



Australian Government

Australian Institute of Criminology

Trends & issues in crime and criminal justice

ISSN 0817-8542

No. 551 June 2018

Abstract | Protection orders are a common legal response to domestic violence which aim to prevent further re-victimisation by the perpetrator.

The current study systematically reviews research into the use and impact of protection orders, using the EMMIE framework (Effectiveness, Mechanisms, Moderators, Implementation and Economy).

Meta-analysis is used to examine the overall effect of protection orders, while narrative synthesis is used to examine the underlying mechanisms and moderators of their effectiveness, their implementation and economic viability.

Protection orders are associated with a small but significant reduction in domestic violence. They appear to be more effective under certain circumstances, including when the victim has fewer ties to the perpetrator and a greater capacity for independence, and less effective for offenders with a history of crime, violence and mental health issues.

Protection orders for domestic violence: A systematic review

Christopher Dowling, Anthony Morgan, Shann Hulme, Matthew Manning and Gabriel Wong

Police play a critical role in deterring and disrupting domestic violence. While a notable proportion of domestic violence incidents in Australia go unreported, around one in five offenders proceeded against by police have at least one family and domestic violence offence (ABS 2017). Since the 1980s police have been under pressure to take greater responsibility for responding effectively to domestic violence incidents and ensuring the short-term safety of victims, typically through perpetrator arrest. Consequently, much of the research on the policing of domestic violence (particularly US research) examines the effectiveness of arrest in preventing further incidents (eg Berk et al. 1992).

The last few decades have also seen the proliferation of additional police and legal tools to ensure the longer-term safety of domestic violence victims (eg Crime and Misconduct Commission (CMC) 2005; Department of Social Services 2010; Domestic Violence Legislation Working Group 1999; New South Wales Ombudsman 2006; Victorian Auditor-General's Office 2009). This includes domestic violence protection orders. Operating under different names (eg Apprehended Violence Orders, Family or Domestic Violence Restraining Orders, Family Violence Intervention Orders) and with different scope and coverage in each jurisdiction (Jeffries, Bond & Field 2013; Wilcox 2010), protection orders are designed to prevent the recurrence of domestic violence by imposing a series of conditions on perpetrators restricting their contact or activity with victims.

While protection orders are typically issued under civil proceedings, police are responsible for their enforcement, and it is expected that breaches will be investigated and charged as criminal offences. Police may also apply to courts for an order on behalf of the victim and, in some jurisdictions, issue short-term interim orders directly. Victims are also free to lodge order applications themselves. An extensive body of research has examined the implementation and impact of protection orders in relation to domestic violence re-victimisation, including a handful of quasi-experimental studies on their preventative effect.

The current study systematically reviews this research. It extends on previous large-scale and systematic reviews (Benitez, McNiel & Binder 2010; Taylor et al. 2015) in a number of ways. First, findings are reviewed using EMMIE—a framework for the assessment of evidence regarding an intervention that extends beyond a singular concern with its overall effectiveness (Johnson, Tilley & Bowers 2015). Drawing on the principles of realist evaluation and evidence synthesis (Pawson 2002; Pawson & Tilley 1997), EMMIE encourages a more nuanced analysis of how, for whom and under what circumstances interventions are effective. As such, after synthesising the evidence regarding the overall 'Effectiveness' of protection orders in preventing physical and non-physical forms of domestic violence re-victimisation, this review considers the potential 'Mechanisms' through which protection orders are effective, the 'Moderators' or contextual influences on their effectiveness, the requirements and barriers to their 'Implementation', and their 'Economy' or value for money. Second, in examining the effectiveness of protection orders, this review employs meta-analyses to synthesise findings on the impact of protection orders on the prevalence, frequency and severity of domestic violence re-victimisation.

Method

Systematic search protocol

This study draws on research identified as part of a larger review examining police-led responses to domestic violence (Dowling et al. forthcoming). This review focuses on empirical research across six domains of domestic violence policing—workforce development, reporting by victims, first response, preventing repeat victimisation, investigations and charging perpetrators. Briefly, standard terms for each domain were used to search 10 academic and grey literature databases. A second search of four individual policing journals was also subsequently carried out, along with reference list searches of all peer-reviewed studies published between 2015 and 2016 collated from the first search. Studies were assessed based on information contained in the title and abstract/executive summary, and deemed eligible for inclusion and full-text screening if they satisfied the following criteria:

- published in English;
- published between 1980 and 2016 (inclusive);
- included quantitative and/or qualitative findings on the implementation and/or outcomes of one or more police responses to domestic violence; and
- used samples of victims, perpetrators, police, stakeholders, incidents, policies and/or legislation in Australia, New Zealand, the United States, the United Kingdom and/or Canada.

The full-text screening of studies was conducted to determine their inclusion in the final review.

Studies were included if they met the following criteria:

- they contained sufficient information on research methods (ie research design, sampling methods, data collection strategies); and
- they were not duplicated (where peer-reviewed and grey versions of the same study were identified, only the peer-reviewed version was retained for inclusion in the final review).
- All studies examining the implementation and impact of protection orders identified as part of this larger review are examined in the current study. Importantly, given the focus of the larger review was on the implementation and outcome of policing responses, studies that focused solely on protection orders in terms of the number of orders issued (ie statistical reports) were excluded from this review.

Analysis

Studies examined in the meta-analysis of protection order effectiveness are limited to those with controlled/matched group comparisons of victims with and without orders (ie studies classified at level three on the Maryland Scientific Methods Scale (Farrington, Gottfredson, Sherman & Welsh 2002). No studies to date have examined the effectiveness of protection orders using a randomised control trial, and few have conducted pre-post intervention-control comparisons. As such, the decision was made to include studies that matched groups or controlled for potential confounds through analysis. Studies that examined protection orders in terms of their impact on any domestic violence re-victimisation between intimate partners (prevalence), the number of times re-victimisation occurred (frequency), and the level of violence or harm in instances of

re-victimisation (severity) are included. Both official measures (police callouts, arrests) and victim self-report outcome measures are incorporated. Further, while threatened or actual physical violence re-victimisation is of particular interest to this study, the recurrence of other forms of non-physical domestic violence is also examined where possible. Based on research demonstrating that domestic violence reoffending is more likely in the period immediately following an incident (Morgan, Boxall & Brown forthcoming), it was decided that findings regarding the shortest follow-up period would be analysed where multiple follow-ups are examined. The average follow-up period across studies is 8.1 months. One study that initially met the eligibility criteria for inclusion in the meta-analysis (Holt et al. 2002) was eventually excluded as there was insufficient information available to convert effect sizes to the required unit of measurement. This study is, however, examined as part of the narrative synthesis of evidence regarding protection order effectiveness.

