

(UN)PROTECTED

OKLAHOMA'S PROTECTIVE ORDER
PROCESS FAILS TO PROVIDE
THE SAFETY PROMISED TO VICTIMS

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Report team:

Colleen McCarty, Esq., Executive Director of Oklahoma
Appleseed Center for Law and Justice

Leslie Briggs, Esq., Legal Director at Oklahoma Appleseed Center
for Law and Justice

Katherine Griesbach, Juris Doctor Candidate, University of Tulsa
College of Law 2023

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the Protections Promised to Victims

Purpose and Scope

This report evaluates the protective order system in Oklahoma to assess the strengths and utility of the system, illuminate challenges, and recommend changes.

First, this report describes the current protective order system authorized by Oklahoma law, as well as the kinds of punishments abusers potentially face after violating these orders. Next, it examines the challenges facing the current protective order system in Oklahoma, including revealing common barriers to obtaining and enforcing these orders.

Finally, the report concludes with recommendations and solutions because the current system does not prioritize victim well-being and routinely fails to keep victims safe from harm.

Methodology

Information from this report was gathered by Oklahoma Appleseed staff and our research fellow from numerous community experts and stakeholders including attorneys, judges, psychologists, victims, legal researchers, police officers, and victim advocacy organizations. Additional information was gathered by observing the Tulsa and Oklahoma County protective order dockets and listening to narratives of victims who have been affected by the protective order system. Information has been anonymized where necessary or requested.

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EXECUTIVE SUMMARY

Protective orders have almost no discernible impact on reducing domestic violence.

Oklahoma recently rose to number one in domestic violence in the United States after 27 intimate partner homicides occurred in Tulsa County from April 2023-July 2023 alone.

A civil protective order is a legal process intended to protect victims of domestic violence, stalking, and sexual assault. In reality, this legal process exposes survivors to more risk of danger with almost no discernible benefit.

According to the most recent report released by the Oklahoma Domestic Violence Fatality Review Board (“ODVFRB”), the number of domestic violence-related homicide victims has steadily and consistently increased since 2012. In 2021, there were a staggering 118 domestic violence homicide victims.

Also in 2021 there were 18,973 protective orders issued in Oklahoma. This figure represents a 7.6% increase from the number of orders issued in 2020. Yet, there were 118 domestic violence-related homicide victims in this state in 2021 compared to 119 in 2020.

Despite more protective order applications being filed and orders issued, relatively the same number of individuals are dying due to domestic violence.

In Oklahoma County in 2021, more than 42,000 calls for service were made to law enforcement for a domestic violence incident, including violations of a protective order. Of those calls, only 926 resulted in an arrest. Still fewer resulted in a prosecution and even fewer a conviction.

Staffing numbers for the Tulsa Police Department indicate that with current staffing levels of the Family Violence Unit, detectives can spend about **one hour** of time on each domestic violence case they have to investigate.

Protective orders are cumbersome and tiring for survivors of interpersonal violence to try to obtain, made more difficult by Oklahoma’s restrictive process serving requirements. Survivors must return to court every two weeks until their abuser is served, or risk the protective order being dropped by the court.

Oklahoma needs a robust, multi-disciplinary, and coordinated strategy to tackle the public health crisis that is domestic violence. And if the state isn’t going to invest in making protective orders a valid piece of the violence prevention puzzle, then it needs to ask if the \$28 million per year in police response to domestic violence calls, and the \$2.6 million in judicial costs for protective order dockets is worth it for a system that does not deliver on safety for victims.

KEY RECOMMENDATIONS

- Create a criminal protective order process to separate high-risk protective orders from civil processes.
- Authorize service by publication for protective orders that cannot be served by traditional means.
- Increase trauma informed officer training on domestic violence and coercive control.
- Address high rates of officer-involved domestic violence within police forces.
- Create a robust non-compulsory intervention point at the time of protective order filing.
- Create gender violence clinics at Oklahoma’s law schools to help address the lack of legal services for domestic violence victims

Introduction

A. A Protective Order Did Not Save Ashley Pfannenstiel.

Two sentences in the summary order¹ issued in case number PO-2023-34 out of McClain County, Oklahoma exemplify the urgent need to reform the protective order process in this state: “This case is dismissed. Both parties are deceased.”²

On the morning of April 8, 2023, officers of the Blanchard Police Department responded to Ashley Pfannenstiel’s home after receiving a report of a domestic dispute.³ Upon their arrival, Konrad Pfannenstiel exchanged fire with the officers, wounding one. The officers returned fire and were finally able to enter the home.⁴ After gaining entry, the officers found both Ashley and Konrad dead.⁵ Konrad had shot and killed Ashley and then himself.

Ashley had previously applied for a protective order against her husband Konrad.⁶ The judge granted her an emergency order. While Ashley was able to obtain an emergency protective order, Konrad had effectively avoided being served with a copy of the order and the notice of the upcoming final protective order hearing.⁷ As a result, the hearing had to be rescheduled for a later date so that Konrad could be properly served.⁸ Konrad shot and killed Ashley before service could be accomplished.⁹ Tragically, the emergency protective order included a provision that Konrad must turn over any firearms in his possession. Still, the court’s command to turn in his guns did nothing to actually stop Konrad from shooting Ashley and then himself.¹⁰

¹ A Summary Order is a legal decision handed down by the court which disposes of a case (i.e., a legal decision that is issued without a formal opinion by the court).

² Summ. Order. 1. Apr. 11, 2023.

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ Zach Rael, “Blanchard Family Has Message for Others after Man Kills Wife in Murder-Suicide,” KOCO (Apr. 14, 2023) <https://www.koco.com/article/oklahoma-blanchard-murder-suicide-family-speaks-warning/43600726>

⁷ ⁷ Pfannenstiel v. Pfannenstiel, PO-2023-00034 McClain County, (OK, Mar. 29, 2023) (OSCN) <https://www.oscn.net/dockets/GetCaseInformation.aspx?db=mcclain&number=PO-2023-00034&cmid=108997>

⁸ Summ. Order. 1. Apr. 3, 2023; Persons who commit harms must be served documents notifying them of their being called into court prior to any final determinations being made. Therefore, in Protective Order cases, if the individual against whom the order is sought is not served prior to the originally-scheduled hearing, the judge may issue a new Emergency Protective Order along with a later hearing date in order to ensure that service will be obtained prior to a Final Protective Order, which can be granted for up to five years, being issued.

⁹ [Rael, supra note 6.](#)

¹⁰ *Id.*

Ashley is survived by her two young children, one aged two and the other just five months old at the time of the incident.¹¹ Ashley's horrific murder is the visceral consequence of the vast failings of the protective order system in Oklahoma. This system does little to protect those who seek its refuge. It is also easily manipulated by abusers against those deserving of its protection. Frustratingly, our system of law enforcement frequently discounts the narratives of abuse survivors who have not availed themselves of the protective order system—effectively punishing them in their cases if they did not utilize a system that fails to keep them safe. This is true despite the stark reality that the mere act of filing for a protective order often triggers abusers to escalate their violence. This inefficient and ineffective system has orphaned at least two children in 2023 in Oklahoma. Unless we are willing to reform its functions and purpose, it will continue to enable the murders and abuse of victims and the destruction of families.

B. What is a Protective Order?

A protective order is a legal intervention designed to stop violent and harassing behavior and to protect the petitioner from the abuser.¹² They can be issued by criminal courts to persons charged with assault or other crimes, by family courts in the context of divorce proceedings, or by civil courts after a hearing in which a petitioner presents a case of violence, stalking, or harassment and asks for a court order to stop these behaviors.¹³ The concept of a protective order has only existed in the American legal system since the 1970s.

