

Office of the Commissioner of Probation  
Massachusetts Trial Court



**THE TRAGEDIES OF DOMESTIC VIOLENCE**

A qualitative analysis of  
civil restraining orders in Massachusetts

October 12, 1995

Donald Cochran  
Commissioner of Probation

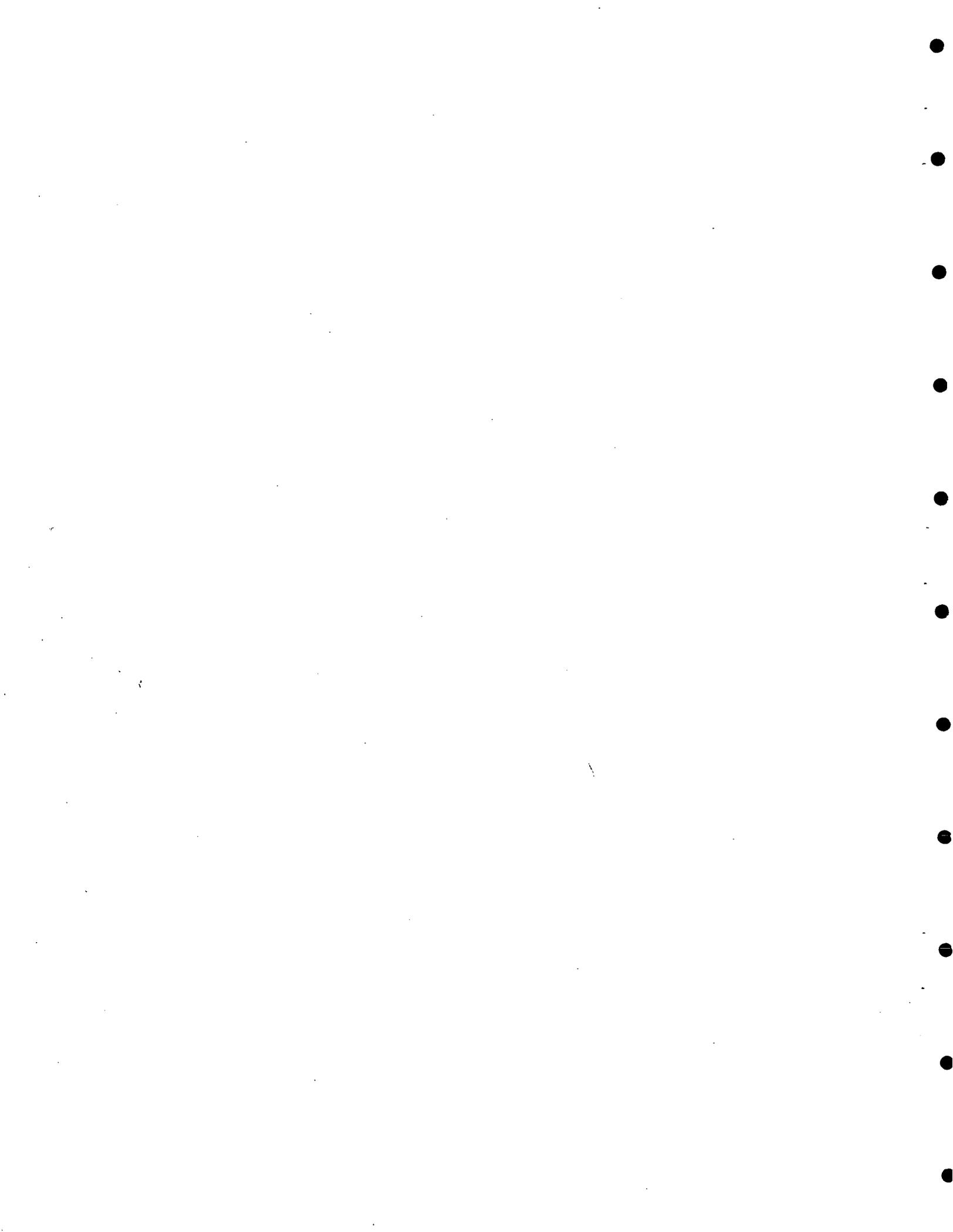
4-18-96

Marjorie Brown  
Deputy Commissioner

Prepared by:  
Sandra Adams  
Associate Director of Research

Anne Powell  
Research Analyst

157881



THE TRAGEDIES OF DOMESTIC VIOLENCE

DEC 7 1995

EXECUTIVE SUMMARY

WOMEN'S JUSTICE FOUNDATION

"He threatened my life. He put 2 hands on my neck trying to choke me. Then he put his hands on my left arm making a motion to twist it. Meanwhile he said men are born to rule and men are the kings . . . He went on lecturing me on how to behave like a wife and a woman for 30 mins. Then he demanded sex. This was his second offense, he had done similar acts at the beginning of the year with a knife but I never reported it."

- - September 1994, civil restraining order affidavit exemplifying characteristics of domestic abuse.