The impact of protection orders is examined using odds ratios (OR) with 95% confidence intervals (CI). The OR indicates the odds of an outcome occurring with exposure to an intervention compared to the odds of this outcome occurring without the intervention. An OR greater than 1 indicates that an intervention is associated with higher odds of an outcome of interest, and an OR less than 1 indicates that an intervention is associated with lower odds of an outcome of interest. If CIs span 1, then the intervention can be said to have no statistically significant impact on the outcome of interest. The overall effect of protection orders is calculated as a weighted mean OR for all studies included in the meta-analysis.

A review of empirical studies that were not included in the meta-analysis (including post-intervention comparison studies with no matching or controls, one-group pre-post studies, and qualitative studies) provides a more detailed supplementary analysis of the effectiveness of protection orders. Specifically, the findings of these studies are used to further examine the effectiveness of protection orders in relation to the prevalence, frequency and severity of domestic violence re-victimisation, focusing on physical and non-physical forms of abuse.

Evidence pertaining to the remaining components of the EMMIE framework was analysed using narrative synthesis. Narrative synthesis is a less restrictive analytic approach that allows for broader descriptions and critiques of a body of research (Booth, Sutton & Papaioannou 2016). Importantly, it accommodates variation in study focus, methods and types of data, as opposed to more restrictive analytic approaches like meta-analysis that require substantial degrees of methodological rigour and consistency.

Results

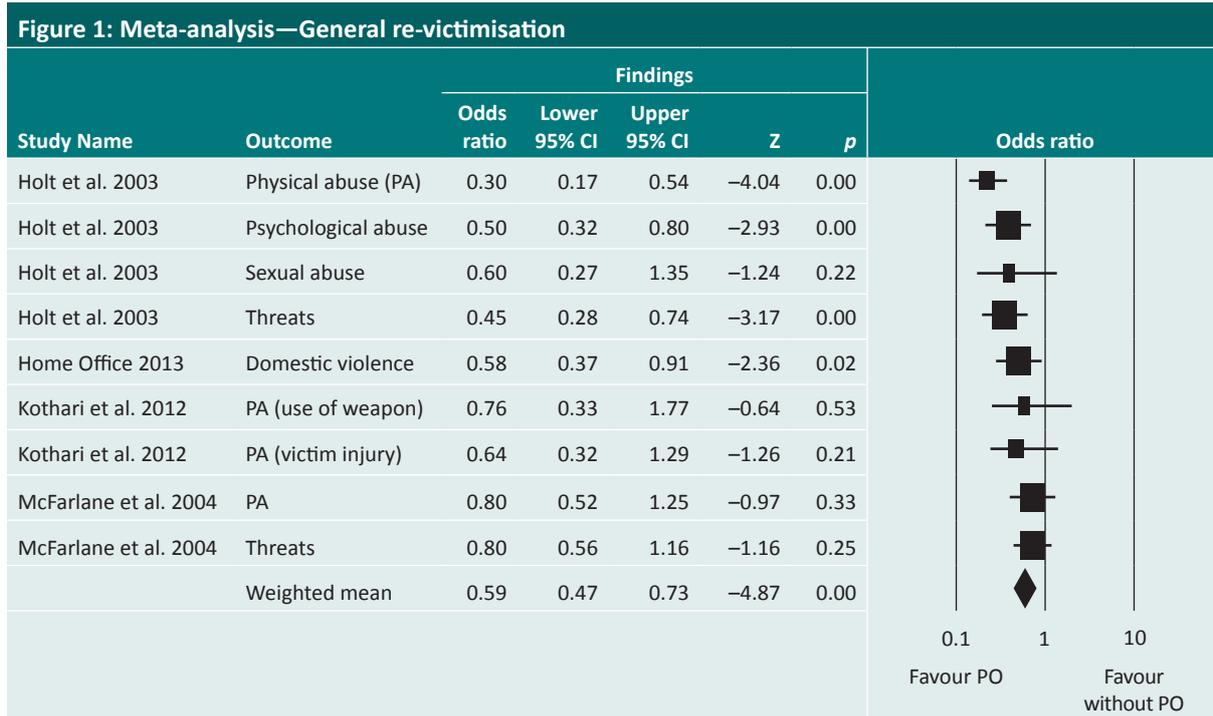
Sixty-three empirical studies examining the implementation and impact of protection orders in relation to domestic violence were identified as part of the larger systematic review. Of these, 21 were Australian. Four studies were deemed eligible for inclusion in the meta-analysis examining the effectiveness of protection orders in reducing re-victimisation—three carried out in the US and one in the UK (Table 1).

Table 1: Studies included in meta-analysis

Study	Design	Sample size	Outcome measure	
			Dimension of re-victimisation measured	Data source
Holt, Kernic, Wolf and Rivara 2003	Controlled post-intervention comparison, 1 control group (no protection order)	313	Prevalence	Victim surveys
Home Office 2013	Matched post-intervention comparison, 1 control group (no protection order)	246	Frequency	Police attendances
Kothari et al. 2012	Controlled post-intervention comparison, 1 control group (no protection order)	1,473	Prevalence	Requested charges
McFarlane et al. 2004	Controlled post-intervention comparison, 1 control group (no protection order)	149	Frequency/ Severity	Victim surveys

Effectiveness

The overall results of the meta-analysis show that victims who received a protection order were significantly less likely to experience re-victimisation than victims who did not (OR=0.59; CI=0.47–0.73; $p<0.001$). Critically, while these results are statistically significant, the magnitude of the effect that protection orders have on domestic violence re-victimisation would be regarded as small by commonly accepted standards in social scientific research (eg Rosenthal 1996). As shown in Figure 1, there was a reduction in domestic violence re-victimisation in the period protection orders were in effect across all measures in all four studies analysed, although not all of these results were statistically significant (Holt et al. 2003; Kothari et al. 2012; McFarlane et al. 2004; Home Office 2013).



Importantly, there are limitations to this analysis. First, there were a relatively small number of studies eligible for inclusion in the meta-analysis, and none from Australia, which impacts on the validity of the results and their generalisability to an Australian context. Second, this analysis combines outcome measures across multiple dimensions of re-victimisation, obscuring potentially important individual effects. For example, while protection orders may not reduce the overall prevalence or frequency of domestic violence re-victimisation, they might reduce the severity of re-victimisation, which is an important outcome in reducing overall harm to the victim.

