

SUMMARY

Background and objective of the study

The Temporary Restraining Order Act (Wet tijdelijk huisverbod) which came into force on 1 January 2009, offers mayors the opportunity to bar potential perpetrators of domestic violence from their houses during ten days and to forbid them to have contact with members of their households. By imposing the temporary restraining order, the immediate threat of domestic violence is removed and victims and/or members of the household can be brought to safety. The measure is also intended as a cooling-off period for the household as a whole, in which possible solutions can be sought.

In order to be able to properly carry out the act, Kuppens and Beke (2008) have developed the domestic violence risk assessment tool (RiHG). The tool is used to assess whether in a situation of (threatening) violence a temporary restraining order can be imposed. In 2009, the RiHG has been filled in 2719 times, as a result of which 2107 temporary restraining orders have been imposed. The Research and Documentation Centre of the Dutch Ministry of Justice (WODC) ordered Regioplan Policy Research to study the risk assessment tool, taking into account the experiences with the instrument in practice. On the basis of the results of this study the RiHG can be further developed if necessary.

The RiHG

The RiHG is a questionnaire in which information is entered on three themes (also called moments of decision):

- the (potential) perpetrator of domestic violence;
- the development of the violent incident;
- the family background.

The first theme – the potential perpetrator of domestic violence – entails questions about the potential perpetrator's antecedents, his mental state at the time of the incident and use of alcohol and/or drugs. The questions are subdivided into three signals.

On behalf of the second theme – the development of the violent incident – information is collected about the nature and severity of the threat, psychological, physical and/or sexual violence, the development of the violence, weapons, presence of children, the expectation of violence and the justification of the violence afterwards (by the perpetrator). The second theme includes eleven signals.

The third theme is concerned with the family background and entails stress caused by work-related problems, financial problems, family and relational problems and social isolation. This theme includes six signals.

There are twenty signals in total. They can be scored as 'strong signal', 'moderate signal' or 'weak/no signal' (indicating the risk of domestic violence).

Whether a signal is strong, moderate or weak, is assessed per signal on the basis of an average of four items. There are 79 items in total.

The questionnaire is completed by an Assistant Public Prosecutor (HOvJ). Depending on the arrangements within the municipalities the restraining order is imposed either by the HOvJ (on the basis of authorised jurisdiction) or by the mayor.

Objective of the study and research questions

The objective of the study is to collect information on the use of the RiHG in practice, with which the quality and usefulness of the instrument can be improved if this is deemed necessary.

The research questions are formulated as follows:

1. What is the (psychometric) quality of those foreign risk assessment tools of domestic violence which relate to preventative restraining orders?
2. Which of the criteria of the RiHG are most clearly connected to domestic violence?
3. Are criteria lacking in the RiHG which – as far as known in the literature – are strongly connected to domestic violence?
4. Is it possible to give clear answers to all the questions of the items of the RiHG?
5. Which of the criteria of the RiHG can be applied to situations in which restraining orders are imposed?
6. On the basis of the information of this study, what can be said about the relevance and quality of the items of the RiHG (are there items which should be removed, added, adjusted or weighed)?

Design of the study

The study is divided in two parts:

- desk research on factors which are connected to domestic violence and (the quality of) foreign risk assessment tools of domestic violence;
- fieldwork in which among a sample of ten municipalities 132 completed RiHGs have been collected (and analysed) and in which interviews are held with twenty HOvJs and a social worker who assists the HOvJ in filling in the RiHG.

Description of the RiHG

In practice the RiHG is not an instrument which, after answering a number of questions, leads to an objective conclusion. Some discretionary space is left to the person who fills in the questionnaire and this space is indeed used in practice. Therefore, the RiHG is an instrument by means of which one can arrive at an assessment in a structured manner. Before the HOvJ fills in the RiHG, he already has an image of the outcome (whether a restraining order will be necessary or not). In cases of doubt, sometimes a conscious choice is made to refrain from filling in the RiHG.

The RiHG is characterised by the HOvJs as adequate and user-friendly and

clearly structured. This applies to both the manual and the digital version (Huisverbod-Online). The restraining order procedure is considered to be time-consuming (6 working hours), however, filling in the RiHG itself costs much less time: on average between a quarter of an hour (the digital version) and half an hour (the manual version).

Filling in and using the RiHG

The RiHG is not always filled in completely. Scores with regard to separate signals and moments of decision are significantly often lacking. The calculation rules, which have been developed on behalf of the RiHG to arrive at a final judgement on the basis of signals and moments of decision, are not always applied consistently. It turns out that the calculation rules of the digital version differ from those of the manual form.

The importance of signals and moments of decision for the outcome

The signals 'severity of the intimidation' and 'expectation of violence' have the strongest correlation with the advice to impose a temporary restraining order. On the other hand, the signals 'sexual violence' and 'justification afterwards' hardly have any influence on the outcome.

The second moment of decision about the development of the violent incident is most strongly connected to the advice to impose a temporary restraining order. On the basis of this assessment exclusively the decision is made in the vast majority of the cases to impose a temporary restraining order.

The signals of the RiHG

The RiHG contains signals about the (potential) perpetrator of domestic violence, the development of the violent incident and the family background. These signals have been chosen on the basis of the (Dutch) literature on domestic violence and expert knowledge. An inventory of Anglo-Saxon literature on domestic violence indicates that a very large number of factors have been empirically determined which correlate to domestic violence. A number of these factors, such as level of education, socio-economic status and abuse in childhood have also been identified by Kuppens and Beke (2008), however, they have left these factors out of the RiHG for reasons of practical use (collecting information in a crisis situation).

