

Profile of the author of noncompliance with urgent protective measures in the city of Curitiba (Brazil) between January 2018 and June 2019

Perfil do autor de descumprimento de medida protetiva de urgência no município de Curitiba (Paraná) entre janeiro de 2018 e junho de 2019

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ABSTRACT

Despite advances concerning domestic and family violence against women, especially after the enactment of Law 11340/2006, Maria da Penha Law in Brazil, there is a long way to be traced by the government for mitigation of problems related to this topic. This paper used the literature of scientific review articles in order to create a consistent theoretical framework for understanding and, uses the observation of a Criminal Analysis Report, issued by the Coordination of Analysis and Strategic Planning in Paraná state of Brazil, which was to data source the police report Unified, we obtained information that has worked from the descriptive and inferential statistics, enabling demonstrate some features of the author of the protective measure of breach crime.

Keywords: Domestic violence; Gender violence; Maria da Penha Law; Cycle of violence

RESUMO

Apesar dos avanços concernentes à violência doméstica e familiar contra a mulher, sobretudo após a promulgação da Lei 11340/2006, Lei Maria da Penha, observa-se um longo caminho a ser traçado pelo poder público para amenização dos problemas relativos ao tema. Este trabalho utilizou-se da revisão bibliográfica de artigos científicos, a fim de criar um referencial teórico consistente para o seu entendimento e, com a observação de um Relatório de Análise Criminal, emitido pela Coordenadoria de Análise e Planejamento Estratégico do Paraná, que teve como fonte de dados o Boletim de Ocorrência Unificado (BOU), obtiveram-se informações que foram trabalhadas a partir da estatística descritiva e inferencial, possibilitando comprovar algumas características do autor do crime de descumprimento de medida protetiva.

Palavras-chave: Violência doméstica; Violência de gênero; Lei Maria da Penha; Ciclo de violência

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1 INTRODUCTION

The Declaration of Human Rights in 1948 (UNIC, 2009), presented in his text that such rights are inalienable, universal and does not recognize any distinction with regard to gender condition. Unfortunately and historically it has been noted that violence against women has always been considered a private matter of the couple and that the relations of patriarchy, where the family is formed around the man as moral and economic driver confirms to the worsening of this situation. In view of this, it was necessary to create international treaties and conventions to bring out and give importance to such a complex and silent problem that occurs in the home.

In Brazil since 2006 it was enacted the Law 11,340 (BRAZIL, 2006), as known *Maria da Penha Law*, which was built based on the Convention on the Prevention, Punishment and Eradication of Violence against Women, known as the Convention of Belem (IACHR, 1994), and introduced innovations in the Brazilian legislation and the possibility of granting protective measures for victims of domestic and family violence, as well as the declaration of probation and prohibition of payment of basic food as an alternative form of penalty .

The aim of this study was to present the general aspects of the concept of domestic violence, which then expounded on the Maria da Penha Law and presented offender characteristics of emergency protective measure of noncompliance.

2 THEORETICAL FOUNDATION

The reference to its foundations this paper was based on addressing violence against women; Law 11,340 (BRAZIL, 2006) and the innovations in the granting of urgent protective measures, performing in three parts: Violence against women, Law 11.340/2006 and the Granting of Emergency protective measures.

2.1 Violence against women

Six out of ten women in the world are subjected to physical or sexual violence during their lifetime (UNIFEM, 2009). From the Declaration for the Elimination of Violence against Women, the World Report on Violence and Health, which showed that the problem affects whether women's level of education, social class, religion or ethnicity and the Inter-American Convention to prevent, punish and eradicate violence against women - Convention of Belem - this type of violence has to be treated as a violation of human rights of women (OLIVEIRA and FONSECA, 2007; TUESTA, 1997).

Conceptualize violence against women is not easy. To Tuesta (1997), there are several terms that refer to this type of violence, for example, domestic violence and gender violence.

According to D'Oliveira (2000), "violence against women" may be indicative of physical, psychological and sexual committed by intimate partners, while the term "domestic violence" is used to characterize violence against women, children and elderly living with very intimate, that occurs in the home.

