

# Interview protocol POEMS

## Draft 28 December 2013

### 1. Instructions for the interviewers

#### 1.1. Selection of the victims:

- Each partner selects 15 victims who meet the following criteria:
  - **Adult female** victims of:
  - **domestic violence** and/or **ex-partner stalking**
  - who have obtained a **criminal** protection order against their male (ex)partner
  - in reaction to an incident that happened **less than 4 years** ago
- In the Netherlands, Italy, and Portugal, this protection order (e.g., no contact order or prohibition to enter a certain area) *can* be imposed within criminal law as:
  - **pre-trial measures**,
  - a condition to a **conditional suspension of pre-trial detention**,
  - and/or a condition to a **conditional suspension of the sentence**.
- In Finland this criminal protection order is imposed as a result of the specific, quasi-criminal protection order procedure.

#### 1.2. Instructions before and during the interviews:

- The interviews are held face-to-face or by telephone, depending on the preference of the victims. In both cases informed consent will be given, either orally or written. (See **Informed consent model**.)
- The place where the interview is held is chosen by the victim. The place should be neutral and safe. Interviews in the home of the victim should only be made if the safety of the victim and the interviewer is ensured.
- If the victim is still in a relationship with the (abusive) partner, when making the appointment emphasize that the partner cannot be present during the interview. Also inform the victim that the interview will be stopped if the partner returns home unexpectedly, and agree with her what you will tell the husband that you are conducting an interview on another topic. (Take with you the **Dummy Questionnaire**, and for more recommendations, see **Guidelines**.)
- Each interview will be tape recorded, for which the victim has to give her consent.

#### 1.3. Instructions after the interviews:

- All the interviews are conducted before 31 March 2014.
- The interviews are transcribed (deadline: 30 April 2014).
- The interviews are in principle literally transcribed. The partners will share their experiences in transcribing the interviews, so that a uniform approach is reached.
- (A summary of) the transcriptions with the main literal highlights are then translated into English by the interviewers (deadline: 25 May 2014).

## 2. Interview protocol

### 2.1. Introduction

*Domestic violence and stalking are serious problems which might be stopped with the help of a criminal protection order. Criminal protection orders are measures aiming at the protection of the victim by restraining the abuser, by prohibiting the abuser from contacting or approaching the victim. Once a criminal protection order is imposed, the offender is, for instance, no longer allowed to contact the victim or to be in the street where the victim lives. They are imposed by the public prosecution service and/or the judge. The aim of this interview is to find out if and how criminal protection orders work in practice.*

*We are particularly interested in your experience with criminal protection orders and the procedure that lead up to them. How did you, for instance, perceive the performance of the police or the public prosecutor? Was it easy to get a criminal protection order or did it take very long? And once you had one, did it stop the violence? With the help of this interview we want to improve the effectiveness of criminal protection orders and to increase the safety of (other) victims of domestic violence and/or stalking.*

*Before we start the interview there are a few issues that we need to talk about in advance:*

- *There are no correct or wrong answers. What matters is your experience and your opinion.*
- *Are you currently still in a relationship with the person against whom you have had a protection order? If that is the case, we will stop the interview if your partner shows up unexpectedly. We will say that this interview is about.....*
- *The interview will take about 1-1½ hour, but you are allowed to stop the interview at any time you like (e.g., if you feel uncomfortable or if the questions make you really emotional) or skip any question.*
- *The interview will be processed anonymously. Your name will not be mentioned in the report, nor will it include any information leading back to you.*
- *Do you mind if we use a voicerecorder during the interview to tape the interview?*
- *Thank you in advance for your participation.*

### 2.2. Background information (anonymous in report!)

- 1) With whom are currently living with?
- 2) Do you have children?
  - a. If so, how many and how old are they?
  - b. Are these children with your (ex) partner?
  - c. Are your children currently living with you?
  - d. If not, are they living with the man who you have the protection order against?
- 3) How old are you?
- 4) How old is/was your (ex) partner?
- 5) What is your native language?
- 6) (If relevant) Do you speak Finnish/Dutch/Italian/Portuguese fluently/with difficulty/hardly at all?
- 7) What is your employment status? (full-time, part-time employed, unemployed, student?)
- 8) What is your education? Basic/ vocational / high school / university?
- 9) What is your (ex) partner employment status?

- 10) What is his education? Basic/ vocational / high school / university?
- 11) Were you legally married or did you have a common law union?
- 12) Were you cohabiting?
- 13) Did your partner have problems with the police before? Does he have a criminal record?
- 14) Do you have problems of alcohol or drugs abuse?
- 15) Does your (ex) partner have problems of alcohol or drugs abuse?

