

**Increasing Access to Restraining Orders for Low-
Income Victims of Domestic Violence:
*A Cost-Benefit Analysis of the
Proposed Domestic Abuse Grant Program***

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Table of Contents

ACKNOWLEDGEMENTS	
EXECUTIVE SUMMARY	i
INTRODUCTION	1
DESCRIPTION OF CURRENT PROGRAMS	2
RESTRAINING ORDER PROCESS	3
Paperwork	3
Hearing	4
DOMESTIC ABUSE GRANT PROGRAM	6
Expansion of Department of Health and Family Services Funding	6
Recruitment of Volunteer Law Services	8
A Centralized Entry Point for Domestic Abuse-Related Services	9
COSTS, AVOIDED COSTS, AND NET PRESENT VALUE	9
Costs	9
Avoided costs	11
Net Present Value	13
SENSITIVITY ANALYSIS	14
Initial Sensitivity Analysis	14
Worst Case Scenario Analysis	16
The Sensitivity of the Net Benefits to Specific Parameters	17
DATA LIMITATIONS	19
RECOMMENDATIONS AND CONCLUSIONS	19
APPENDIX A: CALCULATING CORE STATISTICS	21
APPENDIX B: IMPUTATION OF COUNTY DATA FOR RESTRAINING ORDERS SOUGHT	24

APPENDIX C: DOMESTIC ABUSE INTERVENTION SERVICES COURTWATCH PROJECT	26
APPENDIX D: FLOW OF DOMESTIC ABUSE GRANT PROGRAM FUNDING	30
APPENDIX E: POTENTIAL USES OF GRANT FUNDS	31
APPENDIX F: FROM VICTIMIZATION TO RECEIPT OF LEGAL SERVICES	35
APPENDIX G: EXPECTED INCREASE IN RESTRAINING ORDERS GRANTED	36
APPENDIX H: DETAILED EXPLANATION OF COSTS TO THE STATE BAR ASSOCIATION OF WISCONSIN	38
APPENDIX I: DETAILED EXPLANATION OF COSTS OF PROPOSED DOMESTIC ABUSE GRANT PROGRAM	40
Additional Support Services Funding	40
Additional Basic Services Funding	42
Additional Training and Technical Assistance Funding	42
APPENDIX J: DETAILED EXPLANATION OF LOST PARTNER WAGES	44
APPENDIX K: THE EFFECTIVENESS OF RESTRAINING ORDERS	47
APPENDIX L: DETAILED EXPLANATION OF AVOIDED COSTS	48
Victims' Avoided Costs	48
APPENDIX M: OMITTED COSTS AND AVOIDED COSTS	51
Court Costs	51
Police Costs and Avoided Costs	51
Domestic Violence Homicide Costs and Avoided Costs	52
Avoided Costs of Children	53
APPENDIX N: EXPLANATION OF PARAMETER RANGES IN SENSITIVITY ANALYSIS	55
TABLE 1: COSTS SUMMARY	11
TABLE 2: AVOIDED COSTS SUMMARY	13
TABLE 3: NET PRESENT VALUE	14
TABLE 4: PARAMETERS VARIED IN MONTE CARLO ANALYSIS AND RESULTS	15
TABLE 5: WORST CASE SCENARIO	17

TABLE 6: NET BENEFITS WITH VARYING HOUSEHOLD DISSOLUTION COSTS	18
TABLE 7: NET BENEFITS WHEN VARYING THE SHADOW PRICE OF AVOIDED PHYSICAL AND SEXUAL ASSAULTS	19
TABLE B-1: ESTIMATED PROCESSED RESTRAINING ORDERS FOR WISCONSIN IN 2005	25
TABLE I-1: PROPOSED DOMESTIC ABUSE GRANT PROGRAM COSTS	43
TABLE J-1: PERCENTAGE OF LOW-INCOME DOMESTIC VIOLENCE CASES BY FAMILY INCOME: 1995 AND 2005	44
CHART ONE: DISTRIBUTION OF NET BENEFITS	16
FIGURE G-1: ESTIMATION OF ADDITIONAL INJUNCTIONS GRANTED	36

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Executive Summary

Domestic violence remains a vexing problem in Wisconsin, as roughly 30,000 incidents are reported each year. In an effort to ensure their safety, thousands of victims seek restraining orders. However, obtaining a restraining order can be difficult, especially for low-income victims who cannot afford private legal assistance. A variety of non-profit organizations attempt to remedy the disadvantages these women face in their pursuit of a restraining order. The legal services range in nature from helping victims file court papers, to instructing victims on how to represent themselves at their hearings, to providing licensed attorneys to represent victims in court. Unfortunately, these non-profits do not possess the resources to meet fully the restraining order assistance needs of Wisconsin's low-income population. To address this gap in services, we propose expanding the state-sponsored grants available to legal service providers and more aggressively recruiting private attorneys to take on domestic violence cases pro bono; a cost-benefit analysis of this proposal suggests this would yield roughly \$10 million in net benefits.

Our proposal would expand the Department of Health and Family Services' Domestic Abuse Grant Program (DAGP) to include more funding for basic, legal, and training services grants. We estimate that an annual appropriation of roughly \$1million to DAGP would increase the number of victims receiving legal services by more than 20 percent, provide the necessary basic services to these new petitioners, and improve significantly the training available to judges, attorneys, and advocates. In addition, the proposal would make funding available to the State Bar of Wisconsin to more aggressively recruit and train pro bono attorneys. At least one-tenth of restraining order cases are so complex as to require an attorney, yet under current funding arrangements this need goes largely unmet. Through larger investments in DAGP and State Bar

recruiting efforts, our proposal would cut drastically the number of low-income victims of domestic violence navigating the legal system on their own.

Under this proposal victims of domestic violence would bear a large cost, but avoid even larger ones. The primary cost borne by successful restraining order petitioners is the loss of access to the abuser's income—an unsettling, but hugely significant, cost of dissolving the relationship. However, the avoided costs of medical care, mental healthcare, lost productivity, lost quality of life, and property damage that result from effective restraining orders far outweigh this financial burden.

Because of the uncertain nature of our estimates of costs and avoided costs, we conducted a Monte Carlo analysis with 10,000 random trials. Our results indicated mean net benefits of \$9.1 million, with minimum benefits of \$800,000 and maximum benefits of \$27.3 million. Under even a worst-case scenario analysis, our proposal yielded positive net benefits worth roughly \$300,000. These results indicate that adoption of our proposed program expansions would yield substantial positive net benefits for the State of Wisconsin.

Introduction

Domestic violence remains a pervasive problem in the United States. In 2000, the National Institute of Justice released a report detailing the extent of domestic violence in America.¹ The report indicates that approximately 5 million women are sexually or physically assaulted by an intimate partner each year.² Of these women, less than 35 percent report the incident to the police, and even fewer (about 20 percent) obtain a restraining order against their abuser.³

Research also suggests that women of certain socioeconomic backgrounds are more likely to experience domestic violence. While domestic violence affects women of every income group, research shows that low-income women are more often subject to this type of abuse. In fact, a report by the Bureau of Justice Statistics asserts that low-income women, defined as women with household incomes below 200 percent of the poverty line, constitute approximately 84.4 percent of domestic violence victims.⁴

A similar pattern exists in Wisconsin. In 2004, reports of domestic violence numbered approximately 28,293.⁵ Of these incidents, 15,392 were perpetrated against low-income women by either their current or former intimate partners. Although this research team could not obtain definitive state-wide data on the number of restraining orders issued as a result of the 28,293

¹ Tjaden, P. and Thoennes, N. (2000) "Extent, Nature, and Consequences of Intimate Partner Violence: Findings from the National Violence against Women Survey." *National Institute of Justice*. Retrieved from <http://www.ncjrs.gov/pdffiles1/nij/181867.pdf>.

² Since most domestic abuse victims are female and most perpetrators are male, our focus in this analysis is female victims. The situation is, however, sometimes reversed; about 26 percent of domestic violence victims are male.

³ Tjaden, P. and Thoennes, N. (2000), p. 53.

⁴ Bureau of Justice Statistics. (1995) "Violence against Women: Estimates from the Redesigned Survey." Retrieved from <http://www.ojp.usdoj.gov/bjs/pub/pdf/femvied.pdf>. For a detailed explanation of how we arrived at this value for the percentage of low-income women, please see Appendix A.

⁵ Wisconsin Department of Justice (2004) "2004 Domestic Abuse Incident Report." <http://www.doj.state.wi.us/cvs/documents/DAR/2004DAR/ExSumm.pdf>. Racine county did not submit data for this report.

incidents, we estimate the number of restraining orders sought in 2004 to be 6,581, approximately 43 percent of reported incidents.⁶ Of these 6,581 restraining orders sought, approximately 1,600 were denied to low-income women who also had no legal assistance.

As research suggests that low-income individuals are more often victims of domestic violence, it is likely that they need assistance in matters of safety-seeking more often than moderate- and high-income individuals.⁷ Data collected from Domestic Abuse Intervention Services (DAIS) in Dane County confirm this expectation and illustrate the importance of legal assistance in obtaining a restraining order. According to the agency's estimates, 90 percent of DAIS clients earn less than 50 percent of the median income in Dane County. Unable to afford a private attorney, clients rely on DAIS' free legal services. Such services, however, are in short supply. A 2005 report from DAIS indicates that the agency employed just two legal advocates but received over 1,400 requests for legal assistance, forcing many to navigate the restraining order process on their own.

Failing to obtain legal assistance in domestic violence proceedings can have serious consequences. In 2003, for example, requests for restraining orders in Dane County were granted approximately 55 percent of the time. With the aid of a legal advocate provided by DAIS, however, that number increased to 69 percent. These statistics demonstrate that access to legal services significantly affects the outcome of a restraining order hearing. At current funding levels, non-profit legal aid providers cannot possibly meet the need for services.

Description of Current Programs

Currently, there are multiple providers of legal aid services for low-income Wisconsinites; Centro Legal, Community Justice, Domestic Abuse Intervention Services

⁶ For a detailed description of calculations for this estimate, see Appendix B.

⁷ National Institute of Justice (2000) p. 33.

(DAIS), Legal Action, Legal Aid Society of Milwaukee, the University of Wisconsin Law Clinic, and Wisconsin Judicare are all major sources of aid. Three of these clinics provide income-tested assistance using a paid staff of lawyers and support personnel. They obtain new clients through limited intake hours, and in some cases, require one week to accept formally new cases. One of these clinics, Centro Legal, has a Spanish bilingual focus. The Legal Aid Society provides onsite legal services at a battered women's clinic in Milwaukee rather than through an offsite office. Other providers utilize volunteers to deliver services. For instance, under the supervision of licensed attorneys, UW law students assist low-income individuals with unmet civil legal needs through the Neighborhood Law Project and Family Law Assistance Center. Finally, Wisconsin Judicare uses a voucher method for service delivery. In this case, accepted clients receive a voucher for free legal services and are responsible for finding their own attorney who accepts the voucher. Under current funding arrangements, these providers cannot meet the demand for services.

Restraining order process

Obtaining a restraining order in Wisconsin can be difficult. Overwhelmed with emotion, and fearful for their safety, petitioners often begin the filing process under extreme stress. Furthermore, without legal assistance, petitioners can easily become confused. The following section outlines the necessary steps one must complete to obtain a restraining order in Dane County and details the obstacles facing a low-income petitioner who cannot afford legal guidance.

Paperwork

In order to file for a temporary restraining order (TRO), an injunction that protects the victim until an official hearing, one must obtain forms from the Probate Office. These are

available online or at the Probate Office in the Dane County Courthouse from 7:45 a.m. to 4:30 p.m., Monday through Friday. The petitioner, or victim, must provide a written statement of facts about the incident, and this statement should be as detailed as possible. A Court Commissioner then examines the papers and decides if the petitioner meets one of the following criteria for obtaining the TRO: intentional infliction of physical pain or injury, impairment of physical condition, unwanted sexual contact, destruction of victim's property without consent, or threats to do any of the above.⁸

If the Commissioner grants the TRO, then the petitioner must take her papers to the Clerk of Courts where a case number and court date are assigned. Typically, the court date falls within one week of the filing date. Finally, the petitioner must deliver the forms to the Sheriff's Office, which is responsible for serving the respondent, or abuser, with the court papers.

