The Social Construction of Personal Protection Orders: Gendered Differences?

Kristen E. DeVall
Western Michigan University

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THE SOCIAL CONSTRUCTION OF PERSONAL PROTECTION ORDERS: GENDERED DIFFERENCES?

by

Kristen E. DeVall

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Faculty of The Graduate College
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Kristen E. DeVall
Personal Protection Orders (PPOs) were enacted as one method of responding to the issue of domestic violence that was thought to be escalating in epidemic proportions across the United States. This research was grounded in social constructionist theory and sought to examine the perspectives of judges who authorize/deny PPOs and the implications these perspectives have for the legal process, as well as the larger criminal justice system. Through my examination of the petitioning process, I gained insights about the relationships that exist between petitioners and respondents as well as the reasons petitioners cite for why s/he is seeking a PPO.

I began the research with an analysis of PPO cases (n = 956) that were filed between 1997-2001. Based on the information gleaned from the PPO files, I conducted interviews with three judges in the research county who review PPO petitions and subsequently handle these cases. The findings of this research address a broad array of issues.

In conclusion, this research has some specific implications for social policy. More specifically, there are implications for petitioners and respondents, the court process, the criminal justice system, and social constructionist theory.
# TABLE OF CONTENTS

ACKNOWLEDGEMENTS .......................................................... ii

LIST OF TABLES ...................................................................... v

REFLEXIVE STATEMENT .......................................................... 1

CHAPTER

I. INTRODUCTION ................................................................. 2

II. LITERATURE REVIEW .......................................................... 5

1. Historical Overview .......................................................... 5

2. Personal Protection Orders (PPOs) ........................................ 8

3. How To Obtain a PPO ......................................................... 11

4. Benefits of PPOs ............................................................... 15

5. Limitations of PPOs ........................................................... 19

6. Why are PPOs Filed .......................................................... 22

7. Relationship with the Criminal Justice System ....................... 23

8. Role of Judge in this Process .............................................. 25

9. Structural Context ............................................................ 27

10. Summary ........................................................................ 30

III. METHODOLOGY ............................................................... 32

IV. DATA ANALYSIS AND FINDINGS ...................................... 42

1. Descriptive Statistics ........................................................ 44
Table of Contents—Continued

2. Definition of a PPO.................................................. 45
3. Situations For Which PPOs Were Conceptually Designed ............................................. 46
4. Reasons Why PPOs Are Filed........................................ 47
5. Limitations of PPOs.................................................... 54
6. Benefits of PPOs...................................................... 56
7. Criteria Used By Judges............................................. 58
8. Overall Perspectives............................................... 61
9. Petitioner’s Gender and PPOs..................................... 64

V. CONCLUSIONS........................................................... 68
1. Implications.............................................................. 69
2. Future Research......................................................... 78

APPENDICES

A. Personal Protection Order Coding Sheet............................................. 80
B. Participant Consent Form.................................................. 85
C. Interview Schedule....................................................... 88
D. Protocol Clearance From Human Subjects Institutional Review Board ......................... 90

BIBLIOGRAPHY............................................................... 92
LIST OF TABLES

1. Descriptive Statistics .................................................................................................. 43

2. Chi-Square: Relationship Between Petitioner’s Gender and the Reasons Given for Why the PPO was Filed .......................................................................................... 51

3. Chi-Square: Relationship Between Petitioner and Respondent and Gender of the Petitioner .................................................................................................................. 53

4. Chi-Square: Relationship Between Petitioner’s Gender and Whether the PPO was Signed .................................................................................................................... 65

5. Petitioner and Respondent’s Gender, the Judge Assigned to the PPO Case, and Whether the PPO was Issued ..................................................................................... 67
REFLEXIVE STATEMENT

Over the course of my two-year employment as a deputy court clerk with the county Circuit Court studied for this research, I dealt with an array of personal protection order (PPO) issues on a daily basis. These issues ranged from explaining what a personal protection order is conceptually (in legal and practical terms) to a potential petitioner to explaining the legal procedure necessary for dealing with violations of PPOs. Through these experiences, my interest was sparked and I became interested in looking at how PPOs are socially constructed legal documents. I have surmised that not only do judges have very different views of PPOs than does the general public, but judges also have their own personal views regarding what situations PPOs were conceptually designed for, as well as the usefulness and effectiveness of PPOs. These personal views undoubtedly vary from judge to judge, which then results in the subjective analysis of all PPO petitions. Through this research, I explore the different perspectives of judges who review PPO petitions and authorize/deny the subsequent PPO, as well as investigate what implications these different perspectives have for the criminal justice system and the general public. In addition, I examine the petitioning process, so as to provide detailed information regarding the relationships that exist between petitioners and respondents and the subsequent reasons petitioners cite for why s/he is seeking a PPO.
CHAPTER I

INTRODUCTION

Beginning in the 1970s, increased attention has been paid to the issue of domestic violence and ways in which the likelihood of future violence can be reduced. As a result of the heightened level of awareness, reports of domestic violence and the effects it has on victims and the larger society were enough to spark the interest of lawmakers and politicians and put into motion the wheels of legal change. Personal Protection Orders (PPOs) were enacted by the Michigan Legislature in 1994, as one method of responding to the issue of domestic violence that was thought to be escalating in epidemic proportions across the United States. PPOs “evolved from earlier forms of injunctive relief for domestic violence victims” (Michigan Judicial Institute, 1998: 7-3) that were implemented in Michigan in the early 1980s.

While the implementation of PPOs and subsequent legal reform generated significant changes “in how domestic violence cases are managed, it is less clear whether they have made victims feel safer from further abuse” (Davis & Smith, 1995: 541-542). Despite the fact that this research is not focusing on the issue of domestic violence per se, relevant research and literature addressing PPOs is strongly linked to the issue of domestic violence. A central purpose of this research is to discuss the different perspectives of three judges presiding in the county studied for this research as they relate to PPOs. I will be arguing that judges perceive PPOs from a legalistic
perspective. More specifically, a PPO is viewed as one of several necessary steps that must be taken by a petitioner, within the legal system, in the hopes of keeping the named-respondent away. This document allows the police to arrest the named-respondent if s/he violates any provision specified by the judge in the PPO. Judges understand that a PPO is merely just a piece of paper in the scheme of things and that it does not necessarily protect the petitioner from harassment or physical harm.

Petitioners, on the other hand, sometimes lack clarity about the purpose and legal function of personal protection orders. Over the years, PPOs have been recommended to individuals for situations that were later determined to be inappropriate (e.g. landlord/tenant disputes, property disputes between neighbors). This resulted in a dramatic increase in the number of people filing for PPOs, as well as the development of inconsistencies in the general public’s understanding of their legal intent and purpose. It is vitally important that judges and petitioners are aware of what situations warrant the filing of a PPO. As it stands right now, there is not a consistent understanding of what PPOs are and more importantly, for what situations they were conceptually intended. In order for the legal process to function efficiently and effectively, individuals involved, from court personnel to the general public, must have a general working knowledge of basic legal concepts, intentions, and purposes.

Through this research, I hope to establish a basic understanding of what PPOs are, for what situations they were conceptually designed, and for what situations the general public uses, as well as, tries to use PPOs. I am interested in comparing and contrasting the perspectives of the three judges who preside in the research county, as
I believe that their different domain assumptions will undoubtedly influence their analysis of all PPO petitions. The fact that PPOs are neither an answer, nor a panacea for all situations is of paramount importance and will be addressed throughout this project. It is imperative for all individuals to be clear that a PPO does not prevent the named respondent from contacting, harassing, nor physically harming the petitioner. Realistically, PPOs represent only one step within the legal process, which theoretically serves to keep the named respondent away from the petitioner. However, the PPO is only as legitimate as the respondent believes it to be.

Given that each petition for a PPO is unique and involves different parties, there is not an across-the-board standard for issuing/denying a PPO. While each case should be reviewed independently of all preceding cases, the fact that judges issue PPOs for a myriad of different reasons at times suggests the possibility of a lack of clarity on the part of all parties involved. There is a possibility that individuals within this process may misconstrue the legal purpose and function of PPOs. Therefore, judges must be aware of the potential for the development of misperceptions by the general public and should remain cognizant of this fact when reviewing all PPO petitions. In addition, the level of discretion afforded judges and lack of statutory and case law guidance given to judges regarding issuing/denying PPOs, suggests the need to examine how court procedures impact the theoretical purpose versus the practical use of PPOs. This inquiry stems from the notion that PPOs could, in reality, be merely a form of symbolic law. What follows is a review of the literature on PPOs.
CHAPTER II

LITERATURE REVIEW

The literature reviewed addresses the history of personal protection orders (PPOs), almost exclusively in the context of domestic violence. While the issue of domestic violence is not the focus of this research project, the issue of PPOs is inextricably linked to domestic violence and other related issues. In fact, there is a dearth of literature on PPOs outside the context of domestic violence. I begin my discussion with a historical overview of PPOs in the context of both the larger United States and specifically in the state of Michigan. Next, I move to a discussion focusing on the legal definition of PPOs and for whom they are conceptually intended. Then, I address the actual process of filing for a PPO. I also discuss the possible benefits of and limitations to PPOs; along with why PPOs are filed (e.g. the situations for which PPOs have actually been used). I then move to a discussion of how PPOs are related to the larger criminal justice system and the role that judges play within this process. Finally, I conclude with a discussion of the ways in which the larger United States culture and society impact PPOs.

1. Historical Overview

Much of the research on PPOs has been conducted within the last fifteen to twenty years due, in part, to the relative “newness” of this legal phenomenon. There have been laws geared toward deterring domestic violence on the books for many years; however, the
enforcement of these laws has been substandard. "Historically, there has been a dramatic
difference between the written law and the law in practice regarding violence against wives" 
(Ptacek, 1999:3). Before protective orders were implemented by the legislature, "the only
protection available to women was through cumbersome and usually ineffective criminal
proceedings" (Carlson, Harris, & Holden, 1999:206). In addition, prior to Pennsylvania’s
Protection from Abuse Act being enacted in 1976, only two states had legislation addressing
protective orders (Carlson, et al, 1999). This Act offered "new civil and criminal remedies
for victims of domestic violence and mandated changes in traditional police and court
responses to abused women" (Ptacek, 1993:48-49). Klein (1996) addresses some historical
implications that have resulted from this Act for criminal justice systems across the United
States:

Since first enacted in Pennsylvania in 1976, every state and the District of
Columbia now provide for the issuance of restraining or protective orders
(ROs) to protect victims of spousal/partner abuse. The issuance of these civil
orders has become the chief means of protecting victims of domestic abuse in
many jurisdictions (192).

The late 1970s and early 1980s sparked monumental change within criminal justice systems
across the country particularly in the way the issue of domestic violence was conceptualized
and addressed. New laws and procedures were implemented to further assist victims of
domestic violence because

violence against women was rediscovered as a significant social concern in the
1970s. The role of the criminal justice system with respect to domestic violence
shifted from maintaining social order and family ideals to explicit protection for
victims with the recognition of women as entitled to legal redress despite traditional
male dominance of American social institutions (Ford, Reichard, Goldsmith &
Holden, 1999, 244).
As a result of the significant legal reform that occurred across the country, many states have since implemented the use of PPOs as a tool available to all victims of domestic violence. These legal reform efforts have come in the wake of increased pressure being exerted on the criminal justice system, as well as other social institutions, by various social agencies that deal with domestic violence issues (Stalans & Lurigio, 1995; Syers & Edleson, 1992). Klein (1996) asserts that

The development of ROs [PPOs] as a means to combat domestic violence was promoted by women's advocates who found the criminal justice system resistant to arresting, prosecuting, or sentencing abusers...the civil RO [PPO] allowed them to bypass the criminal justice system to get to court (211).

The civil restraining order, or PPO, has been proposed as a more effective and efficient tool for victims to use in trying to end a violent relationship. The civil restraining order process allows victims to initiate the filing of the PPO petition and is much less time-consuming than the criminal process. When pressing criminal charges against a batterer, the prosecutor files the complaint against the batterer and thus initiates a very lengthy and time-consuming process. In 1983, the Michigan Legislature attempted to address the issue of domestic violence by enacting two laws which “criminalized the enforcement proceedings for certain injunctions against domestic abuse by providing that violators would be subject to warrantless arrest and criminal contempt proceedings” (Michigan Judicial Institute, 1998:7-3).

Several statistical reports, over the years, have substantiated the importance of the criminal justice system taking a much more proactive approach towards the issue of domestic violence and more specifically the use of PPOs as one way in which victims can seek some form of legal protection. For example, “restraining order requests nearly tripled in number between 1985-1993” (Ptacek, 1999:62) and “by mid-1992, an average of one woman was
being murdered every eight days. Information on whether restraining orders were in effect became a leading issue" (Ptacek, 1999:58). Michigan, as well as other states across the nation, responded to the increased pressure in the mid-1990s by enacting more comprehensive laws to protect domestic violence victims.

The timeliness of these changes indicates that, “the glare of media attention began to change how the judiciary responded to women seeking protection” (Ptacek, 1999:60). As of now, in terms of the availability of PPOs, “restraining orders or court orders of protection are available in all fifty states” (Ptacek, 1999:6). More specifically, “victims...may petition [for a PPO] on the basis of attempted physical abuse in 39 states and the District of Columbia and [also] on the basis of threatened physical abuse” (Finn, 1991:162).

2. Personal Protection Orders (PPOs)

Personal protection orders have been called temporary restraining orders (TRO), civil restraining orders (RO), and domestic violence restraining orders (DVRO), and despite whichever name is adopted, all forms have been touted as viable and realistic tools available to domestic violence victims. The ultimate goal for judicial intervention is to help “end the violence and increase both the victim’s safety and her satisfaction with the criminal justice system’s response” (Syers & Edleson, 1992:290).1 In essence “domestic violence protective orders have the dual

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1 Despite the fact that the overwhelming majority of literature addressing PPOs and domestic violence asserted that females are the victims and males are the batterers, I am not limiting myself to this conceptual framework, nor is this the focus of my research project. Interestingly enough, “the long-standing claim that only males commit abuse, with its accompanying view that women’s abuse is nonexistent or inconsequential, is beginning to falter in the face of robust evidence to the contrary” (Moffitt, Robins, and Caspi, 2001, 6). My experience with the county Circuit Court studied in this
function of providing the battery victim with enhanced protection of her physical welfare as well as the psychological feeling that the power of the justice system stands behind her” (Adler, 1999:314). Therefore, not only do PPOs serve a legal function, they also serve a symbolic function (e.g., empowers petitioners to speak out and ask for the help they need).

PPOs are defined as “Circuit Court injunctive orders that protect victims of family violence, dating violence, or stalking” (Personal Protection Orders, 1:1997). In addition, the National Council of Juvenile and Family Court Judges (1998) identified a wide range of acts that warrant the filing of a personal protection order: almost any criminal act, criminal acts involving a motor vehicle, when an act is committed and “someone other than the petitioner is injured by violence directed toward the petitioner,” (25) acts that interfere with personal liberty, threats of violence, attempts (intentional or otherwise) to harm the petitioner, harassment, emotional abuse, damage to property, and stalking.

