

Victim's Perceptions of Injunctions in Domestic Violence Cases

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Objective: As domestic violence becomes increasingly recognized a widespread social problem, judicial system has begun playing larger roles in providing legal protection to these victims. One way they are doing this in the United States is through the use of protective restraining orders or injunctions. The purpose of this research was to determine if permanent Injunctions for Protection provide victims of Domestic Violence with a sense of security in alleviating fear of retaliation or on-going violence.

Methods: A total of 196 permanent injunctions for protection against domestic violence were obtained by victims residing within the City of Lakeland Florida. The survey consisted of telephone interviews with 51 domestic violence victims whom were selected randomly.

Results: About eighty six percent of victims reported feeling safe, 90% said they felt better emotionally and 86.36% indicated that their life had improved after the injunction was ordered.

Conclusion: The respondents of the interviews felt that the permanent injunctions were beneficial to their feelings of safety and general well being, as well as being worthwhile.

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Introduction

Before the 1970's, wife beating received very little attention in the journals read by counselors and social workers and others in the helping professions(1,2). This silent crisis did not merit much press coverage either. Now entire conferences, organizations, college courses, journals, books, readers and hand books are devoted to reducing the amount of violence that breaks out between intimates (3,4,5). Fear of violence in the United States of America has no boundaries among age, social and racial groups. As real as the fear of violent crime is, so is the amount of crime in this society. Statistics show that you are more likely to be physically assaulted, beaten and killed in your own home at the hands of a loved one than anyplace else, or by anyone else in the society. A woman is physically abused every nine seconds in this nation and an estimated 3 to 4 million American women are battered each year by their husbands or partners. One out of two marriages has at least one episode of domestic

violence. In one out of five marriages, the violence will be ongoing with five or more incidents per year. A consistent finding running through years of research is that women are much more likely to be harm's by an intimate than by a stranger (6). For the majority of women, the statistically speaking, the most dangerous place they frequent is their own home, and the most dangerous people they surround themselves with are family and friends (7). The FBI reports that 30% of female homicide victims are killed by their husbands or boyfriends and 25% of all police calls are for domestic violence (8). With an estimated national prevalence of between 8 million and 15 million and an annual incidence of approximately 1.8 million women, domestic violence is a major cause of injury, disability, homicide, homelessness, addiction, attempted suicide, and child abuse (9).

A cross-cultural study of family violence found that domestic abuse occurs in over 84% of the 90 societies examined (10). In Canada and Guatemala, 25% to 40% of women studied had been abused by a spouse or intimate partner. In Chile, Colombia and Belgium, the figures range from 4% to 60% (11). In Sweden, a country often regarded as a

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model for gender equality; a woman was reported battered by a current or former intimate partner every 20 minutes (12).

The US Commission on the Causes and Prevention of Violence conducted a national survey on violence in the United States during the late 1960s (13). The survey focused not just on public violence, but also on attitudes toward private violence. Among the findings were:

One quarter of adult men and one in six women said they could think of circumstances in which it would be all right for a husband to hit his wife or the wife to hit her husband. Eighty-six percent of those polled said that young people needed “strong” discipline.

Seven out of ten thought it was important for a boy to have a few fistfights while he was growing up.

Fifteen years after US Commission conducted their study, a national survey was completed on in-home violence. A national sample of more than 2,000 subjects was asked two questions that focused on their attitudes about violence between intimates. About one in four wives and about a third of husbands thought that slapping one another was at least somewhat necessary, normal, and good. More than 70 percent of those surveyed thought that slapping a twelve-year-old child was necessary, normal, or good (14).

One of the problems in convicting a perpetrator of domestic violence is that the victim often bears little evidence of assault. Much of the abuse does not take place as physical violence, but rather consists of power and control - including psychological abuse, threats, manipulation, and coercion (15). The gender-neutral term of “domestic violence”- was introduced to encompass all abuse within a family setting, including child physical abuse, spouse abuse, elder abuse, child sexual abuse and sibling abuse (16). Domestic violence significantly increased the risk of psychological distress and physical illness among the female participants. Furthermore, the association of psychological distress and physical illness indicates that the effects of domestic violence may persevere for lengthy periods after the actual abuse has ended (17).

