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Public Safety Institute

April, 2026

# Take A Closer Look

## Gaps in Access to Justice: Examining How Victims Navigate Protective Order Systems

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## INTRODUCTION

Domestic violence remains a widespread issue across the United States, affecting an estimated 10 million people each year. National data shows that about 1 in 4 women and 1 in 9 men will experience domestic violence (DV) in their lifetimes (Huecker et al., 2023). Tennessee continues to report some of the highest rates of domestic violence in the country, and Memphis, one of its largest cities, consistently accounts for a significant amount of these cases. Although thousands of DV incidents were reported across Memphis and Shelby County in 2024, only a portion of those cases moved forward in the justice system. That year, the Shelby County District Attorney's Office handled over 4,100 domestic violence cases, including eight homicides; (Shelby County District Attorney's Office, 2024). The persistent volume of DV cases shows the urgent need for accessible legal protections for victims.

One of the primary tools available to support victims is an Order of Protection (OP). OPs are legal orders from a court judge in which an individual is ordered to not contact, be around, or be in communication with a person or persons, particularly in cases of domestic violence, stalking, and harassment. These orders are usually issued first as temporary (*ex parte*) orders, which are granted on an emergency basis to provide immediate protection and remain in effect for a short period of time until a full court hearing can be held. Following this hearing, an extended order may be issued, typically lasting one year, and in some cases several years depending on the court's findings. Extended orders tend to add more restrictions, like cutting off contact entirely or requiring physical separation to help keep victims safe (Logan & Walker, 2010). (McFarlane et al. (2004) and Hawkins (2010) found that women who successfully obtained a protection order experienced an 80% decrease in physical abuse within the following year. Knowing this shows just how important, sometimes even lifesaving, it is to act immediately and have a swift process. However, research on OP's reveals several important considerations for them to be effective or "best practices" in domestic violence response. The next section breaks down each of these considerations.

## ORDER OF PROTECTION CONSIDERATIONS

A number of factors can affect the ability to get an OP, including speed, timeline and duration of OP, access to legal representation, accessibility, and demographics of victims. Additional factors related to OP's include enforcement and accountability, police responses and training, and victim courtroom safety.

## *Speed*

The speed at which an OP is granted can have a direct impact on victim safety. In most jurisdictions, the process is designed to move quickly so victims can receive a temporary order the same day they file a petition. This fast response is meant to provide immediate protection until a full hearing can be scheduled.

However, the process of obtaining one is not always simple or done in a timely manner. Many victims face long waiting periods, lack legal support, and are often left unprotected during the period between filing and the order being granted. Delays often occur due to backlogged court dockets, paperwork errors, and inconsistent procedures, all of which can slow down the issuance of a protective order and leave victims vulnerable. These delays can place victims at an even greater risk and can reduce the overall effectiveness of the protections OPs are intended to provide.

## *Timelines and Duration*

The duration of these orders also plays a vital role in a victim's safety. Temporary orders, which often expire within days or weeks, can leave victims unprotected if the full hearing is delayed, requiring them to return to court and relive their trauma. For many victims, the repeated process of filing, appearing in court, and confronting their abusers can be emotionally exhausting and retraumatizing. Research suggests that longer orders and an easier renewal process can create more stability and reduce the burden placed on victims (Shah, 2022). Longer protection periods also give victims the time and emotional space to recover, secure housing and/or employment, and begin rebuilding their lives without the constant fear of the order expiring and experiencing retaliation from their abusers.

## *Legal Representation and Fairness*

In most places, victims are expected to represent themselves unless they can afford and hire a lawyer. Sadly, a lot of victims cannot afford to hire a lawyer, which creates an unfair advantage; without proper representation, victims may not know what to include in their order or how to respond to the other side's claims. One study found that only about 29% of victims receive any form of legal help for issues that significantly affect their safety or wellbeing (Legal Services Corporation, 2022). Partnerships with legal aid programs, prosecutors, and pro bono attorneys could give victims access to the same level of support legally guaranteed to offenders. Indeed, some states have started to fund court-appointed lawyers for victims, especially in complicated cases that involve child custody (Texas Civil Legal Aid, 2014). Having legal representation helps ensure that, among other forms of victim support, OPs are clear, enforceable, and reflect exactly what the victims need for their safety.