When the Michigan Legislature increased the scope of civil remedies available to petitioners to address the broader issue of domestic violence in 1994, they outlined two specific types of PPOs: the domestic relationship PPO and the non-domestic relationship PPO. The difference between these two civil remedies is determined by the relationship that exists or previously did exist between the petitioner and the respondent. The domestic relationship PPO “protects victims who

research indicated that men do in fact file for PPOs and are, in some instances, the victims of domestic violence. It is my hope through this research project that I can provide some insight into the fact that men do in fact file for PPOs and note any differences in their reasons for filing.
live or have lived with the abuser, have a child in common with the abuser, or who have a past or present marriage or dating relationship with the abuser" whereas the non-domestic PPO "protects victims of stalking, regardless of whether they have a relationship with the abuser" (Michigan Judicial Institute, 1998:7-5). The conduct prohibited by these two different types of PPOs is unique. Domestic relationship PPOs may prohibit any of the following acts:

- Entering onto [petitioner’s] premises; assaulting, attacking, beating, molesting, or wounding a named person; threatening to kill or physically injure a named person; removing minor children from the person having legal custody of them, except as otherwise authorized by a custody or parenting time order; interfering with the petitioner’s efforts to remove the petitioner’s children or personal property from premises solely owned or leased by the respondent; purchasing or possessing a firearm; interfering with the petitioner at the petitioner’s place of employment or engaging in conduct that impairs the petitioner’s employment relationship or environment; doing any other specific act that imposes upon or interferes with personal liberty or that causes a reasonable apprehension of violence. ‘Other specific acts’ can include stalking and attempting to locate a victim in hiding by accessing children’s school or medical records (Michigan Judicial Institute, 1998:7-9).

On the other hand, non-domestic relationship PPOs may prohibit the following:

- [Any] willful course of conduct involving repeated or continuing harassment of another individual; [conduct] that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested; and [conduct] that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested (Michigan Judicial Institute, 1998:7-12).

It is important to note that the type of relationship that exists or existed previously between the parties is what determines which type of PPO is appropriate and therefore, what provisions the judge can authorize in the PPO. These guidelines were designed to offer the petitioner the appropriate degree of protection from the
respondent and should serve as the distinguishing factor in situations that may appear on the surface to be unclear.

It should also be noted that both domestic and non-domestic relationship PPOs were specifically designed to aid victims of domestic abuse. These are not appropriate measures for dealing with, for example, landlord/tenant disputes or disputes between neighbors or co-workers, if the parties' behavior is not of the type described in either statute. There are other legal remedies and processes designed to better address such issues.

3. How To Obtain a PPO

The process of obtaining a PPO has been designed so that it is available and manageable for anyone seeking some degree of protection from a named respondent. It should be noted that, “venue to issue a PPO lies in any county in Michigan, regardless of the parties’ residency” (Michigan Judicial Institute, 1998:7-15). This is quite unique as other civil and domestic cases (e.g. divorce, custody, paternity) have specific jurisdiction requirements that must be met prior to the petitioner filing a case in a given county.

The actual process begins with the petitioner requesting the appropriate legal forms from the Circuit Court Clerk’s Office. The county Circuit Court studied for this research has designated a court clerk to handle all PPO cases. S/he is responsible for the initial intake/screening interview where it is determined whether the relationship between the petitioner and respondent is domestic or non-domestic in
nature, and whether it is appropriate to petition the Court for a PPO. Once this has been determined, the petitioner is asked to complete the actual PPO petition. The petition is the document on which the petitioner must be very detailed in his/her description of the alleged incidents that preceded the filing of the PPO petition and support the need for a PPO. In short, the petitioner must tell the judge why s/he needs to be protected from the respondent. But more specifically, the petitioner should state the following:

With particularity, the facts on which the petition is based; the relief sought and the conduct to be restrained; whether an ex parte order is being sought, if so, specific facts showing that immediate and irreparable injury, loss, or damage will result to the petitioner from the delay; sign the petition; [and] specify whether there are any other pending actions in this or any other court, or orders or judgments already entered by this or any other court affecting the parties… (Michigan Judicial Institute, 1998:7-17).

Supporting documents (e.g. police reports, medical records, photographs) are always encouraged as are any other court documents that might relate to this legal action (e.g., divorce decree, custody orders). In addition, the petitioner is asked to provide descriptive information about the named respondent. This information is mandatory as this information (e.g., full name, date of birth, social security number) will be entered into the Law Enforcement Information Network (LEIN).

Once the petitioner has completed the petition for a PPO, the court clerk will review the given information, assign a case number to the petition, and assign a judge to the case. The petition will then be forwarded to the judge for his/her review. This process may take some time depending upon the docket the assigned judge has for
that particular day. The turn-around time for PPOs in the county studied for this research is typically twenty-four to forty-eight hours.

If the judge reviews the PPO petition and signs the PPO, the court clerk will file the paperwork and will contact the appropriate law enforcement agency who will then enter the PPO information into LEIN. The petitioner will then receive two true copies of the order; one copy is for the petitioner’s records and the other copy must be served on the defendant. Given that the restraining order is in effect from the time that the judge signs the order, the petitioner is instructed to have either a deputy court officer or a disinterested third party serve the defendant with the PPO. On the other hand, if the judge does not sign the order, the petitioner has the right to schedule a hearing before the judge to present his/her rationale for why the PPO should be authorized. PPOs in the county studied for this research are typically valid for one year from the date the judge signed the order, however each judge may use his/her discretion when determining when the PPO shall expire. It should be noted that this time frame might vary to some degree in other jurisdictions, and petitioners always have the option to file a motion to extend the PPO.

In terms of the court process itself, a petitioner that appears in pro per is informed that if s/he proceeds without an attorney, s/he is proceeding with the understanding that s/he is representing themself, and agree to abide by all court rules. Therefore, if all the necessary requirements are not met, the petitioner puts him/herself at risk of not being protected by the PPO. It should be noted that "the Circuit Court Clerk’s staff are not lawyers, and are prohibited from giving legal
advice beyond how to fill the forms out, what to include, etc. [Therefore] the staff cannot assist [anyone] beyond explaining the internal procedures of the court” (Personal Protection Orders, 2-3:1997). However, in other jurisdictions the role of the court clerks has been defined in such a way that,

When victim advocates or attorneys are not available, assistance from court clerks is a last resort. In recognition of this, several states require clerks to assist petitioners. They provide explicit instructions about the level of detail petitioners must use in describing the abuse in their petitions and make sure victims request all the protections to which they may be entitled (Finn, 1991:178).

While this is not drastically different from the guidelines that court clerks are instructed to follow in the county Circuit Court in Michigan studied for this research, there appears to be more latitude given to clerks in other jurisdictions, as it pertains to offering assistance and advocating for the petitioner.

In addition to the assistance provided by the court clerks, judges who were interviewed “were quick to emphasize the importance of providing women with access to resources in restraining order hearings...[these] judges spoke of how important it was to make women aware of their legal options” (Ptacek, 1999:128). Therefore, not only is it important for court clerks to provide accurate information that is within the appropriate guidelines, but it is also important for judges to ensure that petitioners are aware of all their legal options. This notion of educating petitioners directly impacts the long-term effectiveness of PPOs. Even though the actual process of filing PPOs has received very little attention from researchers, it plays a critical role in the effectiveness, accessibility, and future reputation of PPOs.
4. Benefits of PPOs

Due to the positive reputation that PPOs have received since their inception, they have replaced various other forms of redress that were historically the only means available to victims of domestic violence. More specifically, PPOs are oftentimes viewed as more effective in dealing with domestic violence situations than filing criminal charges against alleged batterers (Davis & Smith, 1995; O'Conner, 1999). It has been theorized that,

Proceeding civilly may have a number of advantages for victims. First, civil protection orders generally enjoin borderline criminal behavior such as harassment and intimidation which state criminal codes may not define as 'arrestable' offenses. These orders also provide the only remedy in misdemeanor abuse incidents where insufficient evidence exists for charging or convicting (Finn, 1991:180).

Given that interested individuals, as opposed to the state, initiate PPOs, the process itself should help to enhance petitioners' sense of power and control over their own lives. Additionally, "there are several psychological benefits to obtaining an order of protection, which provides additional insight into the role of law in interventions in domestic violence" (Fischer & Rose, 1995:415). Even critics of PPOs have asserted that, "while protection orders to date may indeed have fallen far short of their intended goal, properly issued and enforced they provide a unique opportunity to help reduce violence between partners in intimate relationships" (Finn, 1991:155-156). This notion highlights the potential PPOs possess in terms of a tool victims have available to them. In addition to the benefits the petitioner receives from initiating the PPO, there are also benefits for the criminal justice system as well.
“Civil protection orders require a petitioner as a procedural safeguard, assuring that only interested parties who have made proper showing of need can restrict the rights of others” (O’Conner, 1999:949). Therefore, the criminal justice system is protected, to a certain extent, from claims initiated by respondents that they were unlawfully restricted in their daily activities due to the PPO. This procedural safeguard is due to the fact that an individual is petitioning the Court for assistance in addressing issues the petitioner and respondent have. This is in stark contrast to criminal proceedings where the State (not an individual person) is responsible for initiating filing charges against the defendant.

Much of the existing literature focuses on the effectiveness of PPOs and whether or not they serve as a deterrent to further abuse. “Most studies on battered women and restraining orders focus on the effectiveness of these policies to keep women safe” (Baker, 1997:63). In addition, studies have sought to define and explain issues regarding recidivism rates of respondents (e.g., threats of violence made after the PPO was authorized) and legal issues that resulted from the petitioner filing for the PPO. These studies have yielded both positive and negative findings regarding the effectiveness of PPOs. One example of such contradictory research concluded that,

Although research does not reveal whether the use of ROs [PPOs] lessens the severity of continued abuse or the number of abuse incidents, it does reveal that the mere issuance of an RO [PPO] fails to prevent future abuse against the same victim in almost half of the cases (Klein, 1996:207).

While several researchers have concluded that PPOs are not effective in deterring future acts of domestic violence (Buzawa & Buzawa, 1996; Keilits, et al, 1998; Klein, 1996; O’Conner, 1999), several others have found PPOs effective in deterring future acts of domestic violence
(Carlson, et al., 1999; Ford & Regoli, 1993; Weisz, Tolman & Bennett, 1998). While the focus of this particular research is not to find support for either side of the debate, the issue is such that it must be addressed and woven into the context of the larger issue.

The issue of effectiveness can be viewed as either a benefit or a shortcoming of PPOs, depending upon the research being reviewed. Some researchers argue that PPOs are effective because they allow the police to arrest the respondent for certain behavior/conduct that would not otherwise be an arrestable offense (e.g., harassing telephone calls). However, other researchers will argue that PPOs are not effective because they do not guarantee the protection of the petitioner. As stated earlier, it is argued that in the "real world" PPOs are merely just a piece of paper.

In trying to describe what makes an effective PPO, Keilits, Hannaford, and Efkeeman (1998) concluded that, "the effectiveness of civil protection orders is inextricably linked to the quality of the system of government and community services in which protection orders operate. Issuing a protection order is only one part of the remedy" (66). It should be noted that researchers are attempting to address the role that our larger societal culture plays in whether or not PPOs are effective. For example, the perceptions that the police have regarding their role within the PPO process is inextricably linked to how they will respond to situations that involve PPO violations. If they perceive their role to be that of a peacemaker, they will be less inclined to make an arrest and will likely refer the parties to social service agencies that can better address the conflict, however, if they perceive their role to be that of law enforcer, they will be more inclined to make an immediate arrest. The reputation of
PPOs is contingent upon the legal culture and whether criminal justice practitioners and the larger society take PPOs seriously.

Not only is it important to look at whether or not PPOs are effective, but it is also important to analyze what factors may be impacting the overall effectiveness of PPOs. “[One] reason why many abusers may not take ROs [PPOs] very seriously is that the criminal justice system does not appear to take them seriously either” (Klein, 1996:208). Researchers have also looked at how the courts have typically implemented and enforced PPOs (Finn, 1991) and “if the legal remedies contained in restraining orders are merely ‘empty rights’” (Ptacek, 1999:7). This addresses the notion of social arrangements that are part of the larger US society and subsequent consequences this has for both petitioners of PPOs and the entire legal community.

Imbedded in US culture is the belief that there is a hierarchy of power and control that predominantly places men in positions of superiority. Despite the fact that this belief is slowly being eradicated, many legal practices maintain these social arrangements via the methods used to address various issues. PPOs have historically been created for and petitioned for by women, therefore many of the practices associated with handling these cases were developed in accordance with maintaining these social arrangements. While the process can help to empower women, it can also serve to further victimize them. This becomes especially apparent when enforceability is examined.

The enforceability of PPOs functions both as a benefit, as well as a limitation of PPOs and is clearly one of the most crucial elements of the PPO process. This aspect integrates the work of the courts, police, and other social service agencies that might potentially be
involved in any given PPO case. “Properly issued and enforced, protection orders can be useful. Improperly issued and poorly enforced, they can expose battered women to greater risk by giving them the illusion of being protected” (Finn, 1991:180). Moreover, “enforcement is the Achilles’ heel of the civil protection order process because an order without enforcement at best offers scant protection and at worst decreases the victim’s safety” (Finn, 1991:187).

Unfortunately, the police and the courts are the primary agencies that respond to PPO violations and victims have very little, if any input regarding potential outcomes. Many victims are not aware of the appropriate legal procedure which, in turn, jeopardizes the effectiveness of the PPO in the long run. For example, “when service [of the PPO on the defendant] is delayed, some judges make clear to petitioners that a protection order is not enforceable until it has been served to avoid giving the victim a false sense of protection” (Finn, 1991:183). While the issue of getting the respondent served is a moot point in the county studied for this research since in the State of Michigan, PPOs are enforceable from the time they are signed by the judge, petitioners are still faced with an imperfect enforcement system. Therefore, any examination of the benefits of PPOs must take into account the various agencies involved in the process.

5. Limitations of PPOs

Researchers have identified additional limitations associated with the process of petitioning for a PPO and with PPOs in general. For example, one judge, when asked about the court process itself, was quoted as saying
You realize that you are just going through the motions. And that order is just a piece of paper... if something happens, if the inevitable happens, you're covered. That's it. You're covered because you've issued the order, and you've dotted the i's. But you know in your heart that you have not done anything that is going to protect that woman. Because what you have given her is that piece of paper. But you have not made her aware, really, of how frightening the situation should be for her, where she can go, what her options are... (Ptacek, 1999:134).

Judges and other legal personnel are given very little legal guidance as to how to handle PPO cases. The absence of a uniform legal understanding and practice for handling PPO cases is part of the reason why the general public lacks clarity concerning what PPOs are and what they were theoretically and conceptually designed to do. As noted by Finn (1991: 157) "in the past, problems with the use of civil protection orders often stemmed from lack of clarity and limitations of scope concerning eligible victims, offenses that permit an order of protection, kinds of relief authorized, and provisions for enforcement."