Hearing

Circuit court judges handle restraining order hearings on a rotating basis – that is, a judge is assigned to rule on injunction hearings for a week at a time every few months. In Dane County, many circuit judges are unfamiliar with the proper procedure for restraining order hearings. While the bailiff and judge are supposed to follow precise rules aimed to ensure a safe and fair hearing, judges and bailiffs often disregard them. For example, bailiffs are required to seat all the petitioners on one side of the courtroom, and all the respondents on the other side. They are also required to hold the respondent for at least 15 minutes after the petitioner has left the courtroom. Both of these measures ensure the safety and comfort of petitioners, but petitioners who lack legal aid are usually unaware of these rights and therefore cannot demand protection when the rules are broken.

⁸ §813.12(1)(am), Wisconsin Statutes.

Injunction hearings typically last between 15 and 30 minutes. During this time, the judge gives both the petitioner and respondent (if the respondent has been properly served and has appeared in court) a chance to state their cases on the stand. However, at no time are the petitioners questioned about the facts of the case or informed of what criteria must be met to obtain the order. Therefore, those without legal representation are usually intimidated and confused. Furthermore, without legal guidance, petitioners often are not aware that they can present evidence, such as pictures of bruising or scratch marks, that can tremendously help their case.

Typically, after the judge hears from both parties, she will either grant the restraining order or dismiss the case. By law, the petitioner must prove the abuse only by a preponderance of the evidence. In practice, however, many judges require a higher standard. In addition, although the time that has elapsed since the last incident of abuse should not affect the judge's ruling, it often does. Because county judges do not always practice proper restraining order procedures, petitioners—especially ones without legal assistance—often face unfair hearings.

If the judge grants the injunction s/he: (1) may grant only the remedies requested by the petitioner, (2) must grant the injunction for the amount of time, at a maximum of four years, requested by the petitioner, (3) must require firearm surrender and inform the respondent about penalties for possession, and (4) may not make findings or issue orders related to child support and custody. Again, because most circuit judges have little experience with injunction hearings, these requirements are often ignored.⁹ With legal support, petitioners could challenge the judges' mistakes.

⁹ See Appendix C for an explanation of other specific guidelines that circuit court judges must follow, as well as statistics describing how often these rules are followed in practice.

Domestic Abuse Grant Program

In response to the access problems for low-income victims of domestic violence, this research team proposes a program that expands existing legal services in the restraining order process. The Wisconsin Department of Health and Family Services' (DHFS) Domestic Abuse Grant Program (DAGP) would be expanded to coordinate legal services for low-income victims of domestic violence, with assistance from the State Bar Association of Wisconsin and state legal service providers. After careful research and review of current legal assistance efforts, as well as frequent discussions with current legal service providers and domestic violence experts, we propose expanding the funding to current legal service providers through DAGP while also creating an additional sector of service by recruiting lawyers to provide pro bono legal assistance.¹⁰

Expansion of Department of Health and Family Services Funding

Currently, DHFS coordinates funding for legal services for domestic violence victims through DAGP, which was established under Wisconsin Statute §46.95. In 2006, DAGP distributed nearly \$8.4 million to various domestic abuse service providers throughout the state.¹¹ DAGP receives its funding from the following state and federal sources: 76 percent from Wisconsin's General Purpose Revenue, 18 percent from the Federal Family Violence Prevention and Services Act, 5 percent from program revenue, and 1 percent from state elder abuse funding. DAGP distributes grants for nine purposes: basic services, children's programming, rural

¹⁰ We will also refer to our proposed program as the DAGP expansion in our analysis.

¹¹ See Appendix D for a chart describing the DAGP funding process.

outreach offices, support services, refugee family strengthening, tribal programming, underserved populations, domestic abuse in later life, and training and technical assistance.¹²

Our proposal provides additional funding for basic and support services grants—the two grants that help fund legal assistance for victims of domestic violence. We propose providing funding for basic services in excess of the cost of providing legal services to account for the expected increase in demand for services (such as shelter and children’s services) that result from successful restraining order filings. The basic and support services funding would provide for training of advocates and volunteers, expanded advocacy services at general legal service providers, such as Legal Action, and recruitment for pro bono legal services.¹³ Overall, the proposed increase in funding would increase the quantity and quality of advocacy services available for domestic violence victims seeking a restraining order.¹⁴

In addition to funding for basic and support services, the DAGP expansion would provide funding for additional training services. Under current grant allocations, the Wisconsin Coalition Against Domestic Violence (WCADV) receives funding to train various service providers, as well as judges and attorneys involved in domestic violence cases. As the number and size of service providers will likely grow under the DAGP expansion, it should also increase funding for training of these new service providers. This increase in providers would require new communication strategies that can reach audiences in every corner of the state. Therefore, additional training funds could be used to arrange teleconferences for rural service providers, where the demand for training may be low, or when travel is not feasible.

¹² “Domestic Abuse Funding 2006.” Wisconsin Department of Health and Family Services – Domestic Abuse Office. Provided by Sharon Lewandowski, November 2006.

¹³ See Appendix E for suggested uses for grant funding.

¹⁴ See Appendix F for a flow chart describing how victims will enter the DAGP system.

Under the expanded program, DAGP would maintain its administrative and oversight responsibilities.

Recruitment of Volunteer Law Services

Within DAGP, the extent of legal services provided would depend on the severity of each case. For low and moderate severity cases (including those victims who need assistance with paperwork as well as preparation for the injunction hearing) legal advocates would direct victims through the restraining order process. For high severity cases, defined as those with diminished mental capacity as well as those with limited English proficiency or other language barriers, DAGP would provide an attorney.

Almost every expert with whom we consulted agreed that domestic violence service providers could better tap private legal resources for domestic violence purposes. Although the State Bar Association of Wisconsin and non-profit organizations already engage in pro bono recruitment, we believe a better-funded, more intensive recruiting effort could result in sustainable pro-bono partnerships between domestic violence service providers and private law firms.¹⁵ Therefore, under our proposal, DAGP would provide a grant to the State Bar to hire an additional full-time pro-bono liaison, or paralegal, to recruit attorneys to handle high severity cases. This liaison would meet regularly with law firms around Wisconsin and organize pro bono summits at legal conferences around the state, educating the attorneys about the unmet civil legal needs of low-income Wisconsinites. Ultimately, we believe such an effort could result in sustained commitments from the private legal community to engage in pro bono legal services continually. The establishment of a regular pro bono program within these firms would offer

¹⁵ Tess Meuer, a staff attorney at the Wisconsin Coalition Against Domestic Violence, provided us with this idea in an interview held 18 Oct 2006 at WCADV.

invaluable courtroom experience for young associates and would project an image of public service that most firms actively seek.

To attract attorneys to provide pro bono services, the State Bar would offer Continuing Legal Education (CLE) credits to lawyers who volunteer their time to assist domestic violence victims in the restraining order process. For each hour they provide pro bono legal services, the attorneys would receive one hour of CLE credit. Currently, attorneys are required to complete 15 CLE credits per year and are required to report 30 CLE credits in a two year period.

A Centralized Entry Point for Domestic Abuse-Related Services

The various domestic abuse service providers with which we consulted recommended that DAGP include an easily accessible entry point into the domestic abuse service system. Using the state-wide 2-1-1 information and referral system, DAGP would increase the number of service providers available within the referral system. Currently, 2-1-1 callers are asked questions regarding what services they are seeking and are then directed to service providers in their area based on their needs.¹⁶ Under the DAGP expansion, grants could be used to increase the number of service providers listed in the information and referral system in order for callers to get information about who provides legal services in their area. By using the current information and referral system, the initial costs are minimized.

Costs, avoided costs, and net present value

Costs

The research team identified three sources of incurred costs: the State Bar Association of Wisconsin, the Domestic Abuse Grant Program (DAGP), and additional victims who receive restraining orders because of the proposed expansion to the existing grant program (see Table

¹⁶ Williams, Burlie, United Way of Dane County. Email to Christina Enders, 13 Nov 2006.

1).¹⁷ This team did not account for any costs or benefits to domestic abusers in our analysis, as we chose not to give this group standing. We feel this decision is justified because domestic violence assistance programs never account for costs or benefits to abusers when formulating their policies.

The DAGP expansion we propose comes with some start-up costs for those pieces of the program not already in place, including the cost of recruiting lawyers to provide pro bono services (\$2,400) and the cost of hiring an additional paralegal at the State Bar (\$59,100). The State Bar of Wisconsin would also lose revenue (\$30,500) due to the number of lawyers who would have paid to attend a Continued Legal Education (CLE) credit seminar but instead take high severity restraining order cases to obtain their CLE credits.¹⁸

The costs of the Domestic Abuse Grant Program total \$1,073,100. These costs include the cost of the additional coordinator to handle administrative and evaluative duties at the Department of Health and Family Services (\$54,700); the increase in funding for additional support services (\$219,900); the increase in basic services provided to new clients who enter the service system because of the Domestic Abuse Grant Program (\$508,200); and the increase in funding for training and technical assistance needed for any new service providers as well as for volunteer attorney services (\$290,300).¹⁹

Finally, we also anticipate that dissolution of households due to restraining orders results in a significant number of victims losing access to income earned by their abuser. In estimating this cost (\$9,500,000) we accounted for victims who lose complete access to their partners' incomes as well as victims who may only lose a fraction.²⁰ We acknowledge that these costs

¹⁷ See Appendix G for an explanation of the expected increase in restraining orders granted.

¹⁸ See Appendix H for a detailed discussion of costs incurred by the State Bar of Wisconsin.

¹⁹ See Appendix I for a detailed discussion of costs incurred by the Domestic Abuse Grant Program.

²⁰ See Appendix J for a thorough explanation of victims' lost partner income.

overwhelm all other calculated costs in this analysis. However, we feel that our estimates are plausible, and perhaps even an underestimate, as we do not take account of victim costs such as loss of a shared vehicle or loss of shared health insurance incurred when a household dissolves.

Table 1: Costs summary

Cost categories	Calculation method	Annual cost (2005 dollars)
State Bar of Wisconsin: Recruitment	Materials + light refreshments	\$2,400
State Bar of Wisconsin: additional paralegal	Salary + benefits	\$59,100
State Bar of Wisconsin: Lost CLE credit revenue	Number of lawyers required to serve in high severity cases * cost of a half-day seminar at State Bar of Wisconsin	\$30,500
DAGP: Additional staff person for oversight and administration, Department of Health and Family Services	Salary + benefits	\$54,700
DAGP: Support services funding grants	Cost of providing legal services to one victim * the number of un-served victims	\$219,900
DAGP: Basic services funding grants	Current Total DHFS Allocation for basic services programs * 3 (to account for other sources of revenue for service providers since grant funding accounts for, on average, 1/3 rd of providers budget.) / Total number of people served by DHFS funding = Cost of basic services per person Cost of basic services per person * total number of anticipated clients served by Domestic Abuse Grant Program	\$508,200
DAGP: Training and technical assistance funding grants	Cost per training session * 5 training session per month for one year (60)	\$290,300
Victim: Lost partner wages	(Number of cohabiting victims obtaining ROs because of DAGP who have no access to family income * mean of family income category) + (Number of cohabiting victims obtaining ROs because of DAGP who have access to family income * one half of mean family income category)	\$9,500,000
Total Costs (rounded)		\$10,665,000

Avoided costs

The benefits of expanding DAGP funding are realized entirely through victims' avoided costs and were estimated as the benefit realized by victims who avoid one physical or sexual

assault due to the effectiveness of a restraining order. By calculating avoided costs in this manner, our team made one major assumption: that at least one violent attack would be prevented per victim if her restraining order were granted. On one hand, this may be an underestimate, as the average assault victim is attacked 3.4 times by her abuser annually, and the average rape victim 1.6 times annually.²¹ On the other hand, restraining orders do not guarantee protection.²² Furthermore, because we cannot know at what point a victim leaves an abusive relationship, we felt certain in estimating that at least one physical assault or rape per victim would be avoided with our program but did not want to make assumptions beyond this. If we could know, however, that more than one would be avoided, our benefits would only increase.