Statistics show that there is a direct correlation between domestic violence injunctions and criminal history. A study conducted in Massachusetts on restraining orders shows that a high percentage of men against whom restraining orders are issued have prior criminal records and has histories of violent crime (18). There is also a greater chance of recidivism of violence among batterers, either through violations of injunctions, stalking of the victim, or physical retaliations.

The National Institute of Justice reports that between 1972 and 1984 there were 69 officers killed in domestic disturbances - thus, accounting for six percent of all officers killed in the line of duty (19). At the time, if police were summoned, they viewed the situation as a family matter and typically chose to remove one of the parties from the home for the night to give them an opportunity to cool off. And to further complicate the matter, domestic cases were far more likely to be dismissed than other kinds of cases. When defendants were convicted, they received lighter sentences than defendants in other types of cases did.

During the past two decades, criminal justice agencies have radically altered the way that they handle domestic violence incidents. Judicial systems have begun playing larger roles in providing legal protection to battered women. One way they are doing this is through the use of protective orders. These restraining orders, or injunctions, prohibit abusers from further battering their victims through physical abuse, threats of physical abuse, intimidation, or harassment. The court orders offer victims the opportunity to personally initiate cost-effective legal action to protect themselves against their abusers and can be processed more quickly and with lower standards of proof than criminal prosecution. Victims are often torn by the decision to arrest or prosecute abusers for arrest, due to a variety of reasons. These reasons include fear of reprisal, hope that their relationship can be salvaged, financial dependence on the abuser, lack of self-worth and ability to support themselves, concern for

their children and isolation from supporting family and friends (20).

With the advent of community oriented policing in the past decade, arrest has become the preferred police response to domestic disputes and studies show that arrest is more effective in reducing subsequent violence than traditional police practices of mediation and separation (21). In addition, prosecutors have acted to reduce the control of victims over domestic cases, restraining orders have become widely used, and court-ordered treatment or counseling for batterers has become common.

Harrell and Smith found that many women who filed for restraining orders were unclear about the differences between a temporary restraining order and a permanent injunction (22). Many were unaware that they could file for an extension of their cases when the respondents were not served with the orders and, as a result, failed to attend their second hearings. Ironically, a study conducted on women who obtained temporary protection orders found that 60% experienced physical or psychological abuse in the year after the order was issued (23). It is interesting to note that this study showed that the process intended to protect women only resulted in further harm.

Other studies show that battered women receive indifferent or ambivalent responses from court personnel. This behavior extends to judges who hold battered women at least partially responsible for their victimization and do not understand why the victims fail to complete the process. Many Judges are unaware of the dynamics of abusive relationships and do not realize that many women drop the injunctions because of intimidation or retaliation by their abusers (24). Family Court Judges are generally unsympathetic to abused women and some went so far as to totally deny family members access to restraining orders (25). In contrast, other researchers found that women are generally pleased with the injunction process (26) and another study found favorable results regarding judicial demeanor (27). Of the women interviewed in that study, 67% thought the judges who heard their cases were

good-natured because they expressed concern about their safety, referred them to other services, and were firm with the abusers regarding the consequences of violating the court orders. The researcher further ascertained that in the vast majority of cases, civil protection orders are perceived by victims as deterring repeated incidents of physical and psychological abuse. Also in relation to that study, the majority of abusers were found to have a criminal record.

The purpose of current study was to determine if permanent injunctions for protection provide victims of domestic violence with a sense of security in alleviating fear of retaliation or ongoing violence. Further, the demographic characteristics of victims of domestic violence in Lakeland, Florida and the prevalence of prior criminal history of domestic violence perpetrators were explored. It was hypothesized that the victims would have a heightened sense of security upon obtaining an injunction for protection and would have less fear of retaliation and ongoing violence; that black females have a lower rate of obtaining domestic violence injunctions than other demographic groups; and that the perpetrators would have histories of violent crimes and would be prone to engage in future criminal activity even after the injunction was ordered.

