

# **Report on Domestic Violence for 2012**

**Lincoln/Lancaster County**

**FAMILY VIOLENCE COUNCIL**

## APPENDIX A

# Victim Service Information

### Friendship Home

Friendship Home provides safe, confidential shelter and specialized supportive services 24 hours a day for women and children who are victims of domestic violence. FH takes a Strength-Based Approach that addresses both domestic violence and homelessness.

In 2012, Friendship Home provided emergency shelter to 560 women and children, including 231 women and 329 children. This resulted in the provision of 26,093 bed nights (nights that someone was in a bed). A total of 93% of families sheltered reported incomes that placed them at or below the federal poverty thresholds. The number of women and children served was down from 2011, but amount of bed nights was up. A total of 706 requests for shelter were down from 2011, when the 753 total was the highest since 1999.

	2008	2009	2010	2011	2012
Requests for shelter	623	524	646	753	706
Ave. monthly caseload (women/children)	284	262	286	307	287
Unduplicated clients (women/children)	1,398	1,338	1,481	1,612	1,477
Undup. clients in shelter (women/children)	542	654	665	635	560
Bed nights (clients spending a night in bed)	25,212	26,672	26,278	25,411	26,093
Average number of women & children on waiting list for shelter each day	52	51	62	73	71
Ave. length of stay (days) in emergency shelter	42.8	47.1	38.1	37.3	35.2
Ave. length of stay in transitional shelter	106.89	61.34	64.93	118.1	87.3

### Voices of Hope

Two key measures of Voices of Hope's activities are the number of clients VOH staff members meet face-to-face and the number of women in support groups. In 2012, the number of unduplicated victims Voices of Hope staff met face-to-face was 1,826. This figure is lower than three previous years. In 2011 and 2012, Voices of Hope made changes to software for its record-keeping as a part of a statewide data base. As a result the 2012 reduced number does not include all children provided services as in previous years.

Victims Voices of Hope staff met face-to-face 2008-2012	
	Contacts
2008	2,036
2009	1,968
2010	2,099
2011	1,850
2012	1,826

Voices of Hope's 24-hour crisis line is another key measure of domestic abuse and sexual violence in the community. In recent years, however, technology changes have resulted in fewer crisis line calls. VOH has averaged about 10,000 calls annually in recent years. The unduplicated number of women attending support groups at VOH in 2012 was 449, which compares to 439 in 2011 and 313 in 2010.

**LPD Victim/Witness Unit**

The Lincoln Police Department's Victim/Witness Unit provides advocacy services to all victims of crimes, not just victims of domestic violence. In 2012, the Victim/Witness Unit worked with 1,202 domestic violence victims, up from 1,199 in 2011. The Victim/Witness Unit also assisted with 472 protection order requests, compared to 448 in 2011.

Victim/Witness contacts 2007-2011	
	Contacts
2008	1,182
2009	1,496
2010	1,147
2011	1,199
2012	1,202

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**No pattern to requests for assistance**

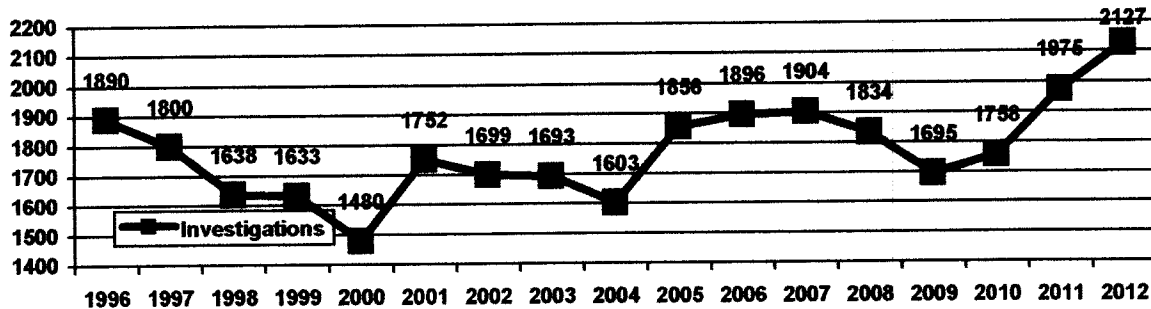
Through the years FVC has maintained statistics, no pattern to domestic violence peaks in requests for services has emerged other than an increase in reports to law enforcement on the weekend.

## APPENDIX B

# Criminal Justice Information

### Number of Investigations increase to highest level for second year in a row

Table shows investigations by Lincoln Police Department (2,083) and Lancaster County Sheriff's Office (44). Total of 2,127 includes 1,862 assault and 265 protection order violation investigations. Assault investigations increased by more than 100 for the second year in a row, rising by 203 over the 2011 total. Protection order violation investigations decreased by 56 over 2011. Assault investigations increased by 12 percent; PO investigations decreased by 17%.

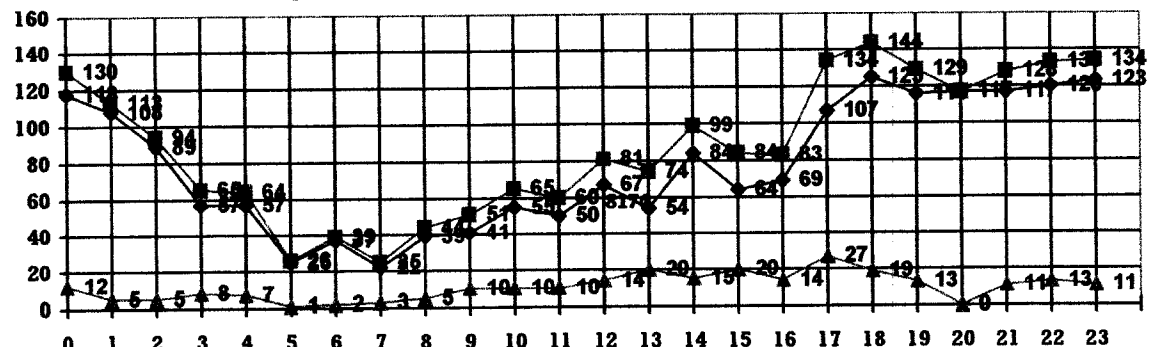


### Total investigations by day of the week in 2012

Time of day and day of week statistics consistently show: (1) more investigations occur Friday evening into Sunday morning; (2) investigations start increasing about 5 p.m. until 2 a.m.; and (3) protection order investigations (green line) are more spread out throughout the daylight and evening hours.

Day of Week	Investigations	If day began at 5 a.m.	Investigations
Monday	280	Monday	278
Tuesday	274	Tuesday	261
Wednesday	251	Wednesday	279
Thursday	291	Thursday	272
Friday	289	Friday	339
Saturday	377	Saturday	393
Sunday	362	Sunday	302

### Investigations starting at midnight by hour in 2012



Hours in military time. Hours represent start hour of period: so, there were a total of 74 investigations between 13-14 (1-2 p.m.), including 54 for assaults and 20 for protection order violations.