In order to estimate the avoided cost of preventing one future rape or assault, the research team reviewed the literature describing victims' average medical costs (\$2,200 for an assault and \$720 for a rape); mental healthcare costs (\$140 for an assault and \$3,170 for a rape) per attack; productivity losses (\$810 for an assault and \$1,120 for a rape); property damage or loss (\$51 per assault and \$132 per rape); and general quality of life lost due to domestic violence (\$26,100 due to assault and \$110,100 due to rape).²³ The results of this research are shown in Table Two. Once the team calculated total avoided costs per prevented assault (\$30,000) or rape (\$115,000), we applied this number to the total number of rapes and assaults prevented by our program.

²¹ Tjaden and Thoennes (2000), p. 10.

²² See Appendix K for an extended discussion of restraining order effectiveness.

²³ See Appendix L for a detailed discussion of avoided costs. Appendix M discusses costs and avoided costs not included in our analysis.

Table 2: Avoided costs summary

Avoided cost categories	Avoided cost per avoided physical assault (2005 dollars)	Avoided cost per avoided rape (2005 dollars)
Victim: Medical care	\$2,200	\$720
Victim: Mental healthcare	\$140	\$3,170
Victim: Lost productivity	\$810	\$1,120
Victim: Lost quality of life	\$26,100	\$110,100
Victim: Property damage	\$51	\$132
Total avoided costs per violent incident (rounded)	\$30,000	\$115,000

Most researchers calculate separate costs for nonfatal assaults and for rapes because these estimates differ dramatically, particularly in the case of quality of life. Additionally, domestic abuse takes the form of nonfatal assault much more often than rape. Relying on a National Institute of Justice report, the team estimated that 85 percent of domestic abuse victimizations were nonfatal assaults, while the remaining 15 percent were rapes.²⁴

To estimate total avoided costs, we use the aforementioned percentages for assaults and rapes, an estimate of the total number of restraining orders granted as a result of our program (1205), and a restraining order effectiveness rate of 40 percent to arrive at an estimate of \$20,605,000. The following equations illustrate this calculation:

$$\text{Total avoided costs} = \text{restraining order effectiveness} * [(\text{prevented assaults}) * (\text{cost per assault}) + (\text{prevented rapes}) * (\text{cost per rape})]$$

$$\text{Total avoided costs} = .4 * [(1205 * .85) * (\$30,000) + (1205 * .15) * (\$115,000)]$$

$$\text{Total avoided costs} = \$20,605,000$$

Net Present Value

Based on the calculations described above, we estimate the net present value of expanding DAGP to be \$9,840,500. The following sensitivity analysis examines alternative outcomes based on varying levels of rape/assault ratios and the avoided costs associated with

²⁴ See Appendix A for detailed explanations of these statistics.

these types of assault, restraining order effectiveness, the number of additional restraining orders granted, and the lost income due to an increase restraining orders granted.

Table 3: Net present value

Present value of costs	Present value of avoided costs	Total Net Present Value
-\$10,765,000	\$20,605,500	\$9,840,500

Sensitivity Analysis

Initial Sensitivity Analysis

Many of our parameters depend on information given to law enforcement or researchers by the victims of domestic violence. This information can be hard to collect, however, because of the personal and private nature of domestic violence. Thus, we face many uncertainties in estimating the benefits of our proposal. As the type of assault endured and the effectiveness of restraining orders depend on victim reports, we found great variance in research on these numbers. Furthermore, because no other program devoted solely to restraining orders has been implemented in Wisconsin or elsewhere, we face uncertainty regarding the precise effect the DAGP expansion would have on the number of women served and the percent of restraining orders that would be granted. Also, because the number of restraining orders granted and the household dissolution costs depend on the increased number of women served, we must take their changes into account as we vary the number of women served.

To account for the uncertainty of some parameters used in our analysis, we conducted a Monte Carlo sensitivity analysis. This analysis allows for variation in the parameters in both our costs and avoided costs to assess our program’s performance under various conditions. Our sensitivity analysis varies the percent of victimizations that are rape or physical assault, the effectiveness of restraining orders in deterring future attacks, the increase in the number of

victims served by our program, and the increase in the number of restraining orders granted.²⁵

Furthermore, because household dissolution costs and the avoided costs of preventing an assault constitute a vast majority of our costs and benefits, we completed an analysis that examined the impact of these specific parameters. The costs of the program are held constant.

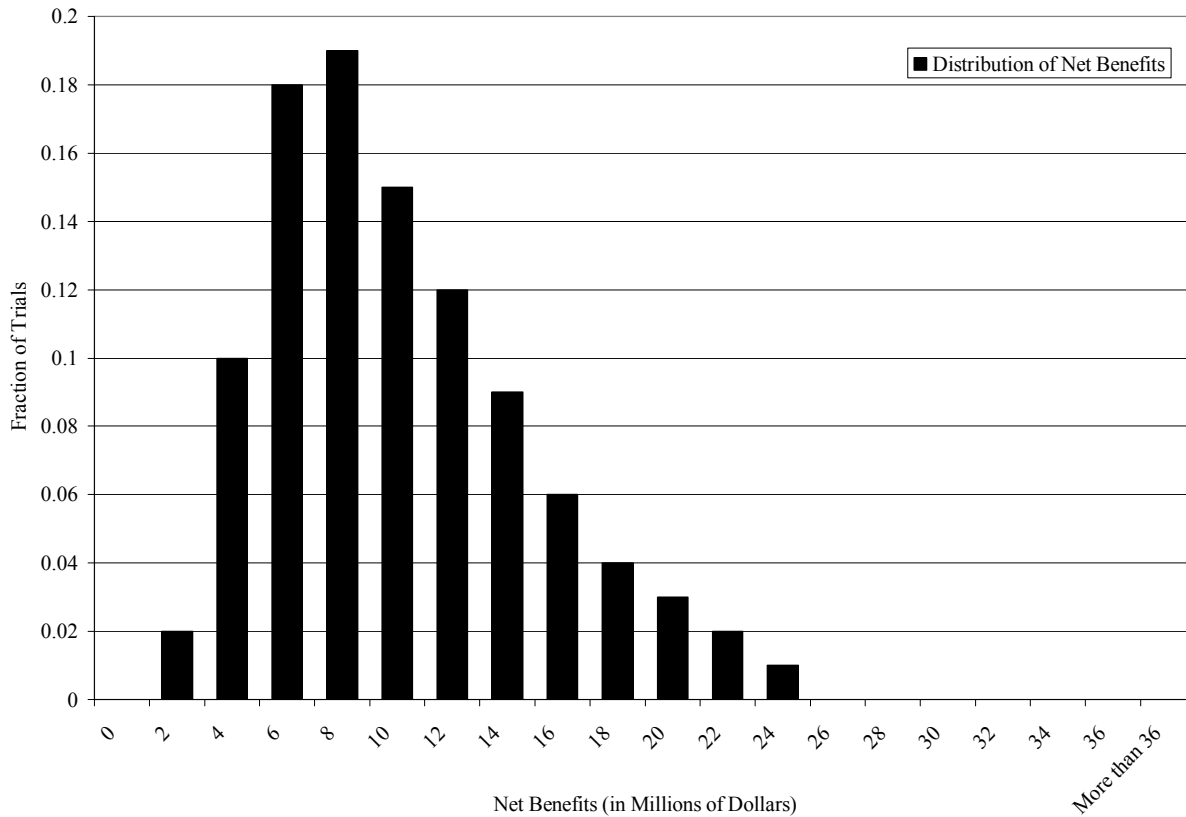
The initial sensitivity analysis employs 10,000 random trials. Our results indicated mean net benefits of \$9.1 million, with minimum benefits of \$600,000 and maximum benefits of \$27.5 million. The mean from the sensitivity analysis is slightly lower than the estimated net benefits of the DAGP expansion because most of our benefits parameters vary due to uncertainty. The mean net benefits from the sensitivity analysis are still large, however, indicating a successful program even given our uncertainty. In addition, because our mean net benefits are similar to our estimated base case estimates, we have more confidence in our household dissolution cost and quality of life estimates. Table 4 highlights our Monte Carlo results, while Chart One illustrates the distribution of net benefits over all trials.

Table 4: Parameters varied in Monte Carlo analysis and results

Initial Monte Carlo Analysis		
Variable	Range	
	Low	High
Benefits		
Percent of ROs with Report of Rape	4%	15%
Percent of ROs with Report of Physical Assault	96%	85%
Effectiveness of ROs	40%	80%
Percent of ROs Granted	56%	74%
Number of women served	521	1629
Increase in Number of Granted ROs	292	1205
Costs		
Household Dissolution Costs	\$2,300,000	\$9,500,000
Results		
Mean Net Benefits (rounded to the hundred thousands)		\$9,100,000
Median		\$8,300,000
Maximum		\$27,500,000
Minimum		\$600,000
Standard Deviation		\$4,600,000

²⁵ For a detailed explanation of how we arrived at the ranges for these parameters, please see Appendix N.

Chart 1: Distribution of net benefits²⁶



Worst Case Scenario Analysis

To assess further the potential benefits of the proposed program, we also conducted a worst case scenario analysis. This analysis reveals what would happen if our estimates yielded the lowest possible benefits. The worst case scenario occurs with the minimum value of our parameters (with the exception of the percent of victimizations that are physical assaults, which is at its maximum in the worst case scenario). Under the worst case scenario we found net benefits of approximately \$344,000. Although much smaller than in our base case analysis, the net benefits in the worst case are still positive. Thus, under even the most cynical assumptions, the DAGP expansion is still socially desirable.

²⁶ Because we are multiplying random variables, we have a skewed distribution.

Table 5: Worst Case Scenario

Worst Case Scenario Analysis	
Variable	Value in Worst Case
Benefits	
Percent of ROs with Report of Rape ²⁷	4%
Percent of ROs with Report of Physical Assault	96%
Effectiveness of ROs	40%
Percent of ROs Granted	56%
Number of women served	521
Increase in Number of Successful ROs	292
Costs	
Household dissolution costs ²⁸	\$2,300,000
Program Costs	\$1,165,181
Net Benefits (rounded to the thousands)	\$344,000

The Sensitivity of the Net Benefits to Specific Parameters

Because the household dissolution costs and the avoided costs of physical and sexual assault drive our costs and benefits, we conducted individual analyses of these parameters. In these analyses, we held all other variables constant at their base case value. We then systematically varied the individual parameters and determined the net benefits at each value. We began by finding net benefits with varying household dissolution costs. Next, we varied the avoided cost of a sexual or physical assault. Although we are fairly confident in our estimates of the avoided costs of an assault, the literature suggests that further analysis is certainly warranted.

First, we calculated the net benefits with different household dissolution cost estimates. While we estimate that 27 percent of victims of domestic violence lose all their income and 73

²⁷ In conducting the worst case scenario analysis, we are looking only at what values give us the lowest and highest net benefits. Thus, to say that when 4 percent of victimizations are rape is “worse” than when 15 percent are rape only implies that sexual assaults do great damage to the victim and preventing one rape is extremely beneficial to the victim and society as a whole. In other words, the prevention of one rape has high benefits. Because of this, the fewer rapes that occur, the fewer we are able to prevent which lowers our program’s net benefits. This in no way suggests that fewer rapes are “worse” than more. In fact, this is quite the contrary as we someday hope to live in a world where no assaults of any kind occur.

²⁸ Household dissolution costs depend on the number of restraining orders granted, namely these costs decrease when fewer restraining orders are granted. As the number of restraining orders granted in the worst case is significantly less than the number granted in the base case, the household dissolution costs are actually smaller in the worst case. Although this is not necessarily the “worst case” with respect to household dissolution costs, it is the worst case in every other respect.

percent lose half, we also accounted for four other possible scenarios: (1) all victims lose all their incomes; (2) all victims lose half their incomes; (3) 27 percent of victims lose all their incomes, and the other 73 percent lose nothing; and (4) 73 percent of the victims lose half their incomes, while the other 27 percent lose nothing. Under these conditions, we still found positive net benefits ranging from \$4 million to \$15 million dollars. Table 6 presents the results of this analysis.