## *Accessibility*

Some victims face additional barriers to help-seeking, such as speaking a different language, being deaf or hard-of-hearing, or having physical or mental disabilities, that can further increase trauma post-victimization. To help alleviate some of the stress with these factors, courts should provide interpreters, translated documents, and be in full compliance with accessibility standards so no one feels left behind or left out (National Council of Juvenile and Family Court Judges, 2012). In the same manner, victims living in rural areas face greater challenges in obtaining or enforcing protection orders compared to those in urban communities; this is due to transportation issues and limited access to advocacy services (Hawkins, 2024). Offering virtual hearings or partnering with local agencies can help close that gap. When the process is easier to access, it sends a clear message that every victim, no matter how close or how far or what challenges they face, deserves equal protection.

## *Demographics and Disparities in Access*

Similarly, demographics influence who is granted protection and how they experience the process. Race, gender, income, relationship status, and even whether children are involved can affect the outcome (Russel et al., 2025; Teufel et al., 2021; Winstead & Stevenson, 2022). Existing literature highlights that survivors from racial and ethnic minority groups often face additional challenges to obtaining orders of protection, partly because of systemic bias but also because of limited access to legal and advocacy resources (Shah et al., 2023). A recent study examined the race of both the victim and perpetrator and found that racial dynamics can significantly influence whether an order is granted, suggesting that race may play a role not only in how cases are perceived but also in how the decisions are made by the courts (Winstead & Stevenson, 2022). Additionally, research on advocacy access found that minority victims, specifically those who identify as African American or Hispanic, are less likely to receive support services that can help them through the legal process (Brignone & Gomez, 2022).

Another factor that can complicate how victims experience the process is their relationship status and family dynamic. Those who are married to or share children with their abusers often face additional legal and emotional challenges involving custody, visitation, and financial dependency. Previous research identifies that these complications can also affect how efficiently courts handle such cases. Chippetta (2019) found that in Fresno County, California, offering self-help services for family and domestic violence cases helped make the court process more efficient. Moreover, courts were found to provide stronger protection for children when victims had full legal representation during custody court. With cases like this, court was 85% more likely to deny visitation to the abusive parent and 77% more likely to place restrictions

on that parent's visitation (Chippetta, 2019). These issues can cause hearings to take longer or make the order less effective, especially when family and civil court matters are handled at the same time.

Equally important, gender can determine the outcome. Published studies report that female victims are generally more likely to be believed and granted protection orders, while male victims face stigma and skepticism (Taylor et al., 2022). It is important to note that men who experience domestic violence are hesitant to acknowledge their abuse. They often believe that domestic violence services are not meant for them, fear that professionals will not believe them, or they worry about being falsely identified as the perpetrator (Brignone & Gomez, 2022). Research also shows that men often avoid seeking help due to fears of losing custody of their children (Bates, 2019; Brooks et al., 2020) and having feelings of shame, embarrassment, and denial (Tsui et al., 2010). Men who do come forward often minimize what happened to them and struggle to be seen as legitimate victims. Courts and service providers may dismiss or question their claims, leaving them without support or protection (Durfee, 2011; Eckstein, 2009; Miglaccio, 2001). These differences highlight how underlying gender expectations can still affect how the justice system responds to requests for protection.

This paper also looks at how victims' economic status plays a role in them being granted an OP. Victims with lower incomes may struggle to afford legal representation, take time off work, or arrange childcare to attend court hearings. For many, these barriers lead to incomplete filings or missed court appearances that prevent protection from being granted (Legal Services Corporation, 2022). Looking at intersectional research, we can see how class, gender, and race combined shape victims' access across safety and justice, showing that protective orders are not always applied or enforced evenly across different populations (Sokoloff, & Dupont, 2018).

### ***Enforcement and Accountability***

Even when an OP is granted, it only works if it is properly enforced. Logan & Walker, 2009 noted in their study that many offenders violate these orders; they estimate that about half of protective orders experience some type of violation. However, the way violations are handled can look different depending on the locale. Some police departments respond immediately and make an arrest when an order gets violated while others rely on officer discretion or may not even treat the violation as urgent (Hirschel & Buzawa, 2002). Inconsistent enforcement makes the victim feel less confident in the system and more afraid that the perpetrator will not be held accountable, facing consequences. Additionally, not having consistent enforcement gives the abuser the courage to continue to engage in harmful behavior because the order is not taken seriously by the system.

Accountability across the board is just as important to keep victims safe. When police, prosecutors, and the courts work together, violations are more likely to be addressed quickly and consistently. Immediate responses, strong documentation, and clear communication among these agencies help show victims that their safety matters and is the top priority. Some courts use risk assessment tools to identify high-risk offenders who may need closer monitoring, which can help prevent future violence (Campbell et al., 2009). When there is a lack of strong, reliable enforcement, even when an OP is granted, it cannot fully protect a victim. Having a system that holds offenders accountable makes the order more meaningful and reinforces the fact that its purpose is to ensure safety and protection to domestic violence victims.

