

SUMMARY

Introduction

On 1 January 2009, the Dutch Temporary Restraining Order Act (Wth) 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. During the restraining order all people involved (evicted persons, those who stay behind and children) are offered a range of support and intervention measures. The law requires that within five years after its entry into force the Dutch parliament is informed of the effectiveness. To this end, a study was conducted between September 2011 and August 2013. The results are presented in this report.

Objective and research questions

The aim of this impact assessment is to gain insight in the effectiveness of the restraining order, also in relation to the way in which it is applied and the support services that are connected to it. The following three research questions have been formulated:

1. How is the Act applied?
2. What are the developments of the support services as from the moment the restraining order has been imposed?
3. What is the effectiveness of the Act in terms of reducing domestic violence?

These questions have been worked out in detail, resulting in a large number of sub-questions that have been answered in this study.

Design of the study

The main objective of the Act is to prevent (further escalation of) domestic violence. The study was designed as a quasi-experimental study with an intervention group (restraining orders) and a control group (similar situations in which, however, for various reasons no restraining order was imposed). These groups are comparable, but the intervention group cases are more serious than the control group cases when the nature of the violence and the perpetrator are concerned. It has been examined, whether in the intervention group fewer new incidents of domestic violence have occurred after the restraining order than in the control group. To this end the following steps have been completed:

1. Preparatory phase:
 - a. selection of seven municipalities that are central in the Dutch approach of domestic violence for the data collection;

- b. composition of the intervention group and control group based on a sampling respectively at the Domestic Violence Support Services (SHG) and the police in the seven municipalities;
 - c. setting up the analysis plan.
2. Desk study to gain insight into relevant characteristics of the incidents, the people involved, the underlying problems and the quality of the support offered;
3. Second phase of desk study (more than) one year after imposing the restraining order to gain insight into the course of the restraining order (with regard to the intervention group) and the support and any criminal prosecution proceedings (with regard to both the intervention group and the control group);
4. Measurement of repeated domestic violence: it has been checked with the police and the public prosecutor (and with regard to the intervention group also with the Domestic Violence Support Services (SHG) and the youth welfare service/child abuse report and advice centre (BJZ/AMK)) whether new incidents of domestic violence have occurred.

Three kinds of data have been included in this study, with regard to (the lack of) new domestic violence incidents, namely:

1. the presence or absence of new domestic violence incidents in the household;
2. the average number of new incidents (size);
3. the number of days from the original incident to the next new incident of domestic violence (interval).

Effectiveness of the Temporary Restraining Order Act

Less new domestic violence	The study shows that the restraining order is associated with less incidence of new domestic violence. After imposing a restraining order new domestic violence occurs less frequently, and in case it does occur, fewer incidents occur than in (comparable) situations where no restraining order was imposed. This difference is statistically significant. That is not to say that the restraining order prevents new domestic violence entirely: in the period between imposing the restraining order and the measurement for this study (1-1.5 years), in 53 percent of the restraining orders at least one new domestic violence incident has occurred. An average of 1.1 new incidents occur, with a maximum of 12 incidents.
Explanation	<p>The main explanation for the correlation found between the restraining order and the lower incidence of new domestic violence seems to lie in the support that is offered after the imposition of a restraining order. Moreover, the support seems to be more effective in the more serious cases than in the lighter cases. In particular, the study shows that the following aspects of support are related to a lower degree of repeated domestic violence:</p> <ul style="list-style-type: none"> • perpetrators and victims of domestic violence start treatment; • sufficient completion of treatment;

- conducting case consultations by professionals and a focus on the family system in the continuation of support after the restraining order has expired.

No relation The following aspects of support are not related to a lower degree of repeated domestic violence:

- antecedents of the evicted person;
- the education level of the evicted person and those who stay behind;
- whether or not the composition of the household has changed after a year;
- whether or not the evicted person is criminally prosecuted;
- the priority that is given to the enforcement of the restraining order by the parties involved;

The difference between the control cases and the restraining order cases, which seem to be more serious with regard to the violence involved, strengthens rather than weakens the observed correlation: despite the more serious nature of the violence and the higher number of evicted persons with antecedents, the observed occurrence of new domestic violence is lower than that of the control group.

Applying the Act in practice

Total number Since the date of commencement of the Act on 1 January 2009, 11,692 restraining orders have been imposed in the Netherlands. Approximately forty percent of them were extended. In 23 percent of the restraining orders the police or Domestic Violence Support Service (SHG) is aware of a violation of the order. This is a minimum figure: violations are not always reported.

Characteristics Virtually all evicted persons are males (99%) and their average age is 38 years. A majority of those involved in restraining orders (63%) is low educated. About half of them is of Dutch descent. Restraining orders are usually imposed in cases of (ex-) partner violence (73%). Twelve percent of the evicted persons are young adults who commit violence against their parents. 70 percent of the restraining orders are imposed in families with children. In 53 percent of the restraining orders child abuse has been established; usually (in 38% of all restraining orders) children witnessed the violence; in fifteen percent of the restraining orders the violence that occurred is (also) directed against children.

