The Effectiveness Of Restraining Orders In Deterring Domestic Violence: A Study In The State Of New Jersey

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The Effectiveness of Restraining Orders in Deterring Domestic Violence

A Study in the State of New Jersey

Submitted to the
Center for Public Service
Master of Public Administration Program
Seton Hall University

By

Helen LaKisha Jones

A Research Project Submitted in Partial Fulfillment
of the Requirements for the Degree of
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*************************************************************************

FINALLY, to all the survivors of domestic violence, remember “If you don’t stand for something, you may "fall" for anything”. Help is always a phone call away !!!!
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INTRODUCTION

Name calling, yelling, criticizing, black eyes, bruises, scars, burns, broken bones, miscarriages, rape and MURDER!!!! All of these brutalities correlate with thoughts of hatred, violence and total neglect when imposed upon any human being. Imagine having to endure such violent acts and outbursts at the hands of someone you know, trust and LOVE.

As dreadful as it seems, all of the above mentioned abusive acts are inflicted upon millions of women daily across the nation. It is formally labeled Domestic Violence and millions of women fall victim to one or a combination of these traits on an annual basis. Though the problem has persisted for centuries, it is no longer a "hidden", rarely discussed problem that is confined to the perimeters of the home in which it occurs. Violence against women is a growing epidemic that has gained worldwide attention in recent years with the emergence of abused women actively seeking assistance in dealing with these violations of their rights.

An estimated six million women are assaulted annually at the hands of their male partners. Of these, 1.8 million are severely assaulted. According to the Federal Bureau of Investigations, twenty-six (26%) of all female murder victims were slain by their husbands or boyfriends. (Federal Bureau of Investigations, 1996) There was a National Women's Study conducted in 1991. Of the sample 4,008 adult women, over one percent or an estimated 1, 155,600 of adult American women were forcibly raped one or more times by their husbands. (The National Center for Victims of Crime, 1999) In light of such alarming data, it is obvious that a crisis surely exists within American households when it comes to violence against women.

Domestic violence has tremendous effects on all those involved. Women, more specifically those being battered, are the primary individuals who are impacted by this problem, however, they are not the only ones. The male abusers, children of the
abusive families, neighbors and extended family members also become victims of these circumstances. Police personnel, court systems, hospitals, women's shelters, school systems and the employers of individuals involved in cases of abuse are also affected.

The problems that result from being a victim of an abusive companion range tremendously in their complexities and effects. Some women become insecure and dependent upon the batterer. They experience feelings of being trapped and unloved. In addition to having either no self image or a poor one, they have no confidence in themselves as women and specifically as mothers. These women are passive, resigned, physically injured and frequently suffer from insomnia. The feelings they develop from abuse lead to nervous breakdowns, medical problems, gynecological problems and chronic anxiety or nervousness (Essex County Family Violence Project, 1994). These symptoms leave abused women not only physically, but mentally and psychologically scarred as well.

The male abusers end up incarcerated, unemployed and excluded from their families. They may also experience an overall loss of respect, trust and dignity as supposedly loving husbands and fatherly role models. The children involved grow up in unstable family structures as witnesses to the turmoil associated with domestic violence. It is likely that these children eventually develop social and emotional barriers which ultimately alter their entire lifestyles in one way or another. Meanwhile, extended family members have to painfully endure the thoughts and presence of abuse which shatter the foundations of love, trust, respect and support that are meant to make and keep a family strong.

Other people and groups are affected by this sickness as well. Neighbors might encounter conflicts of interest and begin to question the safety and image of their surroundings. Police personnel who are called to the scenes of domestic violence have to deal with the reality that in spite of the agony these women are going through, some rarely follow through with complaints. (M. Scail, personal communication. July 24, 1999)
The courts are bombarded with numerous cases that sometimes never prevent or even deter the violence from re-occurring. Employers of the abuser or abused have to endure the possibility of excessive absences and distracted performances on behalf of the employees. The school systems and teachers have to deal with the emotionally challenged students who come to class after witnessing abusive altercations the morning or night before. (Essex County Family Violence Project, 1994)

As a result of these cycles of abuse, there is a lack of morale and ethics within the domestic settings. Children are being denied the comforts of safe, happy, violent-free home environments. Their mental welfare is at risk as a result of witnessing the abuse. Abused women suffer the most obvious violations; they are denied inalienable rights guaranteed by the United States Constitution. These rights include the right to life, liberty and the pursuit of happiness. Not only are these rights being violated at some point throughout the cycle of abuse, but these women even become prisoners within the very homes that they have worked hard to establish, maintain and make as comfortable as possible. The abuse that they encounter can lead to emotional and/or physical deficiencies, as well as death. There also remains the possibility that they end up in jail themselves for murdering or causing serious harm to their abuser as a means of defense and/or frustration in cases where there is no prevention or ineffective means of intervention are used. (Jacobs, 1995)

Battery of women is one of the greatest health problems facing women in the United States today. It is far more prevalent and worse than breast cancer, according to author Ann Jones, a leading advocate for women in abusive relationships (Jacobs, 1995). In the state of New Jersey, an average of 50,000 cases of domestic violence are reported yearly. Female victims compose more than 85% of these reported cases. But what about the numbers that go unreported? Typically, these reported numbers only represent a small portion of the overall problem that women face in the Garden State.
**LITERATURE REVIEW**

Ironically, the epidemic of domestic abuse has resulted in increased concern and public recognition in recent years. Women are more conscious of the fact that abuse is a continuing cycle that only gets worse. It can lead to not only physical and emotional damage, but death as well. Women are beginning to realize that it is time for them to wake up, speak up and attempt to prevent themselves from further harm or possible death. (M. Seal, personal communication. July 24, 1999)

Prior to the mid-1980's, many police departments maintained a tradition whereby "arrest as a last resort" was the interventive method of instruction. In most cases, police response had been to merely send the suspected abuser "away for eight hours or so" and then advise the couple "to get help for their problems". These abusive men were allowed to "take a walk" or "get some air" as a means of diffusing violent situations once police responded. However, in recent years, there has been a movement advocating and in some cases mandating, the arrest of an abusive mate in an intimate relationship. The once complacent, nonchalant attitudes of police personnel were replaced with state laws and written policies which required the arrests of suspected batterers as the sole police recourse. Between 1984 and 1989 this movement led to a 70% increase nationally in arrests for minor assaults in domestic violence cases. (Buzawa, 1996)

There are various types of intervention and preventive measures used by agencies and victims relating to domestic violence. In addition to legislative protections, there are additional resources that abused women can use as a means of deterring further abuse. Some of these include relief through shelters, support groups, safe houses, national and state coalitions and non-profit agencies. One method that has become popular in recent years is intervention through the issuance of a restraining order also known as an order of protection.

