



# Perspectives on Civil Protective Orders in Domestic Violence Cases: The Rural and Urban Divide

by Nikki Hawkins

Civil protective orders can be an effective tool for domestic violence prevention.

Subtle jurisdictional differences influence how women experience civil protective orders.

A recent study looked at the impact of civil protective orders for domestic violence victims in five Kentucky jurisdictions. Civil protective orders, sometimes known as restraining orders, may cover various situations, such as ordering an assailant to avoid a victim's home and workplace or forbidding any contact with the victim, including by mail or telephone. Findings from the study suggest that orders make a difference in safety, fear levels and cost savings. Moreover, urban and rural populations reported significant differences in fear. Half of the women who received protective orders did not experience a violation within the following six months. For the half

who did experience violations, the levels of violence and abuse declined significantly compared with the six months before the protective order was issued.

Urban and rural women had similar views of the protective orders' effectiveness. However, rural women found more barriers to getting an order and having it enforced, thus experiencing less relief from fear and abuse. The study also explored the role of stalking in protective order violations and quantified the overall cost to society.

Teri Faragher, co-author of the report and executive director of the Domestic Violence Prevention Board in Lexington, Ky., said the findings would provide important information for practitioners. She

said that knowing their interventions matter would make a difference for judges and prosecutors.

**Fear of Future Harm**

Researchers interviewed 213 women with protective orders in one urban and four rural jurisdictions. T.K. Logan of the University of Kentucky, the lead researcher, noted that the rural women were from the Appalachian area, which has received media attention because of drug use. This attention may have affected community differences such as law enforcement priorities if some agencies were focusing more on drug use than on domestic violence.

One significant finding is that, overall, rural women were more afraid of future harm than their urban counterparts. Participants rated the degree to which they feared future harm in various categories on a scale ranging from “not at all fearful” to “extremely fearful.” More rural women were somewhat or extremely fearful in every category during the baseline interview and at the six-month follow-up. Six months after they were first interviewed, both rural

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and urban women reported that they felt less fearful once they got the protective orders. The chart below shows the percentage of women who reported being somewhat or extremely afraid of future harm by type of fear.

Factors such as isolation and fewer community services may contribute to higher fear levels for women in rural areas, and some fundamental differences between urban and rural women may also play a role. For example, the study found that rural women were more entrenched in their relationships. More rural women were or had been married to the men named in the protective orders.

On average, they had been in their relationships longer and were more likely to have children in common with the men than their urban counterparts.

The study focused only on women who got protective orders and therefore cannot provide comparable data about women who did not seek or were denied protective orders. Consequently, it is not clear if the declines in violations and fear levels are a result of the protective orders, another factor or some combination of factors. Women who are more seriously injured or fearful may be more likely to seek protective orders than those who feel less threatened.

**Barriers to Getting a Protective Order**

To learn about the barriers to getting a protective order and their effects on rural and urban women, Logan interviewed 188 key participants, including judges, law enforcement officers, prosecutors, defense attorneys and court clerks. Other participants included victim services workers, such as advocates, legal aid attorneys, shelter staff and counselors.

**Women Reporting They Are Somewhat or Extremely Fearful of Future Harm**

Type of fear	Rural (n = 93)		Urban (n = 77)	
	At baseline (shortly after receiving order)	Six months after receiving order	At baseline (shortly after receiving order)	Six months after receiving order
Threats and harassment	80%	61%	67%	41%
Physical injury	65%	46%	43%	26%
Control	74%	53%	57%	32%
Humiliation	84%	55%	59%	37%
Financial	74%	48%	59%	21%
Child interference or harm	82%	59%	52%	34%
Hurt others	75%	49%	33%	29%

Participants were asked three main questions: What do you think are the three biggest barriers in your community to obtaining a protective order? What do you think are the three main reasons a woman might not receive an emergency protective order? What are the three biggest reasons a judge would dismiss or not grant a domestic violence order?

Forty percent of participants mentioned “judicial bias” as a barrier to obtaining a protective order. Judicial bias may include the judge’s personal political connections to the families involved or the history of protective order requests if a woman has filed multiple times. Judicial bias was mentioned as a barrier more often in the rural areas than in the urban areas.