### Assault arrests highest in decade; protection order arrests at lowest point

The total of 1,066 arrests in 2012 was the highest total since 1,072 arrests in 2001. Since the project began only the first two years, 1996 and 1997, had higher totals.

But, the number of arrests for protection order violations, 134, was the lowest total recorded since the project began in 1996. A change in law that had the impact of reducing the number of granted POs has played a key role in the reduction of PO arrests. The law was reversed during 2012.

Arrests 2003-2012				
	Assaults	PrtOrdr	Total	Change
2003	949	235	1,184	(2.7%)
2004	906	237	1,143	(3.5%)
2005	993	231	1,224	7.1%
2006	1,021	213	1,234	0.8%
2007	993	226	1,219	(1.2%)
2008	958	201	1,159	(4.9%)
2009	889	158	1,047	(9.7%)
2010	896	135	1,031	(1.6%)
2011	999	150	1,149	11.4%
2012	1,066	134	1,200	4.4%

Arrests increased by 6.7% in 2012 compared to 2011. Arrest had been declining annually beginning in 2006. Arrests had reached record low levels in 2009-2010. Between 2000 and 2010 Lancaster County population grew overall 14%.

In 2004, the Legislature created the crime of domestic assault. These figures include people arrested for any type of assault who were involved in an intimate partner relationship.

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### Dual arrests tie record low

A dual arrest occurs when both parties in a domestic violence investigation are cited.

Dual arrests are seen as a key indicator of law enforcement response to domestic violence because domestic violence theory holds that a key element of the relationship is a significant power imbalance.

As a result, domestic violence theory suggests that in most cases, one party is acting in self-defense and that the other party is the predominant aggressor.

Nebraska law passed in 2004 reflects that good investigations in most cases should determine the predominant aggressor.

Dual Arrests 2003-2012			
	Dual arrests	As % of Assault Arrests	Change from past year
2003	89	9.4%	(1%)
2004	75	8.3%	(16%)
2005	57	5.7%	(24%)
2006	73	7.1%	22%
2007	64	6.4%	(12%)
2008	52	5.4%	(19%)
2009	41	4.6%	(21%)
2010	29	3.2%	(29%)
2011	35	3.5%	21%
2012	29	2.7%	(17%)

In 2012, there were a total of 29 dual arrests, matching the low total since the project began. In 1996, the year the project began, the greatest number of dual arrests occurred. The total was 176.

## No domestic violence homicides in 2012

Since the coordinated response project began in 1996, there have been 17 domestic violence homicides in Lancaster County, but none in 2012. FVC considers a domestic violence homicide to be between intimate partners. Homicides of other family members or where a former boyfriend kills a current boyfriend are not counted.

Here are the domestic violence homicides since the project began in 1996:

- 1996: Michael Pleskac was killed by Julia Stubblefield
- 1998: Joan Dupree was killed by Craig Dupree  
Thao Soung Bui was killed by Hai Nguyen, who then killed himself
- 1999: Bich Tran was killed by Dat V. Nguyen
- 2002: Susan Uhrmacher was killed by Allen Divoky  
Brittany Eurek was killed by Randall Robbins
- 2004: Robert Hefflefinger was killed by Lyla Hefflefinger, who then killed herself
- 2005: Yvonne Jones was killed by Uki Jones, who then killed himself
- 2006: Sharon DeSantiago was killed by Gerald Soundsleeper
- 2007: Maria Moreno was killed, allegedly by Cesar Penado  
James Girmscheid was killed by Jeanette Hoer  
Rhapsody Ziemann was killed by Mark Ziemann
- 2008: Lynn Anderson was killed by Robert Dunkin
- 2009: Dale Jones was killed by Roberta Jones, who then killed herself.  
Christopher Grant was killed by Lisa Ramirez-Rodriguez.
- 2010: Alissa Magoon was killed, allegedly by William Pereira.
- 2011: Sueann Bedlion was killed by Jerry Crook, who then committed suicide.

Pereira and Crook are the first persons who killed people who had recent system contacts prior to the homicides. Previously, only Soundsleeper and Divoky had been investigated for domestic violence incidents prior to the homicide. But, neither Divoky nor Soundsleeper were investigated for domestic violence incidents related to the homicide victims. In 12 of the 17 cases, the victim was a female. Five of the incidents were a homicide-suicide. Also, 14 of the 17 perpetrators or alleged perpetrators were older than 30 years of age at the time of the incident. In national studies, a primary risk factor for homicides has been that the victim had either left the perpetrator or the perpetrator thought the victim might be leaving the perpetrator. That was true in at least 13 of the 16 cases for certain and likely true in all of the cases.

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### Rate of jailing continues to rise

The likelihood of being jailed for a domestic assault went from 54.2% of arrests in 2007 to 83.2% in 2012. Arrests can be custodial or non-custodial. The first year of the project, 1996, saw the lowest rate of lodging, just 43.3%. Custodial arrests consistently ranged from 50% to 55% until 2008. The increase in lodging appears primarily to be related to increased emphasis on making custodial arrests for domestic assault.

	Arrested	Lodged	% Lodged
2007	993	538	54.2%
2008	958	724	75.6%
2009	889	683	76.8%
2010	896	724	80.8%
2011	999	811	81.2%
2012	1,063	884	83.2%

## Racial/Ethnic Composition

The majority of victims and offenders are white. But, there is an over-representation of some minority populations in these figures. With about 16% of the population non-white, 31% of perpetrators and 29% of victims were non-white. FVC's database mirrors the five racial/ethnic categories tracked by law enforcement: African American, Asian American, Hispanic, Native American and white. Figures are for domestic assault and violation of protection orders investigations.

Number of Victims and Perpetrators by Race/Ethnicity							
	Victims	Offenders	Lodged	<sup>1</sup> Convicted	FH Women	FH Children	<sup>2</sup> Voices of Hope.
African Am.	360	416	276	191	74	134	200
Asian Am.	52	37	29	19	2	0	20
Hispanic	126	127	83	64	16	39	152
Native Am.	78	55	39	34	13	10	52
White	1,500	1,008	586	391	75	64	872
Other	11	483	18	13	10	16	216
<b>Total</b>	<b>2,127</b>	<b>2,083</b>	<b>1,031</b>	<b>712</b>	<b>190</b>	<b>263</b>	<b>1,512</b>

<sup>1</sup> Figure represents outcomes leading to conviction or other consequence, such as counseling or pretrial diversion.  
<sup>2</sup> Voices of Hope figures include only unduplicated clients seen face-to-face at Voices of Hope. It's uncertain whether these figures are representative of all Voices of Hope clients seen face-to-face.

The table below reflects the figures in the table above as percents of the total.

