

Testing the Efficacy of Judicial Monitoring

A Randomized Trial at the Rochester, New York
Domestic Violence Courts

BY MELISSA LABRIOLA, AMANDA B. CISSNER,
ROBERT C. DAVIS, AND MICHAEL REMPEL

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Executive Summary

In response to rising concerns with the historically inadequate criminal justice response to domestic violence, a series of criminal justice reforms spread over the past three decades, including mandatory arrest laws; universal case filing policies; evidence-based prosecution, and specialized police and prosecution units (Buzawa and Buzawa 1996; Davis et al. 2008; Guzik, 2009; Rebovich 1996). These law enforcement and prosecutorial reforms precipitated a massive influx of domestic violence cases into criminal courts nationwide. Court administrators, in turn, sought new strategies for handling these cases, especially when the legal merits are insufficient to support a jail sentence. Strategies including intensive probation, batterer programs, judicial training, victim services, and judicial monitoring have all been implemented, but with mixed success (Klein and Crowe 2008; Harrell et al. 2007; Labriola et al. 2009; Peterson 2008).

Among recent strategies, judicial monitoring—frequent ongoing court appearances to verify and motivate offender compliance—is particularly ripe for study. First, such monitoring is now widely implemented, especially in the country’s growing number of specialized “domestic violence courts” (Gavin and Puffett 2005; Davis et al. 2001; Keilitz 2001; Labriola et al. 2009). Second, judicial monitoring has been shown to be effective with other court-involved populations, drug offenders in particular (Gottfredson et al. 2007; Harrell, Cavanagh, and Roman 1998; Marlowe et al. 2003; Rossman et al. 2011). Third, while several studies have touched upon the effects of judicial monitoring with domestic violence offenders (e.g., Harrell et al. 2007; Peterson and Dixon 2005; Rempel et al. 2008), none of these studies employed a strong experimental design; the exact nature and quality of the monitoring in question has varied substantially, and the results have been mixed. Accordingly, the Center for Court Innovation designed the first randomized controlled trial (RCT) of intensive judicial monitoring with domestic violence offenders.

Design for the Research Intervention

Sampling Frame

The RCT focused on offenders whose cases were processed in either of two specialized domestic violence courts based in Rochester, New York between October 2006 and December 2009. Study-eligible offenders had to be either (1) convicted and sentenced to a conditional discharge or probation or (2) disposed with an adjournment in contemplation of dismissal.¹ Eligible offenders also had to be ordered to a program (e.g., batterer program or substance abuse treatment). Following an eligible disposition, court staff randomly assigned offenders to Group 1 (monitoring plus program, N = 77) or Group 2 (program only/no monitoring, N = 70).²

¹ In New York State, an adjournment in contemplation of dismissal (ACD) is an interim disposition that allows for the dismissal of the charges provided that the defendant complies with court-imposed conditions. After June 19, 2008, defendants disposed with an ACD were no longer study eligible.

² The initial sample sizes included 85 Group 1 and 70 Group 2 defendants. However, we could not obtain criminal history and re-arrest data from the New York State Division of Criminal Justice Services for two Group 1 defendants. We excluded six other Group 1 defendants, because they were arrested on a violent felony charge, a charge category that did not apply to any other Group 1 or Group 2 defendant.

Judicial Monitoring Protocols

Detailed judicial monitoring protocols were developed in collaboration with the domestic violence court judge and the domestic violence team at the Center for Court Innovation. The protocols drew from generally recommended practices in monitoring domestic violence and other court-involved populations. Group 1 offenders started out with return-to-court dates for monitoring every two weeks; subsequent dates were scheduled more or less frequently based on compliance with court orders and program requirements. Group 2 offenders were only brought back to court in response to an incident of noncompliance that would result in re-sentencing, such as a re-arrest or program termination.³

The research team also collaborated with the domestic violence court judge to develop a monitoring script and sanction schedule indicating which types of sanctions would be imposed in response to various infractions. During judicial monitoring appearances, the domestic violence court judge reiterated behavioral expectations and consequences of noncompliance; verified offender compliance with court orders and program mandates; applied sanctions and incentives according to the sanction schedule; interacted directly with offenders; and scheduled a return-to-court date, indicating whether the next date represented a continuation or change to the previous frequency of monitoring.

As prescribed by the research design, Group 1 offenders returned to court significantly more frequently than Group 2 offenders (15.45 v. 4.10 appearances). However, it is worth noting that Group 2 offenders returned to court an average of four times—considerably more than the single eight-month follow-up appearance that was planned for compliant Group 2 offenders in the research design.

The majority of Group 1 offenders (79%) had at least one infraction noted in the course of their judicial monitoring appearances; almost a third of these offenders (30%) had a *serious* infraction noted—defined as return from a warrant, program termination, or new arrest. Infractions resulted in a sanction 78% of the time.

Achievements were also common, with 94% of offenders having at least one achievement noted in court, such as complying with the court mandate; scheduling or attending an orientation for a mandated program; completing a program; obtaining a GED, or obtaining employment. Incentives, however, were not consistently administered in response to these achievements. Only one-quarter of achievements resulted in an incentive, typically involving praise from the judge or a reduction in the subsequent frequency of monitoring.

Three different sentencing judges presided during the study. All three responded comparably to incidents of noncompliance and in ways that were consistent with the official model—more than three-quarters of infractions resulted in a sanction from each of the three judges (76%, 79%, 86%). However, one of the judges was significantly less likely than the others to incentivize achievements. Two judges responded to more than a third of achievements with an incentive of

³ Compliant Group 2 defendants were scheduled to return for a single eight month post-randomization court appearance for the purpose of completing a research interview.

some kind; the third judge dispensed an incentive in response to only 4% of achievements. The Group 1 offenders supervised by this third judge averaged less than two weeks between court appearances (13.4 days), whereas the offenders supervised by the other judges averaged almost four weeks (25.1 days) between court appearances. This was a result of the two other judges reducing monitoring frequency for compliant offenders more frequently.

Offender Perceptions

Thirty-nine offenders participated in research interviews at the end of the tracking period. Interview questions covered such topics as: (1) comprehension of court mandate, (2) perceived consequences of noncompliance; (3) perceived severity of response to noncompliance; and (4) procedural justice (i.e., beliefs about the fairness of the court's response).

Results

1. Judicial Monitoring

- **Impact on Offender Behavior:** Assignment to judicial monitoring did not have an impact on re-arrests, program attendance, or program completion. (All results were non-significant.)
- **Impact on Offender Perceptions:** Assignment to judicial monitoring led offenders to be significantly more likely to believe that they understood their obligations, that there would be consequences for noncompliance, and that the consequences would be severe, as compared with offenders who were not assigned to monitoring.

2. Impact of the Judge

Three different judges monitored cases in the study, providing an opportunity to examine the potential effects of different judicial practices. Offenders sentenced by one of the three judges attended significantly fewer program sessions than offenders sentenced by the other two judges. Offenders sentenced by the judge who opted *not* to incentivize achievements through reductions in monitoring frequency attended significantly *more* program sessions, and were also more likely to complete assigned programs than offenders sentenced by the other judges. These results raise the prospect that domestic violence offenders may benefit from more frequent monitoring (e.g., biweekly) and from not receiving praise or other incentives for following court orders. However, in the absence of further rigorous study, such conclusions are tentative.

3. Impact of Offender Perceptions

Results indicate that judicial monitoring may increase perceptions of deterrence and procedural justice. Specifically, higher scores on two of the perception indices—perceptions of the consequences of noncompliance and of procedural justice—were significantly associated with attending more batterer program sessions. That is, offenders who believed that the court was more likely to learn of and respond to noncompliance, and who believed that they were treated more fairly, attended more program sessions. In addition, a higher score on the severity of response index (expecting a more severe response to noncompliance) was significantly associated with attending more substance abuse treatment sessions. Other findings generally trended in the expected directions; higher scores on the deterrence and procedural justice indices

appeared to be associated with more compliant behavior and reduced re-arrest (although none of the relationships with re-arrest outcomes reached statistical significance).

Conclusion

This is the first randomized controlled trial testing the efficacy of judicial monitoring with domestic violence offenders. Despite several important study limitations that will be discussed in the body of the report, the findings do not generally support the positive impact of rigorous judicial monitoring, even though such monitoring has been demonstrated to be effective with other populations. However, this study also detected some evidence suggesting that, under some circumstances, monitoring may produce increased compliance with court mandates. One of the three sentencing judges, the one who ordered more frequent court appearances and who *least often* administered positive incentives in response to interim compliance, appeared to elicit better program attendance and completion outcomes than the other two sentencing judges. In addition, assignment to judicial monitoring generally led to more positive perceptions related to deterrence and procedural justice; and, in turn, such perceptions trended in favor of more positive behavioral outcomes, even if most results were not statistically significant. Such findings suggest that, pending further confirmatory research, it may yet be possible to identify evidence-based practices in the judicial monitoring of domestic violence offenders.

