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Massachusetts Trial Court

Office of the Commissioner of Probation



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ACQUISITIONS

PROJECT HISTORY OF THE MASSACHUSETTS STATEWIDE AUTOMATED RESTRAINING ORDER REGISTRY

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Introduction

Beginning in the fall of 1992, efforts by victim services advocacy groups, the Executive, Legislative and Judicial branches of Massachusetts state government, state and local law enforcement agencies, and county district attorneys' offices resulted in many changes to a justice delivery system designed to improve the long term-protection for victims of domestic violence. The creation of the Registry of Civil Restraining Orders, a database of all domestic violence restraining orders issued in Massachusetts, was perhaps the most significant of the efforts undertaken.

The Massachusetts Registry of Civil Restraining Orders was designed to provide police and the courts with accurate and reliable information necessary to respond appropriately to victims' needs: to stop the cycle of violence that traps victims of domestic violence. It was the first statewide database of restraining order information in the country.

This report is a history of how this very useful decision support tool was developed. It has purposely been presented in the form of a "How To" manual in response to the numerous requests for information this office has received from executive branch agencies, legislative committees and other court systems. In addition, many law enforcement agencies and advocacy groups outside of Massachusetts have demonstrated interest in replicating the model.

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Background

Domestic violence has for too long been an invisible problem for criminal justice policy makers. Battered women and children, living in fear, have struggled to reach beyond a tradition of silence about violence in the home. Spousal violence has historically been perceived as a family secret, to be accepted without discussion.

Until recently, the Commonwealth of Massachusetts' justice system was unable to adequately address the needs of these hidden victims of domestic violence. Police efforts to respond to domestic violence incidents were frustrated by a lack of evidence: although a restraining order mechanism existed that allowed police to arrest a violator, lack of knowledge of the existence of restraining orders generally prohibited effective police action.

In the courts, victims attempting to have protective restraining orders issued often found themselves without evidence of misdeed and lacking credibility. No offender background information was available to support the victims' claim of a history of abuse. The justice system's traditional concern for the rights of the accused, and the nonexistence of offender background information at key decision making points combined to deny victims vital protection.

Lack of response from the justice system implied that no response was deserved. Battered women and children were left without relief. The tradition of acceptance and silence was reinforced.

In Massachusetts, in 1992, 42 people died in domestic violence related homicides. At one point the major Boston newspapers and the dailies throughout the state tracked the rise in domestic violence murder rates by the day. News accounts reported the state's domestic violence death rate to be one person every five days during 1992, as compared to one every 16 days in 1991, and one every 22 days during 1990 (Massachusetts Office of Victim Assistance).

Too often it was irrefutable that a high number of these murders had been committed by men against whom abuse prevention orders had been filed, who had prior criminal records; indeed against some who were under probation or parole supervision at the time of their crimes. The most publicized incident was the stalking death of Kristin Lardner, whose father, George Lardner, later wrote the Washington Post Pulitzer Prize winning series on how tragic can be the consequence when the courts and criminal justice agencies fail to exchange and share information.

The situation which the Commonwealth of Massachusetts then faced was not unlike that which any state in the 1990's may expect: headlines news accounts of an explosive rise in domestic violence and the realization that major institutional changes are needed in how a justice system conceptualize its response to the victim of abuse.

The following excerpts from a press account (Boston Herald, 8/17/92, Snafu Hid Suspect's Past) documents what occurred when relevant court information was, in effect, shielded from scrutiny by arcane filing procedures:

An antiquated courthouse filing system that records restraining orders under the plaintiff's name allowed court officials to overlook past cases against a man later arrested for the murder of

his girlfriend.

(The defendant) had at least five restraining orders filed in 1989 against him by an ex-girlfriend, but because those orders were filed...under the woman's name and not under (the defendant's) name, court officials were unable to check up on his violent history.

It wasn't until (the defendant's) arrest for the murder of his girlfriend...that the earlier orders surfaced...Because they are civil by nature (restraining orders) are filed under the civil complainant's name, which is usually the woman seeking the order...(such) restraining orders were difficult to cross reference.

The deputy chief trial counsel for the District Attorney's office said, "You would literally have to do a paper search" of each court house where a restraining order could be on file, and "because the information was civil in nature it would not show up on a person's criminal record."

Court records recently obtained by the Herald show that (the defendant's) violent past stretched to at least 1989 when an ex-girlfriend accused him of kicking in the door to her apartment, raping her and cutting the cords to her electrical appliances.

None of this information was available to court officials when three months ago (the defendant) went before the presiding justice to respond to a restraining order requested by the (murdered) complainant, who in applying for that order listed similar complaints. (The defendant) she said beat her, cut her phone and electrical wires and threatened to kill her. Since (she) didn't want the father of her two children sent to jail, she opted to have him attend a batterers' program instead, her relatives recalled.

In this incident, the judge, having no knowledge, or access to information pertaining to the defendant's past history of violence, allowed the defendant to enter the treatment program. The defendant never enrolled.

The Existing Domestic Violence Restraining Order Process

The above news account well describes the existing record maintenance and storage practices for the paper filing of all Massachusetts restraining and abuse prevention orders issued prior to September 1992.

Under Massachusetts General Law, any persons living within a domestic relationship -- married, separated, or in a dating relationship -- who believe that they are in fear of imminent bodily injury by another party in the relationship may apply at the local court for an abuse prevention restraining order. Conditions of this order may include one or more of the following:

- the defendant must refrain from abuse
- the defendant must stay away from the home and/or
- workplace of the victim
- the defendant must have no contact with the victim
- the defendant must surrender custody of children and pay
- support to the victim
- the defendant must pay the victim for any losses incurred

Prior to September 1992, the process for the issuance of a restraining order in Massachusetts was as follows:

- the victim initiating the process would appear before the clerk of the court to file an application for an abuse prevention restraining order.
- The completed application was then brought before a judge, who decided whether or not to issue the restraining order.
- If the order was issued, several paper copies were distributed:

one was given to the victim
one was to be served upon the defendant
one was kept by the local police department
one was stored on the clerk magistrates files

The Problems

- Any restraining order issued prior to September 1992, was virtually unenforceable, because it was virtually unknown. Restraining orders were stored at local courts and police stations. There was no single, central repository which contained the history of civil restraining orders previously brought against a specific defendant. Courts and police did not have access to comprehensive, updated information concerning the existence of current restraining orders. Even if the original order were located, it may have been modified, vacated or extended. This uncertainty made it extremely difficult for police to enforce the order.
- Traditionally, when considering the issuance of a civil restraining order, judges did not review evidence of past criminal behavior. This was due to an institutional perception that the defendant's criminal history should not be brought into civil proceedings. As a result, judges, having no knowledge of the defendant's past history of violence, may have been more lenient than was appropriate.
- Finally, criminal justice officials in Massachusetts found themselves in a difficult but familiar position: no single agency owned the responsibility for the domestic violence problem -- many state and local government agencies were involved, but none individually possessed the authority to resolve the problems.

The Massachusetts Response: Support of top management of all branches, offices and agencies involved.

Almost simultaneously, in the spring of 1992 the three branches of Massachusetts government moved to respond to the alarming rise in domestic violence crimes. The Massachusetts Legislature's Joint Committee on the Judiciary drafted a bill which directed judges to review the defendant's criminal and civil record of domestic and other violent behavior, and authorized The Commissioner of Probation to build an automated domestic violence record keeping

system to support this requirement.

Governor William Weld declared a "Domestic Violence State of Emergency", and subsequently filed legislation to create a Domestic Violence Commission to ensure a multi-disciplinary and multi-institutional response. In so doing it was clearly understood that domestic violence was ranked among the governor's top public safety issues.

**PRINCIPAL ELEMENTS OF THE AUTHORIZING LEGISLATION TO
ESTABLISH A REGISTRY OF CIVIL RESTRAINING AND ABUSE
PREVENTION ORDERS DIRECTED**

1. the Commissioner of Probation to develop and implement a statewide domestic violence record keeping system
2. which shall include a computerized record of the issuance or violation of any protective, restraining or abuse prevention order.
3. All information contained in this system, as well as all existing information contained in the criminal record information system maintained by the Commissioner of Probation shall be made available to the judges
4. who are directed to search and review the data contained in these systems
5. to determine whether the defendant has a civil or criminal record involving domestic violence.
6. Further, all information contained in the civil Registry shall be made available, statewide, to all law enforcement agencies through the Criminal Justice Information Systems maintained by the Executive Office of Public Safety under the direction of the Director of the Criminal History Systems Board.

Supreme Court Chief Justice Paul Liacos and Chief Justice for Administration and Management John E. Fenton Jr. initiated discussions within the Trial Court, and designated the Massachusetts Commissioner of Probation, Donald Cochran, to coordinate an interdepartmental Trial Court response.

In the Executive branch, under the leadership of the governor's office, the Cabinet Secretary for Public Safety and the Director of the Criminal History Systems Board took action to prepare state and local law enforcement agencies for the implementation of the new legislative requirements. Secretary Thomas Rapone and Executive Director Francis Carney coordinated with Probation Commissioner Cochran to ensure the smooth transfer of domestic violence restraining order information from the Trial Court to the Criminal Justice Information System

computer system, where state and local police could gain access to the data.

Commissioner Cochran initiated discussions with the Chief Administrative Justices of the various departments of the Trial Court (Municipal, District, Superior and Probate and Family Court Departments) where restraining orders are issued. Commissioner Cochran also consulted with Legislative leaders from the House and Senate Judiciary and Criminal Justice Committees to ensure that the new legislation presented a workable solution for the Massachusetts Trial Court and the criminal justice community.

The coordinated, cross-agency and-departmental response was the key ingredient to the success of the Registry of Civil Restraining Orders. Such efforts were unprecedented in the Massachusetts criminal justice system. Without the support of the highest levels of all three branches of government, the lack of access to domestic violence information may have continued uncorrected.

Project Organization

The development of the Registry of Civil Restraining Orders was accomplished in several phases:

- Project Team Selection
- Planning and Design
- Development
- Pilot Implementation
- Statewide Implementation
- Monitoring and Evaluation

Project Team Selection

The principal members of the project team from the Office of the Commissioner of Probation (OCP) were William Hanrahan, First Deputy Commissioner, Information Services Division; Mark Prior, Manager of Information Technology, who would supervise the project; Peter Greeley, Systems Analyst, who was responsible for creating the necessary computer programs; and Mary Mahoney, who handled administrative details and performed quality control analyses of data entered into the system. Additional personnel from the Information Services Division (ISD) and the Field Services Division (FSD) of OCP were assigned to train the local office staff and to monitor compliance with the data entry and probation standards established for the new system.

Chief probation officers from those courts selected as pilot test sites also participated in the analysis and design of the system and the procedures necessary to support it.

William Hanrahan has 25 years of probation experience beginning with his work as a probation officer and culminating in his current position as First Deputy Commissioner. Manager of the Information Services Division, Mr. Hanrahan has been involved in all aspects of and has a thorough understanding of the Massachusetts criminal justice system.

Mark Prior has been with OCP for 11 years. He has a Masters Degree in Information Systems, and has in-depth experience in project management, systems analysis, and mainframe and personal computer application development.

Peter Greeley has worked at OCP for 16 years. He was the primary programmer in the development of the entire probation computer system. This

system includes the adult and juvenile Court Activity Record Information system, the Probation Case Assignment Tracking System.

Mary Mahoney has worked at OCP for 17 years. She served as a supervisor of data entry operators and has a extensive expertise concerning all probation computer applications.

Planning and Design

The focus of the planning and design phase was to identify all of the needs and critical success factors of the domestic violence record keeping system and to design a system that would provide necessary capabilities. In order to accomplish this objective, a series of planning and design meetings were held between OCP staff members and designated representatives from the various administrative offices of the Trial Court, judges, local probation office managers, staff from the Massachusetts Criminal History Systems Board, and several representatives from victim services and advocacy groups.

A number of critical success factors were established for the project:

- The solution must be implemented as quickly and cost effectively as possible.
- The computer program must be easy to use and capable of being introduced to the field without extensive statewide training.
- More adequate offender identification information must be collected during the initial application process to ensure the offender's criminal record may be searched in the computer database.
- Criminal and domestic violence histories must be made available to judges at the time the restraining order is being considered.
- Criminal and domestic violence histories must be made available to police by way of the CJIS computer system, especially in the hours immediately following the victim's court appearance, when the complainant is in the most jeopardy.
- When a restraining or an abuse prevention order is issued against a defendant already under probation supervision, it is imperative that this information be immediately communicated to the probation office supervising the offender.