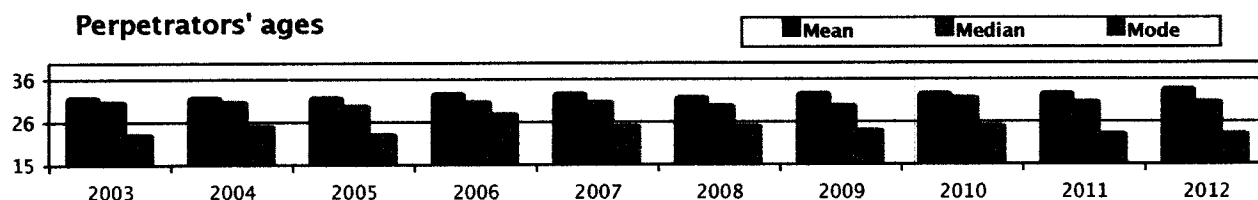
Percent of Victims and Perpetrators by Race/Ethnicity							
	Victims	Offenders	Lodged	<sup>1</sup> Convicted	FH Women	FH Children	<sup>2</sup> Voices of Hope
African Am.	17%	20%	27%	27%	39%	51%	13%
Asian Am.	2%	2%	3%	3%	1%	0%	1%
Hispanic	6%	6%	8%	9%	8%	15%	10%
Native Am.	4%	3%	4%	5%	7%	4%	3%
White	71%	47%	57%	55%	39%	24%	58%
Other	1%	23%	2%	2%	5%	6%	14%

The following table provides a per capita breakdown. 2010 U.S. Census Bureau figures show Lancaster County's non-white population at about 16%. The total population is 285,407. The total population of people aged 18 or more is 219,506.

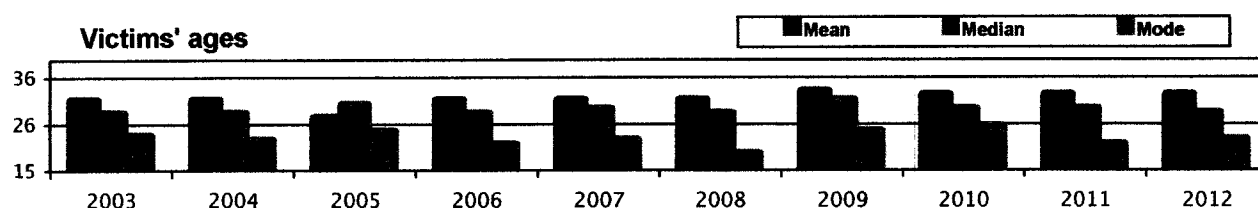
Proportion of Victims and Perpetrators by Race/Ethnicity per 1,000 adults							
	Victims	Offenders	Lodged	Convicted	FH Women	*FH Children	Voices of Hope
African Am.	54	62	41	28	11	42	30
Asian Am.	7	5	4	3	0	0	3
Hispanic	12	12	8	6	2	6	15
Native Am.	53	37	27	23	9	15	35
White	8	5	3	2	0	1	4
All residents	10	7	5	3	1	4	7

Most figures except children based on 2010 U.S. Bureau of Census estimates for those 18 and older. For instance, figures mean that 10 out of every 1,000 people aged 18 or older said they were victims of a domestic assault or violation of a protection order.  
\*Based on 2010 U.S. Bureau of Census estimates for those under 18.

## Age of Perpetrators and Victims 2003-2012



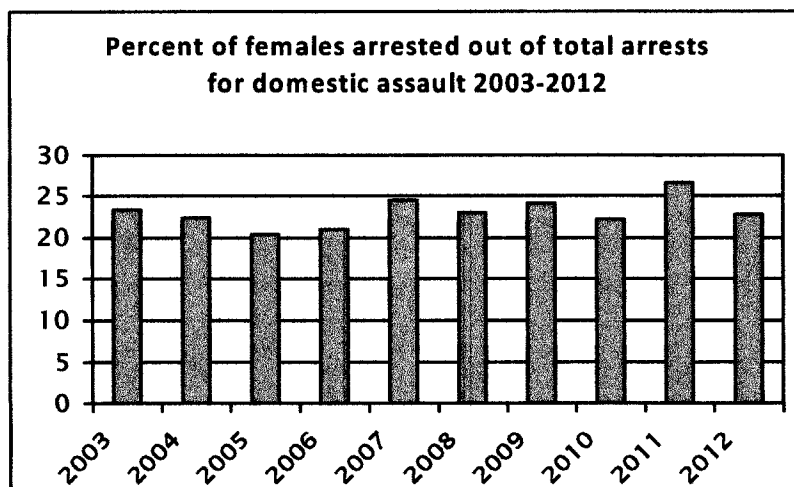
The mean and median age of both perpetrators and victims has remained around age 30 since 1996. In recent years the mode (the most common age) has trended toward the lower 20s for victims for perpetrators. Historically, reports to law enforcement drop sharply after age 50, but have been increasing and were about 7% percent in 2012, down from 8% in 2011.



## Percent of women arrested declines

The percent of women arrested for a domestic assault decreased in 2012 to 22.8% from 26.6% in 2011. The 2011 rate was the highest since 27.1% in 2002 and up from 22.2% in 2010. The rate has ranged from about 20% to 27% over the past 10 years.

Overall, the percentage of women arrested for domestic violence is higher in Lancaster County than many jurisdictions maintaining statistics.



## Sexual assault reports by intimate partners

Law enforcement maintains separate incident codes for sexual assault investigations. In 2012, a total of 28 reports involved intimate partners. These figures are not included in the report elsewhere. This compares to 21 reports in 2011 and 19 in 2010.

In each case, victims were female. Of the 28 investigations, 3 resulted in arrests.



## Number of repeat offenders increases from record lows

Measuring recidivism in domestic violence is difficult. One simple way to measure recidivism is to count how many people were arrested for a second domestic violence offense in a year. Using this simple yardstick, 2009 was the best year for reduced recidivism. In 2012, the number of repeat offenders rose for the third straight year, to 128. The following table shows the first 5 years of the project, when recidivism figures were highest and the last 6 years, when recidivism declined and then began to increase. A law change that made protection orders harder to get occurred in 2008.

	Assaults	Protection Orders	Total Repeat Arrests	# of Repeat Offenders	# Arrested 4 or More Times
1996	225	99	324	196	24
1997	161	131	292	182	25
1998	167	104	271	181	17
1999	137	95	232	165	14
2000	94	68	162	138	9
2007	105	80	185	128	14
2008	92	74	166	116	11
2009	46	57	103	81	4
2010	66	58	124	90	9
2011	87	81	168	122	14
2012	103	65	168	128	6

This table shows the number of arrests representing a second arrest, either for an assault or violation of a protection order. These figures don't include arrests for other crimes or other domestic violence related crimes that weren't assaults or protection order violations. They also don't include arrests from other years, so recidivism may be higher than the figures reflect.