Chapter 1

Introduction

Over the past three decades, the criminal justice system has transformed its historically inadequate response to domestic violence. Major reforms included mandatory arrest laws and case filing policies; no-drop prosecution; specialized police, prosecution, and court units; and increased federal funding for victim services (Buzawa and Buzawa 1996; Davis et al. 2008; Guzik, 2009; Keilitz 2001; Rebovich 1996). These changes spawned a massive influx of domestic violence cases into criminal courts nationwide (e.g., Davis et al. 2008; Ostrom and Kauder 1999), leading these courts to seek effective strategies for intervening with the offenders and reducing future violence.

The search for an effective court response has been spirited but inconclusive (Buzawa and Buzawa 2008; Peterson 2008). In cases deemed legally inappropriate for jail, batterer programs have emerged as the most popular offender intervention among criminal courts nationwide (Scott, King, McGinn, and Hosseini 2011; Austin and Dankwort 1999; Fezell, Mayers, and Deschner 1984; Labriola et al. 2007). Yet, the results of several randomized trials, as well as a Campbell Collaboration meta-analysis conducted by Feder and Wilson (2005), call into question the ability of such programs—as they are typically designed and implemented at this time—to protect victims from future abuse (Maxwell, Davis, and Taylor 2010; Dunford 2000; Feder and Dugan 2002; Labriola, Rempel, and Davis 2008).

Along with ongoing efforts to develop an improved batterer program model (Carter 2009), alternative strategies to reduce offender recidivism include: intensive probation; increased training for judges and prosecutors; enhanced services for victims; and judicial monitoring. Whereas all of these strategies merit investigation, judicial monitoring—involving frequent, ongoing court appearances to verify and motivate offender compliance—would seem particularly ripe for study. First, such monitoring is now widely implemented, especially in the country’s growing number of specialized “domestic violence courts” (Davis et al. 2001; Gavin and Puffett 2005; Keilitz 2001; Labriola et al. 2009). Second, judicial monitoring has been shown to be effective with other court-involved populations, drug offenders in particular (Gottfredson et al. 2007; Harrell, Cavanagh, and Roman 1998; Marlowe et al. 2003; Rossman et al. 2011). Third, in just the past decade, several studies have sought to explore the effects of judicial monitoring with domestic violence offenders (e.g., Harrell et al. 2007; Peterson and Dixon 2005; Rempel et al. 2008). Yet, limiting their ability to provide definitive guidance, none of the preexisting studies with domestic violence populations employs an experimental design; the exact nature and quality of the judicial monitoring models under study has varied substantially, and the results have been mixed, creating a vital moment of uncertainty in a field searching for answers.

Accordingly, we designed the first randomized controlled trial (RCT) of intensive judicial monitoring with domestic violence offenders. The study randomly assigned offenders in Rochester, New York to one of two conditions: (1) judicial monitoring with a program mandate (usually a batterer program and/or substance abuse treatment) or (2) program mandate only. Unlike several previous efforts, this study employed a carefully designed, research-driven model of judicial monitoring. The model provided for meaningful judicial interaction at each court appearance; clear statements and restatements of offender responsibilities; and a consistent application of sanctions in response to noncompliance. The research team developed monitoring

scripts and sanction protocols in collaboration with the judge in whose courtroom the study took place, assuring a strong “efficacy test” of judicial monitoring as it should be conducted.

Review of the Relevant Literature

Judicial monitoring can take many forms, and can occur either pre- or post-conviction; but it generally involves frequent court appearances before a judge, compliance officer, or referee to verify compliance with program requirements and other court orders. If the offender is noncompliant, the court may impose sanctions, ranging from verbal admonishment, to restarting an assigned program, to jail. A recent survey of 115 criminal courts nationwide found that most (61%) engage in some form of judicial monitoring with domestic violence offenders—although its exact nature and frequency varies enormously (Labriola et al. 2007).

Some policymakers and practitioners embrace court responses such as judicial monitoring to promote offender accountability as an end in itself. In this view, judicial monitoring ensures that the offenders are fulfilling their responsibilities (i.e., attending required programs and avoiding re-arrest) and facilitates the imposition of sanctions on those who fail to comply (Frank and O’Sullivan 1999). If the goal is accountability alone, then putting into practice an intensive monitoring regimen with consistent sanctions for noncompliance is sufficient.

Others believe that judicial monitoring can proactively *deter* future violence by sending the message that the court is closely watching and that meaningful penalties will follow noncompliance (Burton 2006). The validity of this more ambitious view is the primary subject of the present study. Concerning what we know to date, there are three relevant literatures. The first—and least developed—concerns the impact of judicial monitoring with domestic violence offenders specifically; the second literature concerns the impact of judicial monitoring with drug offenders; and the third concerns the impact of intensive probation monitoring.

Research on Judicial Monitoring with Domestic Violence Offenders

This previous literature with a domestic violence offender population is sparse; does not include any randomized controlled trials; and includes at most two studies that employed a rigorous quasi-experimental design. The current principals conducted the first of these quasi-experiments for NIJ in the Bronx, New York (Labriola, Rempel, and Davis 2005; Rempel, et al. 2008). The Bronx study was designed as a randomized trial of batterer programs (see Labriola et al. 2008), but also contained a separate quasi-experiment, comparing offenders who were mandated to judicial monitoring with a second group that, due to particularities associated with the plea negotiations, received a conditional discharge without any monitoring requirements.

The Bronx study did not find that those assigned to monitoring re-offended less than those not so assigned, but we noted several possible explanations for these null findings. First, the Bronx court did not implement a best practice model of monitoring. Instead, judicial monitoring took place monthly at most. More seriously, the judicial hearing officer’s feedback during each monitoring court appearance tended to be brief, matter-of-fact, and often couched in legal terminology that—based on observation and a small number of qualitative interviews—the offenders did not appear to understand. Also, judicial monitoring was not conducted by an actual judge. As a result, the hearing officer who presided lacked the authority to impose immediate sanctions on noncompliant offenders; rather, such offenders had to be referred back to the sentencing judge, creating delays and inconsistencies in both the threat and use of sanctions. A related problem is that there was not a formal schedule of sanctions that the sentencing judges

could reference, or that could be shared with the offenders in advance to inform them of the likely court responses to various noncompliant behaviors. Yet, prior research makes clear that the threat of sanctions is more effective when offenders fully understand their responsibilities, receive frequent reminders, and anticipate that any infraction will result in a sanction of sufficient severity so as to make incurring it undesirable (Young and Belenko 2002). In short, based on preexisting deterrence theory and research, there was little true reason to believe that the kind of monitoring employed in the Bronx would influence future criminal behavior.

Also limiting the validity of the Bronx study, the sampling frame only included offenders who pled guilty to a violation level offense, thereby omitting some of the most serious domestic violence offenders in the county. By comparison, the sampling frame for the current Rochester study includes more serious offenders who could be expected to have higher base rates of recidivism. Since offender interventions have generally been found to work better with high-risk sub-populations (Andrews and Bonta 2010), our expanded sampling frame in Rochester was appropriate. Finally, because the comparison between monitored and unmonitored offenders in the Bronx was not based on random assignment, it is possible that, despite attempts to control statistically, the two groups of offenders were not comparable at baseline.

The second quasi-experiment of interest was the evaluation of the Judicial Oversight Demonstration (JOD). Although not only a test of judicial monitoring, the JOD coupled monitoring with a series of related initiatives to increase offender accountability. As intended, the evaluation confirmed that across two sites, JOD cases were more likely than comparison cases to be convicted, sentenced to probation, ordered to a batterer program, and drug tested. Yet, only one of three total sites in which a quasi-experimental impact evaluation was conducted, Dorchester (MA), had a possible deterrent effect on re-arrests (Visher et al. 2008). A second site, Milwaukee (WI), also reduced re-arrests, but the mechanism was enforcement of, rather than deterrence from, noncompliance. That is, the Milwaukee effect stemmed from an increased use of probation revocations as a sanction for noncompliance, rather than from a reduction in re-arrests while the offenders were not incarcerated (Harrell et al. 2006). The Milwaukee results underline the inherent benefit of strong accountability mechanisms—i.e., more often revoking and incarcerating noncompliant offenders. However, in totality, the findings do not point to a clear *deterrent* effect of JOD policies while offenders are at risk in the community.

A number of other studies offer suggestive findings, although none isolated the effect of judicial monitoring per se. For instance, a study of four domestic violence courts in the San Diego court system reported that after implementation, there was increased attendance at required counseling sessions; and the one-year re-arrest rate dropped from 21% to 14% (Angene 2000). The author attributed these findings to the new practice of requiring offenders to attend post-dispositional compliance hearings; yet, the implementation of the domestic violence courts triggered other court policy changes as well, so any attribution is speculative at best.