### *Police Response and Training*

Typically, police officers are the first people on a domestic violence scene, making them the first people victim's encounter. Because of this, police officers' response is a critical part of the protection process. The way officers handle domestic violence situations can determine if a victim feels safe enough to go through with the Order of Protection process. When officers respond to the situation in an empathetic, compassionate, trauma-informed manner, victims are more likely to share key details and follow through with filing. However, misunderstandings about trauma, rushed investigations, or minimizing victims' concerns can discourage them from seeking further help (Campbell, 2002). Domestic violence cases require an understanding of how abuse works, how fear affects behavior, and what steps are needed to collect evidence that supports the victim's safety.

Training plays a vital role in improving police response. Training on lethality risks and the ways trauma can influence a victim's memory is often limited in law enforcement. Without this knowledge, officers may miss key signs of danger and misread how victims explain their experiences. Training that includes trauma-informed practices, lethality assessment tools, and evidence-based interviews can assist officers to better support victims (Messing et al., 2014). Officers having the right tools and understanding help them to be better prepared to document cases accurately, make appropriate arrests, and connect victims with services, all of which contribute to a more effective system.

### *Courtroom Safety*

Equally important is the space where victims seek justice, the courtroom. Often, victims are sitting in the same hallway or waiting room as their abusers; this can be terrifying and can discourage victims from going through with their cases. Safety inside the courthouse should be a part of the protection process and not a separate issue. Having the victims and their abusers wait in different areas and having different

entry and exit points allows victims to move through their hearings without the fear of confrontation. In cases where separate spaces are not possible because of limited resources, virtual hearings can be an effective alternative (National Council of Juvenile and Family Court Judges, 2012). Implementing these minor changes makes a substantial difference by showing victims that their safety matters and that the justice system is empathetic to what they are going through. Table 1 breaks down how each arm of the system contributes to the OP process.

**Table 1: How Agencies Work Together in the Orders of Protection Process**

<b>Agency</b>	<b>Role in the OP Process</b>
<b>Police</b>	Respond to DV incidents, document reports and evidence, make arrests when appropriate, enforce OP violations, and refer victims to supportive services.
<b>Courts</b>	Review petitions, issue ex-parte orders, schedule and conduct hearings, and decide whether to grant or deny final Orders of Protection.
<b>Victim Advocates</b>	Assist victims with paperwork, provide emotional support, offer safety planning, accompany victims to court, and connect them with community resources.
<b>Prosecutors</b>	Handle criminal domestic violence cases, communicate victims’ needs and safety concerns to the court, and coordinate case responses with police and advocacy agencies, and in some jurisdictions assist victims during the filing process to help reduce confusion and stress.

Depending on the area, victims do not have any support when they arrive at court. Many of them walk into the process unsure of what to expect or how to complete the required forms. Some even leave without having the full understanding of what their orders include or how to make sure they are enforced. Having someone there to help, like a victim-witness coordinator or a prosecutor, can make the entire process for the victim less stressful and confusing (Texas Civil Legal Aid, 2014). These advocates guide the victims through paperwork, explain each step of the process, and connect them with counseling, shelter, and any other support they may need. Office of Justice Programs, 2017 recognized that victims who receive this kind of help are more likely to

stay engaged in the process and feel safer overall. Having collaboration between courts, law enforcement, and victim advocates not only allows victims to not get lost in the system but also makes sure their needs remain a top priority in the case.

## **PATERNS OF OP APPLICATIONS AND AWARDS: DATA TRACKING AND EVALUATION**

Unfortunately, there is no single, consistent system for tracking OP applications and outcomes at the national level, and many courts do not routinely collect or report this information in a standardized way. As a result, courts tend to lack clear data on outcomes, trends, or victim experiences which limit their ability to understand how the system is functioning. Without reliable data, it becomes difficult to identify which groups are most likely to face barriers, which types of cases take the longest to resolve, or how often orders are enforced once granted. Being able to regularly review information, such as the numbers of orders granted or denied, hearing attendance, repeat filings, demographics, and follow-up outcomes can provide a clearer picture of where the process is succeeding and falling short. Also, tracking victim satisfaction or being given the chance to provide feedback helps the court understand how victims feel about the process, including whether they felt safe, heard, or supported. Courts using this type of information can help guide them on decision-making, be able to spot and close any gaps, recognize patterns early on, and adjust and modify procedures in ways that make the system more effective.