In general factors are found which, in case they would be considered as useful for the assessment of risks in the RiHG and provided that it is possible to find data relating to these factors, should be ranged under the first moment of decision (about the (potential) perpetrator of domestic violence) or under the third moment of decision (about the (family) background). These are parts of the RiHG which are of relatively small importance compared to the second moment of decision about the development of the violent incident. With regard to the development of the violent crime no new factors have been found in the literature.

Foreign risk assessment tools and the RiHG

Nine foreign risk assessment tools have been found in the study. It is not

always clear to what extent they are used in a context which is comparable to the RiHG, i.e.: intended for imposing a (temporary) restraining order and used in a crisis situation.

If the RiHG is compared to the three foreign tools which with regard to objective and context most clearly resemble the RiHG (DV MOSAIC, SARA-pv and BIG 26), both similarities and differences can be found.

Most similarities between the RiHG and the three foreign tools can be found in the first and second moment of decision about the perpetrator and the violent incident respectively; most differences occur with respect to the third moment of decision about the family background.

The signals of the first moment of decision of the RiHG about antecedents and use of alcohol and/or drugs by the perpetrator occur in all three comparable foreign tools. The mental state of the perpetrator is no item in the foreign tools.

The signals of second moment of decision of the RiHG concerning violence and the development of violence occur in all three foreign tools. The signal concerning the expectation of violence of the RiHG only occurs in one of the three foreign tools and is no item in the other two tools. The signals concerning presence of weapons and risk of weapon use occur in two of the three foreign tools. Just as in the RiHG, DV MOSAIC also includes questions on children, with the addition of their age. In both other tools the presence of children is no item. The justification of the violence afterwards by the perpetrator, or in more general terms, the attitude of the perpetrator towards domestic violence, receives similar attention in all three tools.

The signals of the third moment of decision of the RiHG concerning work-related stress, finances (debts) and the relation occur in two of the three foreign tools. Items regarding social isolation in its various manifestations (family and surroundings, role patterns and maladjusted family) are much less extensively worked out in the foreign tools.

The three comparable foreign tools pay more attention to risk and protective factors concerning the victim, the perpetrator and their relation, to child abuse, abuse during pregnancy, suicide threats (uttered by the perpetrator), childhood experience with domestic violence (of the perpetrator), help-seeking behaviour (including recovery programmes) of the perpetrator and impeding assistance (to the victim), to psychological disorders (of the perpetrator) and to previous violations of court injunctions and conditions of release on parole.

Conclusion

In the chosen design the RiHG is a usable tool. The HOvJs do comment on certain parts of the RiHG, but there is hardly any fundamental criticism about its use and practicability. The analysis of the RiHGs which have been filled in shows deficiencies (for example with regard to completeness), but this does not lead to the conclusion that it is not a sound tool in a technical sense. Filling

in the RiHG only takes between a quarter of an hour and half an hour, so in itself the duration is no reason to revise the tool. The fact that the process of imposing a restraining order is time-consuming cannot be attributed to the RiHG, but to other parts of the procedure, such as travelling to and from the place of the incident, conversations with the people involved, and writing the summons and the order itself. As long as hearing (potential) perpetrators and victims is an important part of the procedure, imposing a restraining order will remain a time-consuming process.

Recommendations for adapting the RiHG

With regard to the various parts, there are a number of possibilities to further develop the RiHG:

1. Further implementation of the digital form will help reduce the number of RiHGs that have not been filled in completely.
2. Somewhat against the current trend, it could be considered to reduce the freedom of individual HOvJs in applying the calculation rules, in order to stimulate transparency and uniformity.
3. Involving professional assistance in answering the questions about the family background may help reduce the workload of the HOvJ and improve the quality of the information. Whether this is possible, depends on the moment of involvement of social workers in the municipality in question.
4. The signals with regard to sexual violence and justification afterwards do not influence the outcome. Therefore, in the current design and work procedure of the RiHG it could be considered to leave them out.
5. With regard to the signal 'antecedents' an adaptation is desired, in order to do justice to the relation between antecedents and the risk of domestic violence. A solution could be to replace the item 'other antecedents' by 'other violence-related antecedents'.
6. The current differences in calculation rules between the manual and digital form are undesirable and should be eliminated.
7. It is advisable to enlarge the writing space in answer boxes on the forms in order to simplify the way information is processed in the summons and to counteract loss of information.
8. With regard to the second moment of decision about the development of a (violent) incident, it is not clear which incident the signals refer to. More clarity is needed here. A simple solution would be to replace the title of the second moment of decision 'the development of a violent incident' by 'the development of *the* violent incident'.
9. The questions about tensions within the family (part of the moment of decision concerning family background) could be formulated more generally by reducing the number of answer categories.
10. The signal concerning the mental state of the perpetrator (part of the first moment of decision about the potential perpetrator of domestic violence) is problematic because when the incident leads to a criminal case the RiHG is filled in (much) later. There are a number of possible solutions:

either the police officers who have been on-site are asked in retroaction what was the mental state of the perpetrator at the time of the incident, or they fill in part of the RiHG themselves on the spot (including the part about the mental state of the perpetrator). In order to create uniformity and to avoid ambiguity, it is advisable to replace the title 'mental state of the perpetrator' with 'mental state of the perpetrator at the time of the incident'.