Another study, conducted at the Pittsburgh Domestic Violence Court, found that batterer program completion rates rose from just under half to 65% after the court introduced a mandatory court appearance 30 days following the imposition of a batterer program mandate (Gondolf 1998). As in the San Diego study, it is plausible that other simultaneous changes in Pittsburgh between the pre- and post-domestic violence court implementation periods may have instead accounted for the improved compliance outcomes.

In their randomized batterer program trial, Davis and colleagues (2000) found that offenders mandated to a 26-week batterer program had lower re-arrest rates than those mandated to a shorter eight-week program, even though both programs required the same number of class hours

and those assigned to the eight-week program actually had a higher completion rate. The authors speculated that perhaps the better outcomes in the longer program did not stem from batterer program participation as such but from the longer duration under court control. In an expanded analysis of these data, Maxwell, Davis, and Taylor (2010: 475) concluded that the effect of program participation “does not likely persist beyond the treatment period.” Moreover, regardless of treatment assignment or length, defendants who received a diversion disposition re-offended at a significantly higher rate than defendants who pled guilty and were sentenced to a conditional discharge. Thus, while this study did not test judicial monitoring per se, a number of findings all suggest that judicial coercion generally might be an important deterrent factor (see also Vermont Center for Justice Research 2011).

A final suggestive result comes from a study of domestic violence offenders in the Bronx and Brooklyn, New York (Peterson and Dixon 2005). In a multivariate model controlling for key background characteristics, the study finds that more elapsed time from arrest to disposition—signifying a greater number of pre-dispositional court appearances—strongly predicted a lower re-arrest rate. The authors theorize that they may be detecting a deterrent effect of closer pre-disposition judicial monitoring. Yet, the pre-dispositional court appearances in this study were simply to address ongoing disposition issues. None of the techniques commonly associated with monitoring pertained (e.g., compliance checks, reminders of responsibilities, or imposition of sanctions for noncompliance). Thus, it is difficult to draw strong policy implications concerning whether or how such appearances could truly have triggered behavioral changes in the offenders.

In sum, several suggestive studies imply that court coercion generally or judicial monitoring specifically may have a positive effect on re-offending. The two strongest quasi-experiments in the literature did not produce similarly encouraging findings, although design limitations recommend caution in interpretation even these quasi-experimental findings.

Research on Judicial Monitoring with Drug Offenders

A second literature examining judicial monitoring in drug treatment courts provides findings that are clearly positive. Drug courts serve nonviolent substance-abusing offenders, mandating them to treatment and supervising the treatment process through required drug tests and frequent judicial status hearings, usually ranging from weekly to monthly over one year or longer (see OJP 1997). At the monitoring appearances, the judge converses with program participants and administers a system of incentives and sanctions in response to their behavior.

Several randomized controlled trials (RCTs) have examined the effects of the monitoring component of drug courts. A RCT of the Baltimore drug court found that attending more frequent judicial status hearings led to a reduction in the variety of drugs used at follow-up (Gottfredson et al. 2007). In addition, a series of RCTs at multiple northeastern drug courts found that biweekly judicial status hearings produced better outcomes than “as needed” hearings, although this finding arose only with “high-risk” offenders, defined by the presence of anti-social personality disorder or previous failure in treatment (Marlowe et al. 2003). Yet another RCT, not of a drug court per se but of a similar intervention, found that participants subjected to drug testing, judicial monitoring, and sanctions in response to noncompliance had lower rates of drug abuse and recidivism than offenders assigned to drug testing only (Harrell et al. 1998).

At the same time, several drug court studies suggest that the principal mechanism leading judicial monitoring to be effective may not be *deterrence* but *procedural justice*: the perception that court procedures and interpersonal treatment in the courtroom are fair (Tyler and Huo 2002). In drug courts, judicial monitoring does not merely involve routinized compliance check-ins. In

addition, the drug court judge engages in a conversational interaction with each program participant. This interaction can include reviewing their treatment plan, asking questions about their progress, praising compliance, admonishing noncompliance, inviting input, and encouraging the participants to change their lives around (Farole et al. 2005; Hora et al. 1999; Schma 2000). In fact, the aforementioned Baltimore RCT included a structural equation modeling (SEM) analysis, which found that attending more judicial status hearings reduced crime only through its intervening effect on defendant perceptions of procedural justice. In a similar vein, *NIJ's Multi-Site Adult Drug Court Evaluation* found that perceptions of procedural justice—and of the fairness of the judge in particular—comprised the most important attitudinal factor associated with positive outcomes—more so than the perceived certainty of noncompliance detection or sanctions (Rossman et al. 2011). This same multi-site study also found that drug courts in which the researchers independently rated the judge as having a more engaging demeanor—more respectful, fair, attentive, enthusiastic, consistent, predictable, caring, and knowledgeable—produced better outcomes than other drug courts. Echoing these findings with the use of qualitative research methods, a series of studies involving focus groups with drug court participants drew attention to the unique effectiveness of the judge in motivating compliance through positive conversational interactions with participants (Farole and Cissner 2005; Farole et al. 2005; Goldkamp, White, and Robinson 2001).

Considered as a whole, the drug court literature suggests that judicial monitoring can be effective—provided that the form of monitoring is not limited to a fast-paced check-in but involves meaningful judicial interaction. Nonetheless, the degree to which this literature applies to domestic violence offenders remains an open question. To the extent that promoting procedural justice comprises an important intervening mechanism, there may be important limits to it in a domestic violence context. In particular, most judges would consider it inappropriate to praise or encourage offenders who have committed violence against their intimate partner in the same way that a judge might praise the rehabilitation of nonviolent offenders who suffer from a drug addiction. Furthermore, drug court participants generally attend a full schedule of treatment classes at least several times per week, creating lots of treatment experiences, which could be a subject of conversational interaction during judicial monitoring sessions—whereas domestic violence offenders more often participate in batterer programs for one 60 to 90 minute session per week. Finally, there is some evidence that the risk principle—the idea that interventions such as judicial monitoring work better with high-risk offenders—may not apply to the domestic violence offenders. For instance, Klein and Crowe (2008) found, instead, that intensive domestic violence probation had a greater positive effect with a *low-risk* subgroup. Accordingly, there remains uncertainty the applicability of the drug court literature to domestic violence offenders.

Research on Intensive Probation Monitoring

Whereas the above literatures focus expressly on *judicial* monitoring, there is yet a third, more extensive literature that focuses on monitoring by other enforcement agencies, primarily probation and parole. The general finding is that efforts to control offenders (not domestic violence offenders specifically) through intensive supervision, such as increased probation contacts and reduced caseloads, tend to be ineffective (Petersilia 1999; Sherman et al. 1997; Taxman 2002). This overall result notwithstanding, recent work has helped to pinpoint what kinds of intensive probation intervention can produce positive results. A meta-analysis by Lowenkamp et. al. (2010) concluded that maintaining a high level of treatment integrity and adherence to a human services, as opposed to a deterrence philosophy, were most effective in

reducing recidivism. Jalbert et. al. (2010) reported that intensive probation has greater deterrent effects when caseloads are small and when control and rehabilitative interventions are tailored to individual needs and risk levels. (These findings interestingly echo the importance of procedural justice as opposed to deterrence that emerged in the aforementioned drug court literature.)

Regarding the potential deterrent effects of supervision, several studies find that supervision works better when supervision conditions are adjusted in response to noncompliance (Hayley, Ford, and Addison-Lamb 1999; Woolredge and Thistlethwaite 2002). Taxman (2002) argues that an effective supervision model should include efforts to convey clear and consistent rules for what behavior is required, what will be the consequences of noncompliance, and what will be the benefits of compliance. Her review finds that approaches lacking these elements and based upon surveillance alone, although far more prevalent in practice, have mostly been found not to work.

Motivation for This Study

A common theme running through all of the previous literatures is that monitoring is only effective when it is robust—whether that implies conversation interactions, praise, admonishments, reminders of clear and consistent expectations, reminders of the consequences of noncompliance, or consistent follow-through in imposing those consequences. For this reason, we believe that our approach of designing an efficacy study, with a carefully designed approach to judicial monitoring, was the most logical one to take at this time. If such a study yielded positive results, its specific monitoring practices could serve as a model for other jurisdictions; if such a study yielded negative results, we would have acquired stronger evidence that judicial monitoring may not be able to deter recidivism among domestic violence offenders.

Study Goals and Objectives

We sought to conduct a randomized controlled trial to test whether judicial monitoring deters future violence according to both official re-arrest records and victim reports of re-abuse at one year post-disposition. We expected that domestic violence offenders who were subject to monitoring would be less likely to abuse victims at least during the monitoring period and possibly afterwards as well.

Study-eligible offenders were mandated to a program, most often a batterer program or substance abuse treatment, enabling court officials to feel comfortable that all received a crime-appropriate sanction. By lottery, half of the participants were also assigned to return to court regularly for judicial monitoring, whereas the other half was not monitored.