### Background Information on Assault Arrests

Individuals arrested for domestic violence are most often cited for 3<sup>rd</sup> degree domestic assault. The reason most domestic assaults are 3<sup>rd</sup> degree is the nature of the assault. For an assault to be 2<sup>nd</sup> degree, a dangerous weapon must be used, or the assault must occur while the perpetrator is in legal custody.

For an assault to be 1<sup>st</sup> degree, the victim's injuries must be "serious." Normally, the injuries suffered by domestic violence victims aren't serious enough to be 1<sup>st</sup> degree assaults. Third degree assaults are a misdemeanor, 2<sup>nd</sup> and 1<sup>st</sup> degree assaults are felonies. So, because most cases are misdemeanors, nearly all sentences listed are by Lancaster County Court judges. By agreement between Lancaster County and the City of Lincoln, domestic violence cases are prosecuted by the Lancaster County Attorney's Office.

The Lincoln Police Department has two incident codes for domestic assaults. The first, 05100, is for domestic assaults. The second, 05200, is for cases with a domestic assault and a protection order violation. For this report, 05200 cases were counted as assaults, not protection order violations. In 2012, there were 5 05200s reported, with 3 resulting in arrests.

### Overview of Prosecutor outcomes resulting from arrests in 2008-2012

By agreement with the Lincoln City Attorney, the Lancaster County attorney's office prosecutes all domestic violence cases. Nearly all arrests result in charges being filed by the Lancaster County Attorney's Office. In the initial years of the project the number of arrests resulting in filed charges was in the 85% range, but since 1999 that figure has been 90% or above. In 2012, it was 94%.

Most arrests lead to some sort of consequence. For most years, that's been true at least 70% of the time. In 2012, 74% of arrests led to some sort of consequence. Figures compare previous reports and do not take into account outcomes of cases that were pending at the time of the report and have since been resolved.

Besides conviction, other consequences can be pretrial diversion, being ordered into counseling or some other sanction, including community service.

To go to pretrial diversion, the individual must acknowledge that the facts in the case could have led to his/her conviction and agree to a diversion program that can include various interventions. In the case of domestic violence, the intervention often is a domestic violence intervention program. The charges are dismissed against the defendant who agrees to go to diversion. If the individual fails to complete diversion activities, charges may be re-filed against the individual.

The following tables provide an overview of prosecutions since 2008. Figures in the tables are for prosecutions resulting from arrests occurring in 2012. Some cases are pending.

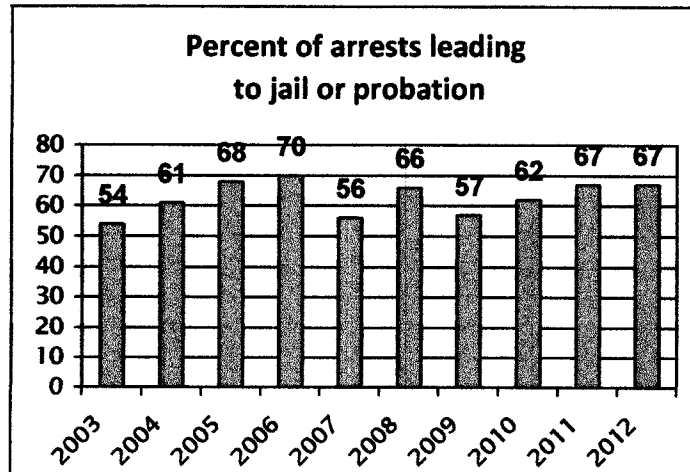
	2008	2009	2010	2011	2012
Incidents resulting in prosecutor review	1149	1048	1032	1116	1200
Incidents resulting in filed charge	1031	992	966	1008	1126
% of incidents resulting in filed charge	90%	95%	94%	90%	94%
Arrests pending at time of report publication	160	51	20	13	32
Filed charges less pending arrests	871	941	946	995	1094
Convictions	576	554	528	620	698
% arrests resulting in convictions	66%	59%	56%	62%	64%
Arrests resulting in conviction/other consequence	742	778	710	714	808
% of arrests resulting in conviction/consequence	85%	83%	75%	72%	74%

### Disposition of arrests reviewed by prosecutors

	2008	2009	2010	2011	2012
Total guilty	576	554	528	620	698
Arrests, no charge filed	118	56	66	108	74
Filed charge dismissed	206	279	326	282	286
Pretrial diversion	86	106	87	93	110
Transferred to juvenile court	3	2	5	0	0
Pending at time of report publication	160	51	20	13	32
<b>Total</b>	<b>1219</b>	<b>1149</b>	<b>1048</b>	<b>1032</b>	<b>1200</b>

## Overview of sentencing outcomes resulting from arrests in 2003-2012

In 2012, 67% of sentences were for jail or probation. The figures are misleading, however, because a number of offenders who complete a men's domestic violence intervention program by request of a judge are then officially fined. Completion of the intervention program is comparable to meeting a probation requirement since the offender is monitored by a judge, rather than a probation officer. So, had those offenders been placed on probation, figures in recent years would be higher.



Sentences are for arrests that occurred in 2012. The figures do not reflect the sentences that occurred in 2011. Some cases resulting from arrests in 2012 are pending.

### Sentences of Lancaster County Court judges for 2012 arrests

Most domestic violence cases are misdemeanors and are heard before County Court judges. Because of the volume of cases, one of the county court judges becomes the primary domestic violence case judge each year.

The primary domestic violence judges during the period FVC has been keeping statistics have been: 1996, Jack Lindner; 1997, John Hendry; 1998-99, James Foster; 2000, Mary Doyle; 2001, Laurie Yardley; and 2002-12, Gale Pokorny.

Judge Pokorny frequently requests offenders to attend an intervention program, monitors the offender himself, and then sentences them later based on whether they completed the intervention program or not. Often the sentence is a fine. This table shows Pokorny's sentences, the sentences of the other 6 County Court judges and the sentences of the 8 District Court judges.

Judge	Total	Jail	Fine	Prbtn	%Jail	%Fines	% Prbtn
Pokorny	441	270	171	0	61%	39%	0%
Other County	65	30	30	5	46%	46%	8%
District Court	101	92	0	9	91%	0%	9%
All Sentences	606	391	201	14	65%	33%	2%

The sentences exceed the number of people sentenced because they include multiple sentences, such as jail and a fine, in some cases. Some cases remain pending.

### Regarding Sentencing

Family Violence Council statistics suggest that a mix of sentences that emphasize jail and probation, particularly requiring appropriate offenders to attend domestic violence intervention programs, reduces recidivism and improves public safety. Domestic violence intervention programs are 24-week programs that teach offenders how to be non-abusive in intimate partner relationships. Most programs are based on a model developed by the Duluth, MN Domestic Abuse Intervention Project.

