

PUBLIC SAFETY ADVISORY BOARD

The Effectiveness of Domestic Abuse Protective Orders & Court Practices in Sentencing Violators

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Executive Summary

Deterring abuse is important to ensuring safety among domestic violence and assault victims. Protective orders are tools aimed at restricting contact between the victim and the abuser to prevent subsequent violence. While empirical research has indicated that protective orders are effective, the extent of the effectiveness is uncertain because violation rates have varied widely from study to study. In addition, little research exists to explain how violations of protective orders are handled, which factors are considered when giving penalties, and whether certain situations lead to a given type of penalty. Punishing protective order violators is important because, if abusers have violated the order once, it is likely that they will do so again; without enforcement, the order is essentially a piece of paper that does not protect the victim from danger. Another important consideration is the nature of the punishment. Iowa law allows defendants accused of domestic abuse contact order violations to be charged with civil contempt or a criminal misdemeanor. These two penalties differ in severity and impact on the offender's criminal record. The current study attempts to fill these gaps in the research. The purpose of the study is to

- 1) Examine practices for handling protective order violations and compare Iowa's eight judicial districts to identify whether there are differences in court practices.
- 2) Determine the effectiveness of protective orders in Iowa by calculating protective order violation rates and subsequent occurrences of domestic violence.

The first research question was addressed through the use of a survey of county attorneys and judges. The purpose of the survey was to identify variations among the districts in procedures pertaining to protective/no contact orders and differences in how violations of orders are treated (as civil contempt or criminal simple misdemeanor) as allowed under Iowa Code 664A.7. The survey also asked participants about their opinions on the effectiveness of Code 664A.7, their perspectives on certain aspects of the law, and their ideas for how it could be improved. The questionnaire, which was developed in collaboration with county attorneys and a judge, was reviewed by several other legal professionals to ensure that questions were appropriate and relevant. An email providing a link to the online questionnaire was sent to all 99 county attorneys and all 8 judicial district chief judges and administrators.

One-hundred twenty nine respondents participated in the online survey, and of those, 104 surveys were returned completed. County prosecutors, magistrates, and district judges were fairly evenly represented as respondents, but fewer district associate judges participated in the survey.

Although there are differences among the judicial districts in practice, the majority appear to be minor. The most significant differences appear to be in how violations of protective and no contact orders are charged. Iowa Code §664A.7 allows for violations to be considered either contempt of court or simple misdemeanors. In addition, some jurisdictions use Iowa Code §665.2, a more general contempt of court for violations in domestic abuse protective/no contact order violations. There are also variations in the average length of jail time for violators.

A sample of 768 individuals who were defendants with protective and/or no contact orders in place during a six-month period from January 2009 through June 2009 for domestic abuse cases was drawn. This sample was used to look at subsequent violations and new domestic abuse charges and convictions. There are limitations to this part of the study due to issues such as multiple case IDs, multiple orders, and a lack of victim identifiers in the court system.

Overall, there was a 16% rate for violations of protective and no contact orders during the study time period, based upon convictions. There were variations in conviction rates, and type of conviction (criminal compared to civil) among the judicial districts. However, in some instances the numbers were small, so statistical inferences were not made. The conviction rate for subsequent domestic abuse offenses was 15.6% during the study period. There was no appreciable difference between those who had violated a protective/no contact order, and those who did not. Analysis was not done on length of time from the issuance of an order to time of violation or new domestic abuse charge/conviction.

Literature Review

Domestic abuse is broadly defined as a physical assault against adult family members or current or previous intimate partners (IA Code 236.2). Nationwide, domestic abuse affects a large number of people, particularly women. Annually, 1.3 million women and 835,000 men are physically assaulted by an intimate partner (Tjaden & Thoennes 2000). The National Violence Against Women survey reports that 22% of women and 7% of men are physically assaulted by their intimate partners, that 64% of the violent acts committed against women are by intimate partners, and that female victims are significantly more likely than males to be injured during domestic violence attacks (Tjaden & Thoennes 2000).

Although traditionally domestic violence was considered a family matter existing outside of the legal realm, it became a recognized social issue in the 1970s (Tjaden & Thoennes 2000); during that decade a few states created laws to protect battered women (Carlson, Harris, & Holden 1999). In 1976, the first civil protection legislation was adopted to prevent domestic violence through protective orders (Hart). By 1983, civil protective orders were available in 32 states, and by the early 1990s, they were in place in all 50 states (see Carlson et al. 1999; Hart). The 1994 Violence Against Women Act (VAWA) was an important step toward national recognition of domestic violence issues, safety through the enforcement of protective orders, and assurance of safe mobility and travel for victims. It mandated that states honor the “valid” protection orders issued by other states (Carbon, Macdonald, & Zeya 1999) and banned protective order defendants from possessing firearms (see Bridges, Tatum, & Kunselman 2008). In the late 1990s through 2000s, state legislatures passed a myriad of stricter domestic violence laws. Legislation arising during that time has reduced the likelihood of domestic violence (Dugan 2003), but not domestic violence homicide (Bridges et al. 2008).

Orders of protection are legal tools that are designed to protect people from violence and “reduce the risk of future threat or harm by a person who is determined to pose a threat to another” (Benitez, McNiel, & Binder 2010). This is typically achieved by limiting or preventing contact or communication, requiring a party to vacate the property, counseling for the defendant, restricting or eliminating the use of firearms, requiring mandatory arrest of perpetrators, and changing child custody arrangements. The terms of the order can be tailored to the victim’s particular situation (Iowa 2010; Logan & Walker 2009).

The vast majority of protective orders are filed for domestic abuse (see Benitez et al. 2010). The civil protection order is an option that makes it easier for some domestic violence victims to protect themselves. It empowers victims to file their own order in the absence of a criminal case, provides an attractive option for victims who are reluctant to press criminal charges (see DeJong & Proctor 2006), generally results in quicker action, and is more likely to be filed as a result of emotional abuse than physical abuse (Kethineni & Beichner 2009). It differs from the criminal order which is only filed by officials against offenders who have committed criminal acts. Unfortunately, although civil protective orders make it easier for victims to protect themselves, it is estimated that only 20% of battered women in the US obtain civil protection orders (see Holt, Kernic, Lumley, Wolf, & Rivara 2002). The number of women who do not have a protective order but would benefit from one is much greater. Protection orders only have the opportunity to protect victims who file for them.

Research indicates that protective orders are somewhat effective, protecting *some* victims from subsequent violence, and at the very least, increasing victims' perceptions of safety (Logan & Walker 2010). Nevertheless, the primary measure of protective order effectiveness, violation rate, has varied widely. A review of empirical studies by Benitez et al. (2010) indicates that protection order violation rates range from 7.1% to 81.3%, depending on the study design and the data used to measure outcomes. Studies that use arrest records report lower protective order violation rates (Logan & Walker 2009). Well-designed studies that have long follow-up periods, large samples, and a comparison of women with and without protective orders show that protective orders are effective (Benitez et al. 2010). For example, Holt et al. (2002) found that, in Seattle, permanent (but not temporary) civil protective orders were effective in reducing police-reported violence. After controlling for other variables, permanent protective orders resulted in an 80% reduction in violence after a 12 month time period.

Studies show that various factors play a role in the relationship between protective orders and re-abuse. Factors associated with increased likelihood of re-abuse are 1) being an African-American victim (Carlson et al. 1999), 2) having low socio-economic status (Carlson et al. 1999), 3) living in a rural location (Hawkins 2010; Logan & Walker 2005), 4) having recently filed a protective order (Benitez et al. 2010), 5) having a criminal or drug abuse history (Benitez et al. 2010), 6) choosing to stay in the relationship despite the protective order (Logan & Walker 2009), and 7) stalking behavior (Logan & Walker 2009). Factors associated with decreased likelihood of re-abuse are being in a long-term relationship (Carlson et al. 1999) and arresting the defendant at the time of incident (Benitez et al. 2010). The ways in which these factors interact with re-abuse can be attributed to the degree to which defendants (or victims) are invested in the intimate relationship and the perceived avoidance of the legal consequences (Carlson et al. 1999) as well as location factors that play a role in the resources and options available to victims.

The effectiveness of domestic violence efforts and laws may ultimately depend on how the court system punishes perpetrators. The response can vary widely and may depend on the beliefs, reactions, and decisions of court officials as well as the state's laws and complexity of the legal process (DeJong & Proctor 2006). State court systems are not always as aggressive as they could be, as shown by a study in Utah which found that many offenders who violated protective orders were punished less severely than allowed by state and federal sentencing guidelines (Diviney, Parekh, & Olson 2009). Also, a lack of understanding domestic violence and misperceptions about the dynamics of abusive relationships among judges, police officers, and juries can contribute to biases that benefit batterers in court (Fradella & Fischer 2010; Epstein 1999; Hartley & Ryan 1998; Fields 2008) and can contribute to regional variations in how protective orders and violations are handled in urban and rural areas (Hawkins 2010; Logan, Shannon, & Walker 2005).

The type of punishment for violating protective orders varies among the states and even within the same state, resulting in a wide range of potential outcomes for victims and offenders. For the most part, it is the victim's responsibility to monitor compliance and choose whether or not to report violations (Baker 2002). However, once reported, the course of action is not clearly defined. Offenders who violate the order may be arrested at the police officer's discretion or mandatorily. In court proceedings, violating the protective order may be treated as a criminal offense or civil contempt. Criminal offenses can result in arrest, fines and/or jail time, while civil contempt offenses may aim for compliance (Baker 2002). While this variation has been acknowledged, few studies examine judicial responses when a protective order is violated.

Iowa Legislative Efforts

Since the mid-1990s, federal law has prohibited those guilty of domestic violence from possessing firearms. In 2010, Iowa passed a similar law to prohibit people who are subjects of protective orders or have been convicted of misdemeanor domestic abuse from possessing firearms. Prohibiting the use of firearms is particularly important because firearms are the most common means of death in domestic violence homicides in Iowa (IDPH 2009). In 2011, the legislature proposed other bills to increase protection for victims of domestic abuse, including an increase in penalties for acts that involve strangulation, the creation of a fund for a self-defense course offered by county sheriffs to victims of domestic violence, and the redefinition of domestic abuse assault under Iowa Code 708.2A to extend penalties to unmarried persons in romantic relationships. However, none of these bills were passed in 2011.

Iowa Domestic Violence Assistance Programs and Services

Many organizations operate programs and services for domestic violence and assault victims throughout the state of Iowa. Typically, the kinds of assistance offered by these organizations include medical and legal services, shelters, transitional housing, counseling, resources, and 24-hour hotlines. Services are widespread and available in most of Iowa's large and medium sized cities and towns. Domestic abuse shelters serve several surrounding counties in regions throughout the state (see CFI 2010). There are advocacy and support organizations operating in all 99 counties (see aardvark.org for a list). Even though all types of services are not available locally in all communities, some form of help is available.

Lists of Iowa organizations that offer programs and assistance are widely available on the internet. Children & Families of Iowa operates the Iowa Domestic Violence hotline and a CFI local hotline, and offers a broad range of services, including shelters and transitional housing, counseling, community outreach, and legal advocacy. CFI recently published and made available on its website a detailed state resource guide listing a wide range of all the domestic violence programs and services in Iowa (CFI 2010). In communities across Iowa, local organizations such as crisis intervention centers, YWCA, programs for children and families, non-secular charities, non-profit organizations, law offices, advocacy services, and sexual assault centers may offer services for victims of domestic violence. Some organizations provide assistance to minorities or the disabled, including hotlines with phone service in Spanish and other languages, the organization Latinas United for a New Dawn (LUNA) based in Des Moines, and Deaf Iowans against Abuse operated statewide. Organizations that provide shelters or housing for victims, among others, include ACCESS in Ames, Crisis Intervention and Advocacy Center in Adel, Family Crisis Support Network in Atlantic, the YWCA in Burlington, Wayport Services in Cedar Rapids, and Phoenix House in Council Bluffs.

