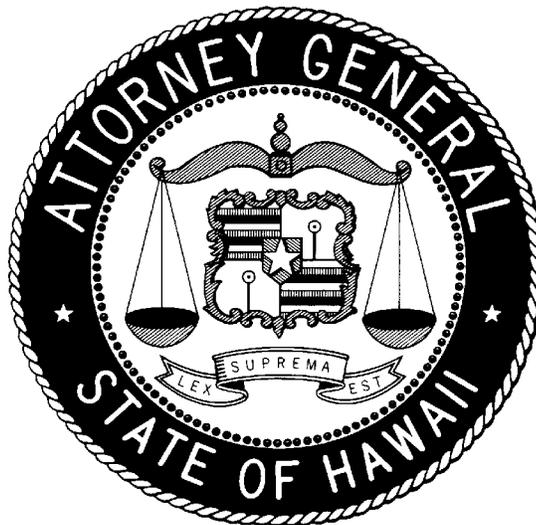

RESTRAINING ORDERS

SOUGHT IN THE
CITY & COUNTY
OF HONOLULU



A report by the

School of Social Work
University of Hawaii at Manoa

and the

Department of the Attorney General
State of Hawaii

June 1999

This report can be downloaded from the
Crime Prevention & Justice Assistance
Division Web site:
www.cpja.ag.state.hi.us

This project was funded by the U.S. Bureau of Justice Statistics'
State Justice Statistics Program for Statistical Analysis Centers

RESTRAINING ORDERS
SOUGHT IN THE
CITY & COUNTY
OF HONOLULU



Martha Ross, LSW
Principal Investigator/Project Coordinator

Valli Kanuha, Ph.D.
Principal Investigator
School of Social Work, University of Hawaii at Manoa

Jennifer Matsui, Research Assistant
Mel Silverio, Research Associate

in collaboration with

Paul Perrone, Chief of Research & Statistics
Joe Allen, Senior Research Analyst
James Richmond, Research Statistician

Research & Statistics Branch
Crime Prevention & Justice Assistance Division
Hawaii State Department of the Attorney General

JUNE 1999

ACKNOWLEDGMENTS

Martha Ross, LSW and Valli Kanuha, Ph.D.

Ke akua, family and friends.

Funding to support this research came from the Research and Statistics Branch of the Crime Prevention and Justice Assistance Division, State of Hawaii Department of the Attorney General. Mahalo nui loa (thank you very much) to Paul Perrone, Chief of Research and Statistics, who has provided consistent and valuable support from the inception of the study through its completion. Our special thanks to the federal funder, the U.S. Bureau of Justice Statistics via their State Justice Statistics Program for Statistical Analysis Centers, and to former Attorney General Margery Bronster. Mahalo to Liane Moriyama, Hannah Kawakami, John Maruyama and Nathaniel Shippen of the Hawaii Criminal Justice Data Center who assisted in obtaining printouts from the OBTS/CCH computer system for the restraining order defendants identified in this study, and to Joe Allen, Senior Research Analyst, and James Richmond, Research Statistician, Research & Statistics Branch. Research Assistant Jennifer Matsui was reliable and patient throughout this project.

Special thanks to:

Honolulu Police Department

Chief Lee Donohue for support of the study; Lieutenant Tim Slovak, Records Division, for explaining the parameters of the data from police reports entered into LRMS and seeking approval for use of a computer for data collection; Sergeant Eugene Apana for clarifying information.

District Court of the First Circuit

Gwen Kamisugi, Cheryl Lapper of the Judicial Services Division for pulling records for review and taking the time to answer questions and explain the restraining order process, terms, and forms used in District Court.

Administrative Judge Marcia Waldorf, Judge Steven Nakashima, and Judge To'o To'o Fauunga for supporting the study, allowing courtroom observation, and explaining the restraining order process.

Circuit Court of the First Circuit

Nathan Kim, Chief Court Administrator, Riley Yamada, Stanley Ikeda and Betty Torres of Documents for their support of the project, and Ms. Torres' tireless patience in pulling 397 Family Court documents for data collection.

Family Court of the First Circuit

Ken Ling, Director and William Santos, Deputy Director for support of the project; Administrative Judge Dan Kochi and Judge Rodney Ching for allowing observation in their courtrooms; Ron Yap, Administrator, Adult Services Branch (ASB) for answering questions and clarifying information on the Family Court restraining order process.

Department of the Prosecuting Attorney, City and County of Honolulu

Prosecutor Peter Carlisle and Dennis Dunn, Director of Victim Witness Kokua Services, for their support of the study; Mary Louise Danielson, Christina Siu, Diana Esias, Yvette Brasseur, and Kathy Johnson, Victim Witness Kokua staff for their observations, answers to questions, assistance, patience and access to their offices and computers.

Hawaii State Coalition Against Domestic Violence

Members met with the research team to provide input and observations on Family Court restraining orders.

Domestic Violence Clearinghouse and Legal Hotline (DVCLH) and AmeriCorps Students & Advocates for Victims of Domestic Violence (SAVD), a project of Hawaii Lawyers Care

Irene Vasey, Jennifer Rose, and Cindy Spencer, DVCLH, and Judy Sobin and Elizabeth Peralta, SAVD, shared their observations and information about Family Court restraining orders.

TABLE OF CONTENTS

[Note: page numbers vary in the electronic version of this report]

ACKNOWLEDGMENTS	i
TABLE OF CONTENTS	iii
EXECUTIVE SUMMARY	1
INTRODUCTION	5
Overview of the Process of Obtaining Restraining Orders	6
Family Court	6
District Court	7
METHOD	8
RESULTS	10
Who petitions the courts for restraining orders?	10
From whom, and under what circumstances, is protection sought?	10
What type of conditions are ordered, and for how long?	19
After a restraining order has been granted, what happens in terms of police reports and arrests, and criminal justice system responses to reported restraining order violations?	22
Police Reports	23
Arrests	25
Convictions	27
First Restraining Order Violations	27
All Restraining Order Violations	29
The Granting of TROs and Restraining Orders, and Subsequent Police Reports, Arrests, and Restraining Order Violations	31
DISCUSSION AND RECOMMENDATIONS	34
Who petitions the courts for restraining orders?	35
From whom, and under what circumstances, is protection sought?	35
What circumstances are associated with the granting or denial of restraining orders?	37
What types of conditions are ordered, and for how long?	38
After a restraining order has been granted, what happens in terms of police reports, penal summons issuance, arrests, and convictions for restraining order violations?	40
Additional Recommendations	42
REFERENCES	45
APPENDICES	47

EXECUTIVE SUMMARY

Since the early 1970s, the problem of domestic violence, with a particular focus on the abuse of women by the men in their intimate relationships, has been a prominent social policy and social welfare concern, generating a range of services, such as shelters, safe homes, advocacy for battered partners and treatment for batterers (Dobash & Dobash, 1992; Gamache, Edleson, & Shock, 1988; Hart, 1995; Project, 1996; Schechter, 1982; Yllo & Bograd, 1988).

One of the most prominent intervention tools developed to protect victims from offenders in domestic abuse cases is the restraining order. Also known as “orders for protection” or “civil protective orders,” the purpose of this legal initiative is to literally court order or restrain an alleged defendant from further abusing the plaintiff. For this study, data from 397 temporary restraining orders (TROs) sought in the Family Court of the First Circuit during July 1 - December 31, 1996, and 233 TROs sought in District Courts of the First Circuit during the same period were linked with corresponding data from the Honolulu Police Department, City and County of Honolulu Department of the Prosecuting Attorney, and State Department of the Attorney General. The purpose of the study was to gather information and report on:

- A description of those who petition the court for restraining orders
- The circumstances and conditions under which protection is sought, and from whom
- The factors related to the granting or denial of restraining orders
- The types and duration of court-ordered protection
- The subsequent outcomes of cases involving TROs in terms of police reports, arrests, and convictions for TRO violations and related criminal acts

Demographic data available on TRO plaintiffs and defendants are somewhat limited. In 1996, Family Court plaintiffs were most likely to be women residing in Honolulu, Ewa, or Windward Oahu, petitioning on behalf of themselves and their minor children, and representing themselves with assistance from the court’s Adult Services Branch. District Court plaintiffs were generally women residing in the same areas, petitioning on their own behalf, and representing themselves without legal assistance. Defendants in both courts were most likely to be males residing in the same areas as the plaintiffs, on average 35 to 37 years of age, who did not have access to or use weapons against the plaintiffs.

Plaintiffs reported many types of abuse and threats in their TRO petitions. In the vast majority of cases, specific acts of abuse included pushing, grabbing, shoving, kicking, hitting and biting. In Family Court, where many plaintiffs and defendants were either married or in intimate relationships, property destruction and child abuse were also cited. In both courts, a large proportion of defendants reportedly threatened to kill or physically harm the plaintiffs.

In Family Court, all ex parte petitions (in which the judge reviews the plaintiff’s petition without information or the presence of the defendant) were granted, as compared with 88% of District Court ex parte petitions. This high rate of ex parte petitions granted suggests that judges in Hawai’i clearly understand the importance of affording TRO plaintiffs immediate protection from defendants. No more than 15 days later, at the hearing stage, 71% of Family Court restraining orders were granted, with 44% of these for the maximum 36 months allowed by

statute. In District Court hearings, 56% of restraining orders with injunctions against harassment were granted, 77% of these for 36 months. Relatively few Family Court defendants (38%), and no District Court defendants, were required to attend programs or counseling for domestic violence intervention, anger management, or substance abuse.

Twelve percent (12%) of Family Court plaintiffs and 8% of District Court plaintiffs were assisted by legal counsel or a professional advocate at the hearing phase of the restraining order process. Family Court officers are available to assist all plaintiffs and defendants at the hearing; no District Court officers are assigned for this purpose. Volunteer advocates assisted 44% of Family Court plaintiffs and 1% of District Court plaintiffs at the hearings.

In tracking police reports from the date the TRO petitions were filed through December 31, 1998, it was found that 50% of the Family Court defendants and 25% of the District Court defendants were suspects in almost 800 police reports for various types of crimes involving the plaintiffs as victims or complainants. With regard to arrests, 50% of the Family Court defendants and 38% of the District Court defendants were arrested for alleged offenses involving any person(s) as a victim.

Twenty-eight percent (28%) of the Family Court defendants and 18% of the District Court defendants had at least one alleged restraining order violation reported to police, and many had repeat violations, most of which had not resulted in incarcerations or fines levied against them by December 31, 1998. By the end of the study period, prosecution had ensued against exactly half (50% from each court sample) of defendants' first reported violations. Counseling was included in the sentencing of 72% of the 46 Family Court defendants and 50% of the 8 District Court defendants convicted of a first violation. One of the convicted District Court defendants and 59% of the convicted Family Court defendants were sentenced to incarceration.

Of the 378 total (i.e., first and subsequent) violations reported during the study period, 54% had been pursued for prosecution via arrest or penal summons, and 37% had resulted in convictions, by December 31, 1998. Fifty-five percent (55%) of all reported violations by Family Court defendants and 52% of all reported violations by District Court defendants were pursued for prosecution. Counseling was included in the sentence for 67% of the 122 violation convictions involving Family Court defendants and 33% of the 18 violation convictions involving District Court defendants. The sentences included incarceration in 35% and 39% of the Family Court and District Court violation convictions, respectively.

A similar analysis was done on defendants who were named in granted (versus filed) restraining orders. Among Family Court defendants, 42% were named as suspects in police reports with the TRO plaintiff as the victim/complainant, 54% were arrested for alleged offenses involving any persons(s) as a victim and 32% were reported to the police for violating restraining orders, through December 31, 1998. Among District Court defendants named in granted restraining orders with injunctions against harassment, 39% were suspects in police reports with the TRO plaintiff as the victim, 41% were arrested for offenses involving any person(s) as a victim, and 22% were reported to police for violating restraining orders with injunctions against harassment.

Recommendations:

- District Court and Family Court administrators and judges should consider coordinating training, policies, procedures, and language in petitions, orders, and other documents to increase consistency in managing TRO cases, assist law enforcement, and facilitate joint jurisdiction in relevant situations.
- Plaintiff advocates, and services similar to those provided by the Adult Services Branch of Family Court, should be provided at District Court.
- Relevant demographic and other background information on plaintiffs and defendants should be consistently collected (1) so as to determine resource needs; (2) for use by court and private sector advocates to develop effective interventions and programs; and (3) for ongoing evaluation and research regarding the efficacy of restraining orders as a violence prevention strategy.
- Consistent training, policies, and procedures should be developed to assist judges in assessing the appropriateness of (1) mandating domestic violence intervention and substance abuse treatment for defendants; (2) providing safe, alternative dispute resolution services for certain, appropriate District Court cases; (3) specifying supervised visitation or ordering temporary physical and/or legal custody to the plaintiff or defendant; and (4) the use of family visitation centers by parties with minor children.
- The feasibility of permanent restraining orders should be explored.
- The use of mandatory sentencing, fines, and other sanctions for violations of restraining orders and other criminal acts by defendants named in TRO petitions should be expanded in both District Court and Family Court.
- Local policymakers should explore the development of the nationally recognized, coordinated community response-type model to integrate judicial, law enforcement, social service, education, medical, and other interventions to provide more seamless response to intimate and acquaintance violence.
- Outcome and evaluation research should be continued, to include the review of court documents, police reports, arrests, and convictions, and follow-ups with plaintiffs to determine the efficacy of various efforts to reduce intimate and acquaintance violence and harassment in Hawai'i.

