



The author(s) shown below used Federal funding provided by the U.S. Department of Justice to prepare the following resource:

Document Title: Criminal Protective Orders As A Critical Strategy To Reduce Domestic Violence, Researcher-Practitioner Partnership Summary

Author(s): Tami P. Sullivan, Carolina E. Price, Barbara Bellucci, Brian Hill

Document Number: 250665

Date Received: March 2017

Award Number: 2012-IJ-CX-0045

This resource has not been published by the U.S. Department of Justice. This resource is being made publically available through the Office of Justice Programs' National Criminal Justice Reference Service.

Opinions or points of view expressed are those of the author(s) and do not necessarily reflect the official position or policies of the U.S. Department of Justice.

CRIMINAL PROTECTIVE ORDERS AS A CRITICAL STRATEGY TO REDUCE DOMESTIC VIOLENCE

RESEARCHER-PRACTITIONER PARTNERSHIP SUMMARY

Tami P. Sullivan,^a Carolina E. Price,^a Barbara Bellucci,^b & Brian Hill^c

^a Yale University School of Medicine, Division of Prevention and Community Research

^b Umbrella Services for Domestic Violence, The Connecticut Coalition Against Domestic Violence

^c Court Support Services, State of Connecticut Judicial Branch.

February 2017

This project was supported by Award No. 2012-IJ-CX-0045 by the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations in this overview are those of the authors and do not necessarily reflect those of the

This resource was prepared by the author(s) using Federal funds provided by the U.S. Department of Justice. Opinions or points of view expressed are those of the author(s) and do not necessarily reflect the official position or policies of the U.S. Department of Justice

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.

Introduction

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

Two major differences exist between civil and criminal orders – the ability to initiate the order and the time frame it takes for the order to be issued. Victims initiate civil orders, often maintain control of the case proceedings, and influence the final outcome. In contrast, victims may have little input in criminal orders and may find that 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 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 orders to be issued than civil orders.

One unique aspect of criminal orders is the minimal amount of control a victim experiences in its issuance. Criminal orders may be issued against victims will or at a more restrictive level than requested, particularly in the many states that practice mandatory or no-drop prosecution (e.g., Connecticut, Massachusetts, Texas, etc.). For example, the victim may request a no-abuse order because she has determined, in consultation with the victim advocate, that it is likely to afford the level of protection she needs to stay safe and to manage daily living. Regardless, the prosecutor may request/or the judge may issue a full no-contact order. Many

victims have reported that the aforementioned scenario was devastating to their wellbeing because their ability to function from day to day was considerably compromised. Anecdotal reports from victims speak to the issue that their daily living and wellbeing, as well as that of their children, is immediately and substantially impacted by the issuance of residential stay-away or full no-contact criminal orders (see Need for the Collaboration for examples).

Notwithstanding national variability in practices regarding criminal and civil protection orders, all states have orders that protect domestic violence victims by restraining improper conduct and restricting contact.¹¹ Furthermore, many states utilize criminal orders as a tool to protect victims. Prosecutorial processes range from complete prosecutor discretion or soft-drop policies, to hard, no-drop policies. Regardless of the protocol employed, the prosecutor maintains control over the case. Given that some victims seek solace in criminal court,¹² it is important to consider the potentially negative impact of receiving an order which contains restrictions that the victim may not have sought in the first place. It is possible that this legal outcome may negatively affect victims' wellbeing, result in a sense of powerlessness and distrust in the legal system, and reduce victims' willingness to utilize the system for protection in the future.¹³

In addition to the issuance of a protection order as a critical strategy to reduce domestic violence, many states simultaneously order offenders to participate in some form of a batterer's intervention program. Existing research on the effectiveness of batterer's intervention on recidivism has been equivocal at best. However, it is possible that it is a combination of sanctions that influences outcomes. Yet, no research has investigated if lower rates of recidivism are related to certain combinations of levels of protection of criminal orders and types/intensity of batterer's intervention. Given that the onus has to be on the offender to stop the abuse, an essential step in understanding victims' safety and wellbeing is to identify if orders have

differential impact on offenders' behavior when issued simultaneously with a certain form/type of mandated batterers intervention.