## Sentencing outcomes for arrests occurring in 2003-2012

Here are the overall sentences since 2003. The figures represent sentences resulting from arrests within the year. Some cases are pending. When the project began in 1996, only 24% of sentences were for jail or probation.

	Jail	Prbtn	Fine	Total	% Jail	% Prbtn	% Fine
2003	329	67	335	731	45%	9%	46%
2004	354	32	244	630	56%	5%	39%
2005	343	88	203	634	54%	14%	32%
2006	288	72	150	510	56%	14%	29%
2007	368	60	332	760	44%	8%	44%
2008	310	75	202	587	53%	13%	34%
2009	318	29	264	611	52%	5%	43%
2010	310	22	199	531	58%	4%	38%
2011	332	24	182	558	63%	4%	33%
2012	391	14	201	606	65%	2%	33%

## Men's Domestic Violence Offender Intervention Programs

	Number Completing	Number Attending	% Completing
2007	188	364	52%
2008	162	268	60%
2009	180	326	55%
2010	228	342	67%
2011	205	309	66%
2012	190	327	58%

The number of individuals either completing or being terminated from a domestic violence offender intervention program did not match record levels of 2007, but remained substantially higher than in years before 2007. In 2012, 327 people attended, up from 309 in 2011. Only 37 attended in 1997, the first year of approved programs.

The completion rate decreased to 58%, down from 66% in 2011. Completion rates have varied considerably through the years, ranging from a low of 39% to a high of 82%. The 2012 completion rate is in line with recent years.

The figures in the table do not include those who were still attending a men's program at the close of 2012. There were 198 individuals still attending programs at the close of 2012. So, a total of 525 people attended a program at some time during 2012 – the highest total since the project began in 1996. This was the third year in a row with a record number of attendees. A total of 505 attended in 2011 and 501 in 2010. The overall attendance figures aren't unduplicated because many offenders attend in more than one year.

Because of the many variables, it's uncertain how effective batterer intervention programs are. But, a study done for FVC in 2001 found that domestic violence-related recidivism is much lower for people who attended a batterer intervention program, regardless whether they completed the program, than for people who did not attend these programs. National studies have indicated that the types of programs that meet Nebraska standards are effective when provided in communities where the programs are supported by the courts and the community as part of a coordinated response to end domestic violence.

The Nebraska Domestic Violence Sexual Assault Coalition has established standards for men's domestic violence offender programs. The standards committee reviews programs and recommends that courts use programs that meet state standards. Family Violence Council Executive Director Bob Moyer is chairman of a Coalition state standards review committee that has established the standards.

## APPENDIX C

# Protection Order Information

Under Nebraska's Protection From Domestic Abuse Act, any person over the age of 18 who is being physically abused or is threatened with physical violence can apply for a Protection Order. Domestic Abuse protection orders can be issued against a petitioner's spouse, former spouse, a person she/he has lived with or is currently living with, a person with whom she/he has a child in common, or the petitioner's child or other relative. Due to a law change in 2004, orders can also be issued against someone the petitioner is dating or has dated.

During the year 1998, two types of protection orders (PO) were established. One is the domestic violence PO. The other is the harassment PO, which can be issued against anyone who is engaging in a "willful course of conduct" that is frightening to the petitioner.

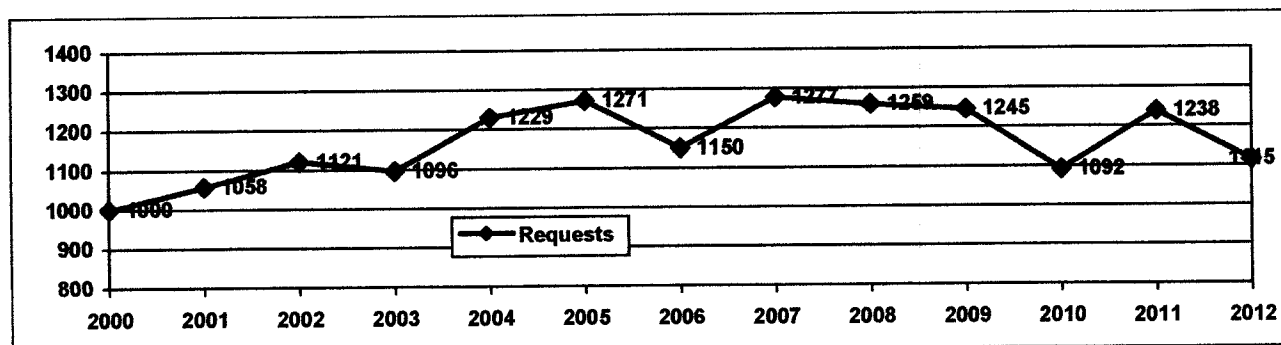
Harassment POs don't require the petitioner and respondent to have an intimate partner relationship. All POs are in place for one year. Violating a protection order is a crime. If the PO is violated, the respondent is arrested and placed in jail.

A total of 94 protection orders were requested in 1989, the first year they were available. By 1993, the number of requests had risen to 750. The number of requests first reached 1,000 in 2000.

Beginning in 2000, the county saw record numbers of requests each year except one through 2005. The number of requests peaked in 2007 with a total of 1,277.

### Requests for protection orders in 2012 declined by 10% from 2011

The number of requests for protection orders in 2012 was 1,115. Since 2002, there have been fewer requests only twice, in 2003 and 2010. In 2012, requests dropped by 10%. A total of 634 domestic violence and 481 harassment POs were requested in 2012. Requests for harassment POs went up 50, but DV PO requests were 203 fewer, a 24% decline.



### Significant decline in one-year protection order approvals continues

Because of a change in Nebraska law that took effect in 2008 and was reversed on July 19, 2012, all domestic violence protection orders for a period of time required a show cause hearing if the order was granted ex parte. Ex parte rulings are temporary pending the outcome of the hearing process. At a

hearing, the person who has had a protection order granted against him or her must show a reason (a cause) why the order should not remain in place. These are called as a result "show cause" hearings. Prior to the change in law, it was rare for a hearing to be held and orders approved ex parte "ripened" into one-year orders. With the law change these hearings were required until July 19, 2012.

The table below shows a significant increase in show cause hearings from 2008-2012. At the same time, the percent of requests becoming one-year orders dropped from about 70% to 30%. Once the law was reversed in 2012, hearings declined and more orders became one-year orders.

Year	Protection order requests	Requests granted ex parte	Show Cause hearings	Total 1-year orders granted	Pct of requests are 1-year orders
2007	786	521	74	547	70%
2008	741	489	308	445	60%
2009	720	390	519	279	39%
2010	654	378	466	238	36%
2011	779	383	507	236	30%
2012	634	339	309	252	40%
To 7-18	316	166	208	83	26%
7-19 on	318	173	101	159	50%

### Lancaster County approvals, requests rank low compared to other large counties

Lancaster County continues to rank at or near the bottom in per capita requests and approvals for protection orders and the percent of PO requests that are granted compared to other counties in Nebraska with 30,000 or more population. The state approval rate was 59.3% compared to 45.9% in Lancaster County but 63.7% in Douglas County (Omaha). Why Lancaster County figures are lower is uncertain.