INTRODUCTION

Since the early 1970s, the problem of domestic violence, with a particular focus on the abuse of women by the men in their intimate relationships, has been a prominent social policy and social welfare concern, generating a range of services, such as shelters, safe homes, advocacy for battered partners and treatment for batterers (Dobash & Dobash, 1992; Gamache, Edleson, & Shock, 1988; Hart, 1995; Project, 1996; Schechter, 1982; Yllo & Bograd, 1988).

One of the most prominent intervention tools developed to protect victims and offenders in domestic abuse cases is the **temporary restraining order**, or **TRO**. Also known as “orders for protection” or “civil protective orders,” the purpose of this legal initiative is to court order (i.e., restrain) an alleged defendant from further abuse against a plaintiff. The use of the term “civil protective order” also emphasizes the dual purposes of this remedy, which are to protect the plaintiff and those whom the plaintiff identifies to also be at risk of abuse, and to emphasize the civil versus criminal nature of the petition for protection. Since its inception in the United States over 15 years ago, restraining order legislation has become commonplace in most states and local jurisdictions. In the 1970s, battered spouses in Hawai‘i sought protection through peace bonds, and currently under Hawai‘i Revised Statutes (HRS) Chapter 586 Domestic Abuse Protective orders are issued by Family Court. HRS Section 604-10.5, enacted in 1987, provides temporary restraining orders and injunctions against harassment for those who do not reside with the harasser. Prior to 1987, restraining orders were unavailable for persons who did not currently or formerly reside with the harasser.

A number of studies have examined the efficacy of protective orders in addressing intimate and acquaintance violence (Gondolf, McWilliams, Hart, & Streuhling, 1994; Harrell, Smith, & Newmark, 1993; Kinports & Fischer, 1993; NCADV, 1992). Most of these studies report consistent findings on the profiles of plaintiffs and defendants, and demonstrate that restraining orders are generally effective in curbing abuse and threats in intimate relationships. In every study, the vast majority of petitioners are females requesting relief from males to whom they are married with children.

In many jurisdictions, petitioners are assisted in the petitioning phase and throughout the subsequent TRO process by volunteer or paid advocates. Petitioners find this helpful and necessary for navigating a frequently confusing, difficult, and intimidating legal and court system (Harrell et al., 1993; Kinports & Fischer, 1993). While some studies reveal favorable experiences with specific presiding judges in terms of granting immediate protection as well as types of relief to plaintiffs in restraining orders (such as temporary custody), other research indicates that judges are inconsistent in their treatment of and response to safety concerns of petitioners (Harrell, et.al., 1993; Kinports & Fischer, 1993; Public Justice Center Domestic Violence Task Force, 1995).

While Hawai‘i’s Family Court restraining order has been in use since the late 1970s, only a limited number of local studies have examined this legal remedy for acquaintance and relationship violence. In a 1992 report by the Domestic Violence Clearinghouse and Legal Hotline, restraining orders obtained through the Family Court in Honolulu were reviewed (Vasey, 1992). Between 1984 and 1991, 36% of petitioners sought restraining orders against husbands, 6.5% against a boyfriend, 7% against a wife, and 7% against other family members. Nearly all of the

petitions (98%) were granted. In 1998, the League of Women Voters of Hawai'i examined the system response to domestic violence, concluding that most restraining orders are effective in providing victims protection from their abusers. However, the organization also recommended (1) lethality assessments to better assure safety for those victims who petition for relief; (2) enhancement of legal advocacy and social support for petitioners who are going through the TRO process; (3) more consistency in the issuance and enforcement of TROs by the courts and police; and (4) abuser treatment programs. District Court restraining orders and injunctions against harassment in Hawai'i have not been studied.

The current study focused on five areas of interest regarding TROs:

- a description of those who petition the court for restraining orders
- the circumstances and conditions under which protection is sought, and from whom
- the factors that influence the granting or denial of restraining orders
- the types and duration of court-ordered protection
- an examination of police reports, arrests, and TRO violations subsequent to the granting of restraining orders

The broader goals of the study include contributing to an understanding of domestic violence in Hawai'i, guiding the development of a more effective restraining order intervention system, and identifying areas for further research.

Overview of the Process for Obtaining Restraining Orders

The process of seeking temporary restraining orders varies significantly among jurisdictions throughout the United States, and within Hawai'i as well. In order to understand the scope and complexity of the TRO process in Hawai'i, the following section describes the relevant terminology, procedures, and institutions involved from the initial petition for a TRO through case disposition stages. Items in **bold** designate relevant terms or organizations that will be referred to throughout this report.

Family Court

An individual living in the City and County of Honolulu, seeking a **restraining order** against another individual with whom they currently or formerly reside/d or are related by blood, may contact the **Adult Services Branch (ASB)** of the Family Court of the First Circuit for assistance. ASB staff assist petitioners in preparing the TRO application, which is more accurately a petition to the court requesting "relief" from certain conditions or types of abuse or harassment by another party. Examples of TRO conditions include prohibiting the defendant from contacting, threatening or maliciously damaging the property of the plaintiff or any family members residing with the plaintiff. An attorney may also be hired to assist the individual applicant with the TRO process. In the Family Court, the individual seeking or petitioning the court for protection through a restraining order is identified as the **plaintiff**, and the person against whom the restraining order is sought is identified as the **defendant**. A Family Court judge reviews the petition submitted by the plaintiff **ex parte**, which means without the presence or information from the defendant at that time. The judge then decides to grant or deny the petition.

If the restraining order is granted, the judge issues a **temporary restraining order (TRO)** outlining specific conditions or types of relief from abuse or harassment, and sets a hearing date no later than 15 days from the filing date. Both parties are required to return to court for a **show cause hearing** (which shall be referred to as the **hearing** phase throughout this report). The plaintiff completes two final steps at this stage: filing the necessary paperwork (which includes a fee unless the judge approves a waiver), and delivering the court documents to a specified police station for **service** of the court documents on the defendant.

The defendant and plaintiff are required to be present at the hearing. An ASB social worker assigned to the case works with both parties to determine whether or not there is agreement on issues such as continuation of the order, the conditions requested, and the duration of the TRO. If there is disagreement over the specifications as petitioned by the plaintiff, the defendant, plaintiff and any other witnesses may provide testimony at the hearing. After testimony, the presiding judge either grants a restraining order for up to three years, or denies the request.

A distinction is made between the terms “TRO” and “restraining order” throughout this document. Temporary restraining orders (TROs) refer to orders granted at the ex parte phase, in which the judge reviews a petition that only includes information provided by the plaintiff. Restraining orders refer to longer-term orders granted or denied by the presiding judge at a hearing set no more than 15 days after the granting of the TRO. Both plaintiff and defendant are required to be present at this hearing.

At the hearing, the plaintiff may be represented by a private attorney or an attorney provided by the **Domestic Violence Clearinghouse and Legal Hotline (DVCLH)** or by **Students & Advocates for Victims of Domestic Violence (SAVD)**, a Hawai'i Lawyers Care Americorps Community Service project. A SAVD volunteer who is not an attorney may also assist the plaintiff, while the defendant may be represented at the show cause hearing by a private attorney.

District Court

An individual living in the City and County of Honolulu, seeking a **restraining order and injunction against harassment** against another individual with whom the individual does not currently reside, may petition the District Court of the First Circuit through its Regular Claims Division. After brief instructions by court personnel, the individual seeking the restraining order and injunction against harassment, referred to in the District Court as the **petitioner**, prepares a “Declaration of Petition” to the court requesting a restraining order with specified conditions against the **respondent**. To avoid confusion between the different terms used in Family Court and District Court, this report will use the term “plaintiff” to refer to the person petitioning the court for a restraining order, and “defendant” for the person whom the restraining order is sought against.

The conditions being sought for a TRO are pre-specified on the application form that individual plaintiffs use to petition the District Court. The plaintiff may request other conditions through a written statement entitled the “Declaration of Petitioner,” in which the plaintiff explains

the reasons for requesting the restraining order and injunction against harassment. A private attorney may also be hired to assist the plaintiff in the TRO process. A District Court judge reviews the petition and other paperwork submitted by the plaintiff *ex parte*, and may decide to either grant or deny the petition.

Similar to Family Court, if a temporary restraining order is granted (with specific conditions or types of relief from abuse or harassment), a hearing date is set for no later than 15 days from the TRO filing date, requiring both parties to return to court. The plaintiff completes two final steps at this stage, filing the necessary paperwork (which includes a fee unless the judge approves a waiver), and delivering the court documents to a specified police station for service on the defendant.

The defendant and plaintiff are required to be present at the hearing, and are afforded the opportunity to testify on the continuance of the TRO beyond the *ex parte* period. Unlike the situation in Family Court, there are no District Court staff assigned to work with the plaintiff during the *ex parte* TRO petition phase of the process, or to work with plaintiffs or defendants at the hearing phase. As a result, the role of mediating the conditions of the restraining order defaults to the presiding judge, who may allow the defendant, plaintiff, and any witnesses to provide testimony at the hearing. A decision is then made to either deny or grant for up to three years the restraining order and injunction against harassment.

The **Legal Aid Society of Hawaii (LASH)** or a private attorney may represent either the plaintiff or defendant at the hearing. There are no *pro bono* attorneys or volunteers from such agencies as DVCLH or SAVD to regularly assist plaintiffs at District Court hearings.

METHOD

This study was conducted by using four sets of data: (1) court documents from the Family Court of the First Circuit and the District Court of the First Circuit, including restraining order petitions, TROs, Notice of Hearing, Order to Show Cause or Appear, restraining orders with and without injunctions against harassment, court calendars, and service documents; (2) police report information from the Honolulu Police Department's Law Enforcement Report Management System (LRMS); (3) information from the City and County of Honolulu Department of the Prosecuting Attorney's information management system (TELESIS); and (4) records from the Department of the Attorney General's Offender-Based Transaction Statistics/Computerized Criminal History system (OBTS/CCH).

Over 1,250 petitions for restraining orders were filed in the Family Court of the First Circuit and City and County of Honolulu District Courts during the six-month study period of July 1 - December 31, 1996. Due to the large number of cases filed during this period, every other case was selected for inclusion in this project, to comprise a 50% sample of all filed petitions. After accounting for missing records and other inconsistent case information¹, the final sample consisted of data from 397 Family Court and 233 District Court restraining order cases,

¹One Family Court case, a TRO filed in California, was omitted from the study.

for a total of 630 cases. The court records included data on plaintiff/defendant and family demographics, types of conditions requested, TRO petition outcomes, court calendar minutes, and other background information.

It is important to note that there is a significant difference between Family Court and District Court petition forms. The “Statement of Plaintiff” in the Family Court is comprised primarily of categorical items in which the plaintiff responds to multiple-choice questions regarding relationship status, types of domestic abuse and threats, and other background information about the defendant. When completing the petition procedure, plaintiffs are assisted by staff or volunteers from the Adult Services Branch of Family Court. In comparison, the supporting information for a TRO petition in District Court is based almost solely on a narrative statement entitled the “Declaration of Petitioner,” in which the plaintiff is instructed to “explain in detail recent or past acts or threats of harassment.” Unless accompanied by an attorney or other persons, plaintiffs do not receive assistance in drafting this narrative. This inconsistency between the District and Family court documents and the procedures related to same will be discussed in later sections of this report.

After the initial data were collected from the respective court records, police reports, arrest information, and details on the criminal justice system outcomes of restraining order violations were generated from LRMS, OBTS/CCH, and TELESIS (see above).

LRMS data were collected on the frequency and crime/activity classification for any police reports involving the restraining order plaintiff as a victim and/or complainant and the restraining order defendant as a suspect. In order to analyze the relationship between the TRO process and the defendants’ subsequent criminal behavior, police reports from the date of TRO filing through December 31, 1998 were accessed.

The Department of the Attorney General’s Criminal Justice Data Center assisted with the collection of arrest information from the OBTS/CCH. The number of arrests for each defendant from the TRO filing date through December 31, 1998 was recorded. All arrests for every TRO defendant were analyzed, regardless of whether or not the congruent TRO plaintiffs were the victims of the alleged offenses. Many defendants had numerous arrests for criminal contempt, a crime that covers a range of criminal behaviors including violation of restraining orders. However, since it was not possible to use OBTS/CCH to determine the type of criminal contempt for which TRO defendants were arrested, a decision was made to limit data collection to aggregate counts of arrests.

RESULTS

Who petitions the courts for restraining orders?

Between July 1 - December 31, 1996, females comprised the majority of plaintiffs in both the Family Court of the First Circuit and District Court of the First Circuit (83% and 63%, respectively). In Family Court, 37% of the plaintiffs listed their residence as Honolulu, 20% Ewa, 19% Koolaupoko, 2% neighbor islands and 2% unknown. In District Court, 34% of the plaintiffs listed their residence as Honolulu, 17% Ewa, 15% Koolaupoko, 1% neighbor islands and 5% unknown.² Appendix A provides plaintiff descriptive information.