Summary of Findings

- \* On average, a restraining order is issued approximately every 2 minutes during the hours of court operation in Massachusetts.
- \* Almost half (48.9%) of restraining orders involve people who are or have been in a dating relationship; another 34% involve (ex)spouses.
- \* Fifty-six percent of the restraining orders mention the presence of a child belonging to the defendant, victim or both.
- \* On average, for each restraining order which mentions the presence of children, there are 1.8 kids. This equates to approximately 43,000 children a year in Massachusetts who are exposed to reported acts of abuse and violence between family members. Sixty-five percent (65%) of the children are less than 8 years of age.
- \* In over 65% of the restraining order affidavits the victim describes a history of abuse in which the current incident is not the first abusive incident taken by the defendant against the victim.
- \* Almost half (48.6%) of the victims describe being physically abused by the defendant.
- \* Slightly over half (50.7%) of all victims are threatened by the defendant.
- \* Forty-nine percent of civil restraining order affidavits mention the defendant verbally abusing the victim.
- \* One in every four victims describe the defendant causing damage or destruction of property.
- \* Over half (51.3%) of all restraining order defendants show

some indication of having an alcohol and/or drug abuse problem.

\* Thirty-seven percent of restraining orders are closed within 15 days of the date that they were issued by the court. This is generally a result of the plaintiffs' decision not to return to court to continue the temporary order.

\* The proportion of defendants arraigned for violation of a restraining order within one year of its issuance is 17.3%. The greatest risk of violation is during the first 3 months after the issuance of the restraining order.

\* A restraining order defendant with a prior history of delinquency or criminal arraignments is more than twice as likely to violate the order than a defendant without a prior delinquency or criminal history (20.8% versus 9%, respectively).

\* Restraining order defendants with a delinquency or criminal history of violent offenses have a 23.6% rate of violating the order.

\* The highest violation rate, 32%, occurs among CRO defendants who have both an alcohol and drug abuse problem; compared to only 15% of defendants who have neither an alcohol nor drug abuse problem.

157881

**U.S. Department of Justice  
National Institute of Justice**

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by

Massachusetts Trial Court

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

## The Tragedies of Domestic Violence

### Introduction

On September 8, 1992 the Massachusetts Commissioner of Probation, under the direction of the Chief Justice for Administration and Management and in cooperation with the Secretary for 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 personnel for the issuance and enforcement of domestic violence restraining orders. It is designed to provide the police and courts with accurate and up-to-date information for the effective management of domestic abuse cases and the protection of victims.

Restraining orders are 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. A victim of domestic violence seeks a restraining order against an abusive defendant approximately once every 2 minutes during the hours of court operation in Massachusetts. Since its inception in September of 1992 up to September of 1995, over 145,000 restraining orders have been issued against 108,073 defendants.

The Massachusetts Registry has been successful at its intended purpose of providing timely and reliable information to officials regarding civil restraining orders. In addition, the information maintained in the Registry is a unique database for the study of domestic violence. Research pertaining to civil restraining orders in the Massachusetts Registry provides valuable information and insight regarding the characteristics of domestic abuse and abusers. Analyses of data from the Registry are utilized in the policies, training and practice of judicial, criminal justice, law enforcement and victim/witness personnel.

Through the analysis of qualitative data, this study adds to the wealth of existing information and provides an in-depth and substantive description of the circumstances surrounding restraining orders and restraining order defendants.

## Methodology

The sample for this study consists of all civil restraining orders (CRO) issued during the week of September 19, 1994 to September 23, 1994. The total sample size equals 1,000 cases. The sample's representativeness to the total 1994 civil restraining order population is ascertained by comparing the sample to the population on the basis of several distinguishing characteristics. The population and sample were compared by court department, defendant's gender, defendant's age, and defendant's prior criminal record. For each variable the sample and population percentages were found to be congruous (see Appendix A).

The data analyzed in this study include information contained in the computerized Civil Restraining Order Registry. The variables from this data source include defendant identification information (i.e. sex, date of birth) and restraining order characteristics (i.e. court issuing order, conditions of order).

In addition, all Chief Probation Officers (CPOs) throughout the Commonwealth supplied the Office of the Commissioner of Probation with the Complaint Form, the Affidavit and the Order Form for every civil restraining order issued by their court during the sample week. The information supplied by the CPOs was compared to a computerized list of orders obtained from the Registry: The response rate (listed below) was high, ensuring statewide representativeness.

|                          | Number | Percent |
|--------------------------|--------|---------|
| Affidavits Received      | 834    | 83.4%   |
| Complaint Forms Received | 858    | 85.8%   |
| Order Forms Received     | 865    | 86.5%   |

The Complaint Forms, Affidavits, and Order Forms provide in-depth and qualitative data regarding the characteristics and dynamics of domestic abuse. Variables coded and analyzed from these data sources include victim/defendant relationship, the presence of children, and specific types of abuse. The affidavits are written by the victim as an open ended narrative describing the abuse. In coding affidavit information a response of 'no' means that the variable was not mentioned in the affidavit, but it does not necessarily mean that the variable did not occur. Thus, quantitative data extracted from the affidavits may be an underestimate of the actual frequency of any abuse variable or characteristic. Excerpts from affidavits are quoted throughout the study to exemplify and substantiate various abuse characteristics.

