

**POLICY BRIEF**

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## **Improving Enforcement of Protection Orders in Domestic Violence Situations<sup>i</sup>**

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### ***Overview***

Domestic violence is increasingly recognized as a serious social problem in Missouri. Protection orders are designed to offer individuals some level of safety, but nationally it is estimated that a quarter of such orders are not followed and enforcement is inconsistent. Noncompliant batterers typically increase the level of threats, coercive tactics and violence, and often the victims must relocate to hide from the abuser. These relocated victims need protection in new communities, but frequently they run into difficulties because of different legal jurisdictions across county and state lines. The Full Faith and Credit provisions of the Federal Violence Against Women Act of 1994 offer remedies to this problem, but states (including Missouri) have experienced considerable difficulties in implementation of the provisions of this act. Such problems include lack of coordination among jurisdictions, low levels of understanding about the law, scarce government resources for addressing impediments, and failure to enforce protection orders.

### ***Local Coordinated Community Responses***

Stronger state and federal laws are the foundation of prosecution and rehabilitation efforts against domestic violence, but successful implementation of domestic violence laws, particularly the enforcement of adult protection orders, requires the collaborative leadership of judges, clerks, prosecutors, law enforcement officers, and domestic violence advocates. A coordinated community response, developed by the domestic violence professionals working in a geographical area, is the most promising method of fostering a coherent, comprehensive response to domestic violence.

### ***Local Challenges***

To help Missouri meet this challenge, the Office of State Courts Administration, the Institute of Public Policy at the Truman School of Public Affairs and the School of Social Work at the University of Missouri-Columbia teamed up to provide workshops to the spectrum of professionals who work with domestic violence on a daily basis. The workshops, attended by over 150 individuals, were designed to help these practitioners become better informed about full faith and credit and to coordinate community responses to domestic violence. As a result of these four regional workshops, local teams agreed to form community task forces to improve communication across state and local agencies. During the workshops the following challenges were highlighted:

- Poor communication and cooperation between key players is the biggest challenge.
- Policy effectiveness is reduced by a lack of resources, such as domestic violence shelters, batterer and survivor treatment programs, and survivor support services, especially in rural areas.
- Inadequate training of law enforcement officers and court personnel is a major obstacle to the enforcement of adult protection orders, especially in terms of knowledge of statutes, firearms prohibitions, and “victimless” or evidence-based prosecution techniques.

- The lack of uniform enforcement of domestic violence laws, judicial inconsistency and the lack of follow-through by the courts were seen as factors that allowed offenders to escape punishment.
- The lack of complete information provided by the Missouri Uniform Law Enforcement System (MULES) caused problems because law enforcement and probation and parole officers are often unaware that a violation of a protection order has occurred.
- Threats of physical violence from batterers are a common occurrence for those working in the domestic violence system, even for those not working in law enforcement. Of the participants in the workshops, 58% reported being personally threatened by a domestic violence perpetrator, and over half of the threats involved physical harm or death.

### ***Crossing State Lines***

Because states and counties use a variety of different forms for protection orders, it is difficult for law enforcement officers to implement protection orders from other jurisdictions. A recognizable front page for protection orders, recently adopted by Missouri, includes essential information needed by law enforcement officers, and the adoption of this template by neighboring states would improve enforcement of protection orders. To achieve this goal, twenty representatives, including judges, law enforcement officers, court personnel and advocates, from surrounding states were invited to Missouri to discuss adoption of a recognizable first page. Missouri, Illinois, Kentucky, and Tennessee have already adopted a recognizable first page, and by the close of the meeting participants from Arkansas, Iowa, Kansas, and Oklahoma planned to move forward with the concept of a recognizable first page. In addition, the participants agreed that future meetings between representatives of different disciplines from neighboring states could address the use of social security numbers on protection orders, jurisdictional issues with tribal nations, and expansion of the use of the recognizable protection order to additional states.

### ***Challenges to the Justice System***

- Law enforcement officials are reluctant to make arrests based solely on National Crime Information Center (NCIC) information. The NCIC computer system is a valuable resource for law enforcement, but because of data entry problems, everyone knows that the information on the NCIC is somewhat suspect in that it may be outdated, incomplete or just wrong so it is not as useful as it could be.
- Protective orders are taking up an increasing share of the docket in many locations, and there were concerns about frivolous cases, inappropriate use of orders, and attorneys using them as a strategic tool in divorce and custody battles.
- Generally, jurisdiction over domestic violence cases is perceived as one of the least desirable assignments for judges because of heavy caseloads, dropped cases, withdrawn testimony, the high probability of recurring violence, emotional costs, lower prestige associated with such cases, and uneven enforcement. Consequently, turnover may increase, and expertise may be lost.

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