The assignment of offenders to the trial was halted after 2.5 years despite a lower than expected sample size. This decision was made through a combination of the results of preliminary analyses, which suggested that the basic findings would be highly unlikely to change with the additional of more cases, power analyses, and conversations with our NIJ grant manager. At that point, working closely with our NIJ grant manager, several changes and additional analyses were proposed, which together with the original research goals, we believe, would add significantly to the literature, increasing our understanding of both the operation and effects of judicial monitoring with domestic violence offenders.

The enhanced study design allowed us to address additional issues related to the main intervention, including:

- *Testing the efficacy of judicial monitoring in promoting offender compliance with program mandates.* Even though evidence suggests that a great many batterer programs in operation today do not deter future violence, some believe that these programs can still hold offenders accountable for their past acts of violence when the court takes additional steps to ensure better program attendance and to impose sanctions on those who are noncompliant (Frank and O’Sullivan 1999; Labriola et al. 2007). Others propose that batterer programs may be more effective in reducing recidivism when offenders are closely monitored and when, as a result, program completion rates are raised (Gondolf 2001). Accordingly, one secondary objective of the current field test was to determine whether completion rates could be increased through assignment to judicial monitoring.
- *Determining how offender perceptions are related to subsequent behavior and whether these perceptions are influenced by judicial monitoring.* We developed a “legal pressure” instrument specifically for domestic violence offenders, including measures of mandate understanding, certainty of noncompliance detection, certainty of sanctions, sanction severity, and procedural fairness. The instrument adapts and significantly revises one that Young and Belenko (2002) developed for use with drug offenders. We used the new instrument to analyze whether offender perceptions predict outcomes, such as re-arrest or program compliance. For example, was compliance better and recidivism lower among offenders who perceived greater legal pressure, who had a greater understanding of their court responsibilities, or who perceived court sanctions to be fairer? We were also interested in determining whether offender perceptions varied by RCT condition and, if so, whether this might explain any observed differences in compliance or re-arrest rates among offenders assigned to the judicial monitoring condition. For example, would those assigned to judicial monitoring anticipate swifter, more certain, or more severe punishments if they were noncompliant? Would they perceive that they were treated more fairly (because court policies are explained and discussed through repeated court appearances) or less fairly (because monitoring entails an additional obligation)?
- *Testing the impact of the number of court appearances on program compliance and re-arrest rates.* Even if offenders assigned to the judicial monitoring condition overall did not have different re-arrest rates than offenders in the control condition, it was possible that the specific numbers of court appearances that offenders attended could significantly influence their behavior. By collecting and analyzing complete court appearance data, we were able to test these effects.

Organization of the Report

The remainder of this report describes the methodology and results. Chapter Two details the design and methodology. The chapter outlines both the methods that we planned to use and several ways in which those methods changed in response to conditions on the ground. Chapter Three describes our judicial monitoring protocol, which draws on recommended practices from the field. In addition, this chapter documents implementation fidelity to monitoring protocols. Chapter Four presents the results of the field test. We explore the effects of monitoring on compliance and re-arrest rates and the intervening effects of offender perceptions. Chapter Five discusses the findings, acknowledges study limitations, and draws policy implications.

Chapter Two

Research Design and Methodology

This study was designed to determine the effects of intensive judicial monitoring on offender compliance with court orders and perpetration of future violence. This chapter describes the research design and methodology as well as specific protocols for implementing the randomized controlled trial (RCT).

Setting: The Rochester Domestic Violence Courts

The study was implemented in Monroe County, located in northwestern New York State on the Canadian border. Most of the enrolled offenders were arrested in Rochester, New York's third largest city, with a population of 210,565. Additional study offenders were arrested in surrounding suburban and semi-rural parts of Monroe County. The county's total population of 735,343 people is predominately white (78%), with smaller black (17%), Hispanic (7%), and Asian (4%) populations. The median household income is slightly higher than the national average (\$41,994) at \$44,891. Eleven percent of families were living in poverty as of the 2000 census (U.S. Census 2000).

Study offenders were processed in either of two Rochester-based domestic violence courts, both presided over by the same judge and court staff. The first, the Monroe County Integrated Domestic Violence (IDV) Court, opened in August 2002 and serves families throughout the county with simultaneously occurring criminal, family, and/or matrimonial cases in which there is an underlying allegation of intimate partner violence. Felony, misdemeanor, and violation level criminal domestic violence charges are IDV-eligible. Most commonly, the non-criminal cases handled in the Monroe County IDV court concern civil protective order petitions and/or child custody and visitation matters. The court is designed to promote a "one family, one judge" approach to justice and to provide a comprehensive approach—including specialized programming, integration of social services, offender accountability, victim safety, and consistent judicial orders on all pending cases (see Cissner, Picard-Fritsche, and Puffett 2011). The court is staffed by a dedicated judge, a principal court analyst who tracks and disseminates case information, and a dedicated prosecutor. In addition, local service providers and probation representatives appear weekly to provide the court with compliance updates in certain criminal cases; and the court works actively with local victim advocacy groups (also present in court) to link victims with services. Families generally have all of their pending cases scheduled for the same day's calendar, minimizing the number of trips litigants must make to court. The court serves approximately 170 families per year.

The second court, the Rochester Criminal Domestic Violence (DV) Court, opened in November 2006 and was staffed by the same dedicated court personnel as the IDV court. Initially, the criminal DV court heard all misdemeanor and felony cases involving intimate partner violence and resulting from arrests in Rochester. However, the DV court took a temporary hiatus from January 2008 through September 2008; once the court resumed operations, eligibility criteria were gradually expanded and subsequently narrowed. Specifically, from September 2008 until January 2009, only first and second degree criminal contempt charges were DV court eligible; aggravated harassment was added in January 2009; assault in the

third degree was added in March 2009. Then the court stopped taking both aggravated harassment and assault within a few months (April and May 2009, respectively). In August 2009, the court stopped accepting criminal contempt in the second degree; by the end of 2009, the DV court had stopped accepting new cases. The ongoing changes in eligibility criteria and eventual dissolution of the DV court were the result of court staff (who already had responsibilities for IDV court cases) feeling over-burdened by the DV court caseload.

It was anticipated that the criminal caseload of the DV court would be far higher than in the IDV court (since the DV court was to accept criminal cases regardless of concurrent family or matrimonial matters). While the DV court caseload was reportedly overwhelming to court personnel, even at its peak, caseload was never close to the numbers predicted in preliminary caseload analyses performed by the court during the planning period. These estimates placed DV court caseload at just above 1,000 cases annually. While some of these cases would end in dismissal or a sentence not eligible to be included in this study, it was anticipated that the creation of the DV court would lead to several hundred additional study-eligible cases annually. Original projections proved inaccurate and the on-again, off-again routing of cases to the DV court meant that the anticipated boost to the study-eligible population was never achieved.

During the study period, a total of three dedicated judges staffed the IDV/DV courts. The first of these judges (hereafter, Judge 1) was instrumental to the planning and implementation of the RCT. Judge 1 met with members of the research team and helped to develop monitoring and allocation scripts and a sanction schedule. When Judge 1 left the IDV/DV courts in December 2008 to pursue a judicial position in the Monroe County Supreme Court, a new was named the dedicated IDV/DV court judge (hereafter, Judge 2). Judge 2 was succeeded by a third IDV court judge (Judge 3) in December 2009. Judge 3 had served as the IDV/DV court substitute judge for both prior IDV/DV court judges throughout the study and was already familiar with the RCT. As described below, the end of randomization coincided with Judge 3's appointment; however, Judge 3 did carry out ongoing monitoring (or control conditions) for those offenders already randomized into the study. Based on courtroom observation, we believe that Judge 1 adhered most rigorously to the randomization and monitoring protocols developed as part of the study. However, research staff reached out to all three judges at some point during their tenure in the IDV/DV courts with concerns about dips in study intake and adherence to study protocols.

Randomized Trial Design and Implementation

Sampling Frame

Study-eligible defendants had to be either (1) convicted and sentenced to a conditional discharge or probation or (2) disposed with an adjournment in contemplation of dismissal (ACD).⁴ Eligible defendants also had to be ordered to participate in a program. Under pre-study conditions, all eligible defendants would have to return to court for ongoing judicial monitoring. Therefore, no defendants received a *more* severe sentence than they would have received prior to the study. Before the study, *all* eligible offenders would have received a program mandate and

⁴ In New York State, an adjournment in contemplation of dismissal is an interim disposition that will be followed by a dismissal, so long as the defendant complies with court-imposed conditions (e.g., that can include required attendance at a program). After June 19, 2008, offenders disposed on an ACD were no longer study eligible. This decision was made based on concerns of the IDV/DV court judge that requiring return trips to court (i.e., monitoring) was not legal in conjunction with an ACD disposition.

judicial monitoring, whereas the study ensured that half of the offenders would receive *only* a program mandate with no monitoring.⁵ Due to the small amount of women defendants in the court, only males were eligible for the study.