A Final source of data analyzed for the study is the Court Activity Record Information (CARI). This information is directly linked to the Registry through the computer. It includes a complete listing of the defendant's delinquency and adult criminal

history throughout the state. This data is used to analyze the defendant's prior and subsequent criminal activity.

The restraining order defendant's subsequent criminal and delinquent activity is tracked for one year after the issuance of the restraining order. The study includes an analysis of the rate at which defendants are criminally charged with violating a restraining order. It also includes an analysis of the effect of certain defendant characteristics on the rate of criminal arraignment for a violation of the order.



## FINDINGS

### Restraining Order Defendant Characteristics

#### Age, Gender and Court Department

The restraining order defendant characteristics of court department, sex, and age have remained consistent throughout the lifetime of the Registry. The current 1994 sample has characteristics congruent to the sample of the first 12,000 orders entered into the Registry in 1992 (see Table 1).

**Table 1: Characteristics of Civil Restraining Order Defendants  
Comparison of CRO Samples from 1992 and 1994**

|                         | <u>1992</u> | <u>1994</u> |
|-------------------------|-------------|-------------|
| <b>Court Department</b> |             |             |
| District & Superior     | 82.5%       | 83.1%       |
| Probate & Family        | 17.5%       | 16.9%       |
| <b>Gender</b>           |             |             |
| Male                    | 86.2%       | 84.4%       |
| Female                  | 13.8%       | 15.6%       |
| <b>Age (in years)</b>   |             |             |
| 19 and younger          | 4.9%        | 5.6%        |
| 20 - 29                 | 36.7%       | 33.3%       |
| 30 - 39                 | 36.9%       | 39.0%       |
| 40 - 49                 | 15.6%       | 16.7%       |
| 50 - 59                 | 4.2%        | 3.5%        |
| 60 and older            | 1.7%        | 1.9%        |

## Criminal History

The percent of restraining order defendants with criminal histories has remained stable and notably high. Seventy percent of restraining order defendants in the 1992 and 1994 samples have previous court arraignments for criminal activity. Forty four percent in the 1992 sample and a slightly higher 49% in the 1994 sample have a prior criminal history of a violent offense against a person.

### Defendant/Victim Relationship

According to Massachusetts General Law Chapter 209A, a restraining order can be taken out against any "family or household member" (see appendix B). Almost half (48%) of restraining orders involve people who are or have been in a dating relationship; another 34% involve (ex)spouses (see Table 2). In cases of both marital abuse and dating violence, the defendant is predominantly male (88.6% and 87.7%, respectively).

**Table 2: CRO Defendants Relationship to Victim**

| Relationship               | Number       | Percent     |
|----------------------------|--------------|-------------|
| <b>Spouse</b>              | <b>298</b>   | <b>34%</b>  |
| Husband                    | 264          |             |
| Wife                       | 34           |             |
| <b>Dating Relationship</b> | <b>423</b>   | <b>48%</b>  |
| Boyfriend                  | 371          |             |
| Girlfriend                 | 52           |             |
| <b>Relatives</b>           | <b>114</b>   | <b>13%</b>  |
| Children                   | 50           |             |
| Siblings                   | 27           |             |
| Parents                    | 21           |             |
| Other Family               | 16           |             |
| <b>Other Relationship</b>  | <b>43</b>    | <b>5%</b>   |
| Missing                    | (122)        | ----        |
| <b>Total</b>               | <b>1,000</b> | <b>100%</b> |

In the majority (58.3%) of restraining order cases among spouses and dating partners, the defendant/victim relationship is 'active' at the time of abuse; however, in 41.7% of the cases the defendant and victim are estranged (see Table 3). There are some differences between the genders and relationship status at the time that a restraining order is sought by the victim and issued by the court. Wives and girlfriends are more likely to have a restraining order taken out against them **after a break-up**, while husbands and boyfriends are more likely to have a restraining order taken out against them **during the relationship**.

**Table 3: Status of Defendant/Victim Relationship at Time of CRO**

| Relationship               | Number | Percent |
|----------------------------|--------|---------|
| <b>Spouse</b>              |        |         |
| Husband                    |        |         |
| Active Relationship        | 161    | 61.0%   |
| Ex/Separated               | 103    | 39.0%   |
| <hr/>                      |        |         |
| Wife                       |        |         |
| Active Relationship        | 15     | 44.1%   |
| Ex/Separated               | 19     | 55.9%   |
| <hr/>                      |        |         |
| <b>Dating Relationship</b> |        |         |
| Boyfriend                  |        |         |
| Active Relationship        | 220    | 59.3%   |
| Ex/Separated               | 151    | 40.7%   |
| <hr/>                      |        |         |
| Girlfriend                 |        |         |
| Active Relationship        | 24     | 46.2%   |
| Ex/Separated               | 28     | 53.8%   |

**Children of Domestic Abuse**

Children frequently are victims of and feel the residual effects of domestic abuse even when they are not the intended recipients of that abuse. As the affidavit excerpts below depict, children are aware of, witness to, and affected by the violence in their own home.