County	Reviewed	Granted	Per cent Granted	Requests per capita	Approvals per capita
Buffalo	174	128	73.6	37	27
Sarpy	457	320	70.0	28	19
Adams	225	150	66.7	72	48
<b>Nebraska DV</b>	<b>4779</b>	<b>3173</b>	<b>66.4</b>	<b>26</b>	<b>17</b>
Hall	361	233	64.5	60	39
Platte	194	125	64.4	59	38
Douglas	3075	1960	63.7	58	37
Scotts Bluff	244	154	63.1	66	42
<b>Nebraska all</b>	<b>9269</b>	<b>5496</b>	<b>59.3</b>	<b>50</b>	<b>30</b>
Madison	169	92	54.4	48	26
Dodge	187	97	51.9	51	27
<b>Neb. Harass</b>	<b>4490</b>	<b>2323</b>	<b>51.7</b>	<b>24</b>	<b>13</b>
<b>Lancaster</b>	<b>1115</b>	<b>506</b>	<b>45.3</b>	<b>38</b>	<b>17</b>
Lincoln	333	150	45.0	92	42

Per capita figures per 10,000 of population. So, 37 out of every 10,000 people in Buffalo County sought a protection order.

### Comparison by county and district court for two types of protection orders

Petitioners seeking protection orders can request either a Lancaster County District Court judge or a Lancaster County Court judge review the request. This table provides totals by type of court. Consistently, about 2/3rds of requests go to District Court. Consistently, County Court has had a higher approval rate.	Domestic Violence	Requested	Granted one year	% granted one year	% reviewed
	District Court	426	150	35.2	67%
	County Court	208	92	44.2	33%
	<b>Total</b>	<b>634</b>	<b>242</b>	<b>38.2</b>	
	Harassment	Requested	Granted one year	% granted one year	% reviewed
	District Court	295	67	22.7	61%
	County Court	186	65	34.9	39%
	<b>Total</b>	<b>481</b>	<b>132</b>	<b>27.4</b>	
	All Orders	Requested	Granted one year	% granted one year	% reviewed
	District Court	721	217	30.1	65%
	County Court	394	157	39.8	35%
	<b>Total</b>	<b>1115</b>	<b>374</b>	<b>33.5</b>	

### Types of relationships noted in Domestic Violence Order requests

To receive a domestic violence protection order, individuals must indicate they are in or have had a qualifying relationship. The table shows how frequently each qualifying relationship was marked. Individuals are asked to select only one of the relationships. Some individuals have had more than one of the qualifying relationships with the person they are seeking to get a protection order against, but still must choose one for the form.

Type of Relationship	# times marked	Granted 1-year	% Granted 1-year
Spouse	150	90	60.0
Former spouse	31	11	35.5
My child	41	21	51.2
Living with	31	28	90.3
Used to live with	47	26	55.3
Father/mother of my child	143	77	53.8
Person I'm dating	27	17	63.0
Person I used to date	93	69	74.2
Related by blood or marriage	65	23	35.4

Most commonly noted are spouse (husband/wife), father/mother of my child and person I used to date. Approvals are noticeably higher for individuals in/were in dating or co-habiting relationships compared to people who indicate they are a former spouse or person I used to live with. A total of 65% of orders for spouse/living with were granted compared to 47% of requests from former spouse/person I used to live with. Father/mother of my child was approved 54% of the time.

### Judicial variance in reviews of protection order requests

Approval rates of protection order requests vary considerably among Lancaster County judges: from 10.8% to 60.3%. Among judges with 55 or more reviews, the median approval rate was 35.6%

Judges' Rate of Approvals of 1-Year Protection Orders in 2012				
Judge	Reviewed	Approved ex parte and/or after hearing	# of 1-year orders	% reviewed becoming 1-year orders
Stephen Burns, District Court	89	41	29	32.6
John Colborn, District Court	82	42	35	42.7
Karen Flowers, District Court	81	19	15	18.5
Andrew Jacobsen, District Court	97	34	31	32.0
Paul Merritt, District Court	102	30	11	10.8
Jodi Nelson, District Court	98	42	30	30.6
Robert Otte, District Court	87	43	31	35.6
Stephanie Stacy, District Court	85	41	35	41.2
Mary Doyle, County Court	62	36	26	42.6
Timothy Phillips, County Court	23	8	7	30.4
James Foster, County Court	71	44	35	49.3
Thomas Fox, County Court	21	9	9	42.9
Jean Lovell, County Court	22	16	10	45.5
Gale Pokorny, County Court	77	14	13	16.9
Susan Strong, County Court	58	50	35	60.3
Laurie Yardley, County Court	61	37	22	36.1

### Service of Protection Orders 2008-2012

The Lancaster County Sheriff's Office, which serves protection orders, had 52 less orders to serve in 2012 than 2011, with 423. The percent of orders served was 84%. The number of orders received and served does not include some orders received in one year but not served until the following year.

Protection Order Service 2008-2012			
	Received	Served	% Served
2008	607	515	85%
2009	507	434	86%
2010	476	392	82%
2011	475	387	81%
2012	423	355	84%

### Requests on behalf of minor children

The law allows adults to seek protection orders on behalf of their minor children. In 2012, there were 21% fewer requests on behalf of children compared to 2011 – one reason for the overall decrease in

	Reviewed	Granted	% Granted
District Court	115	23	20.0
County Court	65	12	18.5
<b>All requests</b>	<b>180</b>	<b>35</b>	<b>19.4</b>

protection order requests. Approval rates were low – less than 20% overall – and comparable to previous years. Getting a one-year protection on behalf of a minor child remains difficult in Lancaster County.



## Approvals of various reliefs in domestic violence protection orders

People seeking Domestic Violence Protection Orders can request eight “reliefs” or actions that they want the court to order to help improve their safety. Here is a review of the eight reliefs that can be requested:

- **Imposing:** Prohibits the respondent from imposing any restraint upon the applicant or her/his liberty.
- **Threatening:** Prohibits the respondent from threatening, assaulting, or attacking the applicant, or otherwise disturbing the applicant’s peace.
- **Communicating:** Prohibits the respondent from telephoning, contacting, or otherwise communicating with the applicant.
- **Exclusion:** Removes and excludes the respondent from the applicant’s residence.
- **Stay Away:** Orders the respondent to stay away from locations specified or described by the applicant.
- **Custody:** Grants the applicant temporary custody for up to 90 days of minor children listed by the individual.
- **Firearm:** Prohibits the respondent from possessing or purchasing a firearm.
- **Other:** Orders any other relief deemed necessary to provide for the safety and welfare of the applicant and/or any designated family/household member as requested by the applicant.