### 2.3. History

First we would like to have an idea of the relationship you had/have with your (ex) partner and of the violence that occurred during or after the relationship

- 16) When did the relationship with your partner start? How long did the relationship last?
- 17) When did the violence/stalking begin (how long after you got together)?
- 18) Can you describe the first episode of violence you recall?
- 19) What type of violence/stalking did you experience?
  - a. Did your (ex) partner hit you or use other kinds of physical violence?
  - b. Did you ever felt controlled by your partner? Can you describe in what way? (Jealousy, money, family and friends, etc.)
  - c. Did he follow you, spy you, constantly phoned you or try to get hold of you?
  - d. Did he send you unwanted presents, mail, messages that scared you and made you change your habits?
  - e. Did he call you names or belittle you?
  - f. Did he make you engage in unwanted sexual act? Did this behavior include unwanted sexual intercourse?
  - g. Did he do other things you didn't like?
- 20) Could you give an indication of the frequency of the violence/stalking? Were there incidents on a daily, weekly, monthly basis?
- 21) "Was there any situation in which you physically needed to defend yourself?"
- 22) Disclosure
  - a. Did others know about the violence/stalking?
  - b. Did you tell others about the violence/stalking?
    - i. If so, to whom?
    - ii. If not, why not?
- 23) Before the incident that resulted in the criminal protection order, did you ever call the police or ask them for help, because of the violence/stalking?
  - a. If so, how many times?
  - b. If so, how did the police react?
  - c. If not, why not?
- 24) Has your partner been arrested for violence before?
- 25) Besides calling the police, did you also resort to any other type of help on stopping the violence/stalking?
  - a. If so, what did you try and did it help?
  - b. If not, why not?

### 2.3. Incident that lead to a criminal protection order

- 26) Was this the first time you requested a protection order?

- 27) Was this the first time your (ex) partner had a criminal protection order imposed against him or did he receive criminal protection orders before (for example, for previous partners)?
- a. If so, how many?
  - b. If not, did he have any other type of protection orders imposed against him before (e.g., civil protection orders or barring order)?
    - i. If so, these apparently haven't stopped the violence/stalking. Do you have any idea why not?
- 28) In case of Finland: 'Who filed for a protection order?'
- a. You / social worker / police / prosecutor?
  - b. Did you first go to the police or did you file directly in the court?
- 29) If your (ex) partner has had multiple criminal protection orders imposed against him, we want you to focus on the last time he received such an order for the remainder of this interview.
- a. Could you describe the incident that led to the criminal protection order? What happened exactly?
  - b. Was the violence/stalking different from other times?
  - c. Who called the police or filed for the protection order?
  - d. If this was the first time you asked for the police or judge to intervene, why did you decide to do it?
  - e. What did you expect from the police/judge?

#### **2.4. Procedure that led to a criminal protection order**

##### **Police response:**

- 1) Did the police ask you whether you wanted a protection order? For instance, did they ask you whether you would like your (ex) partner not to contact you anymore or not entering your street? Or did you indicate you wanted such an order yourself?
- 2) Did the police listen to you?
- 3) Did the police take you seriously?
- 4) Did you feel blamed for what happened?
- 5) Did they give you sufficient information on what would happen next (the procedure)?
- 6) Overall, are you satisfied with the manner in which the police responded? Elaborate.
- 7) How could the response of the police be improved?
- 8) Was your (ex) partner arrested? For how long?

##### **Prosecution:**

- 9) Apparently your case was prosecuted. Did you come into contact with the public prosecutor who represented your case?
  - a. If not, go the next section.
  - b. If so, we would like to know about the response of the public prosecution service to you:
    - i. Did the public prosecutor ask you whether you wanted a protection order? For instance, did (s)he ask you whether you would like your (ex)partner not to contact you anymore or not entering your street? Or did you indicate you wanted such an order yourself?

- ii. Did the prosecutor listen to you?
  - iii. Did the prosecutor take you seriously?
  - iv. Did you feel blamed for what happened?
  - v. Did the prosecutor give you sufficient information on what would happen next (the procedure)?
- 10) Overall, are you satisfied with the manner in which the public prosecutor treated you?  
Elaborate
- 11) In which way could the response of the public prosecutor be improved?

### **Questions in relation to conditional suspension of pre-trial detention**

- 1) Before the beginning of the trial, was your partner under arrest?
- 2) If he wasn't under arrest,
  - a. Do you know of any conditions being imposed to him in order to remain free?
    - i. If so, which were these conditions? (Try to find out the exact conditions)
      1. Was he, for instance, no longer allowed to contact you?
      2. Was he, for instance, no longer allowed to be in your street or neighborhood?
      3. Was he, for instance, no longer allowed to follow you around?
    - ii. Any other conditions (e.g., electronic monitoring)?
    - iii. If so, how long did your (ex) partner have to comply with these conditions?
- 3) Did the conditions only apply to you or were other people also protected by the conditions, such as your children or family?
- 4) If the protection order also extended to your children, were there any difficulties with visiting rights?
- 5) Overall, these measure(s) had the effect of stopping the violent behavior?
- 6) Did you feel protected by these measures?
  - a. Why, why not?
- 7) What other conditions would you have liked? Why?
- 8) How were the conditions monitored?
  - a. Did you have to report all violations to the police yourself?
  - b. Did the police keep an eye on your (ex) partner?
    - i. If so, in what way?