Also in the aspect of conceptualization, for Oliveira and Fonseca (2007), gender violence has a relationship marked by male domination, which occurs against women, simply because of the sex of the victim.

The Law 11,340 (BRAZIL, 2006) which will be discussed later, specifies five forms of domestic and family violence against women in his art. 7, these being:

- I - physical violence, understood as any behavior that offends the integrity or physical health;
- II - psychological violence, understood as any behavior that causes you harm emotional and lower self-esteem or that harms you and disturb the full development or seeking to degrade or control their actions, behaviors, beliefs and decisions through threat, embarrassment, humiliation, manipulation, isolation, constant vigilance, stubborn persecution, insult, blackmail, violation of their privacy, ridicule, exploitation and limitation of the right to come and go or any other medium that is detrimental to the psychological health and self-determination;
- III - sexual violence, understood as any behavior that constrains the witness, to maintain or participate in unwanted sexual intercourse, by intimidation, threat

or duress use of force; that induces the market or to be used, in any case, their sexuality, which prevents from using any contraceptive method or the force of marriage, pregnancy, abortion or prostitution by filtration, blackmail, graft or manipulation; or to limit or defeat the exercise of their sexual and reproductive rights;

IV - patrimonial violence, understood as any behavior that constitutes retention, subtraction, partial or total destruction of your objects, tools, personal documents, goods, values and rights or economic resources, including those intended to meet their needs; and,

V - moral violence, understood as any behavior that constitutes slander, libel or slander.

2.2 Law 11,340/06: Maria da Penha Law

The Declaration of Human Rights of 1948 (UNIC, 2009) says that human rights do not recognize any distinction with regard to gender condition, however, because of social tradition in trivialize and consider the problem of violence against women a private matter of couple, it was necessary to carry out international conventions and treaties throughout history (TUESTA, 1997; BANDEIRA and ALMEIDA, 2015).

The result of this was the enactment established in June 9, 1994, the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women deals with violence against women an infringement of human rights and which gives the State the responsibility to eradicate and obligation to intervene in cases of violence against women (IACHR, 1994). Proof of this responsibility, was the condemnation of Brazil in 2001 by the Inter-American Commission on Human Rights (IACHR) of the Organization of American States, because it does not comply with the treaty in Belem do Para Convention, which guarantees protection to women victims domestic violence and requires that the cases should be treated seriously by the police and judiciary (GOMES, 2015).

This event was possible from complaints made to the IACHR by Maria da Penha Maia Fernandes, a Brazilian citizen, pharmaceutical and victim of numerous attacks and attempted two murders committed by her ex-husband that on May 29,

1983 in Fortaleza (Brazil) held a firearm shooting toward Mary, leaving her paraplegic and, months later, tried to electrocute her while bathing (BANDEIRA and ALMEIDA, 2015; GOMES, 2015).

The Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women was the basis for the creation of Maria da Penha Law, 11,340 (BRAZIL, 2006), so named after the Maria da Penha (SILVA, 2007) bringing in its first article that "the law creates mechanisms to restrain and prevent domestic and family violence against women, as well as allowing the creation of Courts of domestic and family violence against women, without prejudice to the assistance and protection to women in situations of domestic violence"(BRAZIL, 2006). Before the law, cases of violence against women were sent to the Special Criminal Courts (JECrim), whose purpose was to give attention to crimes less serious thus aiming to provide greater speed ball ordinary judiciary. As a result, domestic violence against women was trivialized, because due to the conciliatory character, the sentences for minor offensive potential offenses were so soft, that were usually converted to pay baskets (what with the arising of the law was vetoed). Another problem in relation to violence against women is the issue of the difficulty of the situation, as this kind of violence can reach the psychic woman, verbal and morally (COUTO *et al.*, 2018).

Therefore, the Courts of Domestic and Family Violence against women are in place to act on civil matters and criminal arising from the occurrence of domestic violence, streamlining the litigation period, because in that deal exclusively the issue of domestic violence, have less audiences reducing the suffering of women, due to the decrease in the number of meetings with the aggressor (PARIZOTTO, 2018).