Almost all of the plaintiffs (99% in Family Court and 96% in District Court; 617 plaintiffs total) represented themselves in the ex parte process; in sum, only 13 plaintiffs were represented by attorneys. In Family Court, 43% petitioned on behalf of self, 53% on behalf of self and others, and 4% on behalf of another, usually a minor. Minors were petitioned on behalf of or resided with the plaintiff in 56% of the cases. In District Court, 73% petitioned on behalf of self, 23% on behalf of self and others, and 3% on behalf of another. In District Court, plaintiffs petitioned on behalf of or resided with minors in 23% of the cases. Sixteen percent (16%) of plaintiffs in Family Court and 6% of plaintiffs in District Court requested a waiver of the filing fee.

From whom, and under what circumstances, is protection sought?

Approximately 85% of Family Court defendants and 66% of District Court defendants were male. The median age of defendants in both courts was 37 years, with District Court defendants ranging from 16 to 75 years old and Family Court defendants from 19 to 98 years old. Demographic and descriptive statistics on restraining order defendants are shown in Appendix B.

Residence of Family Court defendants was listed as follows: 31% in Honolulu, 15% Ewa, 14% Koolaupoko, 20% other areas of the county, 2% neighbor islands/out-of-state, and 19% unknown. In District Court, 44% resided in Honolulu, 16% in Ewa, 16% in Koolaupoko, 24% in other areas of the county, and none resided on neighbor islands or out-of-state. The results indicate that TRO defendants reside in all areas of Oahu and in similar proportions for both courts, with the majority living in Honolulu. It was anticipated that service of the TROs would be more difficult among Family Court defendants because the residence of the defendant was unknown 19% of the time (versus only 1% for District Court defendants).

With regard to the relationship between plaintiffs and defendants, the largest percentage of Family Court applicants (43%) were married at the time the TRO petitions were made, while none of the District Court petitioners and defendants were married. Aside from married couples, 17% of Family Court applicants were blood relatives and 12% were in intimate relationships. District Court applicants were predominantly non-relatives who were not in intimate relationships (54%).

The relationship between plaintiff and defendant could not be determined in about a quarter of both court samples. Because Family Court TRO petition forms request information

²See Appendix K for a map of City and County of Honolulu court districts.

about both relationship and cohabitation status in a forced-choice single item, it appeared that many plaintiffs chose to report on either their relationship or cohabitation status with the defendant. In District Court, information about relationship status is based solely on the narrative portion of the TRO petition as completed by the petitioner. Therefore, if the nature of the relationship was not explicitly reported in the petitioner’s written statement, it was not included in the study data.

Family Court plaintiffs reported that 14% of the defendants may have been mentally ill and 42% may have been using illegal drugs, as compared to only 3% and 6%, respectively, among District Court plaintiffs. Reported possession, access to, or, in particular, the illegal use of weapons was a rarity among study defendants. Table 1 and Appendix B provide detailed descriptive information about defendants.

Table 1: Characteristics of TRO defendant as reported by plaintiff

Defendant Characteristic*	Family Court Number of Defendants (%) [N=397]	District Court Number of Defendants (%) [N=233]
May Be Mentally Ill	55 (14)	7 (3)
May Use Illegal Drugs	168 (42)	13 (6)
May Own a Knife or Other Weapon	85 (21)	21 (9)
Has Not Abused or Threatened Plaintiff with Firearms, & Has No Access	272 (69)	203 (87)
Has Not Abused or Threatened Plaintiff with Firearms, & Has Access	87 (22)	9 (4)
Has Abused or Threatened Plaintiff with Firearms, & Has No Access	4 (1)	0 (0)
Has Abused or Threatened Plaintiff with Firearms, & Has Access	21 (5)	6 (3)

*Responses obtained from check-off items in Family Court Petition and narrative in District Court Petition narrative, if available.

In Family Court, the most frequent acts of abuse reported by the plaintiff were pushing, grabbing and shoving (65% of the plaintiffs reported such acts), followed by kicking, biting and hitting (34%), slapping or spanking (21%), throwing (18%), and choking or strangling (14%). Pushing, grabbing and shoving were also the most frequent acts of abuse among the District Court sample (but only among 22% of the cases), followed by kicking, biting and hitting (19%), object throwing (15%), and slapping or spanking (13%). Only a small proportion of plaintiffs in either court reported that the defendants had forced sex upon them (7% in Family Court, 3% in District Court). Table 2 presents information on acts of abuse/harassment reported by plaintiffs.

Other types of abuse gathered from TRO petitions included destruction of property (28% in Family Court and 19% in District Court), which was the most frequently cited additional act of abuse or harassment in both courts. The next most frequently cited type reported in Family Court

was abuse of children (10%), which, as expected, was among the abuse types reported least frequently in District Court (2%). Approximately 15% of District Court plaintiffs reported being restrained against their will, and 10% stated that trespassing had occurred.

Table 2: TRO defendant’s acts of abuse/harassment as reported by plaintiff

Defendant’s Acts of Abuse/Harassment	Family Court Number of Defendants (%) [N=397]	District Court Number of Defendants (%) [N=233]
Throwing*	70 (18)	36 (15)
Pushing, Grabbing, or Shoving*	259 (65)	51 (22)
Slapping or Spanking*	84 (21)	31 (13)
Kicking, Biting or Hitting*	134 (34)	45 (19)
Choking or Strangling*	55 (14)	11 (5)
Forced Sex*	28 (7)	8 (3)
Abusing Children	39 (10)	5 (2)
Using Weapon Other than Firearm	21 (5)	9 (4)
Restraining	18 (4)	36 (15)
Kidnaping or Trapping	5 (1)	4 (2)
Destroying Property	113 (28)	45 (19)
Trespassing	5 (1)	24 (10)
Pulling Hair	19 (5)	17 (7)
Extreme Physical Abuse Resulting in Serious or Life Threatening Injury	1 (<1)	2 (<1)

*Responses obtained from check-off items in Family Court Petition and narrative in District Court Petition narrative, if available.

Many plaintiffs—41% in Family Court, and 19% in District Court—indicated that the defendants had threatened to kill them. Plaintiffs in both court samples also reported that defendants had threatened to physically hurt them (35% in Family Court, 52% in District Court). Additional threats in the Family Court sample included name calling/put downs (15%) and threats of property damage (11%). District Court applicants reported many additional threats, including harassment (66%), threats to family members (46%), name calling/put downs (42%), and threats to damage property and jealousy (9% each). Table 3 presents data on threats.

Table 3: TRO defendant’s threats as reported by plaintiffs

Defendant’s Threats	Family Court Number of Defendants (%) [N=397]	District Court Number of Defendants (%) [N=233]
Threat(s) to Kill*	163 (41)	45 (19)
Threat(s) to Hurt Physically*	137 (35)	121 (52)
Threat(s) to Rape*	3 (<1)	2 (<1)
Threat(s) to Family	21 (5)	107 (46)
Name Calling/Put Downs	60 (15)	98 (42)
Harassment/Unwanted Attention	30 (8)	153 (66)
Threat(s) to Damage Property	44 (11)	20 (9)
Extreme Jealousy	16 (4)	21 (9)

*Responses obtained from check-off items in Family Court Petition and narrative in District Court Petition narrative, if available.

There is no strong relationship between the granting of temporary restraining orders in District Court (88% of the 233 petitions were approved) and whether: (a) particular judges had reviewed the ex parte petitions; (b) plaintiffs or defendants had been represented by attorneys; or (c) specific types of abuse, harassment, and/or threats were alleged by the plaintiffs. However, two judges reviewed only two petitions each, and only 4% of the plaintiffs were represented by an attorney. All Family Court TRO petitions were approved.

Fifteen different judges in Family Court and eleven in District Court presided over restraining order hearings during the study period. Service of documents (plaintiff’s filed petition for TRO, TRO, Notice of Hearing, Order to Show Cause or Appear) on defendants was completed for 88% of the Family Court defendants and 87% of the District Court defendants. Plaintiffs and defendants were present in 76% of the Family Court hearings, the plaintiff-only was present in 16%, the defendant-only in 2%, and neither were present in 6%. Both parties were present at 61% of the District Court hearings, the plaintiff-only in 16%, the defendant-only in 3%, and neither were present in 17% of the hearings. Restraining orders were granted in 71% of the Family Court cases and in 63% of the District Court cases. There is no statistically significant relationship between specific judges and whether or not restraining orders were granted.

In Family Court, plaintiffs were assisted by ASB and SAVD staff in 90% and 44% of the cases, respectively. Neither party was represented by attorneys in 81% of the cases, “plaintiffs-only” in 7%, “defendants-only” in 7%, and plaintiffs and defendants in 5%. Of the 74 Family Court plaintiffs who were represented by legal counsel, 16 were represented by DVCLH attorneys, 2 were represented by SAVD attorneys, and 56 were accompanied by private attorneys. In District Court, neither party was represented by attorneys in 82% of the cases, plaintiffs-only in 5%, defendants-only in 7%, and plaintiffs and defendants in less than 2%. LASH represented one plaintiff at District Court; the rest were private attorneys.

Table 4 provides a statistical summary of the information discussed in the two preceding paragraphs.

Table 4: Legal circumstances surrounding granting of Restraining Orders/Injunctions Against Harassment

Circumstance	Family Court Frequency (%) [N=397]	District Court Frequency (%) [N=206]
Defendant Completion of Service		
Yes	350 (88)	180 (87)
No	34 (9)	26 (13)
No Information	12 (3)	0 (0)
Presence of Parties		
Both Present	300 (76)	125 (61)
Plaintiff Only Present	64 (16)	33 (16)
Defendant Only Present	7 (2)	7 (3)
Neither Present	23 (6)	34 (17)
No Information	2 (<1)	7 (3)
Attorney Representation		
None Present	320 (81)	168 (82)
For Plaintiff Only	29 (7)	11 (5)
For Defendant Only	26 (7)	15 (7)
For Defendant and Plaintiff	19 (5)	5 (2)
Source of Attorneys	[n=74]	[n=31]
DVCLH	16 (22)	0 (0)
Hawaii Lawyers Care-SAVD	2 (3)	0 (0)
Legal Aid Society of Hawaii	0 (0)	1 (3)
Private	56 (76)	30 (97)
Presence of Others to Assist (More than one for same case possible)		
ASB	357 (90)	0 (0)
Hawaii Lawyers Care-SAVD	175 (44)	1 (<1)
Other	21 (5)	2 (1)

Restraining orders were not granted for 115 Family Court petitions, primarily for the following reasons: petitions dissolved on request of the plaintiff prior to the hearing (54%); denial or dismissal by the judge (26%); petitions dissolved on mutual request of both parties (12%); and plaintiff withdrew before the judge’s decision (10%). In District Court, of the 76 restraining orders that were not granted, 46% were withdrawn by the plaintiff before the judge’s decision; 34% were denied or dismissed by the judge; 7% were dissolved on request of the plaintiff; 4% were dissolved on mutual request of both parties; and there was no information in 7% of the cases. Table 5 shows the disposition of TROs and restraining orders/injunctions. Table 6 presents data on the reasons restraining orders and injunctions were not granted.

Table 5: Number of Temporary Restraining Orders and Restraining Orders/Injunctions Against Harassment granted

Order Type	Family Court Frequency (Row %) [N=397]	District Court Frequency (Row %) [N=233]	Row Totals (Row %)
Temporary Restraining Order Granted	397 (66)	206 (34)	602 (100)
Temporary Restraining Order Not Granted	0 (0)	27 (>99)	28 (100)
Restraining Order or Injunction Against Harassment Granted	282 (68)	130 (31)	412 (100)
Restraining Order or Injunction Against Harassment Not Granted	115 (60)	76 (40)	191 (100)

Table 6: Reasons for not granting Restraining Orders/Injunctions Against Harassment

Reasons Restraining Order or Injunction Not Granted	Family Court # Not Granted (%) [N=115]	District Court # Not Granted (%) [N=76]
Judge Denied or Dismissed	30 (26)	26 (34)
Dissolved by Plaintiff Request	61 (54)	5 (7)
Dissolved by Mutual Request	14 (12)	3 (4)
Plaintiff Withdrew Before Decision	10 (9)	35 (46)
Neither Party Appeared	0 (0)	2 (3)
No Information	0 (0)	5 (7)

A total of 282 restraining orders in Family Court and 130 injunctions against harassment in District Court were granted. While there is no statistically significant ³ relationship between particular judges presiding at District Court hearings and the granting or denial of TROs, in Family Court the relationship was significant—various Family Court judges granted restraining orders between 44% and 100% of the time (Tables 6A and 6B) . Attorneys from the private sector, DVCLH, or SAVD (petitioner only) represented one or both parties in 19% of the Family Court and 18% of the District Court hearings. However, there was no significant relationship between the presence of legal representation for plaintiffs or defendants and the granting of restraining orders or injunctions against harassment in either court.

Table 6A: Granting of TROs and Restraining Orders by Family Court judge (Percent)

Status of orders	Judge #3	Judge #4	Judge #5	Judge #6	Judge #7	Judge #8	Judge #9	Judge #12	Judges presiding at less than 5
TRO Not Granted	0	0	0	0	0	0	0	0	0
TRO Granted	100	100	100	100	100	100	100	100	100
Restraining Order Not Granted*	27	25	14	0	56	34	32	15	45
Restraining Order Granted*	73	75	73	100	44	66	69	85	55

*=p<.01

³Statistical Significance, as measured by chi-square, refers to the relationship between two variables or characteristics. If the data is not different from what would be expected by chance, then the relationship is not considered statistically significant. Likewise, if the responses fall outside of a distribution that one could expect by chance, the relationship is considered statistically significant. This does not mean there is a causal relationship between variables nor that the relationship between variables is necessarily strong, simply that a relationship exists that can not be attributed to a normal (chance) distribution. Unless otherwise indicated, the significance level was set at .05; that is, a particular outcome could be expected by chance in, at most, 5 of 100 cases.