C. Oklahoma Has a Domestic Violence Crisis on its Hands.

Oklahoma is second in the nation for the number of women killed by men.¹⁴ The vast majority - nearly 63% - of those murders are between intimate partners.¹⁵ From April to July 2023 alone, Tulsa County had 27 domestic violence fatalities.¹⁶ According to the most recent report released

¹¹ [Rael, *supra* note 6.](#)

¹² “Restraining Orders: What are the Grounds for Getting a Protective Order?” Women’s Law, (Aug. 7, 2023, 11:50AM), <https://www.womenslaw.org/laws/ok/restraining-orders/domestic-violence-protective-orders/basic-information/what-are-reasons>

¹³ Christopher T. Benitez, Dale E. McNiel, & Renée L. Binder, “Do Protection Orders Protect?” 38 (3) J. OF THE AM. ACAD. OF PSYCHIATRY AND THE LAW ONLINE 376-385 (Sep. 2010). <https://jaapl.org/content/38/3/376>

¹⁴ Violence Policy Center, *When Men Murder Women: An Analysis of 2018 Homicide Data*, (Aug. 7th, 2023, 12:03PM), <https://vpc.org/studies/wmmw2020.pdf>

¹⁵ *Id.*

¹⁶ Jennifer Maupin & Naomi Kite, “Oklahoma top in US for Domestic Violence, Third in Domestic Homicides,” 2 NEWS KJRH (Jul. 27, 2023, 2:24PM), <https://www.kjrh.com/news/local-news/oklahoma-top-in-us-for-domestic-violence-third-in-domestic-homicides>

by the ODVFRB, the number of domestic violence-related homicide victims has steadily and consistently increased since 2012.¹⁷ In 2021, there were a staggering 118 domestic violence homicide victims.¹⁸

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Homicide cases	85	86	86	89	89	75	82	97	106	104
Total homicide victims	88	90	93	94	95	82	88	114	119	118
IPH victims only	40	43	39	36	37	37	44	43	45	26
Child victims <18	14	14	18	24	15	11	14	17	13	19
Homicide perpetrators	92	89	91	100	95	83	85	108	112	110
Homicide perpetrators who died / were killed	21	10	14	17	10	9	17	19	19	16

Source: Ann. Rep. of the Okla. Domestic Violence Fatality Review Bd., at 4 (2022).

Also in 2021, there were 18,973 protective orders issued in Oklahoma.¹⁹ This figure represents a 7.6% increase from the number of orders issued in 2020.²⁰ Yet, there were 118 domestic violence-related homicide victims in this state in 2021 compared to 119 in 2020.²¹ Despite more protective order applications being filed and orders issued, relatively the same number of individuals are killed due to domestic violence. Countless more are injured after the filing of a protective order, but not killed. These statistics raise questions about the utility and effectiveness of protective orders.

Why was there a statewide increase of 7.6% for the number of protective orders issued in 2021? Why did the increase in protective orders do nothing to curb the increasing rate of domestic violence homicides in the state? Are law enforcement officers capable of enforcing protective orders and investigating violations of those protective orders? Should law enforcement agencies and the criminal justice system be the only responders to domestic violence incidents, especially those involving the violation of a protective order? What, if anything, can be done to improve the effectiveness of protective orders?

¹⁷ Ann. Rep. of the Okla. Domestic Violence Fatality Review Bd., at 4 (2022).

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.* at 27.

²¹ *Id.* at 4.

The answers can be separated into two categories: 1) improving court processes in obtaining a protective order for efficiency and 2) improving enforcement through law enforcement and court innovation.

Protective orders are difficult for survivors of interpersonal violence to get. There are barriers to obtaining transportation to the courthouse, barriers to understanding the forms, the financial burden of filing fees and legal fees if the survivor is able to hire an attorney, and language barriers for survivors for whom English is not their first language. In addition to these practical concerns, a protective order can add chaos and complication to existing criminal or family court proceedings.

On the flip side, once the protective order is granted, there are great difficulties with enforcement. The need for responses to domestic violence situations is too great for police departments to respond to each one. In rural areas, there are few domestic violence services, and response time for calls to law enforcement can range from one to three hours. A lot can happen in that amount of time.

In fact, the system of domestic violence law enforcement is so overwhelmed with reports of domestic violence, including violations of protective orders, that police officers simply cannot adequately investigate every report of a violation of a protective order made to them. Two examples from Oklahoma's largest metropolitan areas highlight the extreme need for more resources dedicated to responding to domestic violence - especially reports of violations of protective orders:

Oklahoma City

In 2021 more than 42,000 calls for service were made to law enforcement for a domestic violence incident, including a violation of a protective order. Of those calls, only 926 resulted in an arrest. Still fewer resulted in a prosecution and even fewer a conviction.

Tulsa

In 2022 the Family Violence Unit of the Tulsa Police Department was tasked with investigating more than 10,000 reported²² cases of domestic

²² Here, "reported" means a case that did not result in an on-the-spot arrest by the responding officer and required further investigation such that a report by the responding officer was necessary. Zoom interview with Jeremy Lawson, Lieutenant of the Family Violence Unit at the City of Tulsa Police Department (Apr. 14, 2023).

violence, including violations of protective orders.²³ The Family Violence Unit has five detectives available to investigate these cases.²⁴ Assuming the detectives get two weeks of vacation in the calendar year, if every detective in the family violence unit spent every single second of their 40-hour work week actively investigating these cases and giving each case equal attention, **they would be able to spend one single hour on each individual case for the year.**²⁵

The data is clear: the desperate need for domestic violence intervention in our state cannot be met or resolved by law enforcement or criminal justice responses alone. Although these numbers represent the overall need for a coordinated domestic violence response by our state, reforming protective orders and how they are obtained and enforced are one distinct piece of a much larger investment in the domestic violence prevention infrastructure.

I. The current process for obtaining a protective order is cumbersome, inefficient, and expensive.

As one domestic violence victims' advocate stated, "There are 77 counties, and 77 ways to do a protective order." Generally, a person who is in fear of future violence against them and wants the protection of a protective order must go to the courthouse in their county where the violence has happened.

There is a special court clerk in the larger counties who handles a protective order filing. In smaller counties, it is the general court clerk who should have all the documents there ready to be filled out. The person filing must enter their personal information and include a narrative of what happened to them to cause fear of future violence. They also must include their relationship to the person who they are filing against. This document is then filed and stamped by the clerk. The clerk then requires the person filing to serve the defendant—service is completed in the same manner as a warrant, through law enforcement.²⁶ Once service is completed, a final hearing date can be set. The filer must prove to the court that they are in reasonable fear of future violence, and the defendant can put on witnesses to rebut the claims.

²³ *Id.*; Kelsy Schlotthauer, 'Domestic Violence Viewed at Low Level Crime in Oklahoma,' *Experts Lament as Stats Show High Abuse*, Tulsa World (Oct 21, 2022), https://tulsaworld.com/news/local/crime-and-courts/domestic-violence-viewed-as-low-level-crime-oklahoma-experts-lament-as-stats-show-high-abuse/article_0312b4b2-4fb8-11ed-a0e3-ffa845b665a6.html.

²⁴ *Id.*

²⁵ 10,000 cases divided by 5 detectives equals 2,000 cases per detective for the year. Assuming two weeks of vacation are taken by each detective, they have 2,000 working hours for the year. 2,000 hours / 2,000 cases = 1 hour per case.

²⁶ 22 O.S. § 60.4.

If the court finds in favor of the filer (in Oklahoma, called the petitioner), then the court will enter a protective order for a specified time period which usually includes specific instructions (i.e. the respondent must remain 200 yards from the petitioner at all times, and refrain from contacting petitioner). If the petitioner does not appear, the protective order is dismissed for failure to prosecute.

Although not differentiated by name in the statute, there are different types of protective orders in Oklahoma. One is for intimate partner/domestic violence victims, one is for victims of stalking, and one is for victims of sexual assault.