In fact, rural respondents reported political barriers throughout the protective order process, saying that “who you know” and the “good ol’ boy” network factored into the experience.

Kentucky Circuit Family Court Judge Jo Ann Wise said she was not surprised that judicial bias surfaced as a barrier, especially for rural women. “I’ve heard judicial bias myself. It’s there,” she said.

Urban women reported having trouble navigating the system, even though they reported it took (on average) one and a half hours to get their protective orders, compared with the two and half hours it took rural women. They also reported experiencing more confusion, encountering more problems and having more questions about the process than rural women. Urban women also expressed more fear of confronting their violent partners in court.

## Stalking: A Looming Risk

In prior research, Logan found that about half of the victims who get protective orders are stalked.<sup>1</sup> Overall, protective orders were less effective for stalking victims than for other victims. Specifically:

- Women who were stalked by their violent partner before getting a protective order had a strong likelihood of protective order violations.

**Stalking victims experienced higher distress levels and more property loss, lost more sleep, and took more time off from work, contributing to higher societal costs.**

- Women who were stalked after the protective order were more afraid of future harm, experienced more distress related to the abuse, and endured more violence and more property damage.
- Women who were stalked after the protective order felt the order to be less effective compared with those who were not stalked.
- Stalking after the protective order was associated with violence, suggesting those who stalk are more violent and more resistant to court intervention.

The previous study examined victims with no protective order violations, victims whose protective orders

were violated, and victims with violations and stalking. Stalking victims experienced higher distress levels and more property loss, lost more sleep, and took more time off from work, contributing to higher societal costs.

“I think that with stalkers we are dealing with a different kind of offender,” Logan said. “This type of offender is costing the system all the way around. More assertively addressing stalking would save society more and help more victims. That’s what the data point to.”

Stalking victims were less likely than other women to report a protective order violation. They said they felt the complaint would not be taken seriously or they feared they did not have enough proof.

Faragher explained how her community is addressing stalking. In 2006, Faragher’s Domestic Violence Prevention Board received an arrest and enforcement grant from the Department of Justice’s Office on Violence Against Women and launched several domestic violence prevention programs. For example, in the Lexington-Fayette County police department, a police sergeant has been assigned to review all domestic violence reports. If the sergeant identifies stalking behaviors in a report that did not result in a stalking charge, the sergeant assigns the case to a domestic violence detective for further investigation. In addition, the sergeant uses the review as a training tool to provide information to patrol officers on how to intervene more effectively in cases involving stalking.

Wise said victims may not use the word “stalking,” but the behavior is obvious in her courtroom.

## Research in Practice: When a Researcher-Practitioner Partnership Works

An effective researcher-practitioner relationship can produce many benefits, but perhaps the most marked result from the Kentucky civil protective order study was the immediate use of the research findings to improve criminal justice system responses to stalking cases.

Researcher T.K. Logan conducted interviews with 213 women who received protective orders. Among other questions, Logan asked what obstacles participants had experienced. Nearly a quarter of the reported barriers to getting protective orders were “clerks/gatekeeper attitudes.” Logan consulted co-author Teri Faragher, executive director of the Domestic Violence Prevention Board in Lexington, Ky., and learned that she had been hearing similar reports. Armed with concrete data, Faragher could address the problem more effectively.

“Because T.K. found that a large number of women were having similar experiences,” Faragher said, “it wasn’t just anecdotal anymore. Whether it was language barriers or simply being turned away, there were a lot of similar reports. Because these problems were called out and identified, things have improved tremendously already. There is a long-term effort in place to correct barriers for women getting protective orders now.”

One of Logan’s main goals is to have her research make a difference to the community. Including



the practitioner’s perspective from the onset is one way for Logan to achieve that goal.

“I have a strong belief: Why do research if nobody is going to use it?” Logan said. “By working with practitioners, it’s upping my chances that my research will be useful. I am not in the trenches, not on the front lines. They help me think about things I didn’t think about. Or give me an alternative explanation I didn’t consider. If you really want your research to make a difference, it increases the chances for that to happen.”

Faragher said Logan’s empathetic interviewing techniques help obtain useful information.