There is particular interest in preventing physical violence re-victimisation in domestic violence cases. As such, separate analyses were carried out to examine instances of threatened and actual physical violence re-victimisation. There was a significant reduction in actual physical violence with the application of a protection order in only one of the three studies that included this outcome measure (Holt et al. 2003; Kothari et al. 2012; McFarlane et al. 2004). However, the overall effect is statistically significant, albeit small (OR=0.58; CI=0.36–0.95; $p=0.03$) (Figure 2). Results from the two studies that examined the impact of protection orders on threats of physical violence were mixed (Holt et al. 2003; McFarlane et al. 2004), and the overall result—while indicating a decline in re-victimisation—was not statistically significant (OR=0.62; CI=0.35–1.09; $p=0.10$) (Figure 3).

Figure 2: Meta-analysis—Actual physical violence re-victimisation

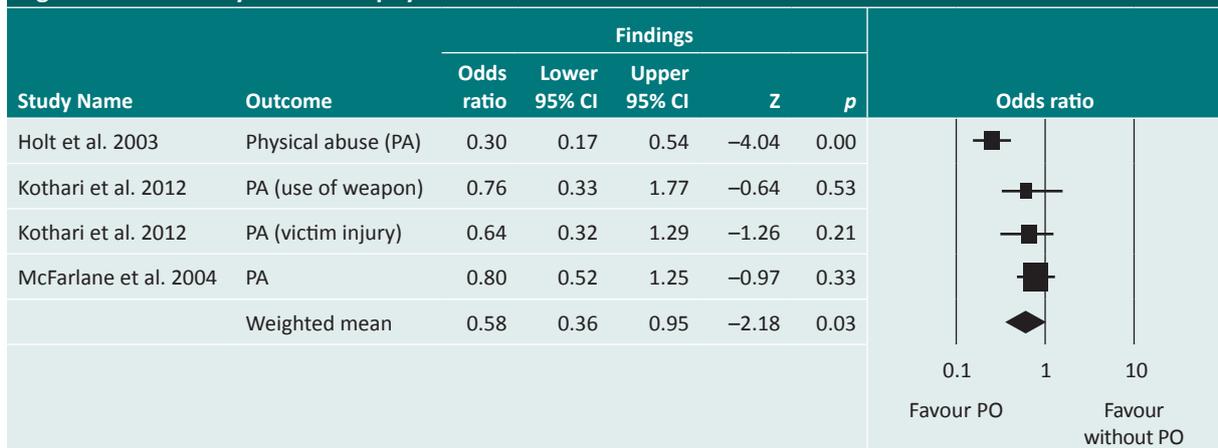
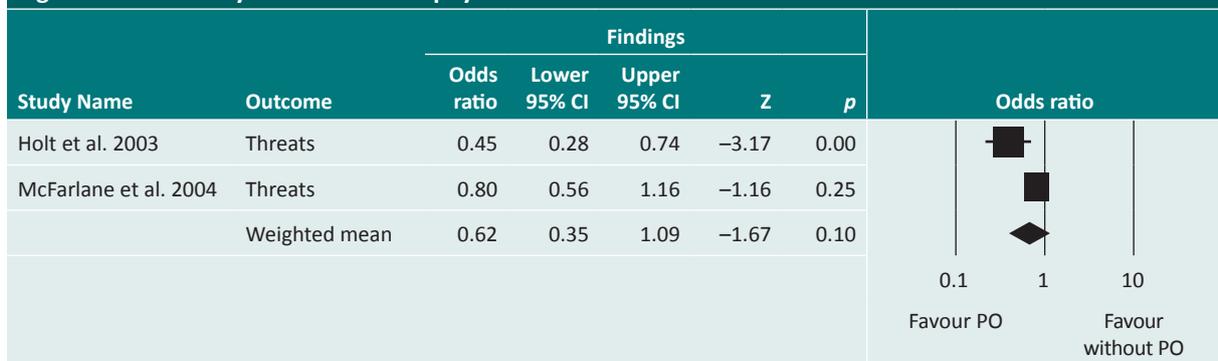


Figure 3: Meta-analysis—Threatened physical violence re-victimisation



More broadly, while these and other studies suggest that roughly half of victims who apply successfully for a protection order experience some form of re-victimisation (Horton, Simonidis & Simonidis 1987; Kanuha & Ross 2004), there is substantial variation across studies (Benitez, McNiel & Binder 2010). Not surprisingly, those examining victim self-report measures of re-victimisation and re-victimisation not involving physical violence report higher re-victimisation rates. Nevertheless, additional studies not included in the meta-analysis report findings that largely correspond with its results. Specifically, protection orders have been found to significantly, if modestly, reduce the prevalence of serious domestic violence re-victimisation relative to no protection order (Carlson, Harris & Holden 1999; Holt et al. 2002; Logan & Walker 2010; Young, Byles & Dobson 2000), including in Australian samples (Migliore, Ziersch & Marshall 2014; Trimboli & Bonney 1997). Meanwhile, there is some uncertainty as to their impact on the frequency and severity of domestic violence re-victimisation, with some studies concluding that their preventative efficacy extends to these dimensions (Logan & Walker 2010; Trimboli & Bonney 1997; Young, Byles & Dobson 2000) and others reporting no impact (Carlson, Harris & Holden 1999; Kernsmith and Craun 2008; Meloy et al. 1997). However, the fact that re-victimisation rates in studies measuring both physical and non-physical forms of abuse are higher than those measuring only physical violence re-victimisation suggests that protection orders can reduce the severity of domestic violence re-victimisation to some extent.

Mechanisms

There are three possible mechanisms through which protection orders may reduce re-victimisation. First, protection orders may deter perpetrators from reoffending by increasing the risk of apprehension and punishment. Orders serve as a tangible indicator to perpetrators that the police are aware of their offending, and are primed to respond more quickly, consistently and harshly to further incidents of domestic violence. In support of this, it has been found that police are more likely to arrest (Holmes 1993; Phillips & Sobol 2010; Weisz, Tolman & Bennett 1998) and charge (Phillips & Varano 2008) perpetrators of domestic violence if they have a pre-existing protection order against them. Further, victims with a protection order report feeling empowered and, as a result, more confident to contact police (Fischer & Rose 1995; Lewis et al. 2000). This deterrent effect could also be enhanced by the use of GPS to monitor perpetrator movements in real time (Carter & Grommon 2016), and the provision of panic buttons and mobile alert systems that facilitate easier and more immediate reporting (Lloyd, Farrell & Pease 1994; Natarajan 2016). Taylor and Mackay (2011), and Hester and Westmarland (2005) both report 40 to 70 percent reductions in the prevalence of domestic violence victimisation with the provision of these rapid alert devices to victims with protection orders.