In 1976, Pennsylvania was the first state to enact legislation providing for the issuance of restraining orders or protective orders for victims of spousal/partner abuse.
Since that time, every state in the union, plus the District of Columbia, enacted comparable legislation. Today, these orders serve as one of the chief resources whereby victims of domestic abuse can seek protection against their abuser. (National Council of Juvenile and Family Court Judges, 1992)

These court orders are issued by judges to victims of domestic abuse based upon evidence and testimony detailing the abuse. Some states vary in the type of restraining orders they issue to victims of domestic violence. Stipulations of these orders are intended to prevent further abuse, harassment or whatever the harmful situation requires. (National Council of Juvenile and Family Court Judges, 1992)

Some states have emergency restraining orders which are issued by the responding police officer in a domestic violence case. These orders are usually good until the end of the following business day, at which time the victim should apply for a permanent order. There are some states which have restraining orders that can last from thirty days to a few years. Depending upon the issuing community and/or jurisdiction, there may be various differences in the types of orders that can be applied for, and the procedures by which a victim submits an application. (National Center for Crime Victims, 1999)

Restraining orders can impose a condition whereby the abuser can not have any contact with the victim including visits, phone calls at home or place of business, letters, e-mail, etc. The abuser may further be ordered to leave the home if shared with the victim. In most cases, the party applying for the restraining order gains temporary custody of any children involved until the case is formally heard and prior to the issuance of a final or permanent restraining order. (Buzawa, 1996) Though intended to provide these safeguards for abused women, it has been said that the most dangerous time for an abused woman is once she decides to leave. (A. Stockton, personal communication, July 24, 1999) In light of such, the question arises as to the overall effectiveness of these
orders in deterring future violence for women once they have applied for and obtained them.

This paper will explore the pros and cons surrounding the effectiveness of these "powerful tools" issued by the court system as a means of preventing women from additional abuse in domestic settings. Although these orders of protection are applicable and frequently used in situations wherein there may not be an intimate or family relationship, this research will focus on women in abusive relationships who apply for them. For the purpose of containing this research, only female victims of domestic abuse will be considered with male companions as the suspected abuser.

Unfortunately, even in light of the importance and increasing popularity of restraining orders, there is limited quantitative data available about their overall effectiveness. Such research could ideally reveal the offenders, what violation the order was issued for and the effect, if any, that the order has had for the victims in preventing further abuse. (Buzawa, 1996) Furthermore, no research has been conducted in relation to future cases of abuse in households or relationships where such orders exist.

Andrew Klein conducted research wherein he addressed the future likelihood of abuse based upon the following characteristics: the victim, the defendant, the criminal justice system's means of intervention and characteristics of the actual abuse. His study concentrated on cases stemming from Quincy Court (Massachusetts) in 1990. For the purpose of limiting his research design, those examined cases identified the abuser as a male. The victim was a female companion, including current and former spouses, girlfriends, co-habitating partners or a woman with a child in common with the abuser. (Buzawa, 1996)

His work concluded that arrest records for abusers with prior restraining orders against them, only represents a small percentage of cases actually involving abuse (Hirschel, Hutchinson, Dean, Kelley and Pesackis, 1991) Klein's study revealed that more than 80% of the abusers involved in the study had prior criminal records. Those
histories ranged from underage drinking to murder. More than half of the males included were either currently married (46.6%) or formerly married (3.9%) to their victims. The remaining percentage (49.5%) were not married at all. The median age of abusers was 33. (Buzawa, 1996)

In Massachusetts, there is a five day waiting period before a long-term restraining order can be issued and subsequently validated for up to one year. In 75% of the examined cases, the female victim returned to court requesting a long-term order. All cases mandated that the abuser have no contact with the victims. In 10% of these cases, the abuser was arrested for the particular incident which precipitated the request for the restraining order. In 48.8% of the cases, the victim encountered further abuse within two years of the issuance of the restraining order. Arrests of the re-abusers occurred in 34% of the cases. A total of 95 abusers out of 644, had additional restraining orders taken out against them for the particular act of re-abuse against their victim (Buzawa, 1996). This data further illustrates the inadequacy of restraining orders as a means of protection for abused women.

In efforts to determine whether or not a victim would face re-abuse by her abuser, Klein deduced that although there were various characteristics, as originally stated, which had overall effects on the occurrence of abuse, not many of those served as actual predictors of re-abuse. Age, prior criminal histories, and court-ordered “contact” provisions were the overwhelming predictors of re-abuse in his study. Accordingly, young abusers were found to re-abuse more frequently than older ones. Those abusers with criminal histories that were inactive (meaning more than 15 years ago) were less likely to re-abuse in comparison to those with prior arrests within the past 15 years. In cases where there was a court ordered “no contact”, re-abuse occurred in 35.7% of the time. Those cases where court ordered “no contact” did not occur, only witnessed re-abuse in 27.3% of the cases. (Buzawa, 1996) Thus, the premise of restraining orders as a means of protection against further abuse, is again denied according to this data.
Klein's overall conclusion was that given the background and socio-economic position of those men brought to court for restraining orders, whether initial or in cases of re-abuse, the poorer, minority groups are unduly represented. Therefore, a study of the general population is not represented in this study. He found that these civil orders of protection are being issued against men who are not "civil" and therefore should not be expected to respect and respond to their civil responsibility entailed in the orders. He therefore finds that restraining orders are ineffective in their efforts to deter violence and protect women and children. (Buzawa, 1996)

Thus, it may also be essential to note that if in cases where restraining orders are issued and arrests result, the effects may or may not be more critical in deterring future violence. Arrests of re-abusers or restraining order violators is a quintessential component for the purpose of this research. Accordingly, there was a study conducted in six major cities which focused on the effects that the arrests of abusers had in deterring further violence against women. It concluded that in some cases, arrests eliminated some of the abuse and prevented further acts of violence. However, there were various other factors which these authors found to be attributable factors to the cessation of abuse. They found that the effects of criminal punishment against an abuser, depend heavily upon the suspects "stakes in conformity" or how much he has to lose from the social consequences of an arrest. In other words, arrests where thought to do more harm than good in some situations. Arrests may in fact assist victims temporarily, but facilitated increased violence in the long term. (Buzawa, 1996)