Table 6: Net benefits when varying household dissolution costs

Sensitivity to Household Dissolution Costs		
Household Dissolution Costs Parameter		
Category of Cost	Cost to victims	Net Benefits
27% of victims lose all income and 73% lose nothing	\$4,000,000	\$15,100,000
73% of victims lose half their income and 27% lose nothing	\$5,500,000	\$13,600,000
All victims lose half their incomes	\$7,500,000	\$11,600,000
All victims lose access to all of their incomes	\$15,000,000	\$4,100,000

Second, although we are relatively certain of our base case analysis, which uses shadow prices associated with the physical and sexual assaults perpetrated against women, we wanted to account for variance in the shadow price of assaults in the literature. Thus, we used values provided in *Cost-Benefit Analysis: Concepts and Practice* from a 1996 study on the costs of crime.²⁹ We also averaged these shadow prices with those used in our base case and estimated the net benefits with these different shadow prices associated with physical and sexual assault. Although we use very different values for the costs of physical and sexual assault, we still see positive net benefits with the low-range estimate of physical and sexual assault costs. The results of this analysis are provided in Table 7.

²⁹ Miller et al. (1996) as cited in Boardman, A.E., Greenberg, D.H., Vining, A.R., and Weimer, D.L. (2006) *Cost-Benefit Analysis: Concepts and Practice*. (3rd ed.) Upper Saddle River, NJ: Prentice Hall.

Table 7: Net benefits when varying the shadow price of avoided physical or sexual assaults

Sensitivity to the Shadow Price of Avoided Sexual and Physical Assault		
Avoided Cost of Physical and Sexual Assaults		
Value Category	Shadow Price(2005 dollars)	Net Benefits
Low-range estimate for avoided costs of assault		
Physical Assault	\$11,940	\$2,300,000
Sexual Assault	\$111,383	
Mid-range estimate for avoided costs of assault		
Physical Assault	\$20,558	\$6,000,000
Sexual Assault	\$113,246	

Data Limitations

In performing our analysis, we ran into a major hurdle: the paucity of reliable data regarding domestic violence in Wisconsin. Because of the sensitive and personal nature of domestic violence, reliable data may never be a realistic goal, as these incidents are chronically underreported.³⁰ In addition, domestic violence researchers do not always agree on a definition of domestic violence. Depending on what each study includes, numbers of reported and unreported cases can vary widely.³¹ Finally, there is currently no national system for data collection regarding intimate partner violence against women; study estimates are drawn from secondary sources, such as hospitals or police, whose primary goal is not necessarily to collect these data. Although we do not believe these data collection limitations drastically affected our final analysis, readers must be aware that benefits calculated here are in part the result of data imputations.

Recommendations and Conclusions

The preceding cost-benefit analysis, and the overwhelming net benefits it predicts, clearly supports the proposed expansion to DAGP. The inability of low-income victims of domestic

³⁰ Tjaden, P. and Thoennes, N. (2000) "Extent, Nature, and Consequences of Intimate Partner Violence: Findings from the National Violence against Women Survey." National Institute of Justice. Retrieved from <http://www.ncjrs.gov/pdffiles1/nij/181867.pdf>.

³¹ National Center for Injury Prevention and Control. *Costs of Intimate Partner Violence Against Women in the United States*. Atlanta (GA): Centers for Disease Control and Prevention; 2003. http://www.cdc.gov/ncipc/pub-res/ipv_cost/02_introduction.htm

violence to obtain legal services significantly diminishes their chances of obtaining a restraining order against their abuser. By extension, the victims' inability to obtain legal services then results in a series of costs, such as medical care and productivity losses, due to repeated violence that could be avoided under our proposal. Because of the considerable social benefits of avoiding these costs, we wholeheartedly recommend expanding DAGP.

As a caveat to this recommendation, we should note that the unmet legal needs of low-income Wisconsinites extend well beyond restraining orders. In fact, our research indicated that comprehensive services— mental health counseling, counseling for the abuser, and access to a lawyer for custody or divorce hearings—are imperative to reversing the damage of domestic violence. Although provision of these services would certainly be more costly, they would likely increase the effectiveness of restraining orders. And, we strongly suspect that a strategy to provide comprehensive legal services to low-income victims of domestic violence would yield net benefits far greater than the proposed program.

Accordingly, we recommend that DHFS, domestic violence service providers, the State Bar Association of Wisconsin, and Wisconsin policy analysts continue to investigate how to maximize the impact of existing domestic violence resources. Throughout this project, we heard from various stakeholders that although increases in funding are crucial, so too is an improved service delivery design. According to local domestic violence experts, this design should include—as noted in our proposal—a more aggressive recruitment of private attorneys, a more accessible stationing of resources, an improved utilization of technology, and the creation of incentives to lure more attorneys and students into domestic violence advocacy. Such ideas are the proper starting point for improving the services available to victims of domestic violence, but realizing their benefits will require further research and implementation efforts.

Appendix A: Calculating Core Statistics

One set of estimated parameters were used repeatedly throughout these analyses. This section describes the methods used to obtain values for these parameters. The set of values necessary for our analysis that we estimated are the percent of domestic violence incidents that involve female victims; the percent of incidents against women perpetrated by intimate partners; the percent of women in Wisconsin abused by intimate partners; the percent of abused women who are low-income; and the percent of victimizations involving sexual versus physical assault.

Estimating the number of women abused by intimate partners

In estimating the costs of our program, we estimate that 18,238 women were abused by domestic partners in 2004 (the most current data available). We arrived at this estimate by gathering information from a 2004 Wisconsin Department of Justice report on domestic violence. The Wisconsin DOJ report collected data from most counties in the state. Those counties not reporting, or reporting incomplete data, include Racine, Dane, and Milwaukee counties. Dane and Milwaukee counties did provide information on the number of domestic violence incidents but did not supply the detailed information on victim/offender relationships or whether the victims were female. Furthermore, some reporting counties provide more information on the sex of the victim than on the relationship of the victim to her offender. Because of this, there are more reported total incidents when looking at the gender of the victim than when looking at the relationship of the victim to the offender. These holes in the data require that we extrapolate from the counties that did report on the gender and relationship of the victims to the state as a whole.

In the reporting counties, when data is reported on the relationship of the victim to the offender, the Wisconsin DOJ reports a total of 11,538 incidents with 10,117, or 87.7 percent,

being committed by intimate partners. When data are available on the gender of the victims, figures indicate 17,831 total incidents with 13,101, or 73.5 percent, female victims. Multiplying these percentages (87.7 and 73.5) by the total number of incidents reported for the entire state (28,293), we determined that approximately 18,238, or 64 percent, of the domestic violence incidents are reported by women who were abused by their domestic partners.

Estimating the number of low-income women abused by intimate partners

Our analysis assumes 84.4 percent of female abuse victims are low-income. To estimate the proportion of domestic violence victims that are low-income, we relied on statistics from a Bureau of Justice Statistics report.

To arrive at the 84.4 percent value, we use the assessment by the Bureau of Justice Statistics that, for every 1000 adult women, approximately 63.5 women will be abused. Of these 63.5 women, 53.6, or 84.4 percent, make below 200 percent of the poverty line for a family of four. Thus, we estimate that the number of low-income women abused by their domestic partners in Wisconsin is 84.4 percent of 18,238, or 15,392 women.

Estimating the Percent of Victimization that are Sexual or Physical Assaults

Our base case assumes that 15 percent of assaults perpetrated against women by their intimate partners are sexual assaults and the remaining are physical assaults.³² We arrived at this estimate using data from a National Institute of Justice survey, which estimated that in the 12 months previous to the survey, 1.8 percent of women were the victims of physical assault, sexual assault, or stalking. Because domestic violence restraining orders are only used in the case of

³² Sexual assaults and physical assaults are not necessarily mutually exclusive. We consider sexual assault to be more severe, however, so if both physical and sexual assault occur, the victim should be considered a rape victim.

assault, we subtracted the percent of stalking victimizations (0.5 percent) from the total, which left 1.3 percent of women as victims of assault. Furthermore, the study estimated that of this 1.3 percent of women, 0.2 percent were victims of sexual assault. Based on this, we found that approximately 15 percent ($0.2 \div 1.3$) of victimizations were rape and the remaining 85 percent were physical assaults.

Appendix B: Imputation of County Data for Restraining Orders Sought

In order to obtain an estimate for the current number of restraining orders sought in Wisconsin, an imputation method was employed. Imputations were based on existing data from the Wisconsin Consolidated Court Automation Programs (CCAP).³³ Because counting up each report of domestic violence through the CCAP database was prohibitive, we divided Wisconsin's counties into seven groups by population, took a representative jurisdiction, manually counted this jurisdiction's reported incidents and imputed this value for all other jurisdictions in the population group. See Table B-1 for detailed imputed data. Dane County and Milwaukee County were each assigned their own groups due to the volume of reported domestic violence incidents in these counties.

As an example of one imputation, there were seven counties that fell into the category of 75,000 to 99,999 residents. We randomly selected Dodge County to represent this population size. In Dodge County in 2005, there were 64 incidents of domestic violence reported. Therefore, for the other six counties in this population group, we estimated that each had 64 reported incidents of domestic violence, giving a total of 512 reported incidents for this population group.

One special case involved the population group 50,000-74,999. Initially, we randomly selected Portage County to represent this group. However, we discovered that Portage had no reported cases of domestic violence for 2004. We found this to be suspect, but were unsure as to whether Portage simply did not report data, or whether there truly were zero cases of reported domestic violence. We therefore counted Portage in its own category, and randomly selected St. Croix County to represent the remaining five counties in this population group.

³³ Department of Justice. 2004 Domestic Abuse Incident Report.

Table B-1: Estimated processed restraining orders for Wisconsin in 2005

	Milwaukee County	Dane County	Winnebago County	Dodge County	Portage County	St. Croix County	Trempealeau County	LaFayette County
Population Size	100,000 or more	100,000 or more	100,000 or more	75,000-99,999	50,000-74,999	50,000-74,999	25,000-49,999	Under 25,000
Number of Counties with similar population size	1	1	11	8	1	5	19	26
January	187	35	4	5	0	6	4	2
February	241	39	6	4	0	7	4	3
March	245	44	8	4	0	3	8	0
April	202	40	1	4	0	3	5	1
May	182	44	9	4	0	9	3	0
June	199	57	12	6	0	1	1	1
July	246	55	10	7	0	11	1	2
August	235	60	9	5	0	4	1	2
September	253	43	8	6	0	6	3	1
October	229	40	17	4	0	3	4	4
November	202	38	9	6	0	6	4	1
December	314	64	11	9	0	14	4	1
Yearly Total	2735	559	104	64	0	73	42	18
Total for Counties Based on Population Size	2735	559	1144	512	0	365	798	468
Total Temporary Retraining Orders Sought for State of Wisconsin = 6,581								

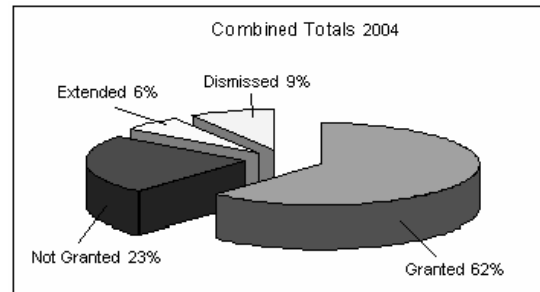
Appendix C: Domestic Abuse Intervention Services Courtwatch Project

Project member Liz Elwart, a former intern from the University of Wisconsin - Madison Criminal Justice Program, worked on a Courtwatch project for Domestic Abuse Intervention Services' Legal Program in June and July of 2004. For six weeks, she observed and recorded data from 81 injunction hearings. This section highlights her key findings, and indicates how complicated restraining order hearings can be, particularly for those respondents without legal aid. Of the 81 injunction hearings observed, 47 hearings (58 percent) were for domestic abuse and 34 hearings (42 percent) were for harassment.