The purposes of the study are to (a) elucidate the process of criminal orders as a critical strategy to reduce domestic violence, (b) increase knowledge about how criminal 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 to inform best practices for collaborations to lead to better policy, practice, and research.

This report supplements the Brief Summary Overview: *Criminal Protection Orders as A Critical Strategy to Reduce Domestic Violence*. Its purpose is not to share study results. Rather, it aims to share information about the development of this project and the conduct of this research as it relates to collaboration among the researcher and practitioners with the goal of informing future researcher-practitioner partnerships. This report covers the following issues: Need for the study, development of the collaboration, design of the project, and implementation of the project.

Need for the Study and Development of the Collaboration

This study has been a collaborative effort among the research (Dr. Sullivan) and two practitioners -- a 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). Dr. Sullivan has had longstanding relationships with each partner because of her involvement in the local community task force against domestic violence and her role as an administrator of state-contracted family violence services for offenders. Dr. Sullivan did not conceptualize this study and then approach the practitioner partners. The need for this study and its central focus was identified by the practitioners.

The initial idea arose during a conversation between Dr. Sullivan and Ms. Bellucci, an employee of a domestic violence service provider who has worked at and overseen a court-based family violence victim advocate's office for nearly 30 years. She explained that the following example had been shared repeatedly with her and other advocates by victims residing with the offender at the time a criminal order was issued:

Subsequent to being expelled from the home, the offender no longer contributed to costs to support the home including rent, utilities, or food – perhaps because he could not or because he would not. In certain situations, where victims had little other support, they were evicted. In cases where they shared children, the offender also no longer participated in childcare given the restrictions placed on him – that he could not enter the home or coordinate care with his children's mother given that he was prohibited from direct or indirect contact with her.

Intentionally or not, the court contributed to significant challenges for victims and their children. Ms. Bellucci added that the process and victims' experiences are complicated by the fact that it may not have been the victim who invoked law enforcement services (and therefore, the criminal justice system) to begin with – many times neighbors or others call the police. She expressed concern that criminal orders can be issued with little attention to what the victim has stated she wants or needs and further, that it is unknown whether or not the orders have the intended effect of protecting victims. Further, she noted that outcomes of orders beyond recidivism often are not considered when measuring the orders success such as homelessness, whether or not victims are able to meet their basic needs, and revictimization (which may never get reported to law enforcement).

A search of the literature and other databases produced no empirical evidence that could address the issues raised in this conversation or inform changes in practice and policy. The need for this project was clear. It also was clear that this study needed to be designed collaboratively and to include the perspective of the judicial branch, offender services. Dr. Sullivan reached out to Mr. Hill and his supervisor, Mr. Grant, to learn if they were interested in partnering on this project and to learn what they believed to be important research questions

regarding offenders so that findings had the potential to inform practice and policy within the judicial branch. Given their long-standing investment in evidence-based practice and their well-established relationship with Dr. Sullivan, they joined the collaboration and committed to providing the support and resources needed to obtain information from the judicial branch regarding offenders' criminal history, their sanctions, and the state's protection order registry. They raised the question as to whether there are particular combinations of offender sanctions that provide the greatest protection to victims.

These two conversations became the foundation of the study and the application to the National Institute of Justice.

Design of the Project

As reflected in the summary above, Dr. Sullivan did not design this project independently and then seek approval from the necessary practitioner partners. This project was conceptualized and its design developed and refined collaboratively. Once the gap in the literature and research questions were identified, Dr. Sullivan proposed various ways to go about collecting data from victims. Dr. Sullivan and Ms. Bellucci met many times to discuss the benefits and drawbacks of various approaches to recruitment of and data collection from victims. Some ideas were immediately discarded because of resource constraints, such as meeting with victims immediately after the arraignment and interviewing them multiple times over a given period to learn the short-and long-term outcomes. Other ideas seemed optimal and ultimately were implemented, such as obtaining contact information for victims from the court-based victim advocates and reaching out by phone to invite victims to meet with members of Dr. Sullivan's research team off-site (i.e., not at the courthouse) 12-15 months after the arraignment, and asking them to report retrospectively on their experiences during that time.