PPOs have been referred to as just a piece of paper, which indicates that, "the legal system offers only 'empty rights' to women. The disordered response by the courts and police has created a sense of resignation about stopping violence" (Ptacek, 1999:170). In Ptacek's research, several interviewees voiced their concerns about unfulfilled promises that PPOs appeared to offer. More specifically, in response to the question of whether or not PPOs seemed like a viable alternative, one woman responded "it sounded good in the courthouse. But when you leave, that's it. Like I said, I'd have to hide if anything happens" (Ptacek, 1999:136). Another woman, when asked if she was afraid of taking out a PPO, responded "at first, yeah, because I was afraid of the consequences... I mean it's only a piece of paper, and he could kill me if he wants to" (Ptacek, 1999:145). The question to pose here is whether or not these women were aware of the limitations to PPOs before having
petitioned the court for protection from the respondent or if these realizations came about as a result of going through the PPO process.

Furthermore, fear oftentimes plays a role in whether or not the victim will petition the court for a PPO in the first place. It should be noted that, "a battered woman who has made prior attempts to seek prosecution or civil protection orders, only to have the perpetrator escalate his violence, may be unwilling to face the risk that prosecution [or PPOs] will further endanger rather than protect her" (Hart, 1996:100). It is important that PPOs maintain their level of legitimacy and viability with both petitioners and respondents. If the legitimacy and viability of PPOs is compromised, respondents will be less likely to take PPOs seriously and abide by the provisions ordered by the judge, and petitioners will be less inclined to petition the Court for a PPO. Throughout the literature, the issue of fear felt by victims was named as one of the key problems with PPOs.

One of the major barriers to obtaining orders of protection that battered women report is fear. Some of these fears are tangible...however, what emerged in many women's narratives was also a more symbolic sense of dread that surrounds the imposition of a public solution to a private problem (Fischer & Rose, 1995:419-420).

Whether these emotions are legitimate or exaggerated is not the most pertinent question. More important is a recognition that, "women may emerge from this process with high hopes and great needs--making them extremely vulnerable--and this result has a number of implications for the legal system" (Fischer & Rose, 1995:426), as well as for the respondent and the larger society.
6. Why do PPOsFiled

An abundance of research has focused on why PPOs are filed. Through my review of the literature, it appears as though "the core motivation to invoke the law seems to be a reclamation of what the abuse has systematically stripped from them: their [sense of] control over their activities, their bodies, and their lives" (Fischer & Rose, 1995:423). The underlying message being sent via the PPO "seems to be 'I can leave you and you can't hurt me for it.' [Petitioners] believe the legal system will stand behind them and reinforce that message" (Fischer & Rose, 1995:416-417). Research results support the assertion that an increasing number of both men and women are relying on the legal system for assistance in the cessation of domestic violence incidents.

Research findings purport that many victims view PPOs as a last resort in their quest to eliminate future incidents of domestic violence. Often times, victims have endured countless incidents of abuse and have exhausted other avenues of redress before looking to the criminal justice system for assistance. "For the majority of battered women, the order of protection was a last resort, after other sources of help seeking had failed" (Fischer & Rose, 1995:416). Moreover, "formal intervention through a petition to the court for relief is used, not as a form of early intervention, but rather as a signal of desperation following extensive problems" (Harrell & Smith, 1996:231). It has been hypothesized that PPOs are viewed as a last resort because many petitioners try to handle the given situation privately before involving the legal system. Many petitioners, it appears, do understand that petitioning the Court is a serious action and one that is taken very seriously. The Court is viewed as having a greater sense of power and control in stopping the respondent from engaging in whatever
type of behavior s/he was exhibiting. Oftentimes, the respondent’s pattern of behavior has occurred repeatedly over time and previous attempts to have the petitioner stop his/her behavior have failed.

Prevalent throughout the literature review was the question regarding what situations warrant the petitioner filing for a PPO. While many PPOs are properly requested, there is widespread concern that “people are filing for [PPOs] as a way to get other remedies that are available through it, such as residence exclusion and custody orders” (Waddy, 2000:91). This is why the courts must do a better job of screening all PPO petitions. A more efficient screening process would involve all social service agencies having an agreed-upon understanding of when PPOs were warranted and when other forms of action were more appropriate.

7. Relationship with the Criminal Justice System

Since the criminal justice system has been given the primary responsibility of dealing with the issue of domestic violence and developing a working solution to this growing problem, PPOs have emerged as one of the most viable options in attempting to eliminate future domestic violence incidents. One positive aspect of PPOs is the active role that the victim plays in attempting to address the situation. Interestingly, one researcher stated “a restraining order, I argue, is an interactive process, a negotiation between women and the state over protection from violent and abusive men” (Ptacek, 1999:7). The PPO process relies on more interaction between the victim (petitioner) and the judge, even if it is through the medium of text. The criminal process involves very little interaction between the victim
and the prosecutor, much less the victim and the judge. The level of interaction within the PPO process allows the victim (petitioner) to voice their concerns on paper or sometimes at a hearing, and ask for protection.

While increased interaction between victims and the criminal justice system is a laudable goal, the "methods of having the criminal justice system respond to domestic violence may not be adequate" (Buzawa & Buzawa, 1996:11). Given the exponential increase in the number of petitions for PPOs that have been filed, researchers have asserted that,

Domestic violence victims are increasingly turning to the criminal justice system for assistance in ending the violence that jeopardizes their lives and well-being. They often are uninformed about the criminal justice process and naïve about its power to end the violence in their lives (Hart, 1996:113).

This lack of understanding on the part of petitioners is in and of itself problematic and it becomes clear the degree to which the courts are being asked to intervene in various situations. These situations involve numerous types of relationships (e.g., boyfriend/girlfriend, neighbors, co-workers), some of which are legitimate for PPO intervention, whereas others are not.

In an attempt to effectively address the increased responsibility given to the criminal justice system, "recent policy changes bearing on domestic violence have been guided, in part, by research demonstrating the effectiveness of criminal justice practices in preventing continuing violence" (Ford, et al, 1996:245). These new policies and laws will hopefully address the strengths and limitations of the existing system and

Enable the criminal and civil processes to operate more efficiently together...lawmakers will criminalize the violation of traditional civil protections,
such as orders of protection and restraining orders. State courts will also honor such orders even if they were issued by other jurisdictions (Ford et al, 1996, 249).

Some suggest that a more coordinated process, one that is uniform across all jurisdictions, will improve the effectiveness of PPOs. An example of this can be seen with "specialized courts designed to replace the current 'compartmentalized' approach under which two or even three courts may issue separate orders with contradictory provisions regarding contact between victims, defendants, and their children" (Ford, et al, 1996:250). The county that is the focus of this study has implemented the concept of a “specialized court” system with the development of the Family Division of Circuit Court. This court handles all domestic cases filed within the county that deal with the issues of: custody, paternity, support, abuse/neglect, divorce, and PPOs. This consolidation was based on the idea that cases involving the same parties should be heard by a single judge. This would help to eliminate such things as miscommunication or contradictory rulings. As a result of the relative success the consolidated court approach in this particular county Circuit Court has achieved, other jurisdictions across the state of Michigan are being asked to reorganize their court structure accordingly.

8. Role of the Judge in this Process

In all jurisdictions in the State of Michigan, PPOs must be reviewed and signed by a judge and then served on the defendant. Because of the gate-keeping-like role of the judge, such a role must be examined regarding what is stated in theory and what is actually practiced. For example, Ford, et al (1996) found that, in practice,
Judges have a greater role in the criminal justice system's response to wife battering than has been acknowledged in recent literature...they approve warrants and affirm probable cause for arrests; they set bond and issue protective orders...(255).

Examining the theoretical role, judges have the duty to

adjudicate facts and apply the law to those facts, [however] these procedures are inoperable as they relate to the area of domestic violence...the judge's function consists of more than adjudicating facts. Judges are expected to understand and empathize with the parties. The judge, in many instances must serve to readjust the power balance between the parties (Ptacek, 1999:112).

Interestingly, there seems to be a discrepancy between what duties judges perform on a daily basis, in line with their job description, versus what is known about domestic violence situations and what victims need from the criminal justice system.

In addition to assessing the appropriate role for judges within this process, researchers have asserted that all parties involved with the PPO process would benefit greatly from additional training. "Training and further research are needed to assist the courts in responding effectively to requests for restraining orders" (Harrell & Smith, 1996:241). More specifically,

Most judges would benefit from training on the use and enforcement of civil protection orders. Judges themselves suggest that training should include a thorough analysis of the law determining conditions of eligibility, relief that can be granted in a protection order, and the standards of evidence to be applied in issuing orders and holding violation hearings. Training should also concern the proper handling of civil protection order petitions (Finn, 1991:187).

Secondly, education is an important tool that would benefit both the criminal justice community and PPO petitioners alike. "Understanding of the larger context of decisions about orders of protection may reduce some of the legal personnel's frustrations. Central in the context of court orders is that seeking them, just like leaving the abusive relationship, is
not a single event, but a process that occurs over time" (Fischer & Rose, 1995:427). Once a PPO has been authorized by a judge, "both parties [the petitioner and the respondent]...need to be educated about what the order prescribes and proscribes, and women need to understand how violations can be reported to the court" (Harrell & Smith, 1996:241). In summary, “by better understanding the civil restraining orders, the legal community can serve the public more efficiently with proper protection as provided by the legislature” (Konkol, 1990:63). It is imperative that judges are cognizant of these issues and that they understand their theoretical and practical role within the PPO process.

9. Structural Context

One cannot ignore the fact that the culture and structure of US society are crucial factors in both the issue of domestic violence and the criminal justice system’s response to this prevalent social issue. James Ptacek (1999) summarized this point nicely in that “structural inequalities within American society, and within the state itself, pose obstacles and dilemmas to the rights of abused women” (13). In the past, “battered women tried to adapt to a system meant to help them. However, the system offered little support” (Baker, 1997:63). I would argue that this same structure and culture of United States’ society has negative implications for male petitioners. The social arrangements of power, domination, control, superiority, and standardization would likely reflect negatively on a man petitioning the court for help in eliminating future incidents of violence or a personal relationship.

Due to the interrelated nature of the larger culture and the criminal justice system, “civil protection orders, as part of the solution to domestic abuse, cannot be used and
enforced fully by any one of these groups [e.g., substance abuse treatment professionals, court personnel, law enforcement officials] without cooperation from the others” (Finn, 1991:188). Kimberle Crenshaw (as cited in Ptacek, 1999:128) argues that the “interventions for women that ignore the complex structural circumstances of violence will have limited effect.” Baker (1997), in his research exploring why PPOs do not assist some battered women, concluded that

The dominant cultural script for battered women is meant to liberate them from violence but it is too narrow and lacks coordinated institutional response...it is only through an expanded script and coordinated institutional response that battered women can have a chance at real balance, real choices, and real control over their lives (72).

This notion of a coordinated institutional response extends well beyond the context of just battered women. In order to address the serious issues that petitioners and respondents have, despite their gender, will require input from all social institutions: politics, economics; education, religion, and family.

In revisiting the notion that a PPO is just a piece of paper, Fischer and Rose (1995) asserted that PPOs have a powerful symbolic impact on both petitioners and respondents because "intervention by the legal system interrupts the pattern of control and domination because it intervenes at the level of the relationship rather than the individual" (425). The dynamic of the relationship is undoubtedly altered once a PPO becomes a factor. The sense of power and/or control that was once in the hands of one or both of the parties is now in the hands of the criminal justice system.

In trying to evaluate how PPOs are socially constructed, I am relying on Kenneth Burke’s work on symbols and society. To begin, "when we talk, write, wear clothes...we are
acting in a symbolic world. It is a world created in significant part by the language we use to portray it to ourselves and to others" (Burke, 1989:11). This language we use frames our experiences and subsequent level of understanding. Langer (as cited in Burke, 1989) asserted, "[symbols] are essential to the framing of events. They create or construct the meaning of situations for which actions are strategies" (32). Interestingly, Burke (1989) noted that

Some of the confusion implicit in the common use of symbolic action stems from the dual meanings so frequently attached to the term 'symbol.' In one usage symbols are units of language... in another usage symbols are a contrast to something else [separation of meanings or dimensions that may be misleading] (40).

Moreover, "language is a species of action, symbolic action—and its nature is such that it can be used as a tool" (Burke, 1989:69). This is applicable to the issue of PPOs in that PPOs are perceived as a symbol of safety and a tool by which victims of domestic violence can end an existing relationship or eradicate threats of future abuse. The “themes that underlie battered women's rationales for seeking court protection teach us about the meaning and impact of the law in battered women's lives” (Fischer & Rose, 1995:415). Again I would argue that the themes that underlie all petitioners’ rationales for seeking a PPO would yield a solid understanding of how petitioners view the law, particularly as it relates to their own personal situation.

It is important, when analyzing PPOs, to note what the petitioner was asking for through this process (e.g., ensure physical safety, end an abusive relationship, ensure the return of personal property, eliminate telephone contact). As Burke (1989) noted, "law becomes a way of dramatizing, of symbolizing, ideals" (39). More specifically, victims may look to PPOs because
The orders may serve as a symbol for feeling better about themselves, as a turning point for change, or as a vision of a better life in the future. Woven through the text of these particular symbols were images of strength: that piece of paper becomes a psychological as well as legal victory, reflecting a determined woman rather than a weak, passive victim (Fischer & Rose, 1995, 424).

PPOs, unarguably, represent an attempt, by the petitioner, to stop some sort of behavior that has been exhibited by the respondent. Therefore, it is important to recognize that PPOs symbolize something for each petitioner (e.g., physical safety, peace of mind, sense of power).

10. **Summary**

What is evident throughout this review of the literature on PPOs is that each victim has his/her own unique situation for which they are petitioning the help of the criminal justice system. Domestic violence is now recognized as a public problem and as Herbert Blumer (as cited in Ptacek, 1999:41) stated, “the rise of a public problem is a dynamic and ever-conflicted process of definition and redefinition that values subjective perceptions of a problem more than its objective reality.” This addresses the fact that PPOs have been defined and redefined over the years, as has the appropriate response of the criminal justice system to issues of domestic violence. The revisiting of these issues and subsequent outcomes has often been based on what individuals in positions of power believe to be true, rather than on the needs of domestic violence victims. Unfortunately, “a social problem does not exist for a society unless it is recognized by that society to exist...social conditions may be ignored at one time yet, without change in their makeup, become matters of grave concern at another time” (Ptacek, 1999:40). This notion can be seen throughout the history of
domestic violence and PPOs. "Law is [and has been historically] nothing more than an
dexpression of society’s beliefs" (Orrio, 1997:989), but, more specifically, laws reflect the
beliefs of people in positions of power within society.