Table 6B: Granting of TROs and Restraining Orders/Injunctions Against Harassment by District Court judge (Percent)

Status of Granting Orders	Judge 2	Judge 3	Judge 4	Judge 5	Judge 7	Judge 11	Judges Presiding at less than 5
TRO Not Granted	13	NA	15	0	8	NA	0
TRO Granted	87	NA	85	100	92	NA	100
Restraining Order Not Granted	23	42	35	36	34	33	50
Restraining Order Granted	77	58	65	64	66	67	50

The relationship between the specific types of abuse or threat reported in the petitions (slapping, choking, threat to kill, etc.) and the likelihood that a restraining order would be granted was also determined. In Family Court, there was not a meaningful statistical relationships between any of the types of abuse or threat and the granting of a restraining order. In District Court, choking or strangling was significantly related to the denial of restraining order petitions; with only 11 petitions citing choking or strangling, however, this finding is difficult to assess.

Table 6C: Specific acts of abuse or threats and rate of Restraining Orders granted at Family Court

Acts of Abuse or Threats Noted in Petition	% of Restraining Orders Granted
Throwing Things	71
Pushing, Grabbing, or Shoving	72
Slapping or spanking	74
Kicking, biting or hitting	75
Choking or strangling	77
Forced sex	85
Threats to kill	71
Threats to hurt physically	72
Threats to rape	100

Table 6D: Specific acts of harassment or threats and rate of Restraining Orders with Injunction Against Harassment granted at District Court

Acts of Abuse or Threats Noted in Petition	% of Restraining Orders Granted
Throwing Things	64
Pushing, grabbing, or shoving	64
Slapping or spanking	65
Kicking, biting or hitting	69
Choking or strangling*	36
Forced sex	75
Threats to kill	60
Threats to hurt physically	66
Threats to rape**	50

* p<.05; only eleven petitions cited choking or strangling

**Only two petitions cited a threat to rape

What type of conditions are ordered, and for how long?

Both courts offer specific conditions, i.e., types of relief from abuse/harassment, that plaintiffs may request in their petition for a temporary restraining order (Appendix C). All of the plaintiffs in Family Court and most in District Court (100% and 92%, respectively) requested relief from the “basic” acts, which include contact, abuse, threats, or harassment by the defendant. Furthermore, both courts’ petition documents list refraining from telephoning the plaintiff, as well as not entering and/or visiting the plaintiff’s residence as possible conditions that could be requested in the order. Almost every (99%) Family Court applicant and over 85% of District Court applicants requested these forms of relief. One-fifth (20%) of Family Court plaintiffs requested that cohabitating defendants vacate and stay away from the residence. Nearly all Family Court plaintiffs who filed on behalf of themselves and their minor children requested temporary custody.

Appendix D presents data on the conditions of temporary restraining orders granted by judges. Almost all conditions for relief were granted as requested by the plaintiffs.

Appendices E and F present details of the conditions ordered by judges in restraining orders and injunctions against harassment. In Family Court, 71% of the petitions filed for a restraining order were granted. In almost every petition (99%), defendants were prohibited from threatening or physically abusing the plaintiff or any person residing in his/her residence, and were barred from contacting the plaintiff and minors residing in the home, including telephoning and visiting them. There were four plaintiffs (1%) who were also prohibited from abusing, threatening, contacting, or telephoning the defendants. There were no “mutual injunctions” in which all conditions of the restraining order were granted against both the plaintiff and defendant. In District Court, 63% of the petitions were granted temporary restraining orders and injunctions

against harassment at the show cause hearing. Every petition for relief from contacting, threatening, harassing, telephoning, and visiting the workplace (98% for this item only) as requested by the plaintiff was granted. None of the individual conditions for relief requested in the petition were imposed against both the plaintiff and defendant; however, mutual injunctions were ordered in 15% of the granted injunctions.

Of the 173 Family Court plaintiffs who requested temporary custody of children in their TRO petitions, 148 were awarded sole custody at the hearing, and in two cases joint custody was granted. However, in Family Court, 108 defendants were granted limited contact with children for visitation purposes and 16 were allowed to have contact with either the plaintiff or minor children to attend counseling. In 6% of the TROs granted, the defendant in Family Court was ordered to vacate and stay away from the plaintiff's residence, and 22% of the defendants were ordered to pick up their belongings at the plaintiff's residence (with a police escort). In almost every case from both courts, defendants were enjoined from entering or visiting within three blocks of the plaintiff's residence. In four Family Court petitions, this condition was imposed against both parties.

Table 7 presents data on court-ordered counseling. None of the District Court respondents who were reportedly perpetrating abusive and threatening actions towards plaintiffs were mandated to receive some type of counseling (e.g., anger management). However, about two-fifths (38%) of the 106 Family Court defendants against whom injunctions were granted were ordered to receive such counseling. Defendants were required to attend abuser treatment programs such as those offered by PACT/Family Peace Center (n=19) or Child & Family Service (n=21), or other anger management programs (n=10). Of those defendants, 58% were also ordered to undergo substance abuse assessment or treatment. Only one defendant was required to attend marriage counseling.

In addition, 6% of the Family Court plaintiffs whose TROs were granted were also mandated to attend counseling programs. Five were remanded to PACT/Family Peace Center, two to Child & Family Service, three to substance abuse programs, and five to other counseling agencies. As was the case with District Court defendants, no District Court plaintiffs were ordered to attend counseling sessions.

Table 7: Counseling for defendant or plaintiff required by Family Court* as a condition in Restraining Order

Type of Counseling	Family Court Frequency (%) [N=282]
Defendant (May have more than one type):	106 (38)
PACT Family Peace Center	19 (7)
Child & Family Service	21 (7)
Substance Abuse Assessment and/or Treatment	58 (21)
Marriage	1 (<1)
Other Domestic Violence Intervention	10 (4)
Other	14 (5)
Plaintiff:	16 (6)
PACT/Family Peace Center	5 (2)
Child & Family Service	2 (<1)
Substance Abuse Assessment and/or Treatment	3 (1)
Marriage	0 (-)
Other Domestic Violence Intervention	0 (-)
Other	7 (2)

*No District Court defendants or plaintiffs were required to receive counseling.

The maximum length of time for which a restraining order may be granted in Hawai'i is 36 months. In the study sample, 44% of Family Court and 77% of District Court restraining orders were granted for the full three years (Table 8).

Table 8: Duration of Restraining Orders

Duration (Months)	Family Court (%)	District Court (%)
1-11	15	1
12-23	35	11
24-35	6	11
36	44	77

The data on the duration of restraining orders reveal an interesting trend. A larger percentage of restraining orders were granted for 36 months in District Court than Family Court, even given the generally more serious nature and extent of abuse and threats reported in Family Court petitions. In fact, the shorter lengths of orders granted, 1 to 23 months, accounted for 50% of Family Court cases, while 12% of District Court cases were awarded for a similar duration.

After a restraining order has been granted, what happens in terms of police reports and arrests, and criminal justice system responses to reported restraining order violations?

Plaintiffs and the community expect that the granting of restraining orders will increase the likelihood that defendants will cease their abuse, threats and/or harassment of the plaintiffs. A review of the literature, and discussion with various criminal justice professionals and representatives from community-based domestic violence intervention programs indicated that restraining order outcomes and enforcement have not been systematically evaluated in Hawai'i. Rather, follow-up only occurs if the plaintiff is receiving domestic violence intervention services from a community-based program.

In Hawai'i, one approach to determining how well restraining orders protect plaintiffs would be to consistently review defendants' subsequent activity as suspect/offender in police reports, arrests, and convictions and, simultaneously, to follow-up with plaintiffs over a three-year period to collect information on reported or unreported violations. This dual evaluative approach recognizes that plaintiffs do not report all violations, and that not all reported violations result in police reports, arrests, penal summons, or convictions. The present study examines only half of this dual approach in order to provide an objective preliminary analysis of the information that is available in police reports, arrest records, and prosecution data. The results indicate the potential value of collecting these data in a systematic, ongoing fashion.

Police Reports

Analysis of police reports logged between the date the TROs were filed through December 31, 1998 revealed that 50% of Family Court defendants and 25% of District Court defendants were involved in incidents in which they were suspects and the corresponding TRO plaintiffs were victims and/or complainants (Table 9). The majority of these defendants were named in more than one report: of those so named, 58% of Family Court defendants and 66% of District Court defendants were suspects in multiple reports.

Table 9: Number of TRO defendants named as suspects in police reports with TRO plaintiff as victim/complainant

Number of Police Reports	Family Court Defendants Number (%) [N=397]	District Court Defendants Number (%) [N=233]
0	199 (50)	175 (75)
1	84 (21)	20 (9)
2	54 (14)	19 (8)
3-5	23 (6)	8 (3)
6-10	29 (7)	5 (2)
11 or more	8 (2)	6 (3)
Total Named in Police Reports	198 (50)	58 (25)

In sum, there were 779 police reports involving TRO defendants as suspects and TRO plaintiffs as victims and/or complainants. Family Court TRO defendants were suspects in 391 reports of restraining order violations, harassment, abuse of family and household member, sexual assaults, or other crimes defined by statute as violent. District Court TRO defendants were suspects in 149 such reports. In the total group of 630 TRO defendants, there were six reports of suicide attempts and nine reports of weapons offenses. Table 10 and Appendix G provide a summary of the police report data.

Table 10: Number of police reports* and TRO defendants by report classification and court

Police Report Classification	Number of Police Reports (Family Court) [N=597]	Number of Family Court Defendants Named in Police Reports**	Number of Police Reports (District Court) [N=182]	Number of District Court Defendants Named in Police Reports**
Restraining Order Violations	278	115	100	38
Harassment	14	13	20	13
Abuse of Family & Household Member	34	28	0	0
Sexual Assault	17	7	1	1
Other Violent Crime	48	37	28	18
Criminal Property Damage	13	12	5	5
Other Property Crime	28	25	10	7
Custodial Interference	2	2	0	0
Weapons	9	7	2	2
Suicide Attempt	6	5	1	1
Domestic Arguments***	53	40	3	3
Other***	95	76	12	12

*Police reports with TRO defendant as suspect and plaintiff as victim/complainant, and report filed during time frame from date TRO petition filed to December 31, 1998.

**Individual defendants may have been named in more than one type of police report during the study period, and thus may be counted in more than one cell.

***These classifications are not criminal offenses. "Other" includes miscellaneous public disturbance, abuse warning, trespass warning, and miscellaneous crime.

Arrests

Table 11 shows arrests for selected offenses, with TRO defendants as suspects and any person(s) as victim, during the period from the date the TRO petitions were filed through December 31, 1998. Forty-five percent (45%) of the Family Court defendants and 33% of the District Court defendants were arrested during this time frame. Multiple arrests were recorded for the majority of the defendants who were arrested: 63% of the Family Court arrestees and 60% of the District Court arrestees had more than one arrest.

Time constraints prohibited an identification of the number of criminal contempt arrests per arrestee.

Table 11: TRO defendants arrested for offenses against any person(s)

Number of Arrests	Family Court Defendants Number (%) [N=397]	District Court Defendants Number (%) [N=233]
0	219 (55)	155 (67)
1	65 (16)	31 (13)
2	29 (7)	13 (6)
3-5	53 (13)	21 (9)
6-10	21 (5)	10 (4)
11 or more	9 (2)	3 (1)
Total Arrested Defendants	177 (45)	78 (33)

*This table does not include criminal contempt arrests.

A total of 911 total arrests for selected offenses were recorded for 255 defendants during the study period (not including at least 141 arrests for criminal contempt). Family Court TRO defendants were arrested for a total of 303 arrests classified as restraining order violations, harassment, abuse of family and household member, sexual assaults, or other crimes statutorily defined as violent. District Court TRO defendants were arrested for 139 offenses classified as restraining order violations, harassment, abuse of family and household member, sexual assaults, or other violent crimes. In the total group of defendants, only one was arrested for weapons offenses (three offenses total). Table 12 and Appendix H show these data.

Table 12: TRO defendants arrested*, by offense and court

Offense	Family Court Number of Arrests [N=672]	Number of Family Court Defendants Arrested**	Number of District Court Arrests [N=239]	Number of District Court Defendants Arrested**
Restraining Order Violations	148	77	40	7
Harassment	15	13	13	9
Abuse of Family & Household Member	56	48	39	24
Sexual Assault	11	5	6	2
Other Violent Crime	73	42	41	25
Criminal Property Damage	19	17	4	4
Other Property Crime	130	54	44	20
Custodial Interference	0	0	2	2
Weapons	3	1	0	0
Other	139	65	50	25
Criminal Contempt	≥91	91***	≥50	50***

*Arrests with TRO petition defendant as suspect and any person(s) as victim of offense reported to police from date TRO petitions were filed through December 31, 1998.

**Individual defendants may have been arrested for more than one type of included offense during the study period, and thus may be counted in more than one cell.

***22 Family Court defendants and 11 District Court defendants were only arrested for criminal contempt during the study period.