In cases where there were victims of abusers who were gainfully employed, arrests of the suspects tended to ease the pain for the abused women. Janell D. Schmidt and Lawrence W. Sherman are the researchers who conducted this evaluation of six cities in the United States. They concluded that where gainful employment was a factor in predicting domestic abuse, white and Hispanic households benefited from these orders, but black victims did not. However, to further add to the evidence which supports this
data, police agencies in this study reported that the vast majority of cases brought to their attention, involved lower-income and minority-group households. In attempts to rationalize why such a pattern developed, it was concluded that in cases which are primarily reported, police intervention may be the only alternative to offer immediate relief for victims. Most of these families lack available resources or access to services which would offer intervention outside of police involvement and ultimate arrests of abusers. (Buzawa, 1996)

In response to questions surrounding the use and effectiveness of restraining orders, certain states have enacted supplementary legislation. The state of New Hampshire provided for an expansion to the existing limits of restraining orders as they pertained to public servants while on the job. This bill applied directly to those officials who are or have been threatened or stalked. The stipulations of the expansion mandate that any individual previously charged with domestic abuse in addition to the above mentioned infraction, relinquish any guns in their possession. This expansion of the existing law permitted authorities to seize guns in abuse cases, but did not necessarily require it. (Ramer, 1998)

The bill was intended to offer yet another means of protection for victims. There were opponents claiming the bill would increase the opportunity and likelihood that public servants could falsely accuse people of abuse, thereby forcing those individuals to surrender their guns. The overall premise of such an expansion, though vulnerable to flaws as with any legislation, is the prevention of further abuse in cases where restraining orders are issued. (Ramer, 1998) Even though not directly pertaining to male/female domestic settings, it could perhaps initiate precedent for other states to follow.

A study was also conducted in Boulder, Colorado by Adele Harrell, Barbara Smith and Lisa Newmark. Their study focused on court processing as it relates to and effects restraining orders. It included a sample of women who had applied for restraining orders in either Boulder or Denver. Under Colorado statute, violations of restraining
orders were criminal offenses as of June, 1991. The following month (July), the city of Denver enacted a city ordinance which made restraining order violations illegal. The violations were subject to arrest and jail time provided the woman could provide authorities with a copy of the order, proof of service and probable cause for the responding official to believe that a violation occurred. Prior to that time, when violations which did not include criminal conduct were committed, women had to call the police and then file a request for a civil court hearing. (Harrell, et al. 1993)

With the Harrell study, various responses were generated from the men for whom these restraining orders were issued. Initially, a temporary restraining order was issued, with fourteen day validity. Eighty-five percent of men surveyed by the researchers reported that they obeyed all of the conditions of the order once it was issued. Fifty-five percent reported that they ceased all interaction with the victim upon receipt of the notice. Some of the men reported that even though aware of the restraining order, they attempted to work things out with the victim to prevent her from filing for a permanent order (51%). There were still others (64%) who solicited the assistance of mutual family or friends in attempts to coerce the woman to recant her story. Twenty-three percent merely hired attorneys to contest the orders in court. (Harrell et al, 1993)

In essence, the Colorado study demonstrates that all of the accused abusers violated the initial restraining order in one way or another. Most violations were attributed to a lack of understanding of the orders immediate stipulations, which in most cases prohibited any further contact until the next court date. However, there were some of the abusers who assumed that violations could occur without any immediate consequences. (Harrell et al 1993)

Forty percent of the women interviewed for this study never returned to court for the permanent order to be issued. Many reasons were cited for their failure to return. However, 64% reported that their partner stopped bothering them (at least temporarily). Another 10% said that the order was not effective in protecting them from further
violence, therefore it was no need to apply for a permanent order. Of the sample 355, 42% believed that their partner felt obligated by law to respect and honor the conditions of the restraining order. However, 38% said that the temporary restraining order was not helpful at all in punishing their partner. (Harrell, et. al 1993)

The Colorado results determined that compliance with restraining orders was determined by four variables: (a) whether a permanent order was issued (b) the history of abuse and the severity of the event that led to the issuance of the court order (c) personal characteristics of the men and women (d) the response of the criminal justice system. The initial type of abuse usually indicated whether there would be subsequent episodes. Accordingly, most victims of physical abuse, primarily where severe violence and injury occurs, are at a greater risk of harm and re-abuse after an order is issued. How an abuser responds during court proceedings also predicted the likelihood of further abuse. Those who were most resistant were more likely to violate the orders. Ultimately, the research recommended that with more explicit warnings by the justice system about the consequences of violations, along with consistently enforced ramifications, deterrence might increase. (Harrell, et. al 1993)
METHODOLOGY

Data for this project was collected from available resources and interview results. Available data from the State of New Jersey Uniform Crime Reports were utilized for specific crime based statistics. Additionally, interviews were also used as a means of generating the views of some people who are directly involved in the epidemic of Domestic Violence.

The Uniform Crime Reports contain specific statistical data which detail the occurrences and results of crimes that are committed in the state. These annual reports, which are generated by the State Police, also give particular details on demographics, types of weapons or force used and the most frequent time of year and day for crimes to occur. They also report on the characteristics of perpetrators and victims of crime in New Jersey. Prior to 1984, these reports did not recognize domestic violence as a crime and therefore excluded it from reporting. Consequently, all figures for this project were based upon the time period since and including 1984.

The data from the Uniform Crime Reports is presented in graph form. They show domestic violence related assaults, arrests, complaints where prior court orders existed and murders. For the purpose of correlating these statistics with general state-wide numbers, additional data from the Uniform Crime Report which is not domestic violence specific, are also included. In doing so, it supports or denies the notion that changes in domestic violence related crimes may or may not be directly related to changes in crimes within the overall population of the state.

Interviews were conducted with individuals who are or have at some point, been affected by domestic violence. Affected by includes a survivor who subsequently became a board member for a agency of relief, witnesses to domestic abuse, counselors who assist those in such relationships or court and police personnel who facilitate intervention on behalf of victims. Prior to the start of an interview this
researcher ensured that the respondents were familiar with restraining orders and how they relate to cases of domestic violence. All participants live in the state of New Jersey.