The State of Iowa has a batterers education program that is statutorily required for all offenders convicted of domestic abuse assault and some batterers convicted of simple assault. The state also has a group of experts that monitor domestic abuse deaths (Iowa Domestic Abuse Death Review Team). The Iowa Coalition against Domestic Violence is a state level non-profit organization that networks with domestic violence programs throughout Iowa and provides training and technical support for coalition members and professionals,

as well as community outreach. The Iowa Coalition against Sexual Assault is a private non-profit organization that provides similar services for matters of sexual assault.

Domestic violence programs are in high demand in Iowa, but many programs do not have the resources to serve *all* Iowans needing assistance. The National Network to End Domestic Violence conducts an annual survey in each state to determine how many people access domestic violence services in one day. On a given day in 2010, 524 domestic violence victims in Iowa were in shelters or housing, 478 adults and children received non-residential assistance, 382 domestic violence hotline calls were answered, and 119 Iowans requested services that were not available due to understaffing or underfunding. Ninety-six percent of Iowa programs reported a rise in demand for services; however, 85% reported decreases in funding (NNEDV 2010). This suggests that increased funding is needed to meet the present and future needs of Iowans.

Purpose of study

Deterring abuse is important to ensuring safety among domestic violence and assault victims. Protective orders are tools aimed at restricting contact between the victim and the abuser to prevent subsequent violence. While empirical research has indicated that protective orders are effective, the extent of the effectiveness is uncertain because violation rates have varied widely from study to study. In addition, little research exists to explain how violations of protective orders are handled, which factors are considered when giving penalties, and whether certain situations lead to a given type of penalty. Punishing protective order violators is important because, if abusers have violated the order once, it is likely that they will do so again; without enforcement, the order is essentially a piece of paper that does not protect the victim from danger. Another important consideration is the nature of the punishment. Iowa law allows defendants accused of domestic abuse contact order violations to be charged with civil contempt or a criminal misdemeanor. These two penalties differ in severity and impact on the offender's criminal record. The current study will attempt to fill these gaps in the research. The purpose of the study is to

- 3) Examine practices for handling protective order violations and compare Iowa's eight judicial districts to identify whether there are differences in court practices.
- 4) Determine the effectiveness of protective orders in Iowa by calculating protective order violation rates and subsequent occurrences of domestic violence.

Description of Iowa Protective Orders

The definitions of and penalties for domestic violence were established in Iowa in 1992 under chapters 236 and 708 of the Iowa Code. Domestic abuse (IA Code 236.2) is defined as committing an assault (IA Code 708.1), an act intended to cause physical pain, injury, or threats of injury, against an adult household or family member, separated or divorced partner, boyfriend or girlfriend, or the parent of a shared child.

Orders of protection are civil or criminal legal tools designed to keep victims safe by ending or limiting their contact with the abuser. There are three types of protective orders available in Iowa (see Iowa Code chapter 664).

No-contact orders are criminal orders that can be issued for domestic assault crimes or any other public offense when there is a victim who has been physically, emotionally, or financially harmed (664A.2). It can only be issued by a judge in response to a criminal act for which the defendant has been arrested and charged. It is sometimes issued while the defendant is in jail before bond or release is granted. The protection it offers is more limited compared to protective orders; no-contact orders can restrict contact and the possession of weapons, but cannot establish child custody (Iowa 2010; Iowa Judicial Branch; Iowa State Court Administrator's Office 2002).

Temporary protective orders are *pro se* civil orders allowing victims of domestic violence immediate protection. Victims can file for temporary protective orders and act as their own attorney, regardless of whether criminal charges have been filed against the abuser. The temporary order grants the same protections as a permanent order except it usually is only in effect until the defendant is served the notice and the court hearing to obtain the permanent order is scheduled. Emergency protective orders are also available. They are issued when courthouses are closed and last for 72 hours (Iowa 2010; Iowa Judicial Branch; Iowa State Court Administrator's Office 2002).

Permanent protective orders are *pro se* orders issued to domestic abuse victims (defined under Iowa Code 236.2) after a court hearing. Permanent orders can establish custody arrangements and may require the defendant to pay for court costs (legal fees are waived for the plaintiff and may be billed to the defendant), vacate the home, forfeit weapons, attend counseling, or provide financial support for the victim or their children. Permanent orders are effective for up to one year and can be extended for another year if the plaintiff re-files before its expiration and the court determines that extension is warranted. The order can only be lifted or changed by a judge and the victim must notify the court if he/she wants to do this; otherwise, both defendant and victim can be held responsible if the order is violated (Iowa 2010; Iowa Judicial Branch; Iowa State Court Administrator's Office 2002).

Iowa Process of Obtaining a Protective Order and Enforcement

Anyone can file a civil protective order for domestic abuse by filling out a form available at any county courthouse. The victim must show that they are currently or were previously in an intimate relationship in which a physical assault occurred and prove residence in Iowa. Minors must have their parent or guardian file protective orders for them, unless they are emancipated or legally married. The temporary order is not effective until the defendant is notified of the filing and given information about the court hearing. Both defendant and plaintiff must be present in court or else the case may be dropped and a permanent protective order may no longer be considered. The abuser is sometimes appointed an attorney that is paid by the state, while the plaintiff can choose to represent themselves (*pro se*) or pay for an attorney. The plaintiff must provide detailed information to prove that abuse has occurred, including documentation of the incidents that involved threats of physical abuse, actual physical abuse, or forced sexual activity. Pending the outcome of the hearing, a permanent order may be granted (Iowa State Court Administrator's Office 2002).

Iowa Code 664A.7 establishes that protective order violations can be either treated as a civil contempt or a criminal simple misdemeanor charge. It is the victim's responsibility to monitor compliance with the protective order and distribute copies of the order to places that they frequent, such as children's schools and

employers. When a violation is reported, it is investigated by the police and if validated, the offender is mandatorily arrested and placed in jail until the hearing with the judge (Iowa State Court Administrator’s Office 2002). Criminal charges can be filed by the county attorney if the abuser is arrested and, if found guilty, he or she is subject to the penalties provided by the law for those offenses. If the incident does not result in an arrest, the alternative is for the victim to file for civil contempt at the Clerk of Court office, and the judge decides whether to pursue the case in court (Iowa State Court Administrator’s Office 2002; Iowa 2010). The abuser is jailed and possibly fined if found guilty of contempt (IA Code 664A.7).

Survey

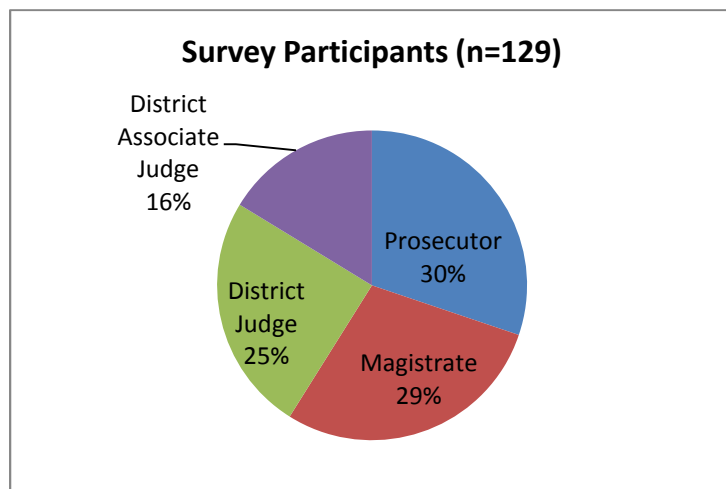
Survey Methods

The purpose of the survey was to identify variations among the districts in procedures pertaining to protective/no contact orders and differences in how violations of orders are treated (as civil contempt or criminal simple misdemeanor) as allowed under Iowa Code 664A.7. The survey also asked participants about their opinions on the effectiveness of Code 664A.7, their perspectives on certain aspects of the law, and their ideas for how it could be improved. The questionnaire, which was developed in collaboration with county attorneys and a judge, was reviewed by several other legal professionals to ensure that questions were appropriate and relevant. An email providing a link to the online questionnaire was sent to all 99 county attorneys and all 8 judicial district chief judges and administrators, inviting them to participate and to share the link with staff. Survey responses were collected for approximately two weeks.

Survey Results

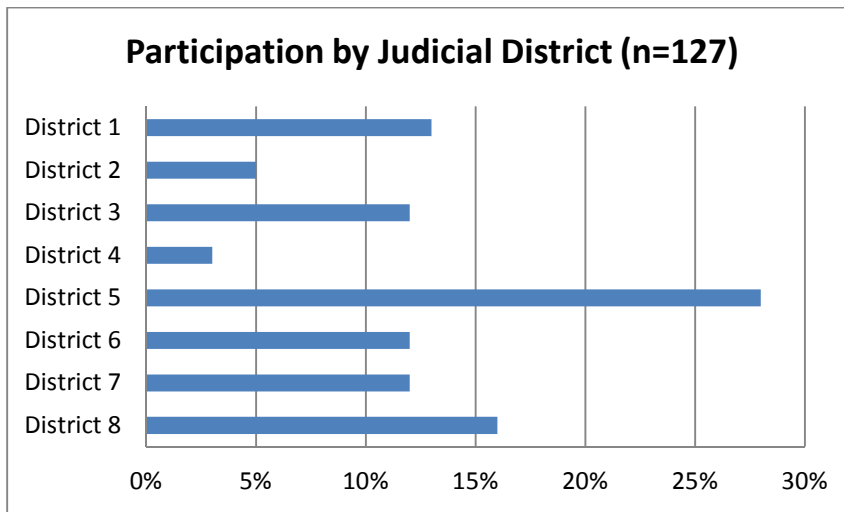
Survey Participant Description

One-hundred twenty nine respondents participated in the online survey, and of those, 104 surveys were returned completed. County prosecutors, magistrates, and district judges were fairly evenly represented as respondents, but fewer district associate judges participated in the survey.



The majority (58%) of respondents reported working only with criminal cases involving domestic abuse protective orders, 31% spend equal time working with civil cases and criminal cases, and 10% work only with civil cases. One respondent reported having no involvement with domestic abuse protective orders.

The judicial districts were adequately represented by the respondents. The highest percentage of survey participants were from District 5 (28%), which is the most populated district in the state. The fewest participants were from District 4 (3%), the least populated district in the state.

