

# **Civil Protection Orders: The Benefits and Limitations for Victims of Domestic Violence**

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# Executive Summary

In 1994 the National Center for State Courts initiated a study of the effectiveness of civil protection orders under a grant from the National Institute of Justice. At that time, civil protection orders had become available in all fifty states, but many states still placed significant restrictions on their availability and the scope of relief provided in them.<sup>1</sup> The National Center's study was designed to build on the prior research of others who had explored the reasons why civil protection orders might be more or less effective in providing safer environments for victims and in enhancing their opportunities for escaping violent relationships.<sup>2</sup> These earlier studies had concluded that the effectiveness of protection orders depends on the comprehensiveness of relief provided in protection orders, the specificity of the protection order terms, and how well and consistently the orders are enforced. The National Center's study looked at other factors that might influence the effectiveness of protection orders, including accessibility to the court process, linkages to public and private services and sources of support, and the criminal record of the victim's abuser.

## Examining Protection Orders in Three Jurisdictions

The National Center's study examined the civil protection order process and the environments in which the process takes place in three jurisdictions with different processes and service models.<sup>3</sup> These jurisdictions are the Family Court in Wilmington, Delaware; the County Court in Denver, Colorado; and the District of Columbia Superior Court.<sup>4</sup> The expectation in examining these three jurisdictions was that the different models they use would produce various results and that these variations might hold implications for improving practices in other jurisdictions. The key structural differences among the study sites relevant to ensuring that protection orders serve their intended function are the court intake process, the level of assistance petitioners for orders receive, and access to court hearings.

The process for obtaining a protection order is more centralized in Delaware and Denver than it is in the District of Columbia. In Delaware and Denver, petitioners also receive direct assistance when they file

<sup>1</sup> "Developments in the Law: Legal Responses to Domestic Violence," *Harvard Law Review* vol. 106 (1993):7.

<sup>2</sup> The Urban Institute, *The Violence Against Women Act of 1994* (Washington, D.C., 1996); M. Chaudhuri and K. Daly, "Do Restraining Orders Help? Battered Women's Experience with Male Violence and Legal Process," in E. Buzawa and C. Buzawa (eds.), *Domestic Violence: The Changing Criminal Justice Response* (Westport, Conn.: Greenwood Press, 1991); P. Finn and S. Colson, "Civil Protection Orders: Legislation, Practice and Enforcement," *National Institute of Justice Issues and Practice* (Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice 1990).

<sup>3</sup> On some factors that also might affect the effectiveness of civil protection orders, the three jurisdictions are more alike than different. In each of the three jurisdictions, petitioners can obtain an ex parte order of protection during business hours Monday through Friday, but there is no weekend or after-hours access to an emergency civil protection order. (In all three sites, criminal no-contact orders can be issued in cases where the perpetrator has been released from custody after an arrest.) In each site, police may arrest respondents without a warrant based on probable cause that the respondent violated the protection order. Violations can be prosecuted as a misdemeanor offense. Orders are also enforceable through contempt proceedings in the court.

<sup>4</sup> The District of Columbia has undergone significant change in the manner in which the court, law enforcement, and prosecution address domestic violence. The descriptions in this report reflect how the court and system operated at the time the study commenced, however. The system is still in the beginning stages of implementing an ambitious reform plan that includes a domestic violence court.

petitions. In Delaware, specially educated and trained court staff in a Domestic Violence Unit assist petitioners, while in Denver, help is provided by volunteers and staff of a private victim service agency (Project Safeguard). At the time of the study, petitioners in the District of Columbia received no assistance other than the attention of a court clerk in completing petition forms.

The docketing for protection order hearings varies considerably among the three courts. Denver has a consolidated docket, with a single judge who hears petitions for temporary orders and presides at hearings for permanent orders exclusively. Temporary orders are available on an *ex parte* calendar every afternoon and hearings for permanent orders are set every morning.

The Family Court in Delaware holds *ex parte* hearings twice daily, once in the morning and again in the afternoon, but hearings for permanent orders are set only on Fridays. Three commissioners preside over *ex parte* and permanent order hearings. In the District of Columbia, petitioners seeking an *ex parte* order must wait for the judge assigned to hear emergency matters, including warrants. Hearings for permanent orders are held daily and assigned to a judge in the Family Division who sits in a monthly rotation on the protection order calendar.

## Evaluating Benefits in the Context of Victims' Experiences

The study findings are based on four sources of data: (1) initial telephone interviews conducted with 285 women petitioners for protection orders in the three project sites approximately one month after they received a protection order (temporary or permanent); (2) follow-up interviews with 177 of the same group of petitioners about six months later; (3) civil case records of petitioners who participated in the study; and (4) criminal history records of men named in the protection orders the study participants obtained.<sup>5</sup> The analysis of the data was informed by on-site interviews with judges, court managers and staff, victim services representatives, members of police domestic violence units, and prosecutors and by observations of hearings for temporary and permanent orders.

Across the three project sites, 554 women agreed to participate in the study and signed a consent form (Delaware, 151; Denver, 194; District of Columbia, 209).<sup>6</sup> Project staff were able to complete an initial interview with 285 of the women (51 percent) who were recruited (Delaware, 90; Denver, 90; District of Columbia, 105). These women formed the study groups in each site. Approximately 60 percent (177) of these women participated in the follow-up interviews.

## Measuring the Effectiveness of Protection Orders

The National Center's study applied two primary measures of effectiveness: (1) improvement in the quality of the women's lives (women's reports that their lives have improved since getting the order, that they feel better about themselves, and that they feel safer) and (2) extent of problems related to the protection

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<sup>5</sup> The method of selecting participants for the study places some limitations on the strength of the conclusions that can be drawn from the study findings. First, the participants were not randomly selected, which limits the extent to which we can say they are representative of other women who seek protection orders in the study sites. We also do not know what proportion of the women who were asked to participate declined. However, this proportion is likely not of any appreciable size because the recruiters reported that few women did not agree to participate. Second, the participants' self-selection for the study poses a second threat to the validity of the findings, which is that those women who were willing to participate may have some characteristics that distinguish them from the other victims who might seek a protection order. Third, all of the participants had a telephone or access to one. This sets them apart from women with fewer resources and those who do not have a place where it is safe to have a telephone conversation, including most women who were staying in a shelter or other temporary residence. (Interviewers were able to speak with some women who were in transient situations.)

<sup>6</sup> In each site, women who filed petitions for protection orders were recruited in person for the study. Recruitment for the study began in July 1994 at staggered times across the sites as project staff visited each site and trained individuals to recruit women. In each site, the recruiters explained the purpose of the study and what participation in it would entail. If the woman agreed to participate, the recruiters asked her to sign a consent form.



**Table 1:  
Effectiveness Measured by Quality of Life**

	Initial Interview (n=285)	Follow-up Interview (n=177)
<b>Life Improved</b>	<b>%</b>	<b>%</b>
<b>All Sites</b>	<b>72.3</b>	<b>85.3</b>
Delaware	82.2	87.5
Denver	74.4	89.7
District of Columbia	61.9	79.4
<b>Feel Better</b>		
<b>All Sites</b>	<b>72.3</b>	<b>92.7</b>
Delaware	82.2	92.9
Denver	74.4	93.1
District of Columbia	61.9	92.1
<b>Feel Safer</b>		
<b>All Sites</b>	<b>73.7</b>	<b>80.5*</b>
Delaware	77.8	83.7
Denver	83.3	82.9
District of Columbia	61.9	71.4

\* n=118;

order (women's reports of repeated occurrences of physical or psychological abuse, calling at home or work, coming to the home, stalking, and other problems related to the order).

To quantify these measures of effectiveness, we developed an index of the variables that make up each measure. The indexes allow more meaningful analyses of relationships among the dependent (or outcome) variables that make up the indices and the many independent variables that could be associated with the effectiveness of protection orders. Each of the variables in the indexes has a score of 1. For the Well-being Index the possible range of scores is 0 (the lowest level of effectiveness) to 3 (the highest level). For the Problems Index the possible range of the values is from 0 (indicating the highest level of effectiveness) to 7 (the lowest level of effectiveness). Thus the values of the Problems Index are the inverse of those for the Well-being Index: the greater the number of types of problems the participant experienced, the higher her score on the Problems Index.

## Summary of Key Findings and Implications for Practice

- ***Civil protection orders are valuable for helping victims regain a sense of well-being.***

For nearly three-quarters of the study participants, the short-term effects of the protection order on three aspects (whether their lives have improved, whether they felt better about themselves, and whether they felt safer) of the participants' well-being were positive (see Table 1). These positive effects improved over time, so that by the time of the six-month follow-up interview, the proportion of participants reporting life improvement increased to 85 percent. More than 90 percent reported feeling better about themselves, and 80 percent of those with a protection order in effect felt safer. Furthermore, in both the initial and follow-up interviews, 95 percent of the participants stated that they would seek a protection order again.

- ***In the vast majority of cases, civil protection orders deter repeated incidents of physical and psychological abuse.***

A majority of the participants in both the initial and follow-up interviews reported having no problems (72.4 percent and 65.3 percent, respectively; see Table 2). Repeat occurrences of physical abuse were reportedly rare, but varied greatly across the study sites. In the initial interviews, 2.6 percent of the participants

**Table 2:**  
**Effectiveness Measured by Problems with Orders: All Sites**

	Initial Interview (n=268)		Follow-up Interview (n=167)	
	#	%	#	%
No Problems Experienced	194	72.4	109	65.3
Respondent Called Home/Work	43	16.1	29	17.4
Respondent Came to Home	24	9.0	14	8.4
Respondent Stalked Victim	11	4.1	12	7.2
Respondent Physically Reabused Victim	7	2.6	14	8.4
Respondent Psychologically Reabused Victim	12	4.4	21	12.6
Respondent Caused Other Problems	3	1.1	1	0.6

reported repeated physical abuse. At the six-month follow-up, that proportion more than tripled to 8.4 percent. The incidence of repeated physical abuse was much higher, however, in Delaware (10.9 percent) and the District of Columbia (11.9 percent) than in Denver, where only about 2 percent of the participants reported being reabused physically.

Psychological abuse was reported by 4.4 percent of the study participants initially, but after six months the reported incidence rose to 12.6 percent. As for the reports of repeated physical abuse, there was a high level of variance across the sites. Psychological abuse was highest in Delaware (23.6 percent) and lowest in the District of Columbia (1.7 percent), with Denver falling in the middle (13.3 percent).

The most frequently reported problem in both the initial and follow-up interviews involved respondents calling the victim at home or work (16.1 percent and 17.4 percent, respectively). In both the initial and follow-up interviews, about 9 percent of the participants reported that the respondents came to their homes. Stalking was infrequently reported. In the initial interviews about 4 percent of the participants reported being stalked by the respondent, and this figure rose to about 7 percent in the follow-up interviews.<sup>7</sup>

▪ ***The study participants experienced severe abuse.***

More than one-third of the study participants had been threatened or injured with a weapon; more than half the participants had been beaten or choked, and 84 percent had suffered milder physical abuse, such as slapping, kicking, and shoving (see Table 3).<sup>8</sup> While the use of weapons to threaten or injure the participants occurred for most women only once or twice, more than 40 percent of the participants experienced severe physical abuse at least every few months, and 10 percent experienced such abuse weekly. About 10 percent of the participants sought a protection order after only a week, but 15 percent of the women experienced abuse for one to two years, and nearly one-quarter had endured the respondent's abusive behavior for more than five years.

<sup>7</sup> The majority of participants with children reported that they did not experience any problems related to the children. However, in contrast to the whole group of participants, the proportion of participants with children who reported having any problems rose from 31 percent in the initial interviews to 42 percent in the follow-up interviews. This difference makes sense intuitively, because participants with children are more likely to be in situations where problems could occur, such as seeing the respondent upon the exchange of children for visitation. The two most frequently reported types of problems related to children were problems at exchange of children for visitation (3.9 percent, 2.1 percent) and threatening to keep the children (2.3 percent, 3.5 percent). No one reported that the respondent actually kept the children. Four participants in the first interview and one in the follow-up interview reported that their respondents did not return the children at the appointed time.

<sup>8</sup> To assess the nature of the abusive behavior experienced by the study participants, the project applied the categories of abusive behaviors used by the Urban Institute and the Association of Family and Conciliation Courts in an evaluation of the use of mediation in family mediation when domestic violence might be occurring between the parties. See L. Newmark, A. Harrell, and P. Salem, *Domestic Violence and Empowerment in Custody and Visitation Cases: An Empirical Study on the Impact of Domestic Abuse* (Madison, Wis.: Association of Family and Conciliation Courts, 1994). These categories were distilled from the specific acts included in the Conflict Tactics Scale developed by M. Straus, "Measuring Family Conflict and Violence: The Conflict Tactics Scales," *Journal of Marriage and the Family* vol. 41 (1979): 75-88.

**Table 3:**  
**Nature of Abuse Before Protection Order**

<b>All Sites (n=285)</b>	<b>#</b>	<b>%</b>	<b>By Site</b>	<b>#</b>	<b>%</b>
Threatened or Injured with a Weapon	105	36.8	Delaware	29	32.2
			Denver	33	36.7
			District of Columbia	43	41.0
Severe Physical Abuse: Beaten or Choked	155	54.4	Delaware	55	61.1
			Denver	48	53.3
			District of Columbia	52	49.5
Mild Physical Abuse Slapping, Grabbing, Shoving, Kicking	239	83.9	Delaware	80	89.9
			Denver	79	87.8
			District of Columbia	80	76.2
Intimidation Through Threats, Stalking, Harassment	282	98.9	Delaware	90	100.0
			Denver	90	100.0
			District of Columbia	90	97.1

Most significantly, the longer the women experienced abuse, the more intense the abusive behavior became; consequently, the longer a victim stays in a relationship, the more likely it is that she will be severely injured by the abuser.<sup>9</sup> This finding indicates that victims should be counseled at the earliest moment they come in contact with a public or private service that the likelihood of the abusive behavior abating without a specific intervention is low. Victims should receive assistance in developing a safety plan and understanding the importance of enlisting neighbors, friends, and coworkers in following the plan.

▪ ***The majority of abusive partners have a criminal record.***

Sixty-five percent of the respondents had a prior criminal arrest history (see Table 4).<sup>10</sup> These charges consisted of a variety of offenses including violent crime (domestic violence, simple assault, other violence, and weapons charges), drug and alcohol-related crimes (drug and DUI offenses), and other categories of crimes (property, traffic and miscellaneous offenses). Of the 129 respondents with any history of violent crime, 109 had prior arrests for violent crimes other than domestic violence. These findings are generally consistent with a study conducted in Quincy, Massachusetts, that found that “80 percent of abusers have prior criminal histories . . . and half have prior violence records.”<sup>11</sup>

<sup>9</sup> To examine relationships between the intensity of the abuse the participants experienced and other variables, an index of abuse intensity was created through factor analysis. The duration of abuse was highly correlated with more severe abuse and more frequent abuse. The score for the rotated factor matrix for the duration of abuse variable was 0.598, resulting in a factor score coefficient of .231.

<sup>10</sup> The sources of the criminal history records and their inclusiveness in regard to the sample of participants varied across the project sites. In Delaware, the Family Court provided statewide data on the respondents to all the orders issued to participants in the study. The Family Court could achieve this level of inclusiveness because the Family Court records include the names of the respondents. In Denver and the District of Columbia, project staff had to obtain the names of the respondents from the participants' case files. At each of these sites, project and court staff could not locate the files of all the participants and consequently also could not obtain the names of all the respondents. In Denver, the Colorado Division of Criminal Justice provides statewide criminal histories. In the District of Columbia, project staff obtained criminal records from the automated system of the Superior Court. The criminal history records are not likely to be comprehensive. Because of the close proximity that the District of Columbia and Delaware have to neighboring jurisdictions (northern Virginia and Maryland for the District of Columbia, and Maryland, Pennsylvania, and New Jersey for Delaware), the criminal records in these sites may significantly underrepresent the total amount of prior criminal activity for the respondents. In Denver, the arrest histories for respondents may be more representative of their actual prior arrest record because Denver is centrally located within a comparatively large statewide reporting jurisdiction.

<sup>11</sup> M. Schachere, “STOP Grants Training Conferences Highlight Successful Strategies,” *National Bulletin on Domestic Violence Prevention* vol. 1 (December 1995). The Quincy study focused in part on the effectiveness of a highly coordinated and accurate reporting system between the civil and criminal court systems. The comparatively high criminal arrest rates reported in the Quincy study may reflect the accuracy of that jurisdiction's reporting system rather than an abnormally higher violent crime rate relative to the sites included in this study.

**Table 4:  
Number of Respondents with a Criminal Arrest History**

<b>All Sites (n=244)</b>	<b>#</b>	<b>%</b>	<b>By Site</b>	<b>#</b>	<b>%</b>
All Crime Types	158	64.8	Delaware (n=90)	62	68.9
			Denver (n=60)	46	67.6
			District of Columbia (n=86)	50	59.1
Violent Crime	129	52.9	Delaware	56	62.2
			Denver	40	58.8
			District of Columbia	33	38.4
Drug- and Alcohol-related Crimes	72	29.5	Delaware	25	27.8
			Denver	22	32.4
			District of Columbia	25	29.1
Other Crimes	121	49.6	Delaware	49	54.4
			Denver	31	45.6
			District of Columbia	41	47.7

If the woman’s abuser had an arrest record for violent crime, she was significantly less likely to have been available for a second interview.<sup>12</sup> Furthermore, respondents with arrest histories for drug- and alcohol-related crimes and for violent crime tended to engage in more intense abuse of their partners than did other respondents. These findings strongly support the need for greater attention to safety planning for victims whose abusers have a record of violent crime, as well as the need for protection orders to require both substance abuse and batterer treatment for respondents with arrest records for drug- and alcohol-related offenses. Concomitantly, judges need to have the criminal arrest histories available for review when they are crafting protection orders. Judges and victim service providers should stress to victims the need for vigilance in taking safety precautions and using law enforcement and the court to enforce their protection orders.

- ***The criminal record of the respondent is associated with improvements in well-being and in curbing abusive conduct.***

For the Well-being Index, participants are more likely to report positive outcomes when the respondent has a record of violent crime.<sup>13</sup> Protection orders therefore can be particularly helpful for improving the well-being of women when their abusers have been sufficiently (and probably publicly) violent in the past to be arrested for the behavior. For the Problems Index, in the initial interviews, the participants whose abuser had a higher number of arrests tended to report a greater number of problems with the protection order.<sup>14</sup> In the follow-up interviews, the participants whose abuser had at least one arrest for a violent crime other than domestic violence were more likely to experience a greater number of problems with the protection order.<sup>15</sup>

These findings indicate that protection orders obtained against respondents with a criminal history are less likely to be effective in deterring future violence or avoiding other problems than those obtained against respondents without such a history. Because protection orders provide petitioners with less protection against respondents with a high number of arrests, and more specifically with a history of violent crime, the need for aggressive criminal prosecution policies becomes more critical. Criminal prosecution of such indi-

<sup>12</sup> These findings related to the respondents’ criminal history suggest that the women not interviewed a second time may have had less positive feelings about themselves than did the women who were interviewed a second time. On the other hand, participants who obtained orders against respondents with an arrest record for violent crime tended to have higher scores on an index of subjective measures of effectiveness of protection orders. They also may have suffered repeated physical abuse, psychological abuse, or other violations of the protection order to a greater degree than the women participating in the follow-up interviews. See Chapter III on effectiveness of protection orders.

<sup>13</sup> See full report, Chapter IV, Table IV.8.

<sup>14</sup> Analysis of Variance,  $F = 1.6271$ ,  $p = .0439$ .

<sup>15</sup> Analysis of Variance,  $F = 4.8820$ ,  $p = .0285$ .

viduals may be required to curb their abusive behavior. Reliance on a protection as the sole intervention in these cases may not be the most effective deterrence against further abuse.

The relationships between the respondents' criminal histories and both the improved quality of life and reported problems with protection orders indicate that the dual interventions of criminal and civil process are likely to be most helpful to women whose abusers have been arrested in the past. Criminal prosecution may address the violence more effectively, while the civil protection order bolsters the victim's self-esteem and gives greater feelings of security.

- ***Temporary protection orders can be useful even if the victim does not follow through to obtain a permanent order.***

The most commonly cited reason for not returning for a permanent order was that the respondent had stopped bothering the petitioner (35.5 percent), which suggests that being the subject of the court's attention can influence the abuser's behavior. Also, one-fourth of the study participants who obtained only a temporary protection order engaged in safety planning at that time. The court process thus offered an opportunity for educating victims about the actions they could take to protect themselves. This finding indicates that courts and victim service providers should capitalize on this opportunity by spending more time in safety planning and assessing victims' needs when they petition for temporary orders.

- ***The court process can influence the victim's active participation in deterring further violence in her life.***

A more centralized process and direct assistance to petitioners for protection orders may encourage women with a temporary order to return to court for a permanent order. The proportion of women who returned to court for a permanent order following a temporary order was significantly higher in Denver (60 percent) than in the District of Columbia (44 percent).<sup>16</sup> In addition, a higher proportion of women developed a safety plan in Denver, where each petitioner is assisted by an advocate from Project Safeguard, in comparison to Delaware and the District of Columbia. Study participants in Denver also reported far fewer repeated occurrences of physical violence compared to the participants in Delaware and Denver.

- ***The full potential for comprehensive relief in protection orders has not been achieved.***

Exclusive use of the family residence is an available remedy in each of the project sites and can be critical for the both the safety and psychological stability of the victim, but the court in Denver is much more disposed than the other courts to order the respondent to vacate a common residence in both temporary and permanent orders. Also, although considerable proportions of the respondents had histories of violent crime and drug- or alcohol-related offenses, few of the protection orders required the respondent to participate in batterer or substance abuse. Courts should revise protection order petitions and uniform orders to include all possible forms of relief available to victims. Making the forms more user friendly and instructive as to the relief available will allow petitioners greater opportunity to consider what types of relief are likely to be helpful to them.

- ***Victims do not use the contempt process to enforce orders.***

Few of the study participants filed contempt motions for violations of the protection order. In 130 cases (89.7 percent), no contempt motions were filed. Thirteen cases (9.0 percent) had one contempt

<sup>16</sup> The return rate for participants in Delaware differs considerably from Denver and the District of Columbia, primarily because the majority of participants in Delaware were recruited for the study when they appeared for the hearing on the permanent order.

motion and only two cases (1.4 percent) had more than one contempt motion. Of the cases in which contempt motions were filed, the court held a hearing on the matter in nine cases and granted the motion in five of these cases. The low use by participants of the civil contempt process to enforce protection orders indicates that the court should do more to inform victims about the availability of and the process for filing contempt motions.<sup>17</sup> Judges should advise victims during hearings about the avenues of enforcement, including law enforcement, the court, and courts in other states. Furthermore, the protection order should include a statement regarding the order's enforceability locally, throughout the state, and in other states. This need to provide easily accessible and understandable information about the enforcement process has become more acute in the wake of the Violence Against Women Act's full faith and credit provisions for protection orders.<sup>18</sup>

- ***The potential for linking victims to services through the court process has not been achieved.***

Overall, more than three-fourths (77.5 percent) of the study participants received some type of service or assistance, either before or after they obtained a protection order. However, the participants' private circle of friends and relatives accounted for a large proportion of the assistance victims received. Although an array of services is available to victims from both governmental sources, such as police and prosecutor victim assistance units, and the community, such as victim counseling, shelters for battered women and their children, pro bono legal services, and employment and education counseling, a relatively low proportion of victims appears to be making a connection to these services. The court should ensure that petitioners for protection orders receive not only information about the services available to them but also assistance in accessing the services.

- ***Law enforcement agencies can do more to assist prosecutors in developing cases for prosecution, to arrest perpetrators, and to help victims access the civil protection order process.***

The reported use of police services varied across the sites, as did the responses of the police (see Table 5). In Delaware, for example, a higher proportion of the participants had called the police following the incident that spurred them to seek a protection order (Delaware, 97 percent; Denver, 93 percent; District of Columbia, 90 percent), but the police came to the scene of the incident in a lower proportion of the cases (Delaware, 79 percent; Denver, 89 percent; District of Columbia, 94 percent). Once at the scene, however, the police in Delaware (Wilmington Police and New Castle County Police) were more likely to take notes and interview witnesses. The police arrested the respondent in Denver in a considerably higher proportion of the cases, particularly in comparison to the District of Columbia (87 percent compared with 41 percent). In each of the sites, however, the proportion of participants who reported that the police had told them how to obtain a civil protection order was too low for good practice (Delaware, 57 percent; Denver, 54 percent; District of Columbia, 71 percent).