Second, protection orders may increase the effort required for perpetrators to reoffend. Order conditions requiring perpetrators to refrain from contact (physical and otherwise) with victims could serve as indirect forms of 'target removal' (Cornish & Clarke 2003), making it more difficult for perpetrators to access victims and engage in further violence. Indeed, protection orders have been found to be more effective where victims are not drawn into contact with perpetrators through ongoing relationships (cohabitative or otherwise) or responsibilities toward shared children (Carlson, Harris & Holden 1999; Logan & Walker 2009; see also Benitez, McNiel & Binder 2010 for review). Trimboli and Bonney (1997) report that around one-quarter of victims in their sample indicated reduced or no contact with perpetrators as the main benefit of protection orders, although they also found reductions in re-victimisation between perpetrators and victims who maintained their relationships.

Finally, protection orders may serve to remove excuses for further domestic violence by setting clear rules for perpetrator-victim interactions. Specifically, conditions commonly specified in orders (eg refraining from intoxication or verbal aggression) may be useful in mitigating the effect of common situational precipitators to domestic violence (see Boxall et al. forthcoming). In addition, including these conditions could counteract perpetrators' minimisation of the severity or criminality of their domestic violence, removing an important justification for it. Indeed, protection orders may also have this effect on victims who would otherwise trivialise their victimisation, increasing their likelihood of reporting further domestic violence to the police.

Moderators

Moderators refer to those contextual factors that influence the effectiveness of an intervention. Unfortunately, given the small number of studies suitable for meta-analysis, and the variety in control variables examined across these studies, it was not possible to analyse the effect of protection orders for different subgroups to determine whether they were more effective in some circumstances than others. Nevertheless, a narrative review of existing research suggests that the impact of protection orders varies based on several victim, perpetrator, incident and legal characteristics (see Benitez, McNiel & Binder 2010 for a review of these). As mentioned, there is evidence that protection orders may be more effective in preventing more severe forms of violence. This has tended to be the focus of quantitative research relying on official data. Conversely, in-depth interviews with victims conducted by Ragusa (2012) and Tam et al. (2016) found that many perceived protection orders as ineffective in preventing less violent breaches of order conditions involving phone/internet contact and stalking. Quantitative studies using self-report data (Trimboli & Bonney 1997; Holt et al. 2003) have also found that protection orders are somewhat less effective in preventing non-violent breaches than they are in preventing more violent forms of re-victimisation.

Corresponding with recent research showing that the period immediately following a domestic violence incident is the highest risk period for repeat offending (Morgan, Boxall & Brown forthcoming), re-victimisation is similarly most likely in the period immediately following the granting of a protection order (typically the first three months) (Holt et al. 2002, 2003; Isaac et al. 1994; Meloy et al. 1997; Poynton et al. 2016). However, the overall effectiveness of protection orders tends to remain stable over time (Holt et al. 2002, 2003; McFarlane et al. 2004; Trimboli & Bonney 1997). This tentatively suggests that protection orders are primarily useful in mitigating the short-term risk of re-victimisation, while longer-term risk mitigation measures (eg victim/perpetrator treatment, victim services) are gradually taking effect, although further research is needed to support this conclusion.

Protection orders appear to be more effective at preventing the re-victimisation of victims who are employed and have a higher socio-economic status (Burgess-Proctor 2003; Carlson, Harris & Holden 1999; but see Logan & Walker 2009), and who are no longer in a relationship or cohabitating with the perpetrator (Carlson, Harris & Holden 1999; Logan & Walker 2009). Conversely, they appear to be much less effective where perpetrators have a prior history of stalking, criminal and/or domestic violence offending, and mental health issues (particularly depressive, anxiety and trauma/stress-related disorders) (Bulbeck et al. 1997; Jordan et al. 2010; Keilitz, Hannaford & Efke 1996; Logan, Shannon & Cole 2007; Logan & Walker 2009, 2010; Meloy et al. 1997; but see Burgess-Proctor 2003).

Protection orders involving perpetrators and victims of non-Caucasian status also appear to be less effective (Carlson, Harris & Holden 1999; Meloy et al. 1997; Poynton et al. 2016), although variation in the non-Caucasian groups examined and context of the research make drawing any general conclusions difficult, particularly within an Australian context. Similarly, protection orders appear to be less effective in rural and remote communities, where there is often limited availability of services to assist victims in remaining separated from perpetrators and living independently (Logan, Shannon & Walker 2005).

Furthermore, protection orders may be less effective in cases involving perpetrators and victims with children together (Carlson, Harris & Holden 1999; but see Logan & Walker 2010), although the number of children does not appear to have any influence (Burgess-Proctor 2003; Logan & Walker 2009). Additional variables that do not appear to moderate the effectiveness of protection orders include the concurrent use of other short-term legal interventions such as arrest (Mears et al. 2001), victim education (Burgess-Proctor 2003; Logan & Walker 2009) and perpetrator and victim age (Burgess-Proctor 2003; Logan & Walker 2009, 2010), although Poynton et al. (2016) recently found that younger perpetrators in New South Wales breached orders significantly more quickly than older perpetrators.

Implementation

Applying for protection orders

For protection orders to prevent domestic violence re-victimisation, order applications must be successfully lodged and granted, and the conditions of the order must be consistently and effectively enforced. Applications can be made by police, victims or both, although data from Victoria shows that police lodge over two-thirds of order applications for domestic violence (Sentencing Advisory Council 2015). This is noticeably higher than the 41 percent of protection order applications lodged by police in Queensland two decades earlier (Stewart 2000). While the influence of jurisdictional differences in law, policy and practice cannot be ruled out, it is also likely a consequence of efforts across Australia to encourage police to apply for protection orders whenever they think it necessary to ensure the safety of victims, even when victims are initially unsupportive of the application (eg Queensland Police Service 2017; Victoria Police 2014). In support of this, processes implemented within police agencies in Australia to monitor police responses to domestic violence incidents have been found to have a positive impact on the likelihood that applications will be made (CMC 2005). Prior research has also found that applications are more likely to be lodged by police when they believe there is a high risk of re-victimisation, when victims are cooperative, and when police are optimistic that the protection order will be effective (CMC 2005; Poerio 1991).

In terms of victim characteristics, one US study found that victims who were employed, older or pregnant, who had been threatened by violence or had family members or friends threatened by violence or abused at the time of the initial offence, who had severe depressive symptoms, or who had been forced to have sex by the perpetrator, were more likely to apply for protection orders (Wolf et al. 2000). Interestingly, while this study also found that married victims were more likely to apply for protection orders, living with the abuser and being injured during the index incident were significantly associated with a decreased likelihood of applying for a protection order. The former result also contradicts the findings of an older study by Kaci (1992), which found that victims who were married were less likely to apply for an order. Additionally, Stewart (2000) found that one-fifth of perpetrators against whom protection order applications had been made had also lodged protection order applications against their partners.

