

RESEARCH BRIEF FOR ADVOCATES AND PRACTITIONERS:

Do Protective Orders Work?

Do all battered women receive protective orders?

No, not all battered women get civil orders of protection. The National Violence Against Women Survey found that only 16.4% of rape victims, 17.1% of physical assault victims, and 36.6% of stalking victims obtain protective orders. Research also suggests that women who seek protective orders may be somewhat different from battered women who do not: they suffer higher rates of intimate partner violence, including sexual coercion; have worse health and sustain more injury; and they display more serious mental health problems.

When do battered women seek civil protection?

Women typically seek protective orders after suffering serious levels of violence, including physical assaults, beating and choking, sexual violence, stalking, and similar victimization. Studies also show that women seek protective orders, not the first time they are abused, but rather after lengthy exposure to violence from their partner. For example, one study found that the most common duration of abuse for a woman before she asked the court for civil protection was over two years.

Do protective orders make women safer?

There are two important ways to measure whether protective orders are effective. First, was the victim satisfied with the process? Secondly, did the offender commit further offenses? As to the measure of victim satisfaction, research findings are somewhat mixed. On the positive side, studies show many victims reporting life improvements, feeling better about themselves, and feeling safer after securing a protective order. Other studies also point out, however, that victims are discouraged by how time consuming and difficult the process is for obtaining a protective order.

As to whether offenders commit further violence after protective orders are issued, studies also find mixed results. On the positive side, a number of studies find that the issuance of protective orders is associated with significantly lower rates of repeat violence. Some studies find that the majority of victims say ‘no’ when asked if the abuse has occurred again (one study found that up to 92% of victims reported no more violence, another found a 66% decrease in subsequent violence). Some studies review police reports to see if the offender has been arrested for violation of an order and find a significant reduction in arrests. It is important to note that when studies show that protective orders are “associated with” reduced violence, that means cases with protective orders may see reduced violence, but there may be factors other than the protective order that influenced that reduction as well (e.g.: arrest of the offender or relocation of the victim).

Not all studies report low rates of offender recidivism associated with protective orders. At least two studies have found recidivism rates of half to two thirds of cases. A review of stalking studies also showed that orders were violated approximately 43% of the time.

Can we know if a woman's protective order will be violated?

Studies have identified several characteristics of cases where offenders appear to be more likely to violate protective orders. Cases where the violence has been severe and persistent, and cases where the offender was very resistant to having the court enter the order are more likely to involve later violation of the order. The presence of children has also been identified as being positively related to revictimization, in fact in one study, the odds of re-abuse for women who have biological children with the offender was nearly 4 times higher than for women without children. Studies also find that women in short-term relationships may have their orders violated more often, which could mean that offenders in longer term relationships are less likely to violate the court's order because they perceive themselves as having more to lose from continuing abuse. Cases where the woman is separated from the offender are often those where protective order violations occur. Finally, at least one study found that if the police arrested the man at the time of the incident that led to the protective order, the likelihood of severe violence over the following year decreased.

S u m m a r y

Understanding whether orders of protection offer safety for women is a complex challenge. As written in one review of studies on the subject, the overall effectiveness was described in the following way:

“Civil protective orders are an important additional legal remedy available to victims of intimate partner violence. Studies show that only a minority of victims access orders, and that those who do typically do so after serious and sustained exposure to violence. Limited research makes it difficult to evaluate victim satisfaction with the protective order process, as present studies find both greater satisfaction and a sense of security, and frustration with the protective order process among victims. Offender recidivism is the primary measure by which protective order efficacy has been measured, and numerous studies do indicate an apparent reduction in violence subsequent to issuance of a court's order. Notably, however, even in studies purporting to show success of orders, 20-40% of the time orders were violated. Importantly, research has begun to identify factors most closely associated with higher rates of order violations, including the severity and persistence in the pattern of violence inflicted by the offender; the presence of children; brevity of the relationship; living separately from the offender; and police response at the index incident which led the victim to request that an order be issued.”

(Jordan, 2004, page 1426)

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