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# CRIMINAL PROTECTIVE ORDERS AS A CRITICAL STRATEGY TO REDUCE DOMESTIC VIOLENCE

## FINAL SUMMARY OVERVIEW

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**We would like to gratefully acknowledge the strength of the women who participated in this project.**

Their dedication to helping others through sharing their own experiences regarding their relationships, the court process, and life after criminal orders of protection has produced findings, that we believe, have strong implications for improving practice and policy.

We also would like to thank the following individuals for their strong commitment to collaborating on this important work.

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## Overview

Criminal protection orders are a critical tool of the judicial system to enhance the safety of victims of domestic violence (DV). Criminal protection orders are issued frequently, but, limited research exists to elucidate this process and its outcomes. Despite NIJ's strong support of research on protection orders, there have been only two studies focused explicitly on *criminal* protection orders in the last 18 years.<sup>1</sup> Studies have examined the precursors, correlates, and outcomes associated with *civil* protection orders,<sup>2-9</sup> however, findings from studies of civil protection orders cannot inform practice and policy for criminal protection orders given the vast differences in the processes and implications of these two types of protection orders.<sup>10</sup>

Two major differences exist between civil and criminal protection orders – the ability to initiate the order and the time frame it takes for the order to be issued. Victims initiate civil protection orders, often maintain control of the case proceedings, and influence the final outcome. In contrast, victims may have little input in criminal protection orders and may find that criminal protection orders are issued at a more restrictive level than requested (particularly in states with mandatory or no-drop prosecution policies). Additionally, the time needed to obtain criminal protection orders varies from state-to-state and case-to-case due to a contingency of an arrest/charge and subsequent involvement of a prosecutor. Therefore, it can take longer for criminal protection orders to be issued than civil protection orders. To ensure the wellbeing of victims and their children, there is a crucial need for research that explicates the impact of criminal protection orders on (1) victims' safety and well-being, (2) offenders' behavior, and (3) children's contact with offending fathers.

Criminal protection orders are not uniformly legislated from state to state and can even vary within states. For example, criminal protection orders are referred to by various names across states (e.g., emergency orders, domestic violence orders, peace bonds), differ in terms of

victims' eligibility to apply based on relationship type and/or sexual orientation, and vary according to the procedures of issuance and enforcement (e.g., costs to file POs, fines and/or jail time for violations of criminal orders<sup>11</sup>). Criminal protection orders can also vary with respect to levels of restriction that are placed on the offender. To provide important context, we next describe information about criminal protection orders specific to the state in which this study was conducted, Connecticut.

The state of Connecticut enforces three types of criminal protection orders: (1) The limited (partial) protection order allows the victim and offender to reside together, however, the offender is mandated to avoid assaulting, threatening, harassing, following, or stalking the victim; (2) The residential stay away criminal protection order mandates the offender to stay away from the victim's place of residence as well as to avoid assaulting, threatening, harassing, following, or stalking the victim; and, (3) The full no contact protection order, the most restrictive protection order, prohibits the offender from contacting the victim in any way (including written, electronic, or telephone communication). Regarding case processing of offenders post-arrest, an arrested offender is arraigned the next business day; no cases are dropped at arraignment. Family relations counselors (who are state judicial branch employees) conduct an assessment of the offender and the situation in order to decide whether to accept the case for referral, which is done when the counselor believes the offender can benefit from mental health, substance use, anger management, or family violence services. If the counselor does not accept the case, s/he refers the case for prosecution. Regardless of offender track, the victim is offered the same level of service from the family violence victim advocates (employees of the local DV service provider who are located in the courthouse but are not court employees). Advocates reach out to victims to provide information about the court process so that victims know what to expect. Through the support of a victim advocate, within the Connecticut criminal justice system, victims can voice their preference to the judge via the victim advocate regarding

the level of order placed on the offender. However, whether or not an order is issued, and the level of the order issued, is entirely up to the discretion of the judge. While victims are invited and encouraged to attend court proceedings, they may (or may not) be present when criminal protection orders are issued. Victims can provide input about the case and express their wishes – information that can be shared with the judge if the victim so chooses – however, the judge ultimately makes whatever decision he or she determines is in the best interest of the case.

