

English summary

Restraining orders.

An evaluation of the law and its application

Author: Monika Edlund and Karin Svanberg

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Sweden

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The Law on the Restraining Orders was introduced with the objective of better protecting individuals who are being persecuted and harassed. The law was introduced as a part of efforts being made to restrict incidents of violence perpetrated against women in the context of intimate relationships. Being issued with a contact prohibition order means that a person may no longer visit nor attempt actively to make contact in any other way with the individual the order is intended to protect.

Over recent years, an average of 6,600 individuals per year have applied for a restraining order to be issued, with just under half of these applications being approved. In a little more than 70 per cent of the cases, the applicant is either a woman applying for an order to be issued to a man with whom she is or has been involved in an intimate relationship, or a relative of the woman applying for an order to be issued to the same man.

Restraining orders do not substantially increase levels of safety

The Law's level of ambition is high. The goal is that the contact prohibition orders should increase the levels of safety of those protected by the orders and serve to prevent crimes being perpetrated against them. As early as in the preliminary work associated with the legislation, the point was made that there was a risk that restraining orders would not be respected. This means that the police should use the prohibition orders as the starting point for their crime prevention work. By means of in depth interviews with 40

women who have applied for restraining orders, and by examining the relevant statistics, the National Council for Crime Prevention has conducted an evaluation of the Law's effects on safety and crime.

The general picture presented by the women who have been interviewed indicates that an approved application for a restraining order approved is experienced in a very positive way, since it shows them that someone they consider to be objective in relation to their situation believes them. The contacts the women have with various public sector agencies and voluntary organisations in connection with their applications are a source of strength and serve to free them from the isolation they had previously experienced. On the other hand, there is nothing in the material collected to indicate that the women feel themselves to be significantly safer as a result of the contact prohibition order. Concerns about being exposed to crimes at the hands of the man in question remain. In addition, the women often experience violations of the restraining orders and other crimes during the period covered by the restraining orders.

Restraining orders may have a deterrent effect on a small group

Two-fifths of the men issued with contact prohibition orders are suspected of crimes against a person within a year of the issuance of the prohibition order, and slightly over one in four are suspected of violating their restraining orders. These data should be interpreted with caution, however, since they do not allow us to identify whether the crimes in question were committed against the woman whom the prohibition orders were intended to protect or against someone else.

The analysis indicates that the contact prohibition orders may have a certain deterrent effect, even if only on a small group of individuals. This is primarily the case for men who have not previously participated in crime to any major extent. One explanation for this might be that these men perceive contact prohibition orders to be a more serious measure than men with more experience of involvement in crime.

Restraining orders are issued primarily when there is a clear risk for crime

The Law's effects depend to some extent on which individuals are issued with restraining orders and on the seriousness of the need for protection found among those applying for the orders. In turn these factors will be affected by the way the police approach their duty to inform the public of the possibility of applying for a contact prohibition order, and the prosecutor's assessment of whether or not there are grounds for issuing such an order. The work conducted by the police and prosecutors in these regards is focused on relatively serious cases, where there is a clear risk that further crimes will be committed.

The police primarily supply information on restraining orders to women who report crimes of violence and who have previously reported crimes, or where there are other factors present indicating that the offence being reported does not constitute a one-off.

The assessments conducted by prosecutors appear for the most part to be based on whether the individual named in the application has been reported for crimes where there has been sufficient evidence to establish that an offence has been committed. Although the preliminary work conducted in association with the legislation states that this should constitute only one of a number of indicators of the existence of a continuing risk, it seems rather to have become a precondition for approving an application. The risk assessment rarely appears to be based on a careful consideration of the situation viewed in its entirety, and the grounds on which prosecutors have based their decisions are poorly documented. In the majority of cases, it takes less than a week from the submission of an application for a decision to be issued.

Restraining orders are rarely used to prevent crime

Interviews with police show that the Law is rarely used as an instrument of crime prevention. The majority of police authorities report that they do not work actively with contact prohibition orders, but rather wait until breaches are reported before acting. Only seven of a total of 21 police authorities had established routines for active and continuous follow up work in connection with prohibition orders issued in their area. Within these areas, it is the local police officers or police dog handlers that carry out this follow up work. This work may for example involve the police making contact with the person who is to be protected, or the person issued with the prohibition order, in order to find out whether the order is being complied with and if necessary to introduce additional protective measures.

Immediate interventions constitute another means of preventing crime that was emphasised in the preliminary work conducted in connection with the Law. This involves police intervening when an attempt is made to make contact with the person requiring protection in order to avoid situations that might result in serious offences. The results of the evaluation show that interventions of this kind for the most part only occur if there is an evident risk that some other offence may be committed, and most often when the man is still to be found in close physical proximity to the woman when the police are called in. The fact that the women often report these incidents after they have occurred means that the opportunities available to prevent crimes by means of such interventions are limited. In addition, it may be difficult for the police to arrive at the scene of an incident in time if there are large distances involved.

One reason that the preventive work is not functioning in a satisfactory manner in many areas is that there are serious deficiencies in the internal dissemination of information within the police organisation. Most police

authorities have not established routines that make information on restraining orders available within the agency.

The women perceive that there is a lack of continuity and a failure to respond on the part of the justice system

The women interviewed point to several aspects of the way the justice system handles their reporting of violations which they feel is one reason they do not feel more secure. They stated that whilst the police encourage them to report violations of the prohibition orders, nothing happens when they do so. In many cases this means that the women cease to report such violations altogether or only report those involving serious incidents. The women also felt that the justice system fails to react against the man in question, and that the harassment therefore continues. The women also stated that there is a lack of continuity in their contacts with the police and that they have to describe the background to the restraining order each time they get in touch with the police. Although the women interviewed do not constitute a representative sample of those who have had restraining orders approved, the results indicate that there is a group among them who perceive the justice system's handling of prohibition orders in this way.

Slightly over half of the investigations conducted into violation of restraining orders are terminated without charges being brought. The most common motivation for this is that there is insufficient evidence to establish that the offence has been committed.