Moreover, these Courts must rely on a multidisciplinary team of psychosocial, legal and health fields, and if the aggression has been committed in a municipality that does not have the Special Court, the offense can only be tried in criminal court, and prohibited processing in Special Criminal Court, as in art. 41 of Law 11.340 (CARNEIRO and FRAGA, 2012; BRAZIL, 2006).

Since the enactment of the Maria da Penha Law (BRAZIL, 2006), combating violence against women is carried out through intersectoral between organs, and the problem was once considered only a police issue, it is now seen as a social problem High complexity and size (COUTO *et al.*, 2018). Importantly, the protection guaranteed by the Maria da Penha Law is intended for victims of domestic and family violence against women in the fields of household, family or any intimate relationship of affection. The scope of the household comprises the space where people with or without family ties coexist, since the family context serves to qualify the violence against women, practiced by people who are or consider themselves relatives, joined by natural ties, affinity or desire expressed.

By the year 2012, the crimes of bodily harm committed in domestic bond and family against women were conditioned public action. This means that the victim needed to represent against the accused to the police authority would establish the police investigation and so the prosecution could continue the process or not. Due to the occurrence of many cases where the withdrawing of representing the victim against the aggressor, it became necessary a new form of action, it is possible to achieve this goal through the right Unconstitutional Action 4424, filed by the Attorney General's Office, which later, the Supreme Court held that cases of domestic violence and family where there is injury are configured as Unconditioned public action, therefore, this is no longer necessary.

The fact that the injury be considered unconditioned public action, is an important step in fighting domestic violence and family against women, given the alarming data evidenced by the search for "Map of Violence in Brazil" (WAISELFSZ, 2015), the which shows that 48.7% of cases women victims of domestic and family violence against women resulted from physical violence, which fits the injury.

Unfortunately, in 2015, according Waiselfisz (2015), 49.2% of the assisted women suffered some form of violence (physical, psychological or sexual) at least 2 times, emphasizing the recurrence of aggression, and of this total, 71% occurred within the residence of the victim.

The recidivism phenomenon can be explained through a concept called "cycle of violence" which argues that violence against women is carried out cyclically, initially there are disagreements, which may progress to separation threats or difficulty participate in their children's lives culminating in physical aggression which would be considered the last phase of the cycle, however, due to promises of change there are chances of marital reconciliation, beginning again to misunderstandings (MELO et al., 2009).

Waiselfisz (2015) established that in the state of Paraná, the women's homicide rate per 100 thousand inhabitants was 5.2 / 100,000, while in the state capital, Curitiba, this figure reached 6.2 / 100,000 inhabitants which represents the total of 222 homicides in the state of Paraná, with 58 of these occurred in the city of Curitiba (Brazil), both in 2013.

2.3 The Concession Emergency PROTECTIVE MEASURES

The Maria da Penha Law has a specific chapter to handle on urgent protective measures that work as one of the mechanisms aimed at preventing domestic and family violence against women and are arranged in Chapter II, Articles 18-24 of Law. Such measures may be granted even before the police investigation or the beginning of the process, based, therefore, in the complaint of the victim and evidence that there is domestic violence along the lines of legislation, where the main objective is to prohibit contact of the offender with victim, either in person or by telephone, via connection or applications (BRAZIL, 2006; Martins and SOUZA, 2019).

The Maria da Penha law enunciates the protective measures for offenders, such as the removal of the home; the suspension of possession or firearms license restriction; the prohibition of contact with the victim, their families and witnesses, including in any media, and to attend certain places; restriction or suspension of visits to children and the obligation to pay pension provisional or temporary alimony food. The assets of the victims can be protected by protective measures for this purpose, ranging from restitution of property improperly taken away by the aggressor to the offense to the provision of provisional security of a court deposit for losses and

property damage resulting from the practice of domestic violence and family against the victim, as sections I and IV of Article 24 of Law 11,340/2006 (Coimbra *et al.* 2018; BRASIL, 2006). More severe cases the judge may without prejudice to other measures, enact protective measures aimed emergencies directly to the victim of domestic violence. Article 23 of this Law, is on the case and enables the following measures:

- I - I direct the victim and their dependents the official program or community protection or assistance;
- II - determine the return of the injured and their dependents to their home, after removal of the aggressor;
- III - determine the removal of the victim's home, subject to the rights relating to property, child custody and food; and,
- IV - determine the separation of bodies (BRAZIL, 2006).