What follows is an analysis of PPOs in one Michigan jurisdiction. After presenting
the methodology and findings, I will move to a discussion that addresses both my research
questions and these larger, structure-based implications of PPOs.
CHAPTER III

METHODOLOGY

This research project was designed as a case study involving the use of textual analysis (PPO petition files) and interviews. As was stated earlier, through this research, I am attempting to formulate a basic understanding of how personal protection orders (PPOs) are utilized in one county in Michigan. More specifically, I am attempting to describe what PPOs are, what legal function they serve, and what the benefits/limitations are to these legal documents. Furthermore, I am focusing on whether there are any observable differences to these specific issues related to the gender of the petitioner. I relied on the work of Robert Yin and Earl Babbie when designing this case study. According to Yin (1994:1) "case studies are the preferred strategy when 'how' and 'why' questions are being posed, when the investigator has little control over the events, and when the focus is on a contemporary phenomenon within some real-life context."

I chose to utilize archival records (PPO petition files) and interviews due to the fact that the information gained from one could be used to augment information elicited from the other. Archival records are typically viewed as stable documents, in that they can be viewed repeatedly and are exact since they contain full names, references, and the details of an event(s). In addition, these documents are unobtrusive because they are not created as a result of the case study and they are
precise and quantitative. According to Yin (1994:80) "the most important use of
documents is to corroborate and augment evidence from other sources."

In addition, interviews are oftentimes very insightful, in that, the information
gained can be invaluable to the case study, as well as being focused directly on the
case study topic. Yin (1994:84) asserts that, "one of the most important sources of
case study information is the interview." Because I chose to analyze archival records
(PPO petition files) and interview the judges who analyze and authorize/deny these
PPO petitions, I was comfortable doing a case study since "the case study’s unique
strength is its’ ability to deal with a full variety of evidence—documents, artifacts,
interviews, and observations..." (Yin, 1994:8).

According to Ragin and Becker (as cited in Babbie, 2002:291), "there is little
consensus on what may constitute a ‘case’ and the term is [often] used broadly.”
Therefore, to ensure specificity, I defined a case, for the purposes of this research
project, as a county Circuit Court in Michigan. According to Babbie (2002:292), “the
limitation of attention to a particular instance of something is the essential
characteristic of the case study.” The data included in this research project were
obtained from PPO petition files that were filed during a five-year period, 1997-2001.

I chose to conduct my research at the county Circuit Court studied for this
research, in part, because of my familiarity with the court process and the
accessibility of information. There were no problems associated with obtaining
access to these court records because personal protection order files are open to the
public for review at any time; this is in "recognition of 'the public's general right to examine and evaluate the quality of justice done in its courts'" (Ptacek, 1999: 186).

This research project was conducted in three stages. I began this research with a review of PPO year-end reports from 1997-2001. This allowed me to analyze the actual number of personal protection order petitions filed within each respective year. In addition, I was able to evaluate any patterns, either increasing or decreasing, that developed in the sheer volume of petitions filed with the county Circuit Court in Michigan studied for this research. I initially believed that this five-year period would elicit information related to the filing patterns that were either typical or atypical during any given year and over a short period of time. I hypothesized that the volume of petitions filed over the last five years had steadily increased, however after conducting this research this hypothesis was refuted. There were 350 PPO petitions filed in 1997, 626 PPO petitions filed in 1998, 511 PPO petitions filed in 1999, 491 PPO petitions filed in 2000, and 516 PPO petitions filed in 2001. As one can see, the number of PPO petitions increased dramatically from 1997 to 1998 and then decreased in 1999. Over the course of 1999-2001, the number of PPO petitions filed remained relatively stable with only slight variations.

I initially reviewed all PPO petitions that were filed in 1997 (n=350). At this point, it was decided to draw samples of PPO petition files from the remaining four years, due to the amount of time required to review each file. I decided to sample approximately 150 files for each of these four years. More specifically, I sampled 152 PPO petitions that were filed in 1998, 151 PPO petitions that were filed in 1999,
150 PPO petitions that were filed in 2000, and 153 PPO petitions that were filed in 2001. This yielded me a total sample size of 956 PPO cases (n=956). I began the process of selecting my sample by stratifying all case numbers by the months during which the PPO petitions were filed. I then calculated how many PPO petitions were filed for each month for the years 1998-2001, and then calculated the overall year totals for those same years.

To obtain monthly sample numbers, I divided the total number of PPO petitions that were filed for each month by the overall year total. I then multiplied the number obtained by 150 to determine how many PPO petitions would be included in my sample from each respective month. Each case was selected through the use of simple random sampling. The reason for utilizing this sampling method was due to the fact that over the course of the year, there were very different numbers of PPO petitions filed during each month. This sampling method made accommodations for the variations in the filing patterns by ensuring that the same percentage of cases was selected from each month of each year.

In reviewing these selected court files, I was looking to obtain both qualitative and quantitative data. In terms of quantitative data, I analyzed demographic information for both the petitioner and the respondent (e.g. sex, race/ethnicity), the judge assigned to the PPO case, whether the petitioner and respondent had an attorney, what type of PPO the petitioner filed, whether the PPO was signed, as well as the history of the relationship between the petitioner and respondent. More specifically, I was looking for the type of relationship the petitioner and respondent
have/had and what event(s) precipitated the petitioner filing the petition for a PPO. These PPO petitions are completed by petitioners and initiate the legal process. Moreover, these are written statements from the petitioner detailing incidents, which explain why s/he is petitioning the Court for a PPO. When analyzing these PPO court files, I recorded the relevant information on the coding sheet (Appendix A). As for qualitative data, I relied on the use of fieldnotes to get an overall sense of themes and patterns seen in the files over the course of the five-year period, but not necessarily captured by the coding sheets.

Lastly, I interviewed the three judges who currently review the PPO petitions and either authorize or deny the subsequent PPO. The interview sessions lasted from one to one and one half hours and were conducted during normal business hours in each judge's chambers at the county Circuit Court studied for this research. Prior to the beginning of the interview, I introduced myself, gave each judge a brief description of the research project, and then asked him or her if they would be willing to participate in the interview session. All three judges did agree to participate in the interview sessions and were given a consent form (Appendix B) to sign. The consent form served as their acknowledgement that they were aware of the research project and did agree to participate.

I did not foresee any potential risks for the judges that were a part of this study because the interview questions were based upon the information contained in the PPO petitions. The judges did have the option of not answering any of the proposed
questions and of terminating the interview at any time. I did not exert any pressure in the hopes of getting them to answer any of the interview questions.

The information obtained during the interviews will remain confidential and all names and other identifying information were modified to ensure anonymity. Something that needs to be kept in mind is that the information contained in each of these PPO files is a matter of public record. Therefore, these PPO petitions and the PPOs themselves are available to the general public for review at any time. My interview questions were based solely upon this public information; however, I did preserve the confidentiality of any additional information elicited during the interview that is not a matter of public record (see Appendix C for interview schedule).

The interview component of this case study consisted of one interview session with each of the three county Circuit Court judges presiding at the county Circuit Court in Michigan studied for this research. It should be noted that each of these interviews was unique in its own right and was conducted differently based on the personality and comfort level of the interviewee and interviewer.

The first interview I conducted lasted approximately forty-five minutes and was very formal in nature. It was clear to me from the onset that the interviewee wanted to answer direct questions posed by me, which led to very little elaboration and/or dialogue. According to Yin (1994:84), this is characterized as a focused interview [emphasis his]. "A respondent is interviewed for a short period of time—an hour for example...the interviews may still remain open-ended and assume a conversational manner, but you are more likely to be following a certain set of
questions derived from the case study protocol.” While this interview did not take on a conversational tone, I did leave the questions open-ended in hopes of eliciting some additional information. However, I found it difficult to prompt the interviewee for more details regarding topics relevant to this project that were addressed in the answers to the interview questions posed by me. Overall, the interviewee did not appear to be very interested in the topic of research and I got the sense that the interviewee had other things to do.

The second interview I conducted lasted approximately one hour and was much less formal in nature than the first interview and took on more of a conversational tone. This interview fit Yin’s (1994) definition of a “focused interview” more accurately than the first. More specifically, the interview was relatively short in duration, was open-ended and assumed a conversational manner, but did follow the case study interview schedule quite closely. The interviewee appeared to be interested in the topic of research and elaborated/expanded on the answers given to the posed questions with examples of actual PPO cases. I was able to prompt the interviewee to yield more information on a topic that was addressed, which I thought was relevant to the research project. Overall, this interview was very relaxed and enjoyable. I sensed that the interviewee was interested in providing me with useful information and did so by discussing his/her perspective and supporting that with an example(s).
The third interview conducted was by far the longest in duration, lasting a solid hour and a half. The interview was guided, predominantly, by the interviewee with only a few structured questions posed by me. According to Yin (1994:84):

"Most commonly case study interviews are of an open-ended nature, in which you ask key respondents for the facts of a matter as well as for the respondent’s opinions about events. In some situations, you may even ask the respondent to propose his or her own insights into certain occurrences and may use such propositions as the basis for further inquiry."

While this interview did not follow the interview schedule, per se, I was comfortable with this structure due to the fact that the interviewee was addressing the research topics I wished to cover, only in a very conversational manner. The interviewee appeared to be very interested in the topic of research and appeared to be very comfortable with sharing perspectives, legal knowledge and examples of actual cases and practices.

The following questions were posed to the interviewees and my discussion of their responses will be discussed in accordance with the relevant research question(s):

1. From your perspective, what is a common, working definition of a PPO?
2. From your perspective, for what situations were PPOs conceptually designed?
3. From your perspective, what situations prompt petitioners to file for PPOs most often? More specifically, is there a difference between the reasons men and women cite as justification for their PPO petition?
4. From your perspective, what are some limitations and benefits of PPOs?
5. When you are reviewing a PPO, what criteria do you use to either
authorize or deny a PPO petition?

(6) What are your overall perceptions of PPOs?

Given that the majority of my research was conducted at the county Circuit Court studied for this research, I made copies of necessary information from the year-end reports, case files, and took fieldnotes during the interviews. In addition, I utilized a tape recorder during the interview sessions with the consent of the interviewee. I referred to the interviewees by name in order to maintain an intricate, yet necessary, level of comfort and also display a personal touch. However, I utilized aliases in the writing of this thesis to ensure confidentiality and anonymity.

In trying to address my specific research questions, I utilized the information gleaned from the analysis of the PPO files, as well as, the information elicited in the interviews. Ideally, I wanted to compare the perspectives of judges and petitioners regarding PPOs. This would have involved reviewing every PPO case from 1997-2001, interviewing judges, interviewing petitioners who were currently in the process of filing for a PPO, as well as conducting follow-up interviews with these same petitioners three months after they had petitioned the Court for a PPO. However, due to time constraints and the magnitude of the project, I decided to begin with an analysis of the perspectives of judges in one county Circuit Court in Michigan. As with studying any topic of interest, one must begin with foundational information before trying to move into a larger context. I chose to begin with the analysis of text (PPO files) and interviewing judges in the hopes of obtaining information regarding
how PPOs were being used in the county in Michigan studied for this research. Specifically, I was looking to address the following research questions:

(1) How are PPOs conceptually designed?

(2) What forms of protection do petitioners request when petitioning the Court for PPOs? Moreover, why do petitioners file for PPOs?

(3) What are the benefits and limitations of PPOs as they are used in the county studied for this research?

(4) How do the Court procedures impact the practical use of PPOs in the county studied for this research?

(5) Are PPOs effective in meeting their conceptual and practical purpose(s)?

(6) Are there any observable differences in the PPO petitions and subsequent PPOs (if the PPO is authorized by the judge) filed by female petitioners versus male petitioners?
CHAPTER IV

DATA ANALYSIS AND FINDINGS

The data from this research project was generated from two sources: textual analysis and interviews. The nature of the information obtained as a result of these two processes is very much interdependent, in that it cannot stand-alone and have much credibility. However, when the case study is examined in its entirety, the findings are, in my opinion, very worthwhile.

In this chapter, I am going to discuss the findings of this research from both the quantitative and qualitative analyses, as they relate specifically to my research questions. Therefore, I will begin with a brief discussion of my sample in terms of descriptive statistics and discuss any filing patterns that were evident across the five years. I will then move to discussion of what theoretical purpose PPOs have as well as a discussion of what forms of protection petitioners request when petitioning the Court for PPOs. Next, I will discuss the benefits and limitations of PPOs as they are commonly used within the research county. As it relates to these stated benefits and limitations, I will discuss how the court procedures impact the practical use of PPOs. I will then address the issue of whether or not PPOs are effective in meeting their theoretical and practical purposes. Finally, I will discuss whether or not there are differences in PPO cases based on the gender of the petitioner.
Table 1

Descriptive Statistics

<table>
<thead>
<tr>
<th></th>
<th>n</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Case Type</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Domestic</td>
<td>502</td>
<td>(52.5%)</td>
</tr>
<tr>
<td>Non-Domestic</td>
<td>158</td>
<td>(16.5%)</td>
</tr>
<tr>
<td>No Distinction</td>
<td>296</td>
<td>(31.0%)</td>
</tr>
<tr>
<td><strong>Petitioner’s Gender</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>163</td>
<td>(17.1%)</td>
</tr>
<tr>
<td>Female</td>
<td>793</td>
<td>(82.9%)</td>
</tr>
<tr>
<td><strong>Respondent’s Gender</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>764</td>
<td>(79.9%)</td>
</tr>
<tr>
<td>Female</td>
<td>192</td>
<td>(20.1%)</td>
</tr>
<tr>
<td><strong>Respondent’s Race/Ethnicity</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>African American</td>
<td>215</td>
<td>(22.5%)</td>
</tr>
<tr>
<td>White</td>
<td>633</td>
<td>(66.2%)</td>
</tr>
<tr>
<td>Hispanic</td>
<td>19</td>
<td>(2.0%)</td>
</tr>
<tr>
<td>Asian</td>
<td>3</td>
<td>(.3%)</td>
</tr>
<tr>
<td>Indian</td>
<td>12</td>
<td>(1.3%)</td>
</tr>
<tr>
<td>Other</td>
<td>15</td>
<td>(1.6%)</td>
</tr>
<tr>
<td>Unknown (missing data)</td>
<td>59</td>
<td>(6.2%)</td>
</tr>
<tr>
<td><strong>Attorney</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>For Petitioner Only</td>
<td>85</td>
<td>(8.9%)</td>
</tr>
<tr>
<td>For Respondent Only</td>
<td>29</td>
<td>(3.0%)</td>
</tr>
<tr>
<td>For Both Petitioner &amp; Respondent</td>
<td>55</td>
<td>(5.8%)</td>
</tr>
<tr>
<td>For Neither Petitioner nor Respondent</td>
<td>787</td>
<td>(82.3%)</td>
</tr>
</tbody>
</table>

a It should be noted that the Petitioner’s racial/ethnic background was not always noted in the PPO files.
1. **Descriptive Statistics**

Table 1 shows the total number of cases (n) and corresponding percentage (%) of cases for each of the following variables: type of PPO filed, petitioner's gender, respondent's gender, respondent's race, and whether an attorney was involved in the handling of the PPO. Based on a sample of 956 cases, 52.55% of PPO petitions filed involved domestic relationships, whereas 16.5% of PPOs involved non-domestic relationships (e.g. neighbor, co-worker, son-in-law, etcetera) between the petitioner and respondent. In 31.0% of the cases, there was no distinction made between whether the PPO was domestic or non-domestic in nature. This is due to the fact that the Michigan Legislature did not create this distinction in types of PPOs until late 1997. Not surprisingly, 82.9% of petitioners were female, while males petitioned for the remaining 17.1% of PPOs. Moreover, 79.9% of respondents were male whereas, females were the respondents in 20.1% of the PPOs included in the case study.