Materials and Methods

The researcher began by taking some of the injunctions chosen from the sample and contacting the victims to inquire if they would be willing to complete a brief interview to assist with the study. The initial questions were then asked of the victims to determine if the questions were easily understood by the participants and if they provided the necessary data to complete the research.

A total of 196 permanent injunctions for protection against domestic violence were obtained by victims residing within the City of Lakeland, Florida.

A sample consisting of 51 of these injunctions were utilized randomly for this study. The size of the sample is significant in

that there was a possibility of limited responses to the survey questions, which could have affected the results.

Materials used included official documents, online articles, and Polk County Sheriff's Office database for criminal arrest records.

Procedures included contacting victims who obtained permanent injunctions via telephone and conducted a survey utilizing a prepared script of questions. The Polk County Sheriff's database was accessed by computer and Criminal histories were compiled on all the perpetrators used in the study. Online computer research provided the researcher with extensive articles and materials utilized in this study.

The survey consisted of telephone interviews with domestic violence victims who have obtained permanent injunctions for protection. Four questions were developed to address specific areas targeted by this study. These areas of interest included safety, emotional well-being, quality of life and future action as it relates to domestic violence.

Confidentiality was assured to all participants of the study and was maintained by eliminating any identifying information from the final research paper. All participants were assigned a number and the data collected from the telephone and personal interview were recorded under those corresponding numbers. When the data were interpreted, the only participant information used was demographic information including race, sex and age.

After compiling the data, descriptive statistic methods employed to determine the averages used in the study. The criminal history of the perpetrators was broken down into two clusters of offenses, namely misdemeanors and felonies as are defined by the Florida State Statutes.

Results

The researcher hypothesized that the victims would have a heightened sense of security upon obtaining an injunction for protection and would have less fear of

retaliation and ongoing violence. Even though the criminal history data showed that there was a violation of the injunction that resulted in an arrest in 14% of the cases studied, 86.3% of the victims reported feeling "safer". Furthermore, 90.0% queried said they felt better emotionally and 86.36% said their life had improved after the injunction was ordered. Finally, while many of the victims expressed frustration regarding the court process, 95.45% stated they would be willing to go through the process again to obtain another injunction if they found themselves in a similar situation in the future.

The researcher hypothesized that black females have a lower rate of obtaining domestic violence injunctions than other demographic groups. Specifically our sample indicated that black females had 27.45% of the injunctions as compared with 54.9% of white females and 3.92% of Hispanic females (table 1).

Table 1. Racial Demographics of Victims who Obtained Permanent Domestic Violence Injunctions for Protection in Lakeland, Florida

	White N (%)	Black N (%)	Hispanic N (%)	Total N (%)
Males	6(11.76)	1(1.96)	0(0)	7(13.72)
Females	28(54.91)	14(27.45)	2(3.92)	44(86.28)
Total	34(66.67)	15(29.41)	2(3.92)	51(100)

The researcher hypothesized that the perpetrators would have histories of violent crimes and would be prone to engage in future criminal activity even after the injunction was ordered. Our sample of 50 perpetrators used in this study committed a total of 249 crimes for which they were arrested in Polk County, Florida. Abusers with a Criminal Arrest History of Domestic Violence are shown in table 2. Serious felonies included aggravated battery (domestic violence), aggravated assault (domestic violence), and possession of controlled substances, rape/sexual assault, attempted first-degree murder and others. Felony arrests consisted of 58.63% of the total number of crimes for which perpetrators were arrested.

Misdemeanor crimes allegedly committed in the same time period resulted in 103 arrests, which equaled 41.36% of the total crimes committed. These minor crimes included battery (domestic violence), retail theft, non-payment of child support, criminal mischief, possession of marijuana, and others.