Because law enforcement officers are on the front lines of the fight against domestic violence, they should be more aggressive in ascertaining probable cause to arrest abusers, as well as in informing victims about the civil protection order process. The role of law enforcement officers in enforcing protection orders has become even more critical since the enactment of the Violence Against Women Act. The full faith and credit provision of VAWA places greater responsibility on law enforcement officers to respond effectively to

<sup>17</sup> Participants in Denver also reported little use of the contempt process to enforce orders, but this is most likely because the policy of the City Attorney is to vigorously prosecute violations of protection orders. The City Attorney's domestic violence unit works closely with the police department to coordinate arrests, arraignments, and prosecution. They reportedly obtain a high proportion of guilty pleas because the prosecution efforts have been successful.

<sup>18</sup> *The Violence Against Women Act of 1994*, Pub.L. No. 103-322, Title IV, 108 Stat. 1902-55 §40221 (2265-2266).

**Table 5:  
Police Procedures**

	Delaware		Denver		District of Columbia	
	#	%	#	%	#	%
Petitioner Called Police Following CPO Incident	58	96.7	56	93.3	80	89.9
Police Came to the Scene	46	79.3	50	85.3	75	93.8
Police Interviewed Witnesses at the Scene	25	59.5	27	55.1	27	37.5
Police Took Notes at Scene	31	72.1	28	60.9	46	64.8
Police Arrested Respondent	9	55.0	27	87.1	14	41.2
Police Informed Petitioner About CPO Availability	35	60.3	37	60.7	69	77.5
Police Informed Petitioner About CPO Procedures	33	56.9	32	53.6	63	70.8
Petitioner Believes Police Were Helpful	31	52.5	27	45.0	39	43.8

victims' calls for enforcement of protection orders issued by jurisdictions outside the local or state jurisdiction. Law enforcement training in domestic violence, arrest policies, and enforcement procedures should be an integral and mandatory component of officer preparation and continuing education, not just an isolated topic at the academy and a low priority activity for veterans.

## Continued Research on Current and Future Initiatives

A significant movement has developed to implement new approaches to redressing family violence and addressing the needs of its victims.<sup>19</sup> Over the course of the past few years, a wave of legislative reforms in the states and at the federal level has accelerated this movement. Chief among these is the Violence Against Women Act (VAWA), enacted by Congress in 1994.

The VAWA presents a pivotal opportunity to increase the effectiveness of protection orders through several changes in current practice that will affect access to protection orders and enhance enforcement remedies. The VAWA provisions include full faith and credit for protection orders, sanctions for interstate violation of protection orders, and substantial grant opportunities that are building the capacities of state and local jurisdictions to coordinate the efforts of law enforcement, prosecutors, courts, corrections, and providers of victim services, batterer treatment, and medical, mental health, and social services.

Many of the initiatives funded by VAWA include the implementation of data collection and communication systems and enhancement of coordinated community interventions. These initiatives are likely to encourage improved processes for obtaining and enforcing protection orders and for incorporating protection orders as a key component in the web of responses to domestic violence. Future research should capitalize on the data collection and community coordination systems that are evolving with VAWA and other funding. The most effective interventions can only be determined by examining the interactive dynamics of domestic violence, including the nature of abuse experienced by victims, the criminal histories of the abusers, the use of criminal history information in crafting orders and counseling victims, the actions of police and prosecutors, the enforcement and effects of specific terms (including supervised visitation and batterer and substance abuse treatment), and the application of full faith and credit for protection orders. The National Center's study demonstrates that the effectiveness of civil protection orders is inextricably linked to the quality of the system of government and community services in which protection orders operate. Issuing a protection order is only one part of the remedy.

<sup>19</sup> See National Council of Juvenile and Family Court Judges, *Family Violence: State-of-the-Art Court Programs* (Reno, Nev.: National Council of Juvenile and Family Court Judges, 1992).





# **Chapter I: Introduction**



# Chapter I: Introduction

In 1994, the National Institute of Justice provided grant funds to the National Center for State Courts to examine the effectiveness of civil protection orders in deterring further violence for victims of domestic abuse. The National Center's study began at a point when many changes were taking place across the country in the ways that government and the community addressed the myriad problems that domestic violence engenders. With systems in a state of flux and searching for ways to improve their operations, the National Center's study examined how courts in three jurisdictions process civil protection orders. These jurisdictions are the Family Court in Wilmington, Delaware; the County Court in Denver, Colorado; and the District of Columbia Superior Court. Each of these jurisdictions has court processes and service models that are distinct from the others.

The expectation in examining these three jurisdictions was that the different models would produce various results and that these variations might hold implications for improving practices in other jurisdictions. The study was designed to build on the prior research of others who had explored the reasons why civil protection orders might be more or less effective under particular circumstances.<sup>1</sup> These earlier studies had concluded that the effectiveness of protection orders depends on the comprehensiveness of relief provided in protection orders, the specificity of the protection order terms, and how well and consistently the orders are enforced. Other factors that might influence the degree to which protection orders provide safer environments for victims and enhance their opportunities for escaping violent relationships include easy accessibility to the court process, linkages to public and private services and sources of support, and assistance in pursuing criminal remedies.

Since the National Center initiated its study of civil protection orders, emergency orders have become available on an *ex parte* basis in all fifty states and waves of legislative reforms across the country have changed the landscape of protection orders. Over the past two decades, advocates for eliminating societal and governmental tolerance for violence against women have challenged the criminal and civil justice systems, legislatures, governors, corporations, communities, schools, churches, and other social institutions.<sup>2</sup> These advocates achieved a major victory in 1994, when the United States Congress set in motion the most sweeping legislative response to violence against women by enacting the Violence Against Women Act (VAWA).<sup>3</sup>

The VAWA contains numerous provisions to prevent violence against women, promote safe homes and streets, and provide new and expanded legal remedies for women who are victims of domestic violence and sexual assault. The VAWA presents a pivotal opportunity to increase the effectiveness of protection orders

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<sup>1</sup> The Urban Institute, *The Violence Against Women Act of 1994* (Washington, D.C., 1996); M. Chaudhuri and K. Daly, "Do Restraining Orders Help? Battered Women's Experience with Male Violence and Legal Process," in E. Buzawa and C. Buzawa (eds.), *Domestic Violence: The Changing Criminal Justice Response* (Westport, Conn.: Greenwood Press, 1991); P. Finn and S. Colson, "Civil Protection Orders: Legislation, Practice and Enforcement," *National Institute of Justice Issues and Practice* (Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, 1990).

<sup>2</sup> The Urban Institute, 1996.

<sup>3</sup> Title IV of the *Violent Crime Control and Law Enforcement Act of 1994*.

through several changes in current practice that will affect access to protection orders and enhance enforcement remedies. These new provisions include full faith and credit for protection orders (Section 40221, subsections 2265 and 2266), sanctions for interstate violation of protection orders (Section 40221, subsection 2262), and alleviation of requirements that victims pay filing fees or service costs for protection orders obtained in the course of criminal prosecution of the batterer (Section 40114, subsection 2006).

The full faith and credit provision is monumental in its potential for expanding the enforcement of protection orders. Under the provision of the VAWA, state and tribal courts are directed to enforce valid civil and criminal protection orders issued by foreign states and tribal courts as though they were issued in the enforcing state or tribe.<sup>4</sup> Prior to its enactment, only a handful of states afforded full faith and credit to protection orders issued in other states and often imposed specialized registration procedures as prerequisites to enforcement.<sup>5</sup>

The lack of full faith and credit places severe constraints on the scope of protection available through court orders, as well as additional bureaucratic burdens on victims seeking protection. Research has found that one of the most dangerous times for victims is when they are fleeing their batterer.<sup>6</sup> Often, the victim may seek safety and refuge from the violence by moving to another state.<sup>7</sup> When protection orders are not given full faith and credit, the victim is not afforded critical law enforcement protection and is put at risk of future abuse. Furthermore, differing requirements for obtaining a protection order may result in a victim being ineligible for an order in the state to which she has moved.<sup>8</sup>

Although the VAWA full faith and credit provision is an integral tool for protecting women from violence, it poses challenges for courts and law enforcement that directly affect the development of data information and communication systems. Among these challenges are effectively determining whether the due process rights of the respondent were honored when the order was issued; maintaining confidentiality of the victim's location in the new resident state; providing the enforcing state's law enforcement and courts with adequate information regarding the remedies allowable in the issuing state's protection orders; and responding to liability concerns of law enforcement in enforcing foreign orders that officers cannot verify.<sup>9</sup> Several initiatives to implement VAWA's full faith and credit provision are underway, including a regional experiment led by the Commonwealth of Kentucky, state and national registries, and development of model forms including a uniform certification of compliance with due process requirements for full faith and credit.<sup>10</sup>

VAWA also incorporates grant opportunities that ultimately will influence the effective use and enforcement of protection orders. The concentration areas for the grant programs include (1) developing and implementing more effective police and prosecution policies to respond to violence against women, (2) developing, installing, or expanding data collection and communication systems to track protection orders and violations, and (3) developing and strengthening victim service programs and providing specialized court advocates in locations with a high volume of petitions for protection orders. Through these formula grants for "Services, Training, Officers, Prosecutors" (STOP grants), resources are provided to states, Indian tribal governments, and units of local government to undertake projects in these and other areas.

Many of the 1995 STOP grant implementation plans submitted by the states include initiatives for data collection and communication systems and community coordination approaches. Both initiatives are likely to encourage improved processes for obtaining protection orders and incorporate orders as a key component in the complex web of responses to domestic violence. The programs realize, however, that the effec-

<sup>4</sup> *The Violence Against Women Act of 1994*, Pub.L. No. 103-322, Title IV, 108 Stat. 1902-55 §40221 (2265-2266).

<sup>5</sup> C. F. Klein, "Full Faith and Credit: Interstate Enforcement of Protection Orders Under the Violence Against Women Act of 1994," *Family Law Journal Quarterly* (summer, 1995).

<sup>6</sup> M. Hofford, "Full Faith and Credit: A Promise and a Challenge!" in *Courts and Communities: Confronting Violence in the Family* vol. 2 (spring 1996); L. G. Lerman, "Statute: A Model State Act: Remedies for Domestic Abuse," *Harvard Journal on Legislation* vol. 21 (1984).

<sup>7</sup> Hofford, 1996.

<sup>8</sup> *Ibid.*

<sup>9</sup> B. J. Hart, "Full Faith and Credit for Protection Orders and Federal Domestic Violence Crimes" (paper presented at the National College of District Attorneys, Reading, Pa., 1996).

<sup>10</sup> Hofford, 1996.

tiveness of orders are inextricably linked to the quality of their enforcement and their use in conjunction with other services and remedies.

Information technology and communication systems are largely untapped opportunities to enhance criminal justice and community responses to violence against women.<sup>11</sup> Numerous difficulties have hampered the development of communication systems to efficiently and effectively capture, store, and share information. Perhaps the most fundamental of these problems is that responses to violence against women are generated by many different government agencies, service providers, and community organizations.<sup>12</sup> Law enforcement, prosecutors, courts, corrections, and providers of victim services, batterer treatment, and medical, mental health, and social services all have significant roles to fulfill in the process.

Safety concerns of victims likewise render improvements to and integration of information and communication systems into a double-edged sword. Put simply, greater access to information on violence against women potentially can heighten safety risks for its victims. Despite this safety concern and other difficulties, competent systems for communication and information sharing are essential, particularly in conveying information about the existence of protection orders, their provisions, and enforcement among the courts, police, prosecution, and victim service providers.

Community coordination and collaboration approaches also are an integral component in many STOP grant implementation plans. This trend parallels the proliferation of national, state, and local initiatives that employ various strategies to coordinate the community's response to violence against women. These initiatives focus on developing community-based approaches to respond to domestic violence that incorporate effective use of protection orders in conjunction with enhanced and coordinated enforcement and expanded provision of victim services. Protection orders in the context of these initiatives are not regarded as a stand-alone remedy, a practice that was a criticism of the use of orders in the past. The programs assert that through these integrated initiatives, the effectiveness of the entire community response ultimately will be improved.<sup>13</sup>

The VAWA provisions and grant opportunities recognize protection orders as a critical component in an effective response to violence against women, but they present states and localities with new challenges in implementation and enforcement. The results of the National Center's study will be valuable to practitioners as they work to meet these challenges. It examines what impact various factors have on two primary measures of effectiveness: (1) improvement in the quality of the women's lives (women's reports that their lives have improved since getting the order, that they feel better about themselves, and that they feel safer) and (2) the deterrence of abusive behavior (women's reports of violations of the order, repeated incidence of physical or psychological abuse, and problems associated with the order).

<sup>11</sup> B. J. Hart, "Coordinated Community Approaches to Domestic Violence" (paper presented at the Strategic Planning Workshop on Violence Against Women, Washington, D.C., March 31, 1995).

<sup>12</sup> Urban Institute, 1996; Justice Research and Statistics Association, *Report on State Domestic and Sexual Violence Against Women Act of 1994* (Washington, D.C., 1995); L. P. Edwards, "Reducing Family Violence: The Role of the Family Violence Council," *Juvenile and Family Court Journal* vol. 43 (1992); M. Steinman, "The Public Policy Process and Woman Battering: Problems and Potentials," in Michael Steinman (ed.), *Woman Battering: Policy Responses* (Highland Heights, KY, and Cincinnati, OH: Academy of Criminal Justice Sciences and Anderson Publishing, 1991).

<sup>13</sup> Researchers assert that the lack of integration and coordination of all the efforts to address violence against women (e.g., responses of the police, prosecution, courts, and victim services) can create fragmentation and weaken the system's impact and effectiveness. See Hart, 1995; M. Syers and J. L. Edleson, "The Combined Effects of Coordinated Criminal Justice Intervention in Woman Abuse," *Journal of Interpersonal Violence* vol. 7 (1992); E. R. Hamlin, "Community-based Spouse Abuse Protection and Family Preservation Team," *Social Work* vol. 36 (1992); Steinman, 1991; D. J. Gamache, J. L. Edleson, and M. D. Schuck, "Coordinated Police, Judicial, and Social Service Response to Woman Battering: A Multiple-Baseline Evaluation Across Three Communities," in G. T. Hotaling, D. Finkelhor, J. T. Kirkpatrick, and M. A. Straus (eds.), *Coping with Family Violence: Research and Policy Perspectives* (Newbury Park, Calif.: Sage Publications, 1988); M. Hofford and R. J. Gable, "Significant Interventions: Coordinated Strategies to Deter Family Violence," in Meredith Hofford (ed.), *Families in Court* (Reno, Nev.: National Council of Juvenile and Family Court Judges, 1989); G. A. Goolkasian, *Confronting Domestic Violence: A Guide For Criminal Justice Agencies* (Washington, D.C.: U.S. Department of Justice, 1986). To avoid this pitfall, integration and coordination of services has been a rallying cry of researchers and practitioners as the key to effective management. See Hart, 1995; National Council of Juvenile and Family Court Judges, *Courts and Communities: Confronting Violence in the Family. Conference Highlights* (Reno, Nev.: National Council of Juvenile and Family Court Judges, 1994); "Developments in the Law: Legal Responses to Domestic Violence," *Hawaii Law Review* vol. 106 (1993); Edwards, 1992; Steinman, 1991.

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## **Chapter II: Methodology**





# Chapter II: Methodology

## Jurisdictions Participating in the Civil Protection Order Study

The Delaware Family Court in Wilmington, the Denver County Court, and the District of Columbia Superior Court participated in the civil protection order study. These jurisdictions were selected based on particular attributes that rendered them interesting and appropriate study sites. Among these attributes was the variance among the sites on a number of characteristics that might influence how effective a remedy protection orders can be.

On some factors that also might affect the effectiveness of civil protection orders, the three jurisdictions are more alike than different. One of these factors is the availability of emergency protection orders. In each of the three jurisdictions, petitioners can obtain an *ex parte* order of protection during business hours Monday through Friday, but there is no weekend or after-hours access to an emergency civil protection order. (In all three sites, the court can issue a criminal no-contact order in cases where the perpetrator has been released from custody after an arrest.)

Two other important aspects of effectiveness that are similar in the three sites are the mechanisms for enforcing protection orders and the legal treatment of violations. In each site, police may arrest respondents without a warrant based on probable cause that the respondent violated the protection order.<sup>1</sup> Violations can be prosecuted as a misdemeanor offense. Orders are also enforceable through contempt proceedings in the court.

The factors that distinguish the three jurisdictions are described below. These factors include (1) the stage of development that initiatives to address domestic violence had reached when the study commenced; (2) the accessibility of victims to the court process; (3) the organization, level, and source of intake services for petitioners; (4) the scope of relief available in protection orders; (5) eligibility for protection orders; and (6) the provision of services to victims of domestic violence (availability, coordination, and centralization of services).

## Development of Domestic Violence Initiatives

**Delaware.** Two primary reasons for studying protection orders in Delaware were the relative recency and comprehensiveness of Delaware's civil protection order statute and the placement of jurisdiction for protection orders in the Family Court. Delaware has had a Domestic Violence Task Force since 1984. Since that time, the Task Force has worked cooperatively with state agencies and community organizations to improve

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<sup>1</sup> The entry of protection from abuse orders is fully automated now in Delaware. When a judge or commissioner grants a PFA, the order is printed out for the parties in the courtroom and simultaneously entered into the statewide justice information system (DELJIS). Orders thus are accessible by all law enforcement officers statewide. The information system has recently been automated. Colorado is in the process of developing a statewide registry for civil protection orders. In the District of Columbia, protection orders are entered into the Washington Area Law Enforcement System (WALEIS), but this system will soon change along with other components of the domestic violence response system.

Delaware's response to domestic violence and to coordinate public and private resources. In 1991, a coalition of professional and community volunteers organized the Project for Domestic Violence Reform, which added impetus to the movement.

These initiatives led to the enactment of legislation in 1993 that significantly altered how the justice system addressed domestic violence.<sup>2</sup> Included in the legislative package was the creation of the Domestic Violence Coordinating Council and the Protection from Abuse Act,<sup>3</sup> which authorizes Protection from Abuse Orders and, for the first time, an *ex parte* hearing for emergency protection orders.<sup>4</sup> The Protection from Abuse Act became effective January 16, 1994.

A feature of Delaware's domestic violence response that places the Family Court in a key role vis à vis its other governmental and community partners is the location of the Domestic Violence Coordinating Council office in the Family Court. The Executive Director for the Coordinating Council works closely with the Chief Judge, who chairs the Coordinating Council. As implementation of the Protection from Abuse Act and related domestic violence initiatives has proceeded, the Family Court thus has been well positioned to track progress and problems and to revise procedures and policies accordingly.

**Denver.** Denver has been on the forefront of the movement to eliminate domestic violence.<sup>5</sup> Since the early 1980s, the advocacy community has engaged the justice system, including law enforcement, prosecution, and the courts, in the reform of laws, policy, and practice related to domestic violence. Although problems remain and improvements are still needed, these government and community participants have learned over the years to work cooperatively to better protect and assist victims of domestic violence.

Judicial leadership has promoted innovations in court procedures, including the consolidation of calendars for civil protection order proceedings into a single docket and courtroom presided exclusively by one judge. Before this consolidation took place, Denver was one of two courts that participated in a study of the effects of civil protection orders by the Urban Institute.<sup>6</sup> The current NCSC study therefore offered an opportunity to compare the effectiveness of protection orders issued before and after the consolidated docket was established.

**District of Columbia.** At the time the study began, the District of Columbia was in the process of major reform of its approach to addressing the problems of domestic violence. The District had established a Domestic Violence Coordinating Council, which is chaired by a judge of the Superior Court, to develop an integrated system for reducing domestic violence and assisting its victims. However, at the outset of the study an array of services was available to victims, but there was little coordination of those services. Furthermore, despite good intentions, police, prosecutors, and the courts did not function efficiently to confront domestic violence issues. For example, petitioners for civil protection orders faced a fragmented intake system and received little assistance in obtaining protection orders or effecting service of process on respondents. The contrast between the District of Columbia and Delaware and Denver provided an opportunity to examine how these organizational differences might affect victims of domestic violence who obtain civil protection orders.

Over the past two years, the District has completed a comprehensive study of its procedures for handling domestic violence cases and services for victims. The study led to a plan for an integrated system involving the court, police, prosecutors, and victim service providers.<sup>7</sup> Representatives from each of these components of the system have collaborated during the past year to implement the plan incrementally. The major aspects of the system were expected to be in place and operating by January 1997.

<sup>2</sup> See *Domestic Violence Coordinating Council Annual Report* (State of Delaware, 1994).

<sup>3</sup> 10 Del. C. §§1041-1047.

<sup>4</sup> The legislative package also created the First Offenders Domestic Violence Diversion Program; and the Victim's Bill of Rights; authorized warrantless arrest for violations of PFA's; and required training for deputy attorneys general.

<sup>5</sup> See National Council of Juvenile and Family Court Judges, *Family Violence: State-of-the-Art Court Programs* (Reno, Nev.: National Council of Juvenile and Family Court Judges, 1992).

<sup>6</sup> A. Harrell, B. Smith, and L. Newmark, *Court Processing and the Effects of Restraining Orders for Domestic Violence Victims* (Washington, D.C.: The Urban Institute, 1993).

<sup>7</sup> See *District of Columbia Domestic Violence Plan* (1995).

## Accessibility to the Court Process

**Delaware.** In Delaware, commissioners in the Family Court generally hear petitions for civil protection orders, called Protection from Abuse Orders (PFAs). Commissioners are attorneys who are appointed to the Family Court by the governor and confirmed by the senate for four-year terms. They serve in a special unit of the Family Court designed to address the needs of families and children at-risk. In addition to PFA petitions, commissioners hear juvenile criminal matters, adult criminal matters where the victim is a juvenile or family member, bail petitions, and other matters assigned by the chief judge.

In Wilmington, the daily *ex parte* calendar rotates among three commissioners. Hearings are available at 11:00 a.m. and 3:00 p.m. each business day and are held privately. *Ex parte* orders expire after 10 days. All three commissioners generally are assigned to preside over PFA hearings on Fridays, when cases are set at 8:30 a.m., 9:30 a.m., 10:30 a.m., and 11:30 a.m. The docket often becomes delayed, however, and hearings sometimes stretch into the early afternoon.

Petitioners pay a filing fee to obtain a Protection from Abuse Order, but the fee can be waived upon a motion that the petitioner cannot afford the fee. Family Court provides service of orders, other documents, and notice of hearings through the local law enforcement agencies.

**Denver.** Denver has a specialized docket (Courtroom 303W) for civil protection order proceedings in the County Court, a limited jurisdiction trial court. One judge is assigned exclusively to this docket, generally for a two-year period. Petitions for temporary protection orders are heard daily on an *ex parte* calendar beginning at 1:30 p.m. Temporary orders are valid for 14 days. Hearings on permanent orders are held in Courtroom 303W every morning beginning at 8:30.

At the time of the study, the court imposed a filing fee for a protection order, but the fee could be waived upon the request of the petitioner. Service of process was made by the police for a fee, but this fee also could be waived.

**District of Columbia.** In the District of Columbia, Superior Court judges hear petitions for civil protection orders. (Judges generally sit in two-year rotations in the Family Division.) *Ex parte* hearings for temporary orders are held privately and are available daily from the “judge in chambers,” who also hears warrants and other emergency matters. Petitioners sit in a small and busy waiting area until the judge in chambers can hear their case. Temporary orders expire after 14 days. Hearings for full orders are set daily on a trailing docket. One judge generally is assigned to the protection order calendar for a one-month period.

The Superior Court does not impose a filing fee for a protection order (and did not do so during the study period). Service, however, was the total responsibility of the petitioner. This policy imposed not only costs on victims but also the burden of effecting service. The judges of the court were aware of these restrictions on access to a protection order, and many included in the order a provision for service by the Metropolitan Police Department. Service is now universally provided at no charge.<sup>8</sup>

## Organization, Level, and Source of Intake Services for Petitioners

**Delaware.** The Delaware Family Court has a Domestic Violence Unit that provides intake services for most petitioners for Protection from Abuse Orders (PFAs). The Domestic Violence Unit staff are professionals with academic backgrounds in the social science or mental health fields and specialized training in domestic violence. Under the usual procedure, individuals seeking a PFA are advised to proceed to the Domestic Violence Unit on the second floor, and their names are placed on a PFA waiting list. The petitioners wait for an intake interview in a lobby seating area outside the offices of the Domestic Violence Unit. (The general Intake Unit for the Family Court may perform the PFA intake process if the waiting time in the Domestic Violence Unit

<sup>8</sup> To qualify for block grant funds available under the Violence Against Women Act, petitioners must have access to service of orders at no cost.

becomes too long or if it becomes apparent during intake for another Family Court matter that an individual may need a PFA. Staff of the Intake Unit have training in domestic violence and the PFA petitioning process.)