Authors such as Pecora (2010) for years sighted possible to use electronic monitoring as an alternative punitive measure to provisional imprisonment to monitor and prevent the approach of the offender to the victim that has protective measure, however, by 2015, only 4.21% of cases application of this system in Brazil were intended to monitor compliance with protective measures (BRAZIL, 2015). Currently there is arising guidance of the National Forum of Women Judges and Judges of domestic violence and family against women (FONAVID), which from the Statement 36, allows the use of compulsory electronic control mechanism for this purpose (CNJ, 2016).

The nine of March, 2016 was enacted Municipal Law 14,790 / 2016¹, which regulates the activities of the Maria da Penha Patrol, service performed by the Curitiba Municipal Guard in the municipality. The main objective of this work is periodically monitor the victims of domestic violence and family who have urgent protective measures ordered by the courts for domestic and family violence against women in order to ascertain whether the perpetrator is or is not complying with the provisions for such measures (CURITIBA, 2016; TJPR, 2018).

¹ Establishes the operational guidelines of the Maria da Penha Patrol in Curitiba and other measures.

Moreover, since the year 2017, Curitiba has an agreement with the Paraná Court of Justice to implement the Panic Button, which is a security device with GPS technology, used to prevent contact of the aggressor with the victim of violence domestic. The operation takes place from the victim device activation, sending a statement in real time to security center that was scheduled to drive, warning that the location indicated by the device there is a woman in imminent risk situation to life. In addition to the exact location where the device was triggered, it has ambient sound recording feature. Thus, the competent body, in the case of Curitiba is the Municipal Guard, moves to the location of the drive in order to prevent cases of repeated domestic violence against women (TJPR, 2017; SILVA e SILVA, 2018). The text of the law also provides that failure to follow the protective measures imposed by the judge to the offending results in 3 months imprisonment sentence to two years (BRAZIL, 2006). Note that the Maria da Penha Law has undergone numerous improvements to meet current demands and that the breach of protective measure has to be considered a crime only in 2018, when the Law 13,641 / 18² of 3 April 2018 was enacted (BRAZIL, 2018). Before that, when the perpetrator disregards court order, was submitted only to the determination of other measures and the possibility of custody decree, as Art. 42 of Law 11,340 / 2006, this amended Art.313 of the Criminal Procedure Code, which comes on probation, thus allowing the enactment of this to ensure compliance with the protective measures.

After Law 13,641/2018, and arrested in the act due to breach of protective measure, escrow accounts and has its legal situation aggravated by the new offense (FOUREAUX, 2019).

When a victim of domestic violence in favor expresses the request for emergency protective measure, this is referred by the police to the competent judge within 48 hours, which has the same deadline to decide which measure provided for in the law Maria da best Penha fits in this case, thus ensuring a woman's integrity during the course of the process. Once granted, the author of the aggression will take decision

² Amends Law 11.340, of August 7, 2006 (Maria da Penha Law), to classify the crime of non-compliance with emergency protective measures.

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science, being obliged to obey, failing to respond to disobedience. It is important to note that the summons could not be delivered to the aggressor the victim of violence and the Law Maria da Penha predicts whether your art. 20° than at any stage of the police inquiry or criminal investigation, it will be to remand the offender, to be ordered by the judge,

Law 13,827 / 2019³ (BRASIL, 2019) compounded by Article 12-c to Maria da Penha Law, which allows the protective measure of Application Emergency by police chiefs and police in cases where there is actual risk or imminent life or physical integrity of women in situations of domestic violence and family, or their dependents. It is requisite for the application of protective measure by the police, the municipality is not headquarters of the district, while for the protective measure is applied by police, beyond the municipality does not host the region, it is necessary that there is no delegate available at the time of termination. Nevertheless, both cases need to be communicated to the judge within 24 hours, which will have the same deadline to decide on the maintenance of the measure or not.