Quantitative Data

Combined Total of 81 Injunctions

- 50 were granted (62 percent)
- 19 were not granted (23 percent)
- 5 were dismissed (6 percent)
- 7 were extended (9 percent)



Domestic Abuse Injunction Hearings

53 percent of domestic abuse injunctions were granted (25 out of 47)

- 12 of these 25 were contested (48 percent)
- 9 were not contested (36 percent)
- 4 were granted with no respondent present (16 percent)

26 percent of domestic abuse injunctions were NOT granted (12 of 47)

- All of these were contested (100 percent)

9 percent of the injunctions were dismissed (4 of 47), 4 percent less than last year (13 percent).

- 3 of these were due to the petitioner's request (75 percent)
- 1 was due to Judge's "lack of jurisdiction" – judge deferred the case to the state in which the abuse occurred (25 percent)

13 percent of the injunctions were extended due to lack of service (6 of 47)

Advocates & Attorneys

Of the 50 domestic abuse and harassment injunctions that were granted:

- 10 petitioners had advocates (20 percent)
- 7 petitioners had attorneys (14 percent)
- 5 respondents had attorneys (10 percent)

Of the 19 domestic abuse and harassment injunctions that were not granted:

- 4 petitioners had advocates (21 percent)
- 2 petitioners had attorneys (11 percent)
- 6 respondents had attorneys (32 percent)

Success rate with an advocate or attorney: 74 percent³⁴

Specific Guidelines for Domestic Abuse Injunctions (Sec. 813.12) and Quantitative Data

Service by Publication

- **§813.12 sub 2(a): The judge or circuit court commissioner shall inform the petitioner of the option of service by publication if there has not been service.**
 - 5 out of 6 (83 percent) of petitioners *were not* informed of service by publication when their domestic abuse injunction was extended due to lack of service of the respondent.

Reasonable Grounds

- **§813.12 sub 4 (a)(3): The judge or circuit court commissioner shall use the standard of “reasonable grounds” when deciding whether or not to grant the injunction.**
 - In 68 percent (17 of 25) cases in which domestic abuse injunctions were granted, the judge did not mention reasonable grounds
 - In 92 percent (11 of 12) cases which domestic abuse injunctions were NOT granted, the judge did not mention reasonable grounds.

Requested Remedies

- **§813.12 sub 4 (aj): The judge or circuit court commissioner may grant only the remedies requested by the petitioner.**
 - 60 percent (15 of 25) petitioners who were granted domestic abuse injunctions *were not* asked what they wanted the injunction to order
 - 6 of the remaining 10 petitioners requested other remedies not inconsistent with the law (60 percent) and all 6 requests were honored by the judge (100 percent)

³⁴ In order to find the success rate of getting a restraining order granted with an advocate or attorney, we divided the number of restraining orders granted with an advocate or attorney (17) by the total number of injunction hearings with an advocate or attorney present (33).

Children in Common

- **§813.12 sub 2(b): May not make findings or issue orders related to child support and custody and physical placement.**

Children in Common & Domestic Abuse Injunctions (17 cases)

- 8 of the 17 injunctions where parties had children in common were granted (47 percent)
 - In 3 of these 8 injunctions, the judge wrote “except as ordered by Family Court” into the order (38 percent)
 - In 1 of these injunctions, the judge talked to the parties about how to set up communication concerning the children (12 percent)
- 6 of the 17 were not granted (35 percent)
- 3 of the 17 were dismissed or extended (17 percent)

Firearms

- **§813.12 sub 4m (a): When the injunction is granted, require firearm surrender and inform the respondent about penalties for possession or their designee about the penalties for furnishing a firearm.**

Firearms & Domestic Abuse Injunctions

- Possession of firearms was discussed in the 17 of the 21 granted injunctions where the respondent was present (81 percent)
 - i. In 14 of these 17 cases, the petitioner was asked if the respondent owned firearms (82 percent)
 - ii. In 2 of these 14 cases, the respondent was asked to turn over the alleged firearms in his or her possession (14 percent)
- Possession of firearms *was not* discussed in 4 of the 21 granted injunctions where the respondent was present (19 percent)
- Possession of firearms was not discussed in any of the 4 granted injunctions where the respondent was not present.

Courtroom Safety

- In 9 of the 19 domestic abuse injunctions that were granted when the respondent was present and not incarcerated, the respondent was asked to stay in the courtroom for at least 5 minutes after the hearing (47 percent)
- In 13 of the 19 harassment injunctions that were granted when the respondent was present and not incarcerated, the respondent was asked to stay in the courtroom for at least 5 minutes after the hearing (68 percent)

Example: After a domestic abuse injunction hearing was extended, the petitioner asked the Bailiff if the respondent could be detained so she could leave the building safely. The Bailiff denied her request.

Seating at Counsel Table

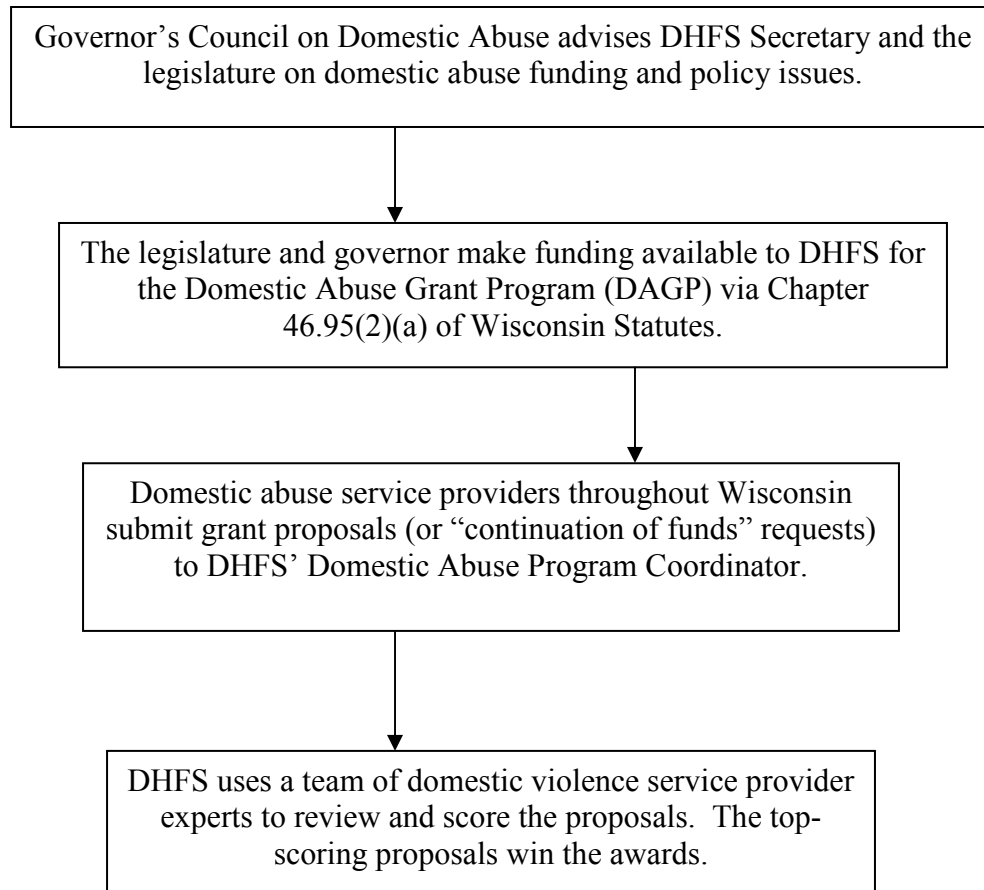
- 5 times someone other than a petitioner, respondent, attorney, advocate, or interpreter was allowed to sit at the counsel table (6 percent)
- 2 were Domestic Abuse injunctions (40 percent)
- 3 were Harassment injunctions (60 percent)

Example: During a harassment injunction, the judge allowed the petitioner's mother to both sit with her at the counsel table and speak for her for the duration of the hearing. Once the injunction had been granted, the petitioner's mother asked that herself, the petitioner's aunt and the petitioner's grandmother (both of whom did not appear in court) be added into the order as petitioners themselves. The judge granted her request.

Courtwatch relevant information

We used advocate and attorney information, along with the total numbers of injunctions granted and dismissed, presented in this report to determine the success rates of obtaining restraining orders with and without legal aid. These success rates were utilized in calculating the estimated number of additional restraining orders granted due to DAGP expansion, which is discussed further in Appendix G.

Appendix D: Flow of Domestic Abuse Grant Program Funding³⁵



³⁵ "Domestic Violence." *Department of Health and Family Services*.
<http://dhfs.wisconsin.gov/children/DomV/progserv/govcouncil.htm>

Appendix E: Potential Uses of Grant Funds

The analysis in Appendix I calculates the amount of money it would cost to extend services to the roughly 1,600 low-income victims of domestic violence who seek a restraining order but who do not receive legal advocacy services. By calculating the cost of providing services to one individual and multiplying it by the number of un-served victims, our analysis above of an increase in DAGP funds inherently assumes that currently employed methods of service provision by non-profit organizations would continue as before, but simply expand.

Yes, in our discussions with local experts on domestic violence service provision, including Tess Meuer from the Wisconsin Coalition Against Domestic Violence and Marsha Mansfield from the University of Wisconsin Law School, we learned of potential methods of improving service delivery. We also learned of service provision strategies that currently receive no DAGP funding. Under our proposed funding increase, such strategies could—and, if deemed worthy by DAGP, would—receive funding. This appendix outlines a handful of the most promising strategies for expanding access to legal services for low-income victims of domestic violence.

Recruitment of Pro Bono Attorneys

Almost every expert with whom we consulted agreed that domestic violence service providers could better tap private legal resources for domestic violence purposes. Although the State Bar Association of Wisconsin and non-profit organizations already engage in pro bono recruitment, we believe a better-funded, more intensive recruiting effort could result in sustainable pro-bono partnerships between domestic violence service providers and private law

firms.³⁶ For example, a grant provided to the State Bar to hire an additional full-time pro-bono liaison could significantly expand the Bar's recruiting capacity. This liaison could meet regularly with law firms around Wisconsin and organize pro bono summits at legal conferences around the state, educating the attorneys about the unmet civil legal needs of low-income Wisconsinites. Ultimately, we believe such an effort could result in sustained commitments from the private legal community to engage in pro bono legal services continually. The establishment of a regular pro bono program within these firms would offer invaluable courtroom experience for young associates and would project an image of public service that most firms actively seek.

Courthouse Advocacy

Our discussions with local domestic violence experts also yielded a consensus that having a legal advocate in the county courthouse would greatly improve the petitioner's chances of obtaining an order. Such an advocate could explain the process, help with paperwork, accompany the petitioner to the hearing, and assist in obtaining other services, such as shelter and counseling. The Task Force on Family Violence already provides such a program in Milwaukee County—for three hours a day, Monday through Friday.³⁷ No other county even approaches this level of courthouse advocacy. The Dane County Bar Association's pro se Family Law Assistance Center, which operates out of a meeting room at the Dane County Courthouse, only offers assistance with paperwork and procedures; moreover, the Center is open for only two hours each week.³⁸ Lengthening the hours of operation in Milwaukee, expanding

³⁶ Tess Meuer, a staff attorney at the Wisconsin Coalition Against Domestic Violence, provided us with this idea in an interview held 18 Oct 2006 at WCADV.

³⁷ "Courthouse Advocacy." *Task Force on Family Violence*.
<http://taskforceonfamilyviolence.coforce.com/courthouseadvocacy.asp>.

³⁸ "Family Law Assistance Center." *Dane County Bar Association*,
<http://www.dcba.net/programs/FamilyAssistSchedule.html>.

both the services provided and hours of operation in Dane County, and creating similar courthouse advocacy programs in other populous counties would all significantly improve access to legal services for low-income domestic violence victims.

Remote Advocacy

Domestic violence service providers are naturally clustered in the most populous regions of Wisconsin—in and around Dane and Milwaukee counties. These providers could expand their reach to Wisconsin's vast rural regions through the use of videoconferencing technology. Major service providers in Dane and Milwaukee counties could station legal advocates and attorneys at their headquarters and make them available remotely to victims seeking restraining orders at rural county courthouses. Such efforts would require sizeable capital investments in equipment, but these investments pale in comparison to the long term costs of transportation to and from more populous regions. The cost of videoconferencing also pales in comparison to the cost to a non-profit organization of establishing a physical presence in these rural areas. We currently are not aware of any remote advocacy programs in Wisconsin; newly available DAGP grant monies could be used to establish these services.

