

No. 148

The Effectiveness of Legal Protection in the Prevention of Domestic Violence in the Lives of Young Australian Women

Margrette Young, Julie Byles and Annette Dobson

Domestic violence is a criminal issue of public concern. The first large national survey of women and violence found that 23 per cent of women who had ever been married, or lived in a defacto relationship, experienced violence by their partner and that 3 per cent of women currently in a relationship had experienced violence by their partner in the last 12 months (Australian Bureau of Statistics (ABS) 1996). International studies have shown that for young women, the risk of violence by a partner is 3-4 times higher than the risk for women overall (ABS 1996, Rodgers 1994, Mirrlees-Black 1995, Bachman and Saltzman 1995). The limited data on violence by boyfriends, a situation in which young women are likely to be disproportionately represented, show that injury by boyfriends is relatively high: 56 per cent of women assaulted by a boyfriend were injured in the last incident, compared to 31 per cent of women assaulted by married or defacto partners (ABS 1996).

This report describes a large national study of young women who experienced physical violence by a partner. In particular, it examines the effectiveness of legal protection in preventing repeated violence and compares outcomes after legal intervention from the police or the courts, or both. It is an observational study of the "natural history" of partner violence against young women in the community, rather than an experiment to test intervention strategies to prevent recurring violence, or police responses, as in the mandatory arrest experiments in the USA. As such, it reports the outcomes for women who used strategies other than legal intervention, as well as those who sought legal intervention in response to violence.

Adam Graycar
Director

Avenues for the Prevention of Violence by Partners

Women who are assaulted by their partners use many strategies to deal with the situation—they call the police, they seek help from the courts, doctors, and other health services, they discuss the problem with their family and friends, they leave their homes, and they leave the violent relationships (Zawitz 1994, Egger and Stubbs 1993, Kantor and Straus 1990, Gelles and Cornell 1990, Pagelow 1981, Strube and Barbour 1983).

In Australia and overseas, women are encouraged to obtain legal protection from police and/or courts to prevent further violence by partners (Egger and Stubbs 1993, Sherman 1992, Stubbs and Powell 1989). In Australia, protection orders are readily available to those who fear future violence, regardless of the nature of their relationship with the person they fear (National Committee on Violence Against Women 1993, Trimboli and Bonney 1997, Egger and Stubbs 1993, Ferrante et al. 1996). Protection orders appear to be increasingly used in Australia and it has been speculated that women may be applying for orders more often than they report domestic violence to the police (Ferrante et al. 1996, Egger and Stubbs 1993).

March 2000

ISSN 0817-8542

ISBN 0 642 24152 X



Australian Institute
of Criminology
GPO Box 2944
Canberra ACT 2601
Australia

Tel: 02 6260 9221

Fax: 02 6260 9201

For a complete list and the full text of the papers in the Trends and Issues in Crime and Criminal Justice series, visit the AIC web site at:

<http://www.aic.gov.au>

Benefits or Otherwise of Legal Intervention in Prevention of Violence by Partners

Despite reforms to improve the legal response to domestic violence, there are serious limitations to existing data on the effectiveness of protective strategies (Roberts et al. 1993, Egger and Stubbs 1993). There are a few studies on outcomes after protection orders. However, there are no Australian data on outcomes after police intervention, nor any studies here or overseas which compare the benefits of police intervention and court orders. Furthermore, we know little about the course of domestic violence in the absence of legal protection. Thus, there is hardly any research on outcomes for women who do not seek legal protection compared to those who do, since a comparison group of women without legal help is typically omitted from studies on police or protection orders (Sherman 1992, Trimboli and Bonney 1997, Egger and Stubbs 1993). Yet, there is a large proportion of women whose violent situation does not come to the attention of the police (ABS 1996, Rodgers 1994, Zawitz 1994, Matka 1991, Ferrante et al. 1996, Bonney and Kery 1991). In Australia, only an estimated 6 per cent of women abused by their current partner, and 35 per cent of women abused by a previous partner, reported the last incident to the police (ABS 1996). There are no national data on the proportion of women seeking protection orders.