A number of factors can serve to discourage or obstruct police and victims applying for protection orders. The first relates to the complicated and time-consuming administrative requirements for police, including excessive paperwork (CMC 2005; Her Majesty's Inspectorate of Constabulary 2015; NSW Ombudsman 2006; Home Office 2013), which are further exacerbated when victims and perpetrators are located in different jurisdictions (Ragusa 2012). The second factor is a lack of victim cooperation with police-initiated protection order applications, and the withdrawal of victim-initiated applications, resulting from fears of reprisal, perceptions that orders are unlikely to have an impact, and previous negative court experiences (Fischer & Rose 1995; Kinports & Fischer 1993; Moore 2002; Stewart 2000; Trimboli & Bonney 1997; Victorian Auditor-General's Office 2009; Wareham 1993). This is particularly apparent for Indigenous victims, who can experience additional cultural barriers (Moore 2002). Relatedly, Wolf et al. (2000) found that victims were less likely to apply for a protection order if they lived with the abuser and sustained an injury during the index incident, which further supports the contention that fear of their abuser can serve to discourage victims from pursuing a protection order. The third factor is a perception among police that protection orders have a limited impact (Poerio 1991; Segrave, Wilson & Fitz-Gibbon 2016). The fourth and final factor is the perceived severity of domestic violence incidents, with police less likely to lodge order applications for non-physical forms of domestic violence (State of Victoria 2016).

In general, the majority of protection order applications are granted by the courts (Bulbeck et al. 1997; Migliore, Ziersch & Marshall 2014; Sentencing Advisory Council 2013; Stewart 2000). However, the likelihood that an application will be lodged and approved is increased when submitted by or with the assistance of the police, compared with victims alone (Bulbeck et al. 1997; Douglas and Fitzgerald 2013; Stewart 2000). Furthermore, victim advocates and other court personnel can also have a positive impact on the chances of protection order lodgement and approval (Bell & Goodman 2001; Wan 2000). The provision of assistance to victims in applying for a protection order, be it by the police or some other third party, can help victims to feel more comfortable and simplify an often unfamiliar and complicated application process. Importantly, broader efforts to simplify application processes for police and victims have resulted in significant increases in protection order applications in Australia (Sentencing Advisory Council 2015; Victorian Auditor-General's Office 2009) and overseas (Rigakos 2002).

Enforcing protection orders

The integrity of protection orders is contingent on police responding appropriately to breaches. International research has found that police are more likely to arrest (Holmes 1993; Phillips & Sobol 2010; Weisz, Tolman & Bennett 1998) and charge (Phillips & Gillham 2010; Phillips & Varano 2008) perpetrators for domestic violence when there is a pre-existing protection order against them. However, several factors have been shown to influence police in their decisions to enforce breaches. Among the most important of these is the severity of the breach (Taylor et al. 2015; Rigakos 1997; State of Victoria 2016). Research has shown that breaches involving physical injury of the victim (Kane 2000) and signs of forced entry and signs of struggle (Rigakos 1997) are more likely to result in the arrest of perpetrators. Critically, a lack of enforcement of protection orders has been identified as an ongoing problem (CMC 2005; Home Office 2013; Logan, Shannon & Walker 2005; Ragusa 2012). Australian (NSW Ombudsman 2006; Ragusa 2012; Taylor et al. 2015; Trimboli & Bonney 1997) and international research (Home Office 2013; Logan, Shannon & Walker 2005) has found that a notable proportion of protection order breaches do not result in arrest or prosecution.

There are numerous barriers to the effective enforcement of protection orders in cases of domestic violence, including:

- limited reporting of breaches by victims (Logan, Shannon & Walker 2005);
- insufficient evidence to support successful prosecution (CMC 2005; Taylor et al. 2015; Trimboli & Bonney 1997; NSW Ombudsman 2006; State of Victoria 2016), which is particularly the case for non-violent breaches, which often lack tangible evidence such as victim injury or property damage (Phillips & Varano 2008);
- police perceptions that weak sentences are imposed by the courts for breach offences (CMC 2005) and that the criminal justice system has a limited capacity for processing them (Logan, Shannon & Walker 2005);
- complexities associated with co-parenting arrangements and contacts that compromise the integrity of the order (Douglas & Stark 2010); and
- the number and volume of protection orders active within a jurisdiction.

Regarding the last point, policies encouraging or mandating the increased use of protection orders (even in the absence of victim support) have not only resulted in increases in the number of orders granted, but corresponding increases in the number of breaches across Australia (CMC 2005; Sentencing Advisory Council 2013; Rigakos 2002; Victorian Auditor-General's Office 2009). This, in turn, can place a substantial burden on police, who are required to expend increased time and resources enforcing these breaches.

Economy

There is a notable lack of research that undertakes economic analyses of protection orders, with only two international studies directly examining their costs and benefits. Using official and administrative data on police, criminal justice and health/social service utilisation, a Home Office (2013) evaluation of a short-term (14 to 28 days) protection order scheme across a 15-month pilot period in the UK indicates a negative return of 23p for every £1.00 spent on this scheme by the government. The majority of the costs related to policing resources, which more broadly reflected the large workload associated with police investigations of domestic violence cases, preparing protection order applications, gaining the necessary approvals from senior officers, enforcing breaches and preparing cases for court (NSW Ombudsman 2006; Her Majesty's Inspectorate of Constabulary 2015; Home Office 2013). Importantly, this study only analysed the short-term costs and benefits of protection orders, which may have been inadvertently influenced by the initial costs associated with setting up the pilot, along with the higher proportion of breaches that occur in the months immediately following the granting of an order. Projection analysis used to estimate the long-term savings of this scheme found a return of £1.59 for every £1.00 spent over a period of 10 years and, critically, a return of £1.18 for every £1.00 spent in chronic cases involving more extensive histories of domestic violence over 5½ years.

Logan, Walker and Hoyt's (2012) cost savings and cost-benefit analysis of protection orders in the US used victim self-report data to examine the costs of domestic violence six months before and six months after obtaining a protection order. Unlike the Home Office (2013) study, Logan, Walker and Hoyt (2012) included victim costs, not just costs to government, along with indirect and intangible costs such as time missed from work and other duties, transport costs, property damage and psychological issues. An examination of the impact protection orders can have on these victim-incurred and intangible costs is important given the considerable, sometimes prohibitive, obstructions they can pose to victims' efforts to escape domestic violence (Kelly, Sharp & Klein 2014). Logan, Walker and Hoyt (2012) found that there was a significant overall reduction in the average cost of domestic violence per victim from US\$17,500 pre-protection order to US\$12,800 post-protection order. Significant reductions in indirect and intangible costs, particularly mental health service costs, were also found post-protection order, while a significant increase in costs was found only for legal services. Critically, for every US\$1.00 spent on protection orders, there was US\$30.75 in avoided costs, or costs expected based on pre-protection order costs if no protection order had been granted.