During the intake interview in a private office, Domestic Violence Unit staff screen the case to determine whether the individual is in immediate danger and needs to have an *ex parte* hearing for a temporary order that day or if the individual can safely wait until a full hearing can be held in either 10 or 30 days. If the individual wishes to file a petition for a PFA, the Domestic Violence Unit staff assists the individual in completing the petition and, if appropriate, an affidavit for an emergency hearing. If an *ex parte* hearing is needed, the petitioner's file is forwarded to the commissioner hearing *ex parte* petitions that day and a hearing is set for either 11:00 a.m. or 3:00 p.m. The Domestic Violence Unit staff accompanies the petitioner to the hearing, but does not provide representation.<sup>9</sup>

**Denver.** Petitioners for restraining orders obtain court forms and instructions from the clerk for Courtroom 303W. Court personnel do assist petitioners in completing the forms. However, the Denver County Court has an informal cooperative agreement for limited intake services with a community victim advocacy and service organization, Project Safeguard. Under this agreement, Project Safeguard advocates may assist women filing petitions for restraining orders, both in the courthouse and at an off-site location.

Project Safeguard offers a free clinic each day at 10:30 a.m. where paid and volunteer staff advise victims about the process for obtaining a temporary and permanent restraining order and assist victims in completing the necessary court forms. Advocates also are present each day in Courtroom 303W to assist women in preparing for the *ex parte* hearings, which begin at 1:30 p.m. These advocates assist women who have been at the morning clinic as well as women who have not had any previous assistance. Many of these women will have arrived at Courtroom 303W sometime after 12:30 p.m., when the Clerk's Office for Courtroom 303W reopens for the *ex parte* hearing docket. (Individuals who come into the Clerk's Office during the morning calendar are given a packet of court forms and instructions and advised to return at 12:30 p.m.)

**District of Columbia.** At the time that participants in the study were recruited, victims of domestic abuse could start the petition process for either a temporary or full protection order during the business day at either the Citizen's Complaint Center (since closed) or the Clerk's Office for the Family Division of the Superior Court. All petitions were filed, however, in the Clerk's Office, where victims waited their turn for time with court intake staff. Court staff completed the petition based on the affidavit filed by the petitioner, but provided no advice or assistance in completing the affidavits or other court forms. Court staff advised petitioners where to go for an *ex parte* hearing with the judge in chambers but usually did not accompany them there. (A new centralized intake system was scheduled to begin operating in November 1996. Corporation Counsel, the equivalent of a city attorney's office, will provide intake services.)

## Eligibility for Protection Orders

**Delaware.** Under Delaware's Protection from Abuse Act, Protection from Abuse Orders (PFAs) are an available remedy for a protected class of people who are victims of an act of abuse. The protected class includes family members,<sup>10</sup> former spouses, a man and a woman living together with or without a child in common, or a man and a woman living apart with a child in common. Thus, PFAs are available to those who have a former relationship with the abuser only if the victim and the abuser have a child in common or the abuse occurred while the parties lived together; PFAs also are not available to men or women in a homosexual relationship. Although eligibility of individuals for PFAs is narrower than in Denver and the District of

<sup>9</sup> In some cases, victims may have been referred to the Victim Advocacy Office before they came to the Domestic Violence Unit. In these cases, victim advocates assist victims in completing petitions and other court forms. Domestic Violence Unit staff also refer victims to the Advocacy Office for services after the victims have completed the petition process.

<sup>10</sup> For purposes of the PFA Act, the meaning of "family" is defined in Title 10 §901 (9) of the Delaware Code. This definition of family excludes classic dating relationships and homosexual relationships.

Columbia, the definition of abusive acts for which a remedy is available is more broad. It includes causing or attempting to cause physical injury, threatening to cause physical injury, destroying property, trespassing, child abuse, unlawful imprisonment, and insults or taunts that reasonably would cause alarm, humiliation, or degradation in another individual.

*Denver.* The Colorado statute on domestic abuse<sup>11</sup> defines broadly both eligibility for a civil protection order (restraining order to prevent domestic abuse) and domestic abuse in a single definition: Domestic abuse is “any act or threatened act of violence which is committed by an adult or emancipated minor against another adult, minor child, or emancipated minor with whom the actor is a current or former relation, or with whom the actor is living or has lived in the same domicile, or with whom the actor is involved or has been involved in an intimate relationship.”<sup>12</sup> Thus, protection orders cover individuals involved in current, former, heterosexual, or homosexual relationships (legal, intimate, cohabitant).

*District of Columbia.* Domestic abuse is an “intrafamily offense” (an act punishable as a crime) against which eligible persons may obtain a civil protection order.<sup>13</sup> Eligibility is broad and extends to persons related by blood, legal custody, or marriage, or having a child in common, sharing a domicile, or having a current or former romantic relationship.<sup>14</sup>

## Scope of Relief Available in Protection Orders

*Delaware.* The scope of relief available in Protection from Abuse Orders includes restraining any abusive behavior toward the petitioner or her children; prohibiting contact on the telephone and at specified locations; giving exclusive use of the residence; awarding temporary custody and child and spousal support; requiring payment for damages caused by domestic violence; allowing exclusive use of personal property (e.g., automobiles, bank accounts); requiring the respondent to relinquish firearms to police and prohibiting him from obtaining additional firearms; requiring evaluations for substance abuse treatment; and ordering counseling for the respondent. Commissioners also may include other terms in the order. Protection from Abuse Orders expire after 1 year but may be extended an additional 6 months for a total of 18 months.

*Denver.* The terms of restraining orders issued in Denver also can be broad. Available relief includes restraining all specified contact with the petitioner; specifying the distance in yards that the respondent must stay away from the petitioner; excluding the respondent from the residence; providing temporary care and control of the children until a custody order can be obtained in the District Court (120 days); setting child visitation when care and control has been awarded; and other terms that the judge finds to be appropriate given the evidence.

Standard restraining orders in Denver also contain a term that prohibits either the petitioner or respondent from speaking badly about the other party directly to or in the presence of the children. The sanctions for violating the order are spelled out on the order and a notice to law enforcement officials makes clear that they have a duty to arrest the respondent if they have probable cause to believe that the respondent has violated the order. Permanent restraining orders have no expiration time; they are effective until the court grants the petitioner’s motion to dismiss the order.

*District of Columbia.* Protection orders issued by the District of Columbia Superior Court can be fairly comprehensive and flexible to fit particular circumstances. Standard terms available include prohibiting molesting, assaulting, threatening or physically abusing the petitioner or her children; requiring the respondent to vacate the mutual residence and relinquish possession or control of personal property; ordering temporary custody for and visitation with the children; and providing notice to the Metropolitan Police

<sup>11</sup> C.R.S. §14-4-101-105.

<sup>12</sup> C.R.S. §14-4-101.

<sup>13</sup> Title 16 §2 of the District of Columbia Code.

<sup>14</sup> District of Columbia Code §16-100115(A)(B).

Department that they should patrol the premises of the petitioner or stand by while the respondent removes personal possessions from the mutual residence. The court also may order other relief. Civil protection orders expire after one year.

## Service Provision to Domestic Violence Victims

**Delaware.** In Delaware, domestic violence victims have access to both government and community services through a court connection. This connection is close primarily because the Family Court has played a key role in bringing about improvements in justice system responses to domestic violence and Delaware's Domestic Violence Coordinating Council operates from offices in the Family Court in Wilmington. (See discussion of the stage of development of domestic violence initiatives, above.)

The Family Court's Domestic Violence Unit provides services directly to petitioners in both the intake process and at the hearings for permanent orders. As noted above, at intake Domestic Violence Unit staff help petitioners complete forms for orders, give objective advice, and screen the cases to determine whether the victim needs an *ex parte* order that day or whether she can wait safely for 10 or 30 days until notice can be given to the respondent and a hearing can be set. (In cases in which criminal charges are filed, Domestic Violence Unit staff conduct a risk assessment with the defendant for the bail review by a commissioner and determine which type of process for obtaining a Protection from Abuse Order is most likely to be appropriate for the victim.)

At the time of the scheduled PFA hearing, Domestic Violence Unit staff perform several functions. They first explain the procedures for the hearing to petitioners and respondents who appear; inform both parties that they may enter into a consent agreement that will result in a Protection from Abuse Order but eliminate the need for a contested hearing in which evidence of abuse will be taken; help the parties to develop a consent agreement if the parties decide to try to reach an agreement; and inform the commissioner whether a contested hearing is necessary.

The Family Court also provides office space for the Victim Advocacy program coordinated by the Project for Domestic Violence Reform. Through the Victim Advocacy Office a cadre of more than forty volunteers assists victims in a number of ways, including crisis intervention, safety planning, accompaniment at hearings for protection orders and criminal proceedings for the batterer, and information and referral to community services. The volunteer advocates maintain contact with victims for two months or longer, according to the victims' wishes. Also operating in cooperation with the Family Court is Delaware Volunteer Legal Services, which provides pro bono assistance to low-income victims in Protection from Abuse proceedings and other matters related to the domestic abuse.<sup>15</sup>

The Family Court maintains a close working relationship with other governmental units involved in addressing domestic violence. Among these are victim assistance services in the three law enforcement agencies that serve the jurisdiction of the Family Court in Wilmington (Wilmington Police Department, the New Castle County Police Department, and the state police) and the Attorney General's domestic violence prosecution unit.

Two primary service providers in the community with which the Family Court cooperates to assist victims are Child, Inc., and Families in Transition. Both providers operate a domestic abuse hotline and a shelter for a battered women and their children and provide counseling services for victims, batterers, and children.

**Denver.** Although the Denver County Court does not coordinate victim services or provide them directly to petitioners for civil protection orders or services, it has developed cooperative alliances with Project Safeguard, Children's Legal Services, the Denver Police Department, the City Attorney, the District Attorney, the Legal Aid Society, and other governmental and community services. Victim assistance units

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<sup>15</sup> See *Domestic Violence Coordinating Council Annual Report, 1994*.

operate in the Denver Police Department and both the City Attorney and District Attorney's offices. An innovation in the court is a guardian ad litem program operated by Children's Legal Services, which provides representation for children involved in or affected by restraining order proceedings.

Project Safeguard functions as the primary coordination point for services to petitioners for restraining orders. Through Project Safeguard, petitioners receive direct assistance in filing for protection orders as well as information about and referral to more comprehensive services. In addition to a daily restraining order clinic to assist petitioners in completing forms to apply for protection orders and assistance at the court to petitioners who did not attend the clinic, Project Safeguard provides a daily safety orientation in the court; a weekly legal clinic to assist women who file pro se for divorce or child custody; referrals to and coordination of other services for victims; and training for police, shelter, court, and hospital staff, batterer treatment providers, community groups, and others.

Among the numerous community services available to victims of domestic violence in the Denver area are battered women shelters, victim and child counseling, batterers' treatment, education and employment counseling, housing assistance, immigration counseling, and pro bono legal assistance. The Legal Aid Society coordinates pro bono representation at hearings for permanent restraining orders for women with children. The Legal Aid Society works cooperatively with Project Safeguard to provide this service.

*District of Columbia.* During the time since the study period commenced, the District of Columbia has been developing and implementing a domestic violence plan that will significantly change how protection orders are processed as well as the type and manner in which services are provided to victims. This section describes how the Superior Court functioned at the time the study began. Some aspects of the process have since changed and many more will change by 1997.

The District of Columbia does not coordinate or provide direct services to petitioners for protection orders. (See discussion of domestic violence initiatives, above.) Clerk's Office staff give to petitioners a booklet that describes the hearing process and contains information about legal and other services available in the community. (The booklet was developed by the Emergency Domestic Relations Project [EDRP] of the Georgetown University Law Center.)

However, access to and provision of services is decentralized and fragmented. Corporation Counsel, the equivalent of a city attorney office, provides legal representation in hearings for permanent protection orders to a small proportion of petitioners. The U.S. Attorney's Office, which serves as the prosecutor for the District of Columbia, has a victim assistance unit. Staff and volunteers of the EDRP meet with petitioners and respondents before scheduled protection order hearings to explain the process and to try to reach agreement on the terms of orders. In addition, other local law school clinics (American University Washington College of Law, Catholic University, and George Washington University) assist some victims, and AYUDA is an advocacy and service provider for the Hispanic community. Two battered women's shelters operate in the District of Columbia (House of Ruth and My Sister's Place), and several other shelters provide services in communities in Virginia and Maryland.

## Sources of Data

The study findings are based on four sources of data: (1) initial telephone interviews conducted with 285 women petitioners for protection orders in the three project sites approximately one month after they received a protection order (temporary or permanent); (2) follow-up interviews with 177 of the same group of petitioners about six months later; (3) civil case records of the women who participated in the study; (4) criminal history records of men named in the protection orders the study participants obtained. The analysis of these data was enhanced by on-site interviews with judges, court managers and staff, victim services representatives, members of police domestic violence units, and prosecutors, and by observations of hearings for temporary and permanent orders.

## Participant Recruitment and Attrition

### Recruitment

In each of three sites, women who filed petitions for protection orders were recruited for the study in person. Recruitment for the study began in July 1994 at staggered times across the sites as project staff visited each site and trained individuals to recruit women there. In each of the sites, the recruiters explained the purpose of the study and what participation in it would entail. If a woman agreed to participate, the recruiters asked her to sign a consent form. Signed consent forms were mailed in weekly batches to the NCSC. In Delaware, court staff of the Domestic Violence Unit recruited participants either when they petitioned for an *ex parte* order or when they appeared for a hearing on a permanent order. In Denver, volunteers and staff of Project Safeguard recruited participants either at the protection order clinic that Project Safeguard offers each day or in the courtroom prior to each day's *ex parte* docket. In the District of Columbia, court staff who processed the court forms for petitioners recruited participants.<sup>16</sup>

Across the three project sites, 554 women agreed to participate in the study and signed a consent form (Delaware, 151; Denver, 194; District of Columbia, 209). We were able to complete an initial interview with 285 of the women (51 percent) who were recruited (Delaware, 90; Denver, 90; District of Columbia, 105). These women formed the study groups in each site.

### Attrition Among Women Recruited for the Study

Reasons for attrition among the women recruited for the study are numerous and varied, but difficulty in contacting the women by phone was a major factor. About one-fifth (55) of the women recruited for the study did not participate because they did not respond to phone messages asking them to return the call by using a toll-free number. We left messages either on an answering machine or with an individual.<sup>17</sup> In Delaware, almost 30 percent of the women recruited did not return messages. In Denver and the District of Columbia, the figures are 21 percent and 17 percent, respectively.

Disconnected telephones were a second major communications hurdle. Sixteen percent of the women recruited could not be reached because their phones had been disconnected and no contact person or new number had been provided.<sup>18</sup> About 10 percent (29) of the women recruited were not interviewed because we were unable to leave a message or get an answer at the number provided. This proportion is slightly higher in the District of Columbia (15 percent) than in Delaware (7 percent) and Denver (9 percent). Wrong phone numbers (4 percent), and women who had no phone at all (3 percent), also precluded staff from completing interviews with women who were recruited.

A variety of other reasons explain why staff were unable to complete interviews with women recruited for the study. Some women simply changed their minds and chose not to participate (9 percent).<sup>19</sup> Others broke appointments or put off the interview by repeated requests for rescheduling (7 percent). A small proportion of women recruited ultimately did not obtain an order (6 percent). Another 4 percent of the women

<sup>16</sup> Recruitment was to continue until project staff had completed 100 interviews in each site. In the District of Columbia, court staff were able to recruit women more consistently and the recruitment process concluded in March 1995. In Delaware and Denver, recruitment was not as consistent and the process did not conclude until October 1995. In these two sites, only 90 women participated in the study because insufficient time remained to recruit and interview another 10 women.

<sup>17</sup> Telephone interviewers took safety precautions when leaving messages. For example, they did not leave messages with males or if the voice of the recorded message was a male's. They only left their first name and the toll-free number. Other safety precautions were used when placing all calls.

<sup>18</sup> Recruiters asked the women to provide alternative ways to reach them in the event they moved or changed their telephone numbers. Interviewers also asked for the names of contact persons to increase the likelihood of finding the participants for the follow-up interviews.

<sup>19</sup> The proportion of women who changed their mind about participating in the study was much lower in Delaware (3 percent) than in Denver (12 percent) and the District of Columbia (10 percent). This is most likely because the majority of women in Delaware were recruited at the hearing for the permanent order. Because they were not in an emergency situation then, they were more likely to have been able to pay greater attention to the explanation of the study and what would be expected of them.



had moved.<sup>20</sup> Five percent of the women had petitioned for protection orders against a family member who was not an intimate partner.

### ***Implications of Recruitment and Attrition of Women Recruited***

The method of selecting participants for the study places some limitations on the strength of the conclusions that can be drawn from the study findings. First, the participants were not randomly selected, which limits the extent to which we can say they are representative of other women who seek protection orders in the study sites. Because the women had to agree to participate, however, the sample could not ultimately have been random.<sup>21</sup>

This self-selection poses a second threat to the validity of the findings, which is that those women who were willing to participate may have some characteristics that distinguish them from the other victims who might seek a protection order. For example, all of the women in the study could understand English and could read and write well enough to provide their name, phone number, address, and names and contact information of someone who would know their whereabouts if they moved or changed their phone number.

Third, all of the participants had a telephone or access to one. This sets them apart from women with fewer resources and those who do not have a place where it is safe to have a telephone conversation, including most women who were staying in a shelter or other temporary residence. (Interviewers were able to speak with some women who were in transient situations.) They also were in a sufficiently stable psychological state to be able to pay attention to the explanation of the study and to think about a future time when interviewers might be calling and where they could be at that time. Many of the women whom interviewers could not reach may have returned home to an environment that was more dangerous than when she left and no longer could take the chance that participation in the study might aggravate a dangerous situation or inflame a violent partner whose violence momentarily was dormant.<sup>22</sup>

### ***Attrition Among Study Participants***

We were able to complete six-month follow-up interviews with 62 percent (177) of 285 study participants (Delaware, 56; Denver, 58; District of Columbia, 63). The two primary reasons staff could not interview participants a second time were disconnected telephones (35 percent) and unreturned messages (35 percent). This was not surprising, given the safety precautions victims of domestic abuse should take and the instability many victims experience when they are either making a break from an abusive relationship or still struggling to make the break.

### ***Implications of Participant Attrition or the Study Findings***

To determine what characteristics of the participants or the respondents might account for the unavailability for or lack of participation in the second interview, the study examined differences in responses to questions in the initial interview, variations in demographic variables, and differences in the respondents' criminal history. The only variable that differentiated among the women in all three sites who were interviewed a second time and those who were not was the criminal history of the respondent.<sup>23</sup> If the woman's

<sup>20</sup> Many of the women whom the interviewers could not reach because of disconnected phones and unreturned calls also may have moved.

<sup>21</sup> We also do not know what proportion of the women who were asked to participate declined. However, this proportion is likely not of any appreciable size because the recruiters reported that few women did not agree to participate.

<sup>22</sup> Research indicates one of the most dangerous times for victims is when they are fleeing their batterer and anger can escalate in response to threatened loss and intensive feelings of dependency. See Hofford, 1996; M.A. Dutton, "Understanding Women's Responses to Domestic Violence: A Redefinition of Battered Woman Syndrome," *Hofstra Law Review* vol. 21 (1993); A. Harrell, *A Guide to Research on Family Violence*. (Washington, D.C.: The Urban Institute, 1993); and Lerman, 1984.

<sup>23</sup> In Delaware and the District of Columbia, participants with children were more likely to have been reached for a follow-up interview. This suggests that having children may add stability to a woman's life. She may be less likely to go into hiding and she may be more likely to carry on a routine life.

abuser had an arrest record for violent crime, she was significantly less likely to have been available for a second interview. This finding suggests that the women not interviewed may have had less positive outcomes from obtaining a protection order. That is, these women may have had less positive feelings about themselves and their lives than did the women who were interviewed a second time,<sup>24</sup> and they may have suffered repeated physical abuse, psychological abuse, or other violations of the protection order to a greater degree than the women participating in the follow-up interviews.<sup>25</sup>

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<sup>24</sup> On the other hand, participants who obtained orders against respondents with an arrest record for violent crime tended to have higher scores on an index of subjective measures of effectiveness of protection orders. See Chapter IV on effectiveness of protection orders.

<sup>25</sup> An index of objective measures of effectiveness (repeated abuse, violations of orders, problems with orders) indicates that a history of violent crime adversely affects the effectiveness of protection orders. See Chapter IV on effectiveness of protection orders.

## **Chapter III: Characteristics of Study Participants**



# Chapter III: Characteristics of Study Participants

## Demographics of Study Participants

**Length of relationships, marital status, and children.** The length of relationships between the participants and the respondents at the time the women obtained a protection order averaged seven-and-a-half years across the study sites.<sup>1</sup> On average, relationships were longer in Delaware (10 years) in comparison to Denver (6 years) and the District of Columbia (7 years). A higher proportion of participants in Delaware also were married at the time of the protection order (32 percent) compared with participants in Denver (21 percent) and the District of Columbia (19 percent).<sup>2</sup> A greater proportion of participants in the District of Columbia had never been married to the respondent (59 percent) compared with Delaware (24 percent) and Denver (51 percent). The majority of participants in each site have children in common with the respondent, but the proportions vary across the sites: 90 percent in Delaware, 65 percent in Denver, and 80 percent in the District of Columbia.<sup>3</sup>

**Living arrangements relationships.** At the time they petitioned the court for a protection order, roughly 50 percent of all participants were living with the respondents to their protection orders, and another 11 percent had a dating relationship with them. Obtaining a protection order at least had the temporary effect of separating the petitioner from the respondent. Three-quarters of the study participants no longer had a relationship with their respondents after the orders were issued, and 10 percent still shared a residence. Approximately six months later, 80 percent of the participants interviewed had no relationship with their respondents, and 12 percent shared a residence. The proportion of participants in Delaware who maintained some close relationship with their respondents after six months was greater than in the other two sites, however. In Delaware, 18 percent of the women lived with their respondents, and 7 percent had dating relationships after six months.<sup>4</sup>

**Age/Education.** Across the sites, more than 70 percent of the participants were 35 years old or younger. The average (mean) age across the sites was 32, with virtually no variation among the three sites.<sup>5</sup> At each site, the proportion of participants with high-school diplomas (80 percent) is only slightly lower than the proportion of high-school graduates in the general population. The proportion of participants with college degrees is much lower than the general population, however. In Denver, for example, where 29 percent of the population are college graduates, only 12 percent of study participants have a college degree.<sup>6</sup>

**Income.** Because income generally rises with educational level, it is not altogether surprising that the study participants also have lower incomes than the general population. In the District of Columbia and Denver, the average (mean) monthly income of study participants is roughly half that of the general popu-

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<sup>1</sup> See Appendix III, Table A.III.1: Length of Relationship with Respondent.

<sup>2</sup> See Appendix III, Table A.III.2: Marital Status of Participants When Order Obtained.

<sup>3</sup> See Appendix III, Table A.III.3: Proportion of Participants with Children.

<sup>4</sup> See Appendix III, Table A.III.4: Relationship of Participants with Respondent.

<sup>5</sup> See Appendix III, Table A.III.5: Age of Participants.

<sup>6</sup> See Appendix III, Table A.III.6: Educational Level of Participants.

lation (\$1,267 and \$1,150, respectively). In Delaware, the disparity is not so great; there the average monthly income of participants is nearly two-thirds the level of the larger community (\$1,432).<sup>7</sup>

**Employment.** Across the study sites, 61 percent of the participants were employed full-time at the time of the initial interview, and another 7 percent had part-time jobs. Unemployment rates vary across the sites, however. In the District of Columbia unemployment was the highest among the sites (35 percent); in Delaware and Denver, participants' unemployment stood at 28 percent and 26 percent, respectively.<sup>8</sup>

**Race.** Of the 285 women who participated in the study, 51 percent are African-American, 34 percent are white, 13 percent are Hispanic, and 2 percent belong to groups classified as "other."<sup>9</sup> The racial composition of the study groups varies across the three sites; within each site, the proportion of minorities is significantly higher than their representation in the general population of that site. This is illustrated starkly in the District of Columbia, where whites make up about 30 percent of the population but comprise a mere 3 percent of the participants in the study.<sup>10</sup>

### Implications of Study Participants' Characteristics for Study Findings

The study findings indicate that the participants in the study had been in committed relationships. They were not casually forming loose relationships and then finding trouble with their partners. Rather, the majority of them had long-term relationships and had children in common with their respondents. The protection orders they obtained may have provided the extra measure of stability they needed either to end their relationships or to reorder their lives after separating.