Domestic Violence Record Keeping Alternatives

Creation of the new domestic violence record keeping system, to be known as the Registry of Civil Restraining Orders, was integral to the correction of the weaknesses in the existing domestic violence restraining order process. The number of alternative solutions were limited by the seriousness of the problem, the limitations of response time, and the organizational complexity of the Massachusetts criminal justice system. Given these constraints, there were two possible solutions.

The first alternative was to build a computer system from scratch, located in the clerk magistrate's office of each court. This alternative had a number of advantages, but many more disadvantages. Since it is in the clerk

magistrate's office that the application for the restraining order is originally filed, it would appear to be the most logical place for the computer to be installed. The clerk's office staff could do data entry and retrieval as necessary. Problems existed, however, because restraining orders are issued statewide by 93 different courts in four different court departments: Superior, District, Boston Municipal, and the Probate and Family Court Departments. Some of the clerks' offices are wholly or partially automated, others are not computerized at all. Without central computer storage accessible from all clerks' offices, the new database could not be created.

To build such a system would cost millions of dollars and take years to implement. It would also be very difficult to evaluate the new system because of the separation of authority between court departments.

Selected Solution: A Probation-Based System

The selected alternative was to build a probation-based system. There were many advantages to this solution:

- The Massachusetts Trial Court already maintained a statewide computer network with connections into all probation offices.
- The Massachusetts Probation Service had offices and personnel in all jurisdictions where restraining orders may be issued.
- Probation personnel were already trained in computer data entry and retrieval of criminal court activity record information.
- All criminal court activity record information was already contained on the Trial Court's probation computer. This information was already being made available to judges hearing criminal cases.
- An electronic connection existed between the Trial Court probation computer and the Criminal Justice Information System (CJIS) computer maintained by the Massachusetts Criminal History Systems Board (CHSB). This connection could be used to provide state and local police with domestic violence restraining order information on a 24 hour a day basis.
- The statewide Trial Court probation computer network would allow courts to be notified that a restraining or abuse prevention order was issued against a person already under probation supervision.
- The Commissioner of Probation had the statutory authority to promulgate probation standards directing chief probation officers, statewide, in all offices and departments of the Trial Court, to immediately collect and record domestic violence data in the Registry of Civil Restraining Orders.
- The Office of the Commissioner of Probation (OCP) had a division of technical staff that could build, implement and evaluate a domestic violence record keeping system model and quickly assess its effectiveness.
- OCP also had a division of field services staff who could monitor local office compliance with whatever standards were developed to implement the domestic violence record keeping system.

There was one major deficiency in the probation-based solution. When building court information systems, the initial information collection phase is critical. Sufficient identification information must be gathered on each defendant to enable court staff to positively match existing criminal records with the new civil restraining order data.

Identification information captured on the existing abuse prevention application form was insufficient to accurately identify the defendant and permit a search of the Trial Court criminal record database that was organized around the offender's date of birth and other characteristics. The information pertaining to the defendant that was collected on the application form was limited to the defendant's name only. Additional key identifiers (date of birth, place of birth, social security number, parents' names, mothers maiden name) were not always available or known. Without these identifiers, the criminal history database could not be accessed.

Development

The New Restraining Order Process

The new procedures called for few but very significant changes to the then existing restraining order process.

- New restraining order application forms were designed which contained required offender identification information.
- Upon application, criminal and civil record searches would be performed by probation office staff.
- Upon issue of the restraining order, the order would be directly entered into the Registry of Civil Restraining Orders by probation office staff.

The new restraining order process is illustrated in Figure 1. As in the old system, the new restraining order process is initiated when the victim appears in court and files an application before the clerk magistrate for abuse prevention order. However, in order to correct the deficiency in offender identifying information in the previous process, the

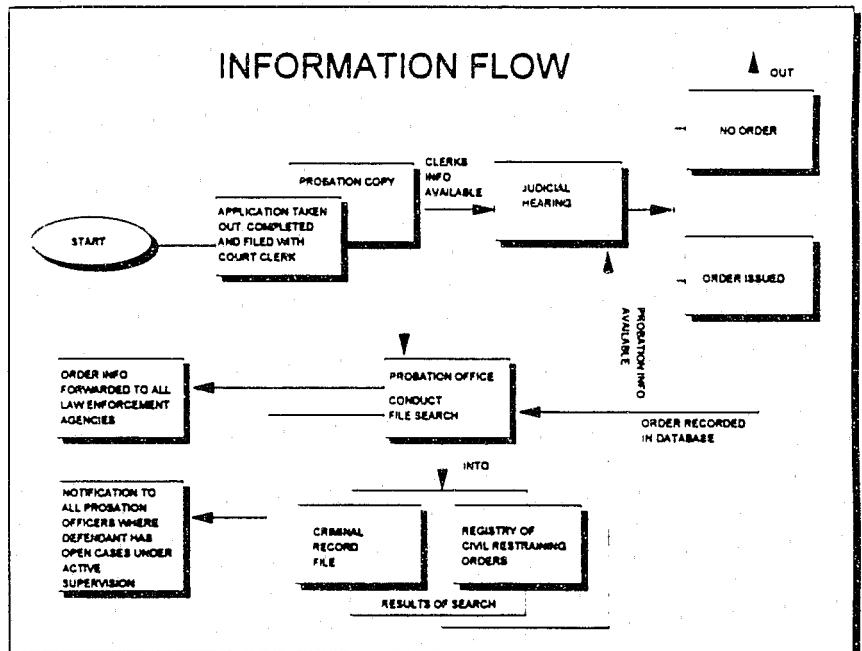


Figure 1

application and order forms were redesigned to include the additional identification information required for the offender to be tracked in the computer. Additionally a new step was added, a critical new procedure was developed to ensure efficiency in the flow of paper and information. Before the application is brought to the judge for consideration, the probation copy of the application is forwarded to the local probation office, where the database is searched to determine the defendant's prior criminal, juvenile or domestic violence record of domestic history. The results of the inquiry are then returned to the clerk who makes it available for the judge's consideration at the hearing. The judge uses all the available information to assist in the decision whether the order should be issued/or whatever other action may be appropriate.

If the order is issued, several paper copies are distributed: one is given to the victim, one is served upon the defendant, one is kept by the local police department, and one is stored in the court clerk's files. An additional copy was created to be forwarded to the local probation office for immediate entry into the computer Registry of Civil Restraining Orders.

To enable law enforcement agencies to gain access, it was determined that the restraining order information would be electronically transferred daily from the Trial Court probation computer to the CJIS computer system maintained by the Criminal History Systems Board using the existing connection established for the transfer of criminal court activity information.

Realizing that a large majority of the named defendants already possessed criminal records and that many were currently under probation supervision, the task of notifying courts of the existence of new restraining orders was critical. A report called the Subsequent Offender Activity Report was developed and is printed out daily in each probation office. This report provides the supervising probation office with a list of offenders who have committed new criminal offenses or have had new restraining orders filed against them within the preceding 24 hours.

Standards and Policies

Perhaps the most important task of the domestic violence project was the development of probation policy guidelines and standards to implement the new system in each of the 93 probation offices of the Massachusetts Trial Court. Staff of the Commissioners Office, working with a small group of chief probation officers, quickly developed the data entry and retrieval procedures, established the time sequences and information flow required to ensure each order was entered into the registry on same day as it was issued by the court. Responsibility for restraining order data collection and distribution was centralized with the local office chief probation

The principal elements of the Probation standard directed the chief probation officers of each of the 93 local offices to develop procedures:

1. to make available for the courts use, at the time the petition is heard, all information developed from the probation departments search of the centralized criminal record file and civil restraining order file.
2. to ensure all restraining, protection and abuse prevention orders are entered into the Registry on the same day as issued by the court.
3. to ensure the expiration date or any modification or extension of an existing order is updated in the Registry on the same day as the modification was allowed by the court.

officer. The probation standards were crafted in such a way that they could be evaluated locally as well as be monitored for quality assurance on the mainframe computer which hosted the restraining order file.

Policy Statements and Executive Management Support

The Chief Justice for Administration and Management issued a policy memorandum to all departments and divisions of the Trial Court which stressed the importance of the new system and solicited the attention and support of the entire workforce. The Chief Justices of the Probate and Family Court, the District Courts, the Boston Municipal Court and the Superior Court Departments each issued similar policy memorandums specifically defining the new responsibilities assigned to all staff. These policy statements served to highlight the importance of the new Domestic Violence Record Keeping System and demonstrated that the creation of the Registry of restraining orders had the support of the highest authorities of the Trial Court.

Computer Programs

The Program and Design group developed specifications for a computer program and the technical staff of the Information Services Division (ISD) converted the program specifications into a working program. Because of the importance of the data which would be stored in the new system and thus the need for highly accurate data, the domestic violence program had to be easy to use and be simple to learn. To meet this objective, the program was designed to work in a similar fashion as the Massachusetts criminal court activity record information (CARI) system. This criminal record keeping system was familiar to all court probation personnel, and is the mainstay of the probation information system.

Like the other probation information systems, the restraining order program was developed in COBOL on a UNISYS mainframe. At the center of the restraining order program was the data entry screen displayed in Figure 2.

This screen was used to enter, display and update restraining order information. Command formats for the domestic violence program were created to be nearly identical to the CARI system commands. New commands were provided for adding, updating, deleting, examining and printing restraining orders.

In addition to the SOAR report already mentioned, a Restraining Order Expiration Schedule was provided to local probation offices. This report is used to determine what restraining orders are due to expire within the next 7 days. The report is printed automatically in each office each weekly.

After the restraining order program was developed and tested internally, a user manual containing data entry and system usage instructions was written to facilitate the implementation and ongoing maintenance of the new program.

was provided by way of a telephone hotline. One person at the central office (OCP) was assigned to receive all requests for technical assistance from the field. This method guaranteed that any feedback, positive or negative, would be received and assessed, and that the new policies and procedures would be consistently interpreted and uniformly implemented.

During the test period, many opportunities arose where OCP technical staff and the pilot court personnel could informally discuss start-up problems. Most of the field concerns dealt with the procedures for moving restraining order data from the clerk's office to the probation office as efficiently as possible. This task was extremely important, and in many cases difficult because clerks' offices fall under a different management hierarchy than probation offices.

Statewide Implementation Stage

As mentioned in the design goals, the Registry of Civil Restraining Orders had to be implemented as quickly and cost effectively as possible. It was hoped that by creating the restraining order computer programs to be similar in operation to the criminal record information systems, time and energies devoted to user training could be reduced. Experiments during the pilot implementation suggested that this would indeed be the case.

Because the system was built on existing data entry knowledge and already familiar commands, training for the probation offices of the Superior, District, and Boston Municipal Court Departments was minimal. A user manual containing all data entry instructions was developed and distributed, by mail, to each of the 93 offices that would be involved when the system was implemented statewide on September 8, 1992. The decision not to conduct costly and time consuming statewide training sessions was deliberately made, based on the confidence OCP had in the existing skill level of a workforce already familiar with automated procedures.

In the 12 offices of the Probate and Family Court Department, where probation personnel had little experience with the criminal record information system, targeted training was provided to ensure that staff were able to access both the defendant's civil and criminal record. Implementation staff from OCP provided hands-on training for each of the Probate and Family offices. A secondary but significant benefit of the hands-on, on-site training was that OCP was able to assess firsthand the impact of the new system on local office operations and practice. This experience further supported informal feedback reports that the system was easy to learn and use, and further that staff of local probation offices were eager to implement the new system that was so immediately tied to the events of the day. Indeed it quickly became evident that support staff were developing a "sense of cause" as they realized the essential role they played in the Trial Court's response to the domestic violence crisis.

Once the new restraining order data collection system had been accepted and incorporated into the day to day operations of the court system, on-going technical assistance was made available to the field by way of an existing OCP key contact procedure. Under this procedure, each court is assigned a specific person to call who is familiar with all systems, and can provide any technical support that is required. This kind of central office trouble shooting greatly reduces the amount of travel time otherwise required for the local office to receive specific instructions or any needed technical assistance.

Timeframes

The entire domestic violence restraining order system was created and implemented in just under three months. The schedule below displays important project dates:

Planning and Design	6/10/92 - 6/18/92
Development	6/19/92 - 8/12/92
Pilot Implementation	8/12/92 - 9/7/92
Statewide Implementation	8/24/92 - 9/7/92
Startup Date	9/7/92
Monitoring and Evaluation	8/12/92 - ongoing

Implementation Costs

Because the domestic violence restraining order system was developed using existing resources, costs were minimal. No additional staff were necessary to produce the system. The only major cost was \$10,000 for the printing of the revised application forms necessary to accommodate the data collection needs of the computer program. The only other costs were expenses associated with the mailing of probation standards and the new E.D.P. user manuals.