Beyond data collection methods, there was much discussion about which data to collect so that we could best understand outcomes beyond recidivism and revictimization. We

discussed which areas needed to be assessed so that findings could inform changes in practice and policy. We were in complete agreement that measures needed to assess constructs within and beyond the walls of the courthouse to gain a better understanding of individual (victim) and system (criminal justice) level factors that relate to women's experiences in the court process and the differential outcomes associated with orders. Because of the dearth of research in this area, we experienced a number of challenges to identifying measures to assess the constructs we agreed to study. Ultimately, there were some measures that we had to modify or develop ourselves. That process was iterative and collaborative, which we believe resulted in comprehensive measures that have strong implications to inform change. Nonetheless, this process was time-consuming (and may have implications for disseminating findings that could inform future research, for example, publishing findings in peer-reviewed journals given that some measures aren't validated).

Regarding the offender-focused research questions, the process was much more straightforward. All the data we needed were already being collected by criminal justice system staff and therefore, our only challenge was obtaining a fully-executed memorandum of understanding (MOU) between the university and the state judicial branch (see Implementation of the Project for challenges obtaining the MOU).

With all of the above in place, we were able to write a grant application to NIJ, which ultimately was funded one and one-half years later.

Implementation of the Project

Though the process of implementation was detailed in our minds and in the grant application, we revisited many design and implementation aspects once the project was funded and throughout implementation. For example, in the design phase, we believed that it would be best to call the victim first to introduce them to the study and invite them to participate.

However, we realized during the piloting phase that an introductory letter, rather than cold-

calling, was a more respectful way to recruit participants. Though we overcame this minor challenge quickly, it was time-consuming to get IRB approval for the change in the protocol, which delayed full implementation.

The second challenge during implementation was obtaining a fully executed MOU between Dr. Sullivan's university and the state Judicial Branch. Due to state budget constraints, there was a reduction in personnel in the state's administrative unit that establishes MOUs shortly before the study was funded. Despite the investment of many senior administrators in the Judicial Branch, they simply didn't have the resources to expeditiously execute the MOU. It took approximately 15 months from the time Dr. Sullivan and Mr. Hill submitted the documentation needed to obtain a signed MOU to when it was finally established. This significant delay created many obstacles to fully implementing the project, not the least of which was that the research team could not confirm the date of the index incident that led to the arrest/arraignment, information important to recruitment and data collection that could only be obtained through the Judicial Branch.

The third challenge during implementation, which was much more difficult to overcome, was our ability to obtain victim contact information from the victim advocates' agency. During the design and initial implementation phases, we reviewed paper files at the victim advocates office at the courthouse to obtain victim contact information; the advocates' office did not have an electronic data collection system at that time. However, their agency moved to collecting information from victims electronically 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. Further, data that were entered weren't able to be retrieved. For several months, Dr. Sullivan and Ms. Bellucci worked with their agency administrative staff to determine how victim contact information and study eligibility information could be pulled from their new data collection system. We never were successful.

Ultimately, Ms. Bellucci had to manually search their database for victim contact information for over 1,000 women, which, though it was necessary and greatly appreciated, was an extraordinary waste of her valuable time. Relatedly, Dr. Sullivan's team had to manually search the judicial branch's protective order registry for information about the dates of arraignment and level of protective order issued. These challenges contributed to delays in obtaining information to recruit victims. Although we were able to obtain the information needed to recruit and interview victims, these solutions put greater burden on the little resources the collaborators and project team had.

The above description may make it seem as if the design and implementation of this project were nearly seamless. Perhaps they were. However, it is critical to note that there are many reasons for this smooth collaboration and implementation, many of which are reflected in *the Guidelines for Successful Researcher-Practitioner Partnerships in the Criminal Justice System: Findings from the Researcher-Practitioner Partnership Study*^{14, 15}

- There were pre-existing relationships among study partners.
- Trust and respect were mutual.
- There was commitment from administrators (i.e., "higher ups" at both practitioner agencies) and front-line staff.
- The study was designed collaboratively.
- Expectations for each partner were discussed at the outset and revisited throughout the project.
- Memorandums of understanding were developed and executed.
- When there was turnover in staff (a challenge for many collaborative projects), both the research team and the victim advocates made sure that new members were thoroughly informed and trained, ready to take part in the project.