### **Questions relating to the trial stage**

- 1) **Finland:** Was there also a criminal prosecution and trial for the same incident that led to the protection order or a related violent crime against you?
- 2) **Finland:** If yes, answer questions in relation to this trial:
- 3) **Finland:** Was the offender arrested or held in police custody? If yes, for how long?
- 4) Were you present during the trial?
  - a. If so, we would like to know about the treatment by the judge:
    - i. Did the judge ask you whether you wanted a protection order? For instance, did (s)he ask you whether you would like your (ex)partner not to contact you anymore or not entering your street? Or did you spontaneously indicate you wanted such an order yourself ?
    - ii. Did the judge listen to you?
    - iii. Did the judge take you seriously?
    - iv. Did you feel blamed for what happened?

- v. Did the judge give you sufficient information on what would happen next (the procedure)?
- 5) Overall, are you satisfied with the manner in which the judge/court treated you?
  - a. Why, why not?
- 6) In which way could the response of the judge/court be improved?
- 7) At the trial, was your (ex)partner found guilty and sentenced?
  - a. If so, what sentence did he receive?
  - b. Was the sentence made effective (was your partner sent to prison)?
  - c. Was he given a conditional sentence (released under certain conditions)? (If the latter, go to next section.)
  - d. If he was not sentenced, why not? Go to section 2.5.

### Questions in relation to a condition to a conditional sentence

- 8) **Finland:** What was the content of the PO?
- 9) Apparently, your (ex) partner was found guilty and sentenced, yet instead of having to serve his entire sentence in prison, he was allowed to spend part of his sentence outside prison under certain conditions. Which were these conditions?
  - a. Was he, for instance, no longer allowed to contact you?
  - b. Was he, for instance, no longer allowed to be in your street or neighborhood?
  - c. Was he, for instance, no longer allowed to follow you around?
  - d. Any other conditions (e.g., electronic monitoring)?
- 10) How long did your (ex) partner have to comply with these conditions?
- 11) Did the conditions only apply to you or were other people also protected by the conditions, such as your children or family?
- 12) If the protection order also extended to your children, were there any difficulties with visiting rights?
- 13) Did you feel protected by these measures?
  - a. Why, why not?
- 14) What other conditions would you have liked?
- 15) How were the conditions monitored?
  - a. Did you have to report all violations yourself?
  - b. Did the police keep an eye on your (ex) partner?
    - i. If so, in what way?

### 2.5. Effectiveness criminal protection order

We would now like to talk about the time when the criminal protection order was in place.

- 16) Did your (ex) partner obey the conditions imposed?
- 17) Did your partner violate the conditions and still contact you?
  - a. If so, how did he violate the conditions?
  - b. If so, how often did he violate the conditions?
  - c. If so, was there a change in the violence/stalking as a result of the protection order?

- i. Was the frequency of the violence/stalking reduced/increased?<sup>1</sup>
  - ii. Did the nature of the violence/stalking change?<sup>2</sup>
  - iii. Did the violence/stalking become worse or less bad? In what sense?
- d. If so, how long after the criminal protection order was imposed did he violate the order?
- e. If so, why do you think your (ex) partner violated the conditions?
- f. If so, did you report this violation to the police?
  - i. If not, why not?
  - ii. If so, how did the police respond? Did their response satisfy you?

18) During the validity of the protection order,

- a. Did you ever initiate contact with your (ex)partner yourself?
  - i. If so, why?
  - ii. If so, how often?
- b. Was there any other form of contact between you and your (ex) partner (e.g., through third parties)?
- c. Did you feel safe(r) and more protected (than before)?
  - i. If not, why not?
  - ii. If so, why?
  - iii. And after the protection order had expired?
- d. Did you feel more in control of your safety?
  - i. If not, why not?
  - ii. If so, why?
  - iii. And after the protection order had expired?

19) After the protection order had expired, did you experience new incidents of violence/stalking?

## 2.6. Looking back

- 20) Would you say the duration of the procedure leading up to a criminal protection order is okay, or did it take too long?
- 21) Would you say the procedure leading up to a criminal protection order was easy or was it hard?
- 22) Would you say the criminal protection order(s) has been good for you?
  - a. Why (not)?
- 23) Which aspects of the (procedure leading up to the) criminal protection order would you consider successful?
- 24) Which aspects of the (procedure leading up to the) criminal protection order could be improved?
- 25) Overall, are you satisfied with the protection order(s)?
  - a. Why, why not?
- 26) Did anything change in your relationship with your (ex) partner as a result from the criminal protection order?
  - a. For instance, was it easier to break up the relationship?
  - b. Did your (ex) partner, for instance, become less violent or controlling?

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<sup>1</sup> Did the abuser/stalker, for instance, call once a week instead of 100x a day?

<sup>2</sup> By a change in the nature of the violence/stalking we mean, for instance, that instead of physically abusing the victim, the violent (ex)partner now only resorts to threats.

## **2.8. End of the interview**

- *Thank again for participating in this interview!*
- *Would you be interested in the results of the final report?*
  - *(If so, write down e-mail address + warn that the final report may take a while).*
- *Do you have any questions?*

*(Hand over gift voucher worth €25)*