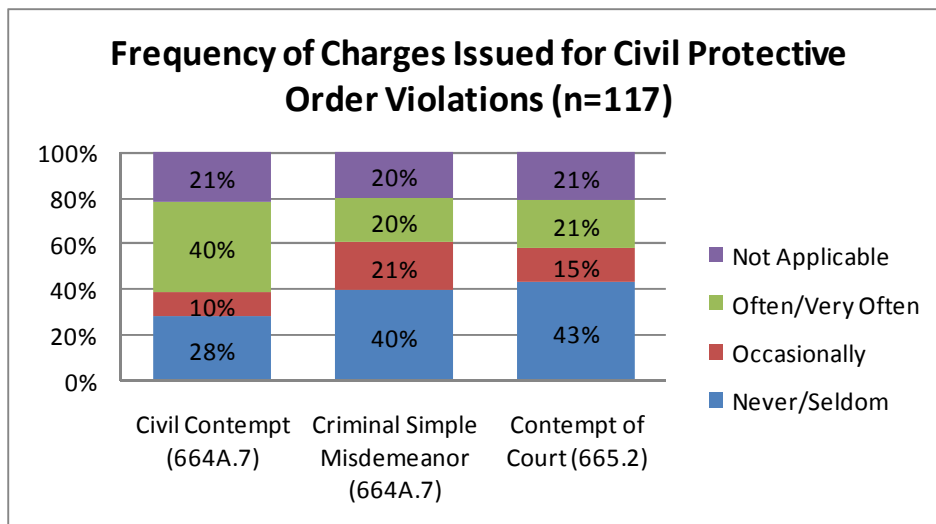
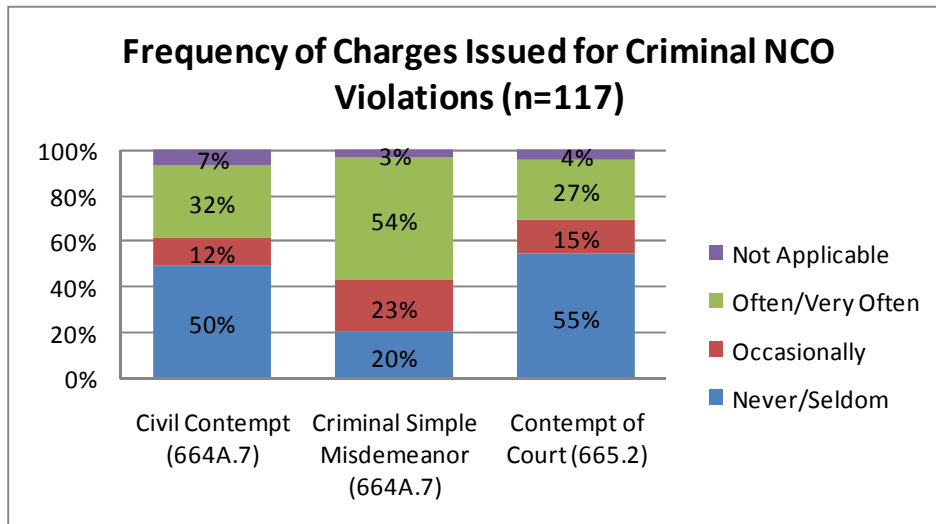


Contact Orders & Violations: Common Court Practices in Iowa

This section provides a general overview of contact order and contact order violation practices across the state based on judges,' magistrates,' and county prosecutors' most typical responses or highest levels of agreement on the survey questions.

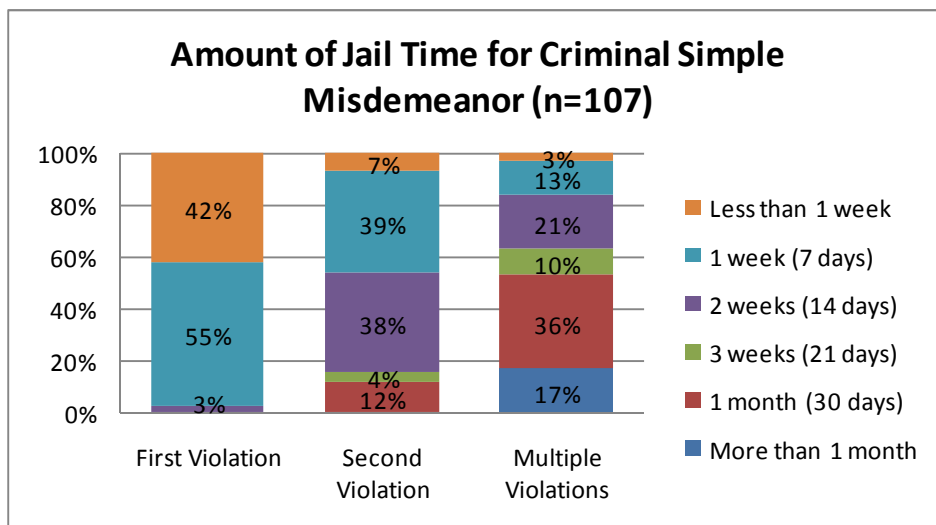
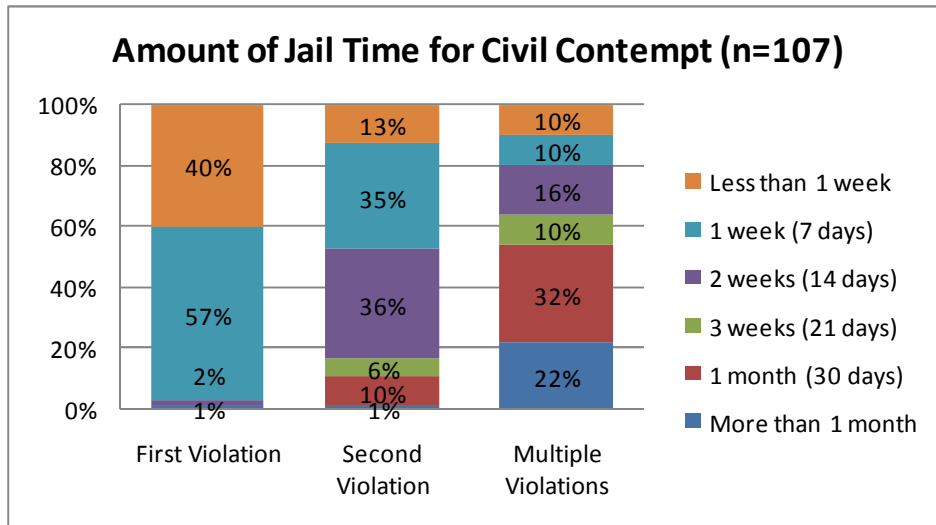
- Although the Iowa Code specifies that “no contact orders” are criminal orders and “protective orders” are civil (*pro se*) orders, survey participants indicated that, in practice, “protective orders” and “no contact orders” are interchangeably used to describe criminal and civil orders. Nevertheless, protective orders were more likely to be regarded as civil orders, while no contact orders were more likely to be regarded as criminal orders.
- Participants indicated that criminal no contact orders are most typically effective for 1 year (47% responded) or 5 years (41% responded).
- Forty-five percent of respondents said that contact order victims are never or seldom required to go to a court hearing before an extension is granted.
- Forty-four percent of respondents replied that criminal no contact order victims are often or very often required to go to a court hearing for the order to be lifted.
- Most respondents were uncertain (57%) or replied in the negative (41%) when asked whether their court sends reminders to victims to re-file their no contact orders/protective orders prior to the expiration date to get an extension.

- Ninety-two percent of respondents agreed or strongly agreed that offenders who violate protective orders are promptly arrested and 82% agreed or strongly agreed that they are promptly prosecuted.
- Violations of criminal no contact orders are more often treated with criminal charges, whereas violations of civil protective orders are more often treated with civil charges. Although the Iowa Code does not specify the use of contempt of court (665.2) for violations of domestic abuse contact orders, 27% of respondents said that contempt of court is used often or very often for violations of criminal no contact orders and 21% reported frequent use for violations of civil protective orders.



- Many respondents indicated that severity of penalties (53%), mitigating circumstances (47%), and especially defendants’ criminal histories (70%) are “important” or “very important” factors in deciding whether contact order violations are treated civilly or criminally. Court case preparation time was regarded as a less important factor (6%).
- Respondents did not indicate any specific benefit of treating contact order violations one way or another – as civil contempt or criminal simple misdemeanor.

- Eighty percent of county attorneys agreed or strongly agreed that legal professionals consider elevating charges to stalking or harassment if an offender has violated a contact order on multiple occasions and legal basis is present.
- Regardless of whether contact order violations are treated as civil contempt or criminal simple misdemeanors, the most typical amount of jail time for first-time violators is one week, for second-time violators one to two weeks, and for multiple-time violators one month.

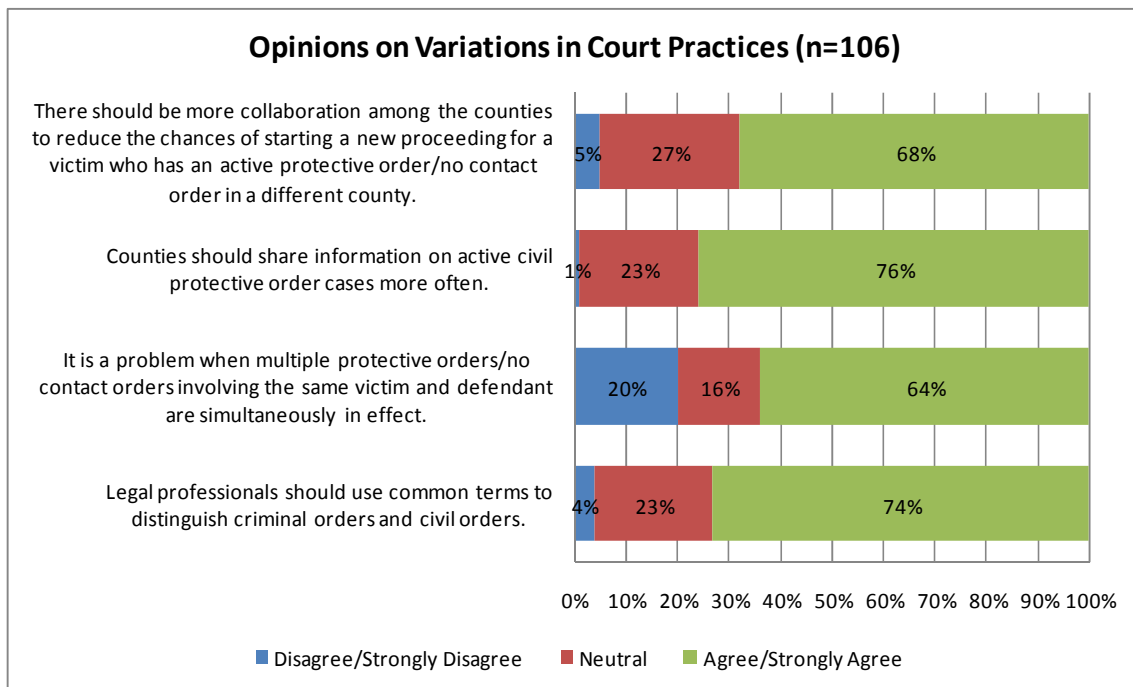


- The Iowa Code states that Batterers Education Program (BEP) is required for abusers convicted of domestic abuse assault, and 95% of respondents affirmed, reporting that BEP was frequently or almost always ordered for domestic abusers. The majority (90%) also indicated that BEP was ordered as a condition of probation for domestic abuse cases; however, 53% of respondents indicated that offenders never or only seldom receive probation for violating contact orders. Sixty percent of respondents indicated that offenders convicted of simple assault frequently or almost always receive BEP and 57%

reported that BEP is frequently or almost always ordered for offenders who plead guilty to reduced charges.

Opinions on Court Practices & Variations across the State

- High levels of agreement on four close-ended survey questions indicate that respondents want less variation in court practices across the state. Specifically, 68% believed there should be more collaboration among the counties to prevent multiple active contact orders; 76% wanted counties to share information on civil protective order cases more often; 64% said it is a problem when multiple contact orders involving the same victim and defendant are simultaneously in effect; and 74% agreed that legal professionals should use common terms to distinguish criminal and civil protective orders.