Ethnicity data were only available for TRO defendants who were arrested. As shown in Table 13, Caucasian, Hawaiian/Part-Hawaiian and Filipino were the largest groups, comprising 26%, 22%, and 16% of the sample, respectively.

Table 13: Ethnicity of arrested TRO defendants

Ethnicity	Family Court Defendants Number (% of those arrested) [N=199]*	District Court Defendants Number (% of those arrested) [N=89]*
African-American	13 (7)	4 (4)
Chinese	8 (4)	3 (3)
Filipino	32 (16)	14 (16)
Hawaiian/Part-Hawaiian	49 (25)	15 (17)
Japanese	12 (6)	9 (10)
Korean	5 (3)	1 (1)
Samoan	11 (6)	4 (4)
Caucasian	46 (23)	28 (31)
Other	21 (11)	6 (7)
Unknown	2 (1)	5 (6)

*Total includes 22 Family Court defendants and 11 District Court defendants who were only arrested for criminal contempt offenses during the study period.

Convictions

Restraining order violations reported through December 31, 1998 were tracked through the criminal justice system. *It is important to consider that violations reported near the end of the study period would not have had an opportunity to proceed much further through the criminal justice system.* Additional details regarding system response to violations appear below and in two Appendix sections: **first violations** (Appendix I), and **all reported violations** (Appendix J).

First Restraining Order Violations. Of the total 397 granted Family Court TRO petitions, 115 (29%) resulted in a first restraining order violation reported by December 31, 1998. By this cutoff date, 70 cases had been referred to the Department of the Prosecuting Attorney, 55 had been pursued for prosecution, and 46 convictions had been recorded.⁴

Of the total 206 granted District Court TRO petitions, 38 (18%) resulted in a first restraining order violation reported by December 31, 1998. Twenty-three (23) cases had been

⁴Case status information was missing for five Family Court defendants.

referred to the Department of the Prosecuting Attorney, 19 had been pursued for prosecution, and 8 convictions had been recorded by the end of the study period.

Table 14 shows sentencing outcomes for first violation convictions. Of the 46 Family Court defendants convicted during the study period, 33 (72%) had a sentence including some type of counseling and/or substance abuse treatment, 12 (26%) were required to undergo assessment for substance abuse and/or counseling, 4 (9%) had a fine, and 27 (59%) were incarcerated. The fines ranged from \$50 to \$500, and incarcerations ranged from 1 day (five defendants) to 12 months (one defendant). Of the 8 convicted District Court defendants, half received a sentence that included some type of counseling and/or substance abuse treatment, half were fined (\$50-\$100), one was incarcerated (six months), and none were required to undergo assessment for substance abuse and/or counseling.

Table 14: Sentencing outcomes for first Restraining Order violation convictions*

Sentencing Outcomes	Family Court Convictions Number (%) [N=46]	District Court Convictions Number (%) [N=8]
Incarceration		
Yes	27 (59)	1 (12)
No	19 (41)	7 (88)
Length of Incarceration		
1 day	5 (11)	0 (0)
2 days	7 (15)	0 (0)
3-7 days	1 (2)	0 (0)
8-30 days	9 (20)	0 (0)
31-60 days	3 (7)	0 (0)
61-180 days	1 (2)	1 (12)
181-365 days	1 (2)	0 (0)
Counseling		
Yes	33 (72)	4 (50)
No	13 (28)	4 (50)
Assessment for Counseling &/or Substance Abuse		
Yes	12 (26)	0 (0)
No	34 (74)	8 (100)
Fine		
Yes	4 (9)	4 (50)
No	42 (91)	4 (50)

*Violations and convictions were tracked from police reports with TRO defendant as suspect and corresponding plaintiff as victim/complainant, from the date TRO petitions were filed through December 31, 1998.

All Restraining Order Violations. By the December 31, 1998 cutoff date, 278 restraining order violations had been reported for 115 Family Court defendants, 181 violations had been referred to the Department of the Prosecuting Attorney, 154 had been pursued for prosecution, and 122 convictions had been recorded. Among the District Court TRO cases, 97 violations had been reported for 38 defendants, 59 violations had been referred to the Department of the Prosecuting Attorney, 52 had been pursued for prosecution, and 18 convictions had been recorded by the end of the study period.

Table 15 shows the sentencing outcomes for violation convictions. Conviction was the outcome in 44% of the Family Court violations and 19% of the District Court violations reported during the study period. Of the Family Court violation convictions, 67% resulted in a sentence that included some type of counseling and/or substance abuse treatment, 31% included a requirement to undergo assessment for substance abuse and/or counseling, 5% prescribed a fine and 35% included incarceration. The fines ranged from \$50 to \$500, and incarceration lengths ranged from 1 day (five defendants) to 12 months (three defendants). Of the 18 District Court order violation convictions, 6 (33%) sentences included some type of counseling and/or substance abuse treatment, 2 (11%) included a requirement to undergo assessment for substance abuse and/or counseling, 8 (44%) had a fine, and 7 (39%) included incarceration. The District Court fines ranged from \$25 to \$100, and incarceration lengths ranged from 6 months for one defendant to 12 months for another.

Table 15: Sentencing outcomes for all Restraining Order convictions

Sentencing Outcomes	Family Court Convictions Number (%) [N=122]	District Court Convictions Number (%) [N=18]
Incarceration		
Yes	43 (35)	7 (39)
No	79 (65)	11 (61)
Length of Incarceration	[N=43]	[N=7]
1 day	5 (12)	0 (0)
2 days	7 (16)	0 (0)
3-7 days	4 (9)	0 (0)
8-30 days	9 (21)	0 (0)
31-60 days	6 (14)	0 (0)
61-180 days	7 (16)	3 (43)
181-365 days	5 (12)	4 (57)
Counseling		
Yes	82 (67)	6 (33)
No	40 (33)	12 (67)
Assessment for Counseling &/or Substance Abuse		
Yes	38 (31)	2 (11)
No	84 (69)	16 (89)
Fine		
Yes	6 (5)	8 (44)
No	116 (95)	10 (56)

*Violations and convictions were tracked from police reports with TRO defendant as suspect and corresponding plaintiff as victim/complainant, from the date TRO petitions were filed through December 31, 1998.

The Granting of TROs and Restraining Orders, and Subsequent Police Reports, Arrests, and Restraining Order Violations

Statistical relationships between granting or denying TROs and restraining orders/injunctions against harassment, and the extent of subsequent police reports (Tables 16 A & B), arrests (Tables 16 C & D), and violations (Tables 16 E & F) are examined in this subsection. Regardless of the type of court intervention and/or which court the cases were heard in, defendants of “granted” cases were much more likely to have subsequent contacts with the criminal justice system than were defendants of “not granted” cases. (Note: missing police report, arrest, and violation data affect the total counts in these crosstabulations.)

Table 16A: Family Court TRO defendants named in police reports involving TRO plaintiffs as victims, by status of TROs and Restraining Orders*

Petition Status	Total Defendants	Number of Defendants Named as Suspects in Police Reports	% of Defendants Named as Suspects in Police Reports
TRO Not Granted	0	0	0
TRO Granted	394	160	41
Restraining Order Not Granted	114	43	38
Restraining Order Granted	280	117	42

*From TRO petition filing date through December 31, 1998.

Table 16B: District Court TRO defendants named in police reports involving TRO plaintiffs as victims, by status of TROs and Restraining Orders with Injunctions Against Harassment*

Petition Status	Total Defendants	Number of Defendants Named as Suspects in Police Reports	% of Defendants Named as Suspects in Police Reports
TRO Not Granted	27	1	4
TRO Granted	206	57	28
Restraining Order with Injunction Against Harassment Not Granted	76	18	24
Restraining Order Injunction Against Harassment Granted	130	39	30

*From TRO petition filing date through December 31, 1998.

Table 16C: Family Court TRO defendants arrested, by status of TROs and Restraining Orders*

Petition Status	Total Defendants	Number of Defendants Arrested**	% of Defendants Arrested**
TRO Not Granted	0	0	0
TRO Granted	389	199	51
Restraining Order Not Granted	113	50	44
Restraining Order Granted	276	149	54

*From TRO petition filing date through December 31, 1998.

**Cases involving any person(s) as victim

Table 16D: District Court TRO defendants arrested, by status of TROs and Restraining Orders with Injunctions Against Harassment*

Petition Status	Total Defendants	Number of Defendants Arrested**	% of Defendants Arrested**
TRO Not Granted***	27	3	11
TRO Granted	206	86	42
Restraining Order with Injunction Against Harassment Not Granted	76	33	43
Restraining Order Injunction Against Harassment Granted	130	53	41

*From TRO petition filing date through December 31, 1998.

**Cases involving any person(s) as victim

***p<.001

Table 16E: Family Court TRO defendants with reported restraining order violations, by status of TROs and Restraining Orders*

Petition Status	Total Defendants	Number of Defendants with Violations	% of Defendants with Violations
TRO Not Granted	0		
TRO Granted	395	110	28
Restraining Order Not Granted	115	22	19
Restraining Order Granted	280	88	31

*From TRO petition filing date through December 31, 1998.

Table 16F: District Court TRO defendants with reported restraining order violations, by status of TROs and Restraining Orders with Injunctions Against Harassment*

Petition Status	Total Defendants	Number of Defendants with Violations	% of Defendants with Violations
TRO Not Granted	27		
TRO Granted	206	37	18
Restraining Order with Injunction Against Harassment Not Granted	76	7	9
Restraining Order Injunction against Harassment Granted	130	30	23

*From TRO petition filing date through December 31, 1998.

DISCUSSION AND RECOMMENDATIONS

Since the inception of protective orders and TROs as specified by Chapter 586 HRS in 1982 and Section 604-10.5 HRS in 1987, along with various revisions to improve the statutes, thousands of Hawai'i residents have been granted restraining orders to protect themselves and their families from abuse, threats, and harassment. The complexity of policies and procedures associated with restraining orders is certainly illustrated in this study. In the nearly three years since the sample reflected in this report were involved with the myriad agencies mandated to implement the TRO process, there have been changes in our understanding of domestic violence and our policies to respond to this serious social problem.

In 1996, the Hawaii State Legislature changed the requirement that Family Court petitions for restraining orders must cite threats and “recent past acts of abuse” to be eligible for protection, to instead specify threats and “past acts.” At the start of the 1999 legislative session, House Bill 604 was introduced to consolidate laws on District Court and Family Court restraining orders and injunctions, and provide procedures to increase consistency and uniformity of the issuance of orders, petition formats, the language used in temporary and subsequent restraining orders, the service of orders, enforcement, and penalties. This bill was subsequently held in the House Committee on Judiciary and Hawaiian Affairs. Senate Bill 590, passed as amended and currently pending with the Governor, amends provisions relating to Family Court restraining orders and violations, including a section to provide uniform penalties for violation convictions among various types of Family Court restraining orders. This measure requires convicted persons to undergo domestic violence intervention, and fines collected from violation convictions to be deposited in the spouse and child abuse special account. House Concurrent Resolution 65/House Resolution 54 requests the Attorney General to convene a working group to look at the criminal justice system’s domestic violence policies and procedures on Oahu for when a victim is killed, and identify areas in need of improvement. This measure also passed as amended, including a request for a report on the working group’s recommendations to be delivered to the legislature prior to the start of the 2000 session. In recent years, other legislation has been proposed to improve the sanctioning of violations, by requiring mandatory sentences for first, second, and any subsequent violation convictions. However, other critical issues remain unaddressed or inconsistently managed— many of the procedures, as well as the types and availability of technical assistance for plaintiffs and defendants, could be improved.

This section addresses the five primary objectives of the study by summarizing the key findings. Again, the primary objectives are to delineate:

- A description of those who petition the court for restraining orders
- The circumstances and conditions under which protection is sought, and from whom
- The factors that influence the granting or denial of restraining orders
- The types of relief, and periods of time for which relief is court-ordered
- The subsequent outcomes of cases involving TROs in terms of police reports, arrests, and convictions for TRO violations and related criminal acts

Who petitions the courts for restraining orders?

In 1996, the Family Court plaintiff was most likely to be a woman living in Honolulu, representing herself, and assisted by the Adult Services Branch in preparing for the ex parte petition. She petitioned for protection on behalf of herself and her minor children residing with her, and did not seek a waiver of filing fees. In District Court, plaintiffs were generally women from Honolulu or Ewa who represented themselves unassisted in the ex parte phase of the TRO process. The plaintiff did not seek a waiver of filing fees and was assigned to appear for the petition hearing in Honolulu, Ewa, or Koolauapoko District Court Divisions. However, some basic demographic information about the plaintiffs remains unknown. These variables include age, race/ethnicity, and disability status. These are factors that are not only important to track for policy purposes, but may also be expected to bear upon the level and kind of risk that plaintiffs face.

Consistent with national research literature, a far greater proportion of women than men in the City and County of Honolulu seek protection from the courts for domestic violence or harassment (Force, 1995; Harrell et al., 1993; Kinports & Fischer, 1993). It is a reasonable extrapolation that the majority of victims of these types of crimes are also women, whether or not they ever apply for restraining orders. While the number of men involved in the TRO process is significantly less than women, it is evident that abuse and harassment prompt many people, regardless of gender, to file for protective relief each year.