A number of theories have been propounded to explain why a woman remains in an abusive relationship.<sup>11</sup> Most of these theories focus on the individual personality traits of the abused person as the cause of her decisions to remain in the relationship. One theory, however, takes the focus off the personality of the victim and places it on environmental and structural factors in her life.<sup>12</sup> This theory uses an investment model to explain decisions to stay or to go.<sup>13</sup> According to this model, a woman's feelings of commitment to the relationship weigh most heavily when she is deciding whether she should leave her abusive partner. Commitment is influenced by three variables: satisfaction with the relationship, the quality of her alternatives to staying, and the level of her investment in the relationship.

For a victim of domestic violence, satisfaction is likely to be low if she suffers serious and prolonged abuse (although the abuser's level of contriteness or affection may mitigate the level of abuse). If satisfaction is low, the victim evaluates the quality of economic or social alternatives available to her. If she has no source of income, her income is low, or she has little education; if no other partner is on the horizon; or if she has other constraints, children, for example, leaving is unlikely to be a viable option. The emotional energy and resources invested in the relationship must also be considered. In general, the more enduring the relationship, the more a woman has at stake: her children, shared possessions, and mutual friends. When the stakes are high, a woman may struggle to maintain the partnership in spite of intense and prolonged abuse.

<sup>7</sup> See Appendix III, Table A.III.7: Monthly Income of Participants.

<sup>8</sup> See Appendix III, Table A.III.8: Employment Status of Participants.

<sup>9</sup> See Appendix III, Table A.III.9: Race/Ethnicity of Participants.

<sup>10</sup> C. M. Slater and G. E. Hall (eds.), *1996 County and City Extra: Annual Metro, City and County Data Book* (Lanham, Md.: Bernan Press, 1996).

<sup>11</sup> See, e.g., D.G. Dutton, *The Domestic Assault of Women: Psychological and Criminal Justice Perspectives* (Vancouver, British Columbia: UBC Press, 1995); Harrell, 1993; Dutton, 1993; M.A. Dutton-Douglas and D. Dionne, "Counseling and Shelter Services for Battered Women," in M. Steinman (ed.), *Women Battering: Policy Responses* (Highland Heights, Ky., and Cincinnati, Ohio: Academy of Criminal Justice Sciences and Anderson Publishing, 1991); and M.J. Strube, "The Decision to Leave an Abusive Relationship: Empirical Evidence and Theoretical Issues," *Psychological Bulletin* vol. 104 (1988).

<sup>12</sup> C. E. Russett and J. M. Martz, *Personality and Social Psychology Bulletin* vol. 21 (June 1995), pp. 558-571.

<sup>13</sup> The model has been applied in the study of the dynamics of commitment in friendships, dating relationships, long-term adult relationships, and heterosexual and homosexual relationships. Id.

**Table III.1:**  
**Nature of Abuse Before Protection Order**

All Sites (n=285)	#	%	By Site	#	%
Threatened or injured with a Weapon	105	36.8	Delaware	29	32.2
			Denver	33	36.7
			District of Columbia	43	41.0
Severe Physical Abuse: Beaten or Choked	155	54.4	Delaware	55	61.1
			Denver	48	53.3
			District of Columbia	57	49.5
Mild Physical Abuse: Slapping, Grabbing, Shoving, Kicking	239	83.9	Delaware	80	88.9
			Denver	79	87.8
			District of Columbia	80	76.2
Intimidation Through Threats, Stalking, Harassment	282	98.9	Delaware	90	100.0
			Denver	90	100.0
			District of Columbia	102	97.1

The investment model could be applied to the participants in this study. In Delaware, for example, women endured more severe abuse for a longer period of time than did their counterparts in Denver and Delaware.<sup>14</sup> The average length of relationships was longer in Delaware and higher proportions of the women were married to and had children in common with their respondents at the time they obtained their protection orders. The greater investment of time and emotional resources in marriage and children may partly explain why a higher proportion of the Delaware participants remained in a relationship six months after they obtained a protection order.

### The Nature of the Abuse Experienced by Study Participants

On several dimensions, the abuse the participants in the study reported was severe. The types of abusive behavior, the frequency of the abuse, and its duration over time all indicate that the participants in the study were not seeking protection orders frivolously or for some motives other than ending the violence and protecting themselves and their children from further harm. More than one-third of the study participants had been threatened or injured with a weapon; in the District of Columbia this figure was 41 percent (see Table III.1). More than half the participants had been beaten or choked, and 84 percent had suffered milder physical abuse, such as slapping, kicking, and shoving.<sup>15</sup>

The frequency of the respondents' abusive behaviors also was high (see Table III.2).<sup>16</sup> While the use of weapons to threaten or injure the participants occurred for most women only once or twice, more than 40 percent of the participants experienced severe physical abuse at least every few months, and 10 percent experienced such abuse weekly. The length of time the participants experienced abuse before seeking a protection order varied (see Appendix IV, Table A.IV.4). About 10 percent of the participants sought a protection order after only a week, but 15 percent of the women experienced abuse for one to two years, and nearly one-quarter had endured the respondent's abusive behavior for more than five years.

<sup>14</sup> See discussion of the nature of the abuse reported by the study participants, *infra*.

<sup>15</sup> To assess the nature of the abusive behavior experienced by the study participants, the project applied the categories of abusive behaviors used by the Urban Institute and the Association of Family and Conciliation Courts in an evaluation of the use of mediation in family mediation when domestic violence might be occurring between the parties. See, L. Newmark, A. Harrell, and P. Salem, *Domestic Violence and Empowerment in Custody and Visitation Cases: An Empirical Study on the Impact of Domestic Abuse* (Madison, Wis.: Association of Family and Conciliation Courts, 1994). These categories were distilled from the specific acts included in the Conflict Tactics Scale developed by M. Straus, "Measuring Family Conflict and Violence: The Conflict Tactics Scales," *Journal of Marriage and the Family*, vol. 41 (1979), pp. 75-88.

<sup>16</sup> See Appendix IV, Tables A.IV.3a, b, and c, for frequency of abuse reported in the individual sites.

**Table III.2:  
Frequency of Abuse, All Sites**

	Weapons		Severe Physical Abuse		Mild Physical Abuse		Intimidation	
	#	%	#	%	#	%	#	%
<b>1 to 2 Times Only</b>	77	73.3	69	44.5	71	29.7	17	7.6
<b>1 to 2 Times Per Year</b>	7	8.7	17	11.0	26	10.8	7	3.1
<b>Every Few Months</b>	8	7.6	21	13.5	39	16.3	4	1.8
<b>Every Few Weeks</b>	3	2.9	23	14.9	37	15.4	42	18.8
<b>Weekly</b>	1	1.0	16	10.3	31	13.0	33	14.8
<b>Almost Daily</b>	6	5.8	9	5.8	35	14.6	107	45.7
<b>TOTAL</b>	103	100.0	155	100.0	239	100.0	223	100.0

To measure the intensity of the abuse, we asked the study participants about both the type and frequency of the abuse they experienced. Looking at the intensity of abuse we can obtain a better picture of the dynamics of abuse than we could by looking only at the type of abuse.<sup>17</sup> The intensity of abuse experienced by an individual victim could be expected to be one of the factors that would have some impact on the potential effectiveness of a protection order.

To have a more simplified and more useful measure of abuse intensity, we explored whether an index could be created from the individual variables used to measure abuse intensity; i.e., each type of abuse the study participants experienced and the frequency of each of those types. Such an index would facilitate a more streamlined analysis of the possible relationships between abuse intensity, other factors such as the respondent's criminal history, and the effectiveness of the protection orders. An index of abuse intensity also would allow more meaningful comparisons among the different variables and among the sites.

The first step in constructing an index was a factor analysis to examine the extent to which the individual measures of abuse type, frequency, and duration are correlated.<sup>18</sup> This analysis revealed two sets of highly correlated variables, which are distinguished primarily by the presence or absence of weapons.<sup>19</sup> This statistical distinction indicates that the use of a weapon is a categorically different level of abuse than abuse not involving the use of a weapon.

The first set of variables (Intensity Index 1) includes six variables:<sup>20</sup> (1) frequency of verbal intimidation or threats,<sup>21</sup> (2) frequency of mild physical abuse,<sup>22</sup> (3) frequency of severe physical abuse,<sup>23</sup> (4) duration of abuse,<sup>24</sup> (5) incidence of milder physical abuse,<sup>25</sup> and (6) incidence of more severe physical abuse.<sup>26</sup> The sec-

<sup>17</sup> Hartell, 1993; A. Browne, *When Battered Women Kill* (New York: The Free Press, 1987); L. Walker, *The Battered Woman's Syndrome* (New York: Springer Publishing, 1984).

<sup>18</sup> The values for the type of abuse are 1 for reported incidence and 0 for no reported incidence. The values for the frequencies of the types of abuse range from 1 (once or twice) to 6 (almost daily). The duration of abuse is counted in the number of days; e.g., 365 equals one year.

<sup>19</sup> Although the factor analysis showed a strong correlation between Intensity Index 1 and Intensity Index 2 (Chi-Square = 74,100; p = 0.0000), the individual variables making up the two indexes were not so closely related that the variables in each could be combined into a single factor.

<sup>20</sup> The incidence of verbal intimidation or threats had no significant correlation with these variables, ostensibly due to the lack of variance for this variable. Nearly all of the petitioners reported threats as part of the abusive behavior inflicted by the respondents.

<sup>21</sup> The participant was asked how often the man named in the order ever tried to frighten or intimidate her by making threats, following her around, or harassing her on the phone.

<sup>22</sup> The participant was asked how often the man had ever done anything to physically hurt her, such as slapping, grabbing, shoving, kicking, punching, or the like, even if it didn't leave any marks or she didn't report it.

<sup>23</sup> The participant was asked how often the man had ever beaten or choked her.

<sup>24</sup> Survey Question 111: "How long had physical abuse been occurring before you got the protection order (in years, months, weeks, or days)?"

<sup>25</sup> Survey Question 116: "Had he ever done anything to physically hurt you, such as slapping, grabbing, shoving, kicking, punching, or the like, even if it didn't leave any marks or you didn't report?"

<sup>26</sup> Survey Question 114: "Had he ever beaten or choked you?"



**Table III.3:**  
**Intensity of Abuse**

	Delaware	Denver	District of Columbia
Intensity of Abuse Without a Weapon	0.35	0.07	-0.36
Intensity of Abuse with a Weapon	-0.11	-0.06	0.14

ond set of correlated variables (Intensity Index 2) consists of two variables: (1) the incidence of the use of or threat to use a weapon<sup>27</sup> and (2) the frequency of the use of or threat to use a weapon.<sup>28</sup>

Perhaps the most significant relationship among the variables that compose Intensity Index 1 is the strong correlation of the duration of abuse to the types and frequency of abuse.<sup>29</sup> The longer the period of time that the victim reported she had experienced abuse from the respondent, the more frequent and severe the abuse she reported. This finding confirms the experience of many victims and the belief of their advocates that domestic violence is an escalating phenomenon. The longer a victim stays in an abusive relationship, the greater the abuse becomes and the more likely it is that the victim will be severely injured by the abuser.<sup>30</sup>

The next step in creating the measure of abuse intensity involved regression-method factor analysis to calculate standardized score coefficients for Intensity Index 1 and Intensity Index 2.<sup>31</sup> The scores for Intensity Index 1, intensity of abuse without a weapon, range from -2.23 to 2.07 with a normal distribution. The scores for Intensity Index 2, intensity of abuse involving a weapon, range from -0.95 to 3.37 but are not normally distributed.<sup>32</sup>

The mean scores for the set of participants in the first round of interviews and the smaller set of participants in the second-round interviews did not differ significantly for either Intensity Index 1 or Intensity Index 2. This lack of variance between the two groups suggests that the intensity of abuse experienced by the participants who could not be reached for the second interview did not differ significantly from the intensity of abuse experienced by those who were interviewed a second time.

A comparison of the intensity indexes for the three sites indicates significant differences among the sites on Intensity Index 1, but not for Intensity Index 2 (see Table III.3).<sup>33</sup> The intensity of the abuse experienced by the participants in Delaware was significantly higher compared to the participants in the District of Columbia.

As the discussion of the respondents' criminal history records points out below, the intensity of the abuse is correlated with histories of arrests for drug- and alcohol-related crimes and for violent crime. Respondents with arrest histories for these two types of crime tended to engage in more intense abuse of their partners than did other respondents in the study.

## Criminal Histories of Protection Order Respondents

In each of the three project sites, we obtained some form of criminal histories of the respondents named in the protection orders issued to the project participants.<sup>34</sup> These histories consist of respondents' reported

<sup>27</sup> Survey Question 118: "Had he ever used a weapon such as a gun, knife, or car to threaten or to injure you?"

<sup>28</sup> The participant was asked how often the man had used a weapon such as a gun, knife, or car to threaten or to injure her.

<sup>29</sup> The score for the rotated factor matrix for the duration of abuse variable was 0.598, resulting in a factor score coefficient of .231.

<sup>30</sup> Harrell, 1993; A. Browne, 1987; L. Walker, 1984.

<sup>31</sup> The resulting indices each have a mean of 0 and a standard deviation of 1.

<sup>32</sup> Nearly two-thirds (63.2 percent) of the scores fall into the lowest quintile of the distribution range and more than three-fourths (76.1 percent) fall into the two lowest quintiles.

<sup>33</sup> The statistical significance of the difference in means was tested using One-way Analysis of Variance (ANOVA): F-ratio = 13.776,  $p = 0.0000$ .

<sup>34</sup> The sources of the criminal history records and their inclusiveness in regard to the sample of participants varied across the project sites. In Delaware, the Family Court provided statewide data on the respondents to all the orders issued to participants in the study. The Family

**Table III.4:  
Categories of Criminal Offenses**

<b>Project Categories</b>	<b>Specific Charges</b>
Domestic Violence	Domestic Violence
Simple Assault	Offensive Touching, Menacing, Aggravated Harassment, 1st Degree Assault
Other Violence	Murder, Attempted Murder, Manslaughter, Rape, Kidnapping, 2nd or 3rd Degree Assault, Battery, Terrorist Threatening, Armed Robbery
Weapons	Illegal Possession or Use of a Firearm, Carrying a Concealed Weapon
Drug-related Offenses	Possession, Sale, or Intent to Distribute an Illegal Drug, Conspiracy to Sell or Distribute an Illegal Drug
Property Offenses	Possession or Sale of Stolen Property, Breaking and Entering, Robbery, Burglary, Larceny, Embezzlement, Trespassing
Traffic Offenses	Moving Violations, Habitual Offender, Leaving the Scene of an Accident
DUI	Driving Under the Influence of Alcohol
Miscellaneous	Contempt of Court, Capias, Disorderly Conduct, Harassment, Indecent Exposure

arrests and convictions within each jurisdiction (the state of Delaware, the state of Colorado, and the District of Columbia), but do not include arrests or prosecutions that occurred outside the jurisdiction.<sup>35</sup> Because the information on prosecutions is less comprehensive and reliable than is the information on arrests, the analysis of criminal histories presented in this report uses only the arrest information contained in these records.<sup>36</sup>

The criminal history records also are not likely to be comprehensive. Because of the close proximity that the District of Columbia and Delaware have to neighboring jurisdictions (northern Virginia and Maryland for the District of Columbia, and Maryland, Pennsylvania, and New Jersey for Delaware), the criminal records in these sites may significantly underrepresent the total amount of prior criminal activity for the respondents. In Denver, the arrest histories for respondents may be more representative of their actual prior arrest record because Denver is centrally located within a comparatively large statewide reporting jurisdiction.

Because specific arrest charges are set out in the statutory criminal code for each jurisdiction, similar types of offenses are categorized differently in each jurisdiction. To provide a consistent basis for analysis, we classified each of the charges into one of the following categories: domestic violence, simple assault, other violence, weapons offenses, property offenses, DUI, drug-related offenses, traffic offenses, and miscellaneous offenses (see Table III.4). Many of the arrest records also date to a period before charges for domestic violence were classified separately from charges for other violence (for example, assault, battery). Thus, some of the “simple assault” and “other violence” arrests may include instances of domestic violence. In addition, destruction-of-property offenses may also be related to domestic violence. A substantial portion of the miscellaneous category consists of contempts of court and capias warrants (for failure to appear for a scheduled court proceeding), which may or may not be related to domestic violence charges.

Based on these arrest reports, we found that 65 percent of the respondents had a prior criminal history (see Table III.5). For respondents with a multiple arrest history, the charges rarely were limited to a spe-

Court could achieve this level of inclusiveness because the Family Court records include the names of the respondents. In Denver and the District of Columbia, we had to obtain the names of the respondents from the participants’ case files. At each of these sites, project and court staff could not locate the files of all the participants and consequently also could not obtain the names of all the respondents. In Denver, the Colorado Division of Criminal Justice provides statewide criminal histories. In the District of Columbia, we obtained criminal records from the automated system of the Superior Court.

<sup>35</sup> These records also do not reflect juvenile arrests or other charges that have been expunged or sealed by court order.

<sup>36</sup> Delaware is the only site in which final disposition of arrests (e.g., conviction, guilty plea, acquittal, *nolle prosequi*) are consistently included in the same reporting system with the arrest histories. In Colorado’s statewide reporting system, the local jurisdiction where the arrest and subsequent prosecution occurred is responsible for entering the disposition data. The entry of this information and its accuracy are inconsistent and irregular, however. In the District of Columbia, very little information was available on prosecutions and dispositions.

**Table III.5:**  
**Number of Respondents with a Criminal Arrest History**

All Sites (n=244)	#	%	By Site		
				#	%
All Crime Types	158	64.9	Delaware (n=90)	62	68.9
			Denver (n=60)	46	57.6
			District of Columbia (n=86)	50	58.1
Violent Crime	129	52.9	Delaware	56	62.2
			Denver	40	58.8
			District of Columbia	33	38.4
Drug- and Alcohol-related Crimes	72	29.5	Delaware	25	27.8
			Denver	22	32.4
			District of Columbia	25	29.1
Other Crimes	121	49.6	Delaware	49	54.4
			Denver	31	45.6
			District of Columbia	41	47.7

cific type of offense. Rather, they consisted of a variety of offenses including violent crime (domestic violence, simple assault, other violence, and weapons charges), drug- and alcohol-related crimes (drug and DUI offenses), and other categories of crimes (property, traffic, and miscellaneous offenses).

With respect to respondents with a history of violent crime, few of them had a record reflecting prior arrests for domestic violence only. Of the 131 respondents with any history of violent crime, 109 had prior arrests for violent crimes other than domestic violence. These findings are generally consistent with a study conducted in Quincy, Massachusetts, that found that “80 percent of abusers have prior criminal histories . . . and half have prior violence records.”<sup>37</sup>

For respondents with any prior criminal history, the number of prior arrests ranged from 1 to 23, with an average (mean) of 5.8 prior arrests per respondent (see Table III.6).<sup>38</sup> More than half (56 percent) had more than 3 prior arrests. The average number of prior arrests by type of crime differed significantly, however (see Tables III.6a-c). Alcohol- and drug-related offenses had the lowest average number of prior arrests (mean = 1.9 per respondent) with a correspondingly smaller proportion of respondents (8.3 percent) with more than 3 prior arrests.

Respondents with a history of violent crime had the next lowest number of prior arrests (mean = 2.3 per respondent). One in four (25.6 percent) of these respondents had more than 3 prior arrests for violent crime. Even after excluding prior arrests for domestic violence, these respondents still had an average of 2.4 prior arrests for violent crime, with 21.1 percent having more than 3 prior arrests for violent crime.

In contrast, the “other crimes” category had the highest average number of prior arrests (mean = 3.4 per respondent) and the largest proportion of respondents (35.5 percent) with 3 or more prior arrests. As discussed above, this category encompasses a wide variety of nonviolent, misdemeanor, and public nuisance type crimes. In addition, the inclusion of contempts of court and *capias* charges under this category implies that many of these offenses stem from a single prior crime. The comparatively high numbers of prior arrests and proportions of respondents with multiple prior arrests appear to reflect a greater public tolerance for these types of crimes (i.e., the arrests do not appear to lead to incarceration) at least relative to violent crimes and drug- and alcohol-related crimes.

There is only one difference among the three sites with respect to the criminal histories of protection order respondents. Using Oneway Analysis of Variance (ANOVA), we found a statistically significant differ-

<sup>37</sup> M. Schachere, “STOP Grants Training Conferences Highlight Successful Strategies,” *National Bulletin on Domestic Violence Prevention* vol. 1 (December 1995). The Quincy study focused in part on the effectiveness of a highly coordinated and accurate reporting system between the civil and criminal court systems. The comparatively high criminal arrest rates reported in the Quincy study may reflect the accuracy of that jurisdiction’s reporting system rather than an abnormally higher violent crime rate relative to the sites included in this study.

<sup>38</sup> For respondents with any prior criminal history, the median number of prior arrests was four.

**Table III.6:  
Reported Arrests\* (All Crimes)**

<b>All Sites</b>	<b>Mean</b>	<b>Median</b>	<b>By Site</b>	<b>Mean</b>	<b>Median</b>
All Crimes (n=158)	5.8	4	Delaware (n=62) Denver (n=46) District of Columbia (n=50)	7.3 5.2 4.5	6 4 3
Range	1 to 23		Delaware Denver District of Columbia	1 to 23 1 to 16 1 to 12	
Respondents with . . .	#	%		#	%
One Prior Arrest	27	17.1	Delaware Denver District of Columbia	7 8 12	11.3 17.4 24.0
Two Prior Arrests	21	13.3	Delaware Denver District of Columbia	4 9 8	6.5 19.6 16.0
Three Prior Arrests	22	13.9	Delaware Denver District of Columbia	11 4 7	17.7 8.7 14.0
Four or More Prior Arrests	88	55.7	Delaware Denver District of Columbia	40 25 23	64.5 54.3 46.0

\* Excludes respondents with no reported criminal history.

**Table III.6a:  
Reported Arrests\* (Violent Crimes)**

<b>All Sites</b>	<b>Mean</b>	<b>Median</b>	<b>By Site</b>	<b>Mean</b>	<b>Median</b>
Violent Crime (n=129)	2.3	2	Delaware (n=56) Denver (n=40) District of Columbia (n=38)	3.6 2.6 2.5	2 2 2
Range	1 to 17		Delaware Denver District of Columbia	1 to 17 1 to 9 1 to 9	
Respondents with . . .	#	%		#	%
One Prior Arrest	44	34.1	Delaware Denver District of Columbia	13 15 16	23.2 37.5 48.5
Two Prior Arrests	29	22.5	Delaware Denver District of Columbia	17 8 4	30.4 20.0 12.1
Three Prior Arrests	23	17.8	Delaware Denver District of Columbia	9 8 6	16.1 20.0 19.2
Four or More Prior Arrests	33	25.6	Delaware Denver District of Columbia	17 9 7	30.4 22.5 21.2

\* Excludes respondents with no reported criminal history.

**Table III.6b:**  
**Reported Arrests\* (Drug- and Alcohol-related Crimes)**

<b>All Sites</b>	<b>Mean</b>	<b>Median</b>	<b>By Site</b>	<b>Mean</b>	<b>Median</b>
Drug- and Alcohol-related Crimes (n=72)	1.9	1	Delaware (n=25) Denver (n=22) District of Columbia (n=25)	2.4 1.9 1.6	2 1 1
Range		1 to 6	Delaware Denver District of Columbia	1 to 5 1 to 6 1 to 4	
Respondents with . . .	<b>#</b>	<b>%</b>		<b>#</b>	<b>%</b>
One Prior Arrest	36	50.0	Delaware Denver District of Columbia	11 11 14	44.0 50.0 56.0
Two Prior Arrests	20	27.8	Delaware Denver District of Columbia	8 5 7	32.0 22.7 28.0
Three Prior Arrests	10	13.9	Delaware Denver District of Columbia	2 5 3	8.0 22.7 12.0
Four or More Prior Arrests	6	8.3	Delaware Denver District of Columbia	4 1 1	16.0 4.5 4.0

\* Excludes respondents with no reported criminal history.

**Table III.6c:**  
**Reported Arrests\* (Other Crimes)**

<b>All Sites</b>	<b>Mean</b>	<b>Median</b>	<b>By Site</b>	<b>Mean</b>	<b>Median</b>
Other Crimes (n=121)	3.4	3	Delaware (n=49) Denver (n=31) District of Columbia (n=41)	4.3 3.1 2.5	3 3 2
Range		1 to 17	Delaware Denver District of Columbia	1 to 17 1 to 9 1 to 7	
Respondents with . . .	<b>#</b>	<b>%</b>		<b>#</b>	<b>%</b>
One Prior Arrest	34	28.1	Delaware Denver District of Columbia	11 6 17	22.4 19.4 41.5
Two Prior Arrests	25	20.7	Delaware Denver District of Columbia	8 7 10	16.3 22.6 24.4
Three Prior Arrests	19	15.7	Delaware Denver District of Columbia	10 7 2	20.4 22.6 4.9
Four or More Prior Arrests	43	35.5	Delaware Denver District of Columbia	20 11 12	40.8 35.5 29.3

\* Excludes respondents with no reported criminal history.