On-going program costs will be limited to the reprinting of the application and order forms. These expenses were also necessary under the old manual process, and do not represent any new and additional cost.

Monitoring and Evaluation

Performance Areas

Evaluation of the new restraining order system is an ongoing process. Based on the guidelines and directives and rules set forth in the Domestic Violence Record Keeping Standard, evaluation has focused on three performance areas: accuracy, timeliness and completeness.

During the first four months of the project, emphasis was placed on the accuracy of data entered into the system. Quality control auditing reports were created which were then compared to original restraining orders to determine the accuracy of data entry. Related data items were compared and exception reports were produced which identified potential problems.

Data quality and procedural problems were brought to the attention of the Field Services Division of OCP. FSD is responsible for monitoring compliance with standards and for providing on-site technical assistance concerning those standards to the local probation offices.¹

The second phase of the evaluation stage, beginning in January 1993, dealt with **timeliness** of data entry. The period immediately after the issuance of a

¹One of the principal responsibilities of the Field Services Division of the Massachusetts Probation Services is to routinely review, evaluate and score case supervision folders for compliance with all requirements of probation standards.

restraining order has been shown to be the most dangerous time for the victim. Consequently local probation offices are required to enter orders into the computer on the same day that they are issued so that they may be accessed by police the same day.

Quality control auditing reports and exception reports addressing timeliness of data entry were developed by Information Services Division technical staff. These reports showed that by far the majority of orders were entered the same day.

Originally, it was thought that compliance with the time standard would be difficult, as victims may apply for restraining orders at any time of the work day, and orders are often issued late in the afternoon, at the end of the business day. However local offices have focused considerable energy on getting such orders into the computer on the same day as the order was issued by the court.

The final phase of the evaluation stage will address the **completeness** of the restraining order data. Testing procedures will be built into the standards compliance monitoring process that will allow OCP staff to objectively measure whether all orders are being received, entered, updated and closed as the court directs.

Figure 3 illustrates the Quality Control procedures utilized by OCP. These procedures will allow OCP to ensure that a high level of data quality continues to be maintained within the Registry of Civil Restraining Orders.

Positive feedback from all target groups suggests that the system has been widely accepted and is well on its way to becoming institutionalized:

Feed Back

Chief Probation Officers have established data collection and retrieval procedures in their offices and maintained a high level of compliance with probation standards.

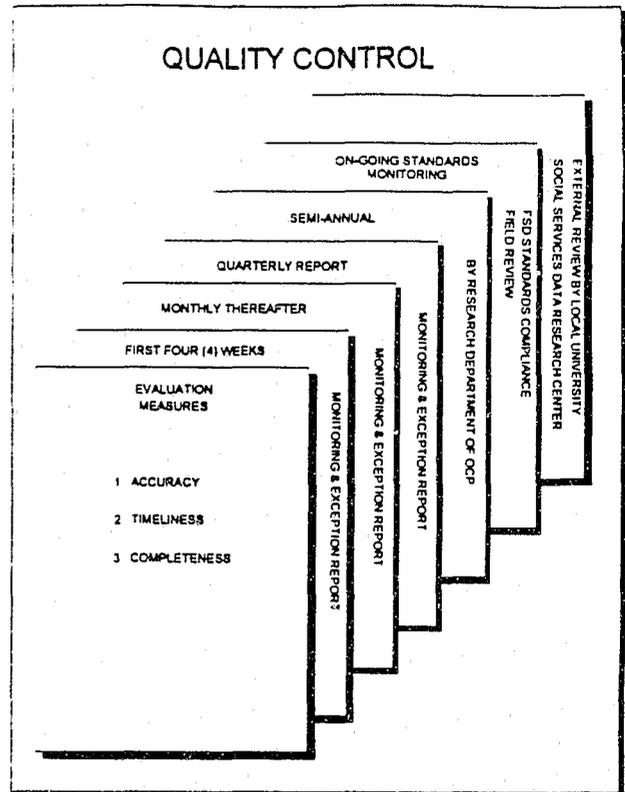


Figure 3

Probation clerical staff have made outstanding efforts to guarantee the quality of data.

Judges in all Departments of the Trial Court have lauded the decision support strength of the new restraining order system.

Representatives from victim services organizations report a higher level of satisfaction with the domestic violence offender information now available.

Representatives from the Executive Office of Public Safety and the Criminal History Systems Board are pleased with the added benefits of the system to law enforcement officials.

Many new projects are being spun off the domestic violence record keeping system. These projects will use the

restraining order database as a foundation and facilitate connection of various other court and law enforcement databases.

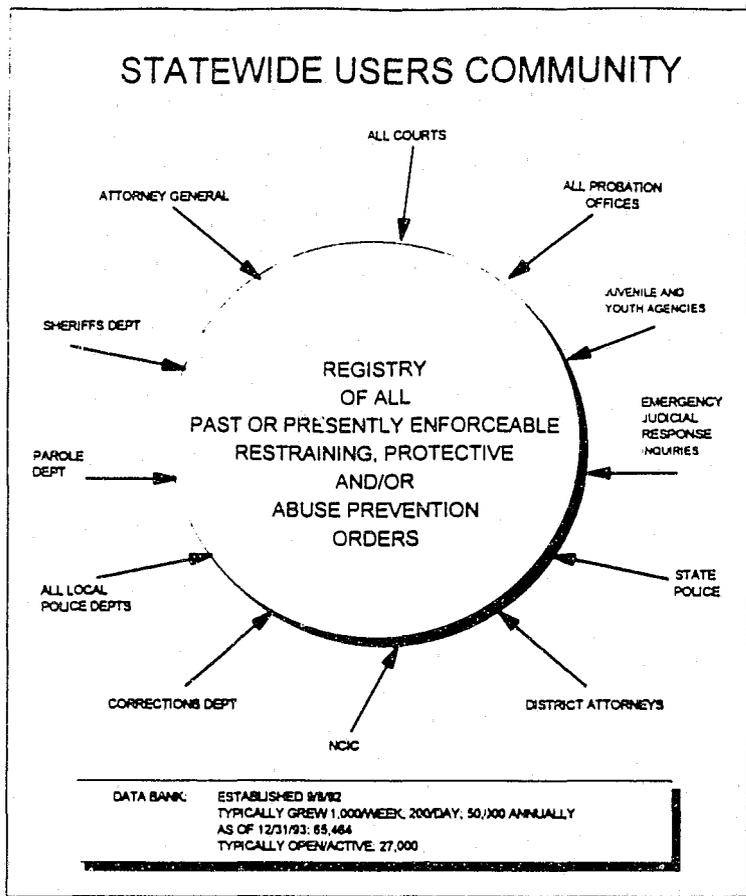
Favorable press reports have also been issued by the media concerning the success of the project, the manner in which it was implemented and the power of the information stored in the domestic violence system.

In summary, these findings identify the Massachusetts Automated Restraining Order Registry as an impressive example of how technology can be utilized to respond rapidly to a critical public safety issue and become one of the principal violence prevention tools used by the Commonwealth to blunt the upward rise in domestic violence homicides.

Impact of the Registry of Civil Restraining Orders

The Civil Registry was specifically designed to provide the courts and police with vital decision support information necessary to respond quickly and appropriately to the victims needs. In place since September, 1992, the Registry has fully demonstrated its effectiveness:

Violence Protection: Since its inception, victims continue to come forward



to seek assistance from the justice system. During the first year of its existence, the restraining order database typically grew, at a rate of 200 orders statewide per day, 1000 per week. As of December 31, 1993 the Registry contained information on 64,646 restraining and abuse prevention orders. Over 89,000 orders have been recorded as of the date of this writing.

Law enforcement: Throughout the period September 1992 to the present the Registry consistently delivered an uninterrupted stream of accurate and reliable information to law enforcement. To have restraining order data displayed on the dashboard monitor of the police cruiser is, in effect, to have a mobile decision support system which provides the officer at the scene with the certain knowledge that a court order exists, is valid and is to be enforced. In responding to a home disturbance call, the decision to arrest is now less ambiguous.

Police Officer Safety: The Massachusetts Criminal History Systems Board is developing a system to match criminal and domestic violence offender data with a database of people possessing firearms, flagging individuals or locations where firearms are known to be present. The system will maximize police officer safety and reduce the number of police fatalities and injuries occurring while responding to domestic disturbance calls.

Emergency Response: Information contained in the Registry is available on a 24 hour basis to assist those Massachusetts judges assigned to the Massachusetts Emergency Judicial Response Program whose responsibility it is to provide protective relief to a victim after the close of court: overnight, on weekends and holidays. (See Figure 5 for impact analysis of domestic violence on the EJR Program)

Prosecution: Throughout the state, staff of the District Attorneys' Offices continuously access the Registry database to assist in the investigation and prosecution of violations of existing restraining orders under the Commonwealth's newly enacted Stalking Laws.

New Legislation: State legislators, familiar with success of the Registry and impressed with the power of the information it generates, have filed legislation which promotes the further exchange of information between a number of different databases.

- Legislation filed that would revoke the license to carry a firearm if an abuse prevention order were issued against the license holder;
- Legislation which directs the local police or sheriff's office to take immediate action against a defendant for whom a warrant already exists and the Registry contains updated information on the defendants most recent address;
- Legislation directing that immediate action be taken to revoke the probation or parole of any defendant whom the judge finds presents a threat of bodily harm to the person seeking the court's protection;
- Legislation passed establishing the Governor's Domestic Violence Policy Commission responsible for the evaluation and implementation of effective interventions and sanctions using data gleaned from the Registry;
- Additional legislation filed in the 1993 Massachusetts legislative session included: an act relating to the protection of children in cases

of Domestic Violence: an act to improve Child Support under Domestic Violence proceedings; an act relating to the use of electric monitoring devices for the added protection of the victim; an act regarding health care providers to provide information about abuse to patients at risk for battering; an act providing for the mandatory arrest of violators of abuse prevention orders; an act establishing batterer rehabilitation programs.

Budget: Registry data has been effectively used by government agencies and private advocacy groups to obtain legislative approval for \$12.3 million for Fiscal Year 1994 domestic violence programs, up from 8.5 million funded in Fiscal Year 1993.

National Model: Within 6 months of its inception the automated Registry of Civil Restraining Orders became recognized as a national model, and over the past 12 months preliminary data and program recommendations have been shared with many federal and state agencies across the United States. Additionally, information was shared with the American Bar Association's committee responsible for developing model domestic violence legislation and with various federal and state legislators across the country who have sought advice and technical assistance on how to replicate the program. As a result of these efforts the U.S. Crime Bill of 1994, now pending in Congress, provides authorization to include civil restraining and abuse prevention orders in all national crime databases.³

Research and Policy Development: The Registry of Civil Restraining Orders has had many additional policy ramifications. For the criminal justice professional, the Registry of Civil Restraining Orders represents an invaluable source of new knowledge and fresh insight. The Registry is the most comprehensive statewide collection of data relating to the domestic abuser, and includes past or pending civil and criminal record and probation case supervision history. Once the Massachusetts Domestic Violence Database began to take shape, it was soon apparent that almost three-fourths (75%) of those against whom restraining orders were issued had previous criminal histories and half (50%) had committed crimes against another person. For the first time new knowledge was emerging to identify a specific class of violent offender never before fully known or studied.⁴

The significance of such an extensive bank of information is immediately apparent to the criminal justice policy maker who for the first time finds there is reliable data to answer the difficult questions that lie behind sound policy

³The Massachusetts Registry was first identified as an effective violence prevention model by the National Victim Center, *Networks*, May 1993. The decision to develop this manual was principally due to the encouragement and support the Center has shown for this project.

⁴At present The Office of Commissioner of Probation is conducting joint research with several universities, most notably, the Harvard School of Public Health and the Northeastern University Center for Applied Social Research, to address these and other issues.

development: Who is the batterer? Is there an abuser profile? What is the prevalence of spousal and domestic violence within society? What are the risk characteristics presented by the abuser? Can levels of dangerousness be predicted? What law enforcement and/or probation supervision strategies are appropriate? What treatment services are effective? What policies, practices and services are needed to assist a previously underestimated and undeserved victim population? The Registry of Civil Restraining Orders provides reasonable hope that these troubling questions can be answered.

