

UK CENTER FOR RESEARCH ON VIOLENCE AGAINST WOMEN



A key mission of the Center for Research on Violence Against Women is to ensure that the findings of quality research make it into the hands of advocates. This translation of research to practice ensures that science has an impact on the lives of women and children.

In 2010 the Center for Research on Violence Against Women conducted a survey with over 100 rape crisis and domestic violence advocates in Kentucky about what they needed to know from research to help them do their jobs. Advocates identified ten top issues. A series of ten briefs were prepared by the Center to answer the Top Ten Things Advocates Need to Know.

TOP TEN THINGS ADVOCATES NEED TO KNOW

1. What services do survivors of rape find most helpful, and what help do they say they need?
2. What type of sex offender is most likely to recommit their crimes? Incest offenders, rapists, or pedophiles?
3. What mental health issues are caused by experiencing intimate partner violence or sexual assault?
- 4. DO PROTECTIVE ORDERS WORK? WHO VIOLATES PROTECTIVE ORDERS THE MOST?**
5. What is the impact of mandatory arrest laws on intimate partner violence victims and offenders?
6. What are the most significant long-term health consequences of chronic sexual or physical violence?
7. What percentage of rape cases gets prosecuted? What are the rates of conviction?
8. Does treatment with intimate partner violence offenders work?
9. Does a report of intimate partner violence or sexual assault by a partner put a woman at risk of losing custody of her children?
10. How do women from different racial/ethnic backgrounds experience intimate partner violence (IPV) or sexual assault? Does race and ethnicity matter?

For more information on the Center for Research on Violence Against Women and to find PDFs of the Top Ten Things Advocates Need To Know Series, visit www.uky.edu/CRVAW

**DO PROTECTIVE ORDERS WORK?
WHO VIOLATES PROTECTIVE ORDERS THE MOST?**

REPORT AT A GLANCE

- Several studies which interviewed survivors found that the majority of women who received protective orders found them to be effective at preventing violence.
- 2 in 5 women experience a violation of their protective order.
- Even though some abusers violate protective orders and commit additional violent acts, protective orders lead to more felony convictions and harsher penalties for abusers than when there is no protective order.
- The presence of stalking and women staying in the relationship best predicts a protective order violation.
- Stalking may be an indicator for when a woman is most likely to need a protective order, and stalking may also be a critical obstacle in a survivor's decision or ability to leave her abuser.
- A record of prior protective orders, non-participation in court-ordered programs, and multiple criminal arrests after the issuance of a protective order were found to be strong indicators that an abuser might violate a protective order.

In 2010 the Center for Research on Violence Against Women conducted a survey with over 100 rape crisis and domestic violence advocates in Kentucky about what they needed to know from research to help them do their jobs. Advocates identified ten top issues. This brief is one in a series of ten prepared by the Center to answer these top ten research questions.

Introduction

Civil court orders of protection are a key resource now available in every state in the United States as a potential legal response to domestic violence. While available in all states, the types of protections offered (e.g., requiring the respondent to cease violence or vacate a residence; required counseling for respondents; child custody), legal requirements (e.g., who is eligible; how long they last), and procedures (e.g., where they are available; how the court hearings are managed) vary from state-to-state (1, 2). For many victims, civil protective orders are an important addition or alternative to criminal justice interventions such as pressing criminal charges, and are unique in that they attend to survivors' worries about future victimization and offer a different legal option for women reluctant to participate in the criminal justice system (3).

This paper provides a review the research literature on protective orders, identifying what is currently known about when protective orders are the most and least effective, the circumstances under which protective order violations most often occur, and what happens when protective orders are violated by abusers.

Do Protective Orders Work?

Research on civil protective orders offers complicated findings about whether these remedies are effective for victims. Some studies suggest that these orders can often be effective in preventing violence. Harrell and Smith (4) interviewed 355 women who received temporary protective orders, and found that only about 40% of the women who received the temporary order returned to court to request a permanent order. Of the women who did not return, 64% reported that the abusive partner had stopped bothering her after the temporary order was issued. In fact, several studies

which interviewed survivors found that the majority of women who received protective orders found them to be effective at preventing violence (5, 6, 7, 8) These estimates are consistent with findings by Spitzberg (9) who combined data from 32 studies and found that on average only around 40% of protective orders were

KENTUCKY PROTECTIVE ORDER LAWS

In Kentucky, protective orders are governed by the Kentucky Revised Statutes (KRS) chapter on domestic violence and abuse (KRS 403.715 through 403.785).

Protective order violations are defined by KRS 403.763 which stipulates that if a person "intentionally violates the provisions or an order" they are guilty of a Class A misdemeanor, punishable by up to 12 months of imprisonment.

As of July 15, 2010, a "substantial violation" was defined in KRS 403.761 as any violation which might also be classified as a crime against a petitioner, her child, or a family member. If such a violation occurs, this new law allows judges to order a GPS monitoring device be used to track the exact location of potentially dangerous offenders to aid in the protection of survivors.

violated. Carlson, Harris, & Holden (10) found that the number of women reporting physical violence before and after the protective order decreased by nearly two-thirds, from 68% of women to only 23%. Additional research data further supports the assessment that protective orders are generally helpful: women who receive protective orders are less than half as likely to be contacted, threatened, psychologically abused, or physically abused as women who did not obtain a protective order (11). At least one study found that protective orders were a more effective criminal justice intervention than filing assault charges (12), and multiple studies found that over time protective orders further reduced the violence experienced by women who obtained them compared to women who did not obtain protective orders (11, 12). Even though some abusers violate protective orders and commit additional violent acts, research shows that the presence of a protective order leads to more felony convictions and harsher penalties for abusers than when there is no protective order (13).