- i. For a **domestic violence victim**, the petitioner must show that they are in danger, and that they are at risk of future violence.
- ii. For a **stalking** protective order, the victim must show that the defendant has an active criminal case against them for stalking.
- iii. For a **sexual assault** protective order, the victim must show that there is an active case against the defendant for sexual assault.²⁷

This process is cumbersome and traps the victim into cooperating with traditional law enforcement avenues in order to receive help. **Victims should not be forced to cooperate with an indifferent and unwieldy court system to receive life-saving services and protection.** There are inefficiencies in service, in court processing time, and in the process of prosecuting the protective order. When a respondent wants to draw out the process to weaken the victim's resolve, they can request continuance after continuance until the victim simply gives up. This happened to Christen, a victim who took on getting a protective order like it was a second job. "I was just tired of taking off work to go to court," she stated.

In Tulsa County alone, more than half of the 4,200 protective orders filed every year are dismissed.²⁸ According to the best available data from Domestic Violence Intervention Services (DVIS), most dismissals are the result of a failure to appear at the hearing by the person seeking the protective order:

²⁷ 22 O.S. § 60.1.

²⁸ Ann. Rep. of the Okla. Domestic Violence Fatality Review Bd. at 27.

Reason for PO Dismissal	No. of Cases	Percentage
Advice of Attorney	30	2.95%
Child/CO-Parenting Issues	76	7.48%
Dismissed by plaintiff	34	3.35%
Failed to Appear	515	50.69%
Family Case	35	3.44%
Insufficient evidence, dismissed by court	57	5.61%
No Threat	141	13.88%
No violations, dismissed by court.	118	11.61%
Offender Jailed	6	0.59%
Offender Moved	11	1.08%
Plaintiff Relocating	21	2.07%
Pressured to file	8	0.79%
Reconciled	50	4.92%
Unable to Locate Offender	14	1.38%

NOTE: Some cases cite more than one reason for dismissal.

Source: 2017-2019, DVIS/Family Safety Center

II. Police Cost Impact

A primary function of the police is to keep communities safer from crime. In Oklahoma, crimes occur on average at a rate of 2.17 times per hour.²⁹ In Tulsa, however, crimes occur at a rate of 2.86 times per hour, and in Oklahoma City, crimes occur at a rate of 3.51 times per hour.³⁰ We know that the Oklahoma City Police respond to roughly 43,000 domestic violence calls per year. In Tulsa, it is around 22,000.³¹ Studies show that 7.3% of police time is spent responding to domestic violence calls.³² An Oklahoma police officer's average salary is \$46,004; broken down, this equates to roughly \$22.12 an hour before taxes.³³ 7.3% of the salary is \$3,358.29. There are roughly 8,369 police officers statewide. **Total police response cost to domestic violence calls is around \$28.1 million per year.**

III. Judicial Cost Impact

Most courthouses have a dedicated Protective Order docket. These dockets can be run on one full day per week in smaller counties, or they can be an entire docket that runs each week day in larger counties. This variation

²⁹ Crime Data Explorer, FBI, <https://crime-data-explorer.app.cloud.gov/pages/explorer/crime/crime-trend> (last visited Aug. 7, 2022) (select location "Oklahoma"; select year "2020"; then use Trend of Violent Crime 2010-2020 graph).

³⁰ Tulsa, OK Crime Rates, Neighborhood Scout, <https://www.neighborhoodscout.com/ok/tulsa/crime> (last visited June 20, 2022).

³¹ Family Safety Center, *Domestic Violence Facts*, <https://fsc.tulsa.org/dv-facts/>.

³² Jeff Asher & Ben Horowitz, *How do the police actually spend their time?* New York Times, (June 19th, 2020) <https://www.nytimes.com/2020/06/19/upshot/unrest-police-time-violent-crime.html>

³³ Indeed, *Police Officer Salary in Oklahoma*, <https://www.indeed.com/career/police-officer/salaries/OK>

makes it difficult to estimate a full statewide cost of running protective order dockets. However, we have adjusted for the unknowns by estimating the amount of court time per protective order, based on court observations.

Naturally, everyone inside the protective order courtroom takes part in adjudicating protective orders on some scale. Not all of the protective orders going through the court system have to do with domestic or interpersonal violence, but a large portion are. Judges, court clerks, bailiffs, and court security all have a role in what a protective order truly costs. In Oklahoma, judges make an average of \$134,260.67 per year, or \$64.54 per hour;³⁴ court clerks make \$39,810 yearly, or \$19.10 per hour;³⁵ bailiffs have a yearly salary of \$31,893, or \$15.33 per hour;³⁶ and court security has an annual salary of \$32,597, or roughly \$15.67 per hour.³⁷

Using the numbers from the DVIS sample, we have assumed that 50% of protective orders are dismissed. Knowing there are 1,116 domestic violence protective orders filed per year in Tulsa County allows us to assume that a total of 10,851 protective orders are filed across the state per year (a conservative estimate).³⁸ This leaves 5,425 protective orders to be prosecuted across the state. Based on court observation, a full protective order hearing lasts one hour, on average. There are also smaller hearings involved with each case, so adjusted for that time, a total protective order takes 2.5 hours of judicial time (this does not account for time researching the law or briefing if those issues occur). Using the salary numbers above—each protective order costs \$286.62 in judicial time resulting in a total statewide judicial cost of \$1,554,918.91 per year.³⁹ When accounting for those that are filed but fail to prosecute the total would be \$2.2 million per year.⁴⁰

IV. Experts acknowledge the current system of protective order enforcement is largely ineffective at deterring or preventing domestic violence.

³⁴ An average of the salaries listed in 20 O.S. 92.1(A).

³⁵ Court Clerk Salary in Oklahoma, salary.com, <https://www.salary.com/research/salary/benchmark/court-clerk-salary/ok#:~:text=The%20average%20Court%20Clerk%20salary, falls%20between%20%2433%2C051%20and%20%2449%2C069> (last visited Jul. 23, 2022).

³⁶ Court Bailiff Salary, ZIPRECRUITER.COM, <https://www.ziprecruiter.com/Salaries/Court-Bailiff-Salary-in-Oklahoma-City,OK> (last visited Jul. 23, 2022).

³⁷ Court Security Officer Salary, Zippia, <https://www.zippia.com/court-security-officer-jobs/salary/> (last visited Jul. 23, 2022).

³⁸ Tulsa's population is 411,401, while the state's overall population is 4 million. By using the number of protective orders filed in Tulsa County for a population of 411,401, we are able to estimate the total number for the state.

³⁹ Does not account for victims' costs in obtaining the protective order, only taxpayer dollars in adjudicating the PO. Does not account for POs that would not be supported by a DV victim services organization. Does not account for the philanthropic investment in victims' support services or victim advocates.

⁴⁰ An additional \$621,922 if all the protective orders that get dropped (50%) take one hour of judicial time on average leading up to the dismissal.

Beyond being inefficient and cumbersome to navigate, the act of filing a protective order also increases the likelihood that an abuser will escalate violence.⁴¹ Generally, when a survivor of domestic violence files for a protective order, the abuser is served with proof positive that their partner is attempting to assert independence.⁴² This usually triggers an escalation of violence and coercive control tactics by the abuser to re-establish power dynamics in the relationship.⁴³ Thus filing for a protective order often results in incidents of violence and subsequent abandonment of pursuing the final order.⁴⁴ When survivors abandon their protective order processes, courts dismiss their case.

Even if a survivor obtains an order, the threat of violence is not immediately resolved. As noted above, inefficient service processes leave survivors in a dangerous limbo of having asserted their independence without any hope of protection until the abuser is served. The time period between filing and service can be deadly.