Transfer or Replication Characteristics

The ability of another state to replicate the new domestic violence restraining order system will be very much dependent on the organizational structure and existing information systems of the state. To accomplish such a task, several key elements must be present and considered. The inclusion of these elements made the Massachusetts system a success.

A key ingredient in the success of the Massachusetts domestic violence system was the high level of commitment of all parties involved in the development of the new system. Because of the alarming number of domestic assaults and homicides which occurred in Massachusetts during the spring and summer of 1992 and the media attention they garnered, public attention focused on finding a solution to the problem.

A second necessary component is the existence of a central data collection point for the restraining order data. The Trial Court's statewide computer system and its connections into local probation offices allowed the data to be collected and stored in a single, easily accessible location. This greatly reduced the amount of system maintenance necessary and provided higher data quality.

Also critical is the existence of a reliable data collection method. Probation office support staff were available in all domestic violence restraining order jurisdictions. They were experienced with criminal record data entry and retrieval, and already served a key information provision role in the court system. Much of the success of the domestic violence project was due to the experience developed by probation support staff in implementing other probation standards and information systems over the last eight years.

The capability to provide technical support, audit data quality and monitor the performance of the local courts in relationship to established standards is imperative. Data stored in a computer system is worthless unless it is reliable. OCP was able to effectively provide support, measure the quality of data and address implementation problems in the local probation offices.

Any agency or state wishing to replicate the Massachusetts system would need the capability to develop and support computer programs. The ability to create the programs is extremely important. Equally important is the ability to change those programs. Because of the immediate public safety impact of a domestic violence restraining order system, an organization must be able to make rapid changes to respond to new or changing needs.

Lastly, it is vital that police and other law enforcement agencies have on-line access to the domestic violence data. In Massachusetts, a relationship already existed between the Massachusetts Trial Court, the Office of the Commissioner of Probation and the Criminal History Systems Board, the central

data repository for all law enforcement agencies. Having the ability to pair the domestic violence data with criminal court activity data and having a fast, effective way to transmit both files from the courts to the CHSB criminal justice information system meant that state and local law enforcement authorities could have 24 hour access to full offender record histories.

Replication of the Registry of Civil Restraining Orders is very much possible. Each state has its own set of existing resources. The challenge for a strong administrator will be to use these resources to their fullest, and to obtain new resources as needed.

Conclusion

The Registry of Civil Restraining Orders has clearly enhanced the administration of justice in Massachusetts. All target groups have benefitted greatly from the existence and operation of the new system. In addition to its immediate impact, the Registry has opened new avenues for future advancement. New systems will be created. Further cooperation between government agencies has been fostered. New knowledge will be gained.

With the creation of the Massachusetts Registry of Civil Restraining Orders, the Massachusetts criminal justice system has taken advantage of available technologies to develop more effective management tools. These tools and others will further improve the delivery of justice in the Commonwealth of Massachusetts.

It is hoped that the success of the Massachusetts Automated Domestic Violence Record Keeping System will encourage those in other states and jurisdictions to attempt their own response to the reality and prevalence of domestic violence in the United States.

EMERGENCY ORDERS

Since July, 1984 the Massachusetts Trial Court has operated a JUDICIAL RESPONSE SYSTEM, a statewide emergency program to assist local police departments in resolving various legal issues and requests for services when the court is closed. On a rotating basis, justices are assigned for duty by the Chief Justice for assistance in variety of areas: bail, search and arrest warrants; emergency medical/mental health commitments; child custody and visitation procedures; temporary custody of a child; of an injured child kidnapping; juvenile runaway issues. But, by far, the largest number of requests are from victims seeking court abuse prevention orders.

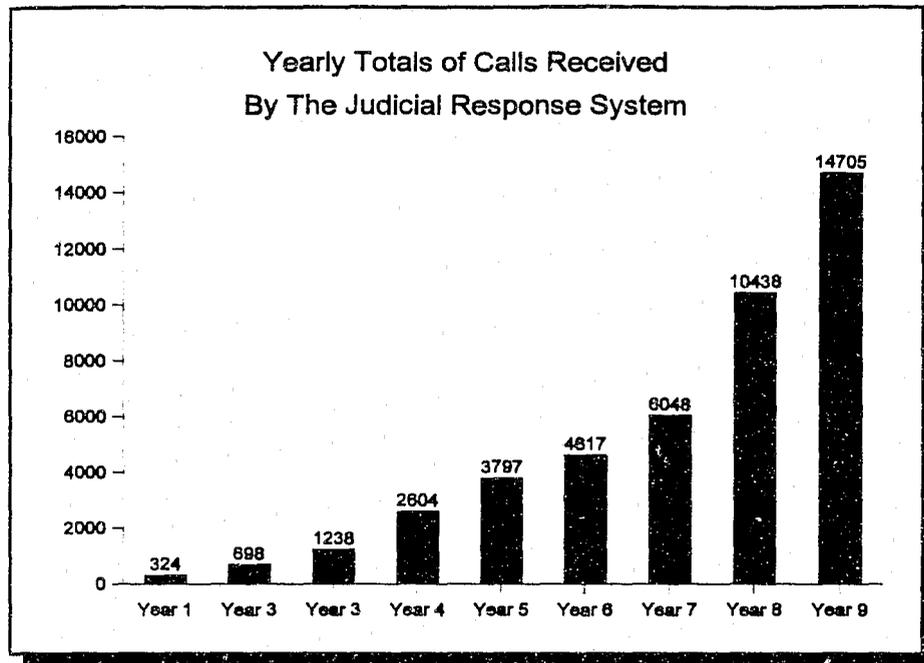


Figure 5

In the period July 1992-July 1993 a total of 14,705 requests were logged; of these, 14089, or 95.8%, were requests for temporary (overnight/weekend/holiday) abuse prevention orders.

The number of emergency prevention orders (14,089) is tabulated separately from those orders entered in the Registry. They are temporary orders issued in addition to the 1993 total count of 65,464.

While the increase in abuse prevention orders is disturbing, it is even more alarming to look behind the numbers. Figure 6 presents a log of the 15 calls received by a Massachusetts judge during just one 12 hour shift of emergency-response duty on Saturday, July 10, 1993.⁵

⁵From log entries recorded by Peter W. Agnes Jr., Presiding Justice, Charleston D.C.

DESPERATE CALLS

- 5:00am Restraining order issued for a mother whose ex-husband broke into her apartment and raped her; victim required hospitalization.
- 12:45pm Restraining order issued for a woman whose estranged husband had stalked her and left messages on her answering machine threatening to cut her into little pieces.
- 1:45pm Restraining order issued for woman whose boyfriend was drunk and had assaulted her.
- 2:40pm Restraining order issued for mother of two children who was punched in the mouth with closed fist by boyfriend because she wouldn't give him money for more beer.
- 3:20pm Restraining order issued for young woman who was dragged out of her car by boyfriend and banged against the hood until she lost consciousness because he said he couldn't live without her.
- 3:45pm Restraining order issued for elderly woman verbally abused by alcoholic husband who had trashed their home.
- 4:30pm Restraining order issued for a young woman who had been hit in the head with a shovel by boyfriend and was being treated at the hospital.
- 5:10pm Restraining order issued for mother of three children whose estranged husband threatened to kill her if she was with another man.
- 6:00pm Restraining order issued for young woman whose ex-boyfriend broke into her apartment and choked her until she passed out.
- 8:00pm Restraining order issued for mother who was assaulted by her daughter, a drug abuser trying to obtain money for drugs.
- 8:15pm Restraining order issued for mentally disabled mother who was attacked by her daughter.
- 8:30pm Restraining order issued for man whose former girlfriend had broken windows in his truck and threatened him over the telephone.
- 9:35pm Restraining order issued for young woman who was hospitalized with a fractured skull after being kicked repeatedly in the head by a former boyfriend.
- 9:50pm Restraining order issued for mother of who children whose estranged husband broke into her house and repeatedly punched her in the face in front of the children.
- 9:55pm Restraining order issued for young woman whose ex-boyfriend had rammed his car into her car, dragged her out of her car and kicked her in the stomach.



Figure 6

DATA

AND

PRELIMINARY FINDINGS

ABUSE PREVENTION ORDER (G.L. c. 209A)		DOCKET NO.	TRIAL COURT OF MASSACHUSETTS	
PLAINTIFF'S NAME	DEFENDANT'S DOB <input type="checkbox"/> M <input type="checkbox"/> F	DEFENDANT'S PLACE OF BIRTH	NAME AND ADDRESS OF COURT Suffolk Division Probate & Family Court Old Courthouse Pemberton Sq First Floor, RM 120 Boston, MA 02108	
DEFENDANT'S NAME AND ADDRESS	DEFENDANT'S MOTHER'S MAIDEN NAME (First & Last)			
	DEFENDANT'S FATHER'S NAME (First & Last)			
	DEFENDANT'S S.S. NO.	DEFENDANT'S ALIAS, IF ANY	DEF. DAYTIME PHONE	PCF NO.

A. THE COURT HAS ISSUED THE FOLLOWING ORDERS TO THE DEFENDANT: (only items checked shall apply)

This Order was issued without advance notice because the Court determined that there is a substantial likelihood of immediate danger of abuse. This Order was communicated by telephone from the judge named below to:
Police Dept: _____
Police Officer: _____

1. YOU ARE ORDERED NOT TO ABUSE THE PLAINTIFF by harming or attempting to harm the plaintiff physically, or by placing the plaintiff in fear of imminent serious physical harm, or by using force, threat or duress to make the plaintiff engage in sexual relations unwillingly.
2. YOU ARE ORDERED NOT TO CONTACT THE PLAINTIFF or any child(ren) listed below, either in person, by telephone, in writing, or otherwise, either directly or through someone else, and to stay at least _____ yards away from them, unless you receive written permission from the Court to do otherwise.
3. YOU ARE ORDERED IMMEDIATELY TO LEAVE AND STAY AWAY FROM THE PLAINTIFF'S RESIDENCE which is located at:

The Court also ORDERS you: (a) to surrender any keys to that residence to the plaintiff, (b) not to damage any belongings of the plaintiff or any other occupant, (c) not to shut off or cause to be shut off any utilities or mail delivery to the plaintiff, and (d) not to interfere in any way with the plaintiff's right to possess that residence, except by appropriate legal proceedings.

If this box is checked, the Court also ORDERS you immediately to leave and remain away from the entire apartment building or other multiple family dwelling in which the plaintiff's residence is located.

4. PLAINTIFF'S ADDRESS IMPOUNDED. The Court ORDERS that the address of the plaintiff's residence is to be impounded by the Clerk-Magistrate or Register of Probate so that it is not disclosed to you, your attorney, or the public.
5. YOU ARE ORDERED TO STAY AWAY FROM THE PLAINTIFF'S WORKPLACE which is located at: _____
6. YOU ARE ORDERED TO SURRENDER CUSTODY of the following child(ren) to the plaintiff:

N A M E	_____	DATE OF BIRTH	_____
	_____	_____	_____
	_____	_____	_____

VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE punishable by imprisonment or fine or both.

7. YOU ARE ORDERED TO PAY SUPPORT for the plaintiff and the child(ren) listed above, at the rate of \$ _____ per month week, beginning _____, 199 ____ directly to the plaintiff. through the Probation Office of this court. through the Massachusetts Department of Revenue.
8. YOU ARE ORDERED TO COMPENSATE THE PLAINTIFF for \$ _____ in losses suffered as a direct result of the abuse, to be paid in full on or before _____, 199 ____ directly to the plaintiff. through the Probation Office of this court.
9. YOU ARE ALSO ORDERED _____

DATE OF ORDER	TIME OF ORDER	<input type="checkbox"/> A.M. <input type="checkbox"/> P.M.	EXPIRATION DATE OF ORDER	NEXT HEARING DATE	at _____ <input type="checkbox"/> A.M. <input type="checkbox"/> P.M.
				in Ctroom _____	

The above Order expires on the expiration date indicated above. A hearing on whether to continue and/or to modify this Order will be held on the date and time indicated.

SIGNATURE OR NAME OF JUDGE

B. PRIOR COURT ORDER EXTENDED. After a hearing at which the defendant appeared did not appear, the Court has ORDERED that the prior Order dated _____, 199 ____ shall continue in effect without change until the expiration date below.