It is difficult to determine the extent to which any reduction in violence to women with legal protection can be attributed to the legal intervention when studies do not include a comparison group of women who have no legal protection. There is information in the literature to suggest that partner violence may stop even without legal intervention for a substantial proportion of abused women (Feld and Straus 1990, Langan and Innes 1986).

Another gap in research to date is good data focused specifically on young women. We already know from literature that the first few years of a relationship are important. Firstly, if violence is going to be a factor in a relationship, it is most likely to occur in the first few years and, secondly, these may be the most critical years for risk of spouse killings (Rodgers 1994, Matka 1991, Wallace 1986). Early intervention may, therefore, be warranted.

The Current Study

The study presented here attempted to fill some of these gaps in our understanding of domestic violence in the community. The comparative outcomes for women who did, and did not, seek legal protection (police intervention or court orders) provides stronger evidence of the relative benefits of legal protection than previous studies of legal protection alone.

The aim of the study was to inform policy and practice on the use and effectiveness of legal protection, and other factors, in preventing repeated violence to young women by their male partners. The primary focus was physical violence and injury rather than emotional or psychological abuse. Boyfriends were included in the definition of intimate partner. Young women in the study had already taken part in the baseline survey of the Australian Longitudinal Study on Women's Health (ALSWH).

The ALSWH is a national study of the three cohorts of women—young women aged 18-23 years, mid-aged women aged 45-50 years, and older women aged 70-75 years at the time of baseline data collection in 1996. The women were recruited using the Health Insurance Commission (Medicare) database as a sampling frame. They were randomly selected from all parts of Australia, with women in rural and remote areas selected in twice the proportions of the population

living in these areas to ensure adequate coverage. The aims of the ALSWH are to examine the biological, psychological, social, and environmental factors that affect the physical and mental health and well being of women in Australia.

In the baseline survey, women were asked the screening question "Have you ever been in a violent relationship with a partner or spouse?". Young women who answered "yes" were the sampling frame for the study of domestic violence which was conducted in 1998. The interview schedule was based on the 1993 Canadian Violence Against Women survey using Computer Assisted Telephone Interview (CATI) procedure (Johnson and Sacco 1995, Rodgers 1994).

Results

Twelve per cent of the ALSWH cohort of young women said they had been in a violent relationship with a partner or a spouse. Of these women, 1396 were selected for the present study. Contact was made with 777 women (56%) and 674 of them participated in the CATI interview (the response rate was 87 per cent of those who were contactable). Of the women interviewed, 181 said they had not experienced physical violence. The results for the remaining 493 women are reported here.

Characteristics of Physical Violence and Injury

Nearly half the young women had been subject to serious violence—beaten, choked, threatened, or attempted shooting, 7 per cent had been shot or stabbed by a partner, and about three-quarters had been subject to medium severity of violence—slapped, kicked, hit with fist, or something else that could hurt them (see Table 1). Level 1 assault was nearly always present when more serious violence occurred. For 61 women (12%), there had only been a single incident of level 1 assault. No further information about level 4 violence

Table 1: Severity of Violence Experienced by Young Women (n=493)

Level		Number	Percentage
1	Thrown something at her that could hurt her or pushed, shoved or grabbed her	471	96
2	Slapped, kicked or bitten her, hit her with fists or something else	353	72
3	Beaten, choked or threatened or tried to shoot her	224	45
4*	Shot or stabbed	36	7

* The study did not identify specific perpetrator of level 4 violence, or further details, for legal reasons.

could be obtained due to legal concerns, so it is not specified in the subsequent results.