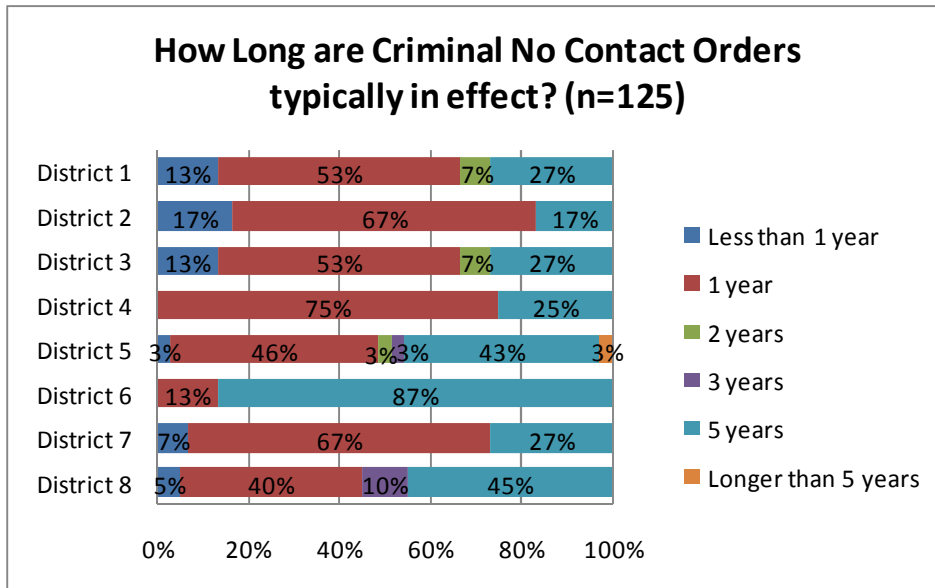


- Respondents indicated in the close-ended survey questions that there should be less variation across the state. This was also reflected in the comments of respondents who chose to submit comments on the survey, with many stating that there are inconsistencies across the counties. One respondent specifically mentioned differences in court practices in rural and urban counties. “Each of our counties in our district handle[s] them a bit differently. The largest county I serve treats all reports of civil violations to the local police as if they are civil in nature and no arrest occurs after a report is made. Only criminal no contact order violations are prosecuted by the county attorney. In the rural counties, all violations of orders, whether civil or criminal, are prosecuted as criminal by the county attorneys. There is no consistency between the counties I serve.”
- Respondents also reported differences in the magistrates’ and judges’ involvement in sentencing contact order violations, with several commenting that they had limited choice in how a case was sentenced (most depends on the charges that county prosecutors and law enforcement decide to file),

and another indicating that the decision primarily falls on the judge, who should not be making those decisions.

Contact Orders & Violations: Judicial District Variations in Court Practices

Among the districts, District 4 was the most likely to issue criminal no contact orders that were effective for one year (75% of respondents marked that response). Generally, it appears that Districts 1, 2, 3, and 7 issue shorter-term no contact orders. District 6 was by far the most likely to issue orders that were effective for 5 years (indicated by 87% of respondents).



Compared to the other districts, Districts 1 and 3 were more likely to use the criminal simple misdemeanor charge for criminal no contact order violations (67% and 73% used it often or very often, respectively). Districts 3 and 4 had the highest percentages of respondents who said that contempt of court charges were used often or very often for criminal no contact order violations (40% and 50%, respectively).

| "Often" or "Very Often" used for a charging a CRIMINAL NO CONTACT ORDER violation? (n=117) | | | | |
|--|----|-------------------------|--------------------------------------|---------------------------|
| | N | Civil Contempt (664A.7) | Criminal Simple Misdemeanor (664A.7) | Contempt of Court (665.2) |
| District 1 | 12 | 33% | 67% | 8% |
| District 2 | 5 | 40% | 40% | 0% |
| District 3 | 15 | 7% | 73% | 40% |
| District 4 | 4 | 50% | 100% | 50% |
| District 5 | 34 | 41% | 41% | 29% |
| District 6 | 15 | 40% | 40% | 33% |
| District 7 | 14 | 21% | 57% | 29% |
| District 8 | 18 | 28% | 56% | 17% |

Districts 5 and 7 were most likely among the districts to issue civil contempt charges for civil protective order violations (62% and 50% used it often or very often, respectively). District 4 was most likely to issue criminal simple misdemeanor charges (75%); however the number of respondents from that district was small. Respondents in District 7 were most likely to report using contempt of court charges (36%).

| “Often” or “Very Often” used for a charging a CIVIL PROTECTIVE ORDER violation? (n=117) | | | | |
|--|----|-------------------------|--------------------------------------|---------------------------|
| | N | Civil Contempt (664A.7) | Criminal Simple Misdemeanor (664A.7) | Contempt of Court (665.2) |
| District 1 | 12 | 17% | | |
| District 2 | 5 | 40% | 20% | |
| District 3 | 15 | 27% | 20% | 27% |
| District 4 | 4 | 25% | 75% | 25% |
| District 5 | 34 | 62% | 15% | 29% |
| District 6 | 15 | 33% | 20% | 27% |
| District 7 | 14 | 50% | 29% | 36% |
| District 8 | 18 | 28% | 22% | 6% |

Respondents were asked about the amount of jail time contact order violators typically receive if they are charged with civil contempt. For the first violation, nearly all respondents said that offenders receive one week or less in jail. The exception was in Districts 5 and 8 – one respondent in each district reported that first time violators with civil contempt charges received 2 weeks in jail, and another respondent in District 5 reported “more than one month” of jail time.

When asked how much jail time offenders with multiple violations of contact order receive if they are charged with civil contempt, time served varied by district. Higher percentages of respondents in District 7 (71%), District 5 (63%), and District 8 (56%) reported that offenders serve “one month or more” of jail time. Higher percentages of respondents in District 2 (60%) and District 4 (67%) said that offenders serve “one week or less,” however the number of respondents from the latter district was low.

| Jail Time for Multiple Violations of Civil Contempt Charges | | | | | |
|--|----|----------------|---------|---------|-----------------|
| | N | 1 week or Less | 2 weeks | 3 weeks | 1 month or More |
| District 1 | 10 | 20% | 20% | 20% | 40% |
| District 2 | 5 | 60% | 40% | | |
| District 3 | 14 | 21% | 21% | 14% | 43% |
| District 4 | 3 | 67% | | | 33% |
| District 5 | 32 | 16% | 9% | 13% | 63% |
| District 6 | 13 | 15% | 15% | 15% | 54% |
| District 7 | 14 | 14% | 7% | 7% | 71% |
| District 8 | 16 | 19% | 25% | | 56% |

Respondents were asked the same question about the amount of jail time contact order violators typically receive if they are charged with criminal simple misdemeanor. For the first violation, nearly all respondents said that offenders receive one week or less in jail. The exception was in Districts 3, 5, and 8 – one respondent in each district reported that first time violators with civil contempt charges received 2 weeks in jail.

When asked how much jail time offenders with multiple violations of contact order receive if they are charged with criminal simple misdemeanor, time served varied by district. Higher percentages of respondents in District 7 (71%), District 5 (66%), District 4 (67%), and District 1 (50%) reported that offenders serve “one month or more” of jail time. It appears that District 2 generally gives less jail time for multiple offenses, as all five respondents said that offenders receive two weeks or less.

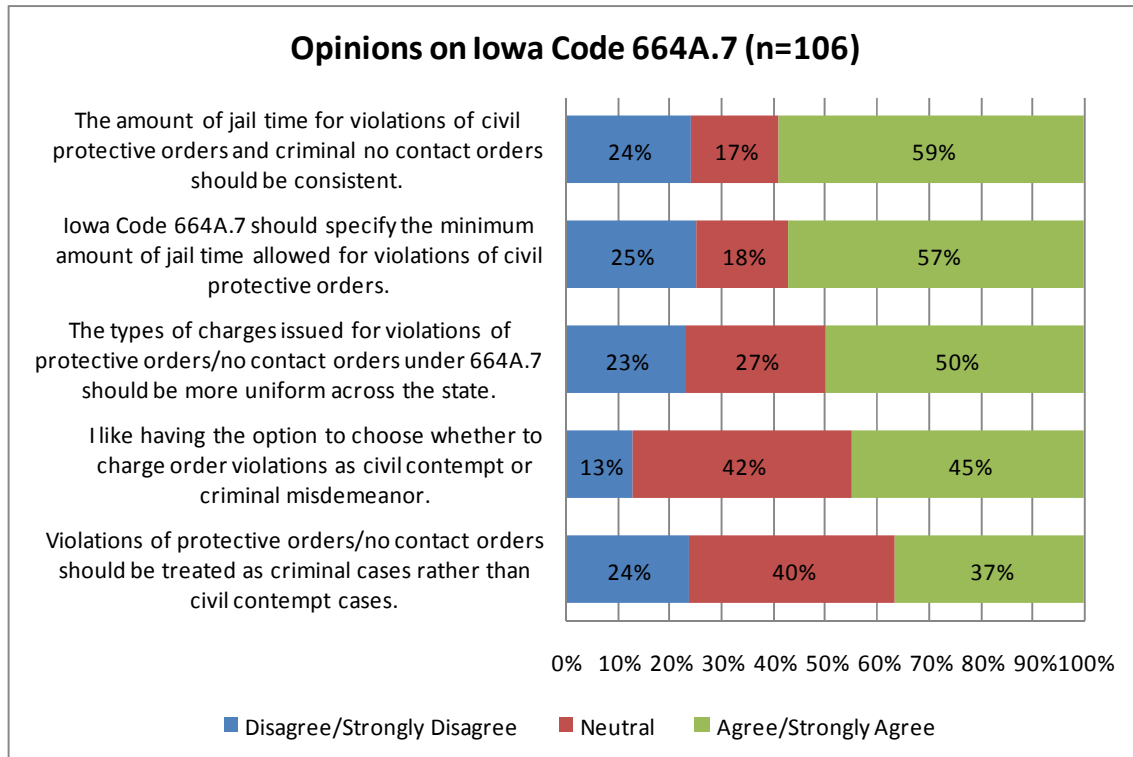
| Jail Time for Multiple Violations of Criminal Simple Misdemeanor Charges | | | | | |
|--|----|----------------|---------|---------|-----------------|
| | N | 1 week or Less | 2 weeks | 3 weeks | 1 month or More |
| District 1 | 10 | 10% | 20% | 20% | 50% |
| District 2 | 5 | 40% | 60% | | |
| District 3 | 14 | 14% | 29% | 14% | 43% |
| District 4 | 3 | 33% | | | 67% |
| District 5 | 32 | 9% | 13% | 13% | 66% |
| District 6 | 13 | 15% | 23% | 15% | 46% |
| District 7 | 14 | 7% | 14% | 7% | 71% |
| District 8 | 16 | 31% | 25% | | 44% |

The following table provides the percentages of respondents in each district who indicated that Batterers Education Program (BEP) is frequently or almost always recommended in various situations. There remains great variation among the districts, however.