DATE OF ORDER	TIME OF ORDER	<input type="checkbox"/> A.M. <input type="checkbox"/> P.M.	EXPIRATION DATE OF ORDER	NEXT HEARING DATE	at _____ <input type="checkbox"/> A.M. <input type="checkbox"/> P.M.
				in Ctroom _____	

The above Extension of Order expires on the expiration date indicated above. A hearing on whether to continue and/or modify this Order will be held on the date and time indicated.

SIGNATURE OR NAME OF JUDGE

The plaintiff must appear at scheduled hearings, or this Order may be vacated. The defendant may appear, with or without an attorney, to oppose any extension or expansion of this Order. If the defendant does not appear, an extended or expanded Order may remain in effect for up to one year.

<input type="checkbox"/> C. PRIOR COURT ORDER VACATED. This Court's prior Order is vacated. Law enforcement agencies shall destroy all records of such Order.	DATE	SIGNATURE OR NAME OF JUDGE
--	------	----------------------------

FIRST OR ADMINISTRATIVE JUSTICE

A true copy, attest:

WITNESS:

(Assistant) Clerk-Magistrate/(Assistant) Register of Probate

Massachusetts Probation Service
REGISTRY OF CIVIL RESTRAINING ORDERS SUMMARY
July 1, 1993 - June 30, 1994

COURT	COURT TYPE	COURT #	# OF ORDERS	# OF DEFENDANTS	# OF MALES	# OF FEMALES
ADAMS	DISTRICT	30	88	81	72	9
AMESBURY	DISTRICT	37	0	0	0	0
ATTLEBORO	DISTRICT	34	715	630	529	101
AYER	DISTRICT	48	458	408	341	67
BARNSTABLE	DISTRICT	25	809	716	577	139
BOSTON MUNICIPAL	DISTRICT	1	229	214	181	33
BRIGHTON	DISTRICT	8	323	304	259	45
BROCKTON	DISTRICT	15	1,030	947	774	173
BROOKLINE	DISTRICT	9	157	148	126	22
CAMBRIDGE	DISTRICT	52	585	549	463	86
CHARLESTOWN	DISTRICT	4	136	115	98	17
CHELSEA	DISTRICT	14	711	651	560	91
CHICOPEE	DISTRICT	20	503	451	395	56
CLINTON	DISTRICT	68	221	205	166	39
CONCORD	DISTRICT	47	331	295	259	36
DEDHAM	DISTRICT	54	301	287	239	48
DORCHESTER	DISTRICT	7	1,784	1,624	1,402	222
DUDLEY	DISTRICT	64	496	452	394	58
EAST BOSTON	DISTRICT	5	598	552	451	101
EDGARTOWN	DISTRICT	35	111	104	86	18
FALL RIVER	DISTRICT	32	1,389	1,212	986	226
FITCHBURG	DISTRICT	16	541	482	398	84
FRAMINGHAM	DISTRICT	49	642	574	480	94
GARDNER	DISTRICT	63	430	375	314	61
GLOUCESTER	DISTRICT	39	316	276	224	52
GREAT BARRINGTON	DISTRICT	29	168	154	132	22
GREENFIELD	DISTRICT	41	471	412	340	72
HAVERHILL	DISTRICT	38	707	610	509	101
HINGHAM	DISTRICT	58	485	438	360	78
HOLYOKE	DISTRICT	17	617	562	501	61
IPSWICH	DISTRICT	40	65	63	56	7
LAWRENCE	DISTRICT	18	1,182	1,063	939	124
LEOMINSTER	DISTRICT	61	379	338	288	50
LOWELL	DISTRICT	11	1,696	1,504	1,304	200
LYNN	DISTRICT	13	1,467	1,283	1,058	225
MALDEN	DISTRICT	50	989	900	770	130
MARLBOROUGH	DISTRICT	21	335	299	256	43
MILFORD	DISTRICT	66	368	325	281	44
NANTUCKET	DISTRICT	88	89	80	63	17
NATICK	DISTRICT	87	111	105	90	15
NEW BEDFORD	DISTRICT	33	1,348	1,207	1,038	169
NEWBURYPORT	DISTRICT	22	367	346	307	39
NEWTON	DISTRICT	12	230	202	166	36
NORTH ADAMS	DISTRICT	28	255	214	195	19

COURT	COURT TYPE	COURT #	# OF ORDERS	# OF DEFENDANTS	# OF MALES	# OF FEMALES
NORTHAMPTON	DISTRICT	45	652	586	506	80
ORANGE	DISTRICT	42	226	204	180	24
ORLEANS	DISTRICT	26	339	310	258	52
PALMER	DISTRICT	43	348	307	266	41
PEABODY	DISTRICT	86	313	287	239	48
PITTSFIELD	DISTRICT	27	581	510	433	77
PLYMOUTH	DISTRICT	59	589	527	411	116
QUINCY	DISTRICT	56	1,609	1,498	1,222	276
ROXBURY	DISTRICT	2	1,068	982	847	135
SALEM	DISTRICT	36	785	692	557	135
SOMERVILLE	DISTRICT	10	842	760	643	117
SOUTH BOSTON	DISTRICT	3	357	324	282	42
SPENCER	DISTRICT	69	287	259	226	33
SPRINGFIELD	DISTRICT	23	1,808	1,627	1,371	256
STOUGHTON	DISTRICT	55	210	192	169	23
TAUNTON	DISTRICT	31	637	575	481	94
UXBRIDGE	DISTRICT	65	258	242	203	39
WALTHAM	DISTRICT	51	409	374	339	35
WARE	DISTRICT	46	168	157	134	23
WAREHAM	DISTRICT	60	523	471	402	69
WEST ROXBURY	DISTRICT	6	1,088	962	836	126
WESTBOROUGH	DISTRICT	67	232	207	163	44
WESTFIELD	DISTRICT	44	377	350	286	64
WINCHENDON	DISTRICT	70	63	60	57	3
WOBURN	DISTRICT	53	596	542	462	80
WORCESTER	DISTRICT	62	776	726	588	138
WRENTHAM	DISTRICT	57	369	339	287	52
BARNSTABLE	PROBATE	P72	459	431	376	55
BERKSHIRE	PROBATE	P76	160	143	113	30
BRISTOL	PROBATE	P73	420	379	334	45
DUKES	PROBATE	P74	0	0	0	0
ESSEX	PROBATE	P77	534	496	400	96
FRANKLIN	PROBATE	P78	84	82	68	14
HAMPDEN	PROBATE	P79	1,024	953	812	141
HAMPSHIRE	PROBATE	P80	112	108	100	8
MIDDLESEX	PROBATE	P81	867	771	625	146
NANTUCKET	PROBATE	P75	1	1	1	0
NORFOLK	PROBATE	P82	668	572	474	98
PLYMOUTH	PROBATE	P83	1,287	1,167	926	241
SUFFOLK	PROBATE	P84	552	522	426	96
WORCESTER	PROBATE	P85	1,322	1,203	1,019	184
BARNSTABLE SUP	SUPERIOR	72	0	0	0	0
BERKSHIRE SUP	SUPERIOR	76	0	0	0	0
BRISTOL SUP	SUPERIOR	73	13	11	7	4
ESSEX SUP	SUPERIOR	77	15	12	12	0
FRANKLIN SUP	SUPERIOR	78	0	0	0	0
HAMPDEN SUP	SUPERIOR	79	0	0	0	0
HAMPSHIRE SUP	SUPERIOR	80	0	0	0	0
MIDDLESEX SUP	SUPERIOR	81	7	7	6	1
NORFOLK SUP	SUPERIOR	82	1	1	1	0
PLYMOUTH SUP	SUPERIOR	83	0	0	0	0
SUFFOLK SUP	SUPERIOR	84	71	68	56	12
WORCESTER SUP	SUPERIOR	85	11	11	9	2
*** TOTALS ***			47,351	42,765	36,040	6,725

Source: Research & Planning Department, Administrative Services Division
Office Of The Commissioner Of Probation

Registry of Civil Restraining Orders
July 1, 1993 - June 30, 1994

Court Department Issuing Restraining Order		
	<u>Number</u>	<u>Percent</u>
Superior, District & BMC	39,861	84.2%
Probate	<u>7,490</u>	<u>15.8%</u>
Total Number of Orders	47,351	100.0%

Gender of Restraining Order Defendant		
	<u>Number</u>	<u>Percent</u>
Males	36,040	84.3%
Females	<u>6,725</u>	<u>15.7%</u>
Total Number of Defendants	42,765	100.0%

Age by Gender				
Age	Males Percent	Females Percent	Total Percent	Cumulative Percent
19 years or less	6.6%	10.3%	7.2%	7.2%
20 - 29 years	35.2%	37.6%	35.6%	42.8%
30 - 39 years	36.4%	33.2%	35.9%	78.7%
40 - 49 years	15.7%	12.8%	15.2%	93.9%
50 - 59 years	4.4%	4.4%	4.4%	98.3%
60 - 69 years	1.3%	1.4%	1.3%	99.6%
70 - 89 years	<u>.4%</u>	<u>.3%</u>	<u>.4%</u>	<u>100.0%</u>
	100.0%	100.0%	100.0%	100.0%

Prior Record by Gender & Court Department		
	<u>Probate</u>	Superior, District & BMC
Males with Priors	70.9%	76.5%
Males with No Priors	29.1%	23.5%
Females with Priors	34.2%	45.2%
Females with No Priors	65.8%	54.8%
Total with Priors	64.6%	71.2%
Total with No Priors	35.4%	28.8%

Type of Prior Record (of defendants with a prior record)		
<u>Category of Offense</u>	<u>Males</u>	<u>Females</u>
Person	65.5%	47.9%
Property	60.9%	58.2%
Drugs	30.6%	19.0%
DUIL	32.1%	17.3%
Major M/V	61.9%	34.8%
Public Ord	63.2%	44.0%

Men Who Batter

Profile From a Restraining Order Database

Nancy E. Isaac, ScD; Donald Cochran, EdD; Marjorie E. Brown, MS; Sandra L. Adams

Objective: To provide a description of men who batter, using the first 6 months of data entered in a new database that tracks all restraining orders (ROs) that have been issued in Massachusetts.

Design: Descriptive information and survival analyses.

Setting: State of Massachusetts.

Participants: Analysis of 18 369 male defendants against whom ROs were issued from September 8, 1992, to March 9, 1993.

Main Outcome Measures: Descriptive analysis of age and prior criminal record; survival analyses of violation of active ROs and arraignment for violent offenses.

Main Results: Three quarters of defendants are aged 20 to 39 years. A high percentage of men against whom ROs are issued have prior criminal records (74.8%), and nearly half (48.1%) have histories of violent crime. The risk of an order's being violated within 6 months following issuance was 15.4% and the risk of arraignment for some type of violent offense against any victim during this period and while the order was still active was 29.7%.

Conclusions: Men against whom ROs are issued are not a random subsample of the population. The presence of a current or previous RO should alert health practitioners to a situation that may indicate a history of criminal behavior in the man and a continued high risk of violence to the female partner.

(Arch Fam Med. 1994;3:50-54)

DURING THE past few years, domestic violence has been receiving increased attention as a major source of injury and other adverse health consequences for women in the United States. Surgeons General Antonia Novello and C. Everett Koop identified domestic violence as a major health issue for women, as has the new Secretary of Health and Human Services, Donna Shalala.¹⁻³ The importance of the health care professional as a gateway to appropriate treatment and referrals for battered women has been highlighted by several recent initiatives within the health care sector (*Am Med News*. 1992; 35:11 and *Joint Commission Perspectives*. March/April 1991:10).

It is estimated that 2 to 4 million women are victims of severe abuse each year, with more than 1 million women seeking medical care for abuse-related in-

juries.^{4,5} More than half of all female homicide victims in the United States are killed by an intimate male partner.⁴

The term *spouse abuse* usually refers to actions taken by one partner to intimidate, control, or harm the other in the context of an intimate relationship. The abuse may be emotional, psychological, or physical, and the relationship may exist within or outside of legal marriage and be heterosexual or homosexual. We will use the term *battering* in this article to refer to abusive situations that include physical harm, although this is a narrower definition than is used in most literature on the topic.

See Subjects and Methods
on next page

From the Injury Control Center, Harvard School of Public Health (Dr Isaac), and the Office of the Commissioner of Probation, Commonwealth of Massachusetts (Dr Cochran and Mss Brown and Adams), Boston, Mass.