Type of violence The immediate cause for imposing a restraining order is the threat or use of violence in the domestic sphere. Threat and/or physical violence occurs in nearly all cases (91-94%). In two thirds of the restraining orders psychological violence (also) occurs.

Criminal offences In 85 percent of the restraining orders the evicted person is arrested and thus there is a suspicion of criminal offences. In 84 percent of the restraining orders in which arrests occur, the case is referred to the public prosecutor. 42 percent

of the criminal cases that run parallel to a restraining order end in a dismissal. In about 50 percent of the cases a sentence follows.

After 1 year In 57 percent of the restraining orders, the household composition has changed one to one and a half years after the restraining order has expired. Usually this means that the partners broke up and started living separately.

The support services

First contact The first contact between the social worker on the one hand and the evicted person and those who stay behind on the other hand, is usually effected within 24 hours after the incident which led to the restraining order. This contact is limited to a first conversation with those involved or merely to making an appointment for the following workday.

1st phase support The support offered in restraining orders can subsequently be subdivided into two phases. The first phase concerns investigating the problem and drawing up a plan of approach. This phase is usually concluded within the first ten days of the restraining order, but it can be continued when the restraining order is extended or, if need be, after this period. In this phase the social worker nearly always has contact with those involved (92% of the evicted persons, 88% of those who stay behind and 86% of the children).

2nd phase support This first phase ends with an offer for the second phase: follow-up support provided to those involved in the restraining order. Not all those involved receive an offer for follow-up support, accept it, start the programme and complete it sufficiently. Table 1 shows the figures.

Table 1 Follow-up support after restraining orders

People involved	Received offer	Accepted offer	Started follow-up support	Sufficiently completed programme
Evicted persons (n=105)	90 (86%)	67 (64%)	60 (57%)	38 (36%)
Those who stayed behind (n=129)	104 (81%)	89 (67%)	81 (63%)	58 (45%)
Children (n=168)	115 (68%)	78 (46%)	74 (44%)	n.b.

Source: Regioplan

Nature of support Nearly all evicted persons who accept support, receive follow-up support from an organisation for forensic psychiatry. Social welfare institutions and addiction treatment organisations also occur relatively often. Those who stay behind often receive support from social welfare institutions. In addition this, parenting support and/or support offered to children and relational therapy are the types of support that occur most often. The type of support that is offered to children most often is support on behalf of the entire family in the form of parenting support. Furthermore, children are relatively often 'included' in the programme offered to their parents. However, there are also various types of support that are specifically aimed at children who are victims or witnesses of domestic violence, which are being offered.

Effective? With regard to 57 percent of the evicted persons and 66 percent of those who stay behind support covers all areas where problems have been identified. Little is known about the results of the support on an individual level; usually this is not actively monitored by social workers.

System-oriented The aim of the restraining order is to provide a system-oriented approach to the problems of all people involved (the family system). In this study four characteristics of system-oriented working are have been distinguished: case consultation, the development of a plan of approach, a family conference and systems-oriented working after the restraining order has expired. In about half of the restraining orders, three or four of these characteristics occur. In the control group, system-oriented working occurs to a much lesser extent.

When a restraining order is not imposed...

Sometimes a restraining order is not imposed even though it would be an appropriate measure in the situation concerned. In this study these situations are included in the control group.

Reason Restraining orders are not always imposed when this is possible, because those who must judge the situation believe a restraining order might aggravate the situation of those involved, because they think that a restraining order is not possible and/or because they do not deem it necessary. However, it often occurs that the idea to impose a restraining order is not considered and the possibility to start a procedure in this direction is not recognized by the police.

Assistance Table 2 shows how many of those involved in the situations of the control group cases were offered support, accepted this offer, and started a programme. The *nature* of the support offered in the control group cases, does not deviate from the support offered in the restraining order cases. However, the difference between the two groups lies in the fact that in the control group cases significantly less support is being effected.

Table 2 Assistance in the control group

People involved	Received offer	Accepted offer	Started programme
Aggressors (n=104)	18 (17%)	13 (13%)	13 (13%)
Aggrieved persons (n=112)	27 (24%)	21 (19%)	19 (17%)
Children (n=109)	34 (31%)	24 (22%)	23 (21%)

Source: Regioplan

Surplus value In the situations that have been included in the control group the restraining order could have had surplus value in changing a repetitive and/or (seriously) threatening situation of domestic violence. Although the nature of the violence seems less serious and the number of perpetrators with antecedents is lower

than in the intervention group, these cases also often involve repetitive domestic violence or a (constant) serious threat of violence.

In conclusion

The conclusion of the report ends with a discussion that ensues from the research results. It addresses a number of questions that the study raises about the support offered in restraining order cases, about whether the restraining order can be applied in a more 'tailor-made' way and about the preventive application of the restraining order.