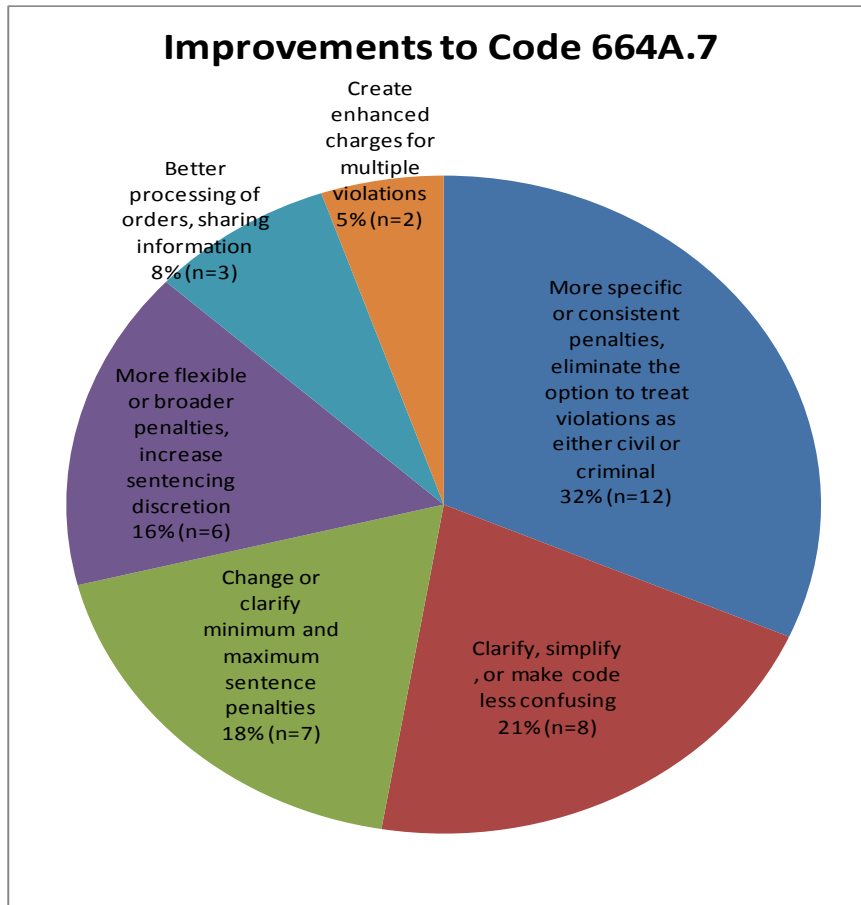
| Percentage of respondents indicating that the following occurs “Frequently” or “Almost Always” (n=106) | | | | | | |
|--|----|--|--|--|---|--|
| | N | Probation is recommended for protective order violators. | BEP is recommended for domestic abuse assault convictions. | BEP is recommended for guilty pleas for reduced charges. | BEP is recommended as a condition of probation. | BEP is recommended for simple assault convictions. |
| District 1 | 10 | 20% | 90% | 20% | 80% | 20% |
| District 2 | 5 | 40% | 100% | 80% | 100% | 80% |
| District 3 | 14 | 21% | 100% | 50% | 93% | 71% |
| District 4 | 3 | 33% | 100% | 100% | 67% | 100% |
| District 5 | 31 | 19% | 90% | 68% | 94% | 68% |
| District 6 | 13 | 23% | 100% | 23% | 77% | 62% |
| District 7 | 14 | 36% | 93% | 57% | 86% | 43% |
| District 8 | 16 | 25% | 100% | 75% | 100% | 63% |

Opinions on Improvements to Current Iowa Code 664A.7

- The majority of respondents appear to be content with current Iowa Code 664A.7. Seventy-three percent agreed or strongly agreed that the sentencing options allowed under the current code are effective in dealing with domestic abuser who violate protective orders. Sixty-two percent agreed or strongly agreed that the current code protects victims. Only 13% disagreed.
- Opinions differed on aspects of Code 664A.7 that could potentially be changed.



- When asked whether Code 664A.7 should be changed, opinions were mixed. Forty-seven percent of respondents were uncertain, 25% replied negatively, and 28% said yes.
- Respondents who agreed that 664A.7 should be changed were asked to write comments about how the code could be improved. The pie chart, below, lists the major themes of their comments for potential improvements and the number of times those comments were mentioned by participants.



Victim Issues:

In the open-ended portion of the survey, four respondents mentioned concerns about victims' involvement and safety. Two indicated abuses of the system, saying that victims are overly dependent on the courts to protect them and that some contact order violations occur when victims themselves initiate contact with the offender. Two other respondents mentioned strategies to improve victim safety. One said that the county attorney's office should prosecute civil protective orders as well as criminal no contact orders to make victims more comfortable, while another said that filing criminal charges is important for victim safety because there is better documentation of criminal charges.

Data Analysis

Overview of Iowa Domestic Abuse Charges and Convictions

The following information was obtained through Iowa court records using the Iowa Justice Data Warehouse.

Statewide, there were approximately 7,700 domestic abuse charges under Iowa Code 708.2A in calendar year 2009. Of those, 1,826 were convicted as charged on the domestic abuse convictions. The most typical

charge was a serious misdemeanor, with 43% of charges falling in that offense class. Offenders were least likely to be convicted as charged on D felonies (10% were convicted as charged); however, approximately 25% of charges for other offense classes resulted in a conviction as charged.

| Statewide Domestic Abuse (708.2A) Charges & Convictions Disposition CY 2009 | | | | |
|---|----------------|-----------------------|-----------------------------|-------------------------------|
| | Charges | Any Conviction | Convicted as Charged | % Convicted as Charged |
| D Felony | 379 | 244 | 39 | 10.3% |
| AG Misdemeanor | 1,181 | 692 | 315 | 26.7% |
| SR Misdemeanor | 3,266 | 1749 | 776 | 23.8% |
| SM Misdemeanor | 2,847 | 1328 | 696 | 24.4% |
| Total | 7,673 | 4013 | 1,826 | 23.8% |

In CY 2009, approximately 24,400 orders of protection were filed, of which about 17,500 were related to domestic abuse cases. No contact orders were most common, representing 65% of all orders filed and about 51% of domestic abuse-related orders. Protective orders were least common, representing only 13% of all orders and 18% of domestic abuse orders.

| Statewide Contact Orders Cases Filed CY 2009 | | | | |
|--|------------------|-------------|-----------------------------|-------------|
| | All Cases | | Domestic Abuse Cases | |
| No Contact | 15,764 | 64.6% | 8,934 | 51.2% |
| Protective | 3,213 | 13.2% | 3,124 | 17.9% |
| Temporary Protective | 5,435 | 22.3% | 5,390 | 30.9% |
| Total | 24,412 | 100% | 17,448 | 100% |

There were about 4,200 charges for violations of orders of protections statewide in CY 2009. Approximately 2,200 charges were 664A.7 charges related to domestic abuse cases and approximately 3,000 charges were 664A.7 and 665.2 charges related to domestic abuse cases. About 87% of charges for violations of domestic abuse-related orders were charged as contempt. Approximately half of misdemeanor and contempt charges resulted in a conviction as charged.

| Statewide Violation of Contact Order Charges & Convictions Disposition Date CY 2009 | | | |
|---|----------------|-----------------------------|-------------------------------|
| | Charges | Convicted as Charged | % Convicted as Charged |
| All Cases (664A.7) | | | |
| SM Misdemeanor | 1,567 | 690 | 44.0% |
| Contempt | 2,620 | 1,233 | 47.1% |
| Total | 4,187 | 1,923 | 45.9% |
| Domestic Abuse Cases (664A.7) | | | |
| SM Misdemeanor | 284 | 148 | 52.1% |
| Contempt | 1,885 | 887 | 47.1% |
| Total | 2,169 | 1,035 | 47.7% |
| Domestic Abuse Cases (664A.7 & 665.2) | | | |
| SM Misdemeanor | 284 | 148 | 52.1% |
| Contempt | 2,710 | 1,415 | 52.2% |
| Total | 2,994 | 1,563 | 52.2% |

Few harassment and stalking charges and convictions were issued statewide in CY 2009, and even fewer involved domestic abuse.

| Statewide Harassment and Stalking Charges & Convictions Disposition Date Calendar Year 2009 | | | |
|---|----------------|-----------------------------|-------------------------------|
| | Charges | Convicted as Charged | % Convicted as Charged |
| All Cases | | | |
| Harassment | 2,621 | 1,223 | 46.7% |
| Stalking | 79 | 18 | 22.8% |
| Domestic Abuse Cases | | | |
| Harassment | 266 | 96 | 36.1% |
| Stalking | 2 | 1 | 50.0% |

Iowa Domestic Abuse Charges and Convictions by Judicial District

The following tables provide data by judicial district for the number of protective/no contact orders issued, and the total number of charges and resulting convictions on those charges. Appendix B provides additional judicial district data separated by each offense class of charges and convictions as well as information on the type of contact order.

| Judicial District: Statewide Domestic Abuse (708.2A) Charges & Convictions Disposition Date CY 2009 | | | |
|--|----------------|-----------------------------|-------------------------------|
| | Charges | Convicted as Charged | % Convicted as Charged |
| District 1 | 887 | 367 | 41.4% |
| District 2 | 910 | 217 | 23.8% |
| District 3 | 836 | 206 | 24.6% |
| District 4 | 558 | 41 | 7.3% |
| District 5 | 1,829 | 351 | 19.2% |
| District 6 | 968 | 246 | 25.4% |
| District 7 | 1,037 | 243 | 23.4% |
| District 8 | 648 | 155 | 23.9% |

| Judicial District: Statewide Contact Orders Cases Filed CY 2009 | | |
|---|--------------------------------|---|
| | All Case Contact Orders | Domestic Abuse Case Contact Orders |
| District 1 | 2,317 | 1,636 |
| District 2 | 2,566 | 1,753 |
| District 3 | 2,237 | 1,582 |
| District 4 | 1,405 | 1,116 |
| District 5 | 8,011 | 5,231 |
| District 6 | 3,271 | 2,695 |
| District 7 | 2,222 | 1,900 |
| District 8 | 2,383 | 1,535 |

| Judicial District: Statewide Violation of Contact Order Charges & Convictions Disposition Date CY 2009 | | | | | | | | | |
|--|------------------|----------------------|------------------------|--------------------------------------|----------------------|------------------------|--|----------------------|------------------------|
| | All Cases | | | Domestic Abuse Cases (664A.7) | | | Domestic Abuse Cases (664A.7 & 665.2) | | |
| | Charges | Convicted as Charged | % Convicted as Charged | Charges | Convicted as Charged | % Convicted as Charged | Charges | Convicted as Charged | % Convicted as Charged |
| District 1 | 574 | 316 | 55.1% | 345 | 187 | 54.2% | 478 | 236 | 49.4% |
| District 2 | 552 | 221 | 40.0% | 231 | 104 | 45.0% | 348 | 171 | 49.1% |
| District 3 | 511 | 218 | 42.7% | 195 | 92 | 47.2% | 345 | 192 | 55.7% |
| District 4 | 189 | 49 | 25.9% | 70 | 19 | 27.1% | 91 | 27 | 29.7% |
| District 5 | 957 | 418 | 43.7% | 475 | 217 | 45.7% | 494 | 232 | 47.0% |
| District 6 | 514 | 201 | 39.1% | 414 | 159 | 38.4% | 669 | 345 | 51.6% |
| District 7 | 386 | 234 | 60.6% | 268 | 156 | 58.2% | 282 | 168 | 59.6% |
| District 8 | 504 | 266 | 52.8% | 171 | 101 | 59.1% | 287 | 192 | 66.9% |

| Judicial District: Statewide Harassment and Stalking Charges & Convictions Disposition Date CY 2009 | | | | | | | |
|---|------------|------------------|----------------------|------------------------|-----------------------------|----------------------|------------------------|
| | | <i>All Cases</i> | | | <i>Domestic Abuse Cases</i> | | |
| | | Charges | Convicted as Charged | % Convicted as Charged | Charges | Convicted as Charged | % Convicted as Charged |
| District 1 | Harassment | 282 | 174 | 61.7% | 30 | 11 | 36.7% |
| | Stalking | 9 | 4 | 44.4% | 1 | 1 | 100.0% |
| District 2 | Harassment | 384 | 173 | 45.1% | 21 | 4 | 19.0% |
| | Stalking | 14 | 2 | 14.3% | 0 | 0 | |
| District 3 | Harassment | 258 | 116 | 45.0% | 25 | 7 | 28.0% |
| | Stalking | 4 | 1 | 25.0% | 0 | 0 | |
| District 4 | Harassment | 208 | 68 | 32.7% | 13 | 4 | 30.8% |
| | Stalking | 1 | 0 | 0.0% | 0 | 0 | |
| District 5 | Harassment | 727 | 265 | 36.5% | 76 | 15 | 19.7% |
| | Stalking | 25 | 6 | 24.0% | 1 | 0 | 0.0% |
| District 6 | Harassment | 240 | 139 | 57.9% | 74 | 46 | 62.2% |
| | Stalking | 6 | 0 | 0.0% | 0 | 0 | |
| District 7 | Harassment | 160 | 98 | 61.3% | 0 | 0 | |
| | Stalking | 8 | 3 | 37.5% | 0 | 0 | |
| District 8 | Harassment | 362 | 190 | 52.5% | 27 | 9 | 33.3% |
| | Stalking | 12 | 2 | 16.7% | 0 | 0 | |