Almost three-quarters of the young women (n=357, 72%) who had been assaulted by their partners had sustained injuries. Of those injured, 88 (25%) saw a doctor or a nurse for their injuries and 57 women (16%) had been seriously injured—they had had broken bones, been burned, had teeth broken, or had suffered a miscarriage. Some women suffered repeated serious injuries—35 per cent of women who had been burned were burned more than once, 40 per cent of women whose bones had been broken had repeated breaks, and two women had miscarried more than once in the aftermath of an assault. Violent relationships ranged in duration from one month to nine years. Only 19 per cent of the 493 women who had been physically abused by their partner were still in the violent relationship. A high proportion (29%, n=141) of the 493 physically abused women had children and 25 per cent of these 141 women were no longer in a relationship with anyone.

Help Sought by Young Women Who Experienced Physical Violence

Almost one-third of women (29%, n=142) sought legal intervention in an attempt to stop physical violence by their partner. The two most common actions were contacting the police only (48%) and both contacting the police and obtaining a protection order together (31%). Only 7 per cent obtained a protection order only. Fourteen per cent of women sought one form of protection initially, but subsequently (often many months later) sought the other.

While most of the women talked to their friends or family about the violence they experienced, relatively few sought help from formal services other than the police or courts (see Table 2).

Women Who Sought Legal Protection

There were important differences between women who sought legal protection and those who did not. Women who experienced the more severe levels of violence and who were injured were more likely to seek legal protection than those who were not as badly abused. Women with children were more likely to seek legal protection. Women were more likely to use legal protection if they were in a defacto relationship, but women were less likely to seek help if they never lived with their violent boyfriend. Characteristics of the perpetrator were significantly associated with the women's use of legal protection. A woman was more likely to seek protection if she knew her partner had been in trouble with the police or had been violent in other situations. In contrast, there were no significant differences between women who sought

legal protection and those who did not, in relation to where they lived or their socio-demographic characteristics.

Reduction in Physical Violence After Legal Protection

About half of the women who had been subjected to physical violence in the previous three months were not physically assaulted after they obtained legal protection (see Table 3). There were 22 women who had not been physically assaulted in the three months immediately before seeking legal protection and 3 of them were physically assaulted after they sought legal protection. Among the 61 women who were still subjected to physical violence after they sought legal protection, there was no change in the severity of violence for 44 women, reduced severity for 14 women, but increased in severity for the other 3 women.

Cessation of Physical Violence Towards Women Who Had Not Sought Legal Protection Compared With Those Who Had

Among the 459 women who experienced physical violence

Table 2: Help Sought by Young Women from Sources Other Than the Police or Courts (n=493 women)

People Young Women Talked to About the Violence	Percentage of Yes
Friend	70
Family	50
Neighbour	6
Anyone else	10
No one	19
Services Young Women Went to For Help Other Than Legal Protection	
Hospital, doctor or other health centre	18
Counsellor or telephone crisis help	25
Legal help	8
Financial help	2
Housing or refuge	3
Anyone else	3
No one	60

Table 3: Violence After Legal Protection Compared to Violence in the Three Months Before Seeking Legal Protection (number of women)

Violence 3 Months Before Legal Protection	Violence After Legal Protection		
	NO	YES	TOTAL
NO	19	3	22
YES	59	61	120
TOTAL	78	64	142

1. The period between obtaining legal protection and the time of the interview varied among the women.
2. McNemar's test of independence for matched data: $\chi^2 = 50.6$, degrees of freedom=1, p -value <0.001.

more than 12 months before the interview, 121 had obtained legal protection and 338 had not. Violence had ceased in the last 12 months for 90 per cent of young women in both groups (see Table 4).

The comparisons in Table 4 should be interpreted cautiously because they have not been adjusted for underlying differences between the two groups of women in the severity of violence or other factors such as injury, children or perpetrator characteristics.

Differences in the Reduction of Violence Depending on the Type of Legal Protection Used

Although there were significant improvements after legal protection, there were differences in outcomes depending on whether both police and court protection were obtained or police protection only (see Tables 5 and 6).