3 METHODOLOGY

This article presents the exploratory, transversal and descriptive. Exploratory research, and deepen preliminary concepts, aims to develop hypotheses and propositions that will result in additional research and inform the researcher about situations, facts, opinions or behaviors of the population analyzed by mapping the distribution of a phenomenon in the study population (CHURCHILL JR., 1999; HART *et al.*, 2006).. Furthermore, this research is classified as a horizontal, since the analysis consists of a croppingdata collection comprised between January 2018 and June 2019 (BARROS and LEHFELD, 2007).

³ Amends Law No. 11,340, of August 7, 2006 (Maria da Penha Law), to authorize, in the cases specified, the application of an emergency protective measure, by the judicial or police authority, to women in situations of domestic and family violence, or their dependents, and to determine the record of the emergency protective measure in a database maintained by the National Council of Justice.

For the descriptive stage were used mathematical equations applied with data collection techniques and treatment of the information itself descriptive statistics, while the concluding part of this work we used the inferential stage of the statistical method to be the one responsible for the final stages of process, namely: the analysis and decision making (FERREIRA, 2005), which identify, record and analyze attributes, factors or variables that were related or correlated with the studied phenomenon.

As a tool for data collection, we asked the Analysis Center Coordinator, Paraná State Planning and Research, Major PM Rodrigo Lima, which enabled the development of a Criminal Analysis Report containing the information requested by the authors of this study, such as level of education, age and marital status of the author of non-compliance with protective measures.

The report's data source analyzed was the police report Unified, which is configured as a document of the "*notitiacriminis*" in order that the facts and key data such as the names of involved, instruments and proceeds of crime are faithfully recorded, and that the police authority to take note of the fact (FRANÇA, 2015).

From the collection of data was carried out a diagnosis of the relationship between the outcome variables(PEROVANO, 2014).Through the Calculations skewness, kurtosis, and Pearson Product Coefficient of Coefficient of Determination Time is the method of R^2 , arising from the use of descriptive and inferential statistics.

The research base of this article were 118 cases of violation of protective measures that occurred between January 2018 and July 2019 and the unit of analysis is the information, because it is a theoretical and methodological research.

Note that the process of knowledge established through the relationship between the researcher subject and object of research. Thus, this study adopted critical theory, since the investigation is necessarily influenced by the researcher values (FLEET, 1998).

4 RESULTS AND DISCUSSION

Through Criminal Analysis Report issued by the CAPE-PR (Analysis Center Planning and Statistics) were obtained the amount of 118 cases of breach of protective measure, which occurred in the period between January 2018 and June 2019. It should be noted that this study is constituted as a sample of cases, because due the Breach of protective measure has been configured as crime from the day April 3, 2018, the date of enactment of law 13,641/2018, many cases probably were recorded with another typicality criminal as, for example, bodily injury and threats that correspond, respectively, within the domestic violence, physical and psychological.

Criminal typicalities to the end of the research are called categories of analysis and was chosen to analyze the cases of breach of Mediated protective, since they are granted only when the victim of domestic violence is physical, psychological or mental health at risk and non-compliance measurement, in turn, corresponds to a serious conduct, as the offender who has caused harm to the woman approaches again breaking the law and making it more difficult the situation of the victim of domestic violence.

Nevertheless, it is necessary to clarify that the breach of protective measure can occur concurrently with other crime and that in many cases, the fact may have been registered in the system with the criminal typicality considered more serious, not showing therefore all cases of breach of protective measure.

Table 1 shows the amount of occurrences in relation to the education of the protective measure of breach of copyright and for the purpose of analysis in this research did not take into account the data relating to race or the "not informed" field in relation to education. Was divided Table 1 into two groups: non-educated and educated, comprised of the subgroup illiterate, incomplete first grade primary school, according to incomplete degree and subgroup with complete high school education third incomplete degree and third full extent, respectively.

Table 1. Quantity of protective measure of breach occurrences in Curitiba in the period 1 January 2018 to 30 June 2019 according to education and author race / reported - CAPE/SESP.