Of the respondents, 66.2% were White and 22.5% were African American. In 6.2% of the PPO cases, there was no indication as to what the respondent's race/ethnicity was. Given that all of these petitions were denied, there were no attached orders from which to obtain that information. Finally, 82.3% of PPO cases did not involve an attorney for either the petitioner or the respondent, and in only 8.9% of cases did an attorney represent the petitioner. I hypothesized that the majority of PPO cases involved petitioners acting *in pro per* (or without an attorney representing him/her) and this hypothesis was confirmed.
As stated in the previous chapter, there was not a steady increase in the sheer number of PPO petitions filed in the research county across the five years. There were 350 PPO petitions filed in 1997 and then this number soared to 626 in 1998. Despite this dramatic increase within the course of one year, the number of PPO petitions filed seemed to taper off over the course of 1999-2001. Based on these statistics, it should be quite clear that PPOs are popular amongst petitioners seeking protection from a named-respondent. However, one might ask, what is a PPO?

2. Definition of a PPO

The answers elicited to the question of what is a common, working definition of a PPO, were quite similar among the three judges. Specific definitions ranged from “[a PPO is] a way of having the Court issue an order that prohibits conduct” to “[a PPO is an] order that, on paper, keeps somebody away from somebody else and it is generally, generally, successful.” These definitions are similar in that the interviewees are stating that PPOs restrict the respondent’s behavior as it pertains to the petitioner. The specific restrictions are those explicitly stated in the actual PPO signed by the judge.

Having described the sample of cases and provided a definition of what a PPO is, I am going to move to a discussion of the conceptual purpose behind the creation of PPOs.
3. **Situations For Which PPOs Were Conceptually Designed**

All three interviewees made reference to the fact that PPOs were conceptually designed to deal with incidents of domestic violence and stalking and were developed through domestic violence legislation. According to Judge X, “PPOs were conceptually designed to deal with issues of domestic violence and the need to protect victims.” Judge Z stated, “I think [PPOs] came out around the same time as the stalking laws, and in fact, they are based on stalking...and I think it was probably the situations where a few women were murdered by people that had stalked them.” Consistent with what the other two judges suggested, Judge Y stated, “What happened I think, is that when they promulgated the statute, it was a knee-jerk reaction to OJ Simpson and all these other cases. And they [the Michigan Legislature] said it’s more important that we protect these people that are getting abused, harassed...well, because a lot of them need protection.”

These explanations are directly in line with what is found in the literature on PPOs and domestic violence. The Michigan Legislature has modified the statute several times since its inception in 1994, most recently in April 2001. I will discuss these changes and some resulting implications in the next chapter. From this conceptual/theoretical framework, I am now going to address the practical use of PPOs as it exists in the research county. More specifically, I would like to address why PPOs are filed.
4. Reasons why PPOs Are Filed

All three judges seemed to agree that women file the majority of PPO petitions and that the majority of respondents are men. Judge Y stated,

Most of the time it’s an order against a male, most of the time...Not always [though]...there are some women [respondents] and I suspect that’s over issues of control and use of force...boyfriend/girlfriend stalking that goes on....I’ve had a number of cases where there are women who’ve said they’re gonna break up and [yet] they’re still pursuing the male. And a number of times, I can’t give you a percentage, but a lot of them...they tend to be coming back in and getting the order extended.

Judge Y talked a lot about both parties being integral factors in their own situations. Judge Y agreed with the notion that most PPOs are filed within the context of the man as the “batterer” and the woman as the “victim.” More specifically:

It’s either a boyfriend-girlfriend, an existing relationship that’s falling apart and one or the other wants to keep it going, doesn’t want to give up and stalks or harasses, or it’s a marital situation where both are involved in arguing and it reaches a height of anger and frustration and one or the other does something, lashes out. Usually, a lot of times, alcohol is involved or drugs.

Although Judge Y did maintain that a majority of the petitioners were woman and were filing for PPOs on the basis of being a victim of domestic violence, s/he did believe that some petitioners file for PPOs as a way to get retribution, vindication, a leg up in another case (typically divorce, custody, or parenting time cases), and in some cases, PPOs are used as a weapon (means by which the petitioner can get his/her way) in a given situation.

Judge X stated very strongly that women most often cite the need for protection from physical harm, harassment, and threats from men. While men, on the
other hand, often cite the need to be protected from harassment or stalking from women, as opposed to protection from physical harm. Interestingly though, Judge X was not sure whether the majority of PPO cases involved actual incidents of domestic violence as opposed to merely a reason the petitioner cited to increase the likelihood of the PPO being issued. Judge X did not feel that there were many PPOs filed that involved petitioners and respondents of the same sex—it was asserted that women file PPOs against men and vice versa. Judge X added that, “oftentimes, the respondent has mental health issues which can potentially complicate the situation if those needs are not addressed.” While this was outside the scope of this research project, I thought that information was important to note.

Judge Z affirmed that “a large percentage of [PPOs involve] boyfriend-girlfriend or husband-wife break-ups...” Judge Z did state that those situations are not the majority of PPO cases, but that it is certainly a significant percentage of them. In addition, “most PPOs involve actual incidents of domestic violence (not just threats), at least that’s what the petitioners are saying.” Judge Z stated that women petitioners often cite domestic violence, and recent incidents of domestic violence, as the main reason for wanting a PPO issued against the respondent. However,

We don’t get as many men complaining against women. I don’t see as much of a patterning with those [cases]...it’s probably more often than not that she’s not dealing with the break-up very good and she’s doing some stalking or some pestiness. But actually I have seen one [PPO case] recently where the man was complaining about violence too, but usually it’s more that ‘she’s not leaving me alone, she’s calling me at work, and she’s bothering my new girlfriend that I’m now sleeping with’.
When asked about whether this pattern was changing at all, Judge Z stated, "I am seeing more, rather than men complaining against women...more women complaining about other women." Interestingly enough, Judge X stated that not many PPOs were filed against respondents of the same sex, yet Judge Y stated that more women were filing PPOs against other women: These two Judges have quite different perspectives on whether or not there was any pattern regarding the gender of petitioners and the gender of respondents. Judge Z stated at the end of the interview, I have to laugh at the ones where the women are fighting over a man and they can't leave each other alone because they are fighting over some man. The one thing I always ask when I get two women is 'Is this over a man?' and I've had a couple of cases where the answer is 'no' because one of them is a lesbian, so it's more like a boyfriend-girlfriend situation.

It was interesting to note the similarities between the answers given by all three judges and the different nuances that each chose to focus on. In addition, there is clearly some credence to the notion that a large percentage of respondents have mental health issues and/or alcohol or other drug dependencies. While these issues are again, beyond the scope of this research project, they are clearly not addressed by PPOs, but are obviously integral factors within the process and therefore worth noting. This clearly has implications for the larger context of PPOs and will be addressed in the next chapter.

Table 2 was designed to illustrate statistically the relationship between the petitioner's gender and the corresponding reasons given for why s/he filed for the PPO. The reason I chose to analyze this relationship is to try and determine if men and women cited similar reasons for why they needed PPOs. Not surprisingly 56.8%
of female petitioners (and only 35.6% of male petitioners) cited violence as a reason for petitioning the Court for a PPO. The chi-square value of 24.32 indicates that this was statistically significant, at the .001 level of significance and the corresponding gamma value of .41 is indicative of a moderate, positive relationship.

Surprisingly, similar percentages of males (70.6%) and females (69.9%) cited threats as one reason why s/he was petitioning for a PPO. I would have thought that women would have cited threats as a reason more than men based on the notion that women are thought to be the “victims” and men “batterers.” However these numbers clearly demonstrate that men are presented as the targets of threats in a similar percentage of cases as are women. It is not surprising then, to find that men cited the fact that they want to keep the respondent away in 31.9% of the cases, whereas women cited the same reason in only 24.5% of cases. This chi-square value ($X^2 = 3.91$) was statistically significant, at the .01 level of significance, yet the corresponding gamma value of -.182 indicates that this is a weak, negative relationship.

Again, it is not surprising to find that women cited verbal abuse as one reason why they were petitioning for a PPO in 38.3% of cases, while men only cited verbal abuse in 24.5% of cases. The $X^2$ value of 11.17 was statistically significant, at the .01 level of significance, and the corresponding gamma value of .313 indicates that this is a weak positive relationship.
Table 2

Chi-Square: Petitioner's Gender and the Reasons Given For Why the PPO Was Filed

<table>
<thead>
<tr>
<th>Reason Given For Why the PPO Was Filed&lt;sup&gt;a&lt;/sup&gt;</th>
<th>Gender n (%)&lt;sup&gt;b&lt;/sup&gt;</th>
<th>All</th>
<th>Males</th>
<th>Females</th>
<th>X&lt;sup&gt;2&lt;/sup&gt; (gamma)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Threats</td>
<td></td>
<td>669</td>
<td>115</td>
<td>554</td>
<td>.031</td>
</tr>
<tr>
<td>Violence</td>
<td></td>
<td>508</td>
<td>58</td>
<td>450</td>
<td>24.32***</td>
</tr>
<tr>
<td>Telephone Harassment</td>
<td></td>
<td>353</td>
<td>55</td>
<td>298</td>
<td>.854</td>
</tr>
<tr>
<td>Verbal Abuse</td>
<td></td>
<td>344</td>
<td>40</td>
<td>304</td>
<td>11.17**</td>
</tr>
<tr>
<td>Stalking</td>
<td></td>
<td>261</td>
<td>47</td>
<td>214</td>
<td>.233</td>
</tr>
<tr>
<td>Keep Respondent Away From Petitioner</td>
<td></td>
<td>246</td>
<td>52</td>
<td>194</td>
<td>3.91**</td>
</tr>
<tr>
<td>Destroying Property</td>
<td></td>
<td>190</td>
<td>33</td>
<td>157</td>
<td>.017</td>
</tr>
<tr>
<td>Entering the Petitioner's Home Without Permission</td>
<td></td>
<td>137</td>
<td>22</td>
<td>115</td>
<td>.111</td>
</tr>
<tr>
<td>Repeated Attempts to Contact the Petitioner</td>
<td></td>
<td>59</td>
<td>5</td>
<td>54</td>
<td>3.270</td>
</tr>
<tr>
<td>Harassment due to Romantic Interest</td>
<td></td>
<td>51</td>
<td>6</td>
<td>45</td>
<td>1.064</td>
</tr>
<tr>
<td>Making Demands of the Petitioner</td>
<td></td>
<td>51</td>
<td>7</td>
<td>44</td>
<td>.421</td>
</tr>
<tr>
<td>Stealing</td>
<td></td>
<td>44</td>
<td>9</td>
<td>35</td>
<td>.378</td>
</tr>
</tbody>
</table>
Table 2—Continued

<table>
<thead>
<tr>
<th>Reason Given For Why the PPO Was Filed&lt;sup&gt;a&lt;/sup&gt;</th>
<th>Gender n (%)&lt;sup&gt;b&lt;/sup&gt;</th>
<th>X&lt;sup&gt;2&lt;/sup&gt; (gamma)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>All</td>
<td>Males</td>
</tr>
<tr>
<td>Sexual Abuse/Assault/Advances</td>
<td>43</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>(4.5%)</td>
<td>(.6%)</td>
</tr>
<tr>
<td>Sending Unwanted Gifts</td>
<td>30</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>(3.1%)</td>
<td>(1.8%)</td>
</tr>
<tr>
<td></td>
<td>n = 956</td>
<td>n = 163</td>
</tr>
</tbody>
</table>

<sup>* p = <.05</sup>  <sup>** p = <.01</sup>  <sup>*** p = <.001</sup>

<sup>a</sup> It should be noted that the petitioner was able to cite as many reasons for wanting the PPO as was applicable to his/her case.

<sup>b</sup> The percentages will not total to 100% as a petitioner could cite as many reasons for wanting the PPO as was applicable to his/her case.

Table 3 shows the relationship between the gender of the petitioner and the type of relationship s/he listed as having or having had with the respondent. This was an important relationship to consider in that the literature suggests female petitioners are most likely to petition for PPOs against respondents with whom they have or had a domestic relationship. Whereas the types of relationships that male petitioners have with their respondents is not addressed within the existing body of literature. It is not surprising then that women cite the following relationship categories at higher rates than do male petitioners: husband/wife (29.1%), resided in same household (37.3%), have a child in common (27.1%), and have/had a dating relationship (34.7%). The only two relationship categories that male petitioners cite at higher rates were
husband/wife (6.1%) and other (50.9%). The other category is indicative of the fact that the majority of PPOs that were petitioned for by males involved non-domestic relationships. As a result, the petitioner was supposed to indicate on the form exactly what type of relationship he has/had with the respondent. Interestingly enough, this relationship category was chosen in just over half of the PPO petitions filed by males.

Table 3

Chi-Square: Relationship Between Petitioner and Respondent and Gender of Petitioner

<table>
<thead>
<tr>
<th>Relationship Between Petitioner &amp; Respondent</th>
<th>Gender</th>
<th>n (%)</th>
<th>X² (gamma)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Husband/Wife</td>
<td>All</td>
<td>Males</td>
<td>Females</td>
</tr>
<tr>
<td></td>
<td>241</td>
<td>20</td>
<td>157</td>
</tr>
<tr>
<td></td>
<td>(26.3%)</td>
<td>(12.3%)</td>
<td>(29.1%)</td>
</tr>
<tr>
<td>Were Husband/Wife</td>
<td>55</td>
<td>10</td>
<td>45</td>
</tr>
<tr>
<td></td>
<td>(5.8%)</td>
<td>(6.1%)</td>
<td>(5.7%)</td>
</tr>
<tr>
<td>Resided in Same Household</td>
<td>333</td>
<td>37</td>
<td>296</td>
</tr>
<tr>
<td></td>
<td>(34.8%)</td>
<td>(22.7%)</td>
<td>(37.3%)</td>
</tr>
<tr>
<td>Have a Child in Common</td>
<td>232</td>
<td>17</td>
<td>215</td>
</tr>
<tr>
<td></td>
<td>(24.3%)</td>
<td>(10.4%)</td>
<td>(27.1%)</td>
</tr>
<tr>
<td>Have/Had a Dating Relationship</td>
<td>320</td>
<td>44</td>
<td>276</td>
</tr>
<tr>
<td></td>
<td>(33.5%)</td>
<td>(27.0%)</td>
<td>(34.8%)</td>
</tr>
<tr>
<td>Other</td>
<td>282</td>
<td>83</td>
<td>199</td>
</tr>
<tr>
<td></td>
<td>(29.5%)</td>
<td>(30.9%)</td>
<td>(25.1%)</td>
</tr>
</tbody>
</table>

* p = <.05  ** p = <.01  *** p = <.001

It should be noted that the petitioner was able to check as many types of relationships as was applicable to his/her case.