Even if service is accomplished, law enforcement officers struggle to respond to protective order violation calls in ways that will ensure the abusive person is deterred from committing further violence. One survivor told us that her call to an officer on a protective order violation led the officer to tell her, “If he wants you, he’ll be able to get you before I ever get to you.”⁴⁵

There is an oft-quoted refrain among stakeholders in the field of domestic violence response: “Protective orders are just a piece of paper.” But Professor Kate Waits has reframed the issue like this: “the Constitution is also merely a piece of paper, but we are willing to put the time, money, and effort into enforcing that particular document.”⁴⁶ If Oklahoma could find the courage to effectively enforce these “pieces of paper” our communities would be safer and our families stronger.

To begin shifting our thinking on enforcement, we must examine the current enforcement regime along with the impact of other court proceedings - such as criminal or family matters - on the protective order process.

⁴¹ Interview with Dr. Mcleod, Professor of Social Work, University of Oklahoma School of Social Work, May 3, 2023.

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ Interview with survivor – April 11th, 2023. On file with the author. Incident occurred in Hubbard, Iowa.

⁴⁶ Interview with Kate Waits, former professor of law at the University of Tulsa College of Law.

a. Law Enforcement Are Too Under Resourced and Improperly Trained to Effectively Respond to Domestic Violence Incidents, Including Violations of Protective Orders.

There is mounting evidence that law enforcement personnel often lack the necessary resources and training to deal effectively with domestic violence cases.

Law enforcement agencies are often under-resourced, with limited personnel, inadequate funding, and outdated equipment—this is especially true for rural sheriff’s departments which are chronically underfunded. This critical under-resourcing hampers their ability to respond promptly and effectively to domestic violence incidents.⁴⁷ Insufficient resources can lead to delayed response times, compromised victim safety, and reduced capacity to investigate and prosecute.⁴⁸

Proper training is essential for law enforcement officers to respond sensitively and effectively to domestic violence incidents. Unfortunately, a comprehensive understanding of the dynamics of domestic violence and the necessary skills to assess risk and provide appropriate support are often lacking within police departments.⁴⁹ The limited training received by law enforcement personnel often fails to address the intricacies of handling domestic violence situations, including trauma-informed approaches and empathy towards victims.⁵⁰

The consequences of under-resourcing and inadequate training within law enforcement agencies are multifaceted. Firstly, victims may experience a lack of trust and subsequently be unwilling to report incidents or cooperate

⁴⁷ Maguire, E. R., & King, W. R. “Gun violence prevention: Police enforcement, arrest, and targeted laws,” 13(1) CRIMINOLOGY & PUB. POL’Y, 51-80, (2014).

⁴⁸ National Institute of Justice, “Responding to domestic violence: Where federal systems and state statutes intersect,” (2019), Available at: <https://nij.ojp.gov/topics/articles/responding-domestic-violence-where-federal-systems-and-state-statutes-intersect>

⁴⁹ Felson, R. B., & Lane, K. J., “Does the criminal justice system benefit victims?” 27(2) JUSTICE QUARTERLY 335-360, (2010).

⁵⁰ Bottcher, J., Renzetti, C. M., & Miller, S. L., “Law enforcement and community collaboration: Examining the effectiveness of advocacy interventions,” 33(2) J. OF INTERPERSONAL VIOLENCE 219-242, (2018).

with law enforcement officers.⁵¹ Secondly, limited resources and insufficient training can result in poor evidence collection, leading to an increased likelihood of flawed prosecutions.⁵² Finally, officers not adequately trained to assess the risk of lethality may fail to recognize high-risk situations and intervene effectively.⁵³

To address the under-resourcing and inadequate training of law enforcement in responding to domestic violence, several strategies can be implemented. First and foremost, increased funding for victims' service providers should be allocated specifically towards preventing and reducing domestic violence.⁵⁴ This includes the provision of resources like additional personnel, appropriate technology, and ongoing training programs.⁵⁵ Collaboration between law enforcement agencies and community-based organizations specializing in domestic violence can also enhance the understanding and response of officers.⁵⁶

b. The Criminal Justice System Does Not Adequately Address Root Causes of the Violence Leading to a Violation of a Protective Order.

Violation of a protective order (colloquially, "VPO"⁵⁷) remains one of the most commonly filed felonies in Oklahoma—felony VPOs are cases where the defendant already has at least one prior offense.⁵⁸

A first offense is a misdemeanor in which a sentence of up to one year in the county jail a fine of up to \$1000 may be imposed.⁵⁹ A second offense

⁵¹ National Institute of Justice, "Responding to domestic violence: Where federal systems and state statutes intersect," (2019), Available at: <https://nij.ojp.gov/topics/articles/responding-domestic-violence-where-federal-systems-and-state-statutes-intersect>

⁵² Buzawa, E. S., & Buzawa, C. G., "Domestic violence: The criminal justice response," SAGE Publications, (2003).

⁵³ Campbell, J. C., Glass, N., Sharps, P. W., Laughon, K., & Bloom, T., "Intimate partner homicide: Review and implications of research and policy," 8(3) TRAUMA, VIOLENCE, & ABUSE 246-269 (2007).

⁵⁴ Buzawa, *supra* note 52.

⁵⁵ Felson, *supra* note 49.

⁵⁶ Bottcher, *supra* note 50.

⁵⁷ Stakeholders sometimes use "VPO" to refer to the actual PO as a "victim protective order," for the purposes of this report, "VPO" will be used to refer to the criminal charge of Violation of a Protective Order.

⁵⁸ 22 O.S. § 60.6(A)(2).

⁵⁹ 22 O.S. § 60.6(A)(1).

is a felony authorizing a punishment of up to three years in the state Department of Corrections (DOC).⁶⁰ Notably, if someone violates a protective order and causes physical harm to the petitioner or any other person protected by the order, it is a misdemeanor which authorizes a sentence of 20 days to 1 year in the county jail and a fine of up to \$5,000.⁶¹ A second offense for causing injury while violating a protective order authorized a sentence of up to five years in DOC.

Police officers are constantly responding to domestic violence calls and prosecutors often express frustration with prosecuting DV crimes. Police feel DV calls are high conflict, frustrating, and they are often seen as a waste of time because in their view, victims will often drop the charges. So even though they are being called to a repetitive dangerous situation, their time will do little to improve the situation. Through the 1980's and 1990's police responses to DV were heavily criticized, and many departments felt pressure from civil lawsuits like *Thurman v. City of Torrington*⁶² and *Sorichetti v. City of New York*.⁶³ In these suits, victims filed for damages against their local police departments for failure to arrest violent abusers. Thurman won a verdict of \$2 million after her husband violated a protective order and caused harm to her children—after which the police did nothing.

Many still feel that police response lacks the commitment necessary to deliver meaningful safety for victims. Logistically, the response (or lack thereof) to DV calls makes sense. Police forces across the country are struggling to recruit officers and are often running short staffed.⁶⁴ DV calls can be time consuming and often lead nowhere. They are rife with difficult interpersonal dynamics and manipulation. Particularly with responding to protective order violations, once the police arrive the violation could have already taken place. If officers do not have probable cause of a crime being committed they cannot make an arrest or intervene in the situation. Abusers often know the weaknesses of the system and exploit them to their advantage. Officers often triage calls to deal with violence or crimes

⁶⁰ 22 O.S. § 60.6 (B)(1).

⁶¹ 22 O.S. § 60.6 (B).

⁶² 595 F. Supp. 1521 (1985).

⁶³ 65 N.Y.2d 461 (N.Y. 1985).

⁶⁴ Omar Villafranca, *Staffing Shortages Cause for Concern at Law Enforcement Agencies Nationwide*, CBS News, (Nov. 26, 2022), <https://www.cbsnews.com/news/police-officer-staffing-shortages-law-enforcement-agencies-nationwide/>

happening in real time. If the pinnacle of the event has dissipated, often a response may not be forthcoming.

