

## Orders for Protection: Are They Effective and Cost-Effective?

In partnership with [UNIFEM](#), [The Advocates for Human Rights](#) created a section on developing legislation on [Domestic Violence](#) for UNIFEM's [Virtual Knowledge Centre to End Violence against Women and Girls](#). The following is an excerpt from a case study in the Domestic Violence section. Domestic Violence, along with sections addressing other forms of violence against women and girls, may be found under Legislation at [www.endvawnow.org](#).

In 2009, the [U.S. Department of Justice](#) published "[The Kentucky Protective Order Study: A Rural and Urban Multiple Perspective Study of Protective Order Violation Consequences, Responses, and Costs](#)." The report addressed the question of whether a civil order for protection (OFP) was an effective remedy for victims of violence and whether the benefits of having an order for protection were worth the costs of obtaining and enforcing the orders. The study took place in Kentucky, USA, which allows OFPs to be filed against any family member, including spouses and former spouses, or, if the parties are unmarried, they may request an OFP if they are or have been living together or if they have a child in common. ([Kentucky Statutes 403.720](#))

The report, the most comprehensive in the US to date, surveyed over two hundred women in both rural and urban areas, and examined their responses at the time they sought an OFP, 3 months after it was issued, and 6 months after it was issued. The study examined victim decisions on whether or not to report a violation, and determined the costs of protective orders for victims and the costs of domestic violence to society.

To determine if OFPs were a cost-effective method to combat domestic violence, the study established the costs of domestic violence both before and after an OFP was obtained. Victims were surveyed about services they received associated with the domestic abuse. Costs measured included the costs of emergency room visits, shelter stays, legal services and incarceration fees. The victims were asked about time lost from work and family responsibilities. The value of lost or damaged property was reported. Finally, victims were asked to recount their experiences with serious stress, anxiety or depression due to the abuse, both before and after the issuance of the OFP.

The report found that women face numerous obstacles to obtaining and enforcing OFPs, such as confusion about the process, court employees who were rude or discouraging, having to take off work and arrange for child care, and judges who seemed to rush them and not listen to them. The report found that "...obtaining a protective order and seeking enforcement of a protective order take courage and persistence..."

**One-half of the women surveyed reported no protective order violations during the 6-month follow-up period.** Protective order effectiveness was also measured by violence severity before and after the protective order, the number of victims who were afraid of future harm before and after the issuance of the OFP, and the victim's own perceived effectiveness of the order. Respondents were also asked why they chose to report a violation or why they did not.

The study found that victims reported 51% of the OFP violations. The main reason for not reporting violations was that the victims did not believe that the justice system would respond adequately, either because they hadn't received help previously, the violation was perceived to be not serious, they had no proof of a violation, or they believed that they would somehow be blamed for the violation. The study concluded that "...women appear to do a kind of cost-benefit analysis for whether or not to report the violation, trading off the seriousness of the violation with the probability that anything, or nothing, would come from reporting the violation to the justice system. Women also appear to consider whether reporting a violation might result in retaliation... Other reasons some women indicated they did not report violations included statements about not wanting to harm the perpetrator and not wanting the children to see their father in trouble."

When the victims were asked why they thought the abuser did not violate the OFP, the majority responded that it was because he was afraid of going to jail.

The study concluded that **orders for protection are effective in reducing violence. Even for those who experienced violations of the OFPs, both the severity of the violence which recurred and the fear of future harm were significantly reduced during the follow-up period.** The majority of the victims believed that the protective order was effective; only 4.3% of them dropped the order by the end of the follow-up period.

The study also concluded that the **cost to society of a protective order is very small** (about USD\$354) when compared to the many costs that a victim of domestic abuse incurs: USD\$17,500 for the 6 months of violence before an OFP was issued; USD\$13,000 for the 6 month period after an OFP was issued. The study reported that protective orders saved the state of Kentucky \$85 million in one year. **Thus, an OFP costs little but creates a large benefit for victims and society.**

The study also issued a number of recommendations on increasing access to OFPs, addressing gaps in victim safety and offender accountability, training law enforcement personnel, improving OFP enforcement, and responding more effectively to domestic violence cases which involve stalking.

For the complete report, see:

<http://www.ncjrs.gov/pdffiles1/nij/grants/228350.pdf>