A series of open-ended interview questions were developed to assist with conformity in gathering data. However, because of the informal settings in which these interviews took place, additional information was compiled that may not be directly related to the statistical data. The questions asked about the participant’s overall knowledge of restraining orders and any evidence they had to support or deny the hypothesis. The questions go further by seeking the participant’s input about restraining orders and public accessibility to them, the abuser’s attitude once they were issued, confidence levels for victims, likelihood for further abuse following the issuance of these orders and police intervention. Some participants were also asked to interpret the graphed data and relate it to their theories about domestic abuse and the effects that restraining orders have. Though structured in topic related order, the interview questions were ultimately designed to afford participants the opportunity to share additional information.

Though limited in availability with regards to this particular topic, some literature from advocacy groups, Internet sites and books was also collected and analyzed as part of this research. Specific studies by Andrew Klein, Janell Schmidt and Lawrence Sherman and Adele Harrell along with Barbara Smith and Lisa Newmark, were used to address the phenomenon of restraining orders and domestic violence. Though these studies focused on data collection from other states, they provide generalizations which can either support or deny the hypothesis.
RESULTS and ANALYSIS OF RESULTS

For the purpose of providing quantitative analysis for this research, a sample of Uniform Crime Reports for the State of New Jersey was utilized. The Uniform Crime Reports (UCR) are annual reports compiled by the New Jersey State Police. These reports provide a collection and collation of crime statistics received from law enforcement agencies in the state. Those agencies include prosecutors, sheriffs’ departments, county police, county park police and college campus police.

On January 1, 1967, the New Jersey Uniform Crime Reporting Law (N.J.S. A. 52:17 B-5.1 et. seq.) was enacted. The State Attorney General’s Office is responsible for the control, direction, establishment and supervision of this reporting system. The law enforcement agencies, which totaled 556 for 1998, are required to submit monthly and annual summaries to the UCR Reporting System. They, in turn, detail crime reports from their respective areas of the state. This data is used by police executives when decisions are made regarding administration, planning and operations within given jurisdictions.

Reports for the following years were selected for this study: 1984, 1986, 1988, 1990, 1992, 1994, 1996 and 1998. Prior to 1984, no data was compiled by the state on domestic violence related crimes. Therefore, this research will focus on those years, including 1984 and up until the present, when this specific data was included in the reports. The information will be presented in graph form detailing specific statistics relating to those crimes solely involving domestic violence and violent crimes associated with general state-wide data. According to the UCR violent crimes are murder, rape, robbery and aggravated assault.

A total of nine graphs are presented. Five of the graphs include data from crime statistics that result from incidences of domestic violence in the state. The remaining four illustrations detail state-wide crime without specifications for domestic violence offenses. The graphs are presented in the following order:
1. Reported Offenses that are Domestic Violence Related
2. Violent Crimes Reported (non-domestic violence related)
3. Domestic Violence Related Assaults
4. Assaults that are not domestic violence related
5. Domestic Violence related murders
6. Murders that are not domestic violence related
7. Total Arrests that are Domestic Violence related
8. Violent Crime Arrests that are Not Domestic Violence related
9. Domestic Violence Complaints where Prior Court Orders (Restraining Orders) were issued against the offender

**Graphs One and Two:**

Graph one illustrates a steady rise in the number of reported domestic violence related offenses from 1984 to 1986. Between 1988 and 1992 the data plateaus and then there is an upsurge of 35.5% between 1992 and 1994. The increase continues until 1996 and then in 1998, there is a decrease of 4.5% in the number of reported offenses.

Graph two shows corresponding data that is not specific for cases of domestic abuse. It details gradual shifts in the number of reported violent crimes for the state. There is a rise in the data from 1984 (39,615) to 1990 (50,067), then gradual decreases for the remaining eight year time frame that is covered. The most noted change represented is a 19% decrease in the reported crimes between 1996 (42,420) and 1998 (35,722).

Both of these graphs are statistical representations of reported offenses in the state of New Jersey. The first line graph shows a constant increase numerically in the reported cases which are domestic violence related. Although during the latter part of the 1980's and early 1990's, the figures level out. These changes are extremely different when compared to the number of violent crimes reported overall in the state. The second line graph illustrate a different pattern - less rise and then down, signifying that these figures
remained in the same range throughout the same sample reporting years. The most significant change was an 18% decrease between 1996 (42,420) and 1998 (35,722). During 1992 and 1994 there was a less than 1% change in reported violent offenses in the state.

**GRAPH ONE (1)**

New Jersey: Reported Offenses
Domestic Violence Related

**GRAPH TWO (2)**

NJ: Violent Crimes Reported
All Crimes Statewide

*NO DATA AVAILABLE PRIOR TO 1984*
Graphs Three and Four:

Graph three details the number of assaults reported in the state that were domestic violence related. Between 1984 and 1988, there is an gradual increase. From 1988 to 1992, the data shows a 10% reduction. A 29% increase happens from 1992 to 1994. The numbers rise gradually until 1996. Then from 1996 to 1998 there is a decrease of approximately 6% in the number of assaults that were domestic violence related.

The fourth graph outlines the reported cases of assault on a state-wide basis. This data demonstrates increases from 1984 to 1990. Following this year, the data plateaus and then decreases from 1994 (23,343) to 1998 (18,663), representing a 25% fall.

Both graphs, though related in nature of the offense, are different in their respective outcomes. The assault rate for all offenses (graph 4) show a gradual increase then decrease during the reporting years. There are no significant percent changes during any particular years. The most noted change occurred between 1996 (21,252) and 1998 (18,663) which was a 14% decrease in reported assaults. However, the rate of domestic violence related offenses shows a greater fluctuation in reported cases over the years, increases more steeply and decreases only minimally at the end.
GRAPH THREE (3)

New Jersey: Reported Assaults
Domestic Violence Related

REPORTED ASSAULTS
○ ASSAULTS

*NO DATA AVAILABLE PRIOR TO 1984

GRAPH FOUR (4)

New Jersey: Assaults
All Crimes Statewide

TOTAL ASSAULTS
○ ASSAULTS
**Graph Five and Six:**

Graph five depicts the most detrimental outcome of domestic violence situations - Murder. The data reveals a combination of increases and decreases throughout the reporting time that is the focus of this research. It shows nearly a 80% increase from 1984 to 1986. There is a plateau between 1986 and 1988. The 1990 data falls to 57, totaling an 18% drop. Another plateau occurs from 1990 to 1992 and then there is a drastic fall in 1994 to 42 murders, for a 45% reduction. During 1994 and 1996 yet another plateau occurs. Following these years, there is a 46% climb between 1996 and 1998.