Table 2 . Abusers with a Criminal Arrest History of Domestic Violence in Lakeland, Florida

Crimes (n = 50)	N(%)
Battery (D Violence) †	29(58)
Aggravated Assault (DV)	5(10)
Aggravated Battery (DV)	4(8)
Stalking/Aggravated Stalking (DV)	4(8)
Violation of DV Injunction	7(14)

† Domestic Violence

Discussion

Based on the data obtained in this study, the hypotheses are supported. The 22 respondents of the telephone interviews represented 43.13% of the total sample. It is clearly evident from those responses that after obtaining an injunction, victims feel safer (86.36%), feel better emotionally (90.9%), and their quality of life is improved (86.36%). Finally, 95.45% of the victims would be willing to obtain an injunction again in the future, if needed. Although the sample is small, we expect that this trend would remain constant among a larger sample.

The second hypothesis was also supported by this data. Black females who obtained injunctions represented 27.45% of the total sample. In comparison, white females sought injunctions at exactly twice the rate of black females (54.9%). It should be noted that there are cultural differences between black and white females: There is a support system within family as well as extended family system within black females, whereas, the white females are more isolated, thus, they seek injunction more readily. Furthermore, black females do not trust the criminal justice system in comparisons to white females. Further comparisons revealed that black males sought injunctions 1.96% of the time, white males 11.96% and no reports existed for Hispanic males. It should be noted that

Hispanic females had only 3.92% of the injunctions.

The third hypothesis was also supported by the data. Records illustrate that perpetrators of domestic violence have extensive criminal arrest histories, including violent crimes. Polk County Sheriff records show the sample of perpetrators used had a total of 249 arrests with an average of 4.9 crimes per subject. Significantly, 146 of these offenses (58.63%) were felonies. Prior history of arrest may be indicative of future domestic violence. Moreover, the data revealed that an injunction for domestic violence did not necessarily curb the perpetrators criminal activity.

A study commissioned by the Violence against Women Grants Office was completed (25). That report specifically addressed the effectiveness of protective orders as an intervention in domestic violence and stalking. In that study, three specific areas were considered covering safety, emotional well-being and quality of life. The present research was modeled after this study. A component that we added dealt with whether victims would be willing to go through the process of obtaining injunctions again if they found themselves in a similar situation in the future.

This study, while conducted on a much smaller scale than that of the Department of Justice (DOJ), evinced very similar results. On the question relating to safety, 86.36% of our respondents said that obtaining the injunction provided them with a sense of security, which is slightly higher than the DOJ results of 80.5%. On the question dealing with emotional well-being, the figures were also comparable; 90.9% to 92.7%. Moreover, numbers were comparable to the DOJ study in the area of quality of life; 86.36% to 85.53.

In recent years, service providers and scholars have begun to recognize the importance of being sensitive to racial, ethnic and cultural differences in order to design effective outreach strategies, therapeutic intervention programs, and criminal justice policies (28). This study leads to several possibilities for future research. Some research possibilities include determining the impact of domestic violence on the children

who witness it and domestic violence among the elderly. In the area of criminal history, there is the need to discover if prior criminal history is indicative of a propensity for domestic violence. It would also be beneficial to research if this study, when replicated on a larger scale in a metropolitan area, would produce the same results. Because of the nature of domestic violence as a pattern of behavior, wherein it relates to power and control for the batterers and learned helplessness among the victims, it would be interesting to see if the injunction process curbed the violence for the participants in future studies. In conclusion, this study proved to be beneficial in supporting the hypotheses of the researchers. The data demonstrated that the respondents of the interviews felt that the permanent injunctions were beneficial to their feelings of safety and general well-being, as well as being worthwhile enough that they would be willing to obtain injunctions in the future if circumstances in their lives warranted it. Because domestic violence is reaching epidemic proportions in this country, it is necessary for law enforcement, courts and advocates to find new ways to assist victims in taking control over their lives and ending the cycle of violence. It is also necessary for the public to broaden their awareness of the problem and to realize that domestic violence encompasses much more than just battered women. It also involves children, siblings and the elderly. In order to end the problem, creative and innovative solutions will need to be explored (29).