Most of the young women who sought legal protection contacted only the police. However, contacting both police and obtaining a court order was more effective than only contacting the police, even though the prevalence of serious physical violence (level 3 violence) before legal

protection was greater in the group of women who did both (70%) than women who only contacted police (46%).

For women who obtained help from both the police and the courts, there was no instance of increased severity of violence after legal protection and most of the group experienced substantial reductions (Table 5). While there was a significant change for women who only contacted the police, the benefit is not as great and 4 women experienced increased violence. In particular, violence ceased for more women who had been subjected to the most serious violence (level 3) if they had protection from both the police and the courts (50%) than if they had sought protection from the police alone (19%).

There were only 10 young women who applied for a protection order and did not also contact the police. Violence ceased after the order for nine of them and there was no increase in severity of violence for any of these women.

Discussion

Young women use a variety of strategies to protect themselves

from repeated violence by a partner (Straus and Gelles 1990, Gelles and Cornell 1990, Strube and Barbour 1983). Legal protection, through police intervention or court orders, is one of the avenues they may take. One of the major findings of this study was that severity of violence was reduced after legal protection but the benefit was not as marked unless women sought help from the court as well as from police. Physical violence had stopped in the last 12 months for most young women, both women who had sought legal protection and women who used strategies other than legal protection. Most young women had separated from their physically violent partner.

Young women who sought legal protection differed from those who did not; they experienced more serious injury and violence, they were more likely to have children, and their partner was more likely to have a record of violent or criminal behaviour. Further analyses to adjust for these confounding factors are under way. A randomised controlled trial balancing these factors would provide stronger evidence of causality but would be precluded on ethical grounds.

It is likely that the young women in our study were at the more extreme end of the spectrum of violence. A high proportion of women in the sample had been subjected to more serious types of violent acts, compared to the population survey by the Australian Bureau of Statistics (ABS 1996). One of the strengths of the study is that it examined the course of violent relationships, including the actions taken by women in the community to

Table 4: Cessation of Physical Violence in the 12 Months Before the Interview Among Women Who Obtained Legal Protection and Those Who Did Not

Legal Protection More than 12 Months Before the Interview	Violence had Ceased in the 12 Months Before the Interview		
	YES	NO	TOTAL
YES	110 (91%)	11 (9%)	121
NO	303 (90%)	35 (10%)	338
TOTAL	413	46	459*

*Thirty women were excluded from this comparison because they had been subject to physical violence in the 12 months before the interview but not earlier than that. An additional four women were excluded because of uncertainty whether the date they first sought legal protection was before or after the 12 months.

Table 5: Change in Violence for Women Who Obtained Both Police and Court Protection (number of women)

Maximum Severity of Violence 3 Months Before Legal Protection	Maximum Severity of Violence After Legal Protection*				
	None	Level 1	Level 2	Level 3	Total
None	3	0	0	0	3
Level 1	2	0	0	0	2
Level 2	5	1	2	0	8
Level 3	15	1	5	9	30
TOTAL	25	2	7	9	43

Shaded cells indicate no change.

*Observation periods for before and after protection may not be of the same duration.

protect themselves from repeated violence by their partner, rather than imposing experimental interventions or other manipulated conditions.

Limitations of the study include participation bias (women of lower socio-economic status were under-represented), recall bias as data on violence were obtained retrospectively, and the factors mentioned above. We also recognise that the term “domestic violence” refers to systematic abuse and control (rather than isolated incidents of minor aggression) and that abuse and control may be enforced using psychological and emotional means in addition to physical violence (Hegarty and Roberts 1998). Additional data on psychological abuse, control, and harassment have been collected in the study and are being analysed.

Despite the methodological limitations of this observational study, we believe it provides the

strongest evidence available to date that preventive strategies for young women at the early stage of a relationship can eliminate, or at least reduce, physical violence by a partner. It is important to note that seeking legal protection from serious violence rarely made things worse for these young women.

