

Warning by the Questore

Warning by the Questore in case of violence within the family or an intimate relationship

It's a preventive measure that only the Questore (the local police chief) can adopt. It aims at providing victims of stalking, revenge porn (*i.e. the illicit distribution of sexually-explicit photos and/or videos*) or domestic violence with swift and early protection without the need to initiate criminal proceedings.

In practice, the Questore warns the person involved against further engaging in harassment, threats, violence or interfering in other people's lives. The recipient of the warning is also urged to access counselling at specialized centres in order to become aware of his/her socially despicable and criminally punishable behaviour. At the same time, the warning allows the Questore to adopt measures aimed at taking away the subject's weapons, if any.

The amendments introduced by Law no. 168 dated 24 November 2023 prescribe that should the subject persist in the above-mentioned conduct, also towards others, after a warning has been issued, ex officio proceedings are initiated and the sentences for those offenses will be higher.

The advantages of having a warning issued by the Questore:

- It's without costs and does not require a lawyer
- The application or report can be filed with any Polizia di Stato or Carabinieri station
- It allows for prompt action to stop the conduct and break the cycle of violence
- They're not criminal proceedings: it is therefore possible to act progressively
- Ex officio proceedings can be initiated and the length of the sentences can be increased in case the warned subject persists in his/her behaviour.

Warning by the Questore in case of persecutory acts (so-called stalking) and *the illicit distribution of sexually-explicit photos and/or videos* (so-called revenge porn)

It can be applied for in any Police station by stalking or revenge porn victims as long as a charge has not been filed for these offenses. The victim needs to report the facts to the authorities and apply for the issuing of a warning against the alleged offender.

The Questore will first collect information – possibly summoning the alleged offender and the persons informed about the facts – and then decide whether to reject or accept the application. In case the warning is issued, the subject will be cautioned against persisting in his/her behaviour.

Are you a victim of stalking (persecutory acts)?

- Go to a police station and give a detailed account of all the incidents occurred that can point to a clear persecutory intent (unrelenting phone calls, nagging and/or threatening text messages, unwanted gifts, surveillance outside the home and the working place, beating, bodily harm, etc.)
- Bring with you documents, medical reports, letters, notes, screenshots, photos, videos, chats etc., if available, and indicate a list of witnesses who can testify about the facts.

Are you a victim of revenge porn?

- Go to a police station and give a detailed account of all the incidents of *distribution of sexually-explicit photos and/or* videos without your consent (sharing of your photos/videos with third parties, posting of intimate content on websites or social networks)
- Bring with you evidence of the illicit *distribution of photos and/or* videos, including screenshots and links, if available.

Warning by the Questore in case of domestic violence

The warning by the Questore can also be applied for in case of behaviours typical of domestic violence.

These are the cases often dealt with by Polizia di Stato or Carabinieri patrol units responding to violence emergency calls or to reports of the early signs of more serious crimes, for which the legislator has established preventive protection instruments.

The amendments introduced by Law no. 168 dated 24 November 2023 prescribe that, whenever a non- anonymous report is filed about a case of beating, bodily harm, duress, serious threats, persecutory acts, revenge porn, housebreaking or damage committed in the framework of domestic violence, the Questore can issue a warning against the perpetrator.

Domestic violence is defined by the law as one or more serious, repeated acts of physical, sexual, psychological or economic violence that occur within the family or between former or current spouses or partners even in the presence of minors, whether or not the perpetrator shares or has shared the same residence with the victim.

In these cases, action can be taken without the victim's application, following a report filed by a person having knowledge of the facts, as long as evidence is available. Upon receiving the report and after collecting the necessary information, the Questore decides whether to issue the warning with which he cautions the subject against persisting in his/her violent behaviour.

One or more serious, repeated acts or witnessed by a child /committed in the presence of minors – involving physical, sexual, psychological or economic abuse occurring within the family or between persons who have been or still are married or in a loving relationship. Present or past cohabitation with the victim is not a relevant factor.

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