The firearm relief was new in 2012. Beginning July 19, petitioners could seek the relief. A total of 180 times the relief was requested, but it was rarely granted – only 11% of the time.

	Requests, Approvals of Reliefs		
	Relief	Requested	Granted
Judges okayed 27% of 190 custody relief requests in 2012 compared to 25% of custody relief requests in 2011 and 34% of custody relief requests in 2010. Requests for “Imposing,” “Threatening,” “Communicating,” and “Exclusion” were granted most often. They were granted about 55% of the time.	Imposing	595	330
	Threatening	613	339
	Communicating	558	349
	Exclusion	397	221
	Stay Away	533	245
	Custody	190	51
	Firearms	180	20
	Other	139	19

## Protection Orders recidivism

A common question regarding protection orders is: Do they work? Answering that question is complex. Certainly, protection orders can’t guarantee safety. One way to measure safety is to look at how many of the orders are reportedly violated. A

total of 122 people were arrested for violating a protection order in 2011 out of a total of 523 people who had protection orders placed against them. So, about 23% of people who had

Number of People Arrested for domestic violence offense after having protection order placed against them					
	2007	2008	2009	2010	2011
Number of orders granted	758	732	585	587	523
Number arrested for violating these orders	137	113	91	118	122
% arrested for violating orders granted	18%	15%	14%	20%	23%

orders placed against them were arrested. The 23% figure is the highest in several years. As POs have become harder to get, it may be the orders granted are against people more likely to violate them.

## APPENDIX D

# Protection Orders and Assaults

### More hearings: fewer 1-year protection orders approved

In 2008, the legislature passed a law requiring a hearing anytime a protection order was granted ex parte. Prior to the law change, many POs granted ex parte “ripened” into 1-year orders without a hearing.

Coincident with the requirement for mandatory hearings, the number of 1-year protection orders steadily declining, dropped from 547 in 2007 to a low point of 236 in 2011.

In 2012, the law was changed again, removing the requirement for hearings when domestic violence protection orders were granted ex parte. This changed occurred on July 19, 2012. In 2012, the number of 1-year orders granted prior to July 19 amounted to 98; a total of 154 were granted in the remainder of the year.

So, once the law changed and there were hearings, it had a dramatic impact on (there may have been other factors, too) in 1-year orders. The law was changed back to the old way in 2012. This table, which also appears on Page 20, shows the impact:

Year	Protection order requests	Requests granted ex parte	Show Cause hearings	Total 1-year orders granted	Percent of requests are 1-year orders
2007	786	521	74	547	70%
2008	741	489	308	445	60%
2009	720	390	519	279	39%
2010	654	378	466	238	36%
2011	779	383	507	236	30%
2012	634	339	309	252	40%
<i>To 7-18</i>	<i>316</i>	<i>165</i>	<i>208</i>	<i>98</i>	<i>31%</i>
<i>7-19 on</i>	<i>318</i>	<i>173</i>	<i>101</i>	<i>154</i>	<i>48%</i>

### Less protection orders; less protection?

If protection orders create greater protection for victims of domestic violence or harassment, it might be reasonable to theorize that if there are fewer protection orders granted, there would be less protection.

As a result, it would be reasonable to predict that assaults might increase as fewer protection orders were in place. And, the following table shows a significant rise in assaults in 2011 and 2012:

<b>Domestic Assault and Protection Order Arrests 2006-2012</b>				
	<b>Assaults</b>	<b>Protection Order</b>	<b>Total</b>	<b>Change</b>
2006	1,021	213	1,234	0.8%
2007	993	226	1,219	(1.2%)
2008	958	201	1,159	(4.9%)
2009	889	158	1,047	(9.7%)
2010	896	135	1,031	(1.6%)
2011	999	150	1,149	11.4%
2012	1,066	134	1,200	4.4%

In fact, 2012 saw the most arrests for domestic assaults in any year except the first two years of Lancaster County's coordinated response project, 1996-1997, and 2001, when there were 1,071 arrests.

Arrests for POs meanwhile were the lowest of any year since FVC began keeping statistics in 1996. The past four years have been substantially lower than previous years. Overall investigations for both assault and/or protection order violation went from 1,904 in 2007 down to 1,695 in 2009 and then back up to 1,975 in 2011 and a whopping 2,127 in 2012, despite PO investigations declining.

However, assault arrests declined to their lowest point in the period in 2009, the year after the law change on protection order hearings. And, 2010 arrests, while up, remained at lower levels.

Protection orders are granted for one year, which means that it was actually mid-2009 before the larger number of one-year orders granted prior to the law change ended. So, the gap between the decline in protection orders and the rise in assault arrests is less than it seems and a correlation seems apparent.

### **Repeat assault offenses more than double**

Another way to look to consider whether there might be a correlation between the reduction in approved one-year protection orders leading to an increase in assault arrests is a simple review FVC has done annually on repeat offenders.

FVC simply counts the number of repeat domestic assault or protection order offenses within a year by the same individual. FVC began compiling this total because recidivism is so common in this area of criminal behavior.

Once again, FVC would expect that with less protection from protection orders, the number of repeat offenders would increase. Another assumption is that this is especially true since people who have protection orders placed against them are deemed to be a threat to commit another offense. This perceived threat is the point to granting a protection order. The following table once again looks at the period 2007-2012:

	assault repeat arrest	protection order repeat arrest	total repeat arrests	# of repeat offenders	# arrested 4 or more times
2007	105	80	185	128	14
2008	92	74	166	116	11
2009	46	57	103	81	4
2010	66	58	124	90	9
2011	87	81	168	122	14
2012	103	65	168	128	6
This table shows the number of arrests representing a second arrest, either for an assault or violation of a protection order during a single year. These figures don't include arrests for other crimes.					

Again, repeat offenses were trending downward through 2009. But beginning in 2010, when the impact of lower approvals for one-year orders took effect, the trend was toward more repeat offenses. This escalated in 2011 and 2012.

The number of times an individual committed a second assault went from 46 in 2009 to 103 in 2012 – a 124% increase. And, the number of people committing a repeat offense also soared, from 81 in 2009 to 128 in 2012. And, indeed, repeat assault offenses have been increasing and the number of repeat offenders, too.

### **Repeat violations of orders increase, too**

When fewer protection orders are granted for one year, another assumption would be that less violent and more marginal requests are screened out. So, the orders granted are against the individuals who are at greater risk of harm and the people seeking protection are in the greatest need.

So, it would be logical to assume that this population of potential protection order violators is more likely to violate the protection order. Here is some data for 2007-2011. 2012 is not included because some orders remain in effect.