SCHOOLING	QUANTITATIVE / RACE				GRAND TOTAL
	WHITE	PARDA	BLACK	UNINFORMED	
Illiterate	1	0	0	0	1
UNINFORMED	24	14	1	0	39
FIRST DEGREE INCOMPLETE	15	12	1	0	28
COMPLETE FIRST DEGREE	3	0	0	0	3
SECOND DEGREE INCOMPLETE	6	4	0	0	10
SECOND DEGREE COMPLETED	18	6	0	1	25
THIRD DEGREE INCOMPLETE	3	1	0	0	4
THIRD GRADE COMPLETE	6	2	0	0	8
GRAND TOTAL	76	39	2	1	118

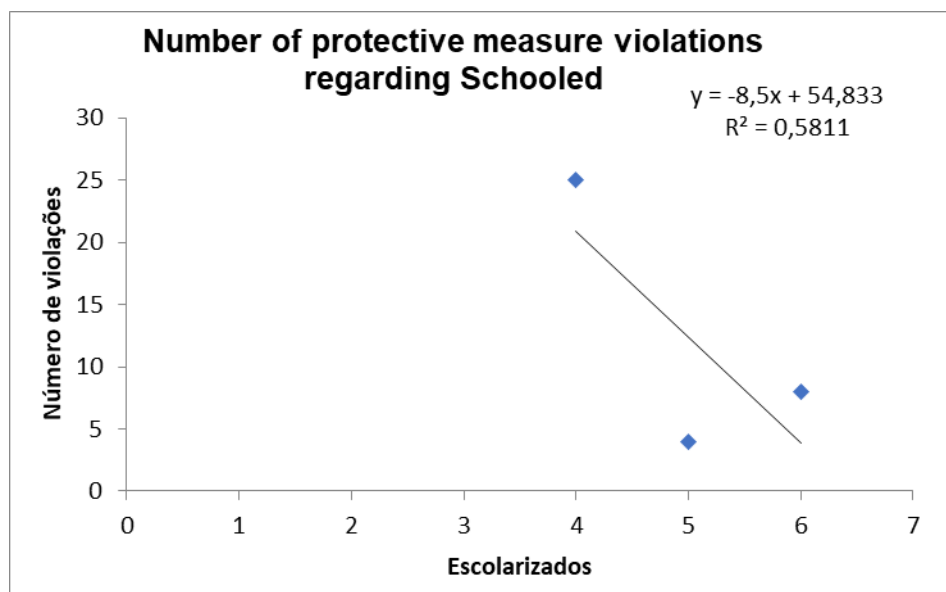
Source: Events Bulletin Unified (BOU). Data: 07/02/2019 extracted in at 11:51.

From Table 1, it designed a normal probability density histogram. To analyze it, an abnormality in the group of educated and from this information it was found, was created the hypothesis that, taking into account the indirect correlation of factors, the higher the education level of an individual, the less would be the chance of non-compliance with urgent protective measures.

To test this hypothesis, we used the Pearson Product Moment Correlation⁴ and due to the use of average education as a parameter for the test, the correlation was so parametric. Thus, the equation of the line has the slope parameter a negative value which agrees with the inverted slope of the linear regression, as demonstrated in Graphic 1.

⁴ The Pearson correlation coefficient does not differentiate between independent variables and the dependent variables. Thus, the correlation value between X and Y is the same as Y and X Schield (1995) notes that the correlation does not apply the distinction of single or recursive causality. That is, for it can hardly be argued it varies depending on it. Just can say that there are similarities between the distributions of the scores of the variables. The value of the correlation does not change if you change the measuring unit of the variables.

Graphic1. Number of protective measure violations regarding Schooled.