Long response times are especially prevalent in rural areas and in high-need urban areas—two places where domestic violence rates are the highest.⁶⁵

To show an example of how high the need is and how equipped our system's response is, our research team looked at the staff of the Family Violence Unit at the Tulsa Police Department and compared it with how many domestic violence calls come in per year. **Last year, 2022, the Family Violence Unit staffed five detectives. Their caseload was about 10,000. Assuming an eight-hour work day, this allows for each case to get an average of one hour of investigation. Of course, many cases get more than this, but that would mean other cases are getting no investigation at all.**

Even assuming the cases are adequately investigated and turned over to the district attorney, prosecution rates plummet again.⁶⁶

c. Protective Orders Are Often Bargained Away Through Other Family and Criminal Court Proceedings.

According to Tracey Lyall, Executive Director of DVIS, another difficult reason for the high rate of dismissals is that protective orders are often used as a bargaining chip in divorce and custody disputes.⁶⁷ Attorneys can negotiate the dismissal of a protective order as part of a divorce or custody agreement. Thus, a person desiring to resolve protracted litigation to obtain a divorce from their abuser or to keep their children safe via a custody arrangement giving the survivor more control over the minor children may forgo the protective order as part of the negotiation. When protective orders are bargained away as part of a family dispute it can further weaken the

⁶⁵ Corinne Peek-Asa, Ph.D. Anne Wallis, Ph.D, Karisa Harland, Ph.D, et. al., "Rural disparity in domestic violence prevalence and access to resources," 20(11) J. OF WOMEN'S HEALTH 1743–1749 (2002).
<https://doi.org/10.1089/jwh.2011.2891>

⁶⁶ Open Justice Oklahoma, "Domestic Violence Cases Dismissed in Tulsa County,"
<https://openjustice.okpolicy.org/case-studies/#domesticviolence>.

⁶⁷ Interview with Tracey Lyall, Executive Director, Domestic Violence Intervention Services of Tulsa.

perception and reality of the efficacy of protective orders to keep people safe. However, as long as the survivor maintains their safety, this process can be beneficial for moving cases along and achieving favorable outcomes in custody and divorce proceedings.

d. The Effectiveness of Protective Orders is Unresolved and Understudied.

Nationwide, there is a dearth of information available detailing the effectiveness of obtaining a protective order in preventing future abuse. Generally speaking, most studies on the effectiveness of protective orders are decades old. The research conducted for this report found that the most recent available analysis of effective protective orders is a 2010 survey of other studies by Christopher T. Benitez, Dale E. McNiel and Renée L. Binder. The vast majority of quantitative studies evaluating the effectiveness of protective orders dates to the 1990s.⁶⁸ The results of those studies vary widely in terms of post-protective order abuse. As a result, the data on protective order effectiveness is inconclusive.⁶⁹

V. What value do protective orders have in this complicated system?

While we know that protective orders are filed frequently, we also know they are dismissed frequently, and oftentimes not filed at all.

One major role that protective orders play is one of creating documentation that a domestic violence relationship, or at the very least a domestic assault, did take place. Domestic violence relationships thrive under a culture of secrecy. People in these relationships—for various reasons—go to great pains to ensure that they are not found out. This culture of secrecy often makes subsequent prosecution difficult and calls credibility of witnesses into question.

The evidentiary aspect is made much easier in subsequent cases when there is prior documentation that has been filed with a court through a

⁶⁸ Carolyn N. Ko, *Civil Restraining Orders for Domestic Violence: The Unresolved Question of "Efficacy,"* 11 S. CAL. INTERDISC. L. J. 361, 368 (2002).

⁶⁹ *Id.*; Leigh Goodmark, *Law Is the Answer - Do We Know That for Sure: Questioning the Efficacy of Legal Interventions for Battered Women,* 23 ST. LOUIS U. PUB. L. REV. 7, 10-11 (2004).

protective order. For example, consider the case of J.L. J.L. was accused of domestic battery in Iowa in 2020 against his current wife. The prosecutors looked into J.L.'s history and found numerous protective orders filed against J.L. from many previous domestic partners. The prosecutors were able to pull certified copies of these previous protective orders to show J.L.'s defense attorneys and the court. These prior orders helped persuade J.L. to accept a plea for Inflicting Willful Injury and secured a prison sentence for a person who could have gone on to create much more harm had there been no prior evidence of his assaults. This is especially true in cases where a criminal prosecution did not go through or the victim decided not to press charges and the charging authority agreed to dismiss.

The prior "paper trail" is also helpful in cases where the victim goes on to be prosecuted. Criminalized survivors, or people who are prosecuted for crimes that stem from their victimization, often due to a lack of services and supports, can go on to be prosecuted criminally. Having filed prior protective orders against their abusers in the past can be immensely helpful in their defense to a criminal charge. This is especially true if the victim or survivor is asserting an affirmative defense like Battered Women's Syndrome (now "Battered Persons' Syndrome").

However, aside from these particularized evidentiary purposes, there is little established value in the civil protective order process that has been validated by researchers. There is no evidence that they reduce domestic violence, or that they actually protect the people who file them.

a. Oklahoma Cannot Miss the Opportunity to Impact the Trajectory of Survivors Filing Protective Orders.

Filing a protective order is a catalyst moment for the survivor of violence. This moment is a turning point in the survivors' story where they are taking agency—possibly for the first time in the relationship. *How can the system psychologically reward and bolster that action and support further independence and safety?*

There is an opportunity—if we must accept that protective orders are one imperfect and possibly ineffective intervention—for the system to use the protective order filing itself as an opportunity for systemic intervention.

What we know about protective orders being filed by domestic violence victims are a few universal truths:

1. The victim is presently—when filing—physically safe from their abuser
2. The victim is presently—presumably—at a physical distance away from the abuser
3. The victim is exercising and exerting a level of independence not previously exercised in the relationship
4. The victims are putting themselves at great risk to take the action of filing the report

These truths allow us to see the protective order filing as an unmissable opportunity for systemic intervention. This situation is similar to someone who needs to go to drug and alcohol treatment. Research has shown that as soon as someone says they are ready to go to in-patient treatment and that they admit they need help and intervention—the system must respond immediately. The person needs access to support the moment they seek it.

The filing of the protective order is similar. The victim is admitting they need help. They are open to accepting help from the courts. They are at an acute intervention point.

If system actors across the board agree that domestic violence is a problem and our goal as a state should be to reduce the number of incidents, then intervening prior to and at the point of filing the protective order is critical and could save lives.

VI. Recommendations

a. FOR DISTRICT COURTS AND VICTIM SERVICE PROVIDERS

CREATE A MORE ROBUST INTERVENTION POINT AT THE TIME OF FILING

Victim services organizations should have help desks available near the Protective Order filing location to respond to inquiries from victims during the PO filing. There should be literature, scannable QR codes, rides to shelters, and shelters space available should the victim request it.

It should not be compulsory as there are many reasons a victim may not be ready at this point to leave. However, having a family violence team or “extraction team” available and on call in case the victim needs to retrieve property, pets, or kids from the home is also a viable intervention path.

County courts should work with victim services agencies to staff and support this kind of intervention at the protective order filing phase. Reporting to the victims’ agencies can be confidential and discreet. Also having law enforcement present on site for optional police report filings is a vital part of this system as well. Officers should be on standby to take photographs, gather witness statements, and begin the process of filing criminal charges.

However, again, these interventions should not be compulsory. These choices should be left to the survivor and the survivor must trust that these options will be available when the survivor needs them. Consistency and regularity are key. If a survivor risks being found out to attain an intervention it is likely they will face punishment, further abuse, or death. The key is to make these interventions survivor led. People who have experienced interpersonal violence and coercive control should lead these interventions and they should staff these interventions so that they can more easily relate to victims and survivors who are still in the circle of their abusers’ control.