We originally intended to continue intake until the sample size reached 600 defendants, with the possibility of a somewhat reduced sample size if we had not reached the proposed sample size after 24 months. However, initial case volume estimates provided by the court proved inaccurate and after 38 months, only 155 defendants had been randomly assigned.

In December 2009 and in coordination with our NIJ grant manager, we made the decision to cease randomization. This decision was made for two primary reasons. First, given study intake over the previous 38 months, the additional time required to reach a sample size anywhere near our initial proposal would have required extending the study for many more years. (At the rate of approximately 52 randomized defendants annually, we anticipated more than four additional years of randomization to reach a final sample size of 400.)

Second, and more importantly, preliminary recidivism analysis for the first 133 cases that could be tracked over at least a six-month period suggested that we would likely not detect a significant effect of judicial monitoring on recidivism whether our final sample size was 133, 155, or 400. In examining re-arrest rates among the first 133 offenders, there was no difference between those offenders sentenced to judicial monitoring and those with no monitoring. This was true when looking at re-arrest on any new offense (44% v. 41%) and when isolating new domestic violence arrests (34% v. 31%). At standard power assumptions (80% power, alpha = .05), we were unlikely to detect a significant effect of judicial monitoring regardless of sample size. Given that the first 133 offenders produced a negative effect size of 3% (i.e., non-significantly *higher* recidivism among those assigned to monitoring), the remaining offenders would have to produce a positive effect size of well in excess of 10%, even under a variety of conservative power analysis assumptions that we variously tested, for the net effect of the entire sample to be a significant positive impact of monitoring. We concluded that there was little more than a miniscule chance that our RCT could avoid a null effect of judicial monitoring and, therefore, it did not make sense to prolong the study, accumulating more cases for its own sake. In short, despite our small sample size, it was in fact sufficient to reach a reasonably valid set of conclusions regarding the impact of judicial monitoring under the Rochester protocols.

Based on these considerations, we stopped study intake in December 2009 with a total of 155 randomized defendants. Of these, 85 were assigned to both monitoring and a program mandate and 70 were assigned to a program mandate with no monitoring condition.⁶

Study Enrollment Protocols

The randomization process was initiated when the IDV/DV court judge, dedicated prosecutor, and defense agreed upon either an ACD disposition or a guilty plea to a felony, misdemeanor, or violation with a sentence of either probation or a conditional discharge along with a protective order; a program mandate; and continued judicial monitoring (the preexisting

⁵ Although we did not believe that the reduced sentence that half of defendants would receive as a result of the study (i.e., program mandate, no monitoring) would put victims at increased risk, we did a preliminary check of official re-arrest records to verify that defendants in the no-monitoring condition were not re-offending at elevated rates. Local victim advocacy agencies reported that they engage in regular intensive outreach with victims as part of every case, so, unlike the previous study in Bronx, we did not build in additional victim safety checks.

⁶ An additional seven eligible defendants were excluded from the study at the judge's request.

status quo).⁷ Provided the judge did not choose to exclude the case from the study (explanation below), the judge read from a standard allocution script (Attachment A), conveying behavioral expectations and consequences of noncompliance for all offenders. In addition, the allocution script clearly stated that, by entering a guilty plea (or agreeing to an ACD), offenders understood that they would be ordered to one of two conditions: (1) judicial monitoring and program mandate(s) or (2) program mandate(s) only. Only after the plea/disposition was entered into the record did the randomization take place. During a bench conference between the judge, dedicated prosecutor, defense counsel, and the principal court analyst, the analyst randomly assigned defendants to either Group 1 (monitoring plus program) or Group 2 (program only) by drawing one of two slips of paper from a container. Following the bench conference and random assignment, the judge sentenced the defendant (on record) to the specific conditions of his sentence.⁸

After sentencing the defendant, informing him of a return court date (see below), and providing him with relevant paperwork from the court, the court assigned study defendants to a specific program based on their needs. A number of program types are used in Monroe County (batterer programs, substance abuse treatment, and mental health programs). The two most common programs have a 26-week batterer program component. In addition, one has a concurrent 26-week substance abuse treatment component. Both programs have similar policies, procedures, reporting responsibilities, and payment options. Offenders are placed in the combined batterer program/substance abuse program only if a substance abuse problem has been identified.

The principal court analyst tracked all relevant case information in the IDV Court Application, a specialized technology tool designed for domestic violence and integrated domestic violence courts throughout New York State. Information captured in the IDV Application includes study group assignment (Group 1, Group 2, or judicial exclusion), adjournment dates, compliance information, sanctions, and program mandates.

Outcome of the Random Assignment Process

All study defendants were sentenced and randomly assigned between October 27, 2006 and December 31, 2009 (38 months). Based on a preliminary comparison of the baseline characteristics of offenders in each randomized condition, we found barely any significant differences—as one would expect of any RCT design. However, an important exception was that, of the 85 defendants assigned to Group 1, six (7%) were arrested on a violent felony charge, as compared to none of the defendants assigned to Group 2 ($p < .05$). This difference could certainly have arisen due to chance, for even in a perfectly executed RCT, one out of 20 parameters should, in theory, reveal a significance difference at the .05 level. Nonetheless, because this difference involved a clear criminal risk/severity indicator, and because there was no overlap on this measure between the samples—since literally zero cases in Group 2 were arrested on a violent felony charge—we determined that the most prudent course of action was to eliminate the six Group 1 cases in question.⁹ In one other exclusion, we had to delete from the

⁷ As previously stated, eligible cases could also be disposed with an ACD prior to June 19, 2008.

⁸ Defendants sentenced to probation began both programs and monitoring immediately, although their formal probation sentence would not occur until a pre-sentence investigation report was submitted to the court, typically around eight weeks post-plea.

⁹ This exclusion also reduced the final N of our offender interviews from 39 to 38.

analysis another two Group 1 defendants, because New York State’s Division of Criminal Justice Services (DCJS) was unable to provide matched criminal history and re-arrest data for them.

Table 2.1 (next page) presents a comparison of baseline characteristics between the remaining 147 defendants assigned to judicial monitoring and a program (Group 1, N=77) and those assigned to a program only (Group 2, N=70).¹⁰ The results indicate that the random assignment process was successful; there were virtually no baseline differences between the groups. Of the 45 comparisons (t-tests) run to determine differences between the characteristics of offenders in the two groups, only three were significantly different at the .05 level. These three differences did not reveal a common pattern (the first two were actually inconsistent with each other in substance), suggesting random noise that would naturally arise when testing 45 parameters in total. As compared with the control group, the offenders assigned to judicial monitoring were:

- Less likely to have a prior conviction on any charge;
- More likely to have a prior conviction on a violent felony offense; and
- Less likely to be disposed with an ACD disposition as opposed to a conviction.

Table 2.2 presents differences in program mandates between the two groups. The results indicate that nearly all defendants were ordered to a batterer program, although such an order was more likely for those assigned to judicial monitoring than for those assigned to the control group (100% vs. 94%). Interestingly, those assigned to judicial monitoring were also significantly more likely to be ordered to substance abuse treatment (50% vs. 32%). It is not clear why knowledge that an offender was assigned to judicial monitoring might lead domestic violence court staff to become more likely to order substance abuse treatment. (As noted above, randomization did precede assignment to a specific program type.) In the absence of a plausible explanation, we still consider this difference to reflect inconsequential and random variation.

Table 2.2. Program Mandates by Study Group

	Group 1 Judicial Monitoring <i>N</i> 77	Group 2 No Judicial Monitoring 70
Batterer Program Mandate	100%*	94%
Substance Abuse Tx Mandate	50%*	32%
Mental Health Tx Mandate	14%	14%
Parenting Class Mandate	4%	7%

***p<.001 **p<.01 *p<.05 +p<.10

Use of Judge Exclusion

Based on a previous RCT conducted by three of the co-authors in the Bronx, New York (Labriola et al. 2005), the current design included an option for the judge to exclude a defendant from the study if the judge deemed it too risky to take a chance that the defendant would not be required to return to court. Possible reasons for exclusion might include a particularly violent

¹⁰ A comparison of background characteristics for the full 153 defendant sample returned by DCJS, omitting the two cases for which DCJS could not provide a match but including the six Group 1 cases with a violent felony charge, is included in Appendix B.