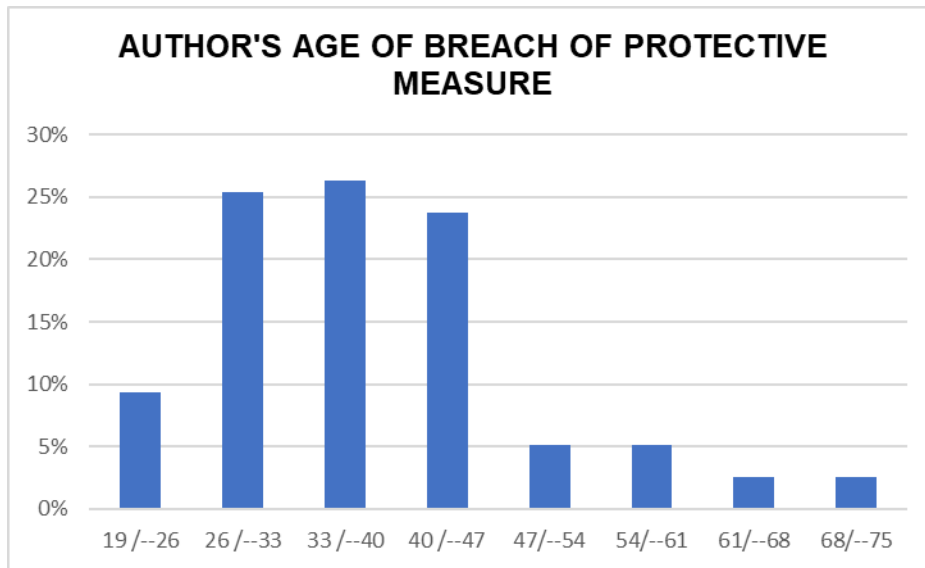
Source: authors

In Graphic 1, each point represents an educational level, which will complete the Secondary (4), incomplete degree (5) until the complete degree (6). One observes a negative correlation, since the straight position has a decreasing form and further inferred that the educational level is related to the possibility of protective measure of breach as the lowest level of education has the highest incidence of violations. In the correlation coefficient assigned the coefficient of determination, R^2 method which shows the resulting distance of the points from the line.

The result of the Pearson coefficient shows that the correlation is strong because its value was -0.762 and still R^2 test returned the value -0.5811 corresponding to relatively close values of the linear regression explicitly represented in Graphic 1.

The Graphic 2 shows the age of the author of protective measure of non-compliance, analysis category that it drew a lot of attention, since understood aged between 26 and 47 years account for 75% of cases.

Graphic2. Author's age of breach of protective measure.



Source: authors

Table 2 presents the cases of violation of protective measure in relation to the marital status of the author. Note that the overall total 53 cases of breaches of protective measures were carried out by individuals who spoke out as singles, ie disregarding the "uninformed" This number represents 61% of cases. Because of this very significant number, hypothesized that it would be more likely than single individuals disobey urgent protective measures.

Table 2. Status of the author of the breach of protective measure.

Quantitative protective measure of breach occurrences in Curitiba in the period 1 January 2018 to 30 June of 2019 according to the marital status of the author / reported - CAPE / SESP.							
Quantitative / STATUS							GRAND TOTAL
MARRIED	COHABITANT	DIVORCED	OTHERS	UNINFORMED	SEPARATE	NOT MARRIED	
8	11	7	2	32	5	53	118

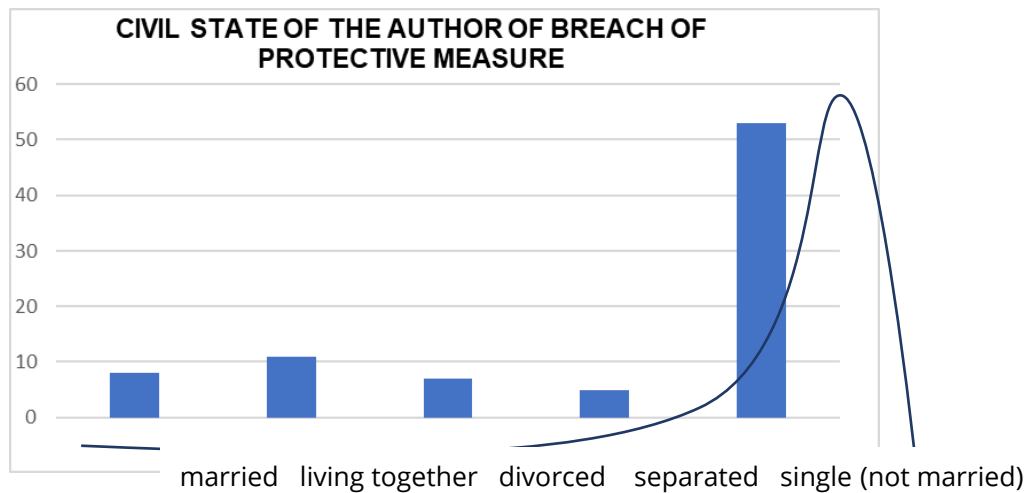
Source: Events Bulletin Unified - BOU data: extracted on 02/07/2019 at 11:51