The percentages will not total to 100% as a petitioner could cite as many types of relationships as was applicable to his/her case.

Understanding the practical use of PPOs will likely lead to establishing pros and cons to petitioning the Court for their intervention. My discussion will now
address what limitations and benefits PPOs possess, as well as what impact the
criteria used by judges to review PPO petitions have on subsequent handling of these
cases.

5. Limitations of PPOs

There was definitely a broad continuum of perspectives concerning the
limitations of PPOs. On one end of the continuum was Judge Y who stated,

My goodness, being a practitioner of the ‘old way’—more due process notice
and opportunity for certain things, evidentiary protections—there really aren’t
a lot of limitations to these orders, if you look at what you can do. I usually
look for more than one act—I really think you need to have more than one act,
but you can have a certain bad situation; [for example] I had an attempted
murder.

After this explanation, Judge Y reflected on the fact that both Judge X and Judge Y
have “situations where we’ve entered PPOs and the petitioner has been
murdered...you don’t know who’s going to do this type of act. It’s hard for me
sitting here to [determine] that.” Undoubtedly, the fact that a PPO cannot stop a
respondent from inflicting harm on the petitioner is a limitation. However, Judge Y
was focusing on what restrictions can be included in the PPO and there are no
restrictions or limitations, written in the statute, to what a judge can order.

Interestingly, however, Judge Y did note that,

The only thing we don’t do in PPOs is we don’t order counseling, there’s no
remediation going on...You know, if someone’s got an anger problem,
drinking problem, whatever, these orders just prohibit people from being
around, they’re personal protection orders [Judge’s emphasis]. They don’t
involve any counseling or alcohol tests...it doesn’t involve getting counseling
help for the person who has the issues that may be integral to the filing of the
PPO.
It is very important to note that while the PPO statute does not address what restrictions/provisions can be included in the PPO, judges have yet to require that individuals directly address the underlying issues, which are integral to the filing of the PPO.

On the other end of the continuum, Judge X and Judge Z had similar viewpoints on what limitations there are to PPOs. When I posed the question, Judge X immediately stated, “it’s only a piece of paper.” s/he went on to explain how the PPOs create an illusion of protection for petitioners and that they are not effective when the respondent has mental health issues. For example, Judge X stated s/he had one case where a woman had a PPO and a court order authorizing the commitment of the respondent (her husband) to a mental health agency. Even with those two court orders, her husband still managed to kill her.

Similarly, Judge Z stated, “You can’t really stop someone with a paper. They’re [PPOs] only as good or effective as the person who receives and believes they are, and can they stop a murder—no.” Judge Z went on to say:

I think the truly dangerous person is never stopped by a PPO. So, I think that’s the mistake a lot of petitioners make is they rely on it. I mean, we’re talking about a really dangerous person; there’s no reason for that person to be stopped by a PPO. They’re going to be intent on causing harm no matter what, and that’s the scary part.

Judge X pointed out that PPOs “give the police a way out of doing their jobs. They have referred people to the Court under the guise of filing for a PPO when, in actuality, they could’ve arrested the respondent at the time of the incident.” When asked whether the majority of petitioners were referred by some other outside agency,
Judge X stated, "Most petitioners are referred by the police and/or FIA [The Family Independence Agency]. The judges have since met with FIA officials and advised them of what situations warrant PPOs and what situations are outside the scope of PPOs." Judge Y also addressed the issue of the police referring individuals to the Court for PPOs rather than enforcing the law. Judge Y stated, "It's not incumbent upon me a Circuit Court Judge and the Circuit Court—Family Division to be monitoring criminal activity like that. There's another resource out there that that's their job." It is interesting to note that petitioners are being advised to petition the Court for these protection orders when, in some instances, the circumstances do not warrant the issuance of a PPO. This either represents a breakdown in communication between criminal justice system practitioners regarding what situations are appropriate for PPOs, or the police and other social service agencies are utilizing PPOs as a way out of doing their jobs. Ultimately, their actions (or lack thereof) place the burden of screening PPO petitions solely on the shoulders of Circuit Court personnel.

6. Benefits of PPOs

In terms of benefits to PPOs, all three judges focused on a different aspect of the document, which made for a nice comparison. Judge X focused on the document itself and the benefits to the process of obtaining a PPO. More specifically, Judge X stated, "it's a quick response to potentially dangerous situations because PPOs that
are signed without a hearing [or ex parte] are effective immediately even though the respondent may not be aware or have been served with the paperwork."

Judge Y stated that a PPO sends a message to the respondent and allows the petitioner to empower himself/herself by legitimizing his/her concerns. Judge Z stated, "I've seen situations where someone who's been in a situation for years, gets a PPO and they're able to leave." Moreover, "I've found that they work in taking control out of the hands of the respondent." Judge Z likened this to the old adage of a bigger bully (e.g., the Court) bullying a bully (e.g., the respondent). Furthermore, "...the whole basis I think for PPOs is to place control in [the hands of] an individual in a position of power other than the parties. We [judges] basically have a position of telling the respondent you are not going to do that anymore."

Judge Z, on the other hand, was quite cautious about whether there were benefits to PPOs in certain circumstances. The criterion was based on whether the respondent viewed the PPO as a legitimate document that restricted his/her behavior as it related to the petitioner. More specifically, Judge Z stated:

Well, I think the less-dangerous person, I think there are a lot of violent people out there that, oddly enough, are within the law-abiding range, [is] stopped by the PPO. They are violent, but they're not so intent on their violence that they will violate the order. So, I think the majority of people follow them...How intent they are about getting back at that other person is what determines whether or not a PPO is sufficient in keeping the respondent away from the petitioner.

It is important to make this distinction, between those intent on seeking revenge against the petitioner and those who are not so intent, because in many situations that is what will determine whether the PPO is effective in protecting the petitioner.
7. Criteria Used By Judges

When asked what criteria each judge uses when reviewing PPO petitions, it became obvious that despite the fact that the judges try to remain consistent and objective while following the statutory guidelines, there is always a subjective element that enters the process. More specifically, what one judge perceives as sufficient evidence for issuing a PPO, another judge may not and will therefore deny the petition. Judge X stated that the statute requirements and the allegations which “must be recent and [constitute] unconsented contact must have occurred more than once” are the criteria s/he uses when reviewing a PPO petition. Judge X also stated,

If there’s any question in my mind about whether the person has experienced physical harm or has been threatened with physical harm or continuous unconsented contact from the person against whom they’re seeking the order, I’ll go ahead and grant the order without a hearing just for the ‘better safe than sorry principle’.

Judge X feels that the respondent can always petition the Court for a hearing if s/he wants to contest the PPO having been authorized.

Judge Z stated, “I try to look for specific acts of recent violence, that’s one thing I look for. I [also] look for something that’s recent, whatever it is, whether it’s recent threats, stalking, [and/or] violence. And what’s really helpful is if they’ve described more than one incident.”

In regards to reviewing the actual petition, Judge Z addressed the issue of petitioners not being able to articulate themselves well on paper. Moreover,

Most petitioners that are vague in their explanations for why they’re petitioning the court for a PPO are not able to articulate themselves well.
People are not used to that kind of writing. I had to learn how to write like that in law school, how to recite facts, and most people don't know how to do that. On the other hand, not only do some want to tell you their whole life story on the pages [of the PPO petition], but also they want to do it like it was a dark and stormy night. I mean they make it into a novel with adjectives.

This is important to note because during my analysis of the texts (PPO files) I made note of the fact that there were quite a few cases which involved petitioners who could either not read or write or had such a poor vocabulary that it was extremely difficult to decipher what it was s/he was trying to articulate. This would oftentimes reduce the likelihood of the PPO being authorized due to the fact that the Judge was not able to make sense of what the petitioner was requesting and/or what event(s) precipitated the filing of the PPO. This has some very important implications for PPOs, which will be discussed in the next chapter.

Judge Z felt that the criteria used by each judge was "...probably more personal than standard. I think each judge is different...I probably tend to issue more [PPOs] than a lot of other judges do; I'm more on the, I think, sort of cautious side, although I do recognize that PPOs are a really heavy hammer to use and continue to use." I would have to agree with Judge Z's statement that each judge's decision-making process is different and that while law serves as a foundation for authorizing or denying PPO petitions, there is very little guidance given to Courts and judges by lawmakers.

Judge Y focused quite heavily on what criteria s/he uses in reviewing PPO petitions. First of all, every case goes through a screening process and

We're very careful in screening that we're not doing things that could be done in other courts. 'I want to get my property back,' 'we broke up and I want to
get my property back'... well, that's not a reason to get a PPO. 'My neighbor, we're arguing about the fence line,' that's not a reason to get a PPO... we refer them to the Dispute Resolution Center and District Court landlord/tenant, small claims [divisions] for that type of stuff.

Once a case has been screened, it is then forwarded to the judge for review. Judge Y stated, "I don't enter ex parte orders without the specifics—dates, exactly what was done; assaulting and harassing don't do it, what was the actual act?" According to the statute, a judge can review any document s/he wishes when trying to make a decision about whether to issue or deny a PPO.

If you look at the statute, I can review police reports, medical records, affidavits, statements, letters; it's really open. So, your rules of evidence, the legal admissibility of information, isn't really controlled well.

When reviewing the actual petition, Judge Y stated that,

Well, I look at the petition and I have to have enough information that shows me urgency and that this person will probably do something or will continue to do it. And of course, I have to on the face of the document, I have to accept them [the allegations] as true unless I have inconsistent information.

When talking about the PPOs Judge Y has issued, s/he was adamant about being cautious of the fact that PPOs inherently restrict the respondent's freedom of mobility. In an effort to address this issue, Judge Y stated:

The other thing I do is I try to fashion the least restrictive [order]. If for example, somebody alleges that they are being contacted by telephone, than that's all I put in there [the order]. They may have checked everything else, but if their statement is that they are getting calls all the time, then I'll put you can't have contact by telephone and you can't threaten to kill or physically injure, that type of stuff, but it's very fact-specific.

Judge Y does not seem to err on the side of caution when authorizing/denying PPO petitions. S/he explicitly stated that if the legitimacy of the allegations contained in the petition is at all questionable, the petitioner and the respondent are required to
appear in Court for a hearing to discuss the issues. This practice, I believe, honors the integrity of PPOs and forces the parties to evaluate the situation and face the reality that obtaining a PPO is taken very seriously by the Court and is not appropriate for all situations.

Based on the discussion thus far, it is important to now evaluate whether or not PPOs are effective in meeting their conceptual and practical purpose(s). In order to obtain information on this issue I asked all three judges about their overall perspectives of PPOs. Their responses were enlightening as were their suggestions for addressing some shortcomings.

8. Overall Perspectives

In terms of their overall perceptions of PPOs, the judges were pretty optimistic about their effectiveness and utility. However some reservations were expressed about the degree to which people have come to rely on PPOs as a method of dealing with difficult personal situations.

On the slightly negative side, Judge X stated,

PPOs need work. Theoretically it was a good idea, but I think that the reach has been broadened, for purposes it was not intended to. And it was been used as part of an arsenal of tools in domestic relationships and I think there ought to be some way of removing them from getting in the way of people ending their marriage and working out child custody and other issues.

It should be noted that since the legislature included situations involving parties who have had a dating relationship in the scope of PPOs [it used to be only parties who co-habituated with each other], the number of PPO petitions has increased. In summary,
Judge X noted that this scope "has become overbroad because of some high profile cases, yet these situations are rare. PPOs don't adequately address the everyday issues that most petitions deal with. The Legislature reacts to high-profile cases which lead to laws that are too broad."

In slight contrast, Judge Z stated, I think they're [PPOs] good actually, but I think it's only because we're living now in a very hostile society. I don't think the PPO is the problem, I think it's what's going on in relationships that's the problem. They're [PPOs] only a symptom of a lot of violence going on between males and females." When asked if this represented a change in our cultural environment, Judge Z stated, "I don't know if it's a change in our culture or if women are now speaking up where they didn't before...I don't know...I don't know what went on before, but there sure is a lot of physical stuff going on between males and females." Based on the answers of Judge X and Z, it appears as though the breakdown of relationships between men and women is what precedes the filing of a majority of PPOs.

In terms of what resources/practices might curtail the increasing need for PPOs, both Judge X and Judge Z cited the importance of educating young children about what it takes to have on-going and intimate relationships with others. More specifically, Judge Z stated,

I don't know, people who get themselves into such dangerous relationships, for the most part, tend to repeat that, so there needs to be more education done on that. I don't know that we can [necessarily] reach these people...I mean, we've got domestic violence shelters, domestic violence counseling, but what we really need to do is get down into the elementary schools and start working with kids about violence between the sexes.
This is an important recognition of the cycle of violence that many individuals, men and women alike repeat, especially if they were exposed to such incidents as children. Judge Z stated very bluntly,

I've always believed that what really needs to happen is that we need to have a mandatory component of the school curriculum about relationships. And it should be, not a course, but it ought to be a mandatory component of social studies, or whatever category it fits into, beginning in upper-elementary because that's when people start forming relationships that may be romantic in one way or another.

While clearly education is one way of addressing these issues with a large number of individuals, I do however question the impact the curriculum will have on students who are surrounded with these types of relationships as part of their everyday lives. I believe that education is a step in the right direction, however we need to evaluate our social institutions and the structure of our society if we truly want to find viable solutions. In conclusion, Judge X stated that, the only way improvements are likely [to be made] is through the allocation of money to agencies and programs; we must address the social institutions of our society.

On the other hand, Judge Y's answer was centered around the lack of guidance the precedent case law and the statute offer judges and the courts when handling PPO cases. More specifically, "There's no case law or statutory law that tells us procedurally how we're supposed to do these things; there's very little direction to the Courts." Judge Y gave an example of just how differently PPO cases are handled across the state. He stated that one Circuit Court Judge from another county conducted an informal study several years ago, which sought to find out how judges were handling different scenarios across different counties in Michigan. A
questionnaire was developed and sent to Circuit Court judges in several counties in Michigan. Judge Y was a participant in the study and reflected on the fact that the responses received from these judges varied quite astonishingly. These differences centered upon issues such as how ex parte orders are entered, whether the petitioner or the respondent has the burden of proof during a motion to terminate the PPO, just to name a few.

This highlights the notion that while judges are bound by both precedent case law and statutory law, there is very little guidance afforded judges when it comes to PPOs, as well as issues related to the handling of PPO cases. As a result, each judge is left to adopt his/her own specific guidelines to use when reviewing PPO petitions. The implications this level of discretion has on the way in which PPOs are handled in different counties, according to Judge Y, have not been addressed at this point.