"() has been physically and mentally abusive for years - I have been to embarrassed to carry out any action before this. . . The most recent showing of irrationality was Sept. 10, with () sticking scissors into my side to kill me (my daughter stopped him). He's suicidal and expresses wishes to take me with him, if he's not happy I won't be either, he'll make sure of it, was his last statement to scare me."

"He came to my house this morning and was yelling at my roommate to let him in but she pushed him out the door and locked it. She came in my room screaming hurry get up out of that bed, as soon as I got off the bed my bedroom window smashed through. So I started screaming to get my baby out of that room, my roommate ran in and took the baby out. My child is 8 months old and I just want () to stay away from us. I feel that our lives are in danger."

Over half (56.4%) of the restraining orders issued mention the presence of a child belonging to the defendant, victim or both. Of the domestic violence cases in which civil restraining orders are issued between spouses, 80.9% have children. Of the domestic violence cases in which civil restraining orders are issued between people involved in a dating relationship, 46.5% have children.

Of those cases in which children are mentioned 32% explicitly describe the children witnessing abuse:

"My husband came home drunk and wouldn't let me leave with my daughter. Punched the window of my car on the passengers side with four year old sitting there. Threatened to burn my house down. Called me names in front of my daughter. I am afraid of my husband because his drug and alcohol use makes him abusive."

Twenty percent mention children and visitation as being points of contention between the defendant and victim:

"() came to visit our daughter in the course of the visit we started to argue and while I had my daughter in my arms he raised his fist to hit me but did not because I had the baby in my arms."

"Continues to harass me when she comes to pick up our child. The probate order states that she pick up our child at 7:00 pm and she comes any time she feels or wants me to bring him home when the restraining order states that I'm not to go to her residence."

Almost 12% of victim affidavits describe the defendant as being verbally or physically abusive towards the children:

"Was drinking and went out of control and started screaming, yelling and swearing at the children, throwing around glass items and smashing them against the walls. She called me on the phone and told me to come and get these f\_\_\_\_\_ kids, she didn't want them anymore (the kids were present when she did this at 10:00 pm)."

Restraining orders which mention the presence of children (56%), average 1.8 kids per abusive relationship: Over 65% of the affected children are under 8 years of age. This equates to approximately 43,000 young kids a year in Massachusetts who are exposed to acts of abuse and violence similar to the ones depicted in this report.

### Types of Abuse

According to information found on the Complaint for Protection From Abuse Form, victims indicate that: 36.8% of restraining order defendants attempt to cause the victim physical harm; 39.6% of the defendants cause the victim physical harm; 6.0% of the victims are forced to engage in sexual relations; and 77.0% of the defendants place the victim in fear of serious physical harm.

In over 65% of the restraining order affidavits the victim describes a history of abuse in which the current incident is not the first abusive incident taken by the defendant against the victim.

The following is a qualitative description of the types of abuse delineated in the affidavits of the victims of domestic violence. The abuse data from the affidavits is broken down into 4 different types: physical, threats, verbal, property damage.

**I. Physical Abuse.** Almost half (48.6%) of the victims describe being subjected to physical abuse. For purposes of this report, physical abuse refers to some type of actual physical contact and/or harm. For example:

"() pushed me against a work table causing severe bruising to my right buttock also struck me across the face twice causing bruising inside my mouth and swelling to the jaw. I could not eat for 3 days.

This is the last of many hitting and yelling incidents. He has caused at least three pairs of glasses to be broken. Last year he slammed me against the corner of the shed and caused me to fall on the ground. He has kicked me with his shoed foot in the side of the thigh. He has grabbed me by the arms many times causing bruises, also he has hit me about the head and ears usually above the hair line so they could not be seen.

While pregnant with my now 7 year old he sat on my chest and stated he didn't care if he killed the unborn child."

"When I came home he started slapping me outside and grabbed me by the hair and threw me in his truck and said he was going to kill me because if he wasn't going to be with me no one would, so I jumped out of the truck going 30 mph. . . () also hit me with a 1/2 gallon of Bacardi on my face, I had got 120 stitches."

Other examples of physical abuse perpetrated against victims include:

- slap and hit
- kick and grab
- punch and slam head on floor
- throw wrench at head
- push against wall
- attempt to hit with car
- hit on face, hit in eye
- hit with broom
- grab around throat
- punch in face, spit in face
- scratch
- punch in mouth and hold down
- chase down stairs and drag by hair up stairs
- throw trash can at
- push/throw down stairs
- attempt to choke with pillow
- stab with scissors, knife
- throw hot coffee at
- drag by hair
- push
- rape, sexually assault
- pin on floor
- hold knife to throat
- beat up
- hit over head with furniture
- grab by neck
- shove against wall
- chase around
- shake and push
- kick head
- point gun at/put gun to head
- shove head through window
- swing at with metal shower curtain rod
- block exit, spit at
- hit in face with bottle
- knock down, stomp on head
- lock in room
- close hand in door
- bite

drag by arm  
bang head on floor  
attempt to force car off road  
kick in stomach  
run over foot with car  
assault with beer bottle, glasses, teeth, fingernails  
kidnap  
restrain from leaving  
attempt to suffocate with pillows  
place axe to back of head  
strangle  
assault with golf club

II. **Threats.** Over half (50.7%) of all victims describe various types of explicit or implicit threats made by the defendant. The threats usually involve physical harm and are directed toward the victim him/herself, however they may include threats to harm other people. For example:

"() has threatened to take my kids and put them in the car and wrap the car around a tree . . . Kids and I are afraid of his violent temper."