Court clerks should also be trained in lethality and future risk. If the protective order is filled out and mentions the lethality indicators such as: strangulation, firearms, death threats, etc. then the court clerk should also be trained to talk to the victim about the future risk of extreme violence or death. The court clerk should have on hand a police report from the city or town where the incident happened and be prepared to take that police report and direct it to the proper office or authority. If keeping report forms for all cities and towns in the county is too cumbersome then maintaining a list of police offices and their non-emergency report lines would be beneficial should the survivor decide to file criminal charges in tandem with the protective order.

b. For the legislature

CREATE A CRIMINAL PROTECTIVE ORDER PROCESS

Part of the problem with the protective order process is that they are civil in nature. Civil cases are administered in civil courts and do not entail the gravity of criminal consequences. Civil cases usually deal with money damages or equitable remedies. The civil courts are not the best place to handle behavior that is largely criminal in nature. Many states have both civil and criminal protective order processes which are used in tandem and independently depending on the victim's and the state prosecutor's wishes.

A civil protective order is a legal document issued by a civil court that aims to protect victims of domestic violence from further harm. On the other hand, a criminal protective order, also known as a no-contact order or criminal restraining order, is typically issued as part of a criminal case against an offender. While both types of orders serve to protect individuals from domestic violence, there are some key differences between the civil and criminal protective order processes.

Legal Basis:

Civil Protective Order Process: A civil protective order process operates under civil law and is obtained by an individual seeking protection from an abuser. The process generally involves filing a petition with a civil court, presenting evidence of domestic violence, and demonstrating a need for immediate protection.

Criminal Protective Order Process: A criminal protective order process operates within the criminal justice system and is imposed as a condition of a criminal case. It is typically issued by a criminal court prosecutor or judge as part of the criminal proceedings against an offender.

Initiating the Process:

Civil Protective Order Process: The process begins when the victim initiates a request for protection by filing paperwork with the civil court. The victim takes on the burden of gathering evidence, submitting the necessary forms, and appearing before a judge to present their case.

Criminal Protective Order Process: The process is initiated after an arrest or criminal charges have been filed against the abuser. The prosecutor in the

criminal case requests the issuance of a protective order as part of the overall legal process against the defendant.

Purpose and Eligibility:

Civil Protective Order Process: The purpose of a civil protective order is to provide immediate protection for victims of domestic violence. It is typically available to any individual who can demonstrate that they are in fear of imminent harm from an abuser, regardless of a pending or past criminal case.

Criminal Protective Order Process: A criminal protective order is primarily aimed at preserving the integrity of the criminal case against the defendant. It is issued to prevent the accused from contacting or harming the victim to ensure a fair judicial process. Eligibility for a criminal protective order is dependent upon the existence of criminal charges against the alleged abuser.

Enforcement and Consequences:

Civil Protective Order Process: Violation of a civil protective order is generally viewed as a civil contempt and can result in various consequences, such as fines, mandatory counseling, or imprisonment, depending on the specific jurisdiction. The enforcement of civil protective orders usually relies on the victim reporting any violations to the police or appropriate authorities.

Criminal Protective Order Process: Violation of a criminal protective order is considered a criminal offense, which can result in serious legal consequences for the offender, including fines, probation, or imprisonment. The enforcement of criminal protective orders is typically the responsibility of law enforcement agencies, as they actively monitor compliance.

A criminal protective order process is crucial for a state's efforts to reduce domestic violence due to the following reasons:

Enhanced Victim Safety

Criminal protective orders carry the weight of the criminal justice system, providing victims with an added layer of protection from potential harm. They serve as a deterrent to further abuse by creating serious legal consequences for the offender if the order is violated.

Legal Accountability

By including protective orders as part of the criminal process, states can more easily hold offenders accountable for breaking the law and perpetuating domestic violence. The potential criminal penalties associated with violating a criminal protective order act as a stronger deterrent than civil consequences alone.

Collaboration between Criminal Justice System and Support Services

The involvement of criminal courts and law enforcement agencies in the protective order process facilitates better coordination with victim support services. Victims would no longer bear the weight of prosecuting the protective order themselves—this burden would shift to the state. Criminal protective order processes encourage collaboration between legal professionals, victim advocates, and law enforcement to provide a more comprehensive response to domestic violence cases.

Strengthening the Criminal Case

Issuing a criminal protective order helps safeguard the victim's ability to fully participate in the criminal case against the offender. With the criminal no-contact provision, the victim may feel safer, more confident, and empowered to testify or cooperate with prosecutors, thus increasing the chances of a successful prosecution.

Sending a Clear Message

Establishing a criminal protective order process sends a strong message to the community that domestic violence will not be tolerated. It acknowledges the seriousness of the crime and emphasizes that perpetrators will face criminal legal consequences for their actions.

By integrating a criminal protective order process into its legal framework, Oklahoma can provide more comprehensive protection to victims of domestic violence, deter potential abusers, and facilitate collaboration between support services and the criminal justice system for a more effective response to domestic violence cases.

AUTHORIZE SERVICE BY PUBLICATION

Currently, Oklahoma only authorizes service of process on the defendant in a protective order filing in person. A petitioner must hire a process server to accomplish this, and defendants can easily dodge most service if they are committed to being evasive.

Authorizing service by publication for protective orders can be necessary in certain circumstances where traditional methods of service are not possible or have been unsuccessful.

Service by publication can be necessary when the abuser's current address is unknown or if the victim is unable to provide a valid address for service. In cases where the abuser has fled or is intentionally evading service, service by publication becomes an essential method to ensure the victim's safety.

In some situations, the victim may fear further harm if the abuser becomes aware of the protective order or the fact that the victim is seeking legal protection. Serving the order by publication helps maintain the victim's confidentiality and minimizes the risk of retaliation.

Service by publication has been ruled compliant with the U.S. Constitution's due process requirements, as long as the defendant has an unknown address, is evading service, or other methods to reach them have failed.⁷⁰ By publishing the order in a local newspaper or other authorized publication, states can meet their constitutional obligation to provide the abuser with an opportunity to be heard in court.

⁷⁰ Mullane v. Central Hanover Bank & Trust, 339 U.S. 306 (1950).

Under current Oklahoma law, victims must continue to show up to court every two weeks until the defendant is served.⁷¹ Allowing service by publication will increase judicial economy and reduce the economic, logistical, and psychological stress on survivors of violence.

Compared to other methods of service, such as hiring a process server or sending certified mail, service by publication can be a more cost-effective option, especially when the abuser's location is uncertain, and repeated attempts have been unsuccessful. It eliminates the need for additional costs associated with locating and serving the abuser personally.

Service by publication expedites the legal process by allowing it to proceed even if the abuser cannot be served personally. It prevents unnecessary delays in obtaining the protective order and ensures that victims can access the necessary legal protection without unnecessary hurdles.

Many states already authorize service by publication for other legal proceedings, such as divorce or quiet title cases. Illinois authorizes the court to prescribe alternative means of service when service on the respondent has not been successful in protective order cases. Service by publication is an acceptable means of substituted service under Illinois law.⁷² Allowing service by publication of protective orders brings consistency to the legal system and ensures that victims of domestic violence have the same access to justice as others.

While service by publication should be considered as a last resort when all other methods have been exhausted, authorizing this method can help ensure that victims of domestic violence can obtain the necessary protection and access to justice in situations where traditional methods of service have failed. It is an important tool to protect victims' safety, maintain due process, and expedite legal proceedings in cases involving protective orders.

c. For the Attorney General

⁷¹ 22 O.S. § 60.4 (B) (4).