Violence did recur after legal protection for about half the women, but there was attenuation of violence as time passed and it ceased in the last 12 months for all but about 10 per cent of women. The finding that violence did occur after some form of legal protection for a proportion of women is similar to other studies (Stubbs and Powell 1989, Grau et al. 1985, Sherman 1992, Dunford et al. 1990, Trimboli and Bonney 1997).

The current study went further than previous research and found that there were important differences in outcome depending on the type of legal

protection. Just seeking help from the police was not as effective as calling the police combined with obtaining a court order. The results showing good outcomes for women who sought court protection orders are consistent with results of a study by the New South Wales Bureau of Crime Statistics and Research, showing that physical violence ceased for nearly all women with a court protection order. The reasons for the differences in outcome, depending on the type of legal protection, are an important matter to examine further. Protection orders can be seen as a “threat of arrest” since, in principle, arrest follows breach of an order. The findings of the current study that court orders were more effective than police protection alone should be considered in light of findings in USA that “threat of arrest” was the more effective police response (Dunford et al. 1990).

Table 6: Change in Violence for Women Who Only Obtained Police Help (number of women)

Maximum Severity of Violence Before Legal Protection	Maximum Severity of Violence After Legal Protection*				
	None	Level 1	Level 2	Level 3	TOTAL
None	12	0	0	1	13
Level 1	4	1	1	1	7
Level 2	12	2	1	1	16
Level 3	6	1	4	20	31
TOTAL	34	4	7	23	67

Shaded cells indicate no change.

*Observation periods for before after protection may not be of the same duration.

Conclusion

The results of this study have important and positive implications for young women who are experiencing violent relationships. The messages are that violence does not have to continue and that legal avenues can provide effective protection. Calling the police was the strategy most frequently used by young women. This strategy alone was less effective than when combined with court orders. A coordinated approach which systematically links the court protection orders with police intervention may be the best way to protect young women from violence (Pence et al. 1996).

Acknowledgement

The project is a sub-study of the Australian Longitudinal Study and on Women's Health, the paper was written as a report for the Criminology Research Council. This research is funded by the Criminology Research Council, the National Health and Medical Research Council, and the Commonwealth Department of Health and Aged Care. Particular thanks to the women who participated in the study.

References

Australian Bureau of Statistics (ABS) 1996, Women's Safety Australia, cat. no. 4128.0, Australian Bureau of Statistics, Canberra.

Bachman, R. and Saltzman, L. 1995, *Violence Against Women: Estimates from the Redesigned Survey*, Bureau of Justice Statistics, Washington.

Bonney, R. and Kery, L.A. 1991, *Police Reports of Non-aggravated Assault in New South Wales*, New South Wales Bureau of Crime Statistics and Research, Sydney.

Dunford, F., Huizinga, D. and Elliott, D.S. 1990, "The Role of Arrest in Domestic Assault: The Omaha Police Experiment", *Criminology*, vol. 28, pp. 183-206.

Egger, S. and Stubbs, J. 1993, *The Effectiveness of Protection Orders in Australian Jurisdictions*, Australia Government Publishing Service, Canberra.

Feld, S. and Straus, M. 1990, "Escalation and Desistance from Wife Assault in Marriage", in M. Straus and R.

Gelles (eds), *Physical Violence in American Families: Risk Factors and Adaptations to Violence in 8,145 Families*, Transaction Publishers, New Brunswick.

Ferrante, A., Morgan, F., Indermaur, D. and Harding, R. 1996, *Measuring the Extent of Domestic Violence*, Hawkins Press, New South Wales.

Gelles, R.J. and Cornell, C.P. 1990, *Intimate Violence in Families*, 2nd edition, Sage, California.

Grau, J., Fagan, J. and Wexler, S. 1985, "Restraining Orders for Battered Women: Issues of Access and Efficacy", in C. Schweber and C. Feinman (eds), *Criminal Justice Politics and Women: The Aftermath of Legally Mandated Change*, Haworth Press, New York.