Cohort & Data Collection Methods

Using court records from Iowa Court Information System obtained through the Iowa Justice Data Warehouse, the cohort included defendants with active domestic abuse-related contact orders filed against them in the first half of calendar year 2009 (January 1, 2009 to June 30, 2009). Cases with scheduled violations, other violations, or unknown violations as well as duplicate cases and cases where offenders' personal information was missing were omitted from the database. From the original list of approximately 8,400 cases with domestic abuse contact orders in the first half of calendar year 2009, a random sample of 800 offenders was drawn. The sample was determined to be representative of the original list in terms of district, sex, race, and type of contact order. After validating the data set and ensuring that offenders were only listed in the cohort one time, that all the offenders were *defendants* in domestic violence cases, and that the permanent orders (in cases starting with temporary orders) were issued within the first half of CY2009, the total number of offenders in the sample cohort was 768.

Information was collected on active contact order(s) against the offenders in the cohort within the study's timeframe. If offenders had a temporary order and a no contact or protective order within the first half of calendar year 2009, the temporary order was omitted from the dataset. If offenders had multiple no contact or protective orders within the timeframe, only the earliest was kept.

The information on contact orders for the cohort was matched by offenders' names and dates of birth to all charges and convictions of violating a protective order, all domestic abuse assault charges and convictions, all stalking and harassment convictions, and other domestic abuse-related convictions. Appendix A lists the Iowa Code offenses for violations of protective orders, domestic abuse assault, stalking, and harassment included in this study. Data were obtained for any conviction with an offense date between the dates of January 1, 2009 through December 30, 2010, and conviction data were subsequently reviewed to ensure that the offense date (that lead to the conviction) occurred *after* the event date of the contact order for each offender in the dataset. Charge records did not indicate the date of the offense, so data were obtained for any charge with a disposition date between the dates of January 1, 2009 to March 31, 2011. Then, charges were matched to the convictions to determine the offense date. For charges that did not result in convictions, offense dates were obtained through the Iowa Justice Data Warehouse.

Weaknesses of Study:

- Complete information on the names of victims and the number of victims protected by a given order was not available in court records. There may be multiple victims protected in one case against the defendant.
- The unit of analysis for matching was offender information (name and date of birth) rather than court-assigned case ID number. It is difficult to track contact order cases over time, as violations of protective orders are sometimes treated as a new case separate from the original protective order case. Thus, in looking at offenders rather than cases, the study is able to determine if an offender violated a contact order without under-representing the violation rates. However, it should be noted that, in using this method, the dataset does not allow a determination of which particular contact order an offender violated, only that the offender violated some type of domestic abuse-related contact order. Some offenders had multiple no contact and/or protective orders within the study's time frame. Offenders with a contact order in the first half of calendar year 2009 were matched to any subsequent (664A.7) contempt charges and convictions.
- A small number of cases were missing data because the record was sealed from the public.
- As stated above, new case numbers are often initiated with new charges; therefore, reviewers were unable to directly associate a domestic abuse charge to a contact order violation in this study.
- Initially, contact order violations reviewed for this study included only charges and convictions of chapter 664A.7. Once the survey results were tabulated, it became apparent that many of the judicial districts were also utilizing chapter 665.2 to charge violations of contact orders. Since chapter 665.2 includes other contempt of court charges that may or may not be domestic abuse related, the reviewers only included those charges/convictions of chapter 665.2 that were case typed as domestic abuse. This may result in some violations of domestic abuse protective orders being omitted from the study.

Cohort Results

The data provided in this section include the 768 cohort members drawn from offenders with contact orders filed between January 1 and June 30, 2009. Subsequent charges and convictions, reviewed between January 1, 2009 and December 31, 2010, occurred after issuance of a contact order and all orders reviewed were associated with a domestic abuse related case. All data were obtained from the Iowa Justice Data Warehouse.

Due to the limitations of this study (discussed earlier) regarding the ability to link the specific domestic abuse charge to a contact order, the table below provides a summary of the number of offenders with domestic abuse convictions during the six-month period from which the cohort was drawn (January 1, 2009 and June 30, 2009). The table includes a unique count of offenders.

Domestic Abuse Convictions by District and Class (Jan-June 2009)

| District | D Felony | | Aggravated Misd | | Serious Misd | | Simple Misd | | Total | |
|--------------|----------|------|-----------------|-------|--------------|-------|-------------|-------|-------|--------|
| | N | % | N | % | N | % | N | % | N | % |
| 1 | 10 | 4.2% | 46 | 19.2% | 129 | 54.0% | 54 | 22.6% | 239 | 17.3% |
| 2 | 1 | 0.5% | 37 | 20.2% | 52 | 28.4% | 93 | 50.8% | 183 | 13.3% |
| 3 | 3 | 1.9% | 30 | 18.5% | 41 | 25.3% | 88 | 54.3% | 162 | 11.7% |
| 4 | 0 | 0.0% | 3 | 10.3% | 10 | 34.5% | 16 | 55.2% | 29 | 2.1% |
| 5 | 1 | 0.3% | 89 | 28.6% | 112 | 36.0% | 109 | 35.0% | 311 | 22.5% |
| 6 | 2 | 1.1% | 49 | 27.1% | 56 | 30.9% | 74 | 40.9% | 181 | 13.1% |
| 7 | 3 | 1.9% | 34 | 21.3% | 49 | 30.6% | 74 | 46.3% | 160 | 11.6% |
| 8 | 1 | 0.9% | 15 | 13.0% | 34 | 29.6% | 65 | 56.5% | 115 | 8.3% |
| Total | 21 | 1.5% | 303 | 22.0% | 483 | 35.0% | 573 | 41.5% | 1,380 | 100.0% |

The cohort, with 768 members, represents more than half of the number of offenders with domestic abuse convictions between January 1 and June 30, 2009.

Cohort Members District By Race

| District | Caucasian | | African-American | | Hispanic | | Native American | | Asian | | Other | | Total | |
|--------------|-----------|-------|------------------|-------|----------|-------|-----------------|------|-------|------|-------|------|-------|--------|
| | N | % | N | % | N | % | N | % | N | % | N | % | N | % |
| 1 | 68 | 78.2% | 15 | 17.2% | 2 | 2.3% | 0 | 0.0% | 0 | 0.0% | 2 | 2.3% | 87 | 11.3% |
| 2 | 63 | 75.0% | 11 | 13.1% | 5 | 6.0% | 0 | 0.0% | 1 | 1.2% | 4 | 4.8% | 84 | 10.9% |
| 3 | 51 | 70.8% | 5 | 6.9% | 9 | 12.5% | 6 | 8.3% | 0 | 0.0% | 1 | 1.4% | 72 | 9.4% |
| 4 | 54 | 88.5% | 4 | 6.6% | 3 | 4.9% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% | 61 | 7.9% |
| 5 | 141 | 75.8% | 26 | 14.0% | 16 | 8.6% | 0 | 0.0% | 2 | 1.1% | 1 | 0.5% | 186 | 24.2% |
| 6 | 97 | 71.3% | 35 | 25.7% | 1 | 0.7% | 2 | 1.5% | 1 | 0.7% | 0 | 0.0% | 136 | 17.7% |
| 7 | 55 | 64.0% | 27 | 31.4% | 4 | 4.7% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% | 86 | 11.2% |
| 8 | 50 | 89.3% | 5 | 8.9% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% | 1 | 1.8% | 56 | 7.3% |
| Total | 579 | 75.4% | 128 | 16.7% | 40 | 5.2% | 8 | 1.0% | 4 | 0.5% | 9 | 1.2% | 768 | 100.0% |

Of the 768 cohort members, approximately 15% were female and the average age was 33.2 years. However, 40% of the members in this study were between 20 and 30 years of age.

The following table provides the type of order filed for each offender and includes the first order issued between January 1, 2009 and June 30, 2009. If a protective or no contact order was issued after a temporary order during this timeframe, the temporary order was deleted from the data set. Therefore, the temporary orders reported below represent cases where only a temporary order was issued during the six-month timeframe. It also must be noted that while only the earliest order is being reported, any offender may have had multiple orders. Some offenders may have had the same type of order issued multiple times either due to order extensions or multiple victims, while others may have had multiple types of orders issued depending upon circumstances of the case.

District By Order Type

| District | Temporary | | Protective | | No Contact | | Total | |
|--------------|-----------|-------|------------|-------|------------|-------|-------|--------|
| | N | % | N | % | N | % | N | % |
| 1 | 6 | 6.9% | 18 | 20.7% | 63 | 72.4% | 87 | 11.3% |
| 2 | 20 | 23.8% | 14 | 16.7% | 50 | 59.5% | 84 | 10.9% |
| 3 | 15 | 20.8% | 11 | 15.3% | 46 | 63.9% | 72 | 9.4% |
| 4 | 12 | 19.7% | 13 | 21.3% | 36 | 59.0% | 61 | 7.9% |
| 5 | 46 | 24.7% | 39 | 21.0% | 101 | 54.3% | 186 | 24.2% |
| 6 | 37 | 27.2% | 19 | 14.0% | 80 | 58.8% | 136 | 17.7% |
| 7 | 25 | 29.1% | 32 | 37.2% | 29 | 33.7% | 86 | 11.2% |
| 8 | 9 | 16.1% | 9 | 16.1% | 38 | 67.9% | 56 | 7.3% |
| Total | 170 | 22.1% | 155 | 20.2% | 443 | 57.7% | 768 | 100.0% |

As reported previously, there were approximately 4,200 violations of contact orders statewide during 2009, of which nearly half were associated with domestic abuse-related cases. The following are contact order violations for offenders in the cohort that occurred between the date the order was issued and December 31, 2010. All violations of chapter 664A.7 are included, but only those cases typed as domestic abuse are included for chapter 665.2. Any given offender may have had multiple violations during this timeframe; the first table below provides a unique count of violators, while the table following includes all violations. Note that not all offenders convicted of violation or contempt were charged as such.

Violations of Order - Unique Offender Count

| District | Total Cohort | Charged | | Convicted | |
|--------------|--------------|---------|-------|-----------|-------|
| | N | N | % | N | % |
| 1 | 87 | 18 | 20.7% | 18 | 20.7% |
| 2 | 84 | 23 | 27.4% | 15 | 17.9% |
| 3 | 72 | 15 | 20.8% | 8 | 11.1% |
| 4 | 61 | 12 | 19.7% | 2 | 3.3% |
| 5 | 186 | 36 | 19.4% | 26 | 14.0% |
| 6 | 136 | 39 | 28.7% | 29 | 21.3% |
| 7 | 86 | 21 | 24.4% | 12 | 14.0% |
| 8 | 56 | 17 | 30.4% | 13 | 23.2% |
| Total | 768 | 181 | 23.6% | 123 | 16.0% |

While various studies define violation rate in numerous ways, for this study the violation rate is defined as the percentage of unique violators convicted of a temporary, protective, or no contact order on either contempt or a simple misdemeanor violation. Therefore, **the violation rate in this study is 16.0%**.