**Table III.7:**  
**Proportion of Respondents with Reported Prior Arrests**

	Delaware	Denver	District of Columbia
<b>All Crime Types</b>	68.9	67.6	58.1
<b>Violent Crime*</b>	62.2	58.8	38.4
<b>Drug/Alcohol-related Crimes</b>	27.8	32.4	29.1
<b>Other Crimes</b>	54.4	45.6	47.7

\* Significant difference among sites (at  $p = 0.05$ ).

ence among the three sites for the proportion of respondents with a prior history of violent crime (see Table III.7). The District of Columbia had a significantly lower proportion of respondents with reported violent criminal histories than either Delaware or Denver.<sup>39</sup> This difference may reflect the respective priorities of local arrest policies in District of Columbia relative to the other sites. Alternatively, the higher rates may be the result of more comprehensive reporting systems in Delaware and Denver.

### Implications of Respondents' Criminal Histories for Protection Order Petitioners

The substantial proportion of protection order respondents with prior criminal histories, especially for violent crime, potentially has tremendous implications concerning judicial responses to petitions for both *ex parte* and permanent protection orders. In particular, the existence of a prior criminal history demonstrates a propensity by the respondent to engage in criminal behavior that logically might indicate a greater reluctance by that respondent to comply with the specific provisions of a protection order. In addition, the petitioner's awareness of the respondent's inclination toward criminal behavior may affect her confidence in the protection order and its ability to protect her from future violence. To test these assumptions, we examined the relationship between the criminal backgrounds of respondents for different categories of crime and the objective and subjective outcome measures for the protection orders.

As a preliminary matter, we first explored the extent to which the study participants were aware of the criminal backgrounds of respondents. During the initial interviews, participants were asked whether their respondents had ever been arrested, either for prior incidents of domestic violence or for other types of crimes. Answers to this question pose obvious hearsay problems insofar that petitioners for protection orders may not have accurate knowledge or may be unwilling to disclose their knowledge concerning respondents' criminal backgrounds. Nevertheless, responses to this question are useful for comparing petitioners' assertions about respondents' criminal histories with the reported arrest histories used within each jurisdiction. (See Table III.8 for the results of this comparison.)

In the majority of cases (68.4 percent), the petitioner correctly stated whether the respondent had been arrested. The difference between the number of petitioners' correct assertions and incorrect assertions was statistically significant.<sup>40</sup> In 35 cases (14.3 percent), however, the petitioner stated that the respondent had no arrest record even though the criminal history report from that jurisdiction indicated prior arrests. The discrepancy may indicate that the petitioner is unaware of or has forgotten the respondent's arrest history. Alternatively, it may indicate that the petitioner is unwilling to make negative statements about the respondent, perhaps out of fear of retaliation or to protect a newly reconciled relationship with the respondent.

In contrast, the petitioner stated in 42 cases (17.2 percent) that the respondent had been arrested although no official record existed to document that fact. This discrepancy may indicate that the official

<sup>39</sup> We used comparison of means for independent samples to evaluate the differences in prior arrest rates for the sites in each category.

<sup>40</sup> Statistical significance was measured by using both gamma and Spearman's Correlation coefficient. Gamma = 0.57280,  $p = 0.00001$ ; Spearman's Correlation = 0.29620,  $p = 0.00000$ .

**Table III.8:  
Comparison Between Petitioners' Statements About Respondents' Arrest Record and Respondents' Reported Arrest Records, All Sites**

	Respondent Has No Reported Arrest Record (%)	Respondent Has a Reported Arrest Record (%)	Row Total (%)
Petitioner States That Respondent Has Never Been Arrested (%)	44 (18.0)	35 (14.3)	79 (32.4)
Petitioner States That Respondent Has Been Arrested Previously (%)	42 (17.2)	123 (50.4)	165 (67.6)
Column Total (%)	86 (35.2)	158 (64.8)	244 (100.0)

Note: Shaded areas represent correct assertions by petitioner regarding respondent's criminal history.

**Table III.8a:  
Comparison Between Petitioners' Statements About Respondents' Arrest Records and Respondents' Reported Arrest Records, by Site**

		Respondent Has No Reported Arrest Record (%)	Respondent Has a Reported Arrest Record (%)	Row Total (%)
Petitioner States That Respondent Has Never Been Arrested (%)	Delaware	14 (15.6)	12 (13.3)	26 (28.9)
	Denver	8 (11.8)	6 (6.7)	4 (20.6)
	DC	22 (25.6)	17 (17.1)	39 (45.3)
Petitioner States That Respondent Has Been Arrested Previously (%)	Delaware	14 (15.6)	50 (55.6)	64 (71.1)
	Denver	14 (20.6)	40 (58.8)	54 (79.4)
	DC	14 (16.3)	33 (37.4)	47 (54.7)
Column Total (%)	Delaware	28 (31.2)	62 (68.9)	90 (100.0)
	Denver	22 (32.4)	46 (67.6)	68 (100.0)
	DC	36 (41.9)	50 (58.1)	86 (100.0)

Note: Shaded areas represent correct assertions by petitioner regarding respondent's criminal history.

reporting systems do not reflect accurate arrest histories due to interjurisdictional obstacles or failure to update records on a timely basis. Alternatively, the petitioner may believe that the respondent's past confrontations with law enforcement officials resulted in an arrest when in fact no charges were filed. A third possibility is that the petitioner has exaggerated the respondent's criminal history to lend credibility to her claims about the respondent's dangerousness.

A site-specific comparison of petitioners' assertions with reported arrest records yielded very different results, however (see Table III.8a). In Delaware and Denver, more than two-thirds of the petitioners (71.1 and 70.6 percent, respectively) correctly stated the respondent's arrest history, whereas District of Columbia petitioners gave correct responses only slightly more than half the time (57.0 percent).

The more accurate responses by Delaware and Denver petitioners possibly reflect the nature of their relationships with the respondents. Compared to petitioners in the District of Columbia, Delaware petitioners were more likely to be married to the respondents;<sup>41</sup> their relationships with respondents were of longer duration;<sup>42</sup> and their relationships had been abusive for a longer period of time before they sought protective orders.<sup>43</sup> In addition, Delaware has a significantly higher proportion of respondents with criminal histories, especially for violent crimes, than the other two jurisdictions. The Denver petitioners also were

<sup>41</sup> See Appendix III, Table A.III.2: Marital Status of Participants.

<sup>42</sup> See Appendix III, Table A.III.1: Length of Relationship with Respondent.

<sup>43</sup> See Appendix IV, Table A.IV.4: Duration of Abuse Prior to Order.

**Table III.9:  
Comparison of Initial and Follow-Up Interviews:  
Criminal History of Respondent**

<b>Respondents with Prior Arrests for:</b>	<b>Initial Interviews</b>	<b>Follow-up Interviews</b>	<b>Difference</b>
All Crimes	70%	61%	9%
Violent Crime*	63	47	16
Violent Crime (Excluding Domestic Violence)*	53	39	15
Drug/Alcohol-related Crimes	30	29	0.5
Other Crimes**	58	45	13

\* Difference is statistically significant at the  $p = 0.05$  level

\*\* Difference is statistically significant at the  $p = 0.10$  level

**Table III.10:  
Mean Score of Intensity of Abuse Without Weapons  
by Criminal History of the Respondent**

<b>Respondents with Arrest Record for:</b>	<b>Reported Arrests</b>	<b>No Reported Arrests</b>
All Crimes	0.08	-0.11
Violent Crime*	0.13	-0.11
Drug/Alcohol-related Crimes*	0.21	-0.07
Other Crimes	0.13	-0.10

\* Statistically significant.

more likely to be married than District of Columbia petitioners and were more likely to be continuing in a relationship with their respondents six months after obtaining their protection orders.

A domestic violence victim's awareness of the batterer's criminal background and its significance related to future abusive behavior may be an important consideration in increasing the effectiveness of protection orders. Victims who do not know about their batterers' criminal records may be less likely to appreciate the potential dangerousness of those batterers, especially those with histories of violent crime. Without knowledge of the batterer's criminal record or the possible link between a criminal record and abusive behavior, the victim may be less cautious and fail to take adequate safety measures to protect herself.

With respect to the official arrest reports, we discovered that the criminal history of the respondent had a profound effect on two aspects of the study. First, the existence of an arrest history for violent crime had a significant impact on the attrition rate of participants in the study (see Table III.9). Participants who obtained a protection order against a respondent with an arrest history for violent crime comprised 62.8 percent of the women interviewed initially, but only 46.7 percent of the women reached for a follow-up interview.<sup>44</sup> This effect on participants' attrition rates also occurred in arrests for violent crime other than domestic violence<sup>45</sup> and in arrests for "other" crimes.<sup>46</sup>

<sup>44</sup> This difference in means was statistically significant.  $t = 2.47$ ,  $p = 0.014$ .

<sup>45</sup> The proportion of participants in initial interviews who obtained protection orders against respondents with violent arrest records (other than domestic violence) was 53.2 percent compared to 38.7 percent of the participants who had follow-up interviews.  $t = 2.24$ ,  $p = 0.026$ .

<sup>46</sup> The proportion of participants in initial interviews who obtained protection orders against respondents with arrests for "other" crimes was 57.5 percent compared to 44.7 percent of the participants who had follow-up interviews.  $t = 1.95$ ,  $p = 0.052$ .



**Table III.11:**  
**Mean Score of Intensity of Abuse With Weapons**  
**by Criminal History of the Respondent**

<b>Respondents with Arrest Record for:</b>	<b>Reported Arrests</b>	<b>No Reported Arrests</b>
All Crimes	0.05	-0.06
Violent Crime	0.10	-0.08
Drug/Alcohol-related Crimes	0.19	-0.07
Other Crimes*	0.16	-0.12

\* Statistically significant

In every category of crime, the mean scores for both intensity of abuse not involving a weapon and intensity of abuse involving a weapon were higher for respondents with reported arrest records than for those with no arrest records (see Tables III.10 and III.11). For intensity of abuse without a weapon,<sup>47</sup> these differences were statistically significant for two categories of crime, violent crime<sup>48</sup> and drug- and alcohol-related crimes.<sup>49</sup> The close relationship between arrest histories for drug- and alcohol-related crimes and greater intensity of abuse lends support to related research indicating that drug and alcohol abuse are often a contributing factor in domestic violence.<sup>50</sup>

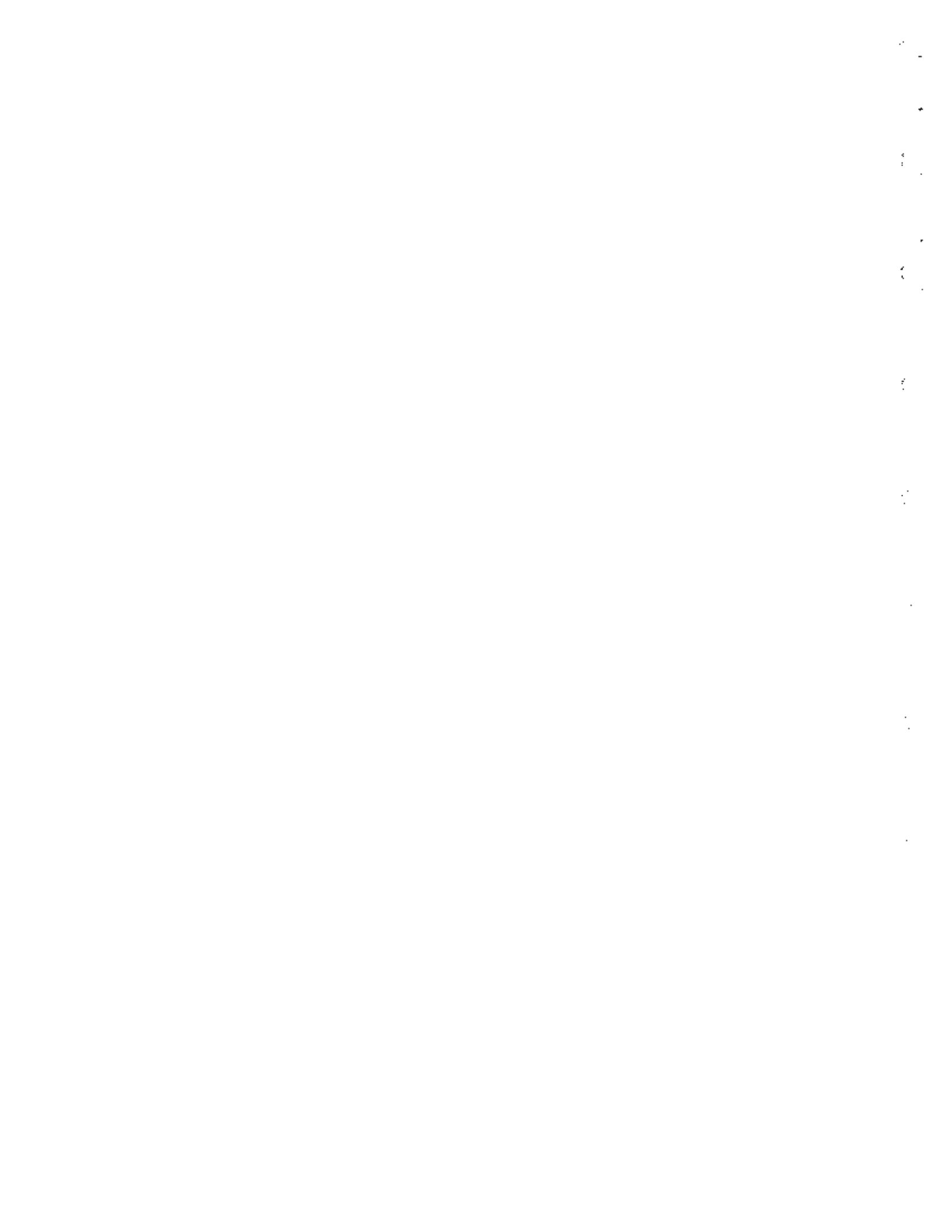
These findings strongly support the need for greater attention to safety planning for victims whose abusers have a record of violent crime and crime involving drugs or alcohol, as well as the need for protection orders to require both substance abuse and batterer treatment for respondents with arrest records for drug- and alcohol-related offenses. Concomitantly, judges need to have the criminal arrest histories available for review when they are crafting protection orders. Judges and victim service providers should stress to victims the need for vigilance in taking safety precautions and using law enforcement and the court to enforce their protection orders.

<sup>47</sup> For the index of intensity of abuse involving a weapon, the only significant difference in the mean scores is between respondents arrested for "other crimes" such as property, traffic, and miscellaneous offenses and respondents without arrests for these types of crimes. The difference in the scores on intensity of abuse without a weapon according to respondents' arrest history for "other crimes" approached statistical significance at the 95 percent confidence level with  $t = -1.90$ ,  $p = 0.058$ .

<sup>48</sup> T-test results:  $t = -2.09$ ,  $p = 0.038$ .

<sup>49</sup> T-test results:  $t = -2.10$ ,  $p = 0.037$ . The difference in the mean for intensity of abuse with weapons scores for respondents with an arrest history for drug- and alcohol-related offenses approached statistical significance at the 95 percent confidence level with  $t = -1.88$ ,  $p = 0.61$ .

<sup>50</sup> Studies indicate that alcohol and drug abuse increase the likelihood, and often the severity, of domestic violence, both when the batterer is intoxicated and when sober. See G.T. Hotaling and D.B. Sugarman, "An Analysis of Risk Markers in Husband to Wife Violence: The Current State of Knowledge," *Violence and Victims* vol. 1 (1986), pp. 101-124; Browne, 1987; I. Frelze and A. Browne, "Violence in Marriage," in L. Ohlin and M. Tonry (eds.), *Family Violence* (Chicago, Ill.: University of Chicago Press, 1989), as cited in Harrell, 1993. Substance abuse should not be identified, however, as an excuse for or a direct cause of domestic violence. See D.G. Dutton with S.K. Golaup, *The Batterer: A Psychological Profile* (New York: Basic Books, 1995); "Making the Link: Domestic Violence and Alcohol and Other Drugs," *Prevention Works* vol. 3 (1994); Harrell, 1993; L. H. Bowker, *Beating Wife-beating*, (Lexington, Mass.: Lexington Books, 1994).



**Chapter IV:**  
**The Benefits and Limitations**  
**of Civil Protection Orders**



# **Chapter IV:**

## **The Benefits and Limitations of Civil Protection Orders**

Over the past decade civil protection orders have become a vehicle for expanding and strengthening the remedies available to victims of domestic violence. The trend across the country has been to invoke the power of the justice system to alter the environment in which the violence has taken place. The benefits of protection orders therefore should not be gauged solely by quantifying statistics on whether the respondent named in the order reassaults the victim or violates the order in some other way. A growing body of research is developing alternative and more expansive measures that take into account positive changes in the lives of victims and their families as well as continued victimization in the form of psychological abuse and passive resistance to provisions in the protection orders.<sup>1</sup> The National Center's study of protection orders attempted to extend that research by asking study participants about both their well-being since they obtained a protection order and various ways in which they were experiencing problems related to the order.<sup>2</sup>

### **Measuring Improvements in the Quality of Life**

The three questions designed to measure each participant's well-being are (1) whether her life had improved since she obtained the protection order, (2) whether she felt better about herself, and (3) whether she felt safer with the protection order. For nearly three-quarters of the study participants, the short-term effects of the protection order on these aspects of their well-being were positive (see Table IV.1). These positive effects improved over time, so that by the time of the six-month follow-up interview, the proportion of participants reporting life improvement increased to 85 percent. More than 90 percent reported feeling better about themselves, and 80 percent of those with a protection order in effect felt safer (see Table IV.1).

### **Measuring Reductions in Abusive Conduct**

To measure how well the protection orders worked to curtail abusive behavior, we asked the study participants what types of problems they had experienced related to their protection orders. A majority of the participants in both the initial and follow-up interviews reported having no problems (72.4 percent and 65.3 percent, respectively; see Table IV.2). In addition to repeated acts of physical and psychological abuse, the

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<sup>1</sup> These more expansive measures build on research such as the 1990 case study by Hoff, which examined women's life experiences before, during, and after battering using a self-evaluation guide. Questions included on the 17-item guide pertained to physical health, self-acceptance/self-esteem, intimate relationships, vocation/occupation, residential and financial situation, and life philosophy/goals. L. E. Hoff, *Battered Women as Survivors* (New York: Routledge 1990). See also, Bowker, 1983; note Chaudhuri and Daly, 1992; and references in Hart, 1995.

<sup>2</sup> The study benefited from the advice and direction of Barbara Hart, who has propounded the value of more expansive measurements of the effectiveness of protection orders.

**Table IV.1:**  
**Effectiveness Measured by Quality of Life**

	Initial Interview (n=285)	Follow-up Interview (n=177)
<b>Life Improved</b>	<b>%</b>	<b>%</b>
<b>All Sites</b>	<b>72.3</b>	<b>85.3</b>
Delaware	82.2	87.5
Denver	74.4	89.7
District of Columbia	61.9	79.4
<b>Feel Better</b>		
<b>All Sites</b>	<b>72.3</b>	<b>92.7</b>
Delaware	82.2	92.9
Denver	74.4	93.1
District of Columbia	61.9	92.1
<b>Feel Safer</b>		
<b>All Sites</b>	<b>73.7</b>	<b>80.5*</b>
Delaware	77.8	83.7
Denver	83.3	82.9
District of Columbia	61.9	71.4

\* (n=118)

**Table IV.2:**  
**Effectiveness Measured by Problems with Orders: All Sites**

	Initial Interview (n=268)		Follow-up Interview (n=167)	
	#	%	#	%
No Problems Experienced	194	72.4	109	65.3
Respondent Called Home/Work	43	16.1	29	17.4
Respondent Came to Home	24	9.0	14	8.4
Respondent Stalked Victim	11	4.1	12	7.2
Respondent Physically Reabused Victim	7	2.6	14	8.4
Respondent Psychologically Reabused Victim	12	4.4	21	12.6
Respondent Caused Other Problems	3	1.1	1	0.6

types of problems the participants reported included the respondent calling at home or work, coming to the victim's home, and stalking the victim.

Repeat occurrences of physical abuse were reportedly rare, but varied greatly across the study sites. In the initial interviews, 2.6 percent of the participants reported repeated physical abuse. At the six-month follow-up, that proportion more than tripled to 8.4 percent (see Table IV.2). The incidence of repeated physical abuse was much higher, however, in Delaware (10.9 percent) and the District of Columbia (11.9 percent) than in Denver, where only about 2 percent of the participants reported being reabused physically (see Table IV.3).

Psychological abuse was reported by 4.4 percent of the study participants initially, but after six months the reported incidence rose to 12.6 percent. As with the reports of repeated physical abuse, there was a high level of variance across the sites on this measure (see Table IV.3). Psychological abuse was highest in Delaware (23.6 percent) and lowest in the District of Columbia (1.7 percent), with Denver falling in the middle (13.3 percent).

The most frequently reported problem in both the initial and follow-up interviews was calling the victim at home or work (16.1 percent and 17.4 percent, respectively). In both the initial and follow-up interviews about 9 percent of the participants reported that the respondent came to the victim's home. Stalking

**Table IV.3:**  
**Effectiveness Measured by Problems with Orders: By Site**

	Initial Interview*		Follow-up Interview**	
	#	%	#	%
<b>No Problems Experienced</b>				
Delaware	54	64.3	29	52.7
Denver	64	75.3	35	66.0
District of Columbia	77	77.8	45	76.3
<b>Respondent Called Home/Work</b>				
Delaware	16	19.0	8	14.5
Denver	13	15.3	12	22.6
District of Columbia	14	14.1	9	15.3
<b>Respondent Came to Home</b>				
Delaware	12	14.3	5	9.1
Denver	3	3.5	7	13.2
District of Columbia	9	9.1	2	3.4
<b>Respondent Stalked Victim</b>				
Delaware	6	7.1	7	12.7
Denver	0	0.0	4	7.5
District of Columbia	5	5.1	1	1.7
<b>Respondent Physically Reabused Victim</b>				
Delaware	4	4.8	6	10.9
Denver	1	1.2	1	1.9
District of Columbia	2	2.0	7	11.9
<b>Respondent Psychologically Reabused Victim</b>				
Delaware	5	6.0	13	23.6
Denver	4	4.7	7	13.2
District of Columbia	3	3.0	1	1.7
<b>Respondent Caused Other Problems</b>				
Delaware	1	1.2	1	1.8
Denver	1	1.2	0	0.0
District of Columbia	1	1.0	0	0.0

\* Delaware (n=84); Denver (n=85); District of Columbia (n=99);

\*\* Delaware (n=55); Denver (n=53); District of Columbia (n=59);

was relatively infrequently reported. In the initial interviews about 4 percent of the participants reported being stalked by the respondent, and this figure rose to about 7 percent in the follow-up interviews.<sup>3</sup>

To obtain a more complete picture of the study participants' experiences with the protection orders, we also looked at the number of different types of problems each participant reported. As discussed above, in the initial interviews, 72.4 percent of the participants reported having no problems with the protection order. About 15 percent reported having one type of problem, and 7.5 percent reported two types of problems (see Table IV.4). Less than 5 percent of the participants reported having more than two types of problems. Participants with children generally reported a higher number of types of problems than did their counterparts with no children. The follow-up interviews show a similar pattern (see Table IV.5). Twenty percent had one type of problem, 5.4 percent reported two types of problems, and about 9 percent reported three or more types of problems.

<sup>3</sup> The majority of participants with children reported that they did not experience any problems related to the children. However, in contrast to the whole group of participants, the proportion of participants with children who reported having any problems rose from 31 percent in the initial interviews to 42 percent in the follow-up interviews. This difference makes sense intuitively, because participants with children are more likely to be in situations where problems could occur, such as seeing the respondent upon the exchange of children for visitation. In the initial and follow-up interviews, the two most frequently reported types of problems related to children were problems at exchange of children for visitation (3.9 percent, 2.1 percent) and threatening to keep the children (2.1 percent, 3.5 percent). No one reported that the respondent actually kept the children. Four participants in the first interview and one in the follow-up interview reported that the respondent did not return the children at the appointed time.