"He mentioned to me an article that he saw in the newspaper on 09/22/94 about a man that was not able to speak to his boss so he went to the boss' house and killed the family and shot himself. I said 'is that a threat?' And he said not quite but I just thought you'd like to know that it was a pretty clever thing to do. He has also repeatedly told me that he will never stop harassing me until the day I die."

"He slapped me and threatened to kill me. I dropped my last restraining order because he was threatening me."

"On every little argument he has said he'll scar my face up with a knife so I'd never leave him, then no man would want me. He said more than once that he'll kill me so he can have my daughter."

III. **Verbal Abuse.** Almost half (49.2%) of all affidavits describe the defendant verbally abusing the victim. Often times the victim mentions being 'verbally abused' without qualifying the statement on the affidavit. Typically verbal abuse refers to arguments, yelling, screaming, obscenities, insults, accusations, and debasing or degrading comments. For example:

"Last night I came home from visiting my daughter at college at approximately 8:45 pm. My husband was waiting for me at the door I smelled alcohol on his breath. He

immediately began to interrogate me and screamed obscenities."

"Continues to call my house, my parents house and his brothers house harassing us and leaving explicit messages to myself and my children. . . Also left a message on my machine hoping I die first so he can piss on my grave."

IV. **Property Damage.** Almost one-quarter (24.0%) of victim affidavits describe the defendant causing some type of damage or destruction to property. For example:

"I chose to leave because I feared for mine and my son's safety. Because on numerous occasions he flew off the handle and did some of the following: kicked in front door; kicked bedroom door in half; stabbed the kitchen table; took a hammer to the bedroom TV; broke a cordless phone in half; smashed many plates by throwing them at the wall."

"() kicked 2 holes in the walls of my condo. She broke a glass table. She broke a hinge off a door by slamming it 4 times. She used my ATM card which she removed from my wallet and withdrew \$900 in cash."

Some other types of property destruction and damage mentioned by victims include:

- kick in door
- steal property
- strike vehicle with 2x4
- throw things at house
- destroy inside of house
- break window
- set car on fire
- flatten tires
- pull telephone cord out of wall
- slice furniture with razor blade
- throw bottles
- arson of house
- smash car window
- rip siding off apartment
- vandalism
- throw furniture
- steal car
- stab scissors into table
- throw table, break down door
- slash tires
- punch, kick hole in wall
- smash belongings

smash bat into coffee table  
throw rock through house window  
jump on hood of car, punch out windshield  
rip door off hinges  
cut phone, heat, cable wires  
throw bike through car window  
smash glass against wall  
ram back of car  
throw clothes around  
throw dishes and glasses  
rip mailbox off and throw at door  
trash apartment  
ransack office

### Substance Abuse

Defendants' abuse of alcohol and/or drugs is a factor in many of the domestic violence cases:

"Over the past several years my husband has developed a serious alcohol abuse problem. He drinks daily and there have been recent episodes that he has become very abusive to me and my children. About one year ago he began to abuse me. The first instance was when he was extremely drunk we got into an argument and he pushed me, shoved me, pulled my hair, and threw me down. Over the past few months he has continued to abuse me. Recently he severely beat the family's pet dog in a drunken state. He has threatened me over leaving him and has said that he'd make me sorry if I left him. My husband is a very big man 6'3" weighing 240 lbs and I fear that in a drunken state he may hurt not only myself but my children, ages 8 & 10."

"I went out to the car and took a drive with him to the Stop and Shop. I drove the car, realizing he was drunk, I kept calm and tried not to provoke him to be violent, and did not. As we reached our destination he began to call me names and started accusing me of crazy things. So, I proceeded to drive myself home, as I was leaving the parking lot, he began to control the steering wheel so I could get into an accident. Frightened, I opened the car door so I could walk home as I did he grabbed me and began to beat me up.

As a result, I suffered a fat lip and bruised face. This also has happened on other occasions, where he has punched and slapped me."

For purposes of this report, substance abuse by a CRO defendant is measured using two indicators. The first indicator measures whether the victim mentions alcohol and/or drug abuse in

the affidavit. The second indicator measures whether the defendant has any prior alcohol and/or drug related criminal arraignments (i.e. driving under the influence of liquor, drinking in public, possession or distribution of a controlled substance).