Violations of Order - All Violations

| District | Total Cohort | Total Charges | | Total Convictions | |
|--------------|--------------|---------------|-------|-------------------|-------|
| | N | N | % | N | % |
| 1 | 87 | 31 | 35.6% | 24 | 27.6% |
| 2 | 84 | 35 | 41.7% | 41 | 48.8% |
| 3 | 72 | 24 | 33.3% | 11 | 15.3% |
| 4 | 61 | 16 | 26.2% | 2 | 3.3% |
| 5 | 186 | 66 | 35.5% | 39 | 21.0% |
| 6 | 136 | 91 | 66.9% | 43 | 31.6% |
| 7 | 86 | 37 | 43.0% | 19 | 22.1% |
| 8 | 56 | 33 | 58.9% | 18 | 32.1% |
| Total | 768 | 333 | 43.4% | 197 | 25.7% |

The 123 unique offenders had a total of 197 convicted violations of contact order/contempt. Of these, 85 offenders were convicted once and 38 offenders were convicted multiple times ranging from two to 22 convictions during the time period reviewed. Of those who violated, 35% were minority, 6% were female, and the mean age was 33.5 years.

Violations by case type are convictions on violation of contact order that include each violator only once unless they violated multiple types of orders; they would then be included under each type of order violated. There were five offenders with both a civil and criminal violation of order.

Violations of Order By Case Type

| District | Civil Contempt | | Criminal Misdemeanor | | Contempt of Court | | Total | |
|--------------|----------------|-------|----------------------|--------|-------------------|-------|-------|--------|
| | N | % | N | % | N | % | N | % |
| 1 | 9 | 47.4% | 5 | 26.3% | 5 | 26.3% | 19 | 14.8% |
| 2 | 3 | 18.8% | 6 | 37.5% | 7 | 43.8% | 16 | 12.5% |
| 3 | 5 | 62.5% | 0 | 0.0% | 3 | 37.5% | 8 | 6.3% |
| 4 | 0 | 0.0% | 2 | 100.0% | 0 | 0.0% | 2 | 1.6% |
| 5 | 18 | 69.2% | 6 | 23.1% | 2 | 7.7% | 26 | 20.3% |
| 6 | 20 | 69.0% | 1 | 3.4% | 8 | 27.6% | 29 | 22.7% |
| 7 | 11 | 84.6% | 2 | 15.4% | 0 | 0.0% | 13 | 10.2% |
| 8 | 6 | 40.0% | 7 | 46.7% | 2 | 13.3% | 15 | 11.7% |
| Total | 72 | 56.3% | 29 | 22.7% | 27 | 21.1% | 128 | 100.0% |

Violators Compared to Non-Violators

The following provides information regarding offenders with a protective or no contact order in place who did **not** violate their order. As noted above, of the 768 members of the cohort reviewed in this study, 123 (16%) were convicted of violating their contact order, with a remaining population of 672 (84%) who were not convicted of any contact order violations during the follow up period of January 1, 2009 through December 31, 2010.

African-Americans had the highest violation rate (24% compared to a 14% violation rate for Caucasians), and no contact orders were more frequently violated than protective or temporary orders. The following provides violation rate by district for cohort members and is a unique count of offenders.

No Violation vs. Convicted Violation of Orders - By District

| District | Violation | | No Violation | | TOTAL | |
|--------------|-----------|-------|--------------|-------|-------|--------|
| | N | % | N | % | N | % |
| 1 | 18 | 20.7% | 69 | 79.3% | 87 | 11.3% |
| 2 | 15 | 17.9% | 69 | 82.1% | 84 | 10.9% |
| 3 | 8 | 11.1% | 64 | 88.9% | 72 | 9.4% |
| 4 | 2 | 3.3% | 59 | 96.7% | 61 | 7.9% |
| 5 | 26 | 14.0% | 160 | 86.0% | 186 | 24.2% |
| 6 | 29 | 21.3% | 107 | 78.7% | 136 | 17.7% |
| 7 | 12 | 14.0% | 74 | 86.0% | 86 | 11.2% |
| 8 | 13 | 23.2% | 43 | 76.8% | 56 | 7.3% |
| Total | 123 | 16.0% | 645 | 84.0% | 768 | 100.0% |

Subsequent Convictions

Also reviewed within this study were the subsequent domestic abuse-related convictions for offenders in the cohort. Specifically, convictions for domestic abuse assault, harassment, and stalking that occurred after issuance of the contact order were reviewed for both offenders convicted of violating a contact order and those that were not. Due to low counts, numbers are not represented by district.

Subsequent Convictions by Offense Type (Unique Count)

| | Violation | | No Violation | | TOTAL | |
|----------------|-----------|-------|--------------|-------|-------|--------|
| | N | % | N | % | N | % |
| Domestic Abuse | 22 | 51.2% | 21 | 48.8% | 43 | 35.8% |
| Harassment | 6 | 42.9% | 8 | 57.1% | 14 | 11.7% |
| Stalking | 1 | 50.0% | 1 | 50.0% | 2 | 1.7% |
| Other Domestic | 31 | 50.8% | 30 | 49.2% | 61 | 50.8% |
| Total | 60 | 50.0% | 60 | 50.0% | 120 | 100.0% |

**Other Domestic included mostly violations of probation*

Counts in the above table are unique counts of convictions by category. For example, an offender convicted of domestic abuse assault multiple times would be included only once under domestic abuse; however, if he/she were also convicted of harassment he/she would be counted once under each category. Of the 768 cohort members, 120 (15.6%) were subsequently *convicted* of a domestic abuse-related offense. While the above table includes convictions, disposed charges were also reviewed. Of the total cohort, 153 offenders (19.9%) were subsequently *charged* with a domestic abuse-related offense.

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Appendix A: Iowa Code Chapters included in Study

| Charge Code | Stat Year | Description | Charge Class | Offense Type | Offense Subtype |
|--|-----------|--|--------------|--------------|-----------------|
| Violation of Contact Order | | | | | |
| 664A.7(1) | 2006 | CONTEMPT-VIOLATION OF NO CONTACT OR PROTECTIVE ORDER | CNTM | PUBLIC ORDER | OTHER PUB ORD |
| 664A.7(4) | 2006 | DNU - VIOLATION OF NO CONTACT OR PROTECTIVE ORDER | SMMS | PUBLIC ORDER | OTHER PUB ORD |
| 664A.7(4)-CNTM | 2006 | DNU - CONTEMPT - VIOLATION OF NO CONTACT OR PROT ORDER | CNTM | PUBLIC ORDER | OTHER PUB ORD |
| 664A.7(5) | 2010 | VIOLATION OF NO CONTACT OR PROTECTIVE ORDER | SMMS | PUBLIC ORDER | OTHER PUB ORD |
| 664A.7(5)-CNTM | 2010 | CONTEMPT - VIOLATION OF NO CONTACT OR PROTECTIVE ORDER | CNTM | PUBLIC ORDER | OTHER PUB ORD |
| Contempt of Court (Potential Charges Entered for Violations of Contact Order) | | | | | |
| 665.2(1) | 2005 | CONTEMPT-CONTEMPTUOUS BEHAVIOR TOWARD COURT | CNTM | PUBLIC ORDER | OTHER PUB ORD |
| 665.2(2) | 2005 | CONTEMPT-WILLFUL DISTURBANCE TO DISRUPT PROCEEDINGS | CNTM | PUBLIC ORDER | OTHER PUB ORD |
| 665.2(3) | 2005 | CONTEMPT-ILLEGAL RESISTANCE TO ORDER OR PROCESS | CNTM | PUBLIC ORDER | OTHER PUB ORD |
| 665.2(4) | 2005 | CONTEMPT-DISOBEDIENCE TO SUBPOENA/REFUSAL TO TESTIFY | CNTM | PUBLIC ORDER | OTHER PUB ORD |
| 665.2(5) | 2005 | CONTEMPT-UNLAWFULLY DETAINING WITNESS OR EVADING SERVICE | CNTM | PUBLIC ORDER | OTHER PUB ORD |
| 665.2(6) | 2005 | CONTEMPT-ANY OTHER ACT OR OMISSION DECLARED A CONTEMPT | CNTM | PUBLIC ORDER | OTHER PUB ORD |
| Domestic Abuse | | | | | |
| 708.2A(2)(A) | 1992 | DOMESTIC ABUSE ASSAULT | SMMS | VIOLENT | ASSAULT |
| 708.2A(2)(B) | 1992 | DNU - DOMESTIC ABUSE ASSAULT W/O INTENT CAUSING INJURY | SRMS | VIOLENT | ASSAULT |
| 708.2A(2)(B) | 2007 | DOMESTIC ABUSE ASSAULT CAUSE BODILY INJURY/MENTL ILLNSS | SRMS | VIOLENT | ASSAULT |
| 708.2A(2)(C) | 1992 | DOMESTIC ABUSE ASSAULT W/INTENT OR DISPLAYS A WEAPON | AGMS | VIOLENT | ASSAULT |
| 708.2A(3)(A) | 1997 | DOMESTIC ABUSE ASSAULT - 2ND OFFENSE | SRMS | VIOLENT | ASSAULT |
| 708.2A(3)(A) | 1992 | DNU - DOMESTIC ABUSE ASSAULT ENHANCED(SUBSEQ OFFENSES) | SRMS | VIOLENT | ASSAULT |
| 708.2A(3)(B) | 1992 | DNU - DOMESTIC ABUSE (SUBSEQUENT OFFENSES) | AGMS | VIOLENT | ASSAULT |
| 708.2A(3)(B) | 1997 | DOMESTIC ABUSE ASSAULT - 2ND OFFENSE | AGMS | VIOLENT | ASSAULT |
| 708.2A(4) | 1996 | DOMESTIC ABUSE ASSAULT - 3RD OR SUBSEQUENT OFFENSE | FELD | VIOLENT | ASSAULT |
| Harassment | | | | | |
| 708.7(1)(A) | 1992 | DNU - HARASSMENT BY COMMUNICATION | SMMS | VIOLENT | ASSAULT |
| 708.7(1)(a)(1) | 2003 | HARASSMENT BY COMMUNICATION | SMMS | VIOLENT | ASSAULT |
| 708.7(1)(a)(2) | 2003 | HARASSMENT BY SIMULATED EXPLOSIVE DEVICE | SMMS | VIOLENT | ASSAULT |
| 708.7(1)(a)(3) | 2003 | HARASSMENT BY COMMERCIAL TRANSACTION | SMMS | VIOLENT | ASSAULT |
| 708.7(1)(a)(4) | 2003 | HARASSMENT BY FALSE REPORT | SMMS | VIOLENT | ASSAULT |
| 708.7(1)(b) | 2003 | HARASSMENT BY PERSONAL CONTACT | SMMS | VIOLENT | ASSAULT |
| 708.7(1)(B) | 1992 | DNU - HARASSMENT BY EXPLOSIVE DEVICE | SMMS | VIOLENT | ASSAULT |
| 708.7(1)(B) | 1997 | DNU - HARASSMENT BY SIMULATED EXPLOSIVE DEVICE | SMMS | VIOLENT | ASSAULT |
| 708.7(1)(C) | 1992 | DNU - HARASSMENT BY COMMERCIAL TRANSACTION | SMMS | VIOLENT | ASSAULT |
| 708.7(1)(D) | 1992 | DNU - HARASSMENT BY FALSE REPORT | SMMS | VIOLENT | ASSAULT |
| 708.7(2) | 1992 | HARASSMENT / 1ST DEG. - 1989 | AGMS | VIOLENT | ASSAULT |
| 708.7(3) | 1992 | HARASSMENT / 2ND DEG. - 1989 | SRMS | VIOLENT | ASSAULT |
| 708.7(4) | 1992 | HARASSMENT / 3RD DEG. - 1989 | SMMS | VIOLENT | ASSAULT |
| 708.7-2 | 1992 | DNU - HARASSMENT - 1978 | SMMS | VIOLENT | ASSAULT |