Graph six depicts the same data, but focuses on all cases of murder. The data here reveals no significant increases or decreases over the years represented. The most noticeable fluctuation occurred from 1994 to 1996. There was a 18% decrease in the number of murders.
GRAPH FIVE (5)

New Jersey: DV Related Murders
*Homicide Data Collected as of 7/1/84

*NO DATA AVAILABLE PRIOR TO 1984

GRAPH SIX (6)

New Jersey: Murders
All Murders Statewide
Graphs Seven and Eight:

The total arrests for domestic violence offenses is presented in Graph 7. Throughout the reporting period presented, there is a constant increase from 1984 to 1996. The most drastic increase occurred from 1986 to 1988 totaling 63%. The only decline in the number of arrests was 6% which occurred from 1996 to 1998.

The numbers in graph seven illustrate the total arrests made over the years for offenses of a domestic nature. From 1984 (6,659) to 1996 (28,039) there is a continuous increase in the number of arrests. The rate of arrests during this twelve year time period, represents more than a 300% increase. The only decrease occurred from 1996 (28,039) to 1998 (26,472) which accounted for 6%.

Those figures in the Graph 8 are similar to all the others related to all crimes. The data show fluctuations over the years with only slight increases or decreases in the actual numeric data. A 15% increase between 1988 (19,669) and 1990 (22,683) is the greatest change.
**GRAPH SEVEN (7)**

New Jersey: Total Arrests
Domestic Violence Related

*NO DATA AVAILABLE PRIOR TO 1984*

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**GRAPH EIGHT (8)**

New Jersey: Violent Crime Arrests
All Crimes Statewide
Graph Nine:

Graph nine shows a constant rise in the number of complaints reported where a court order had previously been issued against the offender by the courts. From 1992 to 1994 the most significant increase is demonstrated totaling about 42%. A decrease in the number of complaints follows from 1996 to 1998 equal to about 19%.

It also depicts data that is distinctly set aside for domestic violence cases. The data reveals reported cases of offenses, when an existing court order (restraining order) was already in place. In essence, this graph illustrates the main point of this research. It shows a portion of re-offense that occur after restraining orders are issue, thus lending some credibility to support the hypothesis of this research.

There is a constant increase in reported complaints for those with standing restraining orders. The overall data reveals more than a 350% increase in the number of complaints from 1984 (4,213) to 1996 (19,618). The most vital increase in reported cases was between 1992 (12,051) and 1994 (17,007), which represents a 41% expansion. This data is most important as the research focuses on the effectiveness of these orders issued by the courts. Are they really effective in light of the data represented in this graph?

**GRAPH NINE (9)**

**NJ: DV Complaints W/Prior Court Orders**

Issued Against Offender

![Graph showing number of complaints reported from 1984 to 1998.](image)
If one eyeballs all the graphs related to domestic violence, one sees that there are similarities in all the trends. All the graphs, except for the one detailing domestic violence related murders, demonstrate continual increases over the reporting years until 1996. In 1996, the same graphs illustrate a slight decrease in reported cases of crime. The consistency among graphs one, three, five, seven and nine could signify an increased awareness on behalf of victims. Consequently, the numbers increase as more cases were reported.

From 1996 to 1998 the same graphs as mentioned above, show a gradual decrease in reported cases. This could demonstrate a positive effect that the justice system was having during those reporting years. It could suggest that victim’s received support through the adjudication of offenders thereby, decreasing the number of cases being reported statewide. It could also denote a shift in attitude among victims with regards to reporting cases.

Graph five, though domestic violence specific, does not show the same shift as the others previously mentioned. Accordingly, during the 1992-1994 reporting years, there was a significant decrease in the number of murders statewide. The data shows no consistency over the years, but rather fluctuates without any specific pattern or noticeable trend. In essence, data from this graph may indicate that even in light of other factors, which may have influenced domestic violence data over the years, there were no obvious predictors to indicate either an increase or decrease in the number of murders for victims of abuse.

Data shown for all four graphs which were not specific to domestic violence, demonstrated no significant changes over the years. All the graphs are similar in their presentation and therefore show that normal crime rates were not influenced during any particular years. However, the one similarity noted with these graphs occurred during the 1990 reporting year. When all the graphs were reviewed, it was during this year in each graph that the highest number of incidents were reported.
For the purpose of identifying and finding statistical data to illustrate the rate of domestic violence in the state, this was the only tool readily accessible with identifiable data. All of the categories listed, can in one facet or another, relate to the epidemic of domestic violence. Any occurrence, unless un-reported, is classified officially as an offense. Most domestic violence cases also result in an assault upon the victim. Arrests are also likely, even in cases where there was no restraining order, depending upon the severity of the injuries and the response of law enforcement. Murders are also a likely, though most dreaded, result of offenses that are domestic in nature. In essence, though the graphs may illustrate data that does not directly relate to the question being researched, (i.e., if restraining orders are effective) but they do provide an overall picture of the occurrences and results of those cases of domestic violence that are reported.

Therefore, interviews were also conducted as a means of data collection for this project. Individual professionals who are directly associated with domestic violence were identified based upon the researcher’s network and subsequent referrals. A total of seven interviews were conducted with a broad range of people. Formatted interview questions were prepared beforehand and used in each interview. (Figure A)

Those interviewed were chosen based upon their direct involvement in domestic violence cases from either a reactive or proactive viewpoint. The interviewees included administrators of agencies established to assist female victims of domestic violence, a police detective, prosecutor and a counselor for abusive men.
INTERVIEW RESULTS

Interviews with two administrators of a state based agency geared toward women in abusive relationships were conducted. Alice Stockton and Marcia Seal are both employed with The Coalition for Battered Women, located in Hamilton, New Jersey. On a daily basis, they interact with, advocate and serve as overall resources for battered women.

They agreed that restraining orders do offer "certain" benefits for abused women. They concurred that these orders do not necessarily work towards preventing future episodes of abuse once they are obtained. Four major benefits are listed below in accordance with Stockton's and Seal's interpretation of restraining orders.

1. Most women believe that restraining orders are a step towards the initial separation. These orders are viewed as "a way of getting out".

