

## SUMMARY

### Background

On 1 January 2009, the Temporary Restraining Order Act entered into force. This act allows mayors to impose a ten-day restraining order (which may be extended to 28 days) on potential perpetrators of domestic violence, which prohibits these perpetrators from entering their own house and contacting their partner and/or children. In order to gain insight into the way this act is carried out in practice and the extent to which this occurs in line with the purpose of the act, a process evaluation has been conducted. The research questions of the evaluation cover the following main themes (1) the organisation at the operational level, (2) imposing and enforcing the restraining order, (3) assistance in practice, and (4) overall experiences with the Temporary Restraining Order Act.

### Research methods

The study which forms the basis of this report consists of two parts. In the general part of the study broad data has been collected from the 35 municipalities that are central in the Dutch approach of domestic violence. Seven of these municipalities, and their surrounding regions, have been selected for the in-depth part of this study, in which data has been collected at a more detailed level on the execution of the restraining order.

The study consisted of the following parts:

- a web questionnaire among all 35 municipalities;
- interviews with municipalities (policy officials and mayors), police, social care professionals (Domestic Violence Centre, youth welfare services and probation services), evicted persons and those who stay behind;
- document study (28 restraining order cases);
- inventory of background characteristics of evicted persons (124 restraining order cases).

### Objectives of the act

In order to provide insight into the purpose of the legislator, a policy theory has been reconstructed on the objectives of the act and the way these objectives should be achieved according to the legislator. The main objective of the act is to prevent (further escalation of) domestic violence. Five sub-objectives can be distinguished:

1. to be able to also protect the health and physical integrity of those involved in crisis situations in which criminal offences have not (yet) occurred;
2. to offer assistance to those involved as soon as possible;
3. to allow the victim a period of time to recover from the incident;
4. to clearly show the evicted person that society does not condone violence;
5. A restraining order which can also be imposed in cases of (a suspicion of) child abuse, offers new opportunities with regard to preventing and

combating child abuse, because the potential perpetrators can be evicted from their homes.

### **Organisation at the operational level**

In most of the 35 municipalities, the municipality and its cooperation partners together develop the policy and enforce compliance with process agreements. At the operational level, the coordination of the restraining order is in the hands of the Domestic Violence Centre or the Area Health Authority. The role of the mayor varies from one municipality to another. In a third of the 35 municipalities the mayor decides whether a restraining order should be imposed and he also signs it himself. In the other municipalities a senior police officer has been given the mandate to decide and/or has been authorised to sign the restraining order on behalf of the mayor. In addition, the role of the police is to recognise cases of domestic violence (warning function). With regard to this task, there is a protocol which must be observed.

On behalf of social care professionals an implementation advice has been drawn up. It consists of ten steps and can be found in the annex of this report.<sup>1</sup> The seven selected municipalities all follow this 'ten day trajectory' though the emphasis may differ. The purpose is that in the first ten days of the restraining order, agreement is reached on assistance for those involved in the restraining order (both the evicted persons and partner/children). Social care professionals must draw up a care advice on the basis of this; the municipal officer formulates an advice about possible continuation of the restraining order. On the tenth day the mayor must decide, on the basis of these advices, whether or not to extend the restraining order.

### **Execution in practice**

The police usually make a first assessment of situations of (threatening) domestic violence. Eventually, a senior police officer or the mayor, depending on the type of authorisation, imposes the restraining order. Senior police officers indicate that the legal criteria form the basic guidelines with regard to the question whether a restraining order should or should not be imposed. What is concerned here, is whether there is a considerable degree of threat. Often, in addition to a restraining order suspects are also prosecuted (the suspect is arrested). In the first months of 2010 this situation occurred in 86 percent of the restraining orders.

The procedure to arrive at imposing a restraining order is very time-consuming for the police: in most regions it takes six working hours on average, in one region, which has a deviant working method, approximately three hours. Most of this time is spent on hearing the persons concerned, travelling time and paperwork. Only a small amount of time (between a quarter of an hour and half an hour) is needed to fill in the domestic violence risk assessment tool

---

<sup>1</sup> This annex is only available in Dutch.

(RiHG). The senior police officer usually does this at the police station, after the evicted person has been arrested.

In four of the seven municipalities which have been involved in the in-depth study, a relief worker arrives on the spot right after the intervention by the police, by way of crisis service. The relief worker talks with the person(s) who stay(s) behind and in most cases also with the evicted person.