## Study Purpose

This project is a collaborative effort among the researcher (Dr. Sullivan) and two practitioners – the family violence victim advocate supervisor (Ms. Bellucci) and the Director of Administration Court Support Services Division (Offender Services), State of Connecticut Judicial Branch (Mr. Hill). The purposes of the study are to (a) elucidate the process of criminal protection orders as a critical strategy to reduce DV, (b) increase knowledge about how criminal protection orders influence the daily lives of women and children, and how they are associated with offender behavior, (c) disseminate findings to practitioners, policymakers, and academics to inform practice, policy, and future research; and (d) document the relevant accounts of the collaboration in order to inform best practices so that future collaborations can lead to better CJ policy, practice, and research (See the *Researcher-Practitioner Partnership Summary* for a detailed account).

## Project Design and Methods

An exploratory mixed-methods design<sup>12</sup> was used for this study; the qualitative component was based on the expansion method<sup>13</sup> whereby most qualitative questions followed the larger quantitative component to extend the breadth and range inquiry. Study data were to be collected from two sources (1) self-report of victims during a semi-structured, retrospective

## Methods

- Mixed-methods design developed and conducted via a researcher-practitioner partnership.
  - Victim advocate supervisor of 25 years
  - CJ services data administrator turned deputy director of 15 years
- Aim was to recruit 300 women victims in a DV case with a male partner arraigned 12-15 months prior to understand:
  - The Impact of Orders on Victims' Well-Being, Offenders' Behavior, and Children's Contact with Offending Fathers
- Data collected by self-report from victims about two time periods:
  - 30 days before arraignment (12-15 months before study interview; T1)
  - 30 days before interview (presently; T2)

interview and (2) state CJ system records. During one face-to-face interview, participants reported their experiences about two time periods (1) 30 days before the arraignment (approximately 12-15 months before the study interview; hereafter, Time 1

[T1]) and (2) 30 days before the study interview (presently; hereafter, Time 2 [T2]). Data collection took 35 months with an average monthly enrollment of 9 participants per month.

**Data Collection.** All interviews were conducted face-to-face in a private office to protect confidentiality. Each eligible participant met with a female interviewer, trained and certified as a Battered Woman's Counselor in the state, who conducted one semi-structured, computer-assisted interview. Interview measures were based on victim self-report. A comprehensive list of measures can be found in the corresponding *Secondary Data Analyst User's Guide*. Qualitative data were collected in order to expand on information gathered from the quantitative portion of the study; qualitative questions and responses were digitally audio-recorded for accuracy and transcribed verbatim. Study participants were remunerated \$50.

At the completion of the interview, participants were provided with a list of community resources. We offered to assist with making referrals to services, however, no participants requested assistance. Additionally, beginning about 20 months into data collection, we offered victims an opportunity to learn about safety planning and work with the interviewer to develop a detailed, individualized safety plan at the conclusion of the interview.

Of note, data have been requested from the state judicial branch on offender demographics and criminal history, however, data have not yet been received by the principal investigator.

Therefore, findings cannot be presented regarding offender criminal history or sanctions/programming at the time that this report is submitted.

## Data Analysis

Both quantitative and qualitative data were collected. Quantitative data were cleaned and descriptive statistics were calculated. Analyses of variance and correlational analyses were utilized to explore the relations among the variables presented in this brief summary. Coding and analysis of quantitative data will be ongoing. Coding of qualitative data has only just begun given its time-intensive nature. Therefore, this overview will not present findings related to certain study aims/goals (e.g., impact of criminal protection orders on children) that were assessed only/ or primarily via qualitative methods.