SUBJECTS AND METHODS

The Massachusetts RO database was established on September 8, 1992. Between that time and September 14, 1993, 50 318 orders were issued against 45 401 defendants, 85% (38 661) of whom are male. This article analyzes the first 6 months of data (September 8, 1992, to March 9, 1993). Data on 21 388 defendants were entered in the database during this period (an average of 823 per week), with a gender distribution equal to that of the entire first-year population. This article describes 18 369 male defendants only. Defendants younger than 16 years (less than one half of 1% of all defendants against whom ROs were issued) are also excluded from this analysis. For the survival analyses, the male defendant sample used was just slightly larger ($n=18\ 772$).

The RO database is linked to all other automated databases within the Massachusetts criminal justice system. No information is available on criminal offenses occurring outside of Massachusetts. This may cause the extent of criminal histories among defendants against whom ROs were issued to be underestimated.

Violation of ROs was measured as incidents acted upon by the courts (ie, plaintiffs were not directly contacted). Based on findings from prior research, it is likely that relying on criminal justice records alone may significantly underestimate the extent of violation.⁸ Only the first RO issued to any given defendant was included in the analyses of violations and arraignments for violent offenses.

Table 1 provides results from a survival analysis of RO violations and arraignments for violent crime during a 6-month follow-up. The risk of violation or arraignment is calculated as 1 minus the cumulative probability of survival (in this case, survival corresponds with nonviolation or nonarraignment). The cumulative probability of survival is the product of the probability of survival in each time interval up to and including the time interval of interest.

Since we are looking only at the first 6 months of information in the database, those orders issued later in the 6-month period provide less follow-up than those issued earlier. For example, an RO that has been followed up for only 3 months does not provide any information about the risk of violation beyond this point in time, and the observation is said to be censored. Also, some ROs become inactive and are then removed from follow-up. Survival analysis allows us to describe the follow-up experience of our sample while accounting for censored data.

Although it is clear from the national surveys on family violence that women are perpetrators as well as victims of battering, women are at much greater risk for sustaining physical injury in abusive situations.⁵ This article

will focus, therefore, on the battering of women by their male partners.

A question that frequently arises in discussions of domestic violence is, "Who are the men who batter?" This article offers some new insights about a subset of men who batter—those against whom restraining orders (ROs) have been issued.

One of the legal remedies available to battered women is the RO or abuse prevention order. This civil order may require the defendant to do one or several things: desist from abuse, refrain from contacting the plaintiff, vacate and stay away from the plaintiff's residence, stay away from the plaintiff's place of work, surrender custody of minor children, pay child support, or otherwise compensate the plaintiff for financial losses. Although ROs can reduce a woman's risk of abuse and play a role in the criminal justice response to domestic violence, they are by no means a guarantee of safety and are often violated.^{6,7}

In response to a recent rash of domestic violence-related homicides in which perpetrators had prior criminal records and several had ROs against them, Massa-

ROs . . . are by no means a guarantee of safety

chusetts passed legislation in 1992 calling for the establishment of the nation's first statewide database to track all ROs issued in the Massachusetts courts. The database is updated daily and is linked to other criminal justice databases containing information on criminal records and court dispositions.

While this database was established primarily for on-line use by judges, police officials, and other criminal justice officials in the management of domestic violence cases, it also provides a unique research tool. Since it represents a 100% catchment area of a particular subset of battering cases (those resulting in an RO), it provides another avenue for investigating a phenomenon that is often difficult to measure. In addition to allowing a description of these batterers, the database holds promise as a tool for tracking the effects of different interventions or policy initiatives intended to address domestic violence.

This article provides a description of male defendants, using the first 6 months of data entered in the Massachusetts database. It contains unique data on the prevalence of criminal histories, the occurrence of RO violations, and other violence subsequent to the RO issuance among a statewide census of defendants. The relevance of these findings to health care professionals is highlighted.

RESULTS

More than three quarters of the defendants against whom ROs were issued are younger than 40 years; individuals in their 20s and 30s make up 73.3% of the de-

fendants (n=13 452) but only 45.7% of the adult male population (aged 16 years and older) in Massachusetts (**Table 2**).

Assuming that defendants continue to accumulate at approximately the same rate for the next 6 months of database observation, we would expect there to be more than 1600 defendants against whom ROs have been issued for every 100 000 adult males in Massachusetts at the end of 1 year. This is the equivalent of one defendant in every 62 males aged 16 years and older; for men in their 20s and 30s, this figure is one in 40. During longer periods, it becomes less valid to assume a constant accumulation of new defendants, since experience indicates that many defendants against whom ROs have been issued are repeat offenders.

Table 3 shows the extent of previous criminal records among the defendants against whom ROs have been issued. Three quarters of all defendants have some type of criminal history, and nearly half have previously committed violent crimes. A history of driving while intoxicated is present in one quarter of defendants. A prior criminal record is prevalent among all age groups.

Two other indications of ongoing and prior contact with the criminal justice system were examined in a 1-day sample of the RO database. Of the 208 men against whom ROs were issued on November 30, 1992, 28 (13.5%) were currently on probation and one in 10 had a record of prior violation of an RO. This latter number is an underestimate of the percentage of defendants with any prior RO or the percentage of ROs previously violated, since the on-line database contains information only on those instances where a previous RO was actually violated per court records. Previous ROs that were not violated, or whose violation was not reported to the court, are not contained in the on-line database.

Table 1 describes the risk of an RO being violated during the first 6 months of follow-up available in the RO database. By 3 months, there was a 10% risk of violation. The risk of a violation occurring by the end of 6 months was 15.4%.

Table 1 also provides information on the risk of arraignment for any violent offense during the period the RO was active. The risk of arraignment for a violent offense over the entire 6-month follow-up was 29.7%, nearly twice as great as the risk of violating the RO.

Table 1. Violation of Restraining Orders (ROs) and Arraignment for Violent Offenses by Time Interval, Massachusetts, September 1992 to March 1993

Time Since RO Issued, mo	Risk of Violation, %*	Risk of Arraignment, %†
1	5.4	12.0
2	8.0	16.6
3	10.2	20.5
4	11.8	23.3
5	13.5	26.1
6	15.4	29.7

*Cumulative probability that a defendant will violate the RO by this point in time after issuance.

†Cumulative probability that a defendant will be arraigned for any violent crime against any victim by this point in time after issuance and while the RO is still active.

Table 2. Age Distribution of Defendants and Rate of Restraining Order Issuance, Massachusetts, September 1992 to March 1993

Age, y	No. (%) of Defendants	% Census*	Annual Rate†
16-19	969 (5.3)	7.5	1138
20-24	2953 (16.1)	11.1	2352
25-29	3783 (20.6)	12.2	2727
30-34	3851 (21.0)	11.9	2843
35-39	2865 (15.6)	10.5	2414
40-44	1763 (9.6)	9.4	1660
45-49	1055 (5.7)	7.4	1265
≥50	1130 (6.2)	30.1	332
Total	18 369 100.0	100.0	1620

*Percentage of Massachusetts males aged 16 years and older who are in this age category.

†Rate per 100 000 population.

Table 3. Criminal History by Age of Defendant, Massachusetts Restraining Order Cases, September 1992 to March 1993

Offense*	Percentage With Offense by Age Group, y						All
	16-20	21-25	26-30	31-35	36-40	>40	
Violent crime	41.7	48.8	52.4	50.9	49.4	41.4	48.1
Property	47.5	49.2	48.9	47.2	44.7	30.3	44.4
Controlled substance	13.6	23.7	27.5	27.5	24.4	11.4	22.2
Driving while intoxicated	2.9	14.2	27.5	32.7	33.8	26.0	24.9
Criminal motor vehicle	27.1	50.9	54.5	51.6	46.8	35.1	46.4
Other offense	38.8	50.9	51.7	50.1	47.8	37.8	47.1
Any prior criminal record	69.0	79.1	79.6	76.9	75.5	65.4	74.8

*Defendant has a record of arraignment or conviction for this offense.

In the first year of the new Massachusetts RO database, roughly 50 000 ROs were recorded, the majority of them granted to women for protection against male intimate partners. This is yet one more indicator of the high incidence of domestic violence in American society.

LIMITS OF APPLICABILITY

In interpreting the data presented herein, it is important to remember several major limitations. First, the database can tell us only about batterers against whom ROs have been issued. This population may not be representative of all batterers for several reasons.

An RO cannot be issued unless there is contact with the criminal justice system (by the victim or others) and a decision by a judge to grant an RO. To the extent that these events are related to individual or contextual traits of particular abusers or episodes (such as socioeconomic status, involvement of alcohol or other drugs, or prior contact with the criminal justice system), these traits will show a different distribution among defendants in the RO database compared with their distribution among all batterers.

It is particularly important that these data not be interpreted as providing a profile of all batterers. Although the prevalence of criminal histories among the defendants against whom ROs have been issued is high, this does not imply that all batterers have criminal records or that a man without a criminal record could not be abusive.

These automated data are currently available only in Massachusetts, and it will require similar databases or other research efforts to determine whether these findings are generalizable to other states or regions. Although domestic violence statutes are unique to each state, we know of no particular aspect of Massachusetts law or its enforcement that would lead us to hypothesize large differences with defendant populations against whom ROs have been issued in other locations.

CLINICAL SIGNIFICANCE

The high frequency with which ROs are issued might lead some skeptics to assume that these orders are granted too easily for minor offenses and almost any man is at risk of being a defendant. The data available from the new RO database in Massachusetts reflect otherwise. Men against whom ROs have been issued are clearly not a random draw of the male population. They are very likely to have a criminal history, often reflective of violent behavior toward others.

There are several ways in which this information is potentially useful to health professionals in their clinical settings.

In identifying suspected cases of abuse, the knowledge that a client lives with a man who has had an RO issued against him should raise one's index of suspicion that symptoms are potentially abuse-related.

In interviewing a battered woman, the clinician may want to ask whether she has ever obtained an RO. The presence of a prior or current RO should be an additional "red flag" to the practitioner that the woman is at continued high risk of abuse and that the partner may have ongoing problems (eg, abuse of alcohol or other drugs, antisocial behavior) that exacerbate violent situations. To respond to women who are unfamiliar with ROs, it is useful to have a general understanding of the laws in your state governing such orders.

Indicating the presence or history of an RO against a male partner in the medical record provides an additional indicator of the risk for future trauma or other syndromes related to abuse. The knowledge that the abuser has had prior ROs issued against him may be an extra impetus to assess the woman's safety at all future visits.

A more thorough discussion of clinical guidelines is beyond the scope of this article and is available to

*this does not imply that all batterers
have criminal records or that
a man without a criminal record
could not be abusive*

clinicians in other publications.⁹⁻¹⁴ In addition, the American Medical Association has developed diagnostic and treatment guidelines for domestic violence, child physical abuse, child sexual abuse, and elder abuse. These are available as separate bound booklets from the Association.

Two final issues need to be raised regarding the usefulness of information on ROs to clinicians. First, while the presence or history of an RO in a given situation should alert a health professional to other potential issues, the absence of such an order should not lead to complacency or minimization of a woman's potential danger given indications that she is being abused.

Second, some health professionals may be concerned that discussing ROs will place the clinicians themselves at risk of retaliation from abusers. The risk to the clinician is vastly outweighed by the risk to the patient of failing to provide thoroughly for her physical integrity. However, all clinical settings should have protocols for response to domestic violence that include guidelines to ensure on-site safety of staff and clients. In addition, it is a useful exercise for all health professionals to consider ways in which this issue or other personal fears, biases, or experiences may influence their ability to provide complete care to abused patients.

CONCLUSIONS

This article presents broad information on a large sample of defendants against whom ROs were issued, using data from a tracking database. In future studies, we plan to assess more detailed aspects of these cases by using existing records (eg, probation and court documents) and other supplementary data sources. We are hopeful that this interdisciplinary collaboration between the criminal justice and public health fields will yield important insights toward the prevention of domestic violence.

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Massachusetts Trial Court
Office of the Commissioner of Probation



Young Adolescent Batterers:
A Profile of Restraining Order Defendants in Massachusetts

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There is a current national trend of increasing violence among the juvenile population. Between 1987 and 1991, a 50% increase occurred in the number of juveniles arrested for violent crimes: The highest number of violent arrests in the history of the country (Allen-Hagen and Sickmund). In Massachusetts 30% of the 20,000 juvenile arraignments in 1993 were for violent offenses. Furthermore, 36% of the juveniles placed on Risk/Need probation in Massachusetts in 1993 and 38% of the juveniles committed to the Massachusetts Department of Youth Services in 1993 were convicted of a violent crime. Record amounts of juveniles are the victims and perpetrators of violence.