“T.K. likes to work with people in the field,” Faragher said. “Her interests involve more than just the empirical findings; she wants to know how the systems work. We might say there’s a 24-hour hotline available for victims, but when she talks to them, they tell her the reality — ‘well yes, there’s a hotline, but when I called it

I got an answering machine.’ The way she conducts her interviews and gathers information provides invaluable feedback for the systems and the way they work.”

Logan and Faragher first worked together in 2002 when they examined custody and visitation issues related to domestic violence. Faragher said Logan’s research helped to redirect her group’s advocacy efforts. Since then, their relationship has grown, much to the benefit of the research.

“With T.K., we have these two perspectives, and when we bring them together it’s symbiotic,” Faragher said. “But that requires discussion. To get to that place of agreement, there has to be a lot of discussion. For example, we talk about interventions a lot — what the next steps need to be after the research. We have developed a strong enough working relationship that can withstand open discussion and disagreement.”



To see a video of Logan and Faragher discussing the researcher and practitioner relationship, go to <http://www.ojp.usdoj.gov/nij/journals/media.htm>.

“Stalking has changed the way I look at petitions,” Wise said. “Stalking has always been a factor, but before these studies I didn’t realize how much stalking affected victims. Now when I’m reading petitions I make a note of stalking behaviors. Big ones I see are ‘He followed me to work. When I came out of work, he was at my car.’ Or ‘I’ve seen him driving by the house.’ It’s a serious factor I need to consider. There’s such a strong connection to lethality.”

Every January, the Department of Justice and the National Center for Victims of Crime promote National Stalking Awareness Month to educate the public and professionals about the dangers of stalking. The “Stalking Fact Sheet”<sup>2</sup> shows that 76 percent of females murdered in domestic violence incidents were stalked before they were killed and 54 percent reported stalking to the police before their deaths — statistics that support Logan’s findings and Wise’s concerns.

### The Cost of Abuse and the Cost of Protective Orders

In collaboration with economist William Hoyt, Logan calculated the costs and benefits of protective orders — a useful measure in economically difficult times and one that few intervention studies consider.

According to the study, every dollar spent on the protective order intervention produced \$30.75 in avoided costs to society. The state of Kentucky saved about \$85 million over a one-year period because of significant declines in abuse and violence.

The savings included “relevant costs,” such as service use, legal system use, lost opportunities and quality of life loss. Participants were asked to recall events during the six months before the study started and record information for six months after the protective order was issued. Participants included data about services (health services, mental health services, shelter and advocacy) used because of the abuse, time lost from work and other activities, and mileage and property losses stemming from the abuse. In addition, the women were asked to record the distress they experienced from the abuse for each month. A dollar amount was assigned to each factor, providing the basis for the analysis.

“The numbers are staggering,” said Wise. “When she [Logan] broke it down to the cost benefit of having a protective order — it’s amazing to see how much money we could save ... right now in this economy, saving money and financial impact is something everyone wants to talk about.”

Although the study suggests that protective orders may be an effective tool for domestic violence prevention, it also suggests that more work is necessary for women to feel better protected. Specifically, the study suggests the following areas for improvement:

- Encourage full use and enforcement when violations occur.
- Develop more effective interventions to address stalking at all levels (all community agencies need to pay more attention to stalking as a risk factor).
- Address barriers to service access and enforcement.

“In family court, follow-up studies are invaluable to us,” Wise said. “If we’re not doing something effective, we want to know.”

The National Institute of Justice funded the study. The complete report is available at <http://www.ncjrs.gov/pdffiles1/nij/grants/228350.pdf>.

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### Notes

1. Logan, T.K., L. Shannon, and J. Cole. “Stalking Victimization in the Context of Intimate Partner Violence,” *Violence and Victims* 22 (6) (2007): 679.
2. [http://www.stalkingawarenessmonth.org/sites/default/files/2010/Stalking%20Fact%20Sheet%202009\\_ENG\\_color.PDF](http://www.stalkingawarenessmonth.org/sites/default/files/2010/Stalking%20Fact%20Sheet%202009_ENG_color.PDF)



Visit NIJ’s Web topic page on domestic violence issues at <http://www.ojp.usdoj.gov/nij/topics/crime/intimate-partner-violence>.



To watch T.K. Logan’s presentation of her findings to the National Council of Juvenile and Family Court Judges, as well as an interview with Logan, go to <http://www.ojp.usdoj.gov/nij/journals/media.htm>.