Hegarty, K. and Roberts, G. 1998, "How Common is Domestic Violence Against Women? The Definition of Partner Abuse in Prevalence Studies", *Australian and New Zealand Journal of Public Health*, vol. 22, pp. 49-54.

Johnson, H. and Sacco, V. 1995, "Researching Violence Against Women: Statistics Canada's National Survey", *Canadian Journal of Criminology*, vol. 37, pp. 281-304.

Kantor, G. and Straus, M. 1990, "Response of Victims and the Police to Assaults on Wives", in M. Straus and R. Gelles (eds), *Physical Violence in American Families: Risk Factors and Adaptations to Violence in 8, 145 Families*, Transaction Publishers, New Brunswick.

Langan, P.A. and Innes, C.A. 1986, *Preventing Domestic Violence Against Women*, Special Report, Bureau of Justice Statistics, United States Department of Justice NCJ-102037.

Matka, E. 1991, "Domestic Violence in NSW", *Crime and Justice Bulletin: Contemporary Issues in Crime and Justice*, vol. 12, pp. 1-6, New South Wales Bureau of Crime Statistics and Research, Sydney.

Mirrlees-Black, C. 1995, "Estimating the Extent of Domestic Violence: Findings from the 1992 BCS", *Home Office Research and Statistics Division Research Bulletin*, vol. 37, pp. 1-9.

National Committee on Violence Against Women 1993, Office Status of Women, Canberra.

Pagelow, M. 1981, *Woman Battering: Victims and Their Experiences*, Beverley Hills, Sage.

Pence, E., Duprey, M., Paymar, M. and McDonnell, C. 1996, *Co-ordinated Community Response to Domestic Assault Cases: A Guide for Policy Development*, Minnesota Program Development, Duluth, Minnesota.

Roberts, G.L., O'Toole, B.I., Lawrence, J.M. and Raphael, B. 1993, "Domestic Violence: Victims in a Hospital Emergency Department", *Medical Journal of Australia*, vol. 159, pp. 307-10.

Rodgers, K. 1994, *Wife Assault: The Findings of a National Survey*, Juristat, Statistics Canada, cat. no. 85-002, vol. 14, pp. 1-22.

Sherman, W. 1992, *Policing Domestic Violence: Experiments and Dilemmas*, Free Press, New York.

Straus, M. and Gelles, R. (eds) 1990, *Physical Violence in American Families: Risk Factors and Adaptations to Violence in 8,145 Families*, Transaction Publishers, New Brunswick.

Strube, M. and Barbour, L. 1983, "The Decision to Leave an Abusive Relationship: Economic Dependence and Psychological Commitment", *Journal of Marriage and the Family*, vol. 45, pp. 785-93.

Stubbs, J. and Powell, D. 1989, *Domestic Violence: Impact of Legal Reform in NSW*, Bureau of Crime Statistics and Research, Sydney.

Trimboli, L. and Bonney, R. 1997, *An Evaluation of the NSW Apprehended Violence Order Scheme*, New South Wales Bureau of Crime Statistics and Research, Sydney.

Wallace, A. 1986, *Homicide: The Social Reality*, New South Wales Bureau of Crime Statistics and Research, Sydney.

Zawitz, M. 1994, *Violence Between Intimates: Selected Findings*, Bureau of Justice Statistics, Washington, NCJ-149259, pp. 1-10.

Margrette Young is the Area Manager of the Women's Health Program, Northern Rivers Health Service, New South Wales.

Julie Byles is a Senior Lecturer at the Centre for Clinical Epidemiology and Statistics, University of Newcastle.

Annette Dobson is Professor of Statistics at the Department of Social and Preventive Medicine, University of Queensland.



General Editor, Trends and Issues in Crime and Criminal Justice series:
 Dr Adam Graycar, Director
 Australian Institute of Criminology
 GPO Box 2944
 Canberra ACT 2601 Australia
Note: Trends and Issues in Crime and Criminal Justice are refereed papers.