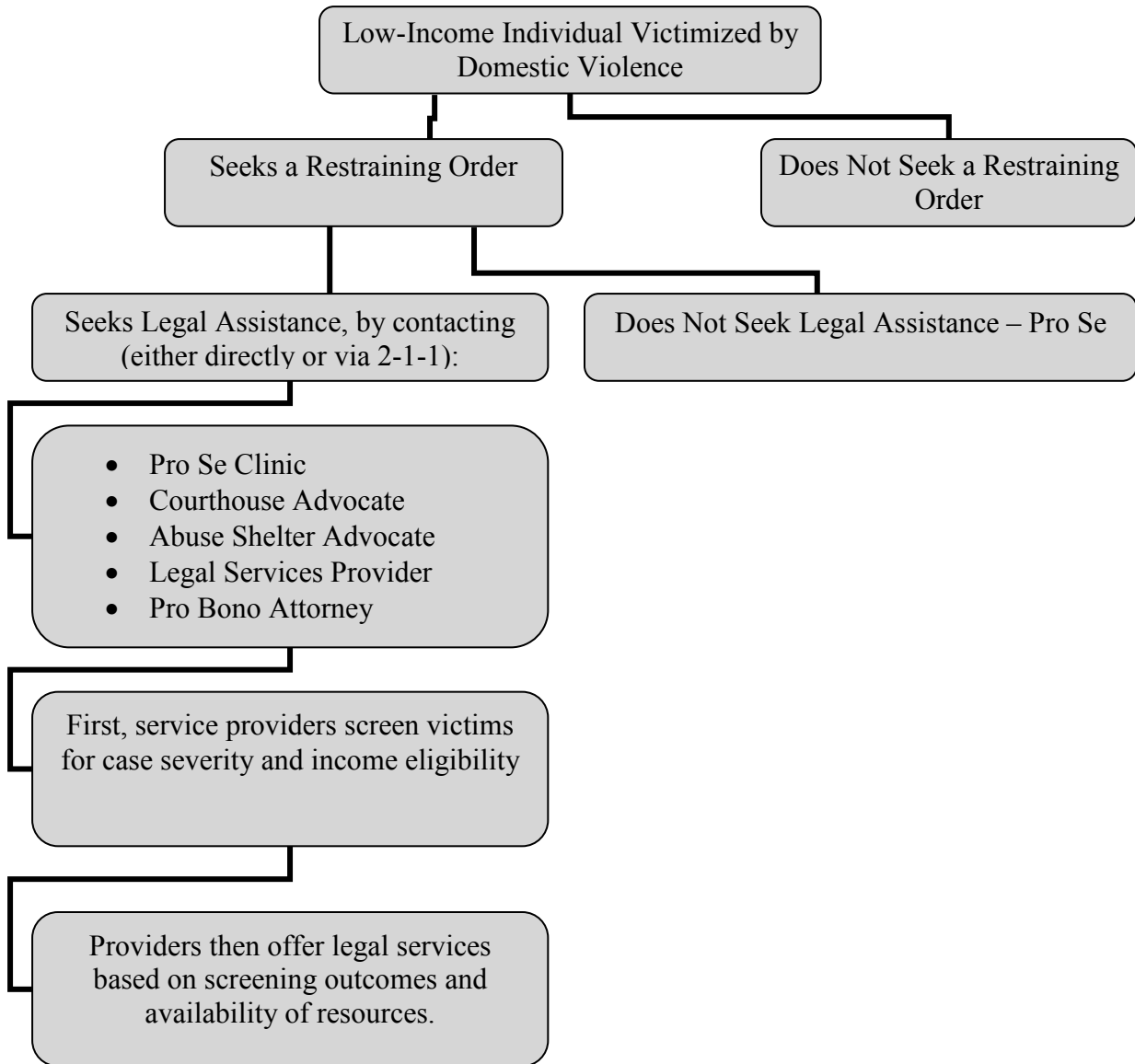
Credit for attorneys and students

Our research into the unmet needs of low-income victims of domestic violence forced us to brainstorm about incentives to entice attorneys and law students into pro bono advocacy. One possible incentive is to grant Continuing Legal Education (CLE) and academic credit to attorneys and law students, respectively. The attractiveness of such an incentive for attorneys surely would depend on the number of credits they could earn from pro bono work. Currently, the Wisconsin State Bar requires active attorneys to complete 30 hours of CLE every two years. We doubt the incentive would be as strong for students, considering they must pay tuition to

receive credit toward graduation. But demand for current UW legal assistance programs, including the Neighborhood Law Project and the Family Court Assistance Project, is high. However, one impediment to expanding these programs is the lack of available supervising attorneys.³⁹ Attracting more volunteer supervising attorneys from the private sector through the extension of CLE credit could allow current advocacy programs at the UW-Madison Law School and Marquette Law School to expand significantly.

³⁹ Interview with UW Law School Professor Marsha Mansfield, 13 Oct 2006.

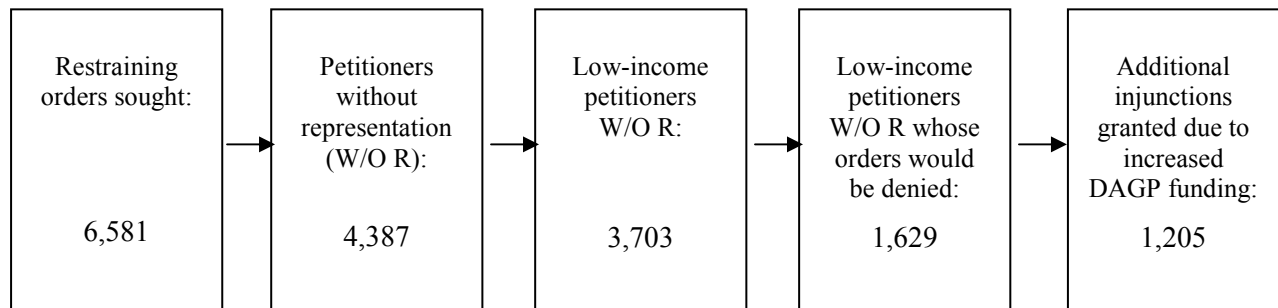
Appendix F: From Victimization to Receipt of Legal Services



Appendix G: Expected Increase in Restraining Orders Granted

In order to estimate victims' avoided costs we had to determine the effect that an increase in Domestic Abuse Grant Program funding would have on the number of restraining orders granted in Wisconsin. The diagram below illustrates this process. We began by imputing county data in order to find a total number of restraining orders sought in Wisconsin (6,581 as shown in Appendix B). We then used DAIS Courtwatch data to estimate the statewide percentage of petitioners that have representation through an advocate or attorney. Of those hearings included in the study that resulted in either granting or dismissing a restraining order (69), an advocate or attorney represented petitioners in 23 hearings, or approximately 33 percent of the time. Assuming that 67 percent of petitioners have no representation, we multiplied that proportion by the total number of restraining orders sought, leaving us with 4,387 individuals in need of legal services. Multiplying this population by the percent of abused women who are low-income, 84.4 percent, gave us the number of Wisconsin residents seeking representation in injunction hearings who are eligible for services under the proposed DAGP expansion (3,703).

Figure G-1: Estimation of Additional Injunctions Granted



From this number we had to eliminate the number of petitioners who would have successfully obtained a restraining order despite their lack of representation. In order to find the probability of getting an injunction granted without representation, we divided the number of

injunctions granted without representation (33) by the total number of hearings where a petitioner represented herself (58), which yielded a 56 percent success rate. Multiplying the 3,073 eligible petitioners by the 44 percent (1-.56) chance that their restraining orders are denied without representation yielded 1,629 individuals who, given a 100 percent granting success rate, would represent the additional restraining orders granted due to program expansion. While the success rate for petitioners with advocates or attorneys is considerably higher than for petitioners without legal aid, however, it is not 100 percent. Calculations in Appendix C reveal this success rate to be 74 percent. Thus, multiplying 1,629 by the 74 percent success rate yields the total number of additional restraining orders (1,205) that will be granted under DAGP expansion.

Appendix H: Detailed Explanation of Costs to the State Bar Association of Wisconsin

The Domestic Abuse Grant Program that we propose includes several initial costs to the State Bar of Wisconsin to initiate the program. To recruit the lawyers to provide pro bono services, a session at the State Bar's annual conference would have to be held. The cost of providing this session includes the cost of reproducing materials (\$15 per set for 100 people = \$1,500), and light refreshments (\$1000) for a total of \$2,500 in 2006 dollars, or \$2,419 in 2005 dollars.⁴⁰

An additional cost of the proposed program would be the additional staff member needed at the State Bar to coordinate the pro bono services provided by attorneys with the non-profit legal service providers. As indicated by Jeff Brown, the Pro Bono Coordinator at the State Bar of Wisconsin, a paralegal would be qualified to handle this position. The average salary and benefits package for a paralegal in Madison, Wisconsin is \$59,085.⁴¹

Finally, the State Bar could potentially lose some revenue that they currently receive by holding Continuing Legal Education (CLE) credit seminars. Currently, the State Bar charges \$199 for a half-day session (\$193 in 2005 dollars). Through the proposed program, lawyers who provide pro bono services for victims seeking restraining orders would be eligible to receive CLE credits for their time. To project this loss of revenue to the State Bar, we estimated the number of people who would be assigned a lawyer to assist with their restraining order request. As mentioned previously, attorneys would mainly be provided for low-income victims who have high severity cases. These high severity cases include those with limited English proficiency and

⁴⁰ Email contact with Jeff Brown, Pro Bono Coordinator, State Bar of Wisconsin, 13 Nov 2006.

⁴¹ "Salary Center." Accessed at: <http://salary.monster.com/> on 14 Nov 2006.

other language barriers. Using information collected in 2004 from Domestic Abuse Intervention Services, we estimate that 11.5 percent of victims served are non-English speakers. As the Domestic Abuse Grant Program serves only low-income individuals (projected to be 84.4 percent of victims) only 8 percent of these non-English speakers will be served by attorneys.⁴² This 8 percent translates into 109 victims needing legal services from an attorney (8 percent * 6,581 restraining orders sought). Assuming that all of these victims would be provided a pro bono attorney, \$21, 037 would be lost CLE revenue to the State Bar of Wisconsin (109 lawyers * \$193 cost for half-day CLE seminar).

In total, the costs to the State Bar of Wisconsin of the proposed Domestic Abuse Grant Program would be \$91,998, which includes the additional hire, the conference costs as well as the lost Continuing Legal Education credit revenue loss.

⁴² “Five Lenses Around Access Issues: Poverty, Ethnicity, Language, Age and Geography.” Domestic Abuse Intervention Services, prepared for Department of Administration, State of Wisconsin, 2004.

Appendix I: Detailed Explanation of Costs of Proposed Domestic Abuse Grant Program

With the proposed Domestic Abuse Grant Program, the Department of Health and Family Services would increase the funding available by \$1.1 million dollars. The increase in funding would be available in three main areas: support services (legal services including advocacy), basic services (to account for any additional spending for non-legal services provided due to the increase in victims seeking restraining orders who may need other assistance), and training and technical assistance (to train the increased number of advocates as well as pro bono attorneys). Additionally, we project that the Department of Health and Family Services would have to hire an additional position to help with administration and oversight of the additional funding. We project the salary and benefit package for this staffer to cost \$54,680.⁴³

Additional Support Services Funding

First, we estimate the cost of providing legal assistance through the Domestic Abuse Grant Program to be \$219,915. We arrived at this estimate by projecting that the cost of providing legal assistance to a single domestic violence victim in pursuit of a restraining order to be, on average, \$135. We estimated this number using data from Domestic Abuse Intervention Services and the current DAGP at DHFS. In 2005, DAIS provided legal advocacy services to 519 victims of domestic violence.⁴⁴ In 2005, DAIS employed 2.2 advocates, who, according to our calculations, received a salary and benefits package worth \$32,000 for each advocate.⁴⁵

⁴³ Information from Sharon Lewandowski, Domestic Abuse Office, Wisconsin Department of Health and Family Services. November 2006.