To test this hypothesis, the marital status "married" and "single" were considered extreme table and were accommodated kurtosis calculations and asymmetry in order to stipulate the degree of deviation from the symmetry of the frequency distribution from the normal curve (MACHADO *et al.*, 2006). According to the calculations, the kurtosis coefficient was the result of 0.25, which results in

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leptokurtic curve format⁵ while the asymmetry calculation resulted in -1, which shows the negative asymmetry with right turn and depression to the left, as Graphic 3, which confirms the relevance of the hypothesis established.

Graphic3. Civil state of the author of breach of protective measure



These mathematical information (graphical calculations and representations descriptive stage) some considerations presented one by one in the final stage of this work and that necessarily were tested, proven or refuted in the context of research, and leave the reader to some discussions and developments that this work may lead to the result of the agreement or disagreement of the facts presented.

5 CONCLUSION

According to the report issued by CAPE occurred 118 cases of violation of protective measure in Curitiba within the period of this research. This number, unfortunately, does not represent the actual quantity of cases, since, in many instances, the defaults are eventually recorded in the unified system of police reports

⁵ Crespo (1998) and Pereira and Tanaka (1990) defined three types of curves relative to the kurtosis: leptokurtic is the distribution which has a relatively high peak negative excess coefficient of kurtosis < 0.263 ; Platykurtic is the curve has a flatter top, with positive excess coefficient of kurtosis > 0.263 ; and mesokurtic is the intermediate curve, a coefficient of kurtosis = 0.263.

of civilian police with another criminal typicality, for example, personal injury, because occur concurrently.

It is observed that one of the most important instruments inserted by Maria da Penha Law is precisely the protective measure, because it is as legal support for victims of domestic violence and makes it possible, above all, the removal of the aggressor. In addition, it operates in the prosecution and prevention of domestic violence, because, besides the possibility of imprisonment in the act in the case of non-compliance, prevent recurrence, when respected.

From the data obtained through crime analysis report issued by CAPE, it is clear that education is an important tool to prevent violence against women, since, according to the study; it is more likely that individual who has higher level of education have a lower chance of committing the protective measure of breach of crime.

Finally, regarding the marital status of the author of protective measure of non-compliance, we concluded it is more likely than single individuals violate urgent protective measures to the detriment of other civil states. We believe that this fact is the result of the false sense of impunity generated by the lack of formal commitment between the parties. Thus, it is observed that the law can comply with the provisions as regards the context in which violence occurs, including even informal relationships or those where there is cohabitation.

Domestic violence and family against women is a current phenomenon and unfortunately constant in society, which needs government's performance, especially in relation to public policies aimed at preventing domestic violence and role of the legislature in order to propose legal changes that result in more rigorous for those who violate the Maria da Penha Law and commit violence against women.

RECOMMENDATIONS

Despite the curiosity of the vast majority of cases of protective measure of breach being committed by persons aged between 26 and 47 years, this study failed

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to raise elements to explain this finding, therefore, recommended to be explored more deeply in other areas knowledge, such as psychology, for example.

When there is a breach of protective measure, in other words, there was the case of recurrence of domestic violence, thus it is necessary to invest in the offender rehabilitation programs, which require, as a first occurrence, become aware about the issue of violence domestic and family against women efficiently and, above all, know the legal consequences of such transgression.

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