2. Once restraining orders are issued, usually a sense of accountability results for the abuser.

3. Restraining orders grant abused women a sense of empowerment to help them eventually leave the abusive situation or at least begin plans for leaving.

4. Restraining orders serve as a catalyst for educating women about their rights under the law. Once issued, restraining orders make women aware of the available network of support systems.

Seal noted that emotional abuse, though harder to identify or "label", is far more prevalent in comparison to physical abuse. She noted that the ineffectiveness of restraining orders results from the fact that most restraining orders are not monitored within the courts. She said that depending upon how a responding officer details the events of an abusive incident, the case is referred to either Family Court or Criminal Court. Victims are then left with the responsibility of following up on the restraining orders. This notion relates directly to the previously mentioned study done by Harrell, Smith and Newmark in Boulder, Colorado.
Stockton said that the most notable detriment of restraining orders being issued is that the risk of violence increases once women obtain them. Both women agreed that restraining orders can not prevent murders from occurring. They also do not stop psychotic tendencies in abusers. In essence, Stockton implied that these order are "merely paper" and can not, in every circumstance, guarantee ultimate protection for battered women. She noted that "the only way out is to leave".

As far as the court system's interaction on behalf of these women, there is a "lackadaisical" response according to Seal. When temporary restraining orders are issued they are intended to be an adjunct to the criminal process. The criminal process should then follow up with appropriate charges, prosecution and necessary recommendations or penalties. However, the reality for women is that restraining orders eventually "carry all the weight". When cases do proceed to court, charges against batterers are usually downgraded to disorderly person or petty disorderly person offenses, thereby minimizing the serious penalties and likelihood of sentencing.

An assistant prosecutor, "T. Johnson", was also interviewed for this project. In addition to her current duties with the Superior Court, she is also a former chief of the Domestic Violence Unit in the prosecutor's office. Her overall opinion was that advances in educational components in recent years, have generated a level of increased effectiveness for restraining orders. She noted that most women do not have "actual confidence" in the order's ability to protect them from further abuse. The issuance of a restraining order is "one step...it does not afford maximum protection". The initiation of services for these women, once they come forward, is the paramount issue according to the prosecutor.

One comment that the prosecutor made, which was prevalent among some of the other interviewees, was that restraining orders are "merely a piece of paper". She noted that the orders do, in most cases, provide the victim with hope that the system will attempt to protect them from further abuse. Johnson said that simply effecting the arrest
of offenders when restraining orders are violated is a task that is usually never achieved within law enforcement. She said most offenders are "smart...they know not to wait around for the police once they have re-offended a victim". But in retrospect, Johnson noted that there is no way to properly assess what effects restraining orders have in the state, due to the high incidences of under-reporting that occurs in cases of domestic violence where restraining orders do and do not exist.

On a positive note, the restraining orders also enable the courts to become more involved and responsive to the needs of abused women. These "law enforcement tools" are a catalyst for mandatory arrests, and certain protections under the law that abused women may not be exposed to without seeking an order of protection. They provide the courts, prosecutors and police with power to arrest offenders in attempts to prevent further violations against the criminal codes.

She further noted that police have become more sensitive and knowledgeable of the appropriate responses when they are called to scenes of domestic violence. Updated legislation has also increased the magnitude of law enforcement response with these particular cases. Police are better trained to detect signs of abuse and are more qualified with mandatory training as to how to properly handle such cases in terms of referrals and safety plans. They are supposed to take reasonable steps to protect the victim and locate the offender. Alternative living arrangements and safety plans are further included in the service that police are trained to provide when responding to such cases.

Johnson also noted that some municipalities in the state of New Jersey have begun to utilize Domestic Violence Response Teams. These teams are comprised of trained volunteers including survivors of abuse, police personnel, officials from the prosecutor's office and the general public. Their job, when responding to cases of domestic disputes, is to come in and provide as much support as possible for victims so that responding police can more easily and readily focus on the offender, including apprehension and arrest when appropriate. The prosecutor's office has also initiated a
Victim/Witness Advocacy program as a support for victims in the state. Their primary function is to provide a more detailed safety plan for victims once they apply for restraining orders. They also work with victims in terms of providing community resource referrals when appropriate, which can even include accompaniment to court proceedings.

When presented with the graphical data, Johnson advised that the constant increases in domestic violence related offenses being reported is attributable to the impact and power of education. She noted that President Clinton and Governor Whitman’s campaigns against crime could probably offer some explanation for the somewhat stagnant data revealed for overall crime in the state. Although there are no significant decreases in reported crime, there are also no major increases as well.

Overall, Johnson theorized that restraining orders are effective in deterring violence in the state as a means of empowerment for the victims and law enforcement if nothing else. She mentioned that these orders do not necessarily "scare perpetrators away", but they do set precedent for the consequences of further contact if and when an order is violated. She noted that in order for these orders to reach an optimal level of effectiveness, there must also be an increase in available resources for women once they seek these orders. Johnson said that more long-term, residential communities should be accessible for these women and their children. In such cases, given the fact that the most dangerous time for a women is after she leaves, women would be more apt to apply for restraining orders, knowing there are agencies to assist with their transition.

Accordingly, the cases of domestic violence, though increasing in their frequency according to the data, are likewise a result of public awareness and education. The issue has become more prevalent and women are more willing to step forward and identify the abuser in efforts to seek assistance and protect themselves and their families from further abuse. Johnson noted that there are not necessarily more cases of domestic violence
related offenses, assaults, murder and complaints with prior order, but rather victims are more aware of their rights and therefore reporting more.

“Marie” is a survivor of abuse and current a counselor for men who have been accused of battering. She noted that “education, awareness and the O.J. Simpson trials” are the primary reasons for the increase in reports related to domestic violence, when presented with the graphical data. “Marie” also noted that though the overall intention of the courts with issuing restraining orders, is prevention of domestic violence, they do a poor job in assuring that the stipulations of such orders are maintained. She said that in some cases, abusers disregard the prohibitions and return to the home, manage to make contact, or even abuse the woman again before police arrive to arrest them.

“Marie” agreed that restraining orders as a “scare tactic” for offenders, “are not worth the paper they are written on”. She went further by saying that it is up to the victim to take extra precautions, which in some cases, may require a total change of lifestyle, location and identity, in order to safeguard her and/or her children’s safety.

