is not allowed to enter the dwelling from which s/he was removed throughout the duration of the protection measure without the prior approval of the competent court.

(4) If the police officer encounters the perpetrator in the vicinity of the geographic area within the scope of the restraining order, the police officer shall inform the perpetrator of his/her need to respect the protection measure from Paragraph 1 of this Article.

(5) If the perpetrator, after warning, makes an attempt to access the geographic area within the scope of the restraining order, or if the police officer encounters the perpetrator in geographic area within the scope of the restraining order (included the dwelling itself), the police officer shall bring the perpetrator before the competent court and file a motion to initiate a misdemeanor charge. The police officer shall act in an identical manner in the case of an anonymous report or a credible report that establishes a reasonable doubt that the perpetrator acted contrary to the pronounced measure.

(6) In order to protect the health and safety of the victim, the police department shall take appropriate operational measures and actions when evidence establishes a reasonable belief that

the perpetrator may attempt to access the area under restriction, including the perpetrator's former dwelling, in violation of the restraining order.

(7) The measures from Paragraph 6 of this Article shall be applied as long circumstances require.

2. IMPLEMENTATION OF THE PROTECTION MEASURE OF A RESTRAINING ORDER TOWARDS THE VICTIM OF DOMESTIC VIOLENCE

Article 14

(1) The police officer shall guarantee the effectiveness of the restraining order by ensuring that the perpetrator respects the restraining order and not attempt to access forbidden areas or approach the victim in the following manner:

- a) if the perpetrator is found in the area defined by the Plan of Implementation of the Protection Measure s/he shall be ordered to leave and warned of the consequences of his/her violation of the order of the court;
- b) if violation of the court order is reported by the victim or any other witness to the violation, a police officer shall be dispatched to the scene immediately and the perpetrator shall be ordered to leave the restricted area or the area where the victim is situated if this was an unintentional contact;
- v) if a police officer learns of an attempt or plan by the perpetrator to either violate the court order or to endanger the health or safety of the victim, the perpetrator shall be immediately located and warned about the consequences of such a behavior.

(2) If the perpetrator is violating the measure from Paragraph 1 of this Article or if s/he refuses to comply with the order of the police officer to leave the area in accordance with Point b) of Paragraph 1 of this Article the perpetrator shall be apprehended, a motion for initiation of a minor offence procedure filed and the perpetrator brought before a competent court.

(3) If the circumstances suggest that the perpetrator may violate the protection measure despite the warnings from Point v) of Paragraph 1 of this Article, the victim shall be provided with direct police supervision as long as the danger to the victim's health and safety exists.

(4) Depending on the circumstances the direct protection from Paragraph 3 of this Article, shall be implemented by necessary operational measures and actions.

3. IMPLEMENTATION OF THE PROTECTION MEASURE OF PREVENTION OF HARASSMENT OF THE VICTIM OF DOMESTIC VIOLENCE OR MONITORING ON THE VICTIM OF DOMESTIC VIOLENCE

Article 15

(1) The police officer shall implement the protection measure of preventing the harassment and monitoring of the victim in accordance with the court order. If the perpetrator is met in the vicinity of the victim or if any report, including anonymous reports, indicates that the perpetrator has violated the protection measure by being in the vicinity of the victim or if there are clear indications that s/he has violated the protection measure in some other way, the police officer shall immediately establish the motives for the perpetrator's violation of the protection measure. The police officer shall simultaneously collect information and evidence of perpetrators violation of the protection measure.

(2) If the contact between the perpetrator and the victim was unintentional the police officer shall order the perpetrator to immediately leave the area where the victim is situated.

(3) If the circumstances imply that the perpetrator personally, or an agent of the perpetrator, harasses or monitors the victim, a necessary operational or other measure shall be planned and organized to protect the health and safety of the victim.

(4) The perpetrator shall be apprehended and, with the request for initiation of a minor offence procedure, brought before the competent court if s/he fails to comply with the pro-

nounce protection measure from Paragraph 1 of this Article or fails to act in accordance with the order from Paragraph 2 or if the circumstances from Paragraph 3 of this Article exist.

Article 16

(1) If the perpetrator uses a remote communication device to harass the victim or to monitor the victim, the police officer shall instruct the victim to request from the telecommunications operator the data on the telecommunication addresses used to harass or monitor the victim and to submit this information to the responsible officer.

(2) If a reasonable doubt exists that the perpetrator from Paragraph 1 of this Article has violated the protection measure, the actions described in Article 15 Paragraph 4 of the Book of Rules shall be taken.

Article 17

(1) If the perpetrator uses technical devices or other tools to harass or monitor the victim, the police officer shall temporarily confiscate those devices or tools and issue a certificate on temporary confiscation.

(2) Temporary confiscated devices or tools from Paragraph 1 of this Article, shall be submitted to the competent court along with a certificate on temporary confiscation and a motion to initiate a misdemeanor charge shall be filed.

IV RECORD KEEPING AND REPORTING

Article 18

(1) The Public Security Center shall establish, keep and use the following records related to implementation of the protection measures from Article 1 of the Book of Rules:

- a) records on perpetrators upon whom the protection measures were pronounced;
- b) records on victims protected by the implementation of the protection measures;
- v) records on protection measures.

(2) The record keeping templates to be applied and their content from Paragraph 1 of this Article shall be published within the Book of Rules (Form no 1).

(3) The records from Paragraph 1 of this Article shall be kept and processed in accordance with Article 18 of the Law on Gender Equality in Bosnia and Herzegovina (BiH OG 16/03).

Article 19

(1) The Public Security Center shall submit a comprehensive data from Article 18 of the Book of Rules on the request of the Ministry of the Interior.

Article 20

(1) The police station authorized to implement protection measures from Article 1 of the Book of Rules shall keep the records from Article 18, Paragraph 2 of the Book of Rules and shall open and keep a case file which shall store all documents created during the preparation, planning and implementation of the protection measure.

(2) When implementation of the protection measure is completed, the case file from Paragraph 1 of this Article shall be archived and kept in accordance with regulations on office management.

(3) The Public Security Center shall submit to the Social Welfare Centre in the place of permanent residence of the victim the report on implementation of the protection measures.

Article 21

(1) The Implementing Officer shall submit a written report on the progress of implementation of the protection measure to the Authorizing Officer from Article 7 Paragraph 1 of the Book of Rules at least once a month during the application of the protection measure.

Unofficial Translation

V FINAL PROVISIONS

Article 22

The Book of Rules shall enter into force eight days after its publication in the Official Gazette of RS.

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Banja Luka

Minister
Stanislav Čađo

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