Discussion

A synthesis of the available evidence indicates that protection orders are associated with a small but significant overall reduction in severe domestic violence re-victimisation. However, research examining less severe and non-physical forms of re-victimisation has found that they tend to be less effective. Put simply, current research suggests that protection orders can reduce the likelihood of further serious domestic violence, although some victims may experience a de-escalation of violence to less severe and non-physical forms of abuse or harassment. These conclusions should be considered alongside the relatively small number of rigorous studies that have examined the effectiveness of protection orders, particularly those included in the meta-analysis. More rigorous studies are required to understand the impact of protection orders in improving the safety of victims. Australian research is also necessary to determine the impact of protection orders in an Australian context, particularly for Aboriginal and Torres Strait Islander victims. Interestingly, research reporting that police are more likely to take action in domestic violence cases when perpetrators have a pre-existing protection order suggests that they can also be effective in intensifying criminal justice efforts to deal with ongoing violence, even if they fail to actually prevent it.

Three principal mechanisms through which protection orders effect reductions in domestic violence are also posited, including increasing the risk of detection, increasing the effort required to target victims, and removing excuses for reoffending. Critically, the moderating effect of certain contextual factors on the effectiveness of protection orders likely reflects fluctuations in the operation of some of these mechanisms. For example, it appears that protection orders tend to be more effective with victims who have greater capacity to live independently and rely less on their abusive partners financially, along with those who have fewer ties to their partners through ongoing relationships, cohabitation or responsibilities to shared biological children. In these cases, the physical separation and limited routine contact between partners increases the effort required to access victims and perpetrate further domestic violence, enhancing the preventative efficacy of protection orders. Similarly, in cases where perpetrators have recorded histories of violence, general offending or mental health issues, there may be some level of desensitisation to the punitive experience of criminal justice intervention and, as such, a reduction in the deterrent effect of protection orders.

Finally, there appear to be fluctuations in the preventative efficacy of protection orders across time, with the largest proportion of breaches occurring in the period immediately following the granting of an order. This could reflect the time taken for perpetrators to become aware of or fully comprehend the conditions of an order and the consequences of breaching it. Morgan, Boxall and Brown (forthcoming) also argue that the heightened risk of domestic violence reoffending shortly after an incident is likely a combination of repeated acts of violence by controlling partners, a consequence of the situational factors or stressful events experienced by the offender or victim that were present during the initial act of violence, or related to the elevated risk of violence during relationship breakdowns. Each of these factors arguably has the potential to undermine the deterrent effect of protection orders.

Understanding the circumstances in which protection orders do and do not work can facilitate the targeting of orders where they are likely to be most effective, and assist in identifying cases where supplementary measures, such as GPS tracking, duress alarms, and proactive surveillance and enforcement by police, or alternative interventions, may be required. This is particularly important given the time and resources required to obtain and enforce protection orders, and the high number of domestic violence incidents attended by police.

Further, research has identified a number of issues with the implementation of protection orders, including lengthy and at times convoluted application processes, investigative difficulties pertaining to a lack of evidence in cases of non-violent re-victimisation, backlogs of cases in criminal justice systems in high volume areas, and victim non-cooperation. Improving the processes for obtaining and enforcing orders, and providing assistance to victims in doing so—already a priority in several jurisdictions (eg the Special Taskforce on Domestic and Family Violence in Queensland, the Victorian Royal Commission into Family Violence)—along with the targeting of orders could also improve their economic viability, particularly in the shorter term, when breaches are most likely and their costs to government can outweigh their benefits. These enhancements might also lead to longer term and broader cost savings, including savings in the indirect and intangible costs of domestic violence to victims.

References

* Included in systematic review of protection orders

Australian Bureau of Statistics 2017. *Recorded crime – offenders, 2015-16*. ABS cat. no. 4519.0. Canberra: ABS. <http://www.abs.gov.au/ausstats/abs@.nsf/cat/4519.0>

*Bell ME & Goodman LA 2001. Supporting battered women involved with the court system. *Violence Against Women* 7(12): 1377–1404

*Benitez CT, McNiel DE & Binder RL 2010. Do protection orders protect? *The Journal of the American Academy of Psychiatry and the Law* 38(3): 376–385

Berk RA, Campbell A, Klap R & Western B 1992. The deterrent effect of arrest in incidents of domestic violence: A Bayesian analysis of four field experiments. *American Sociological Review* 57(5): 698–708

Booth A, Sutton A & Papaioannou D 2016. *Systematic approaches to a successful literature review*. London: Sage

Boxall H, Boyd C, Dowling C & Morgan A forthcoming. Understanding domestic violence incidents using crime script analysis. *Trends & issues in crime and criminal justice*. Canberra: Australian Institute of Criminology