**Table IV.4:**  
**Effectiveness of Order: Number of Types**  
**of Problems Reported in Initial Interviews**

Number of Types of Problems	All (n=268)		Have Child (n=220)		No Child (n=48)	
	#	%	#	%	#	%
0	194	72.4	160	72.7	34	70.8
1	41	15.3	30	13.6	11	22.9
2	20	7.5	18	8.2	2	4.2
3	8	3.0	8	3.6	—	—
4	2	0.7	2	0.9	—	—
5	3	1.1	2	0.9	1	2.1

**Table IV.5:**  
**Effectiveness of Order: Number of Types**  
**of Problems Reported in Follow-up Interviews**

Number of Types of Problems	All (n=167)		Have Child (n=133)		No Child (n=34)	
	#	%	#	%	#	%
0	109	65.3	82	61.7	27	79.4
1	35	21.0	31	23.3	4	11.8
2	9	5.4	8	6.0	1	2.9
3	8	4.8	7	5.3	1	2.9
4	5	3.0	4	3.0	1	2.9
5	1	0.6	1	0.8	—	—

## A Closer Look at Effects on Quality of Life and Abusive Behavior

To quantify the study participants' reports of well-being and problems with their protection orders, we developed two indexes to serve as outcome measures.<sup>4</sup> One index relates to the participants' well-being and the other relates to problems with the protection orders. We then used these indexes to examine the possible influence of various factors on the effectiveness of the protection orders the study participants obtained.

The Well-being Index consists of three variables that inquired whether a study participant felt safer with a protection order, whether she felt better about herself, and whether her life had improved since she obtained the protection order. Each of these variables has a score of 1. The values for the Well-being Index range from a low of 0, indicating the lowest level of effectiveness, to a high of 3, the highest level of effectiveness. (This index was applied only to the data from the initial interviews because in the follow-up interviews only participants who had a protection order in effect were asked about their feelings of safety with the order.)

Across all the sites, the values for the Well-being Index range between 0 and 3 with an average of 2.2. These generally positive scores varied among the three study sites, however (see Table IV.6).<sup>5</sup> Participants

<sup>4</sup> The indexes allow more meaningful analyses of relationships among the dependent (or outcome) variables that make up the indexes and the many independent variables that could be associated with the effectiveness of protection orders.

<sup>5</sup> The differences among sites are significant at a 95 percent confidence interval.



**Table IV.6:**  
**Well-being Index: Differences Among the Sites**

Delaware	Denver	District of Columbia
2.4222 †	2.3222 ‡	1.8571 † ‡

† Significant difference between Delaware and the District of Columbia.

‡ Significant difference between Denver and the District of Columbia.

in both Delaware and Denver believed their well-being had improved in terms of self-esteem, safety, and general life improvement to a greater extent than did the participants in the District of Columbia.

The significantly more positive scores of participants in Delaware and Denver on the Well-being Index may suggest that the more centralized process and direct assistance to petitioners for protection orders in those sites result in greater effectiveness of the orders in terms of improving victims' well-being. However, there are no statistically significant correlations among any independent variables related to the sites (e.g., use of services, representation of the petitioner) that explain these differences. Furthermore, differences among the sites in outcomes on the Problems Index do not support the notion that the processes in Delaware and Denver are more effective than the process in the District of Columbia.

We also did not find any significant differences in scores on the Well-being Index related to the intensity of abuse the study participants had experienced or to the participants' age, race, ethnicity, income, or education level.<sup>6</sup> The only demographic variable that appears to influence the effects of protection orders on the victim's quality of life is the existence of a criminal record. These findings are discussed below.

The Problems Index is a tally of the number of different types of problems (see Table IV.2) with the protection order that the petitioners might have reported. The possible responses include no reported problems, calling at work or home, coming to the house, stalking the petitioner, repeated physical abuse, repeated psychological abuse, causing other problems, and problems related to children. Each of the variables in the Problems Index has a score of 1, and the possible range of the values is from 0 (indicating the highest level of effectiveness) to 7 (the lowest level of effectiveness). Thus the values of the Problems Index are the inverse of those for the Well-being Index: the greater the number of types of problems the participant experienced, the higher her score on the Problems Index.

Across all the sites, the values for the Problems Index range between 0 and 5. For the initial interviews, the average score is .481. For the follow-up interviews the average score is .618. The low average scores on the Problems Index reflect the fact that the majority of participants reported having no problems related to their protection order.

Although the overall scores on the Problems Index are positive for all of the study sites, we found some variation among the sites. The scores on the Problems Index for the initial interviews were significantly higher, i.e., less positive, for the participants in Delaware than for the participants in Denver.<sup>7</sup> In the follow-up interviews, the Problems Index scores were significantly higher in both Delaware<sup>8</sup> and Denver<sup>9</sup> than in the District of Columbia (see Table IV.7).

The variation in scores on the Problems Index may be driven less by differences in processes and services across the study sites and more by the characteristics of the individual study participants. As reported in the discussion of criminal backgrounds below, both the type and extent of the respondents' criminal records bear some relationship to the number of problems the study participants reported. Specifically, a record of violent crime and higher numbers of prior arrests are associated with higher numbers of problems reported by the study participants. As noted in Chapter Three, among the three study sites, more of the

<sup>6</sup> There also were no differences in outcomes based on whether the respondent was arrested or prosecuted.

<sup>7</sup> T-test for equality of means:  $t = 2.33$ ,  $p = 0.021$ .

<sup>8</sup> T-test for equality of means:  $t = 2.69$ ,  $p = 0.008$ .

<sup>9</sup> T-test for equality of means:  $t = 1.86$ ,  $p = 0.066$ .

**Table IV.7:**  
**Problems Index: Differences Among the Sites**

	Delaware	Denver	District of Columbia
<b>Initial Interviews</b>	.679†	.341†	.424
<b>Follow-up Interviews</b>	.836‡	.679‡‡	.339‡‡

† Significant difference between Delaware and Denver.  
‡ Significant difference between Delaware and the District of Columbia.  
‡‡ Significant difference between Denver and the District of Columbia.

**Table IV.8:**  
**Relationship of Well-being to History of Violent Crime: All Sites**

Well-being Index Score	Respondent Has No Violent Criminal Background (%)		Respondent Has a Violent Criminal Background (%)		Row Totals (%)	
	Mean	Median	Mean	Median	Mean	Median
0 (Low)(%)	19 (7.8)		9 (3.7)		28 (11.5)	
1 (Medium-Low)(%)	16 (6.6)		14 (5.7)		30 (12.3)	
2 (Medium-High)(%)	15 (6.1)		22 (9.0)		37 (15.2)	
3 (High)(%)	65 (26.6)		84 (34.4)		149 (61.1)	
Column Totals (%)	115 (47.1)		129 (52.9)		244 (100.0)	
	Mean 2.1	Median 3.0	Mean 2.4	Median 3.0	Mean 2.3	Median 3.0

respondents in Delaware have a record of violent crime and a greater proportion have three or more arrests for any type of crime. The more extensive criminal records of the respondents in Delaware therefore may be the factor that distinguishes the participants in Delaware from the participants in Denver and the District of Columbia in their scores on the Problems Index.

### Relationship Between Criminal Background and Protection Order Outcome Measures

We used the Well-being Index and the Problems Index to examine whether the respondent’s criminal history, or lack thereof, bears any relationship to the participants’ improvements in well-being or to problems related to the protection order. We found three significant relationships. The first was a greater improvement in well-being when the respondent had a record of violent crime (see Table IV.8).

Whether or not the respondent had a record of violent crime was related to the participants’ improvement in well-being in two important respects. First, scores on the Well-being Index of participants who obtained a protection order against a respondent with a record of violent crime increased continuously from low to high. In comparison, when the respondent had no record of violent crime, the index score actually dips slightly (although not significantly) before increasing dramatically at the highest index value.<sup>10</sup> This

<sup>10</sup> The correlation between the Well-being Index and Violent Criminal Histories is statistically significant ( $\alpha = 0.10$ ). Spearman’s Correlation Coefficient = 0.12137,  $p = 0.05833$ .

**Table IV.9:  
Safety Planning**

All Sites	#	%	By Site	#	%
Petitioner Made Safety Plan for TRO (No CPO) (n=93)	23	24.7	Delaware (n=8)	2	25.0
			Denver (n=35)	15	42.9
			District of Columbia (n=50)	6	12.0
Petitioner Made Safety Plan for CPO (n=97)	35*	36.1	Delaware (n=16)	5	31.3
			Denver (n=47)	20	42.5
			District of Columbia (n=34)	10	29.4
Petitioner Made Safety Plan at Any Time (n=183)	59	32.2	Delaware	24	29.3
			Denver	21	40.3
			District of Columbia	14	28.6

\* Includes participants who kept same safety plan they made when they obtained a temporary order

continuous increase signifies that petitioners who sought protection orders against respondents with violent criminal histories tended to report greater improvements in well-being as compared to petitioners who sought protection orders against respondents with no history of violent crime.

Second, the magnitude of the increase was significantly greater when the respondent had a violent criminal record. The difference between the proportion of petitioners who scored 3 on the Well-being Index (34.4 percent) is nearly ten times greater than those who scored 0 (3.7 percent). When the respondent had no violent criminal background, this difference was less than three-and-a-half times.<sup>11</sup> Protection orders, therefore, can be particularly helpful for improving the emotional well-being of women when their abusers have been sufficiently (and probably publicly) so violent in the past as to be arrested for the behavior.

The other two significant effects of the respondents' criminal history appeared in relation to the Problems Index. First, for the initial interviews, the participants whose abuser had a higher number of arrests tended to report a greater number of problems with the protection order.<sup>12</sup> Second, in the follow-up interviews, the participants whose abuser had at least one arrest for a violent crime other than domestic violence were more likely to experience a greater number of problems with the protection order.<sup>13</sup> The second relationship between respondents' criminal record and problems related to protection orders is stronger than the first.

These findings indicate that protection orders obtained against respondents with a criminal history are less likely to be effective in deterring future violence or avoiding other problems than those obtained against respondents without such a history. Because protection orders provide petitioners with less protection against respondents with a high number of arrests, and more specifically with a history of violent crime, the need for aggressive criminal prosecution policies becomes more critical. Criminal prosecution of such individuals may be required to curb their abusive behavior. Reliance on a protection as the sole intervention in these cases may not be the most effective deterrence against further abuse.

The relationships between the respondents' criminal histories and both the improved quality of life and reported problems with protection orders indicate that the dual interventions of criminal and civil process are likely to be most helpful to women whose abusers have been arrested in the past. Criminal prosecution may address the violence more effectively, while the civil protection order bolsters the victim's self-esteem and gives greater feelings of security.

<sup>11</sup> In the individual site data, the only significant relationship between the Well-being Index and respondents' criminal histories occurred in the District of Columbia. The District of Columbia data also showed a significant relationship between the Well-being Index and respondents with a history of violent crime, but this correlation was comparatively weaker than those that existed for the combined data. One possible explanation for the relative weakness of the correlation at the District of Columbia site, and the lack of significant correlations for the other two sites, is that there is an insufficient number of cases at the individual sites to document a relationship between these variables with any certainty. The fact that the correlation appears in the combined data, however, suggests that there is a significant correlation between petitioners' improvement in well-being and the existence of respondents' criminal records, albeit a relatively weak one.

<sup>12</sup> Analysis of Variance,  $F = 1.6271$ ,  $p = .0439$ .

<sup>13</sup> Analysis of Variance,  $F = 4.8820$ ,  $p = .0285$ .

## The Importance of Safety Planning

Safety planning is likely to play a role in the effectiveness of protection orders and other interventions to deter domestic violence. Across the sites, about one-third of the participants said they had made a safety plan during the process of obtaining either a temporary or permanent order (see Table IV.9). A higher proportion of participants in Denver reported making a safety plan in comparison to participants in Delaware and the District of Columbia. This may reflect the emphasis that Project Safeguard, which provides some assistance to most petitioners for protection orders, places on safety planning.<sup>14</sup> The fact that about one-quarter of the participants who obtained only a temporary protection order engaged in safety planning at that time is a further indication that the process of seeking a temporary protection order can have positive effects in terms of deterring violence and helping the victim take greater control over her environment.

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<sup>14</sup> See Chapter II for information about Project Safeguard and the services it provides to victims of domestic violence in Denver.

**Chapter V:**  
**Types of Protection Orders Obtained**  
**and Scope of Relief Provided**

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## Chapter V: Types of Protection Orders Obtained and Scope of Relief Provided

The information for this analysis was derived from telephone interviews and examinations of court case files. In both the initial and follow-up interviews, we asked the study participants whether they obtained a temporary order, and if so, whether they returned to court for a permanent order. The rates at which the study participants reported that they returned to court for the permanent order varied across the three project sites. A comparison of return rates in Denver and the District of Columbia<sup>1</sup> indicates that the centralized process for obtaining a protection order and greater consistency of services provided to petitioners in Denver has a salutary effect on women's decisions to return for a permanent protection order<sup>2</sup> (see Table V.1).

Other factors may play a greater role, however, in influencing whether a victim carries through with the court process to obtain a permanent order. Interviewers asked the study participants who did not return for a permanent order the reasons they did not return<sup>3</sup> (see Table V.2). The explanations given by the participants add support to the proposition that temporary orders can be helpful to victims, whether or not the victim returns for a permanent order.

**Table V.1:  
Types of Orders Obtained**

	Delaware		Denver		District of Columbia	
	#	%	#	%	#	%
Women Who Obtained TRO	90	77%	90	94%	105	86%
Women Who Went Back for CPO	24	75%	85	61%	89	64%
Women Who Obtained CPO but No TRO	90	73%	90	6%	105	14%

The most commonly cited reason for not returning was that the respondent had stopped bothering the petitioner (35.5 percent). The petitioner and respondent had reconciled in 17 percent of the cases, and service reportedly could not be made on the respondent in another 17 percent of the cases. In about 10 percent of the cases, the respondent had left the area. Only 2 percent of the participants reported that they did not return for a permanent order because the respondents had threatened them. However, another 2 percent of the women reported that the respondents had persuaded them to drop the action, and some proportion of the cases in which the participant and respondent reconciled probably involved some degree of coercion.

<sup>1</sup> The return rate for participants in Delaware differs considerably from Denver and the District of Columbia, primarily because the majority of participants in Delaware were recruited for the study when they appeared for the hearing on the permanent order.

<sup>2</sup> The return rate for the Denver participants in this study is virtually the same as the rate found by the Urban Institute in its study of protection orders in Denver, which took place before the consolidated protection order was established (Harrell, Smith, and Newmark, 1993).

<sup>3</sup> To examine whether the reasons for the return rate in Denver might be linked to the consolidated docket, the interviewers offered participants the same possible reasons that the Urban Institute had found participants gave in its study of the protection order process in Denver.

**Table V.2:  
Reasons Petitioners Did Not Return for Permanent Order**

<b>All Sites (n=93)</b>	<b>#</b>	<b>%</b>	<b>By Site</b>	<b>#</b>	<b>%</b>
Respondent Stopped Bothering Petitioner	33	35.5	Delaware	2	25.0
			Denver	13	37.1
			District of Columbia	18	36.0
Respondent and Petitioner Reconciled	16	17.2	Delaware	0	0.0
			Denver	8	22.9
			District of Columbia	8	16.0
Service of Process Could Not Be Made	16	17.2	Delaware		
			Denver	6	17.1
			District of Columbia	10	20.0
Respondent Left Area	9	9.7	Delaware	2	25.0
			Denver	2	5.7
			District of Columbia	5	10.0
CPO Procedures Were Too Much Trouble	5	5.4	Delaware		
			Denver	1	2.9
			District of Columbia	4	8.0
Respondent Agreed to Get Counseling	3	3.2	Delaware	1	12.5
			Denver		
			District of Columbia	2	4.0
CPO Procedures Take Too Much Time	3	3.2	Delaware		
			Denver	2	5.7
			District of Columbia	1	2.0
Respondent Persuaded Petitioner Against Returning	2	2.2	Delaware		
			Denver		
			District of Columbia	2	5.7
Respondent Threatened Petitioner About Returning	2	2.2	Delaware		
			Denver		
			District of Columbia	2	4.0
CPO Procedures Were Too Much Work	2	2.2	Delaware		
			Denver	1	2.9
			District of Columbia	1	2.0
Hearing Not Held Yet	2	2.2	Delaware	1	12.5
			Denver		
			District of Columbia	1	2.0
Respondent Has Returned Home	1	1.1	Delaware		
			Denver		
			District of Columbia	1	2.0
Other	1	1.1	Delaware		
			Denver		
			District of Columbia	1	2.0

In each of the project sites, researchers gathered data related to protection orders from the civil case files of the study participants.<sup>4</sup> Across the three sites, staff examined and compiled case data from 224 files.<sup>5</sup> In total, there were 158 temporary orders and 145 permanent orders. Table V.3 lists the types of the provi-

<sup>4</sup> Not all of the files for the participants were available to be examined, however. The number of participants for whom we obtained official information on the protection orders, therefore, is lower than the number of participants in the study.

<sup>5</sup> With the exception of Delaware, the information in the case files was sparse. Most files included only the petition, affidavits, returns of service, and the order issued. Because jurisdiction for protection orders in Delaware lies in the Family Court, the case files of participants there were more extensive. Any actions related to divorce, child support, custody, visitation, and, in some cases, criminal charges and protection orders sought against the participant also were in the case file. Project staff thus were able to observe cases in which there had been numerous matters related to the participant and her family before the court.



**Table V.3:**  
**Protection Order Provisions (General): All Sites**

	Temporary Protection Order (n=158)		Permanent Protection Order (n=145)	
	#	%	#	%
Respondent Prohibited from Abusing (Assault, Abuse, Threats) Petitioner	144	91.1	134	92.4
Respondent Ordered Not to Contact Petitioner	126	79.7	80	55.2
Respondent Ordered to Stay Away from Petitioner's Home or Place of Work	147	93.0	116	80.0
Respondent Ordered to Vacate Home	43	27.2	47	32.4
Respondent Ordered Not to Transfer Property	N/A	N/A	21	9.4
Police Ordered to Protect Petitioner While Respondent Vacates Home	16	10.1	3	2.1
Respondent Contact with Petitioner Limited to Specific Times or Places	3	1.9	26	17.9
Respondent Ordered to Relinquish Weapons	2	1.3	10	6.9
Respondent Ordered to Attend Counseling	1	0.6	37	25.5
Other Provisions	10	6.3	25	17.2

**Table V.3a:**  
**Protection Order Provisions (General): Delaware**

	Temporary Protection Order (n=11)		Permanent Protection Order (n=68)	
	#	%	#	%
Respondent Prohibited from Abusing (Assault, Abuse, Threats) Petitioner	11	100.0	66	97.1
Respondent Ordered Not to Contact Petitioner	11	100.0	36	52.9
Respondent Ordered to Stay Away from Petitioner's Home or Place of Work	11	100.0	59	86.8
Respondent Ordered to Vacate Home	9	81.8	32	47.1
Respondent Ordered Not to Transfer Property	N/A	N/A	21	30.9
Police Ordered to Protect Petitioner While Respondent Vacates Home	0	0.0	1	1.5
Respondent Contact with Petitioner Limited to Specific Times or Places	0	0.0	18	26.5
Respondent Ordered to Relinquish Weapons	2	18.2	10	14.7
Respondent Ordered to Attend Counseling	1	9.1	33	48.5
Other Provisions	2	18.2	22	32.4

sions most commonly included in temporary and permanent protection orders and the proportions of each type of order in which these provisions occurred.

As a general matter, a temporary protection order tended to include broad prohibitions on the respondent's contact with the petitioner, while the provisions in a permanent order tended to be more narrowly tailored to meet the specific needs of the participant. Differences across the sites in the terms of orders reflect to some degree the differences in the scope of relief available; for example, relinquishing weapons in Delaware.<sup>6</sup> However, although exclusive use of the family residence is an available remedy in each of the project sites, the court in Denver is much more disposed than the other courts to order the respondent to vacate a common residence in both temporary and permanent orders. This form of relief can be critical for

<sup>6</sup> The provisions in the Brady Act regarding prohibitions on the purchase or possession of hand guns are likely to influence other states to include prohibitions on possession of weapons in protection orders. (*Brady Handgun Violence Prevention Act of 1993*, P.L. No. 103-159, 197 Stat. 1536, codified as amended in scattered sections of 18 U.S.C.)

**Table V.3b:**  
**Protection Order Provisions (General): Denver**

	Temporary Protection Order (n=69)		Permanent Protection Order (n=39)	
	#	%	#	%
Respondent Prohibited from Abusing (Assault, Abuse, Threats) Petitioner	69	100.0	36	92.3
Respondent Ordered Not to Contact Petitioner	68	98.6	34	87.2
Respondent Ordered to Stay Away from Petitioner's Home or Place of Work	69	100.0	36	92.3
Respondent Ordered to Vacate Home	27	39.1	12	30.8
Respondent Ordered Not to Transfer Property	N/A	N/A	0	0.0
Police Ordered to Protect Petitioner While Respondent Vacates Home	0	0.0	0	0.0
Respondent Contact with Petitioner Limited to Specific Times or Places	1	1.4	2	5.1
Respondent Ordered to Relinquish Weapons	0	0.0	0	0.0
Respondent Ordered to Attend Counseling	0	0.0	0	0.0
Other Provisions	7	10.1	3	7.7

**Table V.3c:**  
**Protection Order Provisions (General): District of Columbia**

	Temporary Protection Order (n=78)		Permanent Protection Order (n=38)	
	#	%	#	%
Respondent Prohibited from Abusing (Assault, Abuse, Threats) Petitioner	64	82.1	37	84.2
Respondent Ordered Not to Contact Petitioner	47	60.3	10	26.3
Respondent Ordered to Stay Away from Petitioner's Home or Place of Work	67	85.9	21	55.3
Respondent Ordered to Vacate Home	7	9.0	3	7.9
Respondent Ordered Not to Transfer Property	N/A	N/A	0	0.0
Police Ordered to Protect Petitioner While Respondent Vacates Home	16	20.5	2	5.3
Respondent Contact with Petitioner Limited to Specific Times or Places	2	2.6	6	15.8
Respondent Ordered to Relinquish Weapons	0	0.0	0	0.0
Respondent Ordered to Attend Counseling	0	0.0	4	10.5
Other Provisions	1	1.3	0	0.0

both the safety and the psychological stability of the victim. Perhaps the philosophy that drove the establishment of a consolidated docket for protection orders in Denver is reflected in the relatively frequent provision of this relief.

For the 151 cases in which the petitioner and respondent had children in common (92 temporary orders and 108 permanent orders), the protection often included provisions concerning the respondent's visitation rights with the children. Table V.4 documents the frequency and types of child visitation provisions included in protection orders. Similar to the general protection order provisions, courts appear to be more willing to award visitation rights to respondents after a full hearing for a permanent protection order, rather than in temporary, *ex parte* orders.

Few of the study participants filed amendments to protection orders or contempt motions for violations of the protection order. Out of 145 permanent orders examined, 16 (11.0 percent) had one amendment, 5 (3.4 percent) had two amendments, and 2 (1.4 percent) had three amendments. No amendments were made to the remaining 122 (84.1 percent) protection orders.

**Table V.4:**  
**Provisions Concerning Child Visitation: All Sites**

	Temporary Protection Order (n=92)		Permanent Protection Order (n=99)	
	#	%	#	%
Custody Granted to Petitioner	76	82.6	79	79.8
Visitation Granted to Respondent	9	9.8	65	60.2
Supervised Visitation Granted to Respondent	19	20.7	11	11.1
Respondent Ordered to Pay Child Support	4	4.3	37	37.4
Visitation Denied to Respondent	29	31.5	10	10.1
Order Prohibits Contact with Children	13	14.1	3	3.0

**Table V.4a:**  
**Provisions Concerning Child Visitation: Delaware**

	Temporary Protection Order (n=7)		Permanent Protection Order (n=50)	
	#	%	#	%
Custody Granted to Petitioner	6	85.7	39	78.0
Visitation Granted to Respondent	0	0.0	31	62.0
Supervised Visitation Granted to Respondent	0	0.0	2	4.0
Respondent Ordered to Pay Child Support	2	28.6	32	64.0
Visitation Denied to Respondent	2	28.6	4	8.0
Order Prohibits Contact with Children	1	14.3	2	4.0

**Table V.4b:**  
**Provisions Concerning Child Visitation: Denver**

	Temporary Protection Order (n=34)		Permanent Protection Order (n=21)	
	#	%	#	%
Custody Granted to Petitioner	34	100.0	20	95.2
Visitation Granted to Respondent	4	11.8	16	76.2
Supervised Visitation Granted to Respondent	0	0.0	8	38.1
Respondent Ordered to Pay Child Support	0	0.0	0	0.0
Visitation Denied to Respondent	19	55.9	4	19.0
Order Prohibits Contact with Children	8	23.5	1	4.8

In 130 cases (89.7 percent), no contempt motions were filed. Thirteen cases (9.0 percent) had one contempt motion, and only two cases (1.4 percent) had more than one contempt motion. Of the cases in which contempt motions were filed, the court held a hearing on the matter in nine cases and granted the motion in five of these cases.<sup>7</sup> The low use by participants of the civil contempt process to enforce protection orders indicates that the court should do more to inform victims about the availability of and the process for fil-

<sup>7</sup> The low rates of contempt motions found in the case files comports with the reports participants gave in the interviews regarding use of the contempt process to enforce protection orders.