## Participants

The sample is composed of 298 female victims of DV by a male, intimate partner. Women were recruited from two geographical area courthouses in an urban and a suburban New

### Sample Demographics

- 298 women completed interviews
- Demographics
  - Average age = 36.39 (11.38) years, Range 18-75 years
  - Race/ethnicity = 50% Black, 28.9% White, 14.1% Latina, 0.3% Asian, 4.0% more than one race, and 2.7% unknown or other
  - Education = 12.73 (2.06) years, Range 6 - 20 years
  - *M* monthly income = \$1,518.98 (\$1,174.30), Range \$0 - \$6,400
  - Employment = 29.2% full-time, 19.5% part-time, 51.3% unemployed
  - Children = 80.2% have at least one child, Range 0-8 children
- Relationship information
  - *M* length relationship = 5.83 (5.97) years, Range <1 month- 55 years
  - Current face-to-face contact with offending partner = 49.7% yes (and an additional 36.7% had other contact via phone, text, etc.)
  - Current relationship status = 25.8% still together at time of T2 interview

England community. Women were eligible to participate if they were 18-years or older, a victim in a criminal DV case with a male intimate partner, if their offender was arraigned approximately 12 to 15 months prior to study recruitment, and if they



spoke English or Spanish. Women were ineligible if they were unable to comprehend questions and/or report information accurately given the retrospective nature of the questions. Eligibility criteria were determined via records from the Office of the Family Violence Victim Advocate or the State of Connecticut Judicial Branch.

Potential participants were sent a letter by our study team inviting them to participate in a confidential two-hour study. Interested participants were asked to call the study phone line in response to the mailed letter. Research assistants followed up on the recruitment letter with a phone call to those women who did not respond either because the letter was returned or a call-back was not received. Once the research assistant confirmed the arraignment date, and participant and partner's demographic information, participants were scheduled to participate in an interview. See *Sample Demographics* figure for information.

## Findings

Six primary findings were revealed through the aforementioned analyses.

### Finding 1: Criminal Protection Orders Were Issued in All Cases

Refer to *Criminal Orders of Protection* figure for details regarding the conditions/restrictions

#### Criminal Protection Orders – three levels

Orders vary in their restrictions and impact on daily living

**Limited-** Partner cannot assault, threaten abuse, harass, follow, interfere with, or stalk you.

**Residential Stay Away-** Limited conditions + partner must stay away from residence.

**Full No-Contact-** Residential conditions + partner cannot have any contact with her in any way including by written, electronic, or telephone contact, and cannot contact her home, workplace, or others in which it could cause her annoyance or alarm.

	Issued by Judge
No order	0%
Limited	18.8%
Residential stay away	23.2%
Full no contact	58.1%

of each of the three levels of criminal protection order.

Sixty-eight percent of victims requested not to have a

criminal protection order

issued. However, criminal

protection orders were issued

in all cases, with the majority

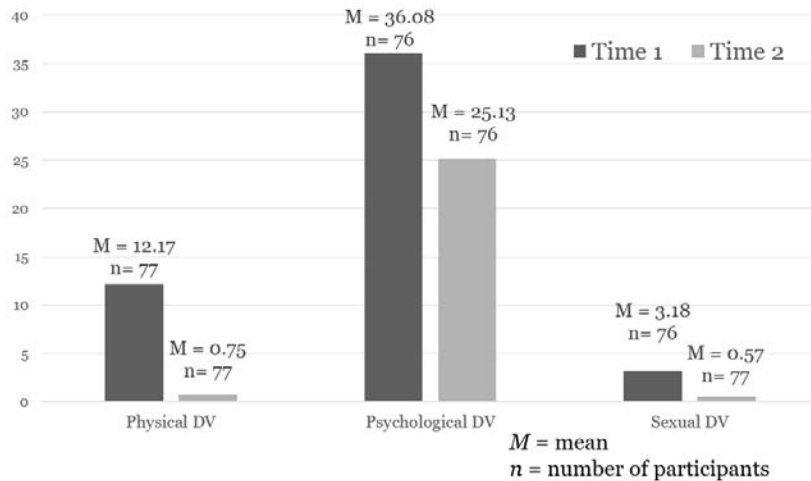
being the most restrictive

(i.e., full no-contact). No differences emerged in level of criminal protection orders issued by race/ethnicity of the victim.