- *Bulbeck C, Kwitko L, Stewart A & Dower J 1997. *Characteristics of parties involved in domestic violence protection orders: An analysis of court and police data*. Criminology Research Council Report 29/94-5. Canberra: Australian Institute of Criminology
- *Burgess-Proctor A 2003. Evaluating the efficacy of protection orders for victims of domestic violence. *Women and Criminal Justice* 15(1): 33–54
- *Carlson MJ, Harris SD & Holden GW 1999. Protective orders and domestic violence: Risk factors for re-abuse. *Journal of Family Violence* 14(2): 205–226
- *Carter JG & Grommon E 2016. Police as alert responders? Lessons learned about perceived roles and responses from pretrial GPS supervision of domestic violence defendants. *Policing: A Journal of Policy and Practice*. DOI: 10.1093/police/paw009
- Cornish DB & Clarke RV 2003. Opportunities, precipitators and criminal decisions: A reply to Wortley's critique of situational crime prevention, in Smith MJ & Cornish DB (eds), *Theory for practice in situational crime prevention*. New York: Criminal Justice Press: 41–96
- *Crime and Misconduct Commission (CMC) 2005. *Policing domestic violence in Queensland: Meeting the challenges*. Brisbane: Crime and Misconduct Commission
- Department of Social Services 2010. *National plan to reduce violence against women and their children 2010–2022*. Canberra: Commonwealth Department of Social Services
- Domestic Violence Legislation Working Group 1999. *Model domestic violence laws*. Canberra: Commonwealth Attorney-General's Department
- *Douglas H & Fitzgerald R 2013. Legal processes and gendered violence: Cross-applications for domestic violence protection orders. *UNSW Law Journal* 36(1): 56–87
- *Douglas H & Stark T 2010. *Stories from survivors: Domestic violence and criminal justice interventions*. Brisbane: University of Queensland
- Dowling C, Morgan A, Boyd C & Voce I forthcoming. *Policing domestic violence: A review of the evidence*. Research report. Canberra: Australian Institute of Criminology
- Farrington DP, Gottfredson DC, Sherman LW & Welsh BC 2002. The Maryland Scientific Methods Scale, in Sherman LW, Farrington DP, Welsh BC & MacKenzie DL (eds), *Evidence-based crime prevention*. New York: Routledge: 13–21
- *Fischer K & Rose M 1995. When “enough is enough”: Battered women's decision making around court orders of protection. *Crime & Delinquency* 41(4): 414–429
- *Her Majesty's Inspectorate of Constabulary 2015. *Increasingly everyone's business: A progress report on the police response to domestic abuse*. London: UK. Her Majesty's Inspectorate of Constabulary
- *Hester M & Westmarland N 2005. *Tackling domestic violence: Effective interventions and approaches*. London: Home Office
- *Holmes WM 1993. Police arrests for domestic violence. *American Journal of Police* 12(4): 101–125
- *Holt VL, Kernic MA, Lumley T, Wolf ME & Rivara FP 2002. Civil protection orders and risk of subsequent police-reported violence. *Journal of the American Medical Association* 288(5): 589–594
- *Holt VL, Kernic MA, Wolf ME & Rivara FP 2003. Do protection orders affect the likelihood of future partner violence and injury? *American Journal of Preventative Medicine* 24(1): 16–21
- *Home Office 2013. *Evaluation of the pilot of domestic violence protection orders*. Research report 76. London: Home Office. <https://www.gov.uk/government/publications/evaluation-of-the-pilot-of-domestic-violence-protection-orders>
- *Horton AL, Simonidis KM & Simonidis LL 1987. Legal remedies for spousal abuse: Victim characteristics, expectations, and satisfaction. *Journal of Family Violence* 2(3): 265–279

- *Isaac NE, Cochran D, Brown ME & Adams SL 1994. Men who batter: Profile from a restraining order database. *Archive of Family Medicine* 3: 50–54
- Jeffries S, Bond CEW & Field R 2013. Australian domestic violence protection order legislation: A comparative quantitative content analysis of victim safety provisions. *Current Issues in Criminal Justice* 25(2): 627–643
- Johnson SD, Tilley N & Bowers KJ 2015. Introducing EMMIE: An evidence rating scale to encourage mixed-method crime prevention synthesis reviews. *Journal of Experimental Criminology* 11: 459–473
- *Jordan CE, Pritchard AJ, Duckett D & Charnigo R 2010. Criminal offending among respondents to protective orders: Crime types and patterns that predict victim risk. *Violence Against Women* 16(12): 1,396–1,411
- *Kaci JH 1992. A study of protective orders issued under California's domestic violence prevention act. *Criminal Justice Review* 17(1): 61–76
- *Kane RJ 2000. Police responses to restraining orders in domestic violence incidents: Identifying the custody-threshold thesis. *Criminal Justice and Behavior* 27(5): 561–580
- *Kanuha VK & Ross ML 2004. The use of temporary restraining orders (TROs) as a strategy to address intimate partner violence. *Violence and Victims* 19(3): 343–356
- *Keilitz SL, Hannaford PL & Efke HS 1996. *Civil protection orders: The benefits and limitations for victims of domestic violence*. Williamsburg VA: National Center for State Courts
- Kelly L, Sharp N & Klein R 2014. *Finding the costs of freedom: How women and children rebuild their lives after domestic violence*. London: Solace Women's Aid
- *Kernsmith P & Craun SW 2008. Predictors of weapon use in domestic violence incidents reported to law enforcement. *Journal of Family Violence* 23: 589–596
- *Kinports K & Fischer K 1993. Orders of protection in domestic violence cases: An empirical assessment of the impact of the reform statutes. *Texas Journal of Women and the Law* 2: 163–276
- *Kothari CL et al. 2012. Protection orders protect against assault and injury: A longitudinal study of police-involved women victims of intimate partner violence. *Journal of Interpersonal Violence* 27(14): 2,845–2,868
- *Lewis R, Dobash RP, Dobash, RE & Cavanagh K 2000. Protection, prevention, rehabilitation or justice? Women's use of the law to challenge domestic violence. *International Review of Victimology* 7(1): 179–205
- *Lloyd S, Farrell G & Pease K 1994. *Preventing repeated domestic violence: A demonstration project on Merseyside*. Crime Prevention Unit Series 49. London: Home Office
- *Logan TK, Shannon L & Cole J 2007. Stalking victimization in the context of intimate partner violence. *Violence and Victims* 22(6): 669–683
- *Logan TK, Shannon L & Walker R 2005. Protective orders in rural and urban areas: A multiple perspective study. *Violence Against Women* 11(7): 876–911
- *Logan TK & Walker R 2010. Civil protective order effectiveness: Justice or just a piece of paper? *Violence and Victims* 25(3): 332–348
- *Logan TK & Walker R 2009. Civil protective order outcomes: Violations and perceptions of effectiveness. *Journal of Interpersonal Violence* 24(4): 675–692
- *Logan TK, Walker R & Hoyt W 2012. The economic costs of partner violence and the cost-benefit of civil protective orders. *Journal of Interpersonal Violence* 27(6): 1,137–1,154
- *McFarlane J, Malecha A, Gist J, Watson K, Batten E, Hall I & Smith S 2004. Protection orders and intimate partner violence: An 18-month study of 150 black, hispanic, and white women. *American Journal of Public Health* 94(9): 679–695
- *Mears DP, Carlson MJ, Holden GW & Harris SD 2001. Reducing domestic violence revictimization: The effects of individual and contextual factors and type of legal intervention. *Journal of Interpersonal Violence* 16(12): 1,260–1,283