The violence is not limited to the streets but is also pervasive in juveniles' interpersonal relationships. National research conducted in the 1980s measured the prevalence of dating violence among high school students: Some studies measured prevalence rates as high as 41.3% (Sugarman and Hotaling). In self reported data 35% of adolescents mention at least knowing someone who experienced physical violence in a dating relationship (Roscoe and Callahan). Familial violence by adolescents, particularly against siblings and parents, is also prevalent, although difficult to measure because it is often ``overlooked and under researched'' (Gelles).

The Massachusetts Registry of Civil Restraining Orders, maintained by the Office of the Commissioner of Probation, provides a vehicle in which to investigate some of the types and characteristics of interpersonal violence among adolescents. It is a unique measure of the violence which occurs between teenagers and their family or intimates. Issues emerge with this population which must begin to be dealt with by criminal justice personnel and practitioners. The time of the issuance of the restraining order is an opportunity for intervention. Of paramount importance is preventing the adolescent from continuing this abusive behavior into adult relationships.

The goals of this study are to obtain a better understanding of the characteristics and patterns of adolescent batterers and the transmission of violence and abuse. Section I of this report gives a

general overview of Massachusetts' adolescent batterer's cases and characteristics; Section II deals specifically with dating violence; Section III deals specifically with familial violence.

Methodology

On September 8, 1992 the Massachusetts Commissioner of Probation in conjunction with the Department of Public Safety, implemented the Registry of Civil Restraining Orders: The nation's first statewide, centrally computerized, domestic violence record keeping system. The Registry was created in response to a need for a centralized database accessible by judicial and law enforcement agencies for the issuance and enforcement of domestic violence restraining orders. Data is entered into the registry on the same day that the order is issued by any one of the 97 District, Superior, and Probate courts throughout the Commonwealth.

The Massachusetts Registry is a unique vehicle for the identification of adolescent batterers. Prior research regarding teen batterers focused on high school or college students (Alexander, Moore and Alexander; Bergman; Sugarman and Hotaling; Roscoe and Callahan). These are skewed populations which completely omit teenagers who did not stay in high school and/or proceed to college. The Registry is a 100% catchment of adolescent restraining orders issued in the Massachusetts courts.

This study is an examination and profile of adolescent restraining order defendants in Massachusetts. The study includes all adolescent defendants between the ages of 11 and 17 who had a restraining order issued against them during the first 10 months of the registry's operation, from September of 1992 through June of 1993. The Registry is a computerized database containing information regarding the restraining order and the conditions of the order. The Registry is directly linked to the defendant's history of delinquency and offender characteristics such as age and sex.

For supplemental information the Office of the Commissioner of Probation collected complaint forms, restraining order forms, and affidavits from the local courts. Of the total adolescent restraining order population (n=757), 680 complaint forms and 655 order forms were collected, a response rate of 90% and 87%. These forms contain specific information regarding the conditions of the order and

the defendant-plaintiff relationship. The number of affidavits collected equalled 461, a 61 % response rate. The affidavits contain summaries of the abusive incident(s) which necessitated the acquisition of a restraining order. Qualitative data from the affidavits are used as examples of the types of abuse occurring within the population. Information in the affidavits was also categorized and coded. It is important to note that in sections of this report based on affidavit information a negative response simply means that this characteristic or action was not mentioned in the affidavit, but does not necessarily mean it did not occur.

I. A Profile of Adolescent Restraining Order Defendants

`` Finally, he held the knife to his own wrist and I jumped in the car and started to leave. He sat on the trunk, but I kept driving and he showed me his bloody wrist. This is the 3rd time he pulls out a knife in my presence and threatens to kill himself. ''

`` Broke and entered our house and stole money from our daughter. He had been told to stay away from our house. . . he had kicked in a door trying to enter the house. My wife and he had an ensuing argument that resulted in pushing and shoving. ''

- excerpts from the affidavits of the girlfriend and parents of a 17 year old defendant, all from an affluent, west suburban community.

". . . He stabbed me a couple of times once on my index finger, on my arms, twice on my legs and constantly just hitting on me. He always thought I was cheating on him. I loved () very much and I still do."

- excerpt from an affidavit filed in an inner city court by a girl against her 16 year old ex-boyfriend.

Between September of 1992 and June of 1993, 757 civil restraining orders were issued by the District and Probate courts against adolescents between 11 and 17 years of age. Most of them related accounts of abusive behavior similar to the excerpts above. Over 1,100 adolescents in Massachusetts annually commit domestic abuse and this number is only representative of reported cases. Studies of both dating and familial violence have found that adolescent interpersonal violence is highly under reported through official avenues (teacher, counselor, law enforcement), with estimated reporting rates ranging from 4 to 40% (Bergman, Pirog-Good and Stets, Pagelow, Gelles).

Age and Gender

Although the range in age of the defendants is between 11 and 17 years, most of the defendants (93.4%) were 15, 16, and 17 years old (see Table 1, below). These are young teenagers enmeshed in disruptive and violent interpersonal behavior. The majority of defendants, 77%, are males. However, females account for 23% of the adolescent restraining order defendants, making female defendants almost twice as prevalent among young adolescents than among the total civil restraining order population of which 13% are female.

Table 1: Age of Adolescent Restraining Order Defendants

Age	Frequency	Percent
11	1	.1%
12	3	.4%
13	10	1.3%
14	36	4.8%
15	79	10.4%
16	139	18.4%
17	489	64.6%
Total	757	100.0%

Patterns of Violence

For the majority of these young defendants, the restraining order is not the first indication of violent behavior. Over half (54%) of the adolescent restraining order defendants have a prior delinquency or adult arraignment for a violent offense. One quarter have 3 or more prior delinquency or adult arraignments for violent offenses. Seventeen percent have a prior arraignment for violating a civil restraining order. Nineteen percent are under probation supervision at the time that the order

is issued. The defendants are 15, 16, and 17 year olds who have already established patterns of violence and abuse. These defendants should be considered as real and dangerous threats to themselves and others.

Court Characteristics

Only 3.3% of the adolescent restraining order cases include mutual orders taken out by the defendant against the plaintiff. Almost 12% have a concurrent cases pending in Probate Court. The low occurrence of other types of civil cases, supports the fact that restraining orders are issued based on their own merit and are not simply extensions of other pending civil proceedings. Adolescent restraining orders are issued in numerous courts encompassing varying areas of the state. Table 2, below, gives a frequency distribution of the 10 courts, accounting for one-third of the total adolescent restraining order population, which issued the highest numbers of adolescent restraining orders.

Table 2: Top 10 Courts With the Highest Frequency of Adolescent Restraining Orders

Court	Frequency
Springfield District	43
Lowell District	27
Wareham District	26
Fall River District	25
Salem District	24
Dorchester District	24
Quincy District	24
Brockton District	21
Barnstable District	20
Taunton District	20

The majority of the initial temporary restraining orders (52.3%) are extended for a year. Twenty seven percent of the orders are vacated within the first two weeks. Twenty-one percent are vacated or are terminated sometime between two weeks and one year.

Conditions of Order

The most common court ordered conditions of adolescent restraining orders requested by a victim and granted by a judge are for the defendant to refrain from abuse (97.9%), for the defendant to have no contact with the plaintiff (81.5%), and for the defendant to vacate and/or stay away from the home of the plaintiff (81.5%). Table 3 depicts the rate at which each of the different conditions are ordered by the court. The conditions will be examined more indepth in later sections of this report.

Table 3: Conditions of Adolescent Restraining Orders	
Condition	Percent
Refrain From Abuse	97.9%
No Contact	81.5%
Vacate/Stay Away	81.5%
Address Impounded	4.0%
Stay Away Work	9.9%
Surrender Custody	25.4%
Support Payments	.7%
Compensation	.4%
Other	27.2%

Defendant/Victim Relationship

Relationship information was distinguishable in 85.7% (n=648) of the cases. The majority of defendants (56.9%) and victims are currently in or used to be in a dating relationship with each other

(see Table 4, below). Family members are victims in 42.2% of the cases involving teenage batterers. The relative most often victimized is a parent.

Table 4: Defendant-Victim Relationship		
Relationship	Frequency	Percent
Parents	209	32.3%
Other Family	64	9.9%
Friend	6	.9%
Dating Relationship	<u>369</u>	<u>56.9%</u>
	648	100.0%

Specific characteristics regarding defendant/victim relationships will be discussed in the following sections on dating violence and familial abuse. The report divides abuse by young adolescent defendants into two sections regarding dating violence and familial violence. These sections are dealt with and discussed separately because both dating and familial abuse denote differing characteristics and implications.

II. Dating Violence

... he said that if I did not go out with him then he would rape me if he had to. I continued to tell him that I wanted nothing to do with him.."

-excerpt from an affidavit against a 14 year old defendant.

... pushed me into the bushes. I yelled for help and the defendant proceeded to cary (sic) me by my hair and shoulders to the corner of the streets. . . again took me by the head and dragged me down 15-20 cement stairs. While I was on the ground he continued to kick me."

-excerpt from girl's affidavit against her 17 year old boyfriend.

More than half (57%) of the restraining orders issued against teenagers in Massachusetts are concerning a dating relationship. In 10 months time at least 369 restraining orders were issued against teenagers for abusing their (ex)boyfriend/girlfriend. "Dating violence is not only important as a phenomenon in itself but also because it precedes marital violence and thus may provide a link in the intergenerational transmission of violence" (Alexander, Moore, Alexander). The following section examines some of the characteristics of these defendants and their abusive behavior.

Age and Gender

The majority (87%) of teenage batterers involved in dating violence are 16 and 17 years of age (see Table 5, on page 10).

Table 5: Age of Adolescent Batterers involved in Dating Violence

Age	Frequency	Percent
13	3	.8%
14	15	4.1%
15	30	8.1%
16	74	20.1%
17	<u>247</u>	<u>66.9%</u>
	369	100.0%

Batterers are predominantly adolescent boys (80.8%); however, almost one-fifth of the orders are taken out by boys against girls. This later situation is illustrated in the following restraining order excerpt:

`` . . . showed up at my house and demanded I go back out with her. . . I tried to restrain her but she was kicking, punching, and scratching me. . . My mother received a phone call from (.). When my mother said `stop calling' she said, `you listen here bitch, I will call whenever I want, I will come over whenever I want, I will see your son whenever I want, and I'm going to kill you and your son bitch.'''

Almost 13% of the orders taken out against teen batterers committing dating violence, have parents as the plaintiff on behalf of their child's welfare. These cases involve parents who felt the need to intervene in their child's personal relationships to prevent further physical and/or psychological abuse against their children. Such a case is illustrated in the excerpt below:

`` . . . threatened to kill my daughter and then take his own life if she ended their relationship. He has attempted to control her life by deciding who she could talk to, what she could wear and wanting to know her whereabouts at all times.''

Conditions of Court Order

The most frequently requested and issued restraining order conditions against teens involved in dating violence are: for the defendant to refrain from abusing the victim (98.4%); for the defendant to have no contact with the victim (92.4%); and for the defendant to vacate and/or stay away from the victim's residence (90.8%). Table 6, below, depicts the most frequent conditions of teen dating restraining orders.

Table 6: Most Frequent Restraining Order Conditions
Teen BATTERERS and Dating Violence

Condition	Percent
Refrain From Abuse	98.4%
No Contact	92.4%
Vacate/stay Away Residence	90.8%
Stay Away Work	15.4%
Surrender Custody	33.1%
Other	28.5%

Thirty-three percent of the restraining orders specify that the defendant must surrender custody of his/her children to the plaintiff. In these cases the plaintiffs are mostly young girls (80%) requesting sole custody of the children from the father. At least one-third of the adolescents involved in abusive relationships as teenagers already have children of their own.

Twenty-nine percent of the orders established 'other' conditions which are not explicitly delineated in the registry of civil restraining orders. The most common order in the 'other' category is to reiterate the no contact condition, whether it is via phone, letter, friends, or relatives. Almost 31.8% of the 'other' conditions are for defendants to have no contact with the victim at school or for the defendant to stay away completely from the school, even at times when the defendant is an enrolled student in the same school as the victim.

Patterns of Violence

Despite their young age, over half of the defendants involved in teen dating violence have amassed a history of violent delinquent and criminal behavior. Fifty-seven percent of the defendants have prior delinquent or criminal arraignments for a violent offense, and 19.8% have a prior arraignment for violation of civil restraining order. Patterns of violent delinquent and criminal behavior are more frequent among boys than among girls (63.8% versus 26.8%, respectively).