“Marie” noted that most abusers in counseling usually try to minimize the effects that their acts have had upon their victims. Some even attempt to rationalize that for one reason or another, they were provoked by the woman. She noted that the addition of dating relationships to domestic violence legislation (1995), has also helped to deter some of the violence that begins in these relationships and filters into marriages. No longer is it acceptable to just “beat up on your girlfriend”.

Trenton police detective, James McMillan, noted that the public is not fully educated about their rights and protection under the law in accordance with restraining orders. He said that unless the information is presented, it is usually not “sought out” by victims of abuse. Regarding the overall confidence level that abused women have in a restraining order’s ability to protect them from further abuse, McMillan noted that most “first-timers”, meaning those without previous exposure to restraining orders, usually become “jaded” when they are issued. These women tend to focus on the expected
premise of these orders and tend to believe that it will alleviate the abuse. However, it is not until the offender re-abuses without being apprehended, that these women realize the orders only work for offenders who choose to be law-abiding by obeying the stipulations set forth when they are issued.

McMillan noted that in recent years there has been a positive change in police response to cases of domestic violence. He noted that recent legislation has mandated greater enforcement by police when they respond to scenes of domestic abuse. No longer can a police officer use his or her discretion in such cases. An arrest has to be made if there is any mention of abuse, threats or evidence of physical injuries to any of the parties when officers respond.

Concerning those women who abuse the system designed as protection through restraining orders, McMillan said that the overall effectiveness of the restraining orders is impaired. In some cases, police officers become “weekend bouncers” to homes where they are frequently called for domestic disputes. These women use the police as a means of retaliation when their mate is not acting appropriately. However, “once the weekend is over, the same women have bailed their companions out of jail and are at home having dinner with them”. In such cases, the recidivism rates continue to increase, however, it is for families who become accustomed to “abusing” the system. Such cases, take away from the expected result of these orders, when the victims apply for the order, then fail to follow through wit enforcement from their end. These cases also undermine the ability of police agency to respond to more legitimate cases of abuse, in light of the fact that typical paperwork for a domestic violence related arrest takes two to three hours.

Overall, McMillan concluded that restraining orders are just a starting point in the process...simply paperwork. Restraining orders can work for those who really want to use them as a means of preventing further abuse. He noted that even though police may not have the manpower to respond as expeditiously as possible in cases of violations, there is a network of resources available to assist victims with finding ways to prevent
further abuse or devising safety plans to escape the harmful situations. In essence, the combined efforts of the court systems, police agencies and resource tools, can work cohesively towards educating victims about their rights and ways to escape violent households.
CONCLUSIONS AND RECOMMENDATIONS

The collection of data and literature for this project, revealed overwhelming facts about the phenomenon surrounding domestic violence. Though this study concentrated on the state of New Jersey for statistical data, there were other states identified throughout the course of research. In essence, the research revealed that not only is this "disease" an epidemic in New Jersey, but country and world-wide.

In light of such, what has to be done? Well, first and foremost, a study such as this does not do the entire dilemma justice in terms of its complexity and the damaging effects that domestic violence has on millions of women annually. The available data alone on such a topic, as discovered over the course of more than a year, is not adequate enough for a complex study to result.

Though a lot of data is available about arrests, assaults and murders, not much is recorded with direct details about restraining orders being violated. The question surfaces as to what an actual violation is. How do police personnel and courts respond to and record instances of violations? Would violations only be counted if an arrest is made? Could violations be considered based upon a victim's word, if the offender is not there when police arrive? Will phone records be checked for violations? Does a victim have to dial *57 (tracking system) each time a call comes in from the offender and then report to police headquarters with copies of her monthly phone bill for violations to be recorded? What about mail being sent to the victim—is each piece to be copied as evidence and then recorded as a violation?

Ideally, no police force, court system or state agency has the resources or manpower available to take on such a monumental task in efforts to accurately track and record violations of restraining orders in the state. Therefore some weaknesses will result, not only from this study, but any others that are similar. Because the collected data does not specify whether or not it includes only women, there is the likelihood that other family members, including elders, men, children and extended family who are also
victims of domestic violence, are included in the reporting. The millions of cases that go unreported also increases the frailty of this research methodology.

For the most part, the interviewees agreed with the fact that restraining orders do deter domestic violence in some aspects. Most notable was mention that the deterrence is usually not the result of the offender’s fear of being apprehended. Why? Because in most cases they manage to flee the scene before law enforcement arrives. In such cases, with the enormous case load and duties of police personnel, the likelihood of them being tracked down is minimal to null. Unless the offense is life threatening or in cases where murder has occurred, most responding police officers do not have the time or manpower to track down offenders in efforts to arrest them once they have violated a restraining order.

The court systems are disrupted in their mission of protecting these women, when prosecutors fail to seek penalties in cases of domestic violence. Subsequently, judges fail to impose penalties even when mandated by the courts, due to the abundance of discretion they possess in these cases (Hirahmann, 1994) All of these actions filter into decreased efficiency and effectiveness on behalf of the state’s criminal justice agencies in terms of deterring instances of domestic violence.

In efforts to combat the various deficiencies with addressing the effectiveness of these orders, there must be more accurate management and follow-up from within the court systems. Not only should courts issue these orders, but consequently ensure they are properly served and upheld. If necessary, additional staff or tasks forces should be implemented to advocate on behalf of these women affording them every available protection under the law.

Police officers need to become more sensitized in their overall dealings with victims of domestic violence. Problems arise with police dispatchers who may fail to promptly dispatch cases of abuse. They believe, based upon previous cases, that most women will not proceed with action against the batterer, even in light of legislation that
mandates police file charges at the very least even if the victims is reluctant. Police have been known to view the majority of these cases as a waste of time, especially when they involve residences that they are frequently dispatched to.

More training for responding police officers is also a vital step towards increasing the overall effectiveness of these orders. Victims would be more likely to apply for orders and follow-up with calls when the order is violated, if they know that the police department has a priority to protecting them. Most know that even if they call the police, aside from screaming bloody murder, the response time is usually shabby, especially in urban areas where crime is more prevalent. These officers do not realistically have the manpower to respond to cases on an immediate basis. Therefore, the initiation of special Domestic Violence Response Teams has commenced in some municipalities as a means of assisting the victims and preventing further violence.