⁷²

ALLOW RESTORATIVE JUSTICE PRACTICES INTO BATTERER INTERVENTION

Currently the Batterer's Intervention Programs authorized by Oklahoma's Attorney General do not allow any form of therapeutic care.⁷³ The programs are intended to be punitive and expensive as a way to deter future violence.

The completion rates of these programs are low, and there is little evidence showing these programs reduce domestic violence recidivism.⁷⁴ To be sure, sentencing alternatives should be part of any domestic violence policy landscape, and Batterer's Intervention is a huge piece of that.

Other states have found that incorporating restorative justice principles into Batterer's Intervention programming allows for healing and transformation thus reducing the potential of future violence.⁷⁵ States such as Hawai'i, Minnesota, and New York have all seen marked improvement in the outcomes for Batterers' Intervention Programs after adding restorative justice elements to their program protocols.⁷⁶

These types of programs will aim to provide an alternative pathway that prioritizes accountability, healing, and transformation, while also ensuring the safety and well-being of survivors. The goal of these programs moves away from punitive measures and into violence prevention. These best

⁷³ Okla. Admin. Code § 75:25-3-1.

⁷⁴ "Last year [2018], 403 offenders were ordered to batterers intervention in Tulsa County. About 60% of offenders' reviews were in compliance, according to district court data. During the first half of 2019, 217 offenders were ordered to take the programs and 68% of their reviews were compliant. Program advocates say Tulsa's compliance rates are among the highest in the state, and likely double those in rural areas where programs are sparse and fewer judges are trained in handling domestic violence cases. But no one knows for sure because most courts do not track program compliance." Whitney Bryen, *Most Domestic Abusers Defy Court Intervention*, OKLAHOMA WATCH, Oct 2019).

⁷⁵ Linda Mills, Ph.D. J.D. M.S.W., Briana Barocas, Ph.D., "An In-depth Examination of Batterer Intervention and Alternative Treatment Approaches for Domestic Violence Offenders," National Institute of Justice, Award Number: 2011-WG-BX-0002, (January 31, 2019).

⁷⁶ Briana Barocas, PhD, Hila Avieli, PhD, & Rei Shimizu, MSW, *Restorative Justice Approaches to Intimate Partner Violence: A Review of Interventions* 11(3) Partner Abuse, 1 (2020).
<https://connect.springerpub.com/content/sgrpa%3A%3A%3Aearly%3A%3A%3A2020%3A%3A%3A10%3A%3A%3A15%3A%3A%3AAPA-2020-0010.full.pdf?implicit-login=true&sigma-token=gEMjNa8aEY169W3BFJU8yCFKlzy3H0xoifLN0ZbXHLU>

practices are discussed by the Center for Court Innovation⁷⁷ and allow for the beginnings of a restorative justice intervention in interpersonal violence to take place.

Program Design

Develop a comprehensive and multifaceted program that incorporates restorative justice principles and practices. This includes creating a structured process that brings together survivors, offenders, trained facilitators, and relevant stakeholders, such as victim advocates, prosecutors, and community members. The process should aim to address the underlying causes of violence, promote accountability, and facilitate healing and personal growth for all parties involved.

Survivor-Centered Approach

Place survivor safety, empowerment, and well-being at the forefront of program implementation. Ensure that survivors have agency and choice in participating in the restorative justice process, with a thorough assessment of their readiness, consent, and safety considerations. Maintain a victim-centered approach throughout by involving trained victim advocates who can support survivors and provide necessary resources.

Offender Accountability

Prioritize offender accountability through honest reflection, acceptance of responsibility, and taking appropriate actions to repair the harm caused. Utilize evidence-based practices, such as cognitive-behavioral interventions, to challenge and change abusive behavior patterns. Encourage offenders to actively participate in programming, counseling, and treatment to address the root causes of their violence.

Facilitator Training

Invest in comprehensive training for facilitators who will lead the restorative justice process. Ensure facilitators have a deep understanding of the dynamics of domestic violence, trauma-informed practices, and restorative justice principles. Provide ongoing support, supervision, and

⁷⁷ Erika Sasson & Charlene Allen, *Using Restorative Approaches to Address Intimate Partner Violence*, CENTER FOR COURT INNOVATION, (Oct. 2020).
https://www.nyc.gov/assets/ocdv/downloads/pdf/Guide_RJBlueprint_pageview_10142020.pdf

resources to facilitators to enhance their effectiveness in guiding participants towards meaningful resolutions.

Collaboration and Coordination

Foster collaboration and coordination among all stakeholders involved in the restorative justice process. This includes ongoing communication and engagement with prosecutors, law enforcement, victim advocates, and community-based organizations. Establish effective referral mechanisms to connect offenders and survivors to appropriate support services during and after the process.

Outcome Evaluation

Implement a robust evaluation component to measure the effectiveness of the restorative justice pilot program. Assess key outcomes, such as rates of recidivism, survivor satisfaction, participant engagement, and reductions in harm and violence. This evaluation will help refine program design and identify areas for improvement.

Community Education and Awareness

Conduct community education campaigns to raise awareness about restorative justice approaches in domestic violence cases. These campaigns should dispel misconceptions, promote understanding, and encourage public support for the pilot program(s). Engage community members, organizations, and stakeholders in dialogue to foster buy-in and long-term sustainability.

ALLOW CRIME VICTIM'S COMPENSATION FUND TO BE USED FOR SURVIVORS' COURT COSTS AND SERVICE FEES

Currently Oklahoma's crime victim's compensation fund is only allowed to be used by victims for specific purposes. Those purposes include medical costs, counseling costs, crime scene cleanup, burial and funeral expenses, and certain loss of support expenses.⁷⁸ Victims must go through their local District Attorney's offices to put in a request for funding. Funding may only be used as a reimbursement and not proactively.

⁷⁸ Oklahoma Victim's Compensation, <https://www.okvictimscomp.com/>

This model blocks many survivors of violence from accessing these funds. First, if a survivor is filing a protective order, the crime may not be reported or referred to a district attorney yet. Second, requiring a reimbursement blocks people of true financial need from victims' compensation, as the only people eligible will have already had the funds in the first place.

It would be relatively simple for the court to allow survivors of crime to waive their costs of a process server or service by publication and charge those court related costs to the victims' compensation fund.

Our victims' compensation fund is funded by court costs of defendants and plaintiffs across the state in the numerous court filings filed each year.⁷⁹ The money in the fund comes from Oklahomans, but it is historically difficult for victims to access those funds. Recipients under the fund are also racially disproportionate, with more African American victims being denied funds.⁸⁰

d. FOR POLICE

INCREASED TRAINING

While law enforcement officers must undergo a battery of training on various topics, specialized training in responding to domestic violence calls is imperative for Oklahoma's numbers to improve.

Local departments must ensure that all law enforcement officers receive comprehensive and specialized training on responding to domestic violence calls. This training should focus on understanding the unique dynamics of domestic violence, trauma-informed approaches, cultural sensitivity, and de-escalation techniques. Ongoing training and updates should be provided to keep officers up-to-date with best practices.

Officers must adopt a victim-centered approach when responding to domestic violence calls. They must be trained to recognize coercive control

⁷⁹ 21 O.S. 142.17.

⁸⁰ Jill Webb, "Oklahoma Victims Compensation Program Disproportionately Denies Funds for Black Victims" ACLU, (July 2019).
<https://www.aclu.org/news/racial-justice/oklahoma-victims-compensation-program>

tactics, which offenders often use on first responders just as frequently as they use on their victims. Responding officers must prioritize the safety and well-being of survivors by actively listening, validating their experiences, and offering support and resources. Officers must be able to assess the level of danger and conduct risk assessments to ensure appropriate interventions are employed.