Table 2.1. Baseline Characteristics by Study Group

	Group 1 Judicial Monitoring N 77	Group 2 No Judicial Monitoring 70
Demographics		
Age	33.9	34.6
Race/Ethnicity		
Black	55%	45%
Hispanic/Latino	18%	22%
White	27%	32%
Asian	0%	1%
Born in the USA	100%	99%
Male	100%	100%
Instant Case Information		
Sentencing Judge		
Judge 1	38%	31%
Judge 2	31%	29%
Judge 3	31%	40%
Arrest Charge ¹		
Harassment	17%	20%
Assault	21%	17%
Menacing	3%	6%
Criminal Contempt	64%	61%
<i>Any DV Arrest Charge</i>	90%	91%
Child Victim Offense	3%	0%
Sex Offender Registrant	1%	3%
Weapons Charge	3%	6%
Firearm Charge	0%	3%
Drug Charge	3%	0%
DCJS DV Flag	21%	20%
Charge Severity		
Felony Arrest Charge	7%	10%
Felony Arraignment Charge	7%	6%
Prior Arrests		
Any Prior Arrest	74%	76%
Mean, Any Prior Arrest	5.92	7.53
Prior DV Arrest	73%	67%
Mean, Prior DV Arrest	2.66	3.56
Prior Felony Arrest	53%	51%
Prior VFO Arrest	30%+	17%
Prior Drug Arrest	34%	30%
Prior Weapons Arrest	23%	24%
Prior SOR Arrest	4%+	13%
Prior Child Victim Arrest	13%	6%
Prior Convictions		
Any Prior Convictions	40%*	57%
Mean, Any Prior Conviction	1.68	2.74
Prior DV Conviction	70%	66%
Mean, Prior DV Conviction	3.60	4.64
Prior Felony Conviction	30%	27%
Prior VFO Conviction	13%*	3%
Prior Drug Conviction	22%	26%
Prior Weapons Conviction	8%	9%
Prior SOR Conviction	1%	6%
Prior Child Victim Conviction	1%	4%
Case Disposition and Sentence		
Entered Study on an ACD	10%*	23%
Sentenced to Probation	50%	44%

***p<.001 **p<.01 *p<.05 +p<.10

¹ Arrest charges are not limited to top charge--i.e., there may be multiple charges on a single arrest--so the sum of the categories is greater than 100%.

criminal history, a belief that the defendant was particularly at risk for not attending the assigned program, or an explicit request by the victim that the defendant be monitored by the court. In practice, the specific reasons for judicial exclusion were not recorded. In any case, the exclusion option was rarely used. A total of seven defendants were excluded from the study by judge request over the 38-month intake period. Excluded defendants were identified *prior* to random assignment and, thus, did not affect the results of the random assignment.

Judicial Monitoring Protocols

Detailed judicial monitoring protocols were developed in collaboration with the IDV/DV court judge drawing on recommended practices in monitoring domestic violence and other court-involved populations. The specifics of the monitoring protocols and sanction schedule are described in detail in Chapter Three. In addition, Chapter Three presents an analysis of court observation data collected by our research intern, measuring adherence to these protocols.

Scheduling Court Appearances

During judicial monitoring appearances in the IDV/DV courts, the judge receives up-to-date attendance and compliance information from program representatives, many of whom are present in court. In addition, information on any new arrests or violations of the protective order is available to the judge.

Defendants sentenced to Group 1 were scheduled for their first post-disposition monitoring appearance two weeks after sentencing. Group 1 defendants were then required to return to court every two weeks for the first three to four months; every three weeks for the following two months (if in compliance); and monthly for the final two months (if in compliance). If, at any time, a defendant was noncompliant, he was required to return to court more frequently—typically once a week for at least a one-month period. Because the exact amount of time to complete programs varies and due to court holidays and judge or attorney scheduling conflicts, the formal monitoring schedule was subject to some variation.

Defendants assigned to Group 2 were given a single return court date eight months post-randomization for the purpose of the offender interview (see below). Group 2 offenders who were re-arrested or terminated from their mandated program were also required to return to court for re-sentencing prior to the eight month date.

In the previous Bronx RCT, a test was conducted of the impact of graduated monitoring (frequency varies based on compliance) versus continued monthly monitoring on re-arrest (Labriola et al. 2005). That study found no impact of graduated monitoring but also found that offenders in the graduated condition did not truly understand the graduated nature of their court appearance schedule. Therefore, we developed a script in collaboration with the original IDV court judge and the domestic violence team at the Center for Court Innovation (see Appendix C), to explicitly state the reason for any alterations to the monitoring schedule (either increases for noncompliant behavior or decreases for compliant behavior). In this way, we hoped to ensure that all offenders were fully aware of the monitoring schedule and of the fact that their behavior directly affected the frequency of their reporting dates. However, based on courtroom observations by our research interns, the two subsequent IDV/DV court judges did not always adhere to the monitoring script developed with the initial judge and did not explicitly state that the next scheduled court appearance represented an increase or decrease in monitoring frequency.

Integrity of Monitoring: Relationship of Group Assignment to Court Appearances

Figure 2.1 verifies that, as prescribed by the research design, Group 1 defendants *did* return to court significantly more frequently than Group 2 defendants (15.45 v. 4.10 appearances, $p < .001$).¹¹ However, it is worth noting that Group 2 offenders returned to court an average of four times—considerably more than the single eight-month follow-up appearance described for compliant offenders in the research design.

Focusing on Group 1 study offenders, when comparing those who went on to successfully completed their court mandate to those who were noncompliant with court orders, compliant Group 1 offenders actually made *more* court appearances than noncompliant offenders (18.13 v. 12.79, $p < .01$). While the graduated monitoring schedule would have led us to anticipate fewer appearances for compliant than noncompliant offenders, because many of the noncompliant offenders disappeared on warrants for some time, they actually averaged fewer court appearances overall. There was no significant difference in the number of court appearances for Group 2 offenders, regardless of their compliance with court orders.

Often, defendants with cases in the IDV court (both Group 1 and Group 2) were also required to return to court on additional criminal actions (not the criminal case that triggered study participation) or on concurrent family court and matrimonial matters. In order to avoid contamination of the Group 2 sample drawn from the IDV court, the judge refrained from mentioning issues related to the study criminal case during these appearances on other cases. However, it is worth noting that some of the Group 2 defendants did continue to return to court—albeit on other cases. In fact, Group 1 defendants had slightly more of these additional appearances on both concurrent family court (2.40 v. 1.57) and criminal (3.31 v. 1.97) matters, although the differences were not statistically significant.¹²

The upshot of the preceding analyses is that Group 2 defendants *did* have subsequent court appearances, but consistent with the RCT design, they had far fewer of them than Group 1 study defendants. Nonetheless, because offenders in both groups were required to return to court on at least some occasions, in addition to examining whether group assignment predicts outcomes, Chapter Four explores the impact of the exact number of court appearances across all concurrent cases on both compliance and re-arrest outcomes.

Victim Feedback

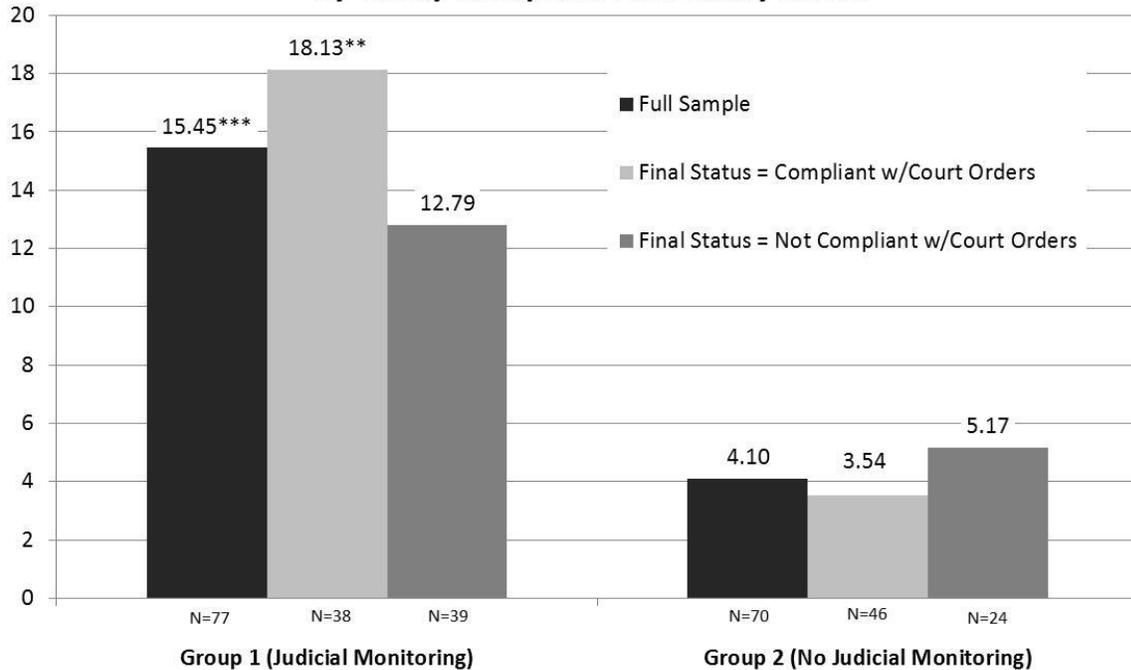
We originally planned to interview victims in order to provide an additional measure of recidivism beyond official re-arrests. As cases were enrolled in the study, we planned to obtain identifying information for victims from the Monroe County District Attorney's Office. When a case reached the one-year post-disposition point, we would contact victims by phone to solicit their participation. We planned to take appropriate precautions to ensure that their safety was protected. Interviewers would be trained on issues specific to dealing with victims of domestic violence and preserving victim safety (e.g., awareness and response if someone picks up on a second line during an interview; what to do if victims appear to be under great stress; what to do

¹¹ Court appearance data includes all appearances between randomization date (not inclusive) to study completion date.