My final research question centered upon whether any observable differences existed in PPO petitions and subsequent PPOs based on the gender of the petitioner. I will now move to a discussion of the petitioner’s gender and whether there are any differences in PPO petitions and subsequent PPOs.

9. Petitioner’s Gender and PPOs

Table 4 shows the relationship between the petitioner’s gender and whether or not the PPO was authorized by the judge. This was interesting to analyze due to the fact that male petitioners of PPOs are largely absent in the existing body of literature.
This is due, in a large part, to the fact that the majority of research conducted regarding PPOs has been done so in the larger context of domestic violence.

Not surprisingly, 77.7% of PPOs filed by females are issued by the Court, however, 65.5% of PPOs filed by males are also issued. The chi-square value of 10.626 is statistically significant at the .01 level of significance, and the corresponding gamma value of -.291 indicates that this is a weak, negative relationship.

Table 4
Chi Square: Petitioner's Gender and Whether the PPO Was Signed

<table>
<thead>
<tr>
<th>Petitioner's Gender</th>
<th>Whether the PPO Was Signed</th>
<th>n</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Yes</td>
<td>107</td>
</tr>
<tr>
<td>Male</td>
<td>(65.5%)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>56</td>
</tr>
<tr>
<td></td>
<td>(34.4%)</td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>Yes</td>
<td>616</td>
</tr>
<tr>
<td></td>
<td>(77.7%)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>177</td>
</tr>
<tr>
<td></td>
<td>(22.3%)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>n = 723</td>
<td></td>
</tr>
<tr>
<td></td>
<td>n = 233</td>
<td></td>
</tr>
</tbody>
</table>

* p = <.05  ** p = <.01  *** p = <.001

$X^2 = 10.626**$
Gamma = -.291

Table 5 displays the total number of cases assigned to each judge, as well as the number and corresponding percentage of those particular PPO cases that were issued and denied, with the key distinction being the gender of the petitioner and respondent.
It should be noted that the overwhelming majority of cases reviewed by all three judges involved a female petitioner and male respondent. Judge X issued 70.3% of these cases whereas Judge Y and Judge Z issued 75.4% and 76.0% of these same cases respectively. The least amount of cases petitioned for involved both male petitioners and respondents. However, the three judges issued the overwhelming majority of these types of PPO cases. Interestingly, Judge X stated in his/her interview that s/he didn’t believe there were very many PPO petitions filed that involved petitioners and respondents that were of the same sex. However, as the statistics show, s/he has reviewed a total of 13 cases involving a male petitioner and male respondent and of those 13 cases, s/he has issued 11 (or 84.6%) of them.

Judge Y has reviewed 14 cases that involved a male petitioner and a female respondent. Interestingly, s/he has issued 6 (or 42.9%) of these cases and denied 8 (or 57.1%) of these same cases. This is the only instance where a judge denied a greater percentage of cases than they issued. Despite the fact that the percentages were not disparate, this was still interesting to note. One could argue that the social arrangements of power, control, domination, and standardization are influential in cases involving male petitioners, although this is merely speculation in this particular instance.
<table>
<thead>
<tr>
<th>Petitioner vs. Respondent</th>
<th>Judge X</th>
<th>Judge Y</th>
<th>Judge Z</th>
</tr>
</thead>
<tbody>
<tr>
<td>Female v. Male</td>
<td>111</td>
<td>130</td>
<td>100</td>
</tr>
<tr>
<td>Yes</td>
<td>78 (70.3%)</td>
<td>98 (75.4%)</td>
<td>76 (76.0%)</td>
</tr>
<tr>
<td>No</td>
<td>33 (29.7%)</td>
<td>32 (24.6%)</td>
<td>24 (24.0%)</td>
</tr>
<tr>
<td>Male v. Female</td>
<td>14</td>
<td>14</td>
<td>9</td>
</tr>
<tr>
<td>Yes</td>
<td>8 (57.1%)</td>
<td>6 (42.9%)</td>
<td>5 (55.6%)</td>
</tr>
<tr>
<td>No</td>
<td>6 (42.9%)</td>
<td>8 (57.1%)</td>
<td>4 (44.4%)</td>
</tr>
<tr>
<td>Female v. Female</td>
<td>13</td>
<td>12</td>
<td>13</td>
</tr>
<tr>
<td>Yes</td>
<td>7 (53.8%)</td>
<td>10 (83.3%)</td>
<td>8 (61.5%)</td>
</tr>
<tr>
<td>No</td>
<td>6 (46.2%)</td>
<td>2 (16.7%)</td>
<td>5 (38.5%)</td>
</tr>
<tr>
<td>Male v. Male</td>
<td>13</td>
<td>6</td>
<td>5</td>
</tr>
<tr>
<td>Yes</td>
<td>11 (84.6%)</td>
<td>4 (66.7%)</td>
<td>3 (60.0%)</td>
</tr>
<tr>
<td>No</td>
<td>2 (15.4%)</td>
<td>2 (33.3%)</td>
<td>2 (40.0%)</td>
</tr>
</tbody>
</table>

n = 151 n = 162 n = 127
CHAPTER V

CONCLUSIONS

I would first like to clarify my purpose in conducting this research project, so as not to mislead the reader about what it was I was attempting to do. According to Yin (1994:10) "case studies, like experiments, are generalizable to theoretical propositions and not to populations or universes." By conducting a case study, I was attempting to formulate an informed understanding of what PPOs were conceptually designed to do and how they had been used and implemented in one county Circuit Court in Michigan. Given that I am focusing on a relatively small number of PPO cases (n = 956) that were filed over the course of a five-year period (1997-2001), I was not looking to make generalizations outside of the context of this county and certainly not to the larger population. Rather, I was interested in exploring how PPOs have been utilized based on the quantitative data found in the PPO files, and in obtaining the perspectives of the three judges who are responsible for authorizing or denying all PPO petitions. The majority of my findings came from the interview data and through the process of comparing and contrasting the perspectives of the three judges.

Based on my own experiences working at the county Circuit Court studied for this research, I was not convinced that the existing body of literature accurately reflected the practical role of PPOs. This was especially true as it pertained to
situations that were outside of the scope of domestic violence where the woman was
the "victim" and the male was the "batterer." I would now argue that the scope of
PPOs has been expanded in such a way that the theoretical and practical significance
of these legal documents has changed significantly.

I would like to begin my concluding remarks with a discussion of some
implications of this research. Taking these ideas one step further, I will identify some
future areas of research that could emerge from this project. And lastly, I will discuss
what issues and/or questions are still left unanswered by this research.

1. Implications

I will address the implications of this research by examining the implication
for: petitioners and respondents; the court process; the criminal justice process and
other agencies; and social constructionist theory.

This research was largely exploratory in nature, due to the fact that I was
looking at PPOs outside of the framework of domestic violence. Therefore, most of
my focus was on describing how PPOs were being used in the research county and
what factors influenced the theoretical and practical purpose of these legal
documents. The notion that females petition the Court for more PPOs than do men
was not surprising to me. However, the fact that men and women often recited
similar rationales for why they were petitioning the Court for PPOs was shocking.
The literature suggests that women petitioners cite physical violence, threats, and
verbal abuse in the largest percentage of PPO cases. However, in this research both
men and women cited, in the largest percentage of cases, physical violence and threats as reasons why they believed a PPO was necessary. I believe that my inclusion of male petitioners in the discussion of PPOs helps create a basic understanding of how and why PPOs are used within this research county.

PPOs have often been touted as one way to empower victims of domestic violence, yet in the same breath, judges acknowledge that a PPO is “just a piece of paper.” This false sense of protection and limited degree of empowerment are problematic in that, when PPOs fail there is virtually no other recourse a petitioner can take, aside from filing criminal charges, in trying to eliminate future acts of violence. When PPOs fail, the result can, at its worst, be death, but more commonly, the legitimacy of the petitioner’s rationale(s) and the belief that a PPO can actually protect the petitioner, are compromised.

PPOs are empowering in that petitioners invoke the legal process by initiating the PPO process with the filing of a PPO petition. However, once the criminal justice system becomes involved, the petitioner’s sense of empowerment is stripped away. As Judge Y noted, PPOs remove the sense of control from the hands of both parties involved and place it in the hands of the criminal justice system. The judge assumes responsibility for dictating to the respondent and petitioner what they can/cannot do in order to remain in compliance with the PPO.

As a result of this research, it became clear that PPOs are legal documents completed by petitioners, which represent the petitioner’s primary opportunity to explain why s/he needs a PPO. This is despite the fact that the majority of petitioners
have not been trained in how to construct a persuasive argument, such as providing an adequate amount of detail and supporting evidence for a particular request. All three judges expressed varying degrees of frustration with reviewing petitions that were either not legible or were so poorly constructed that the petitioner’s rationale for why s/he needed the PPO was not clear. This is ignoring the fact that there are some petitioners who cannot read and/or write. The process of petitioning the Court for a PPO does not take these factors into account, but rather requires that petitioners are able to read, write, and construct a coherent, meaningful, and persuasive argument. Some concessions need to be made in terms of the court clerks offering legal advice as it pertains to the PPO process, especially to those individuals with limitations that are ignored by the process (e.g., illiteracy).

One way of achieving this is to allow court clerks to take on the role of an advocate. As was noted in the previous chapter, 82.3% of PPO cases did not involve attorneys for either the petitioner or respondent. While the assumption is that pro per litigants are knowledgeable about relevant laws, court procedures, and the PPO process, I would argue, based on my own experiences, to the contrary.

There are clearly important roles that judges, court clerks, petitioners, and respondents assume within this legal process. These roles have been modified over time and will continue to evolve in order to address the needs of petitioners, as well as the theoretical and practical purpose of PPOs. Court clerks have been asked to take on a more active role in the filing process (e.g., screening PPO petitions), however their role falls short of being an advocate for the petitioner. While court
clerks in Michigan are not permitted to provide any form of legal advice, some jurisdictions within the United States have allowed court clerks to perform this role.

For example, Wan (2000) conducted research in a county in the State of Wisconsin, which had developed an advocacy center, designed to assist battered women in petitioning the Court for PPOs. Advocates were available to assist petitioners at all stages of the process, from filing a PPO petition to attending hearings with the petitioner. In addition, petitioners were referred to and received services from numerous social service agencies that were partnered with this advocacy center.

These advocates were knowledgeable about the PPO process, relevant laws, and the structure of the legal system. A majority of petitioners who received services from the advocacy center “thought more positively about the proceedings” (611) as a result of their experiences. Weisz, Tolman, and Bennett (1998:398), as a result of their research, asserted “there is some evidence that a coordinated approach that includes outreach and advocacy for victims can be effective.”

I would argue that training court clerks to assume an advocacy-type role would allow the PPO process to function much more efficiently and effectively. Court clerks presently possess knowledge similar to that of the advocates discussed in Wan’s (2000) research, however they are restricted from disseminating that knowledge to the general public. Therefore, implementing this type of change would not be costly nor would it require an inordinate amount of additional resources.
As was noted throughout the discussion of the interviews, each judge has his/her own perceptions about what PPOs are, what they were conceptually designed to do, and the limitations/benefits of PPOs, amongst other issues. This is due in part to the lack of guidance judges are afforded through statutory and precedent case law. As time passes and more issues pertaining to PPOs arise, the statutory guidelines will likely be revised. However, as it stands right now, each individual judge has a vast amount of discretion that can be applied to the handling of PPO cases. This lack of guidance is problematic in that judges are not being advised about what provisions they can and cannot include in PPOs.

These issues could be addressed by expanding both statutory law and case law that provides guidance to judges handling PPO cases. In order for the general public to view this legal process as legitimate and viable, a sense of consistency and uniformity needs to be established across all jurisdictions. One way of accomplishing this would be to clearly define guidelines and practices associated with each step of this process.

On the one hand, the question is the degree to which specificity and clarity should be written into the statute. Currently judges have the ability to make their decisions based on the information contained in the PPO petition, information contained in other court files, and/or testimony given at a hearing. On the other hand, the argument is that while this process might appear to allow too much discretionary power, the alternative could be statutory law that is overly restrictive and limiting in
scope. The degree of subjectivity employed by judges when reviewing PPO petitions is both a strength and limitation of this legal process.

In 2001, the Michigan Legislature passed a comprehensive domestic violence package that addressed a wide range of issues, some of which directly impacted PPOs. In summary, these changes involved establishing a clear definition of the term "dating relationship" as it relates to domestic relationship PPOs; mandating that PPOs (domestic and non-domestic) issued in Michigan are enforced by all other states and jurisdictions; explicitly stating that neither a domestic nor a non-domestic PPO could be issued against a child under the age of ten; and ordering all courts to immediately state in writing the specific reasons for why a non-domestic (stalking) PPO was issued (Summary of Domestic Violence Legislation Passed in 2001). These changes represent the efforts on the part of the Michigan Legislature to make the PPO statute more effective and efficient. While these changes represent a step in the right direction, there are still major shortcomings that need to be addressed, two of which have been addressed previously.

This research provided the judges an opportunity to discuss their perspectives and address topics about which they are rarely consulted. One judge noted very candidly during the interview that s/he had never been asked these questions before. I hope that this opportunity will open the lines of communication between lawmakers and practitioners for the purpose of making change in social policy. It is imperative that the conceptual purpose and practical use of PPOs are consistent across the board in meeting the needs of petitioners.
For example, as Judge Y noted, the lack of statutory guidance leaves judges wondering whether remediation issues (e.g., drug/alcohol counseling, parenting classes, anger management counseling) can be addressed within the context of a PPO. Undoubtedly these issues are integral to the filing of the PPO petition, however the question is whether it is the responsibility of the Court to take such action and whether PPOs were conceptually intended to serve the purposes of remediation.

As one can imagine, the inclusion of remediation provisions in PPOs has the potential to become a very slippery slope that would expand the scope of PPOs even more. The PPO process is unique in that most PPOs are signed or denied based on the allegations contained in the PPO petition, without any input from the respondent. Therefore, if remediation provisions were included in the PPO, this could potentially infringe upon the respondent's civil rights.

This notion of remediation is similar to therapeutic jurisprudence that is more often being employed in criminal proceedings. The difference between these two concepts is that therapeutic jurisprudence is introduced after a defendant has pled guilty to a crime and entered into an agreement with the court to address various issues (e.g., alcoholism, drug dependence, anger management, etc.). Remediation provisions, on the other hand, would be included in the PPO by the judge without the respondent being charged with any crime and/or without any input from him/her regarding the necessity of these provisions. I would argue that remediation is theoretically a good idea, but the inclusion of these provisions in PPOs could have potentially negative consequences for the PPO process in the future.
The belief that PPOs are in some instances used by the police as a way out of doing their job has crucial implications for the PPO process and also serves as a topic worthy of future research. PPOs were designed as a tool for domestic violence victims to employ as a way to eradicate an abusive situation. Despite the fact that the context of PPOs has become broader, this in no way impacts the job of the police or the enforceability of laws. The fact that police officers have altered their responsibilities to petitioners has potentially grave implications for the viability of PPOs and the larger criminal justice system.