The implementation of Mandatory Sentencing for violators of these orders is a possible solution to increase the deterrence rate. In evaluating the technical feasibility of this alternative, there are various factors to consider. Mandatory sentencing would likely achieve the goal of preventing domestic violence against women in the state. It would probably serve as a deterrence factor for the abuser and therefore result in him "thinking twice" before knowingly violating a court order of restraint. In the interim, these circumstances would develop into an added sense of security and protection for the women and children involved.

These mandates would also decrease the number of future violations when an abuser is faced with inevitable jail time. Abusers would no longer simply get a slap on the wrist or merely overnight incarceration for disobeying the restrictions. Abused women, in turn, may be more prone to filing for orders of protection, knowing the ultimate result of any infraction. These attitudes may also result in their increased trust and dependence upon the criminal justice system as an effective intervening force on
their behalf. Children, other family members and the communities in general, ultimately become safer for all.

The downside from a technical viewpoint of analysis may center around the future for the abuser if this method is used. He may lose time from work and possibly his job or career totally, as a result of mandatory sentencing. Criminal records would also be another negative impact upon the abuser. In the long run, these conditions may effect the livelihood of the women and children involved rather than help them, financially speaking, when monetary concerns become an issue within the home. Abusers who are released after serving time under this alternative may develop additional anger due to the lack of rehabilitative services in jails and prison systems. In these cases, they may return to society only to seek revenge and possibly cause further harm or maybe even death to the women they were originally incarcerated for.

In terms of how adequate the alternative may be, it is safe to assume that mandatory sentencing may not deter the abusers at all. What about the violators that flee the scene before police arrive to apprehend them? What if women fail to enact their right to call police when confronted by the abuser? What if the abuser skips hearings and trial proceedings? (Bench warrants can “sit” for years before action is taken.) Most regretful is if the police arrive too late, and an abused woman with a restraining order is seriously injured or murdered at the hands of the abusive companion she once trusted!

In addition to this, based upon an economic criteria, this alternative is quite costly. Taxpayers would have to endure the burden of incarcerating these men. Food, medical expenses, rehabilitative services, recreational activities, corrections personnel and facility maintenance are a few cost factors that need to be considered. This alternative would generate a need for more police personnel to respond to and handle cases of violation. Also, the inevitable consequence of back log in courts would require the hiring of more administrators and increased work load for judges as well.
In recent years the epidemic is no longer domesticated in its origin. The public is more knowledgeable of the problem and therefore realize the dire need for intervention. Yet, this alternative may not totally correlate with political appropriateness depending upon the severity and/or frequency of the violation. Some may see it as too harsh in cases where the abuser simply comes by the home or calls on the phone. In relation to this, it may be necessary to formulate guidelines, specifying jail time according to the type and grievousness of a restraining order violation.

Mandatory sentencing would, however, address the issues at hand. It would focus upon the persistency of current cases and frequency of new cases of abuse reported in the state. It is guaranteed that this alternative will serve as alleviator of abuse, at least for the time period when the batterer is incarcerated. The only problem in dealing with the issue of intervention is the possibility for recurrence when the abuser is released and manages to “sweet talk” his way back into the home or relationship in general.

Victims, families of deceased victims and children of abused families are primary sources of support towards coercing state officials on the necessity of such a law. Women’s shelters, hospital personnel, social services and religious organizations are additional voices that would likely generate positive results in regards to implementation of this alternative.

Another recommendation to consider as a means of deterring future violence with restraining orders, would be the formation of a special task force with the duties to apprehend and arrest violators who manage to flee the scene before police arrive. Working similar to the Domestic Violence Response Teams, this team would be comprised of police, prosecutors and sheriff department officials. They would operate on a monthly or bi-monthly basis with follow-up visits to the homes or businesses of violators, even after an offense has occurred.

Special domestic violence complaint review boards is another viable option to consider as a means of increasing the effectiveness of restraining orders. The review
boards would analyze complaints filed in the courts to see whether or not re-abuse has occurred. These individuals would be responsible for contacting the victim, tracking incidents of re-abuse and recording their findings for presentation to a judge for a violation hearing to follow. During the violation hearings, the victim would have the option to present her case for consideration by the judge to determine if enough evidence is available, outside of an actual arrest for violation, to facilitate further penalties for the offender. These review boards would operate within the courts and review complaints on a regular basis. Volunteers could also be utilized as a way of increasing the network of resources in order to carry out the functions of the board.

The review boards would essentially give the "unheard" violations a chance to be recognized and addressed. Even if the courts are not able to initiate court proceedings based upon the victim's report of re-abuse to the review boards, the information could be compiled in efforts to assess the overall effectiveness of restraining orders in the state. Most importantly, the mere contact from the board, may empower abused women to continue upholding their obligation to the court through the restraining orders. Once they are contacted and realize that an entity has been created to address their needs concerning re-abuse in cases where the police do not respond, or are not able to do so in a timely fashion, women may be more apt to apply for them and gain an overall sense of safety through the realization that the court system does follow-up on restraining orders once they are issued.
Consequently, this research has revealed that the overall effectiveness of restraining orders in deterring domestic violence can in no way be accurately tracked because of the numerous factors and considerations to take into account. Under-reporting, lack of sufficient data and the fact that there are numerous types of violations are only a few of the reasons for the deficiency of this research project. One constant theme that was discovered through this topic is that education is the key to much of the progress that has developed over the years with relation to domestic violence. Education of victims is sometime attributed to the issuance of restraining orders. Once they apply for these orders, they have identified a problem and are subsequently linked with a network of resources. It is then that they become more knowledgeable of their rights and in most cases become more proactive in terms of preventing further abuse. None of this research has supported the notion that restraining orders actually deter violence by means of decreasing the incidents. However, none of the research has disproved that perhaps the violence is increasing, but rather that there is an increase only of incidents reported.
References


**FIGURE A**

*Interview Questions*

1. Do you feel the public is educated on their right to protection through restraining orders?

2. Do abused women/men have confidence in the ability of a restraining order as a means of protection against further abuse?

3. How has police response and their general attitude towards such cases involving domestic violence changed with recent legislation?

4. With recent revisions, additions, etc. to domestic violence laws, do you feel the public is more aware/willing to apply for restraining orders?

5. What is your opinion on the effectiveness of restraining orders in deterring violence?

6. Would you agree with the following statement? Why or why not. "Restraining orders are not worth the paper they are written on."

7. What safeguards are in place once an order is violated? Suppose the abuse is not caught at the scene of the violation?

8. Any other comments?