⁴⁴ "Annual Report, 2005." *Domestic Abuse Intervention Services*.
<http://www.abuseintervention.org/06%20Annual%20Report.pdf>.

⁴⁵ Class of 2000 Graduate Follow-Up Survey: Employment and Salary Information.
www.uwgb.edu/careers/2000_Survey_MajorReport.doc

Applying simple arithmetic to these numbers ($32,000 * 2.2 / 519 = \$135$) provided us with an estimate of the cost of providing services to a single victim.

Data from DAGP confirm this estimate. In 2005, 15,000 individuals received legal services from DAGP grant recipients.⁴⁶ Of the \$8.4 million appropriated to DAGP in 2005, roughly \$620,000 was spent on legal advocacy.⁴⁷ As DAGP funds, on average, make up one-third of provider budgets,⁴⁸ we estimate that DAGP recipients spend a total of \$1.9 million on legal advocacy. Therefore, a simple calculation reveals that $\$1.9 \text{ million} / 15,000 \text{ victims served} = \125 per victim .

We use the \$135 per victim estimate instead of \$125 because we have direct knowledge of the type and quality of legal services DAIS provides—services we hope to expand considerably with our proposal. Because DAGP awards grants to over 70 organizations (many with which we are not familiar), and because the nature of the DAGP data forced us to make some assumptions in our calculations,⁴⁹ we are less confident in the \$125 figure. However, falling just within \$10 of the DAIS estimate, the DAGP estimate provides comfort that our calculation of the cost of providing legal services to a single domestic violence victim is reasonably accurate.

⁴⁶ Lewandowski, Sharon. "Report." E-mail to Kevin Murphy. 20 Nov 2006.

⁴⁷ "Domestic Abuse Funding 2006." Wisconsin Department of Health and Family Services – Domestic Abuse Office. Provided by Sharon Lewandowski, November 2006.

⁴⁸ "Domestic Abuse Funding 2006." Wisconsin Department of Health and Family Services – Domestic Abuse Office. Provided by Sharon Lewandowski, November 2006.

⁴⁹ For example, though we know a percentage of "basic services" grants are used for legal advocacy, we were unable to locate any data on that percentage. Therefore, since legal advocacy is one of ten areas in which "basic services" grants can be spent, we estimated that roughly 10 percent of basic services funds are used for legal advocacy. After lengthy research into the inner-workings of domestic violence service providers, our group was comfortable with this estimate.

Additional Basic Services Funding

Second, we estimated that \$508,248 should be made available under the basic services grant program. To arrive at this estimation, we calculated the cost of providing basic services to one person and then multiplied this by the number of clients we project to serve. Forty thousand people received domestic abuse basic services in 2005 from DHFS-funded programs at a cost of \$4,301,405.⁵⁰ Also, because the funding from DHFS accounts for, on average, one-third of a service provider's budget, we multiplied the total amount DHFS allocated for basic services by three ($\$4,301,405 * 3$). This resulted in \$12,904,215, which was then divided by the total number of people who received basic services (40,000) to obtain the cost of providing basic services to one client—\$323. To calculate the additional funds that service providers would need to provide basic services to these victims, the cost per victim was multiplied by the number of people served by the proposed program ($\$323 * 1,629$ victims). The total funding amount needed to provide additional basic services to victims in the Domestic Abuse Grant Program would therefore be \$508,248 in 2005 dollars.

Additional Training and Technical Assistance Funding

Under the Domestic Abuse Grant Program, additional training would be required for the new advocates and attorneys who volunteered pro bono legal services. The Wisconsin Coalition Against Domestic Violence would most likely provide the training sessions, which cost approximately \$5,000 per session.⁵¹ We projected that five training sessions would be held each month throughout the year, totaling 60 training sessions per year (5 sessions per month * 12

⁵⁰ "2006 Grants." Wisconsin Department of Health and Family Services – Domestic Abuse Office. Provided by Sharon Lewandowski, November 2006.

⁵¹ Meeting conducted with Tess Mauer, Staff Attorney – Wisconsin Coalition Against Domestic Violence, 18 Oct 2006.

months in a year). This means that in 2005 dollars, the funding for training and technical assistance would have to increase by \$290,337 to account for the additional training sessions needed.

Overall, the total costs of the Domestic Abuse Grant Program would be \$1,073,183, which includes the additional hire for the Department of Health and Family Services, the support services funding, the basic services funding, and the training and technical assistance funding. After rounding, we project that the current DAGP would have to increase its budget by \$1.1 million to increase effectively access to domestic violence services for low-income Wisconsinites.

Table I-1: Proposed Domestic Abuse Grant Program costs

Cost	Grant Program Area	Amount Needed
Additional DHFS Employee (salary and benefits)	n/a	\$54,680
Support Services Funding Grants	Support Services	\$219,915
Basic Services Funding Grants	Basic Services	\$508,248
Training and Technical Assistance Funding Grants	Training and Technical Assistance	\$290,337
Total amount needed for the Domestic Abuse Grant Program		\$1,073,180

Appendix J: Detailed Explanation of Lost Partner Wages

To calculate lost intimate partner wages when a household dissolves due to the granting of a restraining order, the following method was used. An assumption was made that a restraining order would inevitably lead to the dissolution of a household. However, although 1,205 new restraining orders are expected, 24.6 percent of women were excluded from these calculations, as they were not cohabitating with their abuser at the time of abuse.⁵²

The remaining 909 women were divided into income categories because women at differing income levels are unequally likely to be victims of domestic violence. Categories appear below, and are taken from a 1995 Bureau of Justice Statistics report.⁵³ An assumption was made that over time, although dollar values change, the overall percentage of women in each income category remains fairly stable. Therefore, the original 1995 dollars were inflated to 2005 dollars before percentages were calculated, but the ratios were retained. The upper income bound of this table in 2005 dollars is \$38,443 because this value closely matches the new program limit of 200 percent of the 2005 poverty line, with an assumed family size of four, on average.

Table J-1: Percentage of low-income domestic violence cases by family income: 1995 and 2005

Family Income, 1995 Dollars	Family Income, 2005 Dollars	Percentage of Low-Income Domestic Violence cases
9,999 or less	12,813 or below	37
10,000-14,999	12,814-19,221	25
15,000-19,999	19,222-25,629	20
20,000-29,000	25,630-38,443	18

Literature shows that 27 percent of abused women are denied any access to income by their abuser.⁵⁴ This means that if the female works, her wages are controlled by the abuser, and if

⁵² Wisconsin Department of Justice. These women were considered to be in a dating relationship, as opposed to cohabitating.

⁵³ Bureau of Justice Statistics Special Report. National Crime Victimization Survey. Violence Against Women: Estimates from the Redesigned Survey. August 1995, NCJ-154348

⁵⁴ <http://www.cjtoday.com/pdf/7cjt0211.pdf>

she depends solely on his income, she has no access or discretion in spending. Therefore, in 27 percent of our new cases, when the household dissolves, the woman's income will fall to zero. As family income from this report appears in ranges, the mean income value for each category was used as an estimate of lost income.

The percentages from the table above were used to calculate income loss first for this 27 percent, and then for the remaining 73 percent of women, who presumably had fair access to family income.

$$\begin{array}{r}
 \textbf{Income Category 1} \\
 909 * .37 = 336.33 \\
 336.33 * .27 = 90.81 \\
 90.81 * \$6,046.50 = \textbf{\$549,082.66}
 \end{array}$$

$$\begin{array}{r}
 \textbf{Income Category 2} \\
 909 * .25 = 227.25 \\
 227.25 * .27 = 61.36 \\
 61.36 * \$16,017.50 = \textbf{\$982,793.75}
 \end{array}$$

$$\begin{array}{r}
 \textbf{Income Category 3} \\
 909 * .20 = 181.80 \\
 181.80 * .27 = 49.09 \\
 49.09 * \$22,425.50 = \textbf{\$1,100,867.80}
 \end{array}$$

$$\begin{array}{r}
 \textbf{Income Category 4} \\
 909 * .18 = 163.62 \\
 163.62 * .27 = 44.18 \\
 44.18 * \$32,036.50 = \textbf{\$1,415,372.57}
 \end{array}$$

$$\textbf{\$549,082.66 + \$982,793.75 + \$1,100,867.80 + \$1,415,372.57 = \$4,048,116.78}$$

To estimate lost partner income for the 73 percent of women who did have access to household earnings, an assumption was made that the victim provided half of family income. Therefore, when household dissolution occurs, the victim's income will fall by half. Half the mean income value in each income category was used as the estimate for income loss in this group of women.

Income Category 1

$$\begin{aligned} 909 & * .37 = 336.33 \\ 336.33 & * .73 = 245.52 \\ 245.52 & * \$6,046.50/2 = \mathbf{\$742,268.34} \end{aligned}$$

Income Category 2

$$\begin{aligned} 909 & * .25 = 227.25 \\ 227.25 & * .73 = 165.89 \\ 165.89 & * \$16,017.50/2 = \mathbf{\$1,328,571.54} \end{aligned}$$

Income Category 3

$$\begin{aligned} 909 & * .20 = 181.80 \\ 181.80 & * .73 = 132.71 \\ 132.71 & * \$22,425.50/2 = \mathbf{\$1,488,044.05} \end{aligned}$$

Income Category 4

$$\begin{aligned} 909 & * .18 = 163.62 \\ 163.62 & * .73 = 119.44 \\ 119.44 & * \$32,036.50/2 = \mathbf{\$1,913,219.78} \end{aligned}$$

$$\mathbf{\$742,268.34 + \$1,328,571.54 + \$1,488,044.05 + \$1,913,219.78 = \$5,472,103.71}$$

$$\mathbf{\$4,048,116.78 + \$5,472,103.71 = \$9,520,220.49}$$

When added together, the lost partner income for women who had no access to income and those who had access to income totaled approximately \$9.5 million dollars per year.

Appendix K: The Effectiveness of Restraining Orders

While increasing access to restraining orders for low-income women begins to address the problem of domestic violence, it does not deal with the significant problem of restraining order effectiveness. Research suggests that restraining orders are between 40 and 80 percent effective in deterring future incidents of abuse in the year after obtaining the order.⁵⁵ Violations range from relatively minor incidents such as unwanted phone calls or visits, to more severe attacks of physical or sexual abuse. While our program does not address the effectiveness problem directly, we see serious implications for ours or any program dedicated to reducing domestic violence without further consideration of restraining order effectiveness.

Restraining order effectiveness depends on numerous factors: (1) whether or not the victim drops the order, (2) if the victim reports violations to the police, and (3) if violations are met with consequences. Of course, obtaining an order, reporting violations to the police, and punishing the offender does not result in 100 percent effectiveness, as the order has to be violated for the victim to report it. When the first violation is a minor one, however, a quick response by the victim and police may deter future acts of serious violence. Thus, although our program does not speak to the maintenance of restraining orders, we hope that implementing further training for those involved in domestic violence cases would make strict enforcement of restraining orders violations a priority of the justice system.

⁵⁵ The 60 percent estimate comes from Tjaden and Thoennes (2005), p. 54., Buzawa and Buzawa (1996), p. 240. The 80 percent figure comes from Holt, V. et al. (2003) "Do Protection Orders Affect the Likelihood of Future Partner Violence and Injury?" *American Journal of Preventive Medicine*. 24(1): 16-21.

Appendix L: Detailed Explanation of Avoided Costs

Victims' Avoided Costs

Many of the benefits afforded victims of domestic violence who have obtained restraining orders come in the form of avoided costs. For example, we estimated the medical costs avoided due to the effectiveness of restraining orders in preventing future acts of domestic violence. A Department of Justice study using National Crime Victimization Survey data in 1996 estimated medical care service use and unit costs for nonfatal intimate partner violence.⁵⁶ This report determined the medical cost per physical assault or rape based on the number of violent incidents that required hospital, physician, dental, ambulance, or physical therapy care. By updating these data, we find that the average nonfatal assault in 2005 cost each victim \$2,119.54 in medical care, while the average rape in 2005 cost victims \$721.29 in medical care.