¹² Only those appearances scheduled between randomization date and study completion date on the instant case were included in the appearance count.

if victims appear to be in immediate danger). Interviewers would not leave messages on answering machines and would make sure that victims were in a secure environment before proceeding. At the beginning of each interview, victims and interviewers would agree on a code word for the victim to use in case they need to exit the interview and get off the phone quickly.

Figure 2.1. Number of Court Appearances, by Study Group and Final Study Status



***p<.001 **p<.01 *p<.05 +p<.10

Note: Significance levels for Full Sample represent differences between Group 1 and Group 2. Significance levels for Final Status = Compliant represents difference between Compliant and Not Compliant Final Status (w/in Group 1 or Group 2).

We then changed our plans to accommodate additional concerns of local partners. Local victim advocates and the district attorney’s office were concerned about releasing names and contact information unless victims first consented to being contacted for an interview. After a series of meetings between the research team and the local partners, it was decided that victims would be contacted initially by the domestic violence assistant district attorney and, if they gave permission, they would be interviewed by a staff member of Alternatives for Battered Women (ABW), a local victim advocacy agency that was already in contact with many of the victims coming through the IDV court. ABW staff agreed to make five attempts to contact victims, including at least two attempts either during evening hours (after 5:00 pm) or on weekends. ABW was paid for outreach attempts and completed interviews. Victims who agreed to participate were offered a \$25 stipend for their cooperation. In addition to the one year post-disposition interview, we added a six-month interview in hopes that we might be able to benefit from an initial interview time closer to victims’ last contact with the court.

The final procedures for contacting and interviewing victims satisfied our local partners, but

did not generate the number of interviews that we had hoped for¹³. A total of 45 victims were contacted by the district attorney's office and agreed to have their name passed on to ABW. Another ten victims were never contacted by the DA's office (due to staff turnover) or were not interested in participating in the research. Of the 45 victims who were contacted and agreed to be contacted by ABW:

- 16 were wrong numbers or disconnected by the time ABW initiated contact;
- 13 were not successfully contacted after five attempts;
- 3 had blocked numbers;
- 3 refused to complete the interview;
- 10 completed the initial interview (at six months post-disposition); and
- 1 completed the second interview (at one year post-disposition).

Victim interviews included questions in three domains: victim experience with the criminal justice system; re-offense by the offender (including measures from the Revised Conflict Tactics Scale); and demographic information. (See interview instrument in Appendix D.)

We supplemented victim interview responses with information collected during two focus groups held at ABW offices in downtown Rochester in February 2009 and April 2010. The focus group enabled us to delve into greater detail into victims' desires, experiences in the criminal justice system, and experience with the batterer in the post-sentencing period. (See focus group domains in Appendix E.) The first focus group was facilitated by an ABW supervisor who had developed a rapport with the victims as a result of the telephone interviews she had conducted. A member of the research staff acted as note-taker and asked follow-up questions to explore topics in greater detail. In the second session, the roles of the facilitators were reversed. Focus group questions were developed ahead of time to serve as an interview guide. The first focus group was held with two victims, each of whom had completed individual interviews.¹⁴ Five women were scheduled to attend the second focus group, but again, two showed up. In the discussion of focus group findings in Appendix F, the four women are referred to as Participants A, B, C, and D.

Because of our small victim sample size, we were unable to make comparisons between victims associated with cases assigned to judicial monitoring and those associated with the no monitoring condition. The information from the interviews and focus groups is useful primarily to gain insight into the experiences of domestic violence victims in the IDV court. However, it would be a fair summary that this component of our research design could not be implemented as intended—as part of our field test of the effects of judicial monitoring.

Offender Interviews

We conducted interviews with offenders to learn more about how monitoring might affect their behavior. We believed that offender interviews could illuminate which components of monitoring were more or less effective; how well offenders understood their monitoring requirements and other responsibilities; whether offenders perceived that noncompliance would be met with swift, certain, and severe sanctions; and how fairly offenders believed they were

¹³ This study component did not begin until July 2008, 22 months after randomization. We didn't attempt to contact victims who were involved in cases that were randomized prior to that date.

¹⁴ A third woman who was scheduled to come did not make it due to poor road conditions the night of the group.

treated in court.

The research intern present in court for compliance calendars approached offenders assigned to one of the two study groups to ask them to participate in the research interview on their last court appearance on the instant case (i.e., at successful dismissal from on-going monitoring or at re-sentencing). The protocol for recruiting offenders for interviews was as follows:

- **Group 1 offenders who successfully completed the court mandate** (approximately eight months after sentencing): These offenders were brought back for a final compliance appearance during the weekly compliance calendar held on Wednesday afternoons. At offenders' final court appearance (i.e., when they were relieved from continued monitoring obligations), they were told by their defense attorney or court personnel that a researcher would like to talk to them about their court experience outside the courtroom. Offenders were informed that participation in the research was completely voluntary and that the judge would have no knowledge of whether the offender participated in the research or not. Once the judge told the offender that he or she did not have to come back to court, the research intern followed the offender out of the courtroom and approached him or her for an interview. The research intern reiterated that the interview was voluntary and confidential, would take about 15 minutes, and informed offenders that they would be paid \$25 in cash for participating in the research. Offenders who agreed to be interviewed were taken to a secure interview space (a private, screened area of the court waiting area on the same floor as the IDV/DV courtroom), informed consent was obtained, and the interview was conducted.
- **Group 1 offenders who fail to complete the court mandate** (i.e., those who have a new arrest, a violation of probation, or a violation of the court order that leads to sentencing): Because these offenders were frequently brought back to court at a time other than the regularly-scheduled Wednesday afternoon compliance calendar (i.e., because they were brought in on a new arrest or returned on a warrant), the research intern was often not in court for the final court appearance. Therefore, offenders were informed by either their attorney or by court personnel at their final court appearance that a researcher might contact them to ask questions about their court experience. Again, offenders were informed that their participation in the research was completely voluntary and that the judge would have no knowledge of whether the offender participated in the research or not. Those defendants whose new sentence did not include jail or whose noncompliance led to a violation of probation hearing were approached by the research intern at their next scheduled court appearance. Those defendants who were resentenced to jail were interviewed within two weeks after they were remanded.¹⁵ At that time, the research intern went to the visitors' area of the Monroe County Jail and requested that the offender be brought down for an interview. Offenders were brought either to a private interview room or to a secluded segment of the Monroe County Jail (if there was no interview room available). From there, the procedure was the same as for offenders who completed the program: Once the offender was produced, the research intern explained that the interview was voluntary and confidential and would take about 15 minutes, and that \$25 would be deposited into the offender's commissary account as a result of participating in the

¹⁵ Occasionally, the time to interview was longer than two weeks.

research. For offenders who agreed to be interviewed, informed consent was obtained and the interview was conducted.

- **Group 2 offenders:** Protocols for Group 2 were generally the same as for Group 1 offenders with the following exception: All Group 2 offenders were scheduled for a return to court date eight months after their randomization date. Group 2 offenders who made it to that date were approached for an interview after that appearance, using the same protocols for successful Group 1 offenders. For Group 2 offenders who had a violation or new arrest before the eight month mark, the court notified the research team that the offender would be brought back to court. For those resentenced to jail, the same protocols for Group 1 failures re-sentenced to jail were followed. If a violation of probation (VOP) was filed and the process of scheduling a VOP hearing began, the research intern approached them after their court appearance.

Due to delays in getting the protocols in place and approved by all local stakeholders, offender interviews did not begin until March 2008. Thus, we missed the opportunity to interview all offenders who completed prior to that date. For a time, Group 2 offenders were not ordered back to court for the eight month post-randomization interview date, resulting in more missed opportunities for interviews. Due to logistical issues, 20 potential offender interviews were not completed (offender left court before intern could approach him; offender was resentenced when intern was not in court; offender was not scheduled for a return appearance). In all, a total of 60 offenders were approached for an interview; 39 interviews were completed and 21 offenders refused to participate in the interview.^{16,17} All offender interviews were completed as of July 2010.