**Table V.4c:**  
**Provisions Concerning Child Visitation: District of Columbia**

	Temporary Protection Order (n=51)		Permanent Protection Order (n=28)	
	#	%	#	%
Custody Granted to Petitioner	36	70.6	20	71.4
Visitation Granted to Respondent	5	9.8	18	64.3
Supervised Visitation Granted to Respondent	1	2.0	1	3.6
Respondent Ordered to Pay Child Support	2	3.9	5	17.9
Visitation Denied to Respondent	8	15.7	2	7.1
Order Prohibits Contact with Children	4	7.8	0	0.0

ing contempt motions.<sup>8</sup> This need to provide easily accessible and understandable information about the enforcement process has become more acute in the wake of the Violence Against Women Act's full faith and credit provisions for protection orders.<sup>9</sup>

<sup>8</sup> Participants in Denver also reported little use of the contempt process to enforce orders, but this is most likely because the policy of the City Attorney is to vigorously prosecute violations of protection orders. The City Attorney's domestic violence unit works closely with the police department to coordinate arrests, arraignments, and prosecution. They reportedly obtain a high proportion of guilty pleas because the prosecution efforts have been successful.

<sup>9</sup> *The Violence Against Women Act of 1994*, Pub.L. No. 103-322, Title IV, 108 Stat. 1902-55 §4021 (2265-2266).

**Chapter VI:**  
**Use of Services by Study Participants**



# Chapter VI:

## Use of Services by Study Participants

In both the initial and follow-up interviews, we asked the study participants whether they had received assistance to protect themselves from abuse or otherwise cope with the abuse they had suffered. The interviewees named generic resources, including the police, medical assistance, legal assistance, and friends or relatives, as well as specific services and sources of support available in their respective jurisdictions. For the analysis of the extent to which the study participants used these services, we grouped the various services into eight categories: medical assistance, police protection, private legal services, moral support and guidance from friends or relatives, assistance from private community organizations,<sup>1</sup> government assistance,<sup>2</sup> counseling services, and support groups. Overall, more than three-quarters (77.5 percent) of the study participants received some type of service, either before or after they obtained a protection order (see Table VI.1).

With the exception of counseling and support groups, participants tended to use services more before they obtained a protection order than in the month afterward (see Table VI.2). This finding suggests that victims are aware of, or perceive the need for, some types of services while they are still in an abusive relationship or are trying to leave it. For example, police services were used by 28 percent of the study participants before they obtained a protection order, whereas a month or so later only 8 percent of the participants had called upon the police for assistance. Likewise, medical assistance was sought by more participants before they obtained a protection order than afterward. These findings comport with the common-sense notion that medical and police assistance may be critical for coping with or surviving domestic abuse. In contrast, victims may tend to seek counseling and assistance from support groups only after the immediate danger from the respondent has abated (by terminating the relationship, obtaining a protection order, and establishing stable postrelationship living arrangements).<sup>3</sup>

### Differences Among Sites

The only types of services for which the trend to decrease services after receiving a protection order did not apply at all three sites were community and government services. In Denver, all seven of the study participants who received government services began doing so only after obtaining a protection order.<sup>4</sup> In the District of Columbia, two participants began receiving community services after obtaining a protection order, and only one participant stopped receiving such services after obtaining a protection order. At both of these sites, however, the small number of petitioners affected was insignificant for statistical purposes. There were, however, some specific differences among the sites with respect to the rates at which the study participants received services (see Table VI.3).

<sup>1</sup> Examples of private community services include battered women's shelters and victim advocacy services provided by universities and private organizations.

<sup>2</sup> Examples of government assistance include victim services units of police and prosecutors offices and social services.

<sup>3</sup> See Appendix III, Table A.III.4: Relationship of Participants with Respondent.

<sup>4</sup> These were most likely referrals from Project Safeguard or another victim service.

**Table VI.1:**  
**Rates at Which Participants Received Types of Services at Any Time**

<b>All Sites (n=285)</b> <b>Petitioners Receiving . . .</b>	<b>#</b>	<b>%</b>	<b>By Site*</b>		
				<b>#</b>	<b>%</b>
Any Services	221	77.5	Delaware	78	86.7
			Denver	72	80.0
			District of Columbia	71	67.6
Medical Services	17	6.0	Delaware	6	6.7
			Denver	5	5.6
			District of Columbia	6	5.7
Police Services	86	30.2	Delaware	32	35.6
			Denver	17	18.9
			District of Columbia	37	35.2
Private Legal Services	32	11.2	Delaware	17	18.9
			Denver	7	7.8
			District of Columbia	8	7.6
Assistance from Friends/Relatives	130	45.6	Delaware	54	60.0
			Denver	34	37.8
			District of Columbia	42	40.0
Assistance from Community Services	92	32.3	Delaware	37	41.1
			Denver	48	53.3
			District of Columbia	7	6.7
Assistance from Government Services	18	6.3	Delaware	2	2.2
			Denver	7	7.8
			District of Columbia	9	8.6
Counseling Services	36	12.6	Delaware	15	17.8
			Denver	12	13.3
			District of Columbia	8	7.6
Support Groups	6	2.1	Delaware	1	1.1
			Denver	1	1.1
			District of Columbia	4	3.8

\* Delaware (n=90); Denver (n=90); and District of Columbia (n=105).

**Table VI.2:**  
**Rates at Which Petitioners Received Services Before and After Obtaining Protection Orders (All Sites)**

<b>Petitioners Receiving . . .</b>	<b>Before Order</b>		<b>After Order</b>	
	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>
Any Services	203	71.2	148	51.9
Medical Services	16	5.6	2	0.7
Police Services	79	27.7	23	8.1
Private Legal Services	25	8.8	17	6.0
Assistance from Friends/Relatives	104	36.5	87	30.5
Assistance from Private Community Services	76	26.7	57	20.0
Assistance from Government Services	10	3.5	9	3.2
Counseling	18	6.3	28	9.8
Support Groups	2	0.7	5	1.8



**Table VI.3:**  
**Rates at Which Participants Received Services Before**  
**and After Obtaining Protection Orders (By Site\*)**

Petitioners Receiving . . .	Before Order		After Order		Total	
	#	%	#	%	#	%
<b>Any Services</b>						
Delaware	76	84.4	58	64.4	78	86.7
Denver	65	72.2	48	53.3	72	80.0
District of Columbia	62	59.0	42	40.0	71	67.6
<b>Police Services</b>	#	%	#	%	#	%
Delaware	30	33.3	10	11.1		
Denver	13	14.4	6	6.7		
District of Columbia	36	34.3	7	6.7		
<b>Private Legal Services</b>	#	%	#	%	#	%
Delaware	13	14.4	11	12.2		
Denver	5	6.7	2	2.2		
District of Columbia	6	5.7	4	3.8		
<b>Assistance from Friends/Relatives</b>	#	%	#	%	#	%
Delaware	41	45.6			54	60.0
Denver	27	30.0			34	37.8
District of Columbia	36	34.3			42	40.0
<b>Assistance from Community Services</b>	#	%	#	%	#	%
Delaware	29	32.2	26	28.9	37	41.1
Denver	42	46.7	25	27.8	48	53.3
District of Columbia	5	4.8	6	5.7	7	6.7
<b>Assistance from Government Services</b>	#	%	#	%	#	%
Delaware	1	1.1	1	1.1	2	2.2
Denver	0	0.0	7	7.8	7	7.8
District of Columbia	1	1.0	3	2.9	4	3.8

\* Service types not appearing in this table had no significant differences among sites. Dark shading indicates statistical significance at the  $p = 0.05$  level. Light shading indicates statistical significance at the  $p = 0.10$  level.

Delaware had the highest rate (87 percent) of participants receiving services, followed by Denver at 80 percent and the District of Columbia at 68 percent. This ranking held consistent for participants both before and after obtaining the protection order. There were some striking differences in the types of services participants received at each site, however. In Delaware, participants received assistance from friends and relatives at a significantly higher rate than participants in Denver or the District of Columbia. They also began receiving assistance from this source comparatively later than their counterparts at the other sites; nearly 15 percent of the Delaware participants first sought help from friends and relatives after obtaining a protection order compared to about 8 percent in Denver and 6 percent in the District of Columbia.<sup>5</sup> Delaware also had the highest proportion of participants that sought private legal assistance, over twice that of Denver and the District of Columbia. Their reliance on private legal assistance may be the result of the comparatively higher incomes of the Delaware participants.<sup>6</sup>

<sup>5</sup> This delay in reaching out to personal support structures is an indication that obtaining the protection order instilled greater confidence in the women, as well as freedom to reveal their plight.

<sup>6</sup> See Appendix III, Table A.III.7: Monthly Income of Participants.

In Denver, the most significant differences in the types of services received were those involving police services and government/community services. Petitioners there received police services at a significantly lower rate than those in either Delaware or the District of Columbia, but received government assistance at much higher rates.

### **Differences in Service Usage Rates Reported in Initial and Follow-up Interviews**

Examining service usage overall, we found no significant differences between the use of services reported in the initial interviews and in the follow-up interviews. In most instances, there were no differences according to the specific type of services either. A higher proportion of participants reported in the follow-up interviews that they had received police services after obtaining a protection order compared to the participants' reports in the initial interviews.<sup>7</sup> This difference may be the result of participants calling the police for violations of the protection order they received or for subsequent incidents of violence after a temporary order had expired. In addition, a significantly higher proportion of the participants reported receiving private legal services in the follow-up interviews in comparison to the initial interviews.<sup>8</sup> Perhaps the study participants who were interviewed a second time were more likely to have sought legal assistance for obtaining a divorce, separation, or custody of the children.

### **Differences in Service Use Rates According to Various Demographic Characteristics of Petitioners**

In most instances, the demographic characteristics of the study participants had no correlation with service use.<sup>9</sup> There were relationships between private legal services and race<sup>10</sup> and between private legal services and marital status.<sup>11</sup> Both relationships appear most strikingly in Delaware, where the study participants have comparatively higher incomes and a larger proportion of them are married. Income also had a significant, and inverse, correlation with participants' use of police services. Lower-income participants (less than \$500 per month) tended to seek police assistance at a higher rate than higher-income petitioners, but this rate varied considerably among the income levels.

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<sup>7</sup> The proportion of participants reporting post-order police services in the initial interviews was 3.7 percent, whereas 10.7 percent of participants in the follow-up interviews received these services. The difference was significant at the 0.05 level ( $t = -2.12, p = 0.035$ ).

<sup>8</sup> The proportion of participants reporting private legal services in the initial interviews was 6.5 percent compared to 14.1 percent in the follow-up interviews. This difference is significant at the 0.05 level ( $t = -1.99, p = 0.048$ ).

<sup>9</sup> There were no significant correlations between petitioners' rates of service use and the indexes of effectiveness. See discussion in Chapter IV describing the construction of the Well-being and Problems indexes.

<sup>10</sup> White petitioners used private legal services at four times the rate of other races ( $F = 4.5315, p = 0.0116$ ).

<sup>11</sup> Divorced and separated petitioners were four to six times more likely to use private legal services than married and single, never-married petitioners.

## **Chapter VII: Police and Prosecution**



## Chapter VII: Police and Prosecution

The initial interviews with the study participants sought information about the participants' experiences, if any, with the police in relation to the incident that provided the impetus for obtaining a protection order. Interviewers also asked the participants whether the respondents were prosecuted. The information about the involvement of the police and prosecutors in the individual cases of the participants is based exclusively on the responses the participants provided in the interviews.<sup>1</sup> Because the memories of the participants could be faulty or faded, strong conclusions about the response of either the police or the prosecutors should not be drawn from the interview results that follow.

The reported use of police services varied across the sites, as did the responses of the police (see **Table VII.1**). In Delaware, for example, a higher proportion of the participants had called the police following the incident that spurred them to seek a protection order (Delaware, 96.7 percent; Denver, 93.3 percent; District of Columbia, 89.9 percent), but the police came to the scene of the incident in a lower proportion of the cases (Delaware, 79.3 percent; Denver, 89.3 percent; District of Columbia, 93.8 percent). Once at the scene, however, the police in Delaware (Wilmington Police and New Castle County Police) were more likely to take notes and interview witnesses. The extent to which the study participants had called the police on previous occasions for domestic violence incidents also varied among the sites. Three-quarters of the participants in Delaware had previously called the police, whereas only half the participants in both Denver and the District of Columbia had.

The police arrested respondents in Denver in a considerably higher proportion of the cases, particularly in comparison to the District of Columbia—87 percent compared with 41 percent. (Similarly, higher proportions of participants in Delaware and Denver reported that the police had arrested the respondents on prior domestic violence calls.) On the other hand, a higher proportion of participants in the District of Columbia reported that the police had informed her about the availability of and process for obtaining a civil protection order. These two findings taken together suggest, however, that the police in the District of Columbia may be relying too heavily on the civil process and not devoting sufficient attention and resources to the criminal process.<sup>2</sup>

The questions about prosecution applied to only a very small number of participants because relatively few of the respondents had been arrested in relation to the incident for which the participants sought protection orders (see **Table VII.2**). There was some variation in reported prosecution across the sites, but little can be drawn from this information.

Law enforcement and prosecution obviously have vital roles to play in addressing and reducing domestic violence. Initiatives currently are under way throughout the country in the wake of the crusades for reform that advocates for battered women have pressed for the past two decades. Recently, the Violence

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<sup>1</sup> An examination of police and prosecutors' records was beyond the scope of the current study. Project staff interviewed representatives of the police departments and the prosecution offices in each of the project sites to obtain general information about how these components of the criminal justice system are involved in addressing domestic violence in their respective jurisdictions.

<sup>2</sup> Evidence suggests that police are reluctant to arrest in domestic violence incidents due to fears of liability for false arrests. See, Klein, 1995; Lerman, 1984.

**Table VII.1:  
Police Procedures**

	Delaware		Denver		District of Columbia	
	#	%	#	%	#	%
Petitioner Called Police Following CPO Incident	58	96.7	56	93.3	80	89.9
Police Came to the Scene	46	79.3	50	89.3	75	93.8
Police Interviewed Witnesses at the Scene	25	59.5	27	55.1	27	37.5
Police Took Notes at Scene	31	72.1	28	60.9	46	64.8
Police Arrested Respondent	9	55.0	27	87.1	14	41.2
Police Secured Warrant for Respondent's Arrest	13	44.8	11	50.0	18	39.1
Police Informed Petitioner About CPO Availability	35	60.3	37	60.7	69	77.5
Police Informed Petitioner About CPO Procedures	33	56.9	32	53.6	63	70.8
Petitioner Believes Police Were Helpful	31	52.5	27	45.0	39	43.8
Petitioner Called Police for Prior Abusive Incidents	64	74.4	48	54.5	58	55.8
Police Arrested Respondent for Prior Abusive Incidents	35	53.0	30	57.7	17	28.3

**Table VII.2:  
Criminal Prosecution of Protection Order Respondent**

	Delaware		Denver		District of Columbia	
	#	%	#	%	#	%
According to Petitioner, Respondent Was Prosecuted	24	64.9	37	80.4	21	53.8
Petitioner Testified/Planned to Testify at Criminal Hearing	15	60.0	21	56.8	16	72.7

Against Women Act has provided added resources in the form of formula grants that are aimed specifically at improving how law enforcement agencies and prosecutors fulfill their responsibilities in a coordinated response to domestic violence.<sup>3</sup> Future research should, and no doubt will, evaluate these efforts to ensure that the most effective approaches are used and shared among the states.

<sup>3</sup> The Urban Institute, 1996.

# Appendices

## I. References

## II. Effectiveness of Civil Protection Orders: Judicial Curricula and Supplemental Resources

## III. Demographic Characteristics of Study Participants

- .1 Length of Relationship with Respondent
- .2 Marital Status of Participants When Order Obtained
- .3 Proportion of Participants with Children
- .4 Relationship of Participants with Respondent
- .5 Age of Participants
- .6 Educational Level of Participants
- .7 Monthly Income of Participants
- .8 Employment Status of Participants When Order Obtained
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## IV. Nature of Abuse

- .1 Nature of Abuse Before Order Obtained
- .2 Frequency of Abuse: All Sites
- .3 Frequency of Abuse: By Sites
- .4 Duration of Abuse Prior to Order
- .5 Abuse Occurred After Alcohol/Drug Use by Respondent





## **Appendix I: References**



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**Appendix II:**  
**Effectiveness of Civil Protection Orders**  
*Judicial Curricula and Supplemental Resources*



# Effectiveness of Civil Protection Orders

## *Judicial Curricula and Supplemental Resources*

Although the materials in this appendix are diverse, their shared goal is to raise the understanding of domestic abuse among judges and court personnel and to provide practical knowledge about dealing with abuse victims seeking legal relief.

Most of the curricula and resources provide information about domestic abuse law and explain such practical matters as what a civil protection order is and how it should be drafted. Some materials also cover more esoteric but equally important topics such as the history and dynamics of domestic abuse. Methods used to convey this information include reading assignments, lectures, workshops, and discussions. The authors reflect the range of public and private organizations—including judges' organizations—concerned about domestic abuse. The various geographic locations of the authors indicate that domestic abuse is a widespread problem not centered in one part of the nation nor focused primarily in an urban or rural setting. Given the diversity of topics, teaching methodologies, and geographic range, it is hoped that users of this appendix will find information that can be adapted to suit their particular needs.

### Curricula

- *Family Violence: Effective Judicial Intervention.* Developed by the Women Judges' Fund for Justice.

The goals of this curriculum are to help judges understand the dynamics of family violence, enable them to respond appropriately, and assist them in crafting appropriate orders. The curriculum includes program notes for mental health lecturers, legal lecturers, and break-out group leaders. Legal lecturer notes include: (1) Checklist of Provisions for Protective Orders; (2) Appropriate Questioning by the Court; (3) Mutual Restraining Orders; (4) Constitutional Requirements for Ex Parte Orders of Protection; (5) Evidentiary Issues in Domestic Violence Litigation; and (6) Use of Court's Contempt Power to Enforce CPOs.

Contact: Esther K. Ochsman, Executive Director, The Women Judges' Fund for Justice, 733 15th Street, NW, Suite 700, Washington, D.C. 20005, (202) 783-0930.

- *Domestic Violence in Civil Court Cases: A National Model for Judicial Education.* Developed by the Family Violence Prevention Fund (FVPF).

This curriculum uses several vehicles to enhance the understanding of domestic violence among judges; it encourages them to explore personal and societal attitudes that affect their decision making, reviews current domestic violence statutes and case law, examines civil protection orders, discusses court practices in domestic violence cases, and considers domestic violence as it arises in other types of civil cases; for example, child custody disputes and divorce proceedings. The curricula may be used in conjunction with *Domestic Violence: The Crucial Role of the Judge in Criminal Court Cases, a National Model for Judicial Education* (also developed by FVPF).

Contact: Janet Carter, Family Violence Prevention Fund, Building 1, Suite 200, 1001 Potrero Avenue, San Francisco, CA 94110 (415) 821-4553.

- *Domestic Violence: The Crucial Role of the Judge in Criminal Court Cases, a National Model for Judicial Education.* Developed by the Family Violence Prevention Fund (FVPPF).

Although the curriculum focuses on criminal aspects of domestic violence cases, certain sections highlight the nexus between criminal domestic abuse charges and civil protection orders. Specifically, Chapter 4 (pretrial and release considerations) and Chapter 6 (case disposition) discuss no-contact orders for batterers.

Contact: Janet Carter, Family Violence Prevention Fund, Building 1, Suite 200, 1001 Potrero Avenue, San Francisco, CA 94110 (415) 821-4553.

- *Iowa Domestic Abuse (Civil) Workshop.* Adapted from *Domestic Violence: The Crucial Role of the Judge in Criminal Court Cases, a National Model for Judicial Education* (FVPPF) and *Domestic Violence: A Curriculum for Rural Courts* (Rural Justice Center) by Jerry Beatty, Iowa State Court Administrator.

This six-hour judicial workshop proposes an agenda and provides background materials for workshop faculty on several topics. A two-hour presentation entitled "Domestic Abuse: The What, Why and Who in the Civil Court" lays the foundation for the course. It provides a contemporary definition of domestic abuse, describes common behaviors of affected persons (batterers, victims, third parties), reviews current theory regarding the causes of domestic abuse, and includes an appendix of relevant literature and sample CPOs and related filings.

Judges learn how to draft effective protective orders during "Issuance of Civil Protective Orders." Topics covered during this presentation include the following: Iowa statutes and case law on CPOs; grounds for issuing CPOs; jurisdiction and venue; relief available through CPOs; emergency and temporary CPOs; and procedural and administrative considerations at pretrial and trial stages of proceedings. Appendix material includes a checklist for judges considering CPO petitions, a sample order for CPO, and recommendations for court clerks assisting pro se litigants.

"Enforcement of Civil Protective Orders" reviews Iowa statutes and case law granting courts the authority to enforce CPOs. Among the issues addressed are the contempt power of Iowa courts, interstate compliance with CPOs, legal representation for the parties involved, constitutional considerations (the main one being the problem of double jeopardy), and sentencing.

The presentation "Judicial Role and Leadership" asks judges to consider their role in domestic abuse cases. Discussion questions provoke exploration of such topics as how the judge's special function differs in domestic violence cases, what judges can or should do when the legal system fails, and ways of maintaining neutrality while eliciting information from an unrepresented plaintiff. Supplemental material covers related issues; for example, gender bias and its relationship to domestic abuse.

Contact: Jerry Beatty, Iowa State Court Administrator, State Capitol, Des Moines, IA 50319 (515) 281-8279.

- *Domestic Violence Trainers Manual* (1995). Developed by Virginia Leavitt, Colorado Judicial Department, for the Encouraging Family Peace Through Judicial Education Project (SJI-94-288).

This manual uses a companion benchbook as a substantive guide for each of the lessons. In addition, instructors' materials include case scenarios and exercises to promote participant discussion, needed equipment and supplies, and lesson outlines with supplemental materials and transparencies for overhead projectors. Lesson 1 (Protective Orders Under the [Colorado] Domestic Abuse Act) discusses temporary restraining order procedures including grounds for issuance and available relief under Colorado law. Other lessons focus on related issues of domestic abuse, including dissolution and custody cases, considerations in criminal cases, and sentencing considerations and alternatives.

Contact: Virginia H. Leavitt, Staff Development Administrator, Colorado Judicial Department, 1301 Pennsylvania, Suite 300, Denver, CO 80203 (303) 837-3654.

- *Domestic Violence: A Benchguide for California Judges in the Criminal Courts*, developed by Nancy K. D. Lemon. A useful companion to *Domestic Violence: The Crucial Role of the Judge in Criminal Court Cases*, the California benchguide provides a model for states interested in producing their own state-specific

benchguide for the criminal courts. It also serves as an important resource for criminal court judges in California (1989; 100 pages).

Contact: Janet Carter, Office of the District Attorney/Family Violence Project, 1001 Potrero Avenue, Building 1, Suite 200, San Francisco, CA 94110 (415) 821-4553.

- *Domestic Violence: The Crucial Role of the [Washington] Criminal Court Judge*, by Mary C. McQueen, Washington Administrative Office of the Courts. Adapted from *Domestic Violence: The Crucial Role of the Judge in Criminal Court Cases, a National Model for Judicial Education* (FVVF).

The curriculum focuses on criminal aspects of domestic violence cases for Washington State criminal trial courts. Certain sections highlight the nexus between criminal domestic abuse charges and civil protection orders. Specifically, Chapter 4, Part II (pretrial considerations) discusses no-contact orders for batterers and their relationship to civil protection orders.

Contact: Mary C. McQueen, Washington Administrative Office of the Courts, 1206 South Quince Street, Mail Stop EZ-11, Olympia, WA 98504 (360) 753-3365.

- *Model Code on Domestic and Family Violence*. Drafted by the Advisory Committee of the Conrad N. Hilton Foundation, Model Code Project of the Family Violence Project; Approved by Board of Trustees, National Council of Juvenile and Family Court Judges.