- The budget included compensation for the practitioners. The domestic violence service providing agency was compensated for the advocates time on the project. (The judicial branch could not accept compensation because no mechanism was in place for the agency to take in funding of this nature.)
- There was cross-training of staff such that (a) research assistants and study interviewers participated in extensive training in domestic violence, became certified as Battered Women’s Counselors, and spent time in the courthouse and with the victim advocates (b) Ms. Bellucci and the advocates she supervises participated in research methods training from recruitment and screening to quantitative and qualitative interviewing.
- The collaborators were aware of and planned as best as they could for the time demands.

Collaboratively, we will use the information gathered in this study to produce meaningful, practical results that have direct relevance to services and policies, as well as contribute to the literature to improve the lives of victims of domestic violence.

References

1. National Institute of Justice. *Violence & Victimization Research Division's Compendium of Research on Violence Against Women 1993-2009*. Washington, D.C.: National Institute of Justice; 2009.
2. Hotaling GB, E. *Victim Satisfaction with Criminal Justice Case Processing in a Model Court Setting* 2003. NCJ# 195668
3. Kernic MM-E, D. Koepsell, J. Holt, V. . *Children in the Crossfire: Child Custody Determinations among Couples With a History of Intimate Partner Violence* 2005. NCJ# 210897.
4. Morrill AD, J. Dunn, S. Sung, I. Smith, K. . *Child Custody and Visitation Decisions When the Father has Perpetrated Violence Against the Mother* 2005. NCJ# 210900
5. O'Sullivan C. *Domestic Violence, Visitation and Custody Decisions in New York Family Courts* 2002. NCJ# 195792/195793
6. O'Sullivan CK, L. Levin-Russell, K. Horowitz, E. *Supervised and Unsupervised Parental Access in Domestic Violence Cases: Court Orders and Consequences* 2006. NCJ# 213712
7. Saccuzzo DJ, N. Koen, W. *Mandatory Custody Mediation: Empirical Evidence of Increased Risk for Domestic Violence Victims and Their Children* 2003. NCJ# 195422
8. Texas Women's University. *Increasing Victim Safety and System Accountability: Evaluating a Collaborative Intervention between Health Care and Criminal Justice* 2003. NCJ# 201944/201945.
9. Logan TK, Cole J, Shannon L, Walker R. Relationship Characteristics and Protective Orders Among a Diverse Sample of Women. *Journal of Family Violence*. 2007;22(4):237-246.

10. Kethineni S, Beichner D. A Comparison of Civil and Criminal Orders of Protection as Remedies for Domestic Violence Victims in a Midwestern County. *Journal of Family Violence*. 2009;24(5):311-321.
11. U.S. Department of Justice. Legal Series Bulletin. In: Office for Victims of Crime, ed. *Enforcement of protective orders*. Vol 4; September 2006.
12. Ford DA. Prosecution as a Victim Power Resource: A Note on Empowering Women in Violent Conjugal Relationships. *Law & Society Review*. 1991;25(2):313-334.
13. Bennett Cattaneo L, Goodman LA. Through the Lens of Therapeutic Jurisprudence: The Relationship Between Empowerment in the Court System and Well-Being for Intimate Partner Violence Victims. *Journal of Interpersonal Violence*. 2010;25(3):481-502.
14. Sullivan TP, McPartland T, Fisher BS. Guidelines for Successful Researcher-Practitioner Partnerships in the Criminal Justice System: Findings from the Researcher-Practitioner Partnerships Study (RPPS). *Washington, DC: US Department of Justice, National Institute of Justice*. 2013.
15. Sullivan TP, Price CE, Fisher BS. Criminal justice system state administrative agencies: Research capacity and experience with research collaborations, findings from the Researcher-Practitioner Partnerships Study (RPPS); 2013.