<b>Number arrested for domestic violence assault or violation of a protection order after having protection order placed against them</b>					
	2007	2008	2009	2010	2011
Number of orders granted	758	732	585	587	523
Number arrested for violating these orders	137	113	91	118	122
% arrested for violating orders granted	18%	15%	14%	20%	23%

Once again, the numbers fall in line. 2009 has the lowest number of violators – 14% of orders are violated. By 2011, that number has risen to 23% -- in line with the predicted correlation.

The numbers, then, seem to support the assumption that protection orders actually do have the impact of reducing assaults.

## APPENDIX E

# Regarding the Data

This is the 16th annual report on domestic violence by the Family Violence Council. Here is some information about how FVC's tracking system works.

**Criminal investigations:** FVC has set up a database to track domestic violence cases throughout the criminal justice system. The intent is to track and monitor interventions so those involved in a coordinated community response can measure interventions for planning purposes.

The tracking begins with police investigations. Not all calls for service are tracked – only those resulting in an incident report. Both the Lincoln Police Department and Lancaster County Sheriff's Office have incident codes that identify a case as domestic violence. Each incident has a unique case number assigned to it, which allows each case to be tracked.

This report focuses on criminal investigations where violence is alleged or where a protection order has allegedly been violated. Domestic disturbances are not included. There are a significant number of such disturbances investigated in the course of a year, but a review of these disturbance reports show that few result in arrests. This report reflects the bulk of domestic-related arrests.

Also, the domestic violence database the Family Violence Council has established seeks to measure domestic violence. Finding a satisfactory definition has proven difficult. Police use the definition that is in statute from the Protection From Domestic Abuse Act, which defines domestic abuse as between spouses or former spouses, persons who are presently residing together or who have resided together in the past, persons who have a child in common whether or not they have been married or have lived together at any time, and persons who are presently involved in a dating relationship with each other or who have been involved in a dating relationship with each other. Dating relationship means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement, but does not include a casual relationship or an ordinary association between persons in a business or social context.

In 2004, the Legislature established for the first time the crime of domestic violence and also changed the definition of what is domestic violence to include dating relationships. This report lists domestic violence crimes based on the relationship of parties involved, not whether a person was actually cited for the crime of domestic violence. The data in this report does not include some violent acts that arguably result from domestic violence such as violence between a current boyfriend and a former boyfriend of the same woman, since the two boyfriends have not been intimate partners. Also, the data in this report doesn't include child abuse cases, violence between siblings or violence between parent and child.

**Protection orders:** The Family Violence Council maintains a separate database on requests for protection orders. Information is primarily provided by the Lancaster County District Court. Information in the section on protection orders primarily comes from that database.

All information contained in the Family Violence Council database is obtained through the cooperation of participating agencies. Many people have contributed information to the report.

## APPENDIX F

# About the Family Violence Council

The Family Violence Council was established in response to a recommendation in the 1995-96 Lincoln/Lancaster County "[Comprehensive Domestic Violence Plan](#)."

Bob Moyer has been FVC's executive director since its inception and has been responsible for developing and writing all of FVC's annual reports. Besides Moyer, the other FVC staff members are Jan Metzger and Shannon Nolte. Both contributed to the report.

The Family Violence Council's mission is "To actively work to eliminate family violence and sexual violence." As the Family Violence Council has developed, its primary activities have been:

- **Planning Activities** that includes ensuring that plans to stop abuse that represent the needs of the community exist and are updated regularly; assisting in policy formation and advocating for system improvements; gathering, analyzing and reporting data to support planning activities, policy/advocacy activities and public awareness; and staffing needed meetings to accomplish these activities, including staffing on a regular basis these coordinated response teams relating to intimate partner violence, child abuse and sexual abuse.
- **Project Management Activities** including identifying and developing collaborative project opportunities to meet goals/objectives of community plans; grant writing and proposal development to support collaborative projects; and project management of successful proposal
- **Education/Training/Public Awareness Activities:** including providing both non-fee and fee based training about how to better respond to intimate partner abuse and sexual assault and planning and implementing training, including conferences and workshops, to improve the community's response to abuse and to improve practice among partners in the coordinated response.
- **Batterer Intervention:** FVC has a special role on perpetrator behavior and response to perpetrators including ensuring there are standards for intervention programs and that only programs that meet the standards operate in Lancaster County; and providing training on perpetrator behavior/intervention.

Core funding for the Family Violence Council in 2011 was provided by the Joint Budget Committee (JBC) of the City of Lincoln and Lancaster County; through a federal Violence Against Women Act STOP grant administered by the Nebraska Crime Commission; and by funding provided by JBC and United Way of Lincoln and Lancaster County to the Human Services Federation for the Community Services Initiatives.

The Family Violence Council's address is 4600 Valley Road, Suite 408, Lincoln NE 68510. FVC's phone number is 402-489-9292. The e-mail address for FVC is [bob@fvclincoln.org](mailto:bob@fvclincoln.org).

## APPENDIX G

# Referrals and Resources

### **Victim Assistance Crisis Lines**

Voices of Hope 24-hour Crisis Line, 402-475-7273  
Friendship Home Shelter Crisis Line, 402-437-9302  
Nebraska Domestic Violence Hotline (Spanish), 1-877-215-0167

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### **Victim advocacy organizations**

Friendship Home, 402-434-6353 (for message about non-emergency service information)  
([www.friendshiphome.org](http://www.friendshiphome.org))  
Voices of Hope, 402-476-2110 (office) (476-2168 TDD) ([www.voicesofhopelincoln.org](http://www.voicesofhopelincoln.org))  
Lincoln Police Department's Victim/Witness Unit, 402-441-7181  
University of Nebraska-Lincoln Victim Services, 402-472-0203

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### **Law enforcement**

Lincoln Police Department, 402-441-7204  
Lancaster County Sheriff's Office, 402-441-6500  
University of Nebraska-Lincoln Police, 402-472-2222

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### **Courts/Legal Services**

Clerk of the District Court (to get a protection order), 402-441-7328  
Lancaster County Attorney's Office, 402-441-7321  
Lancaster County Adult Probation Office, 402-441-7777  
Legal Aid of Nebraska Domestic Violence Project, 402-435-2161

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### **Men's Domestic Violence Programs**

#### ***English language***

Associates in Counseling and Treatment, 402-261-6667  
BryanLGH Medical Center West, 402-481-4119  
Cornhusker Place, 402-477-3951  
Nebraska Mental Health Centers, 402-483-6990  
Orr Psychotherapy, 402-484-0595

#### ***Spanish language***

Orr Psychotherapy, 402-484-0595

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### **Other Resources**

Family Violence Council, 402-489-9292  
Lincoln-Lancaster County Health Department, 402-441-8000  
University of Nebraska-Lincoln Women's Center, 402-472-2597  
Nebraska Domestic Violence Sexual Assault Coalition, 402-476-6256  
People's City Mission, 402-475-1303  
Center for Legal Immigration Assistance, 402-471-1777