**Finding 2: Victims no Longer in their Relationships at T2 Experienced Higher Levels of DV and Fear at T1**

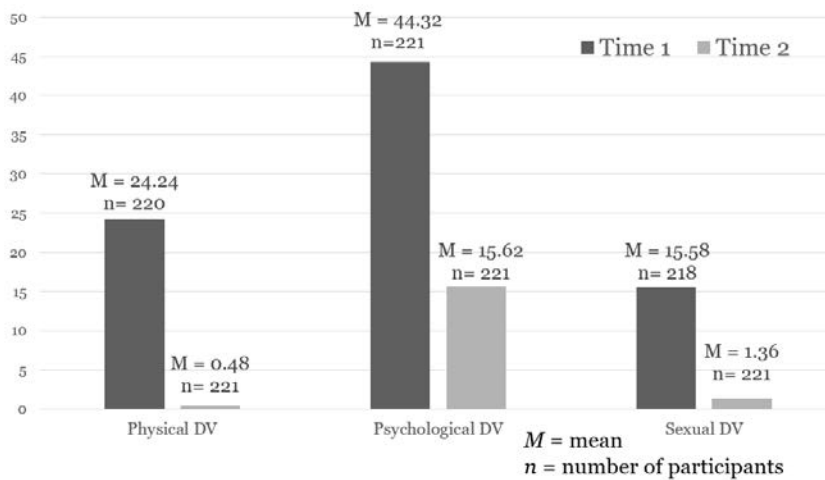
There are many ways to examine women’s DV victimization prior to arraignment (T1) and revictimization up to 12 to 15 months later (T2). In this summary overview, we present

**DV Victimization: Participants who remained in a relationship with the index partner at T2**



(re)victimization rates by group – those women who were still together in an intimate relationship with their partner at T2 vs. those no longer in a relationship with their partner at T2. First, we aimed to understand if

**DV Victimization: Participants no longer in a relationship with the index partner at T2**



relationship status and fear of their partner at T2 was related to victimization at T1. Using ANOVA analyses, when comparing victims who remained in a relationship with their partner at T2, findings showed that

victims no longer in a relationship with their partner at T2 had experienced higher levels of physical ( $F=6.67, p=.01$ ), sexual, ( $F=11.87, p=.001$ ), and psychological ( $F=17.92, p<.001$ ) DV, and greater levels of fear of their partner ( $F=12.52, p<.001$ ) at T1. On average, victims experienced a reduction in all types of DV victimization and level of fear by the index offender (regardless of relationship status) from T1 to T2. However, the reduction in DV victimization and fear was greater for those no longer in a relationship with the offender at T2.

### **Finding 3: Women who Called the Police Themselves Reported More Positive Experiences with the Court Process**

We set out to understand women's experiences with the court process related to the case with the offending partner. We began by examining basic mean scores to understand the following court-related experiences: negative experiences related to the court process ( $M = 11.02, SD = 2.86$ , Possible Range: 5-20), positive experiences related to the court process ( $M = 13.98, SD = 2.86$ , Possible Range: 6-24), fear of partner related to the court process (i.e., worry related to what the offender will do next, fear following the court process, fear related to telling people in court (and reliving) the DV events, and feeling unsafe and like a victim;  $M = 15.35, SD = 3.98$ , Possible Range: 6-24), the court process negatively impacting the victim's network ( $M = 4.17, SD = 1.39$ , Possible Range: 2-8), feeling validated by the court workers and process in general ( $M = 8.99, SD = 2.76$ , Possible Range: 4-16), and specific experiences related to the judge ( $M = 8.60, SD = 2.20$ , Possible Range: 3-12), prosecutor ( $M = 8.37, SD = 2.15$ , Possible Range: 3-12), and victim advocate ( $M = 9.28, SD = 1.97$ , Possible Range: 3-12). No differences emerged in victims' experiences with court based on the victims' race/ethnicity.