References

- Hines D, Malley-Morrison K. Family violence in the United States. CA: Sage; 2005.
- Loseke D, Gelles R, Cavanaugh M. Current controversies on family violence. 2nd ed. CA: Sage; 2005.
- Barnett O, Miller-Perrin C, Perrin R. Family violence across the life span. 2nd ed. CA: Sage; 2005.
- Payne B, Gainey R. Family violence and criminal justice: a Life-course approach. 2nd.ed. Florence: Ky Anderson; 2005.
- Roberts A, Roberts B. Ending intimate abuse. New York: Oxford University Press; 2005.
- Bernstein N, Kaufman L. Women liklier to be slain by a partner than a stranger. New York Times 2004 Oct 2; p. 83.
- Schwartz, M .The past and the future of violence against women. J Interpers Violence 2005; 20(Pt 1): 7-11.
- Keilitz SL. Civil protection orders: a viable justice system tool for deterring domestic violence. Violence and Victims 1994; 9(1): 79-84.
- Sherman L, Berk R. The Minneapolis domestic violence experiment. Washington DC: The Police Foundation; 1998.
- McFarlane J, Greenberg L, Weltage A, Watson M. Identification of abuse in emergency departments: effectiveness of a two question screening tool. J Emerg Nurs 1995; 21(5): 391-4.
- Flitcraft AH. Clinical violence intervention: Lessons from battered women. Journal of Health Care for the Poor and Underserved 1995; 6(2): 187-195.
- Kazantzis N, Ross A, Long N, McDonald M, Millar M. Domestic violence, psychological distress, and physical illness among New Zealand women: results from a community-based study. NZ J Psychol 2000; 29: 67-73.
- Stark R, McEvoy J. Middle class violence. Psychology Today 1970; 4: 52-65.
- Levinson D. Family violence in cross-cultural perspective. In: Van Hasselt VB, Morrison RL, Bellack SA, Henson M, editors. Handbook of Family Violence. New York 1988.
- Isaac N, Cochran D, Brown ME, Adam SC. Men who batter: profile from a restraining order database. Archives of Family Medicine 1994; 3: 50-4.
- Garner J, Clemmer E. Danger to police in domestic disturbances: A new look. NIJ Research in Brief. Washington DC: US Department of Justice; 1986.
- Rhode D. Justice and gender. Sex discrimination and the law. Cambridge

- MA: Harvard University, 1989.
18. Heise L, Raikes A, Watts C, Zwi A. Violence against women: a neglected public health issue in developing countries. *Soc Sci Med* 1994; 39: 1165-79.
 19. Elman A, Eduards M. Unprotected by the Swedish welfare state: a survey of battered women and the assistance they received. *Int J Womens Stud* 1991; 14 (Pt 5): 413-21.
 20. Gelles R, Straus M. 1988. *Intimate violence: the causes and consequences of abuse in the American family*. New York: Simon & Schuster; 1988.
 21. Stark R, McEvoy J. Middle class violence. *Psychol Today* 1970; 4(6): 107-12.
 22. Chaudhuri M, Daly K. Do restraining orders really help? Battered women's experiences with male violence and legal process. In: Buzawa E, Buzawa C, editors. *Domestic Violence*. Westport, CT: Auburn House; 1992.
 23. Ptacek J. Disorder in the courts: judicial demeanor and women's experience seeking restraining orders [dissertation]. Brandeis Univ.; 1995.
 24. US Department of Justice. *Domestic violence and stalking: the second annual report to congress under the violence against women act*. Washington: The Institute; 1997.
 25. Bent-Goodley T. Culture and domestic violence. *J Interpers Violence* 2005; 20: 195-203.
 26. Sokoloff N, Pratt C. *Domestic violence at the margins: reading on race, class, gender and culture*. New Brunswick: Rutgers University; 2005.
 27. Rahmatian L. *Domestic abuse response team (DART) handbook*. Lakeland, FL: Lakeland Police department; 2000.
 28. National coalition against domestic violence 2006. Available from: URL: <http://www.ncadv.org>
 29. National domestic violence hot-line abuse in America 2006. Available from: URL: <http://www.ndvh.org/edu.abusein-ca.html>