| Stalking | | | | | |
|-----------------|------|--|------|---------|---------|
| 708.11(2)(A) | 1992 | DNU - STALKING 3RD OF SUBSEQUENT OFFENSE | FELD | VIOLENT | ASSAULT |
| 708.11(2)(B) | 1992 | DNU - STALKING 2ND OFFENSE | AGMS | VIOLENT | ASSAULT |
| 708.11(2)(C) | 1992 | DNU - STALKING 1ST OFFENSE | SRMS | VIOLENT | ASSAULT |
| 708.11(2)(D) | 1992 | DNU - STALKING 1ST OFFENSE | SMMS | VIOLENT | ASSAULT |
| 708.11(3)(a) | 1994 | STALKING - 3RD OR SUBSEQUENT OFFENSE | FELC | VIOLENT | ASSAULT |
| 708.11(3)(b) | 1994 | DNU - STALKING - 2ND OFFENSE AND OTHERS | FELD | VIOLENT | ASSAULT |
| 708.11(3)(b)(1) | 2008 | STALKING - VIOLATION OF PROTECTIVE ORDER | FELD | VIOLENT | ASSAULT |
| 708.11(3)(b)(2) | 2008 | STALKING - DANGEROUS WEAPON | FELD | VIOLENT | ASSAULT |
| 708.11(3)(b)(3) | 2008 | STALKING - PERSON UNDER 18 YEARS OF AGE | FELD | VIOLENT | ASSAULT |
| 708.11(3)(b)(4) | 2008 | STALKING - 2ND OFFENSE | FELD | VIOLENT | ASSAULT |
| 708.11(3)(c) | 1994 | STALKING - 1ST OFFENSE | AGMS | VIOLENT | ASSAULT |

Appendix B: Judicial District Data

| Judicial District: Statewide Domestic abuse (708.2A) Charges & Convictions Disposition Date CY 2009 | | | | |
|---|----------------|--------------|----------------------|------------------------|
| | | Charges | Convicted as Charged | % Convicted as Charged |
| District 1 | D Felony | 60 | 18 | 30.0% |
| | AG Misdemeanor | 133 | 56 | 42.1% |
| | SR Misdemeanor | 442 | 213 | 48.2% |
| | SM Misdemeanor | 252 | 80 | 31.7% |
| | Total | 887 | 367 | 41.4% |
| District 2 | D Felony | 46 | 5 | 10.9% |
| | AG Misdemeanor | 130 | 28 | 21.5% |
| | SR Misdemeanor | 371 | 85 | 22.9% |
| | SM Misdemeanor | 363 | 99 | 27.3% |
| | Total | 910 | 217 | 23.8% |
| District 3 | D Felony | 32 | 4 | 12.5% |
| | AG Misdemeanor | 91 | 31 | 34.1% |
| | SR Misdemeanor | 217 | 60 | 27.6% |
| | SM Misdemeanor | 496 | 111 | 22.4% |
| | Total | 836 | 206 | 24.6% |
| District 4 | D Felony | 6 | 1 | 16.7% |
| | AG Misdemeanor | 79 | 4 | 5.1% |
| | SR Misdemeanor | 330 | 21 | 6.4% |
| | SM Misdemeanor | 143 | 15 | 10.5% |
| | Total | 558 | 41 | 7.3% |
| District 5 | D Felony | 95 | 1 | 1.1% |
| | AG Misdemeanor | 445 | 103 | 23.1% |
| | SR Misdemeanor | 789 | 156 | 19.8% |
| | SM Misdemeanor | 500 | 91 | 18.2% |
| | Total | 1,829 | 351 | 19.2% |
| District 6 | D Felony | 89 | 6 | 6.7% |
| | AG Misdemeanor | 130 | 40 | 30.8% |
| | SR Misdemeanor | 434 | 99 | 22.8% |
| | SM Misdemeanor | 315 | 101 | 32.1% |
| | Total | 968 | 246 | 25.4% |
| District 7 | D Felony | 30 | 4 | 13.3% |
| | AG Misdemeanor | 97 | 33 | 34.0% |
| | SR Misdemeanor | 414 | 84 | 20.3% |
| | SM Misdemeanor | 496 | 122 | 24.6% |
| | Total | 1,037 | 243 | 23.4% |
| District 8 | D Felony | 21 | 0 | 0.0% |
| | AG Misdemeanor | 76 | 20 | 26.3% |
| | SR Misdemeanor | 269 | 58 | 21.6% |
| | SM Misdemeanor | 282 | 77 | 27.3% |
| | Total | 648 | 155 | 23.9% |

| Judicial District: Statewide Contact Orders Cases Filed CY 2009 | | | | | |
|---|----------------------|------------------|---------------|-----------------------------|---------------|
| | | <i>All Cases</i> | | <i>Domestic Abuse Cases</i> | |
| District 1 | No Contact | 1488 | 64.2% | 861 | 52.6% |
| | Protective | 431 | 18.6% | 377 | 23.0% |
| | Temporary Protective | 398 | 17.2% | 398 | 24.3% |
| | Total | 2317 | 100.0% | 1636 | 100.0% |
| District 2 | No Contact | 1722 | 67.1% | 925 | 52.8% |
| | Protective | 281 | 11.0% | 273 | 15.6% |
| | Temporary Protective | 563 | 21.9% | 555 | 31.7% |
| | Total | 2566 | 100.0% | 1753 | 100.0% |
| District 3 | No Contact | 1486 | 66.4% | 844 | 53.4% |
| | Protective | 242 | 10.8% | 237 | 15.0% |
| | Temporary Protective | 509 | 22.8% | 501 | 31.7% |
| | Total | 2237 | 100.0% | 1582 | 100.0% |
| District 4 | No Contact | 802 | 57.1% | 520 | 46.6% |
| | Protective | 202 | 14.4% | 198 | 17.7% |
| | Temporary Protective | 401 | 28.5% | 398 | 35.7% |
| | Total | 1405 | 100.0% | 1116 | 100.0% |
| District 5 | No Contact | 5804 | 72.5% | 3045 | 58.2% |
| | Protective | 744 | 9.3% | 739 | 14.1% |
| | Temporary Protective | 1463 | 18.3% | 1447 | 27.7% |
| | Total | 8011 | 100.0% | 5231 | 100.0% |
| District 6 | No Contact | 1882 | 57.5% | 1312 | 48.7% |
| | Protective | 613 | 18.7% | 609 | 22.6% |
| | Temporary Protective | 776 | 23.7% | 774 | 28.7% |
| | Total | 3271 | 100.0% | 2695 | 100.0% |
| District 7 | No Contact | 828 | 37.3% | 513 | 27.0% |
| | Protective | 499 | 22.5% | 494 | 26.0% |
| | Temporary Protective | 895 | 40.3% | 893 | 47.0% |
| | Total | 2222 | 100.0% | 1900 | 100.0% |
| District 8 | No Contact | 1752 | 73.5% | 914 | 59.5% |
| | Protective | 201 | 8.4% | 197 | 12.8% |
| | Temporary Protective | 430 | 18.0% | 424 | 27.6% |
| | Total | 2383 | 100.0% | 1535 | 100.0% |

| Judicial District: Statewide Violation of Contact Order Charges & Convictions Disposition Date CY 2009 | | | | | | | | | | |
|--|----------------|------------------|----------------------|------------------------|--------------------------------------|----------------------|------------------------|--|----------------------|------------------------|
| | | <i>All Cases</i> | | | <i>Domestic Abuse Cases (664A.7)</i> | | | <i>Domestic Abuse Cases (664A.7 & 665.2)</i> | | |
| | | Charges | Convicted as Charged | % Convicted as Charged | Charges | Convicted as Charged | % Convicted as Charged | Charges | Convicted as Charged | % Convicted as Charged |
| District 1 | SM Misdemeanor | 180 | 99 | 55.0% | 75 | 47 | 62.7% | 75 | 47 | 62.7% |
| | Contempt | 394 | 217 | 55.1% | 270 | 140 | 51.9% | 403 | 189 | 46.9% |
| | Total | 574 | 316 | 55.1% | 345 | 187 | 54.2% | 478 | 236 | 49.4% |
| District 2 | SM Misdemeanor | 205 | 98 | 47.8% | 30 | 19 | 63.3% | 30 | 19 | 63.3% |
| | Contempt | 347 | 123 | 35.4% | 201 | 85 | 42.3% | 318 | 152 | 47.8% |
| | Total | 552 | 221 | 40.0% | 231 | 104 | 45.0% | 348 | 171 | 49.1% |
| District 3 | SM Misdemeanor | 303 | 123 | 40.6% | 54 | 28 | 51.9% | 54 | 28 | 51.9% |
| | Contempt | 208 | 95 | 45.7% | 141 | 64 | 45.4% | 291 | 164 | 56.4% |
| | Total | 511 | 218 | 42.7% | 195 | 92 | 47.2% | 345 | 192 | 55.7% |
| District 4 | SM Misdemeanor | 139 | 34 | 24.5% | 30 | 6 | 20.0% | 30 | 6 | 20.0% |
| | Contempt | 50 | 15 | 30.0% | 40 | 13 | 32.5% | 61 | 21 | 34.4% |
| | Total | 189 | 49 | 25.9% | 70 | 19 | 27.1% | 91 | 27 | 29.7% |
| District 5 | SM Misdemeanor | 353 | 143 | 40.5% | 41 | 20 | 48.8% | 41 | 20 | 48.8% |
| | Contempt | 604 | 275 | 45.5% | 434 | 197 | 45.4% | 453 | 212 | 46.8% |
| | Total | 957 | 418 | 43.7% | 475 | 217 | 45.7% | 494 | 232 | 47.0% |
| District 6 | SM Misdemeanor | 32 | 13 | 40.6% | 8 | 4 | 50.0% | 8 | 4 | 50.0% |
| | Contempt | 482 | 188 | 39.0% | 406 | 155 | 38.2% | 661 | 341 | 51.6% |
| | Total | 514 | 201 | 39.1% | 414 | 159 | 38.4% | 669 | 345 | 51.6% |
| District 7 | SM Misdemeanor | 86 | 56 | 65.1% | 15 | 9 | 60.0% | 15 | 9 | 60.0% |
| | Contempt | 300 | 178 | 59.3% | 253 | 147 | 58.1% | 267 | 159 | 59.6% |
| | Total | 386 | 234 | 60.6% | 268 | 156 | 58.2% | 282 | 168 | 59.6% |
| District 8 | SM Misdemeanor | 269 | 124 | 46.1% | 31 | 15 | 48.4% | 31 | 15 | 48.4% |
| | Contempt | 235 | 142 | 60.4% | 140 | 86 | 61.4% | 256 | 177 | 69.1% |
| | Total | 504 | 266 | 52.8% | 171 | 101 | 59.1% | 287 | 192 | 66.9% |