Although Oklahoma has a lethality assessment⁸¹ which ranks the level of danger a survivor is in following a DV incident, there is still an ongoing struggle to get officers on the ground to adapt and use the lethality assessment at every domestic violence call.⁸²

Departments must adopt clear and consistent arrest policies that prioritize offender accountability and victim safety. Officers should be allowed to make arrests when there is probable cause, regardless of the victim's cooperation. Training officers on the importance of documenting evidence, seeking witnesses, and properly handling evidence will help support successful prosecutions.

Much of the frustration around domestic violence policy is the lack of available data and research about what works. Domestic violence has operated in the shadows so long and there is little information about the strategies that can actually reduce the likelihood of future harm. Police departments are in a unique position to collect and analyze data regarding domestic violence incidents, arrests, and outcomes. They can monitor trends, identify areas for improvement, and use this information to inform policy changes and resource allocation. Sharing anonymized data with research institutions will contribute to a broader understanding of domestic violence and inform evidence-based practices.

The Family Violence Unit in Tulsa currently prioritizes checking back in with victims a few days after a domestic violence incident.⁸³ Officers must ensure that survivors receive ongoing support beyond the initial police response. Established protocols for officers to connect survivors with

⁸¹ 21 O.S. § 142A-3.

⁸² Jill T. Messing, Jaquelyn Campbell, Daniel W. Webster, et. al. "Oklahoma Lethality Assessment Study: A Quasi-Experimental Evaluation of the Lethality Assessment Program", 89 (3) SOC. SERV. REV. 499-530 (Sep. 2015).

⁸³ Interview with Detective Amy Hall, Detective, Family Violence Unit, Tulsa Police Department (July 18th, 2023).

follow-up resources, such as victim advocates, counseling services, support groups, and legal assistance are all best practices for ensuring survivor safety.

SEEKING TO REDUCE INTERPERSONAL VIOLENCE WITHIN THE FORCE

A 2016 study published in the *Journal of Family Violence*⁸⁴ found that the prevalence of domestic violence among police officers' families was estimated to be around 40%, which is significantly higher than the rates reported in the general population.

A 2019 report by the National Center for Women and Policing⁸⁵ highlighted that in some jurisdictions, domestic violence is as much as two to four times more common amongst police families compared to the general public. The same report also emphasized that domestic violence incidents involving police officers tend to be more severe and result in higher rates of injury compared to cases involving civilians.

These statistics underscore the urgency and importance of addressing domestic violence within the police force proactively. Since police are almost always the first responders to a domestic violence incident, they are less likely to take the call seriously if interpersonal violence is also an element of their home life or personal relationship. Police departments can work towards creating a safer work environment while fostering a culture of respect, equality, and accountable behavior among their officers.

It is critical to provide all police officers with specialized and extensive training on domestic violence prevention, intervention, and the impact it has on individuals and communities. This training should address power dynamics, the cycle of abuse, strategies for de-escalation, and appropriate responses to domestic violence incidents.

⁸⁴ Saunders, D.G., Prost, S.G. & Oehme, K., "Responses of Police Officers to Cases of Officer Domestic Violence: Effects of Demographic and Professional Factors," 31 *J. FAM. VIOLENCE* 771–784 (2016).
<https://doi.org/10.1007/s10896-016-9822-2>

⁸⁵ National Center for Women and Policing, Police and Family Violence Fact Sheet, <https://web.archive.org/web/20181130155618/http://womenandpolicing.com/violenceFS.asp>; Conor Friedersdorf, "Police have a much bigger problem with domestic violence than the NFL does," *THE ATLANTIC*, (Sep. 19, 2019), <https://www.theatlantic.com/national/archive/2014/09/police-officers-who-hit-their-wives-or-girlfriends/380329/>

Departments also must establish a zero-tolerance policy for domestic violence within the police force, clearly stating that any acts of domestic violence will not be tolerated and will result in severe consequences. Departments must promote a culture where officers are encouraged to report instances of domestic violence within their ranks without fear of retaliation or repercussions.

Developing early warning systems that identify officers at higher risk of engaging in domestic violence can also help departments screen out potential candidates that are domestic violence offenders. This can include tracking indicators such as excessive use of force, citizen complaints, and behavioral warning signs.

Departments can also provide support and intervention programs to officers that address personal issues or stressors that may contribute to abusive behavior.

Departments can create a confidential reporting mechanism for officers to report potential domestic violence cases involving their colleagues. These whistleblower mechanisms must guarantee anonymity and establish protocols to ensure the safety and privacy of officers who come forward as victims or witnesses of domestic violence.

Enhanced mental health access and treatment for officers, such as establishing counseling programs and Employee Assistance Programs (EAP), specifically tailored for police officers and their families will also reduce the incidence of violence in officer homes. These resources should offer confidential counseling, stress management techniques, and support for officers experiencing personal difficulties that may contribute to domestic violence.

Local departments should forge partnerships with local domestic violence organizations to provide specialized training, consultation services, and ongoing support for police officers. These organizations can assist in identifying potential signs of domestic violence within the police force and offer resources for prevention and intervention.

Since domestic violence within police forces is a double-layered secret, other entities should collect, study, and analyze data on domestic violence incidents involving police officers to better understand the scope and nature of the issue. Collaboration between departments and academic institutions or research organizations to conduct studies on spousal abuse among police officers provides a good outlet to study an area that has an outsized impact on our domestic violence statistics in Oklahoma.

e. *FOR LAW SCHOOLS*

CREATE GENDER-BASED VIOLENCE CLINICS

For law students, protective orders are the perfect filing to get familiarized with dockets and court processes. Providing low cost or free access to legal services in rural and underserved communities is one of the most attractive parts of running a legal clinic. The students are supervised by a practitioner, but can help victims fill out, file, and prosecute protective order cases. Serving this population also gives students the opportunity to hone their skills in working with traumatized populations.

A Gender Violence Clinic would serve as a dedicated space within an institution to provide comprehensive legal services to survivors of domestic violence, sexual assault, and other forms of gender-based violence. These types of clinics would not only offer direct representation but conduct related research, advocate for policy reform, and raise awareness in the community.

The Gender Violence Clinic at the University of Maryland, School of Law provides an excellent model on which to base a program like this. Their clinic has consistently demonstrated the valuable impact such initiatives can have on survivors and the broader legal landscape. The pillars of the Maryland program are:

1. *Direct Legal Representation:* The University of Maryland's Gender Violence Clinic offers legal representation to survivors, assisting them in securing

protection orders, navigating family law matters, advocating for housing and employment rights, and pursuing civil remedies.

2. *Interdisciplinary Approach:* Their clinic collaborates with experts from other fields, including social workers, psychologists, and medical professionals, to provide holistic support to survivors and address the various challenges they may face.

3. *Community Engagement:* The clinic engages with community organizations, law enforcement agencies, and other legal stakeholders to improve system responses to gender-based violence. They provide training and resources to enhance the understanding of legal professionals, ensuring a coordinated response.

4. *Policy Advocacy:* The legal clinic conducts research and policy analysis to identify gaps in legislation and practice. Through their advocacy efforts, they strive to reform policies that perpetuate gender-based violence and contribute to the development of a more equitable legal framework.

5. *Education and Outreach:* The clinic offers educational programs within the university and the wider community, raising awareness about gender-based violence, its impact, and available legal remedies. They also provide internships and externships for students interested in pursuing a career in this field.

By establishing Gender Violence Clinics at various law schools, Oklahoma would demonstrate our commitment to cultivating a future generation of legal professionals well-equipped to combat gender-based violence. The clinic would provide an invaluable platform for students to gain practical experience, contribute to systemic change, and directly support survivors.



OKLAHOMA APPLESEED

110 South Hartford Avenue, Suite 1008
Tulsa, OK 74120
info@okappleseed.org
www.okappleseed.org