Over half, (51.3%) of all restraining order defendants show some indication of having an alcohol and/or drug abuse problem (see Table 4). Thirty-seven percent of restraining order defendants demonstrate an indication of having an alcohol abuse problem and twenty-seven percent demonstrate an indication of having a drug abuse problem. This high percentage of substance abuse found among restraining order defendants is still probably an underrepresentation because neither of the indicators used are definitive.

**Table 4: Substance Abuse by CRO Defendant**

| Alcohol & Drug Abuse           | Number | Percent | Cumulative Percent |
|--------------------------------|--------|---------|--------------------|
| Alcohol & Drug Involvement     | 117    | 13.1%   | 13.1%              |
| Alcohol Involvement Only       | 216    | 24.3%   | 37.4%              |
| Drug Involvement Only          | 124    | 13.9%   | 51.3%              |
| No Indication of Alcohol/Drugs | 433    | 48.7%   | 100.0%             |

**Length of Restraining Order**

Thirty-seven percent of restraining orders are closed within 15 days of the date that they were issued by the court (see Table 5). This is a result of the plaintiffs' decision not to return to court to continue the temporary order. The abuse described in affidavits of restraining orders in which the victim does not return to court to continue the order is no less severe than in those in which the victim does return to court. There is no significant difference between the length of the order and the presence and/or history of physical abuse, verbal abuse, property destruction or threats as described in the victim's affidavits.

**Table 5: Length of Civil Restraining Order**

| Length of CRO | Number | Percent | Cumulative Percent |
|---------------|--------|---------|--------------------|
| 15 days       | 374    | 37.4%   | 37.4%              |
| 1 month       | 51     | 5.1     | 42.5               |
| 2 months      | 40     | 4.0     | 46.5               |
| 3 months      | 18     | 1.8     | 48.3               |
| 4 months      | 16     | 1.6     | 49.9               |
| 5 months      | 3      | .3      | 50.2               |
| 6 months      | 9      | .9      | 51.1               |
| 7 months      | 25     | 2.5     | 53.6               |
| 8 months      | 1      | .1      | 53.7               |
| 9 months      | 0      | 0.0     | 53.7               |
| 10 months     | 0      | 0.0     | 53.7               |
| 11 months     | 0      | 0.0     | 53.7               |
| 12 + months   | 430    | 43.0    | 96.7               |
| indefinite    | 33     | 3.3     | 100.0              |

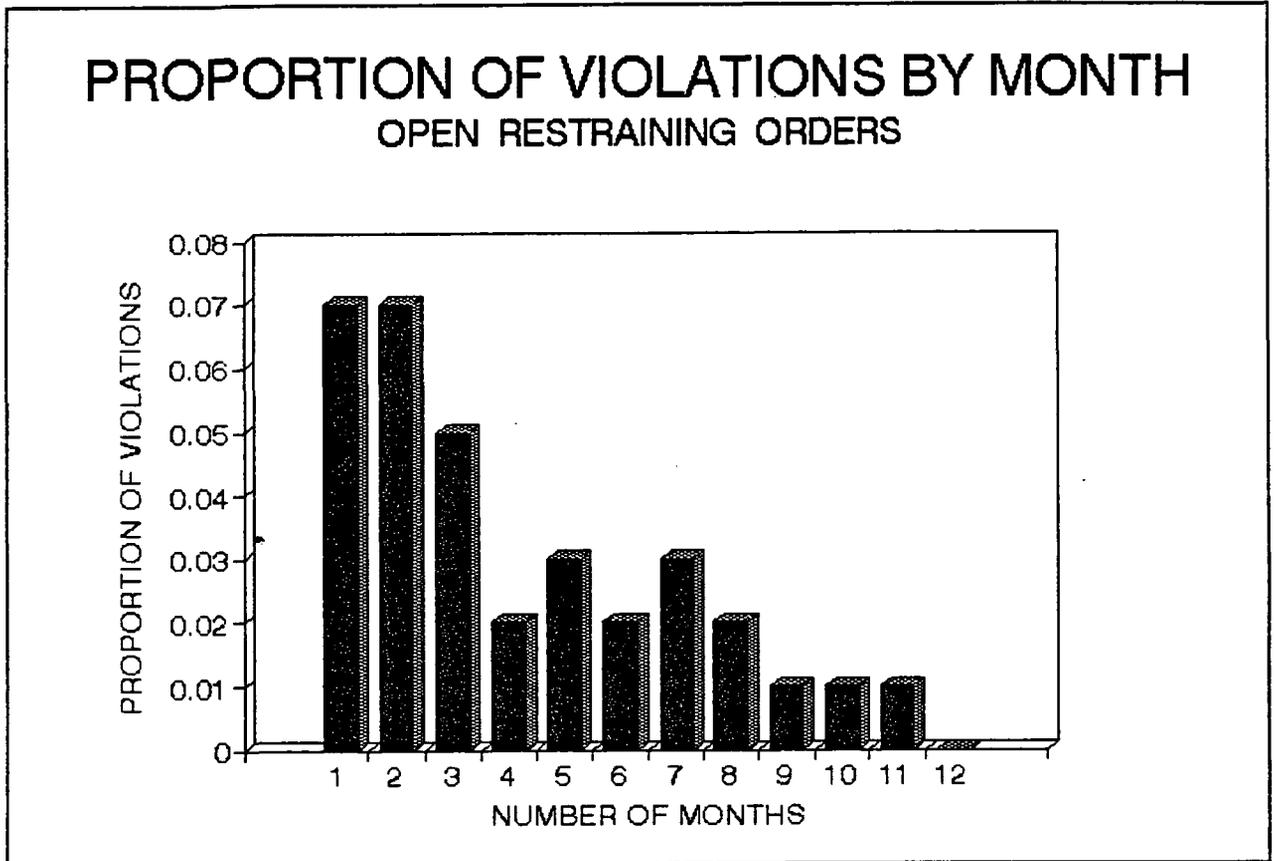
In 14.7% (n=75) of restraining order cases that were closed within six months (511), the same victim took out another order against the same defendant within a year of the original order date.