Although plaintiffs resided in all areas of Oahu, it is not possible to determine from the current study if the greater representation from the Honolulu and Ewa areas was the result of more concentrated population, and/or of better access to the Family Court and District Court, both of which are located in downtown Honolulu. There are many reasons that victims of domestic violence or harassment might choose not to seek a restraining order, including lack of familiarity with the TRO process, feeling intimidated by the legal system, lack of social support and advocacy, and, most likely, fear of retaliation by the defendant. Future study of the barriers to seeking a restraining order should be conducted to include consideration of access and geographic factors for victims in non-urban areas of the state.

A major limitation of this study is that it was not within the budget to include qualitative interviews with plaintiffs or defendants who participated in the TRO process. It is important to not only understand *who* the plaintiffs are in these cases, but also *how* they experience their involvement with the courts, police, and social service agencies. Given the scope of this study, it is difficult to make any conclusions about the experience of being the victim of intimate or acquaintance violence or ongoing harassment and going through the TRO process in Honolulu.

From whom, and under what circumstances, is protection sought?

Regarding the conditions that influence some individuals to petition the court for restraining orders in Hawai'i, there are certain factors about which substantive conclusions can be made from the results of this study. First, regardless of how the courts evoked information about acts of abuse/harassment, many specific types of abuse and threats were reported in TRO petitions. The most frequent forms of abuse, including pushing, grabbing, shoving, kicking, hitting and biting, were present in the overwhelming majority of cases—these are very serious and

potentially lethal acts of violence. In Family Court, where many plaintiffs and defendants were either married or in intimate relationships, property destruction and child abuse were also widely evident. Another major concern is the large proportion of defendants who were alleged to have threatened to kill or physically harm the plaintiff-petitioners. The domestic violence literature suggests that threats and abuse by intimates often escalate over time, and therefore that reports from petitioners must be taken seriously (Chalk & King, 1998; Dobash & Dobash, 1992; Edleson & Tolman, 1992). A more comprehensive assessment of risk and imminent harm should be incorporated into the current TRO petition process, so as to provide judges with better information regarding plaintiffs' protection and safety needs.

Family Court plaintiffs indicated significantly more frequent and severe abuse than did District Court plaintiffs. This is likely due to two factors. As noted in the description of TRO filing procedures, Family Court plaintiffs are directed to respond to specific abuse and threat items in their petitions; District Court petition documents, however, do not list any specific abuse or threat types which plaintiffs may select to indicate the nature or type of violence that is occurring. Second, the intimate nature of most Family Court cases, in which the majority of plaintiffs and defendants are either married, in live-in relationships, or related to each other, may result in longer, more extreme histories of abuse.

Family Court and District Court defendants were most likely to be males, on average 37 or 35 years of age, respectively, and residing in Honolulu, Ewa, or Koolaupoko. They did not appear to use firearms or other weapons against the plaintiff, and generally did not have access to them. District Court defendants were very similar to the Family Court cohort. They were males residing in Honolulu, Ewa or Koolaupoko, with a mean age of 35, who also did not have access to or use weapons against the plaintiffs.

While most plaintiffs and defendants in the Family Court sample were married or in intimate, non-married relationships, the relationship data must be considered with caution. In the Family Court petition, plaintiffs were given a forced-choice item in which to indicate the type of relationship they had with the defendant, and could choose from responses that only included marriage, parent-child or blood relationship, and cohabitation status. This poorly structured questionnaire item clearly yields invalid, unreliable, and/or missing data. The District Court TRO petition did not contain any specific questions about the relationship between the petitioner and respondent, and therefore relied solely on the plaintiff's narrative from which to determine this information.

The study is also limited by the lack of key information on plaintiffs and defendants in court documents. Neither court consistently collected basic information about plaintiffs and defendants such as gender, race/ethnicity, age, relationship between plaintiff and defendant, relationship between plaintiff and minor children residing with plaintiff or defendant, relationship between defendant and minor children residing with plaintiff or defendant, ages of minor children, source of income, military status, disabilities of parties, language requirements, and literacy of parties. Recording this information would enhance both the policy and system response to the problem of domestic and acquaintance violence in Hawai'i.

These findings illustrate the need to develop a petition process that gathers more consistent and accurate information about the plaintiff, defendant, and the circumstances in which

abuse and harassment occur. Policies and procedures should be both internally consistent within and between each of the respective courts. The protection and interests of plaintiffs, defendants, and their family members are best served when those in the criminal justice system are well informed about the complex context of domestic violence.

What circumstances are associated with the granting or denial of restraining orders?

Conclusions about the conditions that influence the granting of restraining order petitions are tenuous. Since most of the plaintiffs in both courts indicated that many types of abusive acts and threats were perpetrated against them, little distinction can be drawn among them on the basis of reported risk factors. In Family Court, all of the ex parte petitions were granted, as compared similarly to 88% of the District Court petitions. This high rate of granted petitions suggests a number of things. First, judges in Hawai'i clearly understand the spirit of the law, which stresses the importance of affording TRO plaintiffs immediate protection from defendants. This is consistent with judicial practices in domestic violence courts around the country (Gamache et al., 1988; Gondolf et al., 1994; Hart, 1995; Project, 1996). However, because virtually every plaintiff in the study indicated the presence of serious abusive and threatening acts, it is reasonable to expect nearly unanimous granting of the ex parte petitions.

Second, the few cases in which TRO petitions were denied by the District Court were related to lack of evidence or support for enjoining the defendant from abuse and harassment without due cause. Again, it is most important to acknowledge that only a small percentage of ex parte petitions were denied for these reasons. Given the fact that District Court petitioners not only complete their petitions without the assistance of advocates or social service staff, but also that the petition form requires a certain level of English language and writing skills to complete the request for relief, it is somewhat surprising that more petitions are not denied at the ex parte phase of the TRO process.

In many ways, the relative homogeneity of plaintiffs and petitions allowed for few surprising findings. No statistically significant differences were revealed between the various judges who granted or denied petitions to extend restraining orders at the show-cause hearing, which may be due to the expertise and experience of the judges who hear these cases. As the majority of defendants appeared at the hearings, it is probably that they not only understood the seriousness of being served with a restraining order, but also appreciated the consequences that might ensue if they failed to appear.

There was no significant relationship between the granting of TROs and whether or not plaintiffs and/or defendants appeared at the show cause hearing. There were also no notable differences between appearing on one's own behalf versus being represented by counsel, and whether or not a restraining order or injunction against harassment was granted. Again, this may be attributable primarily to the manner in which the judges in these cases understand and hear them, i.e., judges may not be particularly influenced by the presence of legal counsel versus parties appearing *pro se* (representing oneself). Of course, it must be noted that the study did not measure the value of legal services in terms of the "peace of mind" or "customer satisfaction" that are possibly experienced by parties represented by legal counsel.

There appeared to be a positive influence from the presence of non-legal assistance on the granting of Family Court TROs; this is probably due to the cases in which the Adult Services Branch was involved. One of the most important services that can be offered for plaintiffs in TRO cases is assistance with the filing process. It is reasonable to conclude that the more consistent reporting of different types of abuse and other factors by Family Court petitioners is due at least in part to more provision for precise documentation in their forms and the supportive advocacy provided by ASB and Students & Advocates for Victims of Domestic Violence. This kind of assistance can not only enhance the filing process for TRO petitions, but also increase the substance and accuracy of the information that judges use to determine risk.

What types of conditions are ordered, and for how long?

In terms of the conditions ordered at both the ex parte and the hearing stages of the TRO process, most plaintiffs received what they requested in their petitions. It is evident that as long as plaintiffs are able to describe the occurrence of abusive or threatening acts, either in narrative form for the District Court or by checking off boxes in the Family Court petitions, their requests for various forms of relief will be granted. The most significant barrier in this process is the lack of literacy assistance for those who find it difficult to read and complete the written petition.

Ex parte TROs are readily and consistently granted. There are no significant differences between reports of various forms of abuse or threats and the granting or denial of petitions at the ex parte stage, since most petitions are initially granted. The finding that denial of Family Court TRO petitions at the ex parte stage is so rare suggests that judges may feel it is better to grant protection to plaintiffs at the outset than it is to possibly underestimate the potential for subsequent harm to the plaintiff.

Only a small percentage of Family Court plaintiffs request that defendants vacate a joint residence (20%). This may be explained in a number of ways which are consistent with the literature on domestic violence victims who file for restraining orders (Force, 1995; Harrell et al., 1993). First, many defendants only vacate their homes after an abusive incident occurs and during the “crisis” period in which plaintiffs might be applying for relief. Second, many defendants assess their overall domestic violence situation as temporary, hence their amenability to file for a “temporary restraining order.” This may be due to promises that the defendant will cease his/her abusive or threatening behavior, or because of assurances that the defendant (along with the plaintiff and other family members) might get some kind of counseling or treatment to help change his/her behavior. In any case, most plaintiffs and defendants do not feel it is desirable or necessary for the defendant to permanently vacate a shared residence.

About one-third of restraining orders were not granted at the hearing phase of the TRO process. The primary reason for this was either that the plaintiff withdrew the petition before a decision was rendered (53% in District Court) or the petition was dissolved at the plaintiff’s request (53% in Family Court). It is not uncommon for plaintiff-victims to withdraw from various kinds of interventions for domestic violence due to a complex of reasons such as threats from the perpetrator, hopefulness that the situation will abate, and financial dependence (Chalk & King, 1998; Force, 1995; Klein, 1998). While the proportion of study plaintiffs who withdrew their TRO petitions was relatively small, it is suggested that they were potentially still in jeopardy,

especially if they were residing with the defendant. More research is needed to better understand this subpopulation of TRO plaintiffs.

The second most frequent reason for not granting the TRO in either court was that the petition was denied or dismissed by the judge. This finding is difficult to interpret, as there were no significant differences between certain types of petitions, petitioners, and defendants and the likelihood for petitions to be granted. Therefore, this finding is perhaps best understood in the context of evidence or other information presented at the hearings, upon which presiding judges make their final decisions. From observation of the TRO hearing process in both courts, it is evident that occurrences in the courtroom can override or strengthen any petition that was written ten days previously. As such, this issue suggests an area for continued qualitative research involving interviews with plaintiffs, defendants, judges, advocates, and law enforcement personnel.

Unlike many other jurisdictions across the nation where mutual restraining orders are common, and earlier periods in which they were the norm (Dobash & Dobash, 1992; Hart, 1995; Schechter, 1982), the minuscule number of mutual injunctions granted in the Honolulu courts suggests that local judges clearly understand the dynamics of intimate and acquaintance violence. By carefully assessing the differences between *primary aggressors* and *mutual aggressors*, and acts of violence that are committed in self-defense, the Honolulu domestic violence courts operate under a clear understanding of the complexity of relationship abuse, and in support of the proposition that it is critical to protect plaintiffs who make a good faith claim for protection from perpetrators of violence.

A potentially alarming finding is that, in spite of the large number of reports of all types of violence and threats, relatively few Family Court defendants—and no District Court defendants—were required to attend anger, abuse, or substance abuse programs. Domestic violence research over the last twenty years suggests that counseling alone is inadequate to fully address relationship violence, however in combination with TROs, consistent police response, TRO enforcement, and some jail time for violators, defendants are more likely to change their abusive behavior (Hart, 1995; Project, 1996; Tolman, 1996). Hawaii has many successful batterer treatment and substance abuse programs to which the courts could more often choose to refer defendants.

Finally, less than half of the Family Court restraining orders were granted for the full 36 months allowed, as compared with District Court, which granted 36-month restraining orders in 71% of the cases. There are reasons that plaintiffs may be reluctant to request a restraining order for a three-year period, especially at the hearing stage when plaintiffs may be in the presence of the defendant. When the plaintiff and defendant are married, as is often the case in Family Court petitions, increased acts of intimidation, threats to take the children away, promises to change abusive behavior, and other tactics by the defendant are intended to dissuade the plaintiff from maintaining the original resolve for protection. This may be in part attributed to the fact that some Family Court plaintiffs are reluctant to seek long-duration orders in cases where defendant fathers/breadwinners would be unable to have legal contact with the spouses and families who are dependent upon them for material support.

In conclusion, while this study found that the courts are generally responsive to plaintiffs' requests for protection, there are some factors that may negatively impact plaintiffs' ability to successfully negotiate the TRO process. One barrier, the confusing and insufficient petition documents used by the courts, could be remedied by redrafting the documents so as to gather more accurate and complete information, in an easier-to-understand fashion. Other, more longstanding and deeply ingrained issues surrounding the complicated nature of intimate and acquaintance abuse remain more difficult to address.

After a restraining order has been granted, what happens in terms of police reports, penal summons issuance, arrests and convictions for restraining order violations?

Three observations arise from the analysis of police report data. First, 50% of Family Court and 75% of District Court TRO defendants were not suspects in subsequent police reports with the TRO plaintiff as victim/complainant; these statistics are meaningful only when considered in whatever context is appropriate to the discussion at hand. (Plaintiff under-reporting, too, must always be considered.) Second, police reports revealed a significant number of restraining order violations—378 reports involving 153 TRO defendants, plus 162 reports with 117 TRO defendants as suspects for other forms of interpersonal violence—suggesting a need for danger and lethality assessments, follow-ups with plaintiffs, and additional protective interventions. And third, future research should more further explore police report data in order to better assess the effectiveness of restraining orders in deterring intimate or acquaintance violence and harassment.