Abuse Characteristics

The remaining analyses in the dating violence section deal with variables extrapolated and coded from the plaintiff's affidavits (n=249). It is important to note that because a variable has a negative response it does not mean that it did not occur, it simply means that it was not mentioned in the affidavit. Taking this into consideration, statistics may represent underestimates of a variable's actual occurrence.

On the restraining order complaint forms, over 70% of the victims report that they were in fear of physical harm from the defendant. Slightly over 48% report that the defendant attempted to cause physical harm and 47% report that the defendant did cause physical harm. Boys were more frequently the defendant when physical harm was actually caused than girls (50.3% vs. 32.4%, respectively).

Similarly, information collected from restraining orders, in which affidavits were available, indicate that 73.4% of the victims report some type of physical abuse. Fifty five percent of the victims describe a history of abusive behavior where the current incident is not the first threat or instance of violence.

Other tactics of teenage abuse and harassment are mentioned in the affidavits. Fifty-six percent of the victims are threatened with physical violence or death. Almost one-third mention receiving annoying phone calls and one-quarter mention the defendant harassing family or friends to try to get to the victim. Even though these incidences are not literally physical abuse, they should not be overlooked. Past studies have shown that threats are used as strong and effective means by the batterer to control the victim's behavior: it is the psychological equivalent of physical abuse (Bergman).

Descriptions of abuse from the affidavits are useful in delineating some of the common ways that the teenage batterer manipulates, attacks, and abuses the victim.

Abuse and Weapons

In 17% of the affidavits, the use of a weapon is mentioned. Of those cases mentioning the use of a weapon, the weapon used most frequently (59.5%) is a knife or similar sharp instrument (see Table 7). In over one-fifth of the cases in which a weapon is used to perpetrate abuse, the weapon of choice is a gun. Young teenagers are being exposed to, intimidated by, and abused by their own peers in a manner similar to the following girl's experience with her boyfriend:

...telling me that if he can't have me no one can, then he preceded to put a gun up to my head and told me he would kill me."

Weapon	Frequency	Percent
Firearm	9	21.4%
Knife	25	59.5%
Bat, stick, club	3	7.2%
Other weapon	5	11.9%
	42	100.0%

Instances of adolescent battering involving a weapon are more likely to result in actual physical harm to the victim (69.0% vs. 58.9%).

Location of Abuse

In 42% of the affidavits, the victim described the location where the abuse took place. The abuse occurred most often (66.2%) in a house or home of the defendant, plaintiff, or other relation (see Table 8). The next most likely places for the abuse to occur is at school (16.2%), outdoors or in a public place (10.3%), at the victims place of work (5.2%), and in a car (1.9%).

Table 8: Location of Abusive Incident Teen Dating Violence	
Location	Percent
Home/Residence	66.2%
School	16.2%
Outside/Public Place	10.3%
Work	5.2%
Car	1.9%

Of the locations where abuse takes place, the location where physical abuse is most frequently reported is in school. Eighty-four percent of the teenage dating violence occurring at school involves some type of physical violence. This is followed by 81% of victims abused in outdoor or public places, 50.0% of victims at work, and 58.5% of victims abused in a home or residence.

Incident Preceding Abuse

Another variable for which information was extrapolated from the affidavits is the incident which the victim mentions as preceding the onset of the most recent abuse. In only one-quarter of the affidavits was this variable distinguishable. The most common incident was a recent break-up of a relationship between the victim and defendant (47.8%) or a refusal by the victim to talk with or date the defendant (10.9%).

The interpersonal violence in the lives of adolescents is pervasive. Alternative means for dealing and coping within relationships must be learned to stop the patterns of violence. As depicted in the excerpt below, the issue of controlling another's behavior is a common theme in these abusive incidents:

“He repeatedly told me he loved me and he was going to kill me if I went out with anyone else that if he couldn't have me no one could.”

III. Familial Violence

``He broke a bannister in the hallway and began to beat on the walls. .
. He pulled a knife at me and threatened me. In the past he promised to
blow my brains out.''

-excerpt from an affidavit of a mother against her 16 year old son.

Almost one-third (n=273) of all adolescent restraining order defendants victimize a relative. Most frequently (76.6%) the restraining order is taken out against children for abusing their parents (see Table 9).

Table 9: Defendant - Victim Relationship Family Abuse		
Relationship	Frequency	Percent
Children - Parents	209	76.6%
Grandchild - Grandparent	4	1.5%
Siblings	32	11.7%
Niece/Nephew - Uncle/Aunt	8	2.9%
Cousins	6	2.2%
Other Family Members	14	5.1%
	<hr/>	<hr/>
	273	100.0%

Parental Abuse

The most frequent type of familial abuse represented through the Registry of Civil Restraining Orders involves a child against a parent. This accounts for 79% of all familial abuse cases in the Registry. Because of the predominance of parental abuse, the majority of this section on family violence will only focus on instances of teens battering their parents.

Age and Gender

Sixty-one percent of defendants of parental abuse are 17 years of age (see Table 10). Another 32% are 15 and 16 year olds.

Table 10: Age of Parental abuse Defendants

Age	Frequency	Percent
13	3	1.5%
14	11	5.3%
15	32	15.3%
16	35	16.7%
17	128	61.2%
Total	209	100.0%

In the majority of parental abuse cases sons are the abusers and mothers are the victims. Sixty-four percent of the restraining orders are for sons abusing their mothers; 21% are for daughters abusing their mothers; and 14% are for sons abusing their fathers. Very few cases of daughters abusing their

fathers are reported. These families live in households of violence where the teenagers show no respect or consideration for their parents. In some families the situation becomes so out of control that the only recourse left for the parent is judicial intervention, as shown in the following excerpt.

``Has bad temper when entertaining her friends. They run house and destroy property and won't pay attention to what I say. . .I have to go to my room and stay there. . .I am in constant fear of my daughter. She scares me and I am afraid of her when she gets mad.''

Conditions of Restraining Order

The most frequent condition of restraining orders in parental abuse cases is for the child to refrain from abusing the parent, 98.6%, (see Table 11, on page 19). The majority of cases also order the defendant not to have any contact with the parent (60.8%) and to vacate and/or stay away from the parent's home (63.6%). The two prior conditions are less prevalent among parental abuse than in the general adolescent restraining order population. In cases where the defendant is ordered to vacate and/or stay away from the parent's residence, the situation is typically a mother who feels her son is out of control and it is necessary to get him out of the house and keep him away. This is needed for her own protection and often times for the protection of the defendant's younger brothers and sisters. The excerpt below, from a mother's affidavit against her 14 year old son, typifies this situation.

``The defendant lit a fire in the bathroom. . . He also punched me in the face about 2 months ago, then told me later that night that he would do it again and that he didn't hit me with all his might that time. Two weeks ago he threw a glass of water in my face. . . His brother is afraid to stay alone with him. His sister also feels threatened by him.''

Table 11: Most Frequent Restraining Order Conditions
Adolescent Parental Abusers

Condition	Percent
Refrain From Abuse	98.6%
No Contact	60.8%
Vacate/Stay Away Residence	63.6%
Surrender Custody	14.4%
Other	22.5%

Over 22% of the parental abuse restraining orders specify ``other'' conditions on the restraining orders. Thirty-five percent of the ``other'' conditions are to reiterate the no contact order and clarify that no contact means no contact in any manner. Thirty percent of the ``other'' conditions are to set the time and circumstances under which a teenager ordered to vacate a residence may pick up his or her belongings; often specifying police accompaniment.

Patterns of Violence

The teenagers committing parental abuse have past histories of violent behavior. Over half (53.1%) have a prior arraignment for a violent offense and 12% have a prior arraignment for violation of a restraining order. A slightly larger percent of teenage boys (56.4%) than teenage girls (41.3%) have amassed a history of violent delinquent and criminal activity.

Abuse Characteristics

The remaining analyses regarding parental abuse have been extrapolated and coded from the plaintiff's affidavit (n=137). Thus, if a plaintiff neglected to mention any specific detail in the affidavit, the variable is coded as not having occurred. Due to this fact, frequencies of variables may be an under-representation of their actual occurrence.

On the complaint form, 77% of the parents reported that they are in fear of physical harm from their child. Forty-two percent reported that their son or daughter attempted to cause them physical harm and 33% reported that their son or daughter actually caused physical harm.

In 68% of the cases, in which affidavits were collected, some type of physical abuse by a teenager against a parent is mentioned. When abuse is reported the victim is almost always the mother. The most likely circumstance involving physical harm is of a son abusing his mother (63.9%). The next most likely circumstance is that of a daughter abusing her mother (22.1%). Sixty-six percent of parental abuse victims reported that this was not their child's first incidence of abusive behavior towards them.

Other commonly occurring abusive tactics carried out by teenage batterers against their parents include threats of serious injury or death (51.8%) and verbal abuse (47.4%). Twenty-eight percent harass other family members. Forty four percent of the parents report destruction of property by the defendant. In almost one-third of the affidavits, the parent mentions having to call the police for intervention during their child's latest abusive episode.

Weapons and Abuse

Almost 18% of the affidavits mention a child using a weapon against their parent. Daughters use a weapon more frequently than sons (23.3% vs. 15.8%, respectively). The weapon used most often (41.7%) is a knife or similar sharp object (see Table 12, on page 21). A gun is used in 25% of the cases where a weapon is involved.

Table 12: Parental Abuse and Weapons		
Weapon	Frequency	Percent
Firearm	6	25.0%
Knife	10	41.7%
Bat, stick, club	5	20.8%
Other weapon	3	12.5%
	24	100.0%

Nearly one out of every five incidences of parental abuse by a teenager involves the use of a weapon against their parent such as indicated in the restraining order excerpt below.

“() had an argument with my husband (his father) at which point the defendant was to leave the house which he refused. The argument became physical at this point and the defendant took a knife from the kitchen and threaten my husband with it said he was going to kill my husband and that if we called the police he would come back and kill us.”

Location of Abuse and Incident Preceding Abuse

Incidences of parental abuse by teenagers almost always (98.5%) take place in the home. Most of the abusive incidents are preceded by the occurrence of some type of parent and child disagreement. Almost half (46.3%) are after the child disobeys a parental request and 14.9% are after parent-child verbal arguments.

Sibling Abuse

The next most frequent victim of battering by an adolescent relative is a sibling. In a majority of these cases brothers are the perpetrators and sisters are almost always the victim. In 56% of sibling abuse cases a brother is abusing his sister. In 31.2% of these cases a sister is abusing another sister. Abuse between siblings is the most frequent type of family violence, but is also the least likely to be reported (Pagelow). Society often perceives it to be somewhat ``normal'' for siblings to argue or fight; however, any type of violence is damaging. Below is one such example of an abusive sibling relationship which led a young girl to the courts for help.

``I feel I need a restraining order against my sister because we are always fighting with each other and we can not get along. I have been in many fist fights with her and I want things to end.''

Summary

This study has clearly depicted the seriousness of domestic violence among adolescents in Massachusetts. The myth that what is now considered stalking and abuse used to simply be means of flattering courtship is denounced by the accounts of the teenagers in this report. Tactics of manipulation, control and physical abuse are being used by and against teenagers at a critical and impressionable time in their lives. Through the use of restraining orders, their abusive behavior in interpersonal relationships is brought into the realm of the courts. These are 15, 16, and 17 year olds who have already established patterns of violence so early in their lives.

The restraining order should be used as a "red flag" to interpersonal violence by teenagers. The time of the issuance of the restraining order should be a time for intervention. Of paramount importance is the prevention of further abusive behavior as teenagers and prevention of the transmission of that behavior into their adult relationships. A major premise of intervention at this point is that it will be easier for a 15 year old to break the cycle of abuse than it will be for a 30 year old. The teenager must unlearn the abusive behavior and be taught appropriate interpersonal techniques.

Domestic violence prevention should precede the point at which a restraining order is issued. Personnel in courts, law enforcement, schools and social services must be trained to deal with teenage battering: Then, they must form partnerships to educate our children in the schools and community. Violence reduction training and programs that are found in some probation offices and school systems in Massachusetts should be expanded as a core operating procedure for all groups and agencies that deal with young adolescents. The lines of communication must be opened for teenagers to report abuse and seek help whether they are a victim, a batterer, or in many cases both. If, as prior research has documented, teenage battering is highly under-reported, those teenagers who do not report abuse must be reached through educational channels. Education should not be limited to the children, but must be available to the whole community, including parents who are in the best position to recognize the warning signs of abuse and who are often times themselves the victims of abuse.

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