This code outlines curricula for family court judges and personnel and for public employees legally required to report abuse and neglect of children. The purpose of the curricula is to heighten the awareness of domestic violence among persons ideally positioned to curtail it. Required topics are as follows: the nature, extent, and causes of domestic violence; safety practices to protect the victim, family, and other household members; resources available for victims and perpetrators of domestic violence; awareness of gender bias and sensitivity to cultural, racial, and sexual issues; and the deadliness of domestic violence. The code encourages states to include other topics and mandates that the courses be developed only after consultation with the following public and private domestic abuse professionals: providers of programs for abuse victims, providers of intervention programs for perpetrators, advocates of abuse victims, the statewide family or domestic violence coalition, and the state advisory council on domestic violence.

Contact: National Council of Juvenile and Family Court Judges, University of Nevada, P.O. Box 8970, Reno, NV 89507 (702) 784-6012.

- *Domestic Violence Protection Orders: Handbook for District Court Administrators, Prothonotaries, and Special Court Administrators*. Developed by Barbara J. Hart, Esquire, Staff Counsel, Pennsylvania Coalition Against Domestic Violence. Funding provided by The Phoebus Fund of the Philadelphia Foundation. Adapted from a handbook of the Seattle-King County Bar Association.

This court administrators' handbook gives practical information and advice about providing clerical assistance to domestic abuse victims. An introductory chapter summarizes the history of domestic abuse, and briefly describes its victims, perpetrators, and various forms. Later chapters cover a range of topics. For example, administrators learn not only how to soothe upset abuse victims and but also receive helpful suggestions on managing job-related stress. Other chapters give legal information, explaining what a protection order is and detailing the steps that need to be followed to obtain one. A chapter on forms and instructions tells administrators what forms a victim needs to complete, provides suggestions on how to guide victims in filling out the forms, and includes model forms and affidavits. Other subjects include service of protection orders, options available to victims if the order is violated, and advice to victims about courtroom demeanor.

#### **Other Curricula - Not Available for Review**

- *Domestic Violence: A Curriculum for Rural Courts*. Developed by the Rural Justice Center/Center for Community Change.

Contact: Kathryn Fahnestock, Rural Justice Center/Center for Community Change, P.O. Box 675, Montpelier, VT 05601 (802) 223-0166.

- *Domestic Violence for the Criminal Courts, a National Model Educational Curriculum for Judges on Domestic Violence.* Adapted from *Domestic Violence for the [California] Criminal Courts* (Office of the District Attorney/Family Violence Project) by Esta Soler, The Trauma Foundation.

Contact: Esta Soler, The Trauma Foundation, Building One, Room 400, 1001 Potrero Avenue, San Francisco, CA 94110 (415) 821-4553.

- *Domestic Violence: The Crucial Role of Nebraska's County Court Judges.* Adapted from *Domestic Violence: The Crucial Role of the Judge in Criminal Court Cases, a National Model for Judicial Education* (FVPP) by Janet Hammer, Nebraska State Court Administrative Office.

Contact: Janet Hammer, Nebraska State Court Administrative Office, P.O. Box 98910, Lincoln, NE 68509-8910 (402) 471-3205.

## Supplemental Resources

- Adele Harrell, Barbara Smith, and Lisa Newmark, *Court Processing and the Effects of Restraining Orders for Domestic Violence Victims* (The Urban Institute, 1993).

Based on a study of CPO use in Denver and Boulder, Colorado, this report examines how court procedures in the two cities affected the usefulness of restraining orders. It explores why abuse victims sought temporary CPOs, describes their experiences in obtaining them, presents factors that influenced the decision to obtain a permanent order, and compares the court experiences of men and women. The report also looks at related issues; for example, noncompliance with CPOs and enforcement measures undertaken by the courts in response.

Contact: Adele Harrell, The Urban Institute, 2100 M Street, NW, Washington, DC 20037 (202) 857-8687.

- Rural Justice Center, *Not in My County: Rural Courts and Victims of Domestic Violence* (1992).

This report describes problems associated with securing and enforcing CPOs in rural jurisdictions and makes recommendations for improving the accessibility and effectiveness of rural courts. It was developed under the "Project to Improve Access to Rural Courts for Victims of Domestic Violence" with funding by the State Justice Institute (No. SJI-88-081).

Contact: Kathryn Fahnestock, Rural Justice Center/Center for Community Change, P.O. Box 675, Montpelier, VT 05601 (802) 223-0166.

- Deborah Epstein, Juley A. Fulcher, and Fredrica L. Lehrman, *Litigating Civil Protection Order Cases: A Practice Manual* (1995).

This legal practitioner's manual includes information about obtaining and enforcing CPOs in the District of Columbia. Chapter 5, "Drafting and Filing the CPO Petition and Affidavit and Obtaining a TPO," focuses on drafting the petition and affidavit, filing requirements, amendment procedures, *ex parte* TPOs, Service of Process, and D.C. Superior Court Intrafamily Rules. Chapter 8 examines CPO enforcement and modification; it covers topics such as motions for civil and criminal contempt, sentencing for contempt, and filing and service of process issues for motions to modify or extend the CPO.

Contact: Emergency Domestic Relations Project, Georgetown University Law Center Sex Discrimination Clinic, 111 F Street, NW, Washington, DC 20001 (202) 393-6290.

## **Appendix III: Demographic Characteristics of Study Participants**

- .1 Length of Relationship with Respondent
- .2 Marital Status of Participants When Order Obtained
- .3 Proportion of Participants with Children
- .4 Relationship of Participants with Respondent
- .5 Age of Participants
- .6 Educational Level of Participants
- .7 Monthly Income of Participants
- .8 Employment Status of Participants When Order Obtained
- .9 Race/Ethnicity of Participants

**Table A.III.1: Length of Relationship with Respondent**

<b>All Sites (n=285)</b>	<b>#</b>	<b>%</b>	<b>By Site*</b>	<b>#</b>	<b>%</b>
<b>Less Than 1 Year</b>	16	5.6	Delaware	2	2.2
			Denver	6	6.7
			District of Columbia	8	7.6
<b>1 to 2 Years</b>	24	8.4	Delaware	3	3.3
			Denver	14	15.6
			District of Columbia	7	6.7
<b>2 to 3 Years</b>	27	9.5	Delaware	6	6.7
			Denver	9	10.0
			District of Columbia	12	11.4
<b>3 to 4 Years</b>	21	7.4	Delaware	8	8.9
			Denver	8	8.9
			District of Columbia	5	4.8
<b>4 to 5 Years</b>	28	9.8	Delaware	6	6.7
			Denver	6	6.7
			District of Columbia	16	15.2
<b>5 to 10 Years</b>	91	31.9	Delaware	29	32.2
			Denver	28	31.1
			District of Columbia	34	32.4
<b>10 to 15 Years</b>	34	11.9	Delaware	14	15.6
			Denver	10	11.1
			District of Columbia	10	9.5
<b>15 to 20 Years</b>	29	10.2	Delaware	15	16.7
			Denver	7	7.8
			District of Columbia	7	6.7
<b>20 to 25 Years</b>	5	1.8	Delaware	1	1.1
			Denver	2	2.2
			District of Columbia	2	1.9
<b>Over 25 Years</b>	10	3.5	Delaware	6	6.7
			Denver	0	0.0
			District of Columbia	4	3.8
	Mean	Median		Mean	Median
<b>All Sites</b>	7.6	6.0	Delaware	9.9	7.0
			Denver	6.1	5.0
			District of Columbia	6.9	5.0

\* Delaware (n=90), Denver (n=90), and District of Columbia (n=105).



**Table A.III.2: Marital Status of Participants When Order Obtained**

<b>All Sites (n=285)</b>	<b>#</b>	<b>%</b>	<b>By Site*</b>	<b>#</b>	<b>%</b>
<b>Married</b>	68	23.9	Delaware Denver District of Columbia		19.0
<b>Separated</b>	61	21.4	Delaware Denver District of Columbia		20.0
<b>Divorced</b>	26	9.1	Delaware Denver District of Columbia		1.9
<b>Single, Never Married</b>	130	45.6	Delaware Denver District of Columbia		59.0

\* Delaware (n=90), Denver (n=90), and District of Columbia (n=105).

**Table A.III.3: Proportion of Participants with Children**

<b>All Sites (n=285)</b>	<b>%</b>	<b>By Site*</b>	<b>%</b>
<b>Children in Common with Respondent</b>	78.6	Delaware Denver District of Columbia	89.6 64.7 79.8
<b>Children from Other Relationships</b>	51.7	Delaware Denver District of Columbia	40.8 50.7 62.4
<b>Total with Children</b>	81.8	Delaware Denver District of Columbia	84.4 76.7 83.8

\* Delaware (n=90), Denver (n=90), and District of Columbia (n=105).

**Table A.III.4: Relationship of Participants with Respondent**

	<b>Before CPO (Initial Interview n=285)</b>		<b>At CPO (Initial Interview n=285)</b>		<b>6 Months After CPO (Follow-up Interview n=177)</b>	
	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>
<b>Living Together</b>						
<b>All Sites</b>	<b>144</b>	<b>50.5</b>	<b>28</b>	<b>9.8</b>	<b>21</b>	<b>11.9</b>
Delaware	45	50.0	8	8.9	10	17.9
Denver	53	58.9	9	10.0	6	10.3
District of Columbia	46	43.8	11	10.5	5	7.9
<b>Not Living Together, Dating</b>						
<b>All Sites</b>	<b>31</b>	<b>10.9</b>	<b>14</b>	<b>4.9</b>	<b>10</b>	<b>5.6</b>
Delaware	5	5.6	8	8.9	4	7.1
Denver	7	7.8	1	1.1	3	5.2
District of Columbia	19	18.1	5	4.8	3	4.8
<b>Not Living Together, Not Dating</b>						
<b>All Sites</b>	<b>99</b>	<b>34.7</b>	<b>217</b>	<b>76.1</b>	<b>141</b>	<b>79.7</b>
Delaware	37	41.1	67	74.4	39	69.6
Denver	28	31.1	72	80.0	48	82.8
District of Columbia	34	32.4	78	74.3	54	85.7
<b>Other Living Arrangements</b>						
<b>All Sites</b>	<b>11</b>	<b>3.9</b>	<b>25</b>	<b>8.8</b>	<b>2</b>	<b>1.1</b>
Delaware	3	3.3	6	6.7	2	3.6
Denver	2	2.2	8	8.9	0	0.0
District of Columbia	6	5.7	11	10.5	0	0.0

**Table A.III.5: Age of Participants**

<b>All Sites (n=285)</b>	<b>#</b>	<b>%</b>
Less Than 18	3	1.1
18 to 25	74	26.0
26 to 35	125	43.9
36 to 45	61	21.4
46 to 55	19	6.7
56 to 65	1	0.4
Over 65	2	0.7
	<b>Mean 32</b>	<b>Median 31</b>
<b>Delaware (n=90)</b>	<b>#</b>	<b>%</b>
Less Than 18	1	1.1
18 to 25	16	17.8
26 to 35	44	48.9
36 to 45	19	21.1
46 to 55	9	10.0
56 to 65	0	0.0
Over 65	1	1.1
	<b>Mean 33</b>	<b>Median 32</b>
<b>Denver (n=90)</b>	<b>#</b>	<b>%</b>
Less Than 18	2	2.2
18 to 25	21	23.3
26 to 35	35	38.9
36 to 45	25	27.8
46 to 55	6	6.7
56 to 65	0	0.0
Over 65	1	1.1
	<b>Mean 32</b>	<b>Median 31</b>
<b>District of Columbia (n=105)</b>	<b>#</b>	<b>%</b>
Less Than 18	0	0.0
18 to 25	37	35.2
26 to 35	46	43.8
36 to 45	17	16.2
46 to 55	4	3.8
56 to 65	1	1.0
Over 65	0	0.0
	<b>Mean 30</b>	<b>Median 30</b>

**Table A.III.6: Educational Level of Participants**

<b>All Sites (n=285)</b>	<b>#</b>	<b>%</b>	<b>By Site*</b>	<b>#</b>	<b>%</b>
<b>12th Grade or Less</b>	56	19.6	Delaware	13	14.4
			Denver	17	18.9
			District of Columbia	26	24.8
<b>High School Graduate</b>	117	41.1	Delaware	41	45.6
			Denver	29	32.2
			District of Columbia	47	44.8
<b>Some College</b>	70	24.6	Delaware	24	26.7
			Denver	29	32.2
			District of Columbia	17	16.2
<b>College Graduate</b>	24	8.4	Delaware	8	8.9
			Denver	7	7.8
			District of Columbia	9	8.6
<b>Postgraduate</b>	12	4.2	Delaware	4	4.4
			Denver	5	5.6
			District of Columbia	3	2.9
<b>Other</b>	6	2.1	Delaware	0	0.0
			Denver	3	3.3
			District of Columbia	3	2.9

\* Delaware (n=90), Denver (n=90), and District of Columbia (n=105).

**Table A.III.7: Monthly Income of Participants**

<b>All Sites</b>	<b>#</b>	<b>%</b>
Less Than \$500	101	35.4
\$500 to 1,500	124	43.5
\$1,500 to 2,500	41	14.4
\$2,500 to 3,500	12	4.2
\$3,500 to 4,500	3	1.1
Over \$4,500	4	1.4
<b>Mean</b>	<b>\$1,284</b>	<b>Median</b> <b>\$1,000</b>
<b>Delaware</b>	<b>#</b>	<b>%</b>
Less Than \$500	27	30.0
\$500 to 1,500	37	41.1
\$1,500 to 2,500	19	21.1
\$2,500 to 3,500	4	4.4
\$3,500 to 4,500	0	0.0
Over \$4,500	3	3.3
<b>Mean</b>	<b>\$1,432</b>	<b>Median</b> <b>\$1,000</b>
<b>Denver</b>	<b>#</b>	<b>%</b>
Less Than \$500	35	38.9
\$500 to 1,500	43	47.8
\$1,500 to 2,500	8	8.9
\$2,500 to 3,500	2	2.2
\$3,500 to 4,500	1	1.1
Over \$4,500	1	1.1
<b>Mean</b>	<b>\$1,150</b>	<b>Median</b> <b>\$ 900</b>
<b>District of Columbia</b>	<b>#</b>	<b>%</b>
Less Than \$500	39	37.1
\$500 to 1,500	44	41.9
\$1,500 to 2,500	14	13.3
\$2,500 to 3,500	6	5.7
\$3,500 to 4,500	2	1.9
Over \$4,500	0	0.0
<b>Mean</b>	<b>\$1,267</b>	<b>Median</b> <b>\$1,040</b>

**Table A.III.8: Employment Status of Participants When Order Obtained**

<b>All Sites (n=285)</b>	<b>#</b>	<b>%</b>	<b>By Site*</b>	<b>#</b>	<b>%</b>
<b>Employed, Full-time</b>	173	60.7	Delaware	52	57.8
			Denver	59	65.6
			District of Columbia	62	59.0
<b>Employed, Part-time</b>	20	7.0	Delaware	10	11.1
			Denver	5	5.6
			District of Columbia	5	4.8
<b>Unemployed</b>	85	29.8	Delaware	25	27.8
			Denver	23	25.6
			District of Columbia	37	35.2
<b>Other</b>	3	1.1	Delaware	2	2.2
			Denver	0	0.0
			District of Columbia	1	1.0

\* Delaware (n=90), Denver (n=90), and District of Columbia (n=105).

**Table A.III.9: Race/Ethnicity of Participants**

<b>All Sites (n=285)</b>	<b>#</b>	<b>%</b>	<b>By Site*</b>	<b>#</b>	<b>%</b>
<b>White</b>	96	33.7	Delaware	56	62.2
			Denver	37	41.1
			District of Columbia	3	2.9
<b>Black</b>	145	50.9	Delaware	30	33.3
			Denver	19	21.1
			District of Columbia	96	91.4
<b>Hispanic</b>	38	13.3	Delaware	3	3.3
			Denver	32	35.6
			District of Columbia	3	2.9
<b>Other</b>	6	2.1	Delaware	1	1.1
			Denver	2	2.2
			District of Columbia	3	2.9

\* Delaware (n=90), Denver (n=90), and District of Columbia (n=105).



## **Appendix IV: Nature of Abuse**

- .1 Nature of Abuse Before Order Obtained
- .2 Frequency of Abuse: All Sites
- .3 Frequency of Abuse: By Sites
- .4 Duration of Abuse Prior to Order
- .5 Abuse Occurred After Alcohol/Drug Use by Respondent

**Table A.IV.1: Nature of Abuse Before Order Obtained**

All Sites (n=285)	#	%	By Site*		
				#	%
Threatened or Injured with a Weapon	105	36.8	Delaware	29	32.2
			Denver	33	36.7
			District of Columbia	43	41.0
Severe Physical Abuse: Beaten or Choked	155	54.4	Delaware	55	61.1
			Denver	48	53.3
			District of Columbia	52	49.5
Petitioner Was Injured in Incident Leading to CPO	100	35.1	Delaware	24	26.7
			Denver	34	37.8
			District of Columbia	42	40.0
Mild Physical Abuse: Slapping, Grabbing, Shoving, Kicking	239	83.9	Delaware	80	88.9
			Denver	79	87.8
			District of Columbia	80	76.2
Forced Sex	104	36.5	Delaware	41	45.6
			Denver	33	36.7
			District of Columbia	30	28.6
Intimidation through Threats, Stalking, Harassment	287	98.9	Delaware	90	100.0
			Denver	90	100.0
			District of Columbia	102	97.1

\* Delaware (n=96), Denver (n=90), and District of Columbia (n=105)

**Table A.IV.2: Frequency of Abuse: All Sites**

(n=285)	Weapons		Severe Physical Abuse		Mild Physical Abuse		Intimidation	
	#	%	#	%	#	%	#	%
Once	48	45.7	38	24.5	38	15.9	7	3.1
Twice	29	27.6	31	20.0	33	13.8	10	4.5
Once a Year	5	4.8	7	4.5	8	3.3	3	1.3
Twice a Year	2	1.9	10	6.5	18	7.5	4	1.8
Every Few Months	8	7.6	21	13.5	39	16.3	22	9.9
Monthly	2	1.9	10	6.5	18	7.5	19	8.5
Every Few Weeks	1	1.0	13	8.4	19	7.9	23	10.3
Weekly	1	1.0	16	10.3	31	13.0	33	14.8
2-3 Times per Week	3	2.9	5	3.2	12	5.0	27	12.1
Almost Daily	3	2.9	4	2.6	23	9.6	75	33.6
Total	103	100.0	155	100.0	239	100.0	223	100.0



**Table A.IV.3a: Frequency of Abuse by Site: Delaware**

(n=90)	Weapons		Severe Physical Abuse		Mild Physical Abuse		Intimidation	
	#	%	#	%	#	%	#	%
Once	9	31.0	9	16.4	1	1.8	0	0.0
Twice	8	27.6	8	14.5	3	5.5	3	3.8
Once a Year	3	10.3	3	5.5	4	7.3	2	2.6
Twice a Year	2	6.9	4	7.3	6	10.9	0	0.0
Every Few Months	2	6.9	8	14.5	4	7.3	3	3.8
Monthly	1	3.4	4	7.3	4	7.3	6	7.7
Every Few Weeks	1	3.4	7	12.7	8	14.5	11	14.1
Weekly	0	0.0	5	9.1	7	12.7	15	19.2
2-3 Times per Week	1	3.4	4	7.3	6	10.9	11	14.1
Almost Daily	0	0.0	3	5.5	9	16.4	27	34.6
<b>TOTAL</b>	<b>27</b>	<b>100.0</b>	<b>55</b>	<b>100.0</b>	<b>52</b>	<b>100.0</b>	<b>78</b>	<b>100.0</b>

**Table A.IV.3b: Frequency of Abuse by Site: Denver**

(n=90)	Weapons		Severe Physical Abuse		Mild Physical Abuse		Intimidation	
	#	%	#	%	#	%	#	%
Once	5	45.5	9	18.8	4	8.3	1	1.4
Twice	12	36.4	9	18.8	7	14.6	3	4.2
Once a Year	0	0.0	3	6.3	1	2.1	0	0.0
Twice a Year	0	0.0	4	8.3	0	0.0	3	4.2
Every Few Months	3	9.1	7	14.6	7	14.6	9	12.7
Monthly	1	3.0	4	8.3	4	8.3	8	11.3
Every Few Weeks	0	0.0	6	12.5	4	8.3	5	7.0
Weekly	0	0.0	5	10.4	10	20.8	9	12.7
2-3 Times per Week	0	0.0	1	2.1	3	6.3	11	15.5
Almost Daily	1	3.0	0	0.0	5	10.4	22	31.0
<b>TOTAL</b>	<b>32</b>	<b>100.0</b>	<b>48</b>	<b>100.0</b>	<b>45</b>	<b>100.0</b>	<b>71</b>	<b>100.0</b>

**Table A.IV.3c: Frequency of Abuse by Site: District of Columbia**

(n=105)	Weapons		Severe Physical Abuse		Mild Physical Abuse		Intimidation	
	#	%	#	%	#	%	#	%
Once	24	55.8	20	38.5	6	11.5	6	8.1
Twice	9	20.9	14	26.9	6	11.5	4	5.4
Once a Year	2	4.7	1	1.9	1	1.9	1	1.4
Twice a Year	0	0.0	2	3.8	3	5.8	1	1.4
Every Few Months	3	7.0	6	11.5	9	17.3	10	13.5
Monthly	0	0.0	2	3.8	3	5.8	5	6.8
Every Few Weeks	0	0.0	0	0.0	1	1.9	7	9.5
Weekly	1	2.3	6	11.6	8	15.4	9	12.2
2-3 Times per Week	2	4.7	0	0.0	1	1.9	5	6.8
Almost Daily	2	4.7	1	1.9	6	11.5	26	35.1
<b>TOTAL</b>	<b>43</b>	<b>100.0</b>	<b>52</b>	<b>100.0</b>	<b>44</b>	<b>100.0</b>	<b>74</b>	<b>100.0</b>

**Table A.IV.4: Duration of Abuse Prior to Order**

All Sites (n=285)	#	%	By Site*		
			#	%	
<b>Less Than 1 Week</b>	28	10.0	Delaware	2	2.3
			Denver	7	7.8
			District of Columbia	19	18.4
<b>1 Week to 1 Month</b>	10	3.6	Delaware	3	3.4
			Denver	4	4.4
			District of Columbia	3	2.9
<b>1 to 3 Months</b>	15	5.3	Delaware	2	2.3
			Denver	8	8.9
			District of Columbia	5	4.9
<b>3 to 6 Months</b>	17	6.0	Delaware	2	2.3
			Denver	9	10.0
			District of Columbia	6	5.8
<b>6 to 9 Months</b>	5	1.8	Delaware	1	1.1
			Denver	2	2.2
			District of Columbia	2	1.9
<b>9 Months to 1 Year</b>	39	13.9	Delaware	14	15.9
			Denver	6	6.7
			District of Columbia	19	18.4
<b>1 to 2 Years</b>	41	14.6	Delaware	10	11.4
			Denver	16	17.8
			District of Columbia	15	14.6
<b>2 to 3 Years</b>	23	8.2	Delaware	9	10.7
			Denver	7	7.8
			District of Columbia	7	6.8
<b>3 to 4 Years</b>	21	7.5	Delaware	9	10.2
			Denver	6	6.7
			District of Columbia	6	5.8
<b>4 to 5 Years</b>	14	5.0	Delaware	7	8.0
			Denver	2	2.2
			District of Columbia	5	4.9
<b>Over 5 Years</b>	68	24.2	Delaware	29	33.0
			Denver	23	25.6
			District of Columbia	16	15.5
		Number of Months		Number of Months	
		Mean	Median	Mean	Median
<b>All Sites</b>	45	24	Delaware	60	48
			Denver	44	24
			District of Columbia	33	12

\* Delaware (n=90), Denver (n=90), and District of Columbia (n=105).

**Table A.IV.5: Abuse Occurred After Alcohol/Drug Use by Respondent\***

<b>All Sites (n=285)</b>	<b>#</b>	<b>%</b>	<b>By Site**</b>	<b>#</b>	<b>%</b>
<b>Always</b>	100	35.1	Delaware	29	32.2
			Denver	36	40.0
			District of Columbia	35	33.3
<b>Often</b>	37	13.0	Delaware	15	16.7
			Denver	16	17.8
			District of Columbia	6	5.7
<b>Sometimes</b>	38	13.3	Delaware	15	16.7
			Denver	10	11.1
			District of Columbia	13	12.4
<b>Rarely</b>	3	1.1	Delaware	1	1.1
			Denver	2	2.2
			District of Columbia	0	0.0
<b>Never</b>	95	34.8	Delaware	26	28.9
			Denver	21	23.3
			District of Columbia	48	45.7

\* Percentages do not total 100 percent due to missing data

\*\* Delaware (n=90), Denver (n=90), and District of Columbia (n=105).