To elucidate experiences, we examined factors that might be associated with or contribute to women's experiences with the court process. Findings showed that if women called the police themselves they were more likely to report positive experiences related to the court process,  $F =$

4.65,  $p = .032$ , and the prosecutor,  $F = 4.09$ ,  $p = .045$ ; if someone else called the police, women were more likely to report negative experiences with the court process,  $F = 8.11$ ,  $p = .005$ .

#### **Finding 4: Women who Requested a Criminal Protection Order Reported Greater Fear of Their Partner Related to the Court Process**

Whether or not women requested that a criminal protection order be issued and separately, the level of order issued, were associated with their level of fear of their partner related to the court process. Women who requested a criminal protection order were more likely to report fear of their partner related to the court process,  $F = 6.90$ ,  $p = .010$ , such as concerns related to what the offender will do next, fears about what will occur after the court process, fears related to telling the court about the DV, and feeling unsafe. Additionally, the level of the criminal protection order requested was related to fear of their partner related to the court process,  $F = 5.12$ ,  $p = .002$ ; women who requested a full no-contact protection order were more likely to report greater fear of their partner related to the court process than victims who requested a limited criminal protection order,  $p = .029$ , and women who requested no order,  $p = .007$ .

#### **Finding 5: Women's Experiences with the Court Process Were Associated with their T2 DV Victimization**

We aimed to understand if there are associations between women's experiences with the court process (i.e., the extent to which the court experience resulted in problems in the victim's home and work life) and their experiences of DV reported at T2. Having more positive experiences with the court process,  $r = -.13$ ,  $p = .03$ , feeling more validated by the court workers and process in general,  $r = .13$ ,  $p = .03$ , having a less negative network impact (i.e., the extent to which the court experience resulted in problems in the victim's home and work life) related to the court process,  $r = .15$ ,  $p = .01$ , and having a better relationship with the victim advocate,  $r = -.16$ ,  $p = .01$ , were related to lower levels of psychological victimization at T2. Also, having a less

negative network impact related to the court process,  $r=.13$ ,  $p=.03$ , and having a better relationship with the victim advocate,  $r=.14$ ,  $p=.02$ , were related to lower levels of fear of partner at T2. No significant differences emerged for physical or sexual DV.

### Finding 6: Most Women Would Utilize Criminal Justice System Resources in the Future

Women reported on the likelihood they would use the criminal justice system in the future to address DV. As reflected in the mean scores in the *Likelihood to Use the System* figure, the majority of women agreed or strongly agreed that they would use the various services available to them to address DV in the future with any partner. For instance, 83% of participants indicated

that they agreed or strongly

agreed that they would call

the police if a similar DV

incident occurred in the

future. Similarly, over 70%

either agreed or strongly

agreed that they would call a

victim advocate in the future

in the event of DV. No

Likelihood to Use the Criminal Justice System in the Future with ANY Partner					
	M (SD)	Strongly Disagree	Disagree	Agree	Strongly Agree
Overall Likelihood (n=289)	12.10 (2.84)	--	--	--	--
Call Police (n=294)	3.21 (0.88)	n=20 6.8%	n=30 10.2%	n=113 38.4%	n=131 44.6%
Call Victim Advocate (n=295)	2.94 (0.90)	n=21 7.1%	n=65 22.0%	n=119 40.3%	n=90 30.5%
Criminally Prosecute (n=291)	3.02 (0.85)	n=17 5.8%	n=50 17.2%	n=134 46.0%	n=90 30.9%
Civil Restraining Order (n=295)	2.94 (0.84)	n=21 7.1%	n=51 17.3%	n=149 50.5%	n=74 25.1%

n = sample size

differences emerged in women's likelihood to use the criminal justice system in the future by victims' race/ethnicity. Relatedly, we aimed to understand how women's willingness to use the system in the future is associated with women's experiences with the court process. In brief, women were less likely to want to use the criminal justice system in the future if they had more negative experiences with the court process and were more likely to want to use the criminal justice system in the future if they had more positive experiences. The brevity of this report precludes inclusion of all analyses relevant to this study.