Subsequently, the continuation of the ten-day trajectory starts. In the first ten days, the assistance consists of offering (practical) support to evicted persons and those who stay behind, and a first problem inventory. During the period of the restraining order the coordination is in the hands of the case manager. He takes care that the process of offering assistance to the evicted person, the partner and children that are possibly involved is started off, at first in the form of a problem analysis and an action plan for continuation assistance. Those who stay behind usually receive assistance from a social worker or women's aid worker. The youth welfare service starts an investigation on children that are involved and in the continuation trajectory speaks with relevant parties in the network surrounding the child, such as the infant welfare centre, the school and the family doctor. In all seven municipalities under study, an appointment is made with offender assistance on behalf of the evicted person. Sometimes probation services are also involved. The period of the restraining order is often too short to actually carry out the action plan that has been drawn up or even to make a start with it.

Social care professionals aim to arrive at a systemic approach. This approach consists of an analysis of the violence on the basis of the interaction between the different actors of the (family) system and supplying integrated assistance in which the trajectories for these actors are geared to one another. In practice, this approach only occurs in part of the municipalities. Although in the other municipalities the conditions for a good systemic approach have often been realised (information exchange, case consultation, strong case management), they are not sufficiently exploited to fuse all interferences of social workers involved in a case into one integrated assistance trajectory for the system.

During the restraining order, social care professionals have to work under high pressure of time, because on the eighth day the action plan should be ready. In most of the municipalities under study the municipal capacity and that of social care professionals is sufficient.

### **About those who stay behind and evicted persons**

The restraining order is usually imposed in severe situations, when there is a suspicion of criminal offences and complex problems. It is generally imposed in cases of physical violence and never in situations in which only psychological violence occurs. Most evicted persons are men (98%), between twenty and fifty years of age and most of them have a criminal past (81%).

Nearly half of the evicted persons have been guilty of overt use of violence. Substance abuse also occurs often.

Both in the group of evicted persons and in the group of those who stay behind opinions on the restraining order vary. Most people are satisfied with the actions taken by the police and social care professionals. However, some of them do not regard the restraining order as the intended period of rest, but, on the contrary, as a very hectic or difficult period.

Two thirds of the evicted persons and those who stay behind accept (as far as is known) the assistance that is offered. Only in two thirds of the situations in which children were involved assistance offered to children could be traced. In the situations in question, practically all parents accepted the assistance offered to their children.

### **Conclusions**

The execution of the restraining order has occurred reasonably in accordance with the intention of the Temporary Restraining Order Act. However, with regard to a number of important aspects unintended effects have occurred, and, in addition, it turns out that some parts are not carried out in practice in the same way as was laid down in the working methods.

The most important unintended effect is that the restraining order is mainly imposed in combination with criminal proceedings and hardly ever in situations in which in the past it would have been impossible for the police to interfere. This is a striking phenomenon, because it was the latter situations that formed the occasion for the act. The cause of this lies in the applied working method: by taking police reports as the point of departure for the process, situations that are often already out of control form the starting point. A result of this choice is that a lot of police capacity is taken up, which poses certain risks for the execution of the act. However, it turns out that the restraining order does have a large added value in situations in which it is coupled with criminal prosecution. For the fact of the matter is that the intensive approach of social care professionals, which runs parallel to the order, is not possible without a restraining order. Yet, it is likely that the restraining order is currently not used in all potential situations in which it is in fact applicable (for instance situations that have not escalated into physical violence).

In practice, social care professionals soon start providing assistance. There are, however, a number of pressure points. It is not always possible to use the opportunities for assistance the crisis offers, because in some cases there is no crisis service, or because the crisis service has not been involved by the police. In addition, the systemic approach is not always followed correctly. In conclusion, there are gaps in the supply of assistance. On the one hand this is due to waiting lists, on the other hand this is due to the fact that an adequate supply of assistance, especially for children and youngsters, is often lacking.

Other important conclusions are:

- that the organisations involved do not always adequately react to violations of the restraining order, which means that proceedings are not instituted;
- that due to differences in working methods and priorities the region where a person lives influences the chance of being confronted with a restraining order;
- that assistance to children and assistance after the restraining order has expired should continue to be given attention, because the extent to which assistance is provided to children is insufficiently clear.

These are aspects that influence the way the execution of the act takes place. However, the process evaluation shows that the overall execution of the Temporary Restraining Order Act is well rooted in the organisations involved.