**Violation of Restraining Order**

For purposes of this study the proportion of defendants who violate a restraining order is computed using two measures. The first measure is by tracking the defendants' criminal and delinquency records for a subsequent arraignment for violation of an open restraining order within one year of the issuance of the order. The second measure is by tracking CRO defendants who had a closed restraining order, then had a new restraining order opened against them by the same victim, and then violated the second order all within one year of the original CRO date.

The proportion of defendants arraigned for violating an open restraining order within one year of its issuance is 15.4%. In addition, 1.9% of CRO defendants had a civil restraining order that was closed, then had a new restraining order opened against them by the same victim, and then violated that order all within one year of the original CRO date. This equates to a **total violation rate of 17.3%**. The greatest risk of violation is during the first 3 months after the issuance of the restraining order (see Figure 1).

Figure 1:



Of the defendants arraigned for a subsequent violation of a restraining order, 22.1% of the cases are still pending. The remaining cases have resulted in the following dispositions: 14.0% were continued without a finding, 27.9% were dismissed and 36.0% were found guilty.

Six percent of the total sample (n=1,000) were **convicted** of a subsequent violation of a restraining order. Over two-thirds (67.9%) of the defendants found guilty of violating the restraining order are placed under probation supervision (see Table 6).

**Table 6: Sentences for Defendants Convicted of Violating a CRO**

| <b>Sentence</b>   | <b>Number</b> | <b>Percent</b> |
|---|---------------|----------------|
| Committed - prison or jail term   | 12            | 19.4%          |
| Split Sentence - short prison/jail term followed by a period of probation | 11            | 17.7%          |
| Probation   | 31            | 50.0%          |
| Fine/File   | 8             | 12.9%          |

**Characteristics of Restraining Order Violators**

Analyses were conducted to identify any relationship between certain defendant characteristics and the defendants CRO violation rate. The variables of criminal history and substance abuse were found to have a significant relationship with a defendant's CRO violation rate.

**Criminal History**

A restraining order defendant's prior history of delinquency and criminal behavior has a significant (Chi Square < .01) effect on whether the defendant is subsequently arraigned for violation of a restraining order. A restraining order defendant with a prior delinquency or criminal history is more than twice as likely to violate the order than a defendant without a prior delinquency or criminal history (20.8% versus 9.0%). The CRO defendants with a prior delinquency or criminal history of violent offenses have an even higher rate (23.6%) of future arraignment for violating the order.

**Substance Abuse**

The abuse of alcohol and/or drugs by a CRO defendant has a significant (chi square < .01) effect on future arraignment for violation of a restraining order. Twenty-four percent of CRO defendants with either an alcohol abuse problem or a drug abuse problem are arraigned for violation of the order. Almost 32% of CRO defendants having both an alcohol and drug abuse problem are arraigned for violating the restraining order, compared to only 15% of defendants who have neither an alcohol or drug abuse problem.



## DISCUSSION AND PRACTICAL IMPLICATIONS

Since the inception of the Registry of Civil Restraining Orders in September of 1992, Massachusetts has been able to reliably and effectively track incidents of domestic violence which are brought to the attention of the courts. However, during the past three years the amount and severity of domestic violence cases has not waned. This fact underscores the continued need of interagency and community cooperation for the provision of prevention and intervention programs. As described in this report CRO defendants are typically husbands or boyfriends with a history of criminal and violent behavior. Their actions are explosive and potentially dangerous to the victims which they prey upon. According to the sample used in this study, one in every six CRO defendants are charged with a criminal violation of the order.

An important finding of this report is the large number of young children who are regularly exposed to incidents of violence in their homes. These tragic tales of beatings and abuse are not being witnessed in the streets or on television; its happening right in the child's own home between his/her parents. The effects of exposure to such acts of domestic violence must be devastating to a child growing up in that environment. In fact, a longitudinal investigation of the children from this study will be conducted to measure the effects of such violence. However, immediate actions must continue to be taken on behalf of the children of domestic abuse. The schools and probation must work together in identifying potential victims through poor performance, 'acting out', abnormal behavior, or CHINs and delinquency cases. According to the results of this study, the majority of the children are not even of school age yet, thus work with human service and medical professionals is also encouraged to identify potential victims and to provide the necessary support, guidance and educational services.