Locally, there is some current information, albeit limited. Table 2 provides numbers of OPs granted in Shelby County using data from the Shelby County Crime Victims and Rape Crisis Center (CVRCC). However, OPs that were obtained without going through the CVRCC are not covered by this data (e.g., those applied/granted from the Women’s Advocacy Center, Casa Luz, Love Doesn’t Hurt, etc.).

**Table 2: Total Orders of Protection Granted and Denied (2023-2025)**

<b>Year</b>	<b>Granted</b>	<b>Denied</b>
<b>2023</b>	975	253
<b>2024</b>	1,101	184
<b>2025 (Jan.-Oct.)</b>	1,836	381

**Data source:** The Crime Victims and Rape Crisis Center (CVRCC)

According to the data provided by the CVRCC, in 2023, the courts granted 975 orders and denied 253. In 2024, 1,101 orders were granted and 184 were denied; showing that most survivors who file for an OP can meet the requirements. The most noticeable

change appears in 2025. Between the months of January and October, the courts granted 1,836 orders and denied 381. This rise reflects a combination of factors, including more survivors coming forward, increased referrals from agencies, or improvements in the court process that make filing easier.

At the same time, the higher numbers of denials suggest that a wider range of individuals are seeking help, which has the potential to create new challenges for the court system and survivors. When more people file for OPs, the courts face a heavier workload. This can lead to longer wait times, rushed hearings, and less time for judges to review each case. For survivors, a denial can mean they leave the court without protection, therefore increasing their chances of their safety being at risk or discouraging them from returning for help. In many cases, OP requests may be denied because the survivor did not provide enough detail about the incident, the evidence was unclear or incomplete, or the petitioner failed to attend the protective order hearing (Eittreim Martin Cutler, 2024). Additionally, survivors may struggle with understanding what evidence is needed, how to prepare for the hearing, or why their petition was denied. This shows why a victim-witness coordinator is crucial for the process, as many people are unfamiliar with the steps that are needed.

Since early 2025, Memphis has started focusing on people who repeatedly commit domestic violence. Through this new initiative, the Domestic Violence Prolific Offender Initiative, Memphis Police Department (MPD) has identified more than 60 repeat offenders with 18 of them being in custody, including three of the top five most prolific offenders (Memphis Police Department, 2025). The goal of this is to step in earlier and reduce the chances of them abusing someone again. Thus far, the approach is making a difference with aggravated assault and domestic violence cases having dropped by a little over 10% this year (Memphis Police Department, 2025).

As mentioned earlier, those who live in a rural or suburban area face even more difficulties trying to get an OP filed. This is especially true for individuals in the suburban municipalities surrounding Memphis, such as Collierville or Germantown. These areas do not have their own dedicated locations where residents can file for an OP, meaning victims are often required to travel to downtown Memphis to complete the process. For many people, this distance is a major barrier, especially for those who do not feel comfortable driving downtown, have limited transportation, or face safety concerns about traveling far from home. The added time needed for travel, parking, and navigating the justice center can also be difficult for victims who work long hours or have child-care responsibilities. These geographical and situational hurdles can discourage survivors from pursuing legal protection or delaying their ability to file, limiting access to a critical safety resource.

Together, these patterns show that orders of protection play a critical role in Memphis and Shelby County's response to domestic violence, yet access remains uneven across the region. The increasing number of petitions, along with persistent barriers for victims outside the city, underscores the need for more accessible and consistent support.

## **SUMMARY AND NEXT STEPS**

The challenges surrounding OPs show that safety is shaped by much more than simply filing paperwork. A victim's experience depends on how well each part of the system responds, from the time police arrive, to how courts manage the case, to whether support services are available when they are most needed. When any part of this process falls short, the victim feels the impact immediately. The gaps highlighted in this paper show that while OPs are a valuable tool, they cannot fully protect victims unless the system around them is accessible, coordinated, and responsive.

Improving this process requires commitment across agencies. Stronger enforcement, better courtroom practices, and access to legal and advocacy support can help victims feel safer and more confident as they navigate the system. Addressing disparities based on race, gender, income, and geography are also necessary to ensure that every victim has a fair chance of protection. By strengthening these areas, Memphis and Shelby County can continue moving toward a system where protective orders do what they are meant to do, provide safety, stability, and a path forward for the people who need them most.

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