A standard TRO requirement for defendants to remain free of arrests and/or convictions for any type of interpersonal violence, against any victims, might also be considered, along with a standard order for an assessment of defendants' various counseling, education, and/or treatment needs. The purpose of standard conditions is to increase the efficacy of the restraining order as a tool for intervention and prevention of harassment and violence; the addition of these two conditions would send a clear message to TRO defendants and the community that violence will not be tolerated, while providing defendants with direct assistance in stopping their violent behaviors.

A majority of the defendants in Family Court and District Court TRO petitions were not suspects in police reports, arrests (for offenses included in the study) or reported restraining order violations for up to two years after the filing of the TRO petition. Although it is a positive indicator for the efficacy of restraining orders in some situations, the results can not be seen as conclusive. Information on non-reported violence or harassment must be obtained from plaintiffs, and a comparison of police reports and arrests during the two-year period prior to the filing of the TRO petition with the reports and arrests subsequent to the filing is needed.

It is interesting that more defendants named in ex parte TROs granted at District Court were suspects in police reports and/or arrested than were those in ex parte TROs which were not granted. One explanation is that the latter defendants were less criminally inclined than were the former. Conversely, plaintiffs who sought and received a TRO experienced an evidently positive outcome and therefore might be more likely to seek subsequent assistance by filing a police report. Another explanation is that some defendants may have escalated the frequency or level of violence against the plaintiff in order to "regain control."

The analysis of TRO violations, police reports, and arrests leads to four recommendations designed to improve system effectiveness and increase victim safety. First, the current criminal justice system response should be modified to identify all “violations,” regardless of their actual crime classification. The courts’ present sentencing structures for restraining order violations do not appear to take into account convictions for “violations” that come into the system classified as other types of crimes, even though they involve interpersonal violence by the defendant against the plaintiff.

Second, and related to the classification of violations, training is needed to provide various criminal justice system personnel and community agencies with information on the statutes that are relevant to restraining order violations. Upon reviewing the police reports and talking with various representatives, it was found that there is confusion among some representatives of the criminal justice system and community agencies as to which statute numbers are used in police reports to identify restraining order violations. Most were clear that HRS section 710-1077 is used for violations classified as criminal contempt, but many were not sure which violations are classified as contempt. Also, while most agreed that Family Court and District Court violations are often classified as HRS section 586-11, others noted that in some circumstances HRS section 586-004 and HRS section 586-005 are used in police reports to indicate violations of a TRO or protective order, respectively. However, others believed that 586-004 is used in police reports to indicate the police have received copies of TRO documents, and that 586-005 indicates the police have received copies of the restraining orders after the hearing phase.

Third, consistent sentencing for a first TRO violation would send a strong message that District Court, Family Court, and the community consider violations of any type to be unacceptable. This sentencing could include automatic counseling, assessment for substance abuse, fines, and/or possibly a minimum of one day in jail. TRO violators could also be ordered to contribute to counseling programs and/or the Crime Victim Compensation Commission.

Fourth, early intervention efforts should be included when judges grant restraining orders and injunctions against harassment. For example, when the conditions of restraining orders and injunctions against harassment are set by the judge, counseling should always be ordered, along with substance abuse assessments if indicated by the testimony or evidence provided in the TRO petition. These orders are likely to increase victim safety by requiring defendants to get help before the violence or harassment escalates to an even more dangerous or lethal stage. Domestic violence intervention services could work in partnership with the courts and the police to identify TRO defendants reported or arrested for any violations after a petition has been filed with the court. The cost of such programs may appear prohibitive at first; however, early intervention may ultimately be cost-effective by significantly reducing the number of actual and reported violations, arrests, and subsequent cases proceeding through the system. Most importantly, early intervention may save lives and decrease the number of individuals routinely living in fear and danger.

Finally, most of the findings and subsequent recommendations of this study suggest the need for a more formalized and coordinated systems-response to domestic violence in which the courts, police, prosecutors, social service programs, legal advocates, child welfare agencies, and institutions such as schools, churches, health clinics and hospitals, and other organizations give a clear message of zero-tolerance for domestic violence in Hawai‘i. A nationally known model, *the*

coordinated community response to domestic abuse has been demonstrated effective in significantly curbing domestic violence in cities across the United States (Domestic Abuse Intervention Project, 1996). The state of Hawai'i should consider adapting such a perspective and model for local prevention and intervention efforts.

Additional Recommendations

- Family Court and District Court administrators and judges should consider coordination of training on policies, violation sentencing guidelines, procedures, language in orders and forms, and joint jurisdiction in relevant situations between the two courts. Recognizing that this coordination would require monetary and human resources, a grant sought specifically for the purpose of hiring contractual assistance is one possibility for achieving this goal.
- Assistance should be provided to District Court plaintiffs at the petition filing stage to insure that critical information is included in all ex parte petitions, to increase awareness of the types of relief available, to assess plaintiff needs, to offer early intervention, and to make community resources more readily available.
- Offer safe mediation or alternative dispute resolution outreach services to District Court plaintiffs seeking restraining orders, when such cases are appropriately assessed for risk and lethality.
- Develop consistent, reliable policies and procedures to identify which factors determine whether judges will require TRO defendants to undergo assessment for substance abuse or domestic violence intervention counseling, substance abuse treatment, supervised visitation, or order temporary physical and/or legal custody to plaintiffs or defendants, or specify the use of family visitation centers by parties with minor children.
- Allow permanent restraining orders and develop factors to insure consistency in judicial determination of the length of time orders are in effect.
- The courts are urged to consistently collect basic demographic information about the plaintiffs and defendants to help determine resource needs for ex parte and show-cause hearings, for use by court and private sector administrators, grant writers, and researchers. Doing so would lead to more effective policy, and the development of better procedures, programs, and resources.
- Provide additional support, advocacy and legal service for plaintiffs at Family Court and District Court, similar to what is provided by the Domestic Violence Clearinghouse and Legal Hotline and the AmeriCorps Students & Advocates for Victims of Domestic Violence. This would increase plaintiff access to protection and support, lead to more effective outcomes at hearings, increase information available to both parties, and afford judges more court time to focus on providing appropriate interventions.

REFERENCES

- Chalk, R., & King, P. A. (Eds.). (1998). *Violence in families: Assessing prevention and treatment programs*. Washington, D. C.: National Academy Press.
- Dobash, R. P., & Dobash, R. E. (1992). *Women, violence and social change*. London: Routledge.
- Domestic Abuse Intervention Project. (1996). *The Duluth model: Building a coordinated community response to domestic violence*. Duluth, MN: Minnesota Program Development, Inc.
- Edleson, J., & Tolman, R. M. (1992). *Intervention for men who batter: An ecological approach*. Newbury Park, CA: Sage.
- Gamache, D. J., Edleson, J. L., & Shock, M. D. (1988). Coordinating police, judicial and social service response to woman battering: A multi-baseline response across three communities. In G. T. Hotaling, D. Finkelhor, J. T. Kirkpatrick, & M. Straus (Eds.), *Coping with family violence: Research and policy perspectives* (pp. 193-209). Newbury Park: Sage Publications.
- Gondolf, E. W., McWilliams, J., Hart, B., & Streuhling, J. (1994). Court response to petitions for civil protection orders. *Journal of Interpersonal Violence, 9*(4), 503-517.
- Harrell, A., Smith, B., & Newmark, L. (1993). *Court processing and the effects of restraining orders for domestic violence victims*. Washington, D.C.: Urban Institute.
- Hart, B. (1995, March 31, 1995). *Coordinated community approaches to domestic violence*. Paper presented at the Strategic Planning Workshop on Violence Against Women, National Institute of Justice, Washington, D.C.
- Hawai'i League of Women Voters. (1998). *Report: Domestic violence and victim safety in Hawai'i*. Honolulu: League of Women Voters of Hawai'i.
- Kinports, K., & Fischer, K. (1993). Orders of protection in domestic abuse cases: An empirical assessment of the impact of reform statutes. *Texas Journal of Women and the Law, 2*, 163-276.
- Klein, R. I. (Ed.) (1998). *Multidisciplinary perspectives on family violence*. London: Routledge.
- National Coalition Against Domestic Violence. (1992). *A current analysis of the battered women's movement*. Denver: Battered Women/Formerly Battered Women's Task Force of the National Coalition Against Domestic Violence.
- Public Justice Center Domestic Violence Task Force (1995). *Courtwatch: A report on civil protection orders in Maryland domestic violence cases*. Baltimore.

Schechter, S. (1982). *Women and male violence: The visions and struggles of the battered women's movement*. Boston: South End Press.

Tolman, R. M. (1996). Expanding sanctions for batterers: What can we do besides jailing and counseling them? In J. Edleson & Z. Eisekovits (Eds.), *Future interventions with battered women and their families* (pp. 170-185). Thousand Oaks, CA: Sage.

Vasey, I. E. (1992). *The temporary restraining order process in the First Circuit: A report by the Domestic Violence Clearinghouse and Legal Hotline on policies and procedures*. Honolulu: Domestic Violence Clearinghouse and Legal Hotline.

Yllo, K., & Bograd, M. (1988). *Feminist perspectives on wife abuse*. Newbury Park, CA: Sage.

Appendix A: Characteristics of Plaintiffs Who Petitioned Oahu Courts for Temporary Restraining Orders July 1, 1996 - December 31, 1996

Plaintiff Characteristics	Family Court Number of Plaintiffs (%) [N=397]	District Court Number of Plaintiffs (%) [N=233]
Gender		
Female	330 (83)	147 (63)
Male	68 (17)	86 (37)
Area of Residence		
Waianae	33 (8)	19 (8)
Waialua	10 (3)	6 (3)
Wahiawa	35 (9)	17 (7)
Koolauloa	7 (2)	6 (3)
Koolaupoko	76 (19)	35 (15)
Honolulu	146 (37)	79 (34)
Ewa	79 (20)	39 (17)
Neighbor Island	2 (<1)	1 (<1)
Out-of-State/Unknown	9 (2)	11 (5)
Sealed	0 (0)	20 (9)
Minors Petitioned on Behalf of or Residing with Plaintiff	222 (56)	55 (24)
Represented by an Attorney	3 (1)	10 (4)
Requested Filing Fee Waiver	63 (16)	13 (6)
Filed for Self /Self and Others	381 (96)	224 (96)
Filed for Others	16 (4)	8 (3)

Appendix B: Characteristics of Defendants Named in Temporary Restraining Order Petitions Filed in Oahu Courts July 1, 1996-December 31, 1996

Defendant Characteristics	Family Court Number of Defendants (%) [N=397]	District Court Number of Defendants (%) [N=233]
Gender		
Female	59 (15)	78 (33)
Male	338 (85)	154 (66)
Area of Residence		
Waianae	32 (8)	18 (8)
Waialua	8 (2)	10 (4)
Wahiawa	30 (8)	20 (9)
Koolauloa	7 (2)	5 (2)
Koolaupoko	56 (14)	37 (16)
Honolulu	124 (31)	103 (44)
Ewa	59 (15)	38 (16)
Neighbor Island/Out-of-State	6 (2)	0 (0)
Unknown	75 (19)	2 (<1)
Sealed	0 (0)	0 (0)
Missing	0 (0)	1 (<1)
Relationship of Defendant to Plaintiff		
Married	170 (43)	0 (0)
Divorced	17 (4)	3 (1)
Intimate, Not Married	48 (12)	46 (20)
Relative	66 (17)	4 (2)
Non-intimate, Non-relative	1 (<1)	127 (55)
Not Indicated	95 (24)	53 (23)

Appendix C: Conditions of Order Requested By Plaintiff in Ex Parte Petition, by Court

Proscribed/Prescribed Behaviors	Family Court Frequency (%) [N=397]	District Court Frequency (%) [N=233]
Contacting, threatening or physically abusing (or harassing) the plaintiff	397 (100)	214 (92)
Contacting, threatening or physically abusing (or harassing) any person(s) residing in plaintiff's residence	251 (63)	183 (79)
Telephoning the plaintiff	388 (98)	199 (85)
Entering or visiting the plaintiff's residence	395 (99)	206 (88)
Contacting, threatening or physically abusing (or harassing) the plaintiff at work	251 (63)	13 (6)
Contacting, threatening, or abusing (or harassing) minor child(ren) at school	168 (42)	4 (2)
Damaging plaintiff's or household member's property	395 (99)	NA (NA)
Psychologically abusing the plaintiff	395 (99)	NA (NA)
Immediately vacate plaintiff's residence and continue to stay away	80 (20)	NA (NA)
temporary child custody to be decided at hearing phase	173 (44)	NA (NA)
Child visitation to be decided at hearing phases	5 (1)	NA (NA)

Appendix D: Conditions Granted in Temporary Restraining Order Ex Parte, by Court

Proscribed/Prescribed Behaviors	Family Court Frequency (%) [N=397]*	District Court Frequency (%) [N=206]
Contacting, threatening or physically abusing (or harassing) the plaintiff	396 (100)	206 (100)
Contacting threatening or physically abusing (or harassing) any person(s) residing in plaintiff's residence	250 (63)	196 (95)
Telephoning the plaintiff	396 (100)	204 (99)
Entering or visiting the plaintiff's residence	395 (100)	206 (100)
Contacting, threatening or physically abusing (or harassing) the plaintiff at work	249 (63)	8 (4)
Contacting, threatening, or abusing (or harassing) minor child(ren) at school	170 (43)	NA (NA)
Damaging plaintiff's or household member's property	396 (100)	NA (NA)
Psychologically abusing the plaintiff	396 (100)	NA (NA)
Immediately vacate plaintiff's residence and continue to stay away	80 (20)	NA (NA)

*Detailed information is missing for one Family Court record.