The interviews included questions across five domains, including comprehension of the court mandate, beliefs about the likelihood of detection of noncompliance, certainty of the court's response to noncompliance, severity of the court's response to noncompliance, and beliefs about the fairness of the court's response. The first four scales drew from similar questions in previous work conducted by three of the co-authors and from Douglas Young's scale designed to measure perceived legal pressure in drug courts (Young 2002). The fairness scale was loosely based on Tom Tyler's work on procedural justice (e.g., Tyler 1997; Tyler and Huo 2002). (See Appendix G for the interview instrument.) The construction of summary offender perception scales began by examining interview items across the five areas:

- **Comprehension of the court mandate:** This scale was created from four interview items designed to gauge how well offenders understood what the court mandate required of them. Respondents rated items on the scale using a five-point Likert scale ranging

¹⁶ In part, we attribute this relatively high refusal rate to a statement by the Monroe County District Attorney that he would plan to subpoena interview materials if he believed that they would provide him with a legal advantage. Despite efforts of the research team to convince the defense bar that any such subpoena would be disallowed based upon federal regulations pertaining to the confidentiality of research data, the prosecutor's threat convinced several of the defense agencies that the potential risk for their clients was too great. These defense agencies thus adopted a policy of advising their clients against participating in the research interviews.

¹⁷ As noted above (*supra* 6), the exclusion of six Group 1 offenders arrested on violent felony offenses reduced our final offender interview N from 39 to 38.

from “strongly agree” (low) to “strongly disagree” (high). (See Appendix H for the complete list of items included in the scale and response distribution.)

- **Detection of noncompliance:** This scale was created from five interview items designed to measure whether offenders believed that the court would find out if they were noncompliant with any component of the court mandate. Again, offenders rated items on a five-point Likert scale ranging from “strongly disagree” (low) to “strongly agree” (high). (See Appendix H for the complete list of items included in the scale and response distribution.)
- **Certainty of response to noncompliance:** This scale measures offenders’ certainty of punishment if court mandates were not followed and was created from six items. Two of the items were on the same five-point scale ranging from “strongly disagree” (low) to “strongly agree” (high), while the other four items were rated on a five-point Likert scale ranging from “very unlikely” (low) to “very likely” (high). (See Appendix H for the complete list of items included in the scale and response distribution.)
- **Severity of response to noncompliance:** Offenders were asked about what they believed the *severity* of the court’s response would be to violations of the terms of their sentence. This scale includes four increasingly severe violations, which offenders rated using an eight-point Likert scale ranging from more than one month in jail (high) to nothing (low). (See Appendix H for the complete list of items included in the scale and response distribution.)
- **Procedural Justice:** Offenders were also asked about the fairness of the judicial monitoring process. Responses to each of ten questions were made on a five-point Likert scale that ranged from “strongly disagree” (low) to “strongly agree” (high). An additional two questions were rated on five-point scales from “very unfair” (low) to “very fair” (high). (See Appendix H for the complete list of items included in the scale and response distribution.)

We conducted a reliability analysis on each of the five sets of items in order to determine whether the items could be made into coherent scales. The results are presented in Table 2.3. The first row of Table 2.3 indicates the alphas including all items in each scale. The next row presents a second alpha, derived from the same scale, with the single, least correlated item deleted. The reliability coefficients displayed range from 0 to 1. Values in excess of .70 are generally considered evidence of an underlying construct that would justify combining the items into a scale.

Two of the sets of items—those assessing comprehension of the court process and procedural justice—had alphas that were well within an acceptable range with all items (.85 and .88, respectively). The remaining three sets of items—offender perceptions of detection of noncompliance, certainty of response, and severity of response to noncompliance—remained weak, even with the worst item omitted in the analysis of internal consistency.

In reviewing the question sets on detection of noncompliance, certainty and severity of response to noncompliance, we realized that the shades of meaning between the question-sets were fuzzy. Therefore, we conducted a series of principal components analyses combining the three sets of questions to try to look for a better way to conceptualize perception scales. In the initial factor analysis, we noted that the four severity questions did not load strongly on any factor. Therefore, we conducted a second factor analysis in which we omitted the severity items (leaving the original severity scale intact), leaving only the eleven items assessing detection of

noncompliance and certainty. A principal components analysis of these questions yielded a primary factor that accounted for 35% of the overall variance; the other factors extracted each accounted for 16% or less of the variance. We identified the primary factor as an indicator of perceptions of the consequences of noncompliance. Seven items loaded strongly on this factor, with loadings of 0.60 or greater. A reliability analysis performed on the seven items yielded a respectable alpha coefficient of 0.84. In light of the analysis results, these seven items were used to construct a single scale using the same techniques used to create the other scales—taking the mean of the seven non-missing items. (Loadings of the items on the primary factor are presented in Appendix I.)

Table 2.3. Internal Consistency and Properties of Offender Perceptions Scales

	Original Five Survey Domains				
	Comprehension of Court Process	Detection of Noncompliance	Certainty of Response to Noncompliance	Severity of Response to Noncompliance	Procedural Justice
Number of Items	4	5	6	4	12
Alpha	0.85	0.24	0.64	0.52	0.88
Alpha -1	n/a*	0.42	0.69	n/a*	0.94
	Final Four Offender Perception Domains				
	Comprehension of Court Process	Perceptions of Consequences of Noncompliance	Severity of Response to Noncompliance	Procedural Justice	
Number of Items	4	7	4	12	
Alpha (final)	0.85	0.84	0.52	0.88	
Mean Score	4.31	3.83	6.63	3.69	
Response Range	1-5	1-5	1-8	1-5	
SD	1.02	0.66	1.05	1.19	

* No appreciable improvement in reliability with an item omitted.

In all, then, we created four final scales, taking the average of the constituent items. Properties of the final scales are presented in Table 2.3. Each has a possible range of 1-5. The scale means reveal general response tendencies: Offenders were confident of their understanding of the court process (mean = 4.31), perceived that the court was likely to detect and impose consequences for noncompliance (mean = 3.83), and that imposed sanctions would be severe (mean = 6.63) and perceived the process to be fair (mean = 3.69).

Analysis Plan

In addition to the information collected through victim and offender interviews and focus groups, official records data collection came from both the IDV Application and the New York State Division of Criminal Justice Services (DCJS). Data entered into the IDV Application by the court’s analyst was used to identify study participants (and study group assignment) and to track program mandates and attendance, court appearances (on the instant case as well as on concurrent cases), and offender compliance. DCJS supplied all criminal history and official re-

arrest data. Finally, compliance data was tracked by a research intern during in-court observations of the weekly compliance calendar.

Outcome Measures

We were able to measure re-arrest up to one year post-randomization for all offenders and up to two years post-randomization for some offenders. In addition to looking at whether offenders had *any* new arrest, we also isolated re-arrest on a domestic violence charge.

In addition to re-arrest, we examined several intermediary outcomes, including batterer program attendance (i.e., number of sessions attended); overall compliance with court orders (i.e., successful completion of the court mandate); successful completion of a batterer program mandate; and successful completion of a substance abuse treatment mandate.

Independent Variables

The primary independent variable was whether the offender was assigned to judicial monitoring or not. In addition, data was collected on an array of offender background and case characteristics. Finally, a series of offender perception measures were created from offender interview responses (for the sub-sample of offenders who completed an interview). Independent variables fell into five categories:

- *Judicial Monitoring Study Condition*: Whether the offender was assigned to the monitoring or control condition.
- *Court Appearances*: Number of monitoring appearances on the instant case; number of appearances on concurrent cases.
- *Judge*: Which of the three presiding IDV/DV court judges randomized the offender.
- *Offender Perceptions*: Comprehension of the court mandate; detection of noncompliance; severity of response to noncompliance; and procedural justice.
- *Baseline Characteristics*:
 - Demographics: Offender age and race; whether the offender was born in the United States.
 - Current Charges: Arrest charge; arraigned on a felony.
 - Criminal history: Prior arrests (any, domestic violence, felony, VFO, etc.); prior convictions (any, domestic violence, felony, VFO, etc.).

Analyses

We first performed bivariate analyses (t-tests) to determine whether there were statistically significant differences in re-arrest and other outcomes between Group 1 and Group 2 offenders. As noted above, our key outcomes were program attendance, compliance (overall and successful program completion), and re-arrest.

We also performed bivariate analyses (t-tests) to determine whether any of our other independent variables (numbers of court appearances, identity of the monitoring judge, offender perceptions, or offender baseline characteristics) were significantly related to our outcomes of interest. These bivariate analyses additionally examined whether intermediate outcomes—successful mandate completion, program attendance—were significantly related to each other or to our ultimate primary outcome of interest, re-arrest. Chapter Four describes the findings of these analyses. Based on significant findings from the bivariate analyses, we performed select multivariate analyses; in light of the lack of significant findings of these analyