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Protective Orders in North Carolina: Can They Effectively Protect Domestic Violence Survivors?

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Abstract

Domestic violence survivors often face fear and uncertainty upon leaving an abusive relationship. These survivors are forced to make difficult decisions regarding their next steps to remain safe. Helpmate, Buncombe County's primary domestic violence agency, seeks to empower these survivors to make the best choices for their circumstances. A resource commonly recommended is a North Carolina Domestic Violence Protective Order, also called a 50B. This legal resource serves as a restraining order to protect domestic violence victims from their abusers. The efficacy of this legal paperwork in the real world has long been debated and this project seeks to extend this research. Civil records from 99 intimate partner domestic violence homicides in North Carolina were examined from the years 2014 and 2015. These records indicated whether or not victims in these homicides had protective orders against their abusers. Results show that only two of the 99 victims had 50Bs against the perpetrators at the time of the homicide. While data from this research cannot conclusively prove effectiveness of 50Bs in protecting survivors, results do show that 50Bs are not ineffective in preventing lethal outcomes in domestic violence cases.

Origins of the Project

More than one in three women and one in four men will experience intimate partner domestic violence throughout their lifetime (National Intimate Partner and Sexual Violence Survey, 2010). “Intimate partner domestic violence,” describes physical, sexual, or psychological harm by a current or former partner or spouse and this violence can occur between heterosexual or LGBT couples. Survivors of intimate partner domestic violence face many difficult choices when deciding to leave an abusive relationship safely. Previous research has shown that the most lethally dangerous time for a victim of domestic violence is immediately after leaving the abusive relationship (Powell & Smith, 2011). With this in mind, many survivors reach out to domestic violence agencies for guidance on how to leave their abusers safely.

Helpmate has been the primary domestic violence agency for over 30 years in Buncombe County. This non-profit organization serves survivors of intimate-partner domestic violence through their emergency shelter for women and children, 24-hour hotline, counseling, case management, court advocacy, and educational classes. I have been interning and volunteering with Helpmate since September of 2015. In this time I have worked on the hotline, in community outreach, and with the court advocates at the Buncombe County Courthouse.

Helpmate advocates are often asked by survivors for guidance regarding legal measures that should be taken against abusers. Helpmate assists with both criminal and civil actions, but most commonly assists with domestic violence protective orders. While each state has their own form of domestic violence restraining orders, North Carolina has a protective order called a 50B. A 50B is protective order that mandates no-contact between parties and keeps abusers at least a football field away from victims at all times (Women’s Law, 2015). If granted by a judge, this 50B serves as a year-long restraining order which results in criminal charges if violated by an abuser.

For years the effectiveness of these orders has been questioned. In 2006 a local news station in North Carolina published a short documentary that looked into a case that resulted in the failure of a 50B to protect a young woman. The WRAL documentary, “Paper Thin Promise,” exposed the story of Anitra Coburn, a woman who was killed by her boyfriend Doug Carter, despite having an active 50B at the time of the homicide (Loveland, 2006). After watching this documentary, an advocate at Helpmate, Nita Carroll, asked for my assistance with analyzing 50B data in North Carolina. The main question became, “How effective are these orders at keeping survivors safe?” Was this documentary exposing the sad truth that restraining orders might not be effective, or was this individual case an exception to the rule?

The research and data provided in this project will examine effectiveness of 50Bs at reducing lethal outcomes in domestic violence relationships. While 50Bs are just a piece of paper, can they be valuable safety resources after leaving an abuser?

Methods and Work Undertaken

Before analyzing any North Carolina specific data I wanted examine current research already being done in this area. Though each state has their own form of domestic violence protective order with differing stipulations, protective order research from varying states can still be valuable information for understanding effectiveness. In Kentucky for example, one

longitudinal study of female victims of domestic violence found results that protective orders may increase victim's peace of mind following an abusive relationship (Logan & Walker, 2008). During a 6 month follow up period after these women filed for protective orders, 50% reported a violation. Researchers used "severity scores" to determine amount and severity of abuse before and after orders. Even when abusers violated these protective orders the severity scores were dramatically lower for women than before the order. Overall 80% of respondents were satisfied with the protective order process and researchers found that in all categories women felt less fear following the protective order. While this research shows that violations of restraining orders might be common, severity scores indicate that the victim may be less severely at risk than she might be without the protective order in place.

Similar results were found in a study involving California's protective orders. After reviewing 210 protective order cases, researchers found that 68% of victims reported physical violence, but following the enactment of the order only 23% reported physical violence (Carlson, Harris, & Holden, 1999). While it is promising that physical violence was reduced following the protective orders, it is also important to notice that 23% are still experiencing physical violence. This is critical since my research will be in regards to the efficacy of protective orders to reduce lethal outcomes from physical violence.

While these orders appear to reduce physical violence, additional research shows that many survivors experience increased "paper abuse" by their abusers following a protective order (Miller & Smolter, 2011). "Paper abuse," refers to a barrage of frivolous lawsuits, false reports of child abuse, and other system manipulations abusers might use in order to exert control and contact with a survivor from a distance. Many survivors may want to end abuser contact without civil court measures in order to reduce the possibility of increased court costs in the future. Often survivors also believe that seeking a protective order might put them in more lethal danger than before by upsetting an abuser. On February 26th, 2016 a man from Kansas went on a shooting rampage killing three and wounding 14 after being served the paperwork for a protective order sought by his girlfriend (Eligon & Turkewitz, 2016). While this is simply one story, it shows the lethal outcomes that can result from legally fighting against an abuser.

With this knowledge I decided to focus the research on data that I had access to in regards to lethal outcomes of domestic violence. After contact with the Buncombe County Courthouse and the North Carolina Coalition against Domestic Violence I learned that access to 50B records is limited. Although all 50B records are public, they can only be accessed through paper documents in each county's courthouse. The only source of 50B data statewide could be found in the Civil Case Processing System, called the VCAP. This database contains information on civil actions that range from case initiation to disposition. This system is available for the public to look up any civil case from North Carolina since 2004. In this system I could see who sought or was granted protective orders but I could not look up information regarding violations of protective orders (since this data would be considered criminal records). There is no civil processing system for criminal records and thus paper files would have to be pulled from each county's courthouse in order for this data to be examined.

Along with the data accessible through the VCAP system I used a list compiled by The Coalition against Domestic Violence of all domestic violence related homicides from the years 2014 and 2015 in North Carolina. From this list I eliminated familial domestic violence murders, because this would not be valuable information for Helpmate, an organization that

works specifically with intimate partner domestic violence. I then took this list of names to the Buncombe County Courthouse VCAP terminal in the civil records room in order to research all of the victim names and identify who had obtained protective orders against their abusers. For each homicide I looked up the victim name, perpetrator name, and any protect orders between them. I documented if and when protective orders were sought and if the perpetrator had past protective orders initiated by other parties.

Ties to Psychology

As a Psychology major, I have developed the knowledge and experience necessary to carry out a project of this nature. My interests in helping individuals led me to work with Helpmate through direct involvement with domestic violence survivors. But this project has allowed me to look at a different side of this helping profession that I had less experience with. Analyzing 50B data has been an effort to assess a resource that is commonly used in the field of domestic violence. In any field of psychology it is necessary to conduct research in order to stay up to date on best practices for helping others. In my major I have developed the ability to critically read research articles to inform my own theories. Additionally I have been taught valuable information necessary to identify if my research is reliable and valid. I have gained valuable skills associated with collecting and analyzing data while doing this research that I can carry with me both in my major and in future career possibilities.

Within the next year I will be applying for graduate school in a counseling field. I am interested in helping with community needs as well as helping individuals one on one. This project has shown me the relevance and necessity of research to inform how we can best help certain populations. As psychologists, we cannot try to help people based solely on a hunch or hypothesis. Luckily, data from the research in this project can be valuable in shaping how individuals in North Carolina talk about protective orders in the domestic violence field. This project will leave me with the knowledge and experience to analyze data in a way that ends with useful results that can benefit a community's needs. The experience as a whole will be valuable for my future goals to help individuals to the best of my ability.

Challenges Faced and Responses to Those Challenges

Despite the assistance of Helpmate and the North Carolina Coalition against Domestic Violence, there were many challenges associated with accessing protective order data. There was originally much debate between Helpmate advocates and the Clerks of Court regarding who had access to the Civil Case Processing System (VCAP). Once it was established that this system was to be available to the public, I found the public terminal in the civil records room that had the VCAP database on it. This instance was troubling to me because I feared that most members of the common public would not have taken as much time as I did to determine how to access this data. If individuals have concerns about the history of a current intimate partner it may be beneficial for them to look up this partner's name in the VCAP system. It is possible that if individuals could see a partner's past domestic violence history they would be less likely to stay in an intimate relationship with this individual. Since protective order data is public civil court data, anyone should be able to easily look up names in the system.

Additionally, the VCAP system was not user friendly. For this reason it originally took about an hour to look up one victim name. It is unlikely that members of the general population

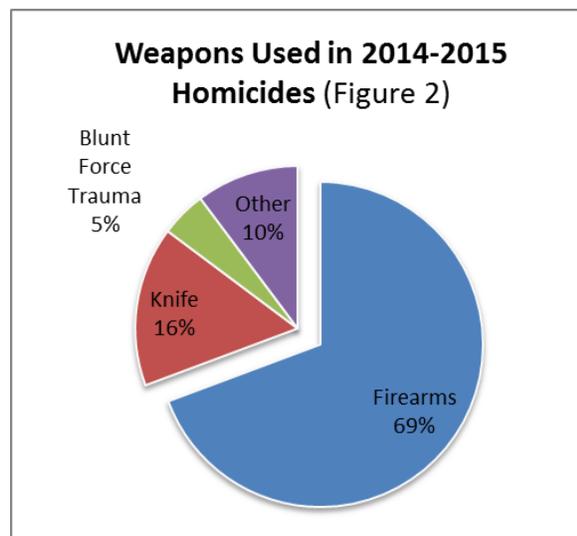
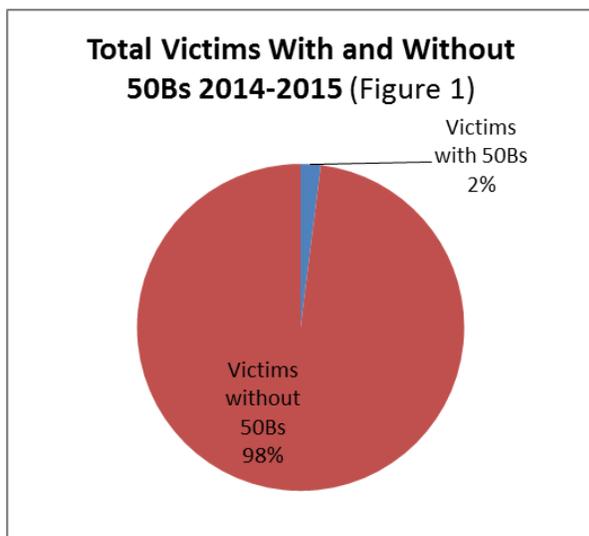
would go through this trouble just to look up civil cases against their partners or ex-partners. Some of the homicide victims in 2014 and 2015 had abusers with past domestic violence charges against them. I would suggest that if the VCAP system were more user-friendly and accessible it might be utilized more often as a resource for the general public. Luckily with time the VCAP system became easier to use and ended up only taking about eight hours to compile the protective order data from 2014 and 2015.

Another limitation of the VCAP system is that one has to know the full name and county of individuals in order to look them up. There could have been more research possibilities if this had not been the case. The homicide lists I was given by the coalition included victim’s counties of residence which made the research possible. Lastly it is important to note that the VCAP system could only be accessed from the courthouse Tuesdays through Thursdays from 9am-4pm. These limited hours meant that data collection often took longer than it should due to driving back and forth to the courthouse every day. I would suggest that this system be accessible to the public through a web portal for convenience.

Results

Results of the research show that 2014 and 2015 were similar years for domestic violence related homicides in North Carolina. In 2014 there were 53 victims of intimate partner domestic violence homicide (43 females, 10 males) and in 2015 there were 46 victims of intimate partner domestic violence homicide (40 females, 6 males). In 2014, four women sought 50Bs against the abuser who would end up being the alleged perpetrator in their deaths. All four of these women were granted ex-parte, which are a temporary restraining order until the time of the hearing for a permanent 50B. But only one woman, named Jessica Cox, had a 50B in place at the time of her death. The other women either dropped their orders or had them involuntarily dismissed. In 2015 the results were identical. Four women sought 50Bs and only one was in effect at the time of the homicide. In this case a woman named Sabrina Belcher sought a 50B and was granted her ex-parte on November 2nd 2015, but was killed by her abuser on November 5th 2015, only three days later. Figure 1 displays the finding that only 2% of homicide victims in 2014 and 2015 had active 50Bs against their abusers at the time of the murder.

An interesting point to mention about both the 50B violation homicide in 2014 and 2015 was that both murders were committed with a firearm. A statute of the protective order dictates that when an ex-parte and 50B go into effect the defendant must surrender all firearms and may



not obtain a firearm for the duration of the protective order. This calls into question how these alleged perpetrators had access to firearms in the state of North Carolina and how this violation was not caught sooner. Firearms are the leading weapon for lethality in these domestic violence cases. Figure 2 shows the breakdown of weapon type used in the domestic violence homicides from 2014-2014. Of the known weapons used, 69% of homicides were committed using firearms.

It is impossible to say whether or not these homicides would have been committed if the victims had protective orders in place at the time of the murder, but I would suggest that taking guns away from abusers is a big first step in reducing lethality. This is not a perfect solution since we know from the evidence that individuals may still die from a firearm despite 50Bs power to take away this weapon. But it is likely that domestic violence altercations turn more deadly when a firearm is available as a weapon.

A final issue to address from the results involves alleged perpetrators of domestic violence homicide and past protective orders. Of the 99 abusers, 7 individuals had prior 50Bs taken out against them by former spouses and partners. Although some of these 50Bs were no longer active, it is important to note that these abusers went through the 50B process in the past without lethal consequences. For some of the abuser's past victims, the protective order process appears to have been beneficial and a good safety measure. While this cannot prove overall effectiveness of 50Bs, it is interesting that this protective order process was effective for past victims of these perpetrators and it is possible that this process would have been equally effective for the 2014-2015 homicide victims. It will never be known if a 50B could have protected these domestic violence homicide victims. But it will also never be known how many individuals have been saved by protective orders. For these reasons, effectiveness of these orders at preventing lethality cannot be assessed. But from the results of 2014 and 2015 it seems that these orders are not ineffective in nature.

Sustainability of Project

I feel that this project was a good jumping off point for future protective order research with Helpmate. The data collected above has given valuable information related to lethality with these orders. While this data is valuable, I think there is more research that needs to look at violations of 50Bs that do not result in lethal conclusions. I think future research Helpmate could conduct would involve examining all 50B violations specifically in Buncombe County. Unfortunately, this data would be time-consuming to track down because these violations are not included in the VCAP database that I used for this project. While it was time-consuming looking up names in a computer database, it would be even more time consuming to pull the physical documents from public records. To look at efficacy and violations of 50Bs in Buncombe County, Helpmate would need to pull all of the paper files in the civil and criminal record rooms in the courthouse for examination.

One of the best things about my work that will promote future projects was the time I put into tracking down the accessibility of these records. My work of contacting the North Carolina Coalition against Domestic Violence and my interaction with the Buncombe County Clerk's office allowed for a good introduction to the data accessible for these sorts of 50B research projects. With that base level of accessibility knowledge, I have informed Helpmate advocates of what can be found in the VCAP system and more importantly what cannot be found in the

system. Future research cannot rely on this Civil Case Processing System in order to look at anything other than when protective orders were sought and if they were granted. For these reasons, future work on this data would take more time to compile than originally thought.

I will continue to be a volunteer with Helpmate into the foreseeable future and I will continue to look into 50B efficacy even though this portion of the project is complete. But for the sustainability of this project I think it is important that the work I have done is explained well and does not require my presence to continue informing future work. For these reasons it will be possible for other volunteers or staff to take on new protective order data for more valuable information.

Conclusion

As domestic violence agencies such as Helpmate continue to assist survivors of domestic violence it is important that advocates remain up to date on best practices. When survivors choose what legal routes they want to pursue against abusers, advocates must be informed about the effectiveness of these orders. While the research completed in this project did not definitively prove effectiveness of Domestic Violence Protective Orders, it is clear that there are not large numbers of 50B violations that end with deadly outcomes in North Carolina. As with most legal paperwork, this research cannot prove that obtaining a piece of paper for protection will always guard a survivor from a dangerous abuser. The two violations in 2014 and 2015 are enough to prove that 50Bs can be violated and have unfortunate endings. But 50Bs are more than just a piece of paper and may be good tools for reducing lethality by taking away firearms from abusers, creating criminal charges for violations, and helping victim's peace of mind. Domestic violence advocates should feel assured when they recommend a 50B as a possible safety measure that this paperwork does not appear to be ineffective. Ultimately it is a survivor's choice about whether or not to pursue a protective order, but it is important that advocates have relevant data to assist these survivors with their decision. More research will need to be done regarding 50B efficacy but this project was a good starting point for Helpmate and other North Carolina domestic violence agencies.

References

- Carlson, M., Harris, S., & Holden, G. (1999). Protective Orders and Domestic Violence: Risk Factors for Re-Abuse. *Journal of Family Violence*, 14(2), 205-226. Retrieved February 15, 2016.
- Eligon, J., & Turkewitz, J. (2016). In Kansas, Pop-Pop-Pop, Then Terror: 'We Got to Go'. Retrieved April 01, 2016, from <http://www.nytimes.com/2016/02/27/us/kansas-shooting-cedric-larry-ford.html>
- Helpmate Services. (2016). Retrieved April 1, 2016, from <http://www.helpmateonline.org/>
- Logan, T., & Walker, R. (2008). Civil Protective Order Outcomes: Violations and Perceptions of Effectiveness. *Journal of Interpersonal Violence*, 24(4), 675-692. Retrieved February 15, 2016.
- Loveland, L. (Journalist). (2006). *Focal Point: Paper Thin Promise* [Motion picture]. United States: Capital Broadcasting Company.
- McCool, A. Domestic Violence Homicides in North Carolina. *North Carolina Coalition against Domestic Violence*. Retrieved February 15, 2016, from <http://www.nccadv.org/resources/homicides>
- Miller, S. L., & Smolter, N. L. (2011). "Paper Abuse": When All Else Fails, Batterers Use Procedural Stalking. *Violence Against Women*, 17(5), 637-650.
- National Intimate Partner and Sexual Violence Survey. (2010). *CDC*. Web. Retrieved April 1, 2016, from <http://www.cdc.gov/violenceprevention/nisvs/>
- Powell, P., & Smith, M. (2011). Domestic Violence: An Overview. *University of Nevada, Cooperative Extension*, 1-3. Retrieved February 15, 2016, from <https://www.unce.unr.edu/publications/files/cy/2011/fs1176>
- Women's Law: Domestic Violence Protective Orders (50B Orders). (2015, December 15). Retrieved March 20, 2016, from http://www.womenslaw.org/laws_state_type.php?id=563