## Implications for Criminal Justice Police and Practice

The true potential to inform practice, policy and future research will not be realized until considerably more analyses can be undertaken, particularly regarding the primary and secondary impacts of criminal protection orders and the level of order issued relative to the level of criminal protection order requested by the victim. Preliminary findings show that victims have both negative and positive experiences with the court process beginning with factors at play before the offender's arrest as well as those factors related to his arrest and arraignment. First, whether or not women called the police regarding the index incident was related to their satisfaction with the court process. Women were more likely to report negative experiences with the court process if someone else called the police. Second, though 68% of victims requested not to have a criminal protection order issued, criminal protection orders were issued in all cases. The majority of these criminal protection orders were issued at the most restrictive level. These two findings speak to the role that women's agency may play in initiating their involvement with the criminal justice system, suggesting that the less input women have in the process the more negative their experiences are. In turn, these experiences influence women's willingness to use the criminal justice system in the future and in some cases, their revictimization. Women were less likely to want to use the criminal justice system in the future if they had more negative experiences with the court process and were more likely to want to use the criminal justice system in the future if they had more positive experiences. Further, in general, more positive experiences with the court process were related to lower levels of psychological revictimization at T2. Findings suggest that women's interactions with individuals throughout the court process can influence their current wellbeing as well as their willingness to utilize services in the future that could help to protect them and keep them safe.

## Limitations

This sample and study findings may not be representative of other victims served in these geographical area courts or of victims served by courts in other states. Because the design is cross-sectional and the sample is one of convenience (given that resources were not available to recruit women at the time of the offenders' arraignment and follow them prospectively), the sample may be biased toward victims who no longer are in an intimate relationship with the index offender at T2 or those victims who did not request a criminal protection order. Regardless, this research and future findings are a critical first step in advancing policy and practice regarding criminal protection orders in order to improve the safety and wellbeing of women victims of DV.

## Lessons Learned from the Researcher-Practitioner Partnership

This project was conducted via a strong, existing collaboration among the PI, a senior victim services practitioner and a senior administrator of offender services in the state judicial branch. The collaboration was highly successful as all partners remained invested in and committed to the project and its goals to produce evidence that would inform criminal justice system policy and practice. The "lessons learned" from this collaboration are consistent with our published work on this topic (see the National Criminal Justice Reference Service at [ncjrs.gov](http://ncjrs.gov) for the Researcher-Practitioner Partnerships Study; RPPS). Two examples from this study are given to illustrate issues typical of successful researcher-practitioner partnerships.

- The timeline to obtain information from the state administrative agency can present challenges to a project's/funder's timeline. A fully-executed memorandum of understanding to access offender data from the state judicial system presented challenges to recruiting and enrolling participants (the MOU was approved and signed 15 months after submission).

- The victim services provider moved to collecting information from victims electronically (rather than on paper) one year into the study. Resources weren't in place for the software to be programmed for the unique needs of the court-based advocates or to provide the support necessary to ensure data quality. The system was faulty and the data that were entered weren't able to be retrieved. The research team and practitioners worked with administrators for three months in an attempt to pull the data needed to reach out to potential participants– to no avail. Ultimately, the victim services collaborator had to manually pull phone numbers from the system for over 1,000 women, which, though necessary and greatly appreciated, was an extraordinary waste of her valuable time. This contributed to significant delays in obtaining information to recruit victims.



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