In order for the criminal justice system to function effectively and efficiently, all agencies must work together and be able to rely on the resources and expertise of each other. As the old adage states, the system is only as good as its' weakest link.

In terms of the impact the Court procedures have on the practical use of PPOs, these research findings highlight the need for petitioners and respondents to be educated about the criminal justice system, the PPO process, and what implications a PPO has for the parties involved. The petitioner and respondent should also be made aware of alternative resources that are available through other social service agencies for resolving conflict. This information is undoubtedly crucial to PPOs being effective in meeting both their conceptual and practical purposes. The importance of educating the parties of PPO cases was clearly articulated by Weisz, Tollman, and Bennett (1998:413), in that “a number of our interviewees indicated that they would have benefited from more information about legal actions they might take and about services that would help them.”
This research was theoretically grounded in the idea that PPOs are socially constructed legal documents, and it became clear early on that the symbolic meaning of PPOs in the "real world" is not uniform. Despite the lack of consistency in the definition and/or perception of PPOs, it is argued that "law takes place through the use of symbols...we can describe law as a way of worldmaking [emphasis his]...all symbol systems and classifications are a way of imposing order on the world" (Litowitz, 2000:221). Regardless of the definition used, PPOs symbolize the petitioner's attempt to create a sense of order within a particular relationship.

Throughout this research, my focus was on how PPOs were used within the research county. This approach is important because "a focus on law in everyday life can help bridge the divide between 'constitutive' and 'instrumentalist' views of the law, serving to remind us that 'law...is available as a tool to people as they seek to maintain or alter their daily lives'" (Mertz, 1994:1260). By taking on an approach that combined data analysis, theory, and reflexivity, I was able to analyze "the way law impacts people's lives, and of the way people respond to and shape the realization of law in practice" (Mertz, 1994:1261). One strength of the social constructionist approach is that it allows the researcher to obtain results that have both theoretical and practical significance. And according to Mertz (1994:1259) "this kind of [socio-legal] study performs a crucial service in attempts to understand how law actually works on the ground [in the "real world"])."

In order for PPOs to be better tools, they need to be reassessed in terms of their construction. Moreover, the PPO statute should accurately address the
following: 1) the specific responsibilities petitioners and respondents have within the PPO process; 2) specific provisions to be included in PPOs; 3) a framework for designing a uniform court process; 4) how a coordinated educational component of the process is to be implemented; and 5) what role other social service and law enforcement agencies serve within the coordinated process.

2. Future Research

In terms of future directions of research, I would argue that the options are endless. First, one could utilize the data gathered in this research by reviewing all PPO petitions that were filed during 1997-2001, as opposed to the sample of 956 cases I analyzed. It would then be interesting to compare those findings to the findings of this study to see if the sample is really representative of what is going on in the research county.

Secondly, one could compare the practices of the research county with another county in the State of Michigan. It would be useful to note whether or not PPOs are handled differently across jurisdictions and if so, the extent of the differences. Taking this one step further would be to compare the legal process and subsequent practices of one county in the State of Michigan with the legal process and practices in another state.

Thirdly, one could conduct interviews with the key individuals involved in the PPO process (petitioners, respondents, judges, and court clerks). I would argue that petitioners undoubtedly have unique perspectives and insights into how the legal
process works, as well as the perceived benefits and limitations of PPOs. It would also be informative to interview respondents to obtain their perspective of PPOs. Respondents have a very unique role within this process and their insights would be invaluable in addressing specifically the issues of remediation and empowerment. To my knowledge there has not been any research conducted that focused on the perspectives of respondents.

Lastly, comparing one county circuit court that has an advocacy program with a county circuit court that does not offer such a program could offer some useful insight(s). More specifically, this would allow the researcher to address the unique role the court has the ability to play. The PPO process could be dramatically different from what it is today which might allow for the issues of empowerment and educational awareness to be addressed early on in the process, and even address the possible role of remediation in PPO situations.
Appendix A

Personal Protection Order Coding Sheet
### PPO CODING SHEET

**Case #____-____-______**

<table>
<thead>
<tr>
<th>1- Domestic</th>
<th>2- Non-domestic</th>
<th>3- No distinction</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

**Judge who signed/denied the PPO petition:**

1- Schma  
2- Foley  
3- Lamb  
4- Schaefer  
5- Johnson  
6- Gorsalitz  
7- Williams  
8- Conlon  
9- Visiting Judge

**Date PPO petition was filed:** __/__/__

**Petitioner's Gender:**

1- Male  
2- Female

**Respondent's Gender:**

1- Male  
2- Female

**Respondent's Race:**

1- African American  
2- White  
3- Hispanic  
4- Asian  
5- Other ____________________

6- Unknown  
7- Indian

**Was an attorney involved in this case?**

1- yes, for the petitioner only  
2- yes, for the respondent only  
3- yes, for both the petitioner and the respondent  
4- no, not for either party

**Relationship between the petitioner and the respondent:**

1- are husband and wife...  
2- were husband and wife  
3- reside or resided in the same household  
4- have a child in common  
5- have or had a dating relationship  
6- other ____________________

**Reasons why the petition was filed (based on the petitioner's summary):**

1- physical violence  
2- threats  
3- verbal abuse  
4- entering pet.'s home w/o permission  
5- destroying property  
6- stalking behavior  
7- to keep respondent away from pet.  
8- sending unwanted gifts  
9- making demands of petitioner  
10- harassment due to romantic interest  
11- persistent attempts to contact petitioner  
12- persistent harassment by telephone  
13- stealing  
14- sexual abuse
The petitioner is requesting that the respondent be prohibited from:
1- entering onto the property where the petitioner lives
2- entering onto the property of a specific address listed
3- assaulting, beating, molesting or wounding (specific names listed)
4- removing the minor child from the petitioner
5- following or appearing within the petitioner’s sight
6- appearing at the petitioner’s workplace or residence
7- approaching or confronting the petitioner in a public/private place
8- entering onto or remaining on property owned, leased, or occupied by the petitioner
9- contacting the petitioner by phone
10- sending mail or other communications to the petitioner
11- placing an object on or delivering an object to property owned, leased, or occupied by the petitioner
12- interfering with efforts to remove children/personal property from premises solely owned/leased by the respondent
13- threatening to kill or physically injure (specific names listed)
14- interfering with the petitioner at his/her place of employment or engaging in conduct that impairs their employment relationship
15- purchasing or possessing a firearm
16- other
17- having access to information in records concerning a minor child of mine and the respondent that will reveal my address, telephone number, or employment address or that will reveal the child’s address or telephone number

The petitioner requested that the court issue:
1- an ex parte order
2- a temporary restraining order at a hearing on this motion
3- a permanent restraining order at a hearing on this motion
4- a next friend is petitioning for me...
5- no boxes checked

Was the PPO order signed? 1- yes
2- no

Date the PPO was signed: ___/___/___

The court found that:
1- a petition requested the respondent be prohibited from entry onto the premises...
2- the petitioner requested an ex parte order, which should be entered without notice...
3- no boxes checked
4- a divorce...
The judge ordered that:
1- entering onto the property where the petitioner lives
2- entering onto the property of a specific address listed
3- assaulting, beating, molesting or wounding (specific names listed)
4- removing the minor child from the petitioner
5- following or appearing within the petitioner’s sight
6- appearing at the petitioner’s workplace or residence
7- approaching or confronting the petitioner in a public/private place
8- entering onto or remaining on property owned, leased, or occupied by the petitioner
9- contacting the petitioner by phone
10- sending mail or other communications to the petitioner
11- placing an object on or delivering an object to property owned, leased, or occupied by the petitioner
12- interfering with efforts to remove children/personal property from premises solely owned/leased by the respondent
13- threatening to kill or physically injure (specific names listed)
14- interfering with the petitioner at his/her place of employment or engaging in conduct that impairs their employment relationship
15- purchasing or possessing a firearm
16- other 
17- having access to information in records concerning a minor child of mine and the respondent that will reveal my address, telephone number, or employment address or that will reveal the child’s address or telephone number

Was the PPO dismissed for non-service?
1- yes
2- no
3- not applicable

Date the PPO was dismissed for non-service: __ / __ / __
(if applicable)

Was there a hearing held regarding this PPO?
1- yes
2- no

What was the reason for this hearing?
1- the PPO was never issued by the judge
2- a motion to terminate the PPO was filed
3- a motion to modify the PPO was filed
4- a motion to extend the PPO was filed
5- PPO violation
6- Not applicable
7- Show cause hearing regarding PPO violation
8- Bench warrant hearing

If applicable, who filed the motion to terminate the PPO?
1- petitioner
2- respondent
3- not applicable

What was the outcome of the PPO hearing?
1- PPO was issued
2- PPO was terminated
3- PPO was modified
4- PPO was extended
5- PPO was not issued
6- PPO was not terminated
7- PPO was not modified
8- PPO was not extended
9- Not applicable, a hearing was never held
10- Bench warrant was satisfied
11- Respondent was sentenced on PPO violation
12- Hearing was held and PPO provisions were clarified
13- Contempt finding made by the Court
14- Civil RO issued
15- PPO violation charges dismissed
16- Hearing was cancelled
17- Parties FTA-hearing was cancelled
18- Show cause hearing was never scheduled
19- Hearing was never scheduled by party/atty.

Reason(s) given for why the motion to terminate the PPO was filed?

Is there anything else noteworthy about this particular case?

"There’s not reasonable cause to believe the respondent may commit one or more acts listed in MCL 600.2950(1)"
"Insufficient factual basis per MCL 600.2950 for ex parte relief."
"Respondent hasn’t committed two or more acts of willful, unconsented contact."
Pet. was advised of right to set this matter for a hearing, but never did.
PPO was denied without right to set matter for a hearing.
Appendix B

Participant Consent Form
Agreement to Participate Form

Western Michigan University-Department of Sociology
Principal Investigator: Susan L. Caulfield
Student Investigator: Kristen E. DeVal

The Social Construction of Personal Protection Orders: Gendered Differences?

My name is Kristen DeVall and this research project is part of my Master's thesis through the Department of Sociology at Western Michigan University. You are being invited to take part in this research project designed to analyze Personal Protection Orders (PPOs) to determine whether there are differences in why men and women petition for protection orders. Moreover, I am attempting to formulate a basic, yet consistent, understanding of PPOs based on the perspectives of judges who review these documents and the petitioners who have filed for PPOs. You are eligible to participate in this research study if you were a judge who reviewed petitions for PPOs between January 1997 and December 2001. Therefore, if you are eligible and agree to participate, your commitment will be to take part in one interview session. This interview session will last approximately one to two hours. Some of the questions asked during this interview will focus what a PPO is and for what situations they were conceptually intended. Other questions will focus on any notable differences in why men and women file for PPOs. This research project will begin in February 2002 and will be completed by June of 2002.

Should you choose to participate, you have the right to withdraw your consent, and or discontinue participation at any time. However, I do not foresee any risks associated with this research as it relates to interviewing judges. The information elicited during these interview sessions will be kept confidential and you will remain anonymous. However, if you feel that this research study is not something you wish to participate in, please inform the researcher of your wishes. The interview will be terminated immediately without prejudice, penalty, or risk of any loss of service you would have otherwise received.

As in all research, there may be unforeseen risks to the participant. If an accidental injury occurs, appropriate emergency measures will be taken; however, no compensation or additional treatment will be made available to the subjects except as otherwise stated in this consent form.

Immediate benefits to the participants are not foreseen. It is my hope that this research will bring a different perspective to the body of literature related to PPOs. In addition, I hope that the information I obtain throughout this research process will help inform the general public about PPOs and draw attention to what benefits and limitations these legal documents possess.

The confidentiality of data will be maintained through several methods. Aliases will be substituted for each participant's name in the writing of this research project. In addition, all personal identification information will be changed or omitted to ensure confidentiality and anonymity. During these interview sessions, the questions asked will be based on information contained in the PPO petitions, which are public court documents. I will, however, preserve the confidentiality of any additional information elicited during the
interviews that is not a matter of public record. The data collected will be retained on disk for at least three years as required by federal regulations and all research documents will be kept in a locked cabinet located in the principal investigator’s office.

Should you have any questions, comments, or concerns please call Susan L. Caulfield (principal investigator) 387-5291 or Kristen DeVall (student investigator) 387-5291. Any participant may also contact the Chair, Human Subjects Institutional Review Board (387-8293) or the Vice President for Research (387-8298) if questions or problems arise during the course of the study.

This consent document has been approved for use, for one year, by the Human Subjects Institutional Review Board (HSIRB) as indicated by the stamped date and signature of the board chair in the upper right corner. Subjects should not sign this document if the corner does not show a stamped date and signature.

I, __________________________, agree to participate in this research project.

Print name

Participant’s signature: __________________________ Date: __________
Appendix C

Interview Schedule
INTERVIEW SCHEDULE

1. In your opinion, what is a PPO?

2. From your perspective, for what situations were PPOs conceptually designed?

3. In your experience, for what types of situations are PPOs most often used?

4. From your perspective, what are the most common reasons petitioners give when requesting a PPO?

5. In your opinion, do more men or women file for PPOs?

6. Do you see any differences in the reasons men and women give for why they petition the court for PPOs?

7. In your opinion, how many of PPO cases involve actual incidents of domestic violence where the male is the "batterer" and the female is the "victim?"

8. From your perspective, what are some limitations of PPOs?

9. From your perspective, what are some benefits of PPOs?

10. Are there specific guidelines that you follow when analyzing a petition for a PPO?

    If so, please explain.

    If not, what guidelines/criterion do you use when reviewing a PPO petition?

    Is this criterion standard, and therefore, used by all judges?

11. What is your overall assessment/perspective of PPOs?

12. Is there anything else that you would like to add?
Appendix D

Protocol Clearance From the Human Subjects Institutional Review Board
Date: February 15, 2002

To: Susan Caulfield, Principal Investigator
    Kristen DeVall, Student Investigator for thesis

From: Mary Lagerwey, Chair

Re: HSIRB Project Number 02-02-04

This letter will serve as confirmation that your research project entitled “The Social Construction of Personal Protection Orders: Gendered Differences?” has been approved under the exempt category of review by the Human Subjects Institutional Review Board. The conditions and duration of this approval are specified in the Policies of Western Michigan University. You may now begin to implement the research as described in the application.

Please note that you may only conduct this research exactly in the form it was approved. You must seek specific board approval for any changes in this project. You must also seek reapproval if the project extends beyond the termination date noted below. In addition if there are any unanticipated adverse reactions or unanticipated events associated with the conduct of this research, you should immediately suspend the project and contact the Chair of the HSIRB for consultation.

The Board wishes you success in the pursuit of your research goals.

Approval Termination: February 15, 2003
BIBLIOGRAPHY


Personal Protection Orders—Eaton County (Michigan) Prosecuting Attorney.  