Professionals of various disciplines have often surmised that the existence of substance abuse was high among batterers. This study shows as a conservative measure that at least half of all CRO defendants have an alcohol and/or drug abuse problem. Furthermore, the study shows that the existence of substance abuse greatly increases the likelihood that the defendant will abuse the same victim again and violate the order. This substantiates the need for substance abuse services for CRO defendants. Battering is not an isolated issue; these are families with multiple problems who require multiple resources for a real attempt to stop the violence in their personal lives.

Another finding of importance is the large percentage of orders which are not continued. In these instances the victim does not immediately come back to court to have the temporary order continued. Characteristically, these cases are no less severe than cases in which the victim does return to court. It is important at

this point not to become discouraged with the victim for not following through with the order. It delineates the need for more support, advocacy and intervention to help victims understand the legal processes and their ramifications.

Finally, consideration must be given to the important role that probation plays in the effort to end domestic violence. First, many courts throughout the Commonwealth have set up domestic violence roundtables and formed community coalitions to institute educational, preventative and intervention initiatives for victims, batterers and their families. Probation makes a significant contribution to these efforts. Second, several probation offices begin intervention programs at civil proceedings. These programs reinforce the conditions of the court order and make appropriate referrals to defendants needing counseling and resources with the ultimate goal of preventing violations. Third, as the study shows, the majority of CRO defendants who are convicted of violating a restraining order are placed under probation supervision. These offenders are placed under maximum supervision and attend appropriate intervention programs for batterers and substance abuse. The victims are notified of the conditions of the defendants supervision and encouraged to report any and all violations. Lastly, due to the lengthy criminal history of CRO defendants, there is a high probability that many probationers have problems surrounding domestic violence even though they are currently on probation for an unrelated offense. These facts should be kept in mind while interviewing and investigating offenders and their families. Some probation offices have begun offering family related programs to relevant clients: One example is the recently initiated Fatherhood Program which trains men to behave responsibly and respectfully toward their children and toward the mothers of their children. Several probation offices also have violence reduction and prevention programs for both juvenile or adult offenders identified as being prone toward violent behavior.

The efforts of the Massachusetts Probation Service to prevent the incidence of violence in our homes and communities, are based on the premise of successful collaborations between various disciplines and professions. Probation has instituted such collaborations with law enforcement, victim services, public health, social services, educators and medical practitioners. This report highlights the many circumstances and cases in which probation is dealing with troubled families that are also clients of these various other agencies. The findings of this report reinforce the importance of establishing community coalitions and professional collaborations: Probation will continue to support these efforts and attempt to expand the ability to institute other such programs.

## Appendix A

Table showing the representativeness of the restraining order defendant characteristics of the study's sample compared to the total 1994 population.

### Characteristics of Civil Restraining Order Defendants 09/19/94 - 09/23/94 Sample Versus Total 1994 Population

|                            | 1994 Sample<br>(n=1,000) | 1994 Population<br>(N=40,428) |
|----------------------------|--------------------------|-------------------------------|
| <b>Court Department</b>    |                          |                               |
| District                   | 82.5%                    | 83.8%                         |
| Probate & Family           | 16.9%                    | 15.9%                         |
| Superior                   | .6%                      | .3%                           |
| <b>Gender</b>              |                          |                               |
| Male                       | 84.4%                    | 84.2%                         |
| Female                     | 15.6%                    | 15.8%                         |
| <b>Age (in years)</b>      |                          |                               |
| 19 and younger             | 5.6%                     | 4.8%                          |
| 20 - 29                    | 33.3%                    | 33.1%                         |
| 30 - 39                    | 39.0%                    | 37.5%                         |
| 40 - 49                    | 16.7%                    | 17.4%                         |
| 50 - 59                    | 3.5%                     | 5.1%                          |
| 60 and older               | 1.9%                     | 2.1%                          |
| <b>Prior Arraignments</b>  |                          |                               |
| Prior Criminal Arraignment | 70.1%                    | 70.8%                         |
| Prior Violent Arraignment  | 48.8%                    | 45.2%                         |

## Appendix B

According to Massachusetts General Laws Chapter 209A Section 1, "family or household members", are persons who:

- (a) are or were married to one another;
- (b) are or were residing together in the same household;
- (c) are or were related by blood or marriage;
- (d) having a child in common regardless or whether they have ever married or lived together;

(e) are or have been in a substantive dating or engagement relationship, which shall be adjudged by district, probate or Boston municipal courts consideration of the following factors:

- (1) the length of time of the relationship;
- (2) the type of relationship;
- (3) the frequency of interaction between the parties;
- and (4) if the relationship has been terminated by either person, the length of time elapsed since the termination of the relationship.

DEPARTMENT OF  
Regional Criminal Justice Assistance Service (RCJAS)  
PO BOX 6000  
Boston, MA 02119-0000