- *Meloy JR, Cowett PY, Parker SB, Hofland B & Friedland A 1997. Domestic protection orders and the prediction of subsequent criminality and violence toward protectees. *Psychotherapy* 34(4): 447–458
- *Migliore C, Ziersch E & Marshall J 2014. *Intervention orders and the intervention response model: Evaluation report 3 (statistical overview and outcome evaluation)*. Office of Crime Statistics and Research. Adelaide: South Australian Attorney-General's Department
- *Moore E 2002. *Not just court: Family violence in rural New South Wales: Aboriginal women speak out*. Wagga Wagga: Centre for Rural Social Research
- Morgan A, Boxall H & Brown R 2018. Targeting repeat domestic violence: Assessing short-term risk of reoffending. *Trends & issues in crime and criminal justice*. Canberra: Australian Institute of Criminology
- *Natarajan M 2016. Police response to domestic violence: A case study of TecSOS mobile phone use in the London Metropolitan Police Service. *Policing* 10(4): 378–390
- *New South Wales Ombudsman 2006. *Domestic violence: Improving police practice*. Sydney: NSW Ombudsman
- Pawson R 2002. Evidence-based policy: The promise of 'realist synthesis'. *Evaluation* 8(3): 340–358
- Pawson R & Tilley N 1997. *Realistic evaluation*. London: Sage
- *Phillips SW & Gillham J 2010. Policing domestic violence: The significance of charging in the post-arrest decision making of police officers. *Partner Abuse* 1(2): 200–219
- *Phillips SW & Sobol JJ 2010. Twenty years of mandatory arrest: Police decision making in the face of legal requirements. *Criminal Justice Policy Review* 21(1): 98–118
- *Phillips SW & Varano SP 2008. Police criminal charging decisions: An examination of post-arrest decision-making. *Journal of Criminal Justice* 36: 307–315
- *Poerio L 1991. *An evaluation of police training in handling domestic violence situations* (Master's thesis). University of Adelaide, Australia
- *Poynton S, Stavrou E, Marott N & Fitzgerald J 2016. *Breach rate of apprehended domestic violence orders in NSW*. Bureau Brief no. 119. Sydney: NSW Bureau of Crime Statistics and Research
- Queensland Police Service 2017. *Operational procedures manual: Public edition*. 58.2. Brisbane: Queensland Police Service
- *Ragusa AT 2012. Rural Australian women's legal help seeking for intimate partner violence: Women intimate partner violence victim survivors' perceptions of criminal justice support services. *Journal of Interpersonal Violence* 28(4): 685–717
- *Rigakos GS 2002. *Peace bonds and violence against women: A three-site study of the effect of Bill C-42 on process, application and enforcement*. Ottawa: Justice Canada
- *Rigakos GS 1997. Situational determinants of police responses to civil and criminal injunctions for battered women. *Violence Against Women* 3(2): 204–216
- Rosenthal JA 1996. Qualitative descriptors of strength of association and effect size. *Journal of Social Service Research* 21(4): 37–59
- *Segrave M, Wilson D & Fitz-Gibbon K 2016. Policing intimate partner violence in Victoria (Australia): Examining police attitudes and the potential of specialisation. *Australian and New Zealand Journal of Criminology* advance online publication
- *Sentencing Advisory Council 2015. *Sentencing for contravention of family violence intervention orders and safety notices: Second monitoring report*. Melbourne: State of Victoria, Sentencing Advisory Council
- *Sentencing Advisory Council 2013. *Family violence intervention orders and safety notices: Sentencing for contravention monitoring report*. Melbourne: Victorian Sentencing Advisory Council
- *State of Victoria 2016. *Royal Commission into Family Violence: Report and recommendations, vol III*. Melbourne: State of Victoria. <https://www.vic.gov.au/familyviolence/royal-commission-report.html>

- *Stewart A 2000. Who are the respondents of domestic violence protection orders? *Australian and New Zealand Journal of Criminology* 33(1): 77–90
- *Tam DMY, Tutty LM, Zhuang ZH & Paz E 2016. Racial minority women and criminal justice responses to domestic violence. *Journal of Family Violence* 31: 527–538
- *Taylor A, Ibrahim N, Wakefield S & Finn K 2015. *Domestic and family violence protection orders in Australia: An investigation of information sharing and enforcement: State of knowledge paper*. Landscapes 16. Alexandria: Australia's National Research Organisation for Women's Safety
- *Taylor E & Mackay R 2011. *BSAFE pilot project 2007-2010*. Goulburn: Women's Health Goulburn North East
- *Trimboli L & Bonney R 1997. *An evaluation of the NSW apprehended violence order scheme*. Sydney: NSW Bureau of Crime Statistics and Research
- *Victorian Auditor-General's Office 2009. *Implementing Victoria Police's code of practice for the investigation of family violence*. Melbourne: Victorian Auditor-General's Office
- Victoria Police 2014. *Code of practice for the investigation of family violence* 3(2). Melbourne: Victoria Police
- *Wan AM 2000. Battered women in the restraining order process. *Violence Against Women* 6(6): 606–632
- *Wareham M 1993. *Police response to family violence in Victoria*. Proceedings of the Second National Conference on Violence. Canberra: Australian Institute of Criminology
- *Weisz AN, Tolman RM & Bennett L 1998. An ecological study of nonresidential services for battered women within a comprehensive community protocol for domestic violence. *Journal of Family Violence* 13(4): 395–415
- Wilcox K 2010. *Recent innovations in Australian protection order law: A comparative discussion*. Topic Paper 19. Sydney: Australian Domestic & Family Violence Clearinghouse, University of New South Wales
- *Wolf ME, Holt VL, Kernic MA & Rivara FP 2000. Who gets protection orders for intimate partner violence? *American Journal of Preventative Medicine* 19(4): 286–291
- *Young M, Byles J & Dobson A 2000. The effectiveness of legal protection in the prevention of domestic violence in the lives of young Australian women. *Trends & issues in crime and criminal justice* no. 148. Canberra: Australian Institute of Criminology. <https://aic.gov.au/publications/tandi/tandi148>

Christopher Dowling is a Senior Research Analyst with the Australian Institute of Criminology.

Anthony Morgan is a Research Manager with the Australian Institute of Criminology.

Shann Hulme is a former Senior Research Analyst with the Australian Institute of Criminology.

Matthew Manning is an Associate Professor with the Centre for Social Research and Methods at the Australian National University.

Gabriel Wong is a Postdoctoral Research Fellow with the Centre for Social Research and Methods at the Australian National University.

General editor, *Trends & issues in crime and criminal justice* series: Dr Rick Brown, Deputy Director, Australian Institute of Criminology. Note: *Trends & issues in crime and criminal justice* papers are peer reviewed. For a complete list and the full text of the papers in the *Trends & issues in crime and criminal justice* series, visit the AIC website at: aic.gov.au

ISSN 0817-8542

©Australian Institute of Criminology 2018

GPO Box 1936
Canberra ACT 2601, Australia
Tel: 02 6268 7166

Disclaimer: This research paper does not necessarily reflect the policy position of the Australian Government