Appendix E: Conditions Granted in Restraining Order or Injunction Against Harassment at Hearing, by Court

Proscribed/Prescribed Behaviors	Family Court Frequency (%) [N=283]*	District Court Frequency (%) [N=130]
<u>Threatening or physically abusing</u>		
Imposed on Defendant Only	278 (99)	NA (NA)
Imposed on Defendant and Plaintiff	4 (1)	NA (NA)
<u>Contacting, restraining or harassing the plaintiff or defendant</u>		
Imposed on Defendant Only	NA (NA)	130 (100)
Contacting, threatening or physically abusing (or harassing) any person(s) residing in plaintiff's residence	282 (100)	130 (100)
Telephoning the plaintiff	NA (NA)	130 (100)
<u>Prohibited from personally contacting</u>		
Imposed on Defendant Only	278 (99)	NA (NA)
Imposed on Defendant and Plaintiff	4 (1)	NA (NA)
<u>Entering or visiting the plaintiff's residence (or within 3 blocks of)</u>		
Imposed on Defendant Only	267 (95)	129 (99)
Imposed on Defendant & Plaintiff	4 (1)	NA (NA)
Condition Not Granted	11 (4)	1 (1)

*Detailed information not available for one restraining order granted at Family Court

Appendix F: Additional Conditions Granted in Restraining Order or Injunction Against Harassment at Hearing, by Court

Prohibited Behaviors	Family Court Frequency (%) [N=282]	District Court Frequency (%) [N=130]
Contacting, threatening or physically abusing (or harassing) the plaintiff at work	NA (NA)	128 (98)
Mutual Injunction Granted	NA (NA)	20 (15)
Defendant may have limited contact for:		
<u>Visitation</u>		
Limited Contact Allowed	108 (38)	NA (NA)
Condition Not Granted	173 (61)	NA (NA)
<u>Counseling</u>		
Limited Contact Allowed	16 (6)	NA (NA)
Condition Not Granted	266 (94)	NA (NA)
Defendant immediately vacate plaintiff's residence and continue to stay away	16 (6)	NA (NA)
<u>Police Escort to Pick-up Belongings</u>		
Imposed on Defendant Only	61 (22)	2 (2)
Imposed on Plaintiff Only	1 (<1)	NA (NA)
Imposed on Both	1 (<1)	NA (NA)
<u>Temporary Child Custody</u>		
Awarded to Plaintiff Only	148 (52)	NA (NA)
Joint Custody Awarded	2 (<1)	NA (NA)
Child Visitation - Special Conditions Set	125 (44)	NA (NA)

*Detailed information not available for one restraining order granted at family Court

Appendix G: TRO Defendants named as Suspects in Police Reports with TRO Plaintiff as Victim/Complainant, by Classification and Court*

Number of Police Reports in Crime Classification	Family Court # of Defendants (%) [N=199]	District Court # of Defendants (%) [N=58]
Restraining Order Violations		
0	84 (42)	20 (34)
1	54 (27)	19 (33)
2	23 (12)	8 (14)
3-5	29 (15)	5 (9)
6-10	8 (4)	6 (10)
11 or more	1 (<1)	0 (0)
Harassment		
0	186 (93)	45 (78)
1	12 (6)	8 (14)
2	1 (-)	3 (5)
3-5	0 (0)	2 (3)
6-10	0 (0)	0 (0)
11 or more	0 (0)	0 (0)
Abuse of Family and Household Member		
0	171 (86)	58 (100)
1	23 (12)	0 (0)
2	4 (2)	0 (0)
3-5	1 (<1)	0 (0)
6-10	0 (0)	0 (0)
11 or more	0 (0)	0 (0)
Sexual Assault		
0	192 (96)	57 (98)
1	1 (<1)	1 (2)
2	4 (2)	0 (0)
3-5	2 (1)	0 (0)
6-10	0 (0)	0 (0)
11 or more	0 (0)	0 (0)
Other Violent Crime		
0	162 (81)	40 (69)
1	31 (16)	13 (22)
2	4 (2)	1 (2)
3-5	2 (1)	4 (7)
6-10	0 (0)	0 (0)
11 or more	0 (0)	0 (0)
Criminal Property Damage		
0	187 (94)	53 (91)
1	11 (6)	5 (9)
2	1 (<1)	0 (0)
3-5	0 (0)	0 (0)
6-10	0 (0)	0 (0)
11 or more	0 (0)	0 (0)

Number of Police Reports in Crime Classification	Family Court # of Defendants (%) [N=199]	District Court # of Defendants (%) [N=58]
Other Property Crime		
0	177 (89)	51 (88)
1	17 (9)	6 (10)
2	4 (2)	0 (0)
3-5	1 (<1)	1 (2)
6-10	0 (0)	0 (0)
11 or more	0 (0)	0 (0)
Custodial Interference		
0	197 (99)	58 (100)
1	2 (1)	0 (0)
2	0 (0)	0 (0)
3-5	0 (0)	0 (0)
6-10	0 (0)	0 (0)
11 or more	0 (0)	0 (0)
Weapons Offense		
0	192 (96)	56 (96)
1	6 (4)	2 (4)
2	1 (<1)	0 (0)
3-5	0 (0)	0 (0)
6-10	0 (0)	0 (0)
11 or more	0 (0)	0 (0)
Suicide Attempt		
0	194 (97)	57 (98)
1	4 (2)	1 (2)
2	2 (1)	0 (0)
3-5	0 (0)	0 (0)
6-10	0 (0)	0 (0)
11 or more	0 (0)	0 (0)
Domestic Argument**		
0	159 (80)	55 (95)
1	30 (15)	3 (5)
2	8 (4)	0 (0)
3-5	2 (1)	0 (0)
6-10	0 (0)	0 (0)
11 or more	0 (0)	0 (0)

*From TRO petition filing date through December 31, 1998.

**Other police reports without a crime classification (e.g., abuse warning, trespass warning, non-family argument, miscellaneous crime) are not listed here.

Appendix H: TRO Defendants Arrested for Selected Offenses

Offense	Family Court # of Defendants (%) [N=199]	District Court # of Defendants (%) [N=89]
Restraining Order Violations		
0	122 (61)	71 (79)
1	40 (20)	13 (15)
2	23 (12)	1 (1)
3-5	12 (6)	3 (3)
6-10	2 (1)	0 (0)
11 or more	0 (0)	1 (1)
Harassment		
0	166 (83)	80 (90)
1	11 (6)	8 (14)
2	2 (1)	0 (0)
3-5	0 (0)	1 (1)
6-10	0 (0)	0 (0)
11 or more	0 (0)	0 (0)
Abuse of Family and Household Member		
0	151 (76)	65 (73)
1	42 (21)	14 (16)
2	5 (3)	6 (7)
3-5	1 (1)	4 (5)
6-10	0 (0)	0 (0)
11 or more	0 (0)	0 (0)
Sexual Assault		
0	194 (97)	87 (98)
1	3 (2)	1 (2)
2	0 (0)	0 (0)
3-5	2 (1)	0 (0)
6-10	0 (0)	0 (0)
11 or more	0 (0)	0 (0)
Other Violent Crime		
0	157 (79)	64 (72)
1	19 (10)	18 (20)
2	18 (9)	3 (3)
3-5	5 (2)	3 (3)
6-10	0 (0)	1 (1)
11 or more	0 (0)	0 (0)

Offense	Family Court # of Defendants (%) [N=199]	District Court # of Defendants (%) [N=89]
Criminal Property Damage		
0	180 (90)	85 (95)
1	15 (9)	4 (5)
2	2 (1)	0 (0)
3-5	0 (0)	0 (0)
6-10	0 (0)	0 (0)
11 or more	0 (0)	0 (0)
Other Property Crime		
0	145 (73)	69 (77)
1	32 (17)	13 (15)
2	8 (4)	2 (2)
3-5	10 (5)	3 (3)
6-10	2 (1)	2 (2)
11 or more	2 (1)	0 (0)
Custodial Interference		
0	199 (100)	87 (98)
1	0 (0)	2 (2)
2	0 (0)	0 (0)
3-5	0 (0)	0 (0)
6-10	0 (0)	0 (0)
11 or more	0 (0)	0 (0)
Weapons Offense		
0	198 (99)	89 (100)
1	0 (0)	0 (0)
2	0 (0)	0 (0)
3-5	1 (1)	0 (0)
6-10	0 (0)	0 (0)
11 or more	0 (0)	0 (0)
Other**		
0	134 (67)	64 (72)
1	32 (16)	14 (16)
2	16 (8)	6 (7)
3-5	14 (7)	3 (3)
6-10	2 (1)	2 (2)
11 or more	1 (1)	0 (0)

*From TRO petition filing date through December 31, 1998.

**Criminal contempt arrests were not included, other than noting whether or not defendants were arrested at least once for this offense during the study period. Ninety-one Family Court defendants and 50 District Court defendants were arrested for one or more criminal contempt offenses. Total number of defendants arrested increases to 199 for Family Court defendants and 89 for District Court defendants when criminal contempt arrests are included.

Appendix I: Criminal Justice System Response to TRO Defendants named as Suspects in First Restraining Order Violations Reported and Tracked through December 31, 1998*

Case Status as of December 31, 1998	Family Court First Violations Number (%) [N=110]**	District Court First Violations Number (%) [N=38]
Not in Prosecutor's Office	40 (36)	15 (39)
<u>Referred to Prosecutor</u>		
Penal Summons Issued	5 (5)	4 (11)
Arrested	65 (59)	19 (50)
Closed by Prosecutor	5 (4)	1 (3)
No Action by Prosecutor	8 (7)	1 (3)
Pending Briefing by Prosecutor	2 (2)	2 (5)
Pending Service of Penal Summons	2 (2)	0 (0)
Bench Warrant Issued at Arraignment and Plea (A & P)	2 (2)	1 (3)
Prosecutor Withdrew Case in Court (nolle prosequi)	0 (0)	2 (5)
Pending Trial	1 (<1)	2 (5)
Defendant Found Not Fit	0 (0)	1 (3)
Court Dismissed	4 (4)	4 (10)
Jury Trial, Plead No Contest	9 (8)	0 (0)
Jury Trial, Plead Guilty	10 (9)	0 (0)
Jury Trial, Found Guilty	3 (3)	0 (0)
Jury Trial, Found Not Guilty	0 (0)	0 (0)
Jury Waived Trial, Plead No Contest	7 (6)	5 (13)
Jury Waived Trial, Plead Guilty	1 (<1)	0 (0)
Jury Waived Trial, Found Guilty	0 (0)	1 (3)
Jury Waived Trial, Found Not Guilty	0 (0)	1 (3)
A & P, Plead Guilty	10 (9)	0 (0)
A & P, Plead No Contest	6 (5)	2 (5)

*It is important to consider that violations reported near the end of the study period would not have had an opportunity to proceed much further through the criminal justice system.

**Case status data were are missing for five Family Court defendants.

Appendix J: Criminal Justice System Response to TRO Defendants named as Suspects in All Restraining Order Violations Reported and Tracked through December 31, 1998*

Case Status as of December 31, 1998	Family Court Violations Number (%) [N=278]**	District Court Violations Number (%) [N=100]
Not in Prosecutor's Office	95 (34)	38 (39)
<u>Referred to Prosecutor</u>		
Penal Summons Issued	32 (12)	2 (2)
Arrested	149 (54)	49 (49)
Closed by Prosecutor	15 (5)	2 (2)
No Action by Prosecutor	12 (4)	5 (5)
Pending Briefing by Prosecutor	6 (2)	8 (8)
Pending Service of Penal Summons	7 (3)	2 (2)
Bench Warrant Issued at Arraignment and Plea (A & P)	2 (1)	2 (2)
Prosecutor Withdrew Case in Court (<i>nolle prosequi</i>)	3 (1)	8 (8)
Pending Trial	1 (<1)	5 (5)
Defendant Found Not Fit	0 (0)	1 (1)
Court Dismissed	10 (4)	6 (6)
Jury Trial, Plead No Contest	26 (9)	0 (0)
Jury Trial, Plead Guilty	28 (10)	0 (0)
Jury Trial, Found Guilty	15 (5)	0 (0)
Jury Trial, Found Not Guilty	2 (<1)	1 (1)
Jury Waived Trial, Plead No Contest	14 (5)	15 (15)
Jury Waived Trial, Guilty	5 (2)	0 (0)
Jury Waived Trial, Found Guilty	1 (<1)	1 (1)
Jury Waived Trial, Found Not Guilty	1 (<1)	1 (1)
A & P, Plead Guilty	21 (8)	0 (0)
A & P, Plead No Contest	12 (4)	2 (2)

*It is important to consider that violations reported near the end of the study period would not have had an opportunity to proceed much further through the criminal justice system.

**Case status data were missing for five Family Court defendants.

(The map of Oahu Districts is not available in the electronic version of this report.)

NOTES

In accordance with the Americans with Disabilities Act, P.L. 101-336, this material is available in an altered format, upon request. If you require an altered format, please call the Department of the Attorney General, Crime Prevention and Justice Assistance Division at (808) 586-1150. TDD: Oahu, 586-1298; neighbor islands, 1-877-586-1298.