In an attempt to quantify the mental cost of enduring domestic abuse, we examined the value of mental healthcare consumed by victims of domestic violence. The National Violence Against Women Survey⁵⁷ found that approximately one-third of intimate partner rapes and more than one-quarter of intimate partner assaults result in the victims speaking with a psychologist, psychiatrist, or other mental health professional. We consider the costs associated with these treatments, which the Miller and colleagues calculated, to be adequate measures of the psychological damage incurred by victims of domestic violence. Each physical assault in 2005 cost victims \$140.18 in mental healthcare, and each rape in 2005 cost approximately \$3,171.53.

⁵⁶ Miller, T.R., Cohen, M.A., & Wiersema, B. (1996). *Victim costs and consequences: A new look*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice.

⁵⁷ National Institute of Justice (1998). *Prevalence, Incidence, and Consequences of Violence Against Women: Findings From the National Violence Against Women Survey*. Washington, DC. Centers for Disease Control and Prevention.

In addition to avoided medical and mental healthcare costs, we expect that increased access to restraining orders will enhance domestic abuse victims' overall quality of life. In 2002, Clark, Biddle and Martin conducted a cost-benefit analysis of the Violence Against Women Act of 1994, in which they address the effects of domestic violence on victims' livelihood by estimating values of pain, suffering, fear, and lost quality of life due to nonfatal injuries.⁵⁸ In their calculations, they borrow from Miller et al.'s 1996 study that looked at out-of-pocket costs of crime, victim characteristics, injury severity, and jury awards in order to determine the average jury award for the typical crime. We updated Clark, Biddle and Martin's findings to 2005 dollars in order to obtain the value of increased quality of life that we expect petitioners will experience if their restraining orders prevent at least one incident of assault (\$26,103.10) or rape (\$110,092.89).

To estimate the cost of property damage or loss to a domestic violence victim with each assault, this analysis makes use of previous Department of Justice estimates. These estimates, when inflated from their original 1994 dollars to 2005 dollars, show that in 2005 dollars, a victim suffers \$51.39 in loss for each assault, and \$131.78 of loss for each rape.⁵⁹

Domestic abuse often causes victims to lose time from activities because of medical and mental healthcare issues previously discussed, and research shows that they may also be at greater risk for other chronic health or stress problems that can interfere with daily life. In 2003 the Centers for Disease Control and Prevention described these productivity losses by finding the mean number of days of paid work and household chores lost due to physical assault and rape. For our purposes, we multiplied these numbers of productive days lost by the daily earnings

⁵⁸ Clark, K.A., Biddle, A.K., & Sandra L Martin (2002). A cost-benefit analysis of the Violence Against Women Act of 1994. *Violence Against Women*. 8(4): 417-429.

⁵⁹ Miller, T., Cohen, M., and Wiersema, B. Victim Costs and Consequences: A New Look. U.S. Department of Justice, Office of Justice Programs. National Institute of Justice Research Report. January 1996. Retrieved online from <http://www.ncjrs.gov/pdffiles/victcost.pdf>.

received under Wisconsin's minimum wage (\$6.50/hour). Our estimated productivity losses per assault and rape are described below.

Productivity loss per incident = [(# of paid work days lost)(8 hours per day)(minimum wage)] + [(# of household chores days lost)(8 hours per day)(minimum wage)]

Productivity loss per assault = [(7.2)(8)(6.5)] + [(8.4)(8)(6.5)] = \$811.20

Productivity loss per rape = [(8.1)(8)(6.5)] + [(13.5)(8)(6.5)] = \$1,123.20

Appendix M: Omitted Costs and Avoided Costs

In estimating net benefits of our program, certain costs and avoided costs associated with restraining orders were not quantified. Specifically, we did not evaluate additional costs and potential avoided costs associated with the court system, police services, domestic violence homicides or any effects related to children. The discussions below explain the reasons for omitting these categories.

Court Costs

The expansion to the Domestic Abuse Grant Program would provide services to 1,629 clients who would be unable to access legal services in the current restraining order process. As this does not necessarily increase the number of victims seeking restraining orders, the court costs would remain the same. If additional victims apply for restraining orders as a result of hearing about the expanded program, then the court system will incur additional costs to process this increase in cases. However, the expansion to the Domestic Abuse Grant Program neither projects any increases in the number of victims seeking restraining orders nor no additional costs to the court system.

Police Costs and Avoided Costs

Police costs include the increased costs of enforcing additional restraining orders. Enforcing restraining orders incurs police costs as police time is used to respond to 9-1-1 calls, and make arrests if necessary, each time a restraining order is violated. By increasing the number of restraining orders granted, however, we expect the number of abuse incidents to decline. Thus, police would have to respond to fewer domestic violence calls. Because the process of responding to domestic violence abuse calls is essentially the same as responding to

restraining order violations (i.e. response and potential arrest), the net effect on police resources would be zero; police resources would be shifted from responding to abuse calls to responding to restraining order violation calls. It should be noted that domestic violence homicide does cost more in police costs than a restraining order violation or domestic violence abuse call. As our analysis does not estimate the costs or avoided costs of domestic violence homicide, however, these are not considered as part of the police costs.

Domestic Violence Homicide Costs and Avoided Costs

To estimate the avoided cost of domestic homicide requires information on the number of women who avoided death by homicide because they obtained a restraining order. It is impossible to know, however, if a woman would have been killed by her abuser if she had not received a restraining order. While we expect and hope that the DAGP expansion would prevent homicides as well as abuse, we cannot predict what percentage of women might have been killed by staying in their abusive relationships. We cannot, therefore, estimate the avoided costs of homicide attributed to our program

Furthermore, because of the complexity of domestic violence situations, leaving an abusive relationship is not always the safest option. As a result, increasing the number of restraining orders may actually increase the number of domestic violence homicides. Evidence suggests that a woman's likelihood of being killed by her abuser increases by 57 percent when she leaves her abusive relationship.⁶⁰ By increasing the number of restraining orders, therefore, we may incur costs due to domestic violence homicide. In examining the prevalence of domestic violence homicide, however, we found that our program would have to increase the number of restraining orders by about 5,000 to increase the number of domestic violence homicides by one;

⁶⁰ Meeting conducted with Tess Meuer, Staff Attorney – Wisconsin Coalition Against Domestic Violence, 18 Oct 2006.

this is approximately three times the increase we estimate. We arrived at the 5,000 figure by looking at the number of women killed by their abusers with and without restraining orders in Wisconsin in 2004 (1 and 15, respectively), the number of reported intimate partner violence incidents with female victims (18,238), and our estimated number of restraining orders granted as a percent of reported domestic violence incidents ($4651 \div 18238 = .25$).⁶¹ Using these numbers, we applied Bayes' Theorem to estimate the probability of being killed if one gets a restraining order to be approximately 0.0002 percent.

$$\begin{aligned}
 P(\text{homicide}|\text{restraining order}) &= \frac{P(\text{restraining order}|\text{homicide}) * P(\text{homicide})}{P(\text{restraining order})} \\
 &= \frac{(1/16) * (15/18,238)}{0.25} \\
 &= 0.0002
 \end{aligned}$$

A program that increases the number of restraining orders significantly, therefore, should consider domestic violence homicide as a potential, and considerable, cost.

Avoided Costs of Children

We anticipate that children whose mothers obtain restraining orders from their abusers will experience benefits that may be important to our analysis. However, several major concerns prevent us from examining this issue further. First, while the number of additional clients that would be served by our program is uncertain, there is even more doubt surrounding how many children would be affected by this change in policy. Children's age is also an important factor in calculating benefits - presumably, younger children have more to gain from the protection a restraining order can provide than older children who are not as vulnerable and who may be preparing to move out on their own. Estimating not only the number of children but also the age

⁶¹ Seventeen other people were killed in domestic violence incidents including perpetrators, family members, and bystanders. 2004 Wisconsin Domestic Violence Homicide Report, WCADV (2006). http://www.wcadv.org/?go=about/news_pressrelease&id=17

and relative dependence of these children would take the focus off of other more important, and more easily calculated, benefit categories. Finally, we assume that much of the childrens' benefits may already be incorporated in the mother's benefit, or vice versa. To the extent that avoided costs may overlap between parents and children, we are wary of calculating separate costs for other family members.

Appendix N: Explanation of Parameter Ranges in Sensitivity Analysis

The discrepancies among studies of domestic violence made many of our parameters quite uncertain. Our sensitivity analysis takes into account the differences in research studies and also reflects the uncertainty of some of our own estimates. This section explains how we arrived at the upper- and lower-bounds of our parameters for our sensitivity analysis.

First, we are fairly certain of our base case assumption regarding the percent of victimizations that are sexual and physical assaults. One study on the type of assault reported by victims on restraining order forms, however, reports a lower percent of sexual assaults (4 percent).⁶² Because victim reports on the type of assault they endure are inherently uncertain as they require the divulgence of extremely personal information, we allowed this to vary from 4 to 15 percent for sexual assault. As domestic violence restraining orders are only granted when an assault occurs, the remaining types of victimization must be physical assault, giving us the range of 85 to 96 percent for physical assault.

Our second uncertainty reflects the inconsistency in research about the effectiveness of restraining orders. The lowest effectiveness measure found indicated that only 40 percent of restraining orders were successful in deterring future attacks in the 12 months following its issuance.⁶³ A study from 2003, however, reported that restraining orders were 80 percent effective; this was the highest level of effectiveness found in the research.⁶⁴ We used these values as the range for the effectiveness parameter in our sensitivity analysis.

⁶² Buzawa, E. and Buzawa, C. ed. (1996) *Do Arrests and Restraining Orders Work?* Thousand Oaks, CA: Sage Publications, Inc.

⁶³ Tjaden and Thoennes (2005), p. 54., Buzawa and Buzawa (1996), p. 240.

⁶⁴ Holt, V., Kernic, M., Wold, M., Rivara, F. (2003) "Do Protection Orders Affect the Likelihood of Future Partner Violence and Injury?" *American Journal of Preventive Medicine*. 24(1): 16-21.

Next, we allowed the percentage of restraining orders granted to vary. While we have reports from Domestic Abuse Intervention Services about the advantages of having legal services when applying for restraining orders, we found no statewide or national studies that discussed the effect of legal services on the granting of restraining orders. Thus, we could not be certain that our base case assumption of a 74 percent grant rate with legal services was correct. To account for our uncertainty, we used our estimated percent granted with no legal services, 56 percent, as our lower-bound and our base case estimate as our upper-bound.⁶⁵

Finally, we were unsure of how many women our program would serve. While we expect to serve all low-income women in need of services, we were unsure how many of the women without legal services are, in fact, low-income. Our base case uses data from the Bureau of Justices Statistics that report that low-income women make up a disproportionate number of domestic violence victims, specifically 84.4 percent. To reflect the fact that this may overestimate the number of domestic violence victims who are low-income, we set a lower-bound value of 521. This value represents 27 percent of our potential clientele, as 27 percent of all Wisconsinites are considered low-income under our specified program criteria.⁶⁶ The increase in percent granted is the product of the percent granted and number of women served parameters. The lowest-bound, 292, results from the smallest number of women served times the lowest successfully granted rate ($292 = .56 * 521$), while the high value, 1,205, uses the highest estimated value for percent granted times the greatest estimated number of women served ($1,205 = .74 * 1,629$).

With respect to our household dissolution costs, because they depend on the number of people served, they vary as the number of people served varies. We found the lower bound by

⁶⁵ For a detailed explanation of how we arrived at the 56 and 74 percent grant rates, please see Appendix C.

⁶⁶ “Fact Sheet: Poverty and Health in Wisconsin.” (No date) *Department of Health and Family Services*. Retrieved from <http://dhfs.wisconsin.gov/stats/pdf/fhs-PovertyHealthfactsheet.pdf>.

the same method of calculation as described in Appendix J, except we begin the calculations with 292 (the smallest increase in the number of restraining orders we expect by implementing the DAGP expansion).