Though a majority of women are pleased with the outcome, protective orders are far from being completely effective or available. Research reveals several reasons for why women do not receive protective orders. First, the specific requirements in state laws (e.g., experiencing certain types of violence, or having a certain relationship status) have been linked to as many as 27-32% of applying women not being able to qualify for a protective order (12, 14). In Kentucky, research found that during 2003 there were at least 2,205 requests for emergency protective orders denied, representing about 7.3% of all protective order cases handled that year (15). Some studies find that as many as 60-80% of temporary protective orders are not continued in the court system by the women requesting them (4, 16). Interviews with battered women reveal that many women do not follow up on temporary protective orders because they fear retaliation by their partners (4, 17, 18). Other women reported not continuing the process because of pressure or intimidation by the abuser to drop the order, feeling that the protective order had not helped, or giving up after the court had not been able to serve the temporary order (4). Even when women did receive a protective order, it did not always prevent violence and some women still experienced further abuse from a partner.

A recent study by Logan and Walker (19) involving Kentucky women found that about half experienced a protective order violation within 6 months, but at the same time most women in the study felt that the protective order had reduced the severity of the violence, and made them less fearful of future harm.

Who Violates Protective Orders the Most?

Only recently have researchers begun to investigate ways to predict whether or not a violent partner is likely to violate a protective order. Logan and Walker (7) specifically note that at present there is a "limited understanding of which factors are most associated with violations" (p.677). However, these and other researchers have begun to investigate this question by examining the context of the relationship from the survivor's perspective, and investigating the background and known characteristics of the abuser.

By interviewing Kentucky survivors about their experiences with protective orders, Logan and Walker (7) found that two factors, stalking and staying in the relationship, best predicted a protective order violation. Around half of the women who were stalked before the protective order were also stalked after it was issued.



Women who experienced stalking had 4 times the risk of experiencing any physical violence after a protective order was issued compared to women who were not stalked.

Likewise, women who remained in the relationship after getting a protective order experienced significantly more protective order violations than those who ended the abusive relationship. Along with greater risk of a violation, other research found that women who experience stalking expressed more fear, and felt the protective order was less effective (19). Previous research has found that stalking may be an indicator for when a woman is most likely to need a protective order, and stalking may also be a critical obstacle in a survivor's decision or ability to leave her abuser (20, 21).

Some research also indicates that the abuser's criminal justice status can predict their likelihood of violating a protective order. Several studies have found a connection between an abuser's history of violent crimes and protective orders, noting that between 65% and 80% of abusers had been charged with previous crimes prior to the protective order being issued (3, 6, 22, 23, 24, 25, 26).

Recent studies have found that multiple criminal arrests for any offense following the issuance of a protective order was associated with a higher likelihood of repeat domestic violence or protective order violations (24, 27).

In addition, Kindness and her colleagues (27) found that non-compliance with court-ordered domestic violence programs also increased likelihood of re-offending, suggesting that court monitoring could play an important role in further protecting survivors.

Jordan, Pritchard, Duckett, and Charnigo (24), based on their 10-year analysis of 3,445 protective orders in Kentucky, found that the having more prior protective orders and an extensive criminal record were the best predictors of new crimes and the issuance of new protective orders. Specifically, this data revealed that certain criminal charges (felony or misdemeanor sex offense, misdemeanor assault, or misdemeanor stalking) increased the likelihood of a protective order being issued by within the next month by 14% per occurrence (p.1407).

The study also found a "protective effect" of about 18 months after the issuance of a Kentucky protective order, wherein offenders had decreased odds of being charged with a crime, but after that time the odds of new charges increased again (24).

Similar to the general criminological research on repeat offending, this study also found that younger, non-white males were more likely to be arrested for additional crimes after a protective order had been issued.

Conclusion

In general, research has found that protective orders are a useful option for women seeking protection from abuse through the criminal justice system. Research shows that the majority of women who receive protective orders find them to be helpful at stopping abuse, and preventing further violence over time. Some research even suggests that protective orders may be a more effective way to reduce future violence than pressing criminal charges against an abuser, especially over time. If more violence does occur, the presence of a protective order can enhance other criminal justice interventions by allowing prosecutors to enhance a charge to a felony. However, research also shows that protective orders are not universally effective. A sizeable number of women, around 2 in 5, experience a violation of their protective order. Variations in statutory requirements across states or jurisdictions make access to protective orders more difficult for certain women, for example, unmarried women who do not live with the abuser. Other women do not get the protection they need because the court is

unable to serve a protective order, or they fear that seeking protection will only provoke a violent reaction.

Recent research is now beginning to yield clues as to who is most likely to violate a protective order. Studies investigating the experiences of survivors before and after a protective order tell us that stalking behaviors are key predictors of continued violence. Stalking which occurred prior to a protective order, and stalking behaviors after a protective order is issued are the best indicators of risk for future violence. Likewise, women who remain in a relationship with their abuser after seeking a protective order are more likely to experience future abuse. Readily-available criminal justice information about an abuser can also help courts or advocates to predict the likelihood of a protective order violation. The majority of abusers have a history of criminal charges, however a record of prior protective orders, non-participation in court-ordered programs, and multiple criminal arrests after the issuance of a protective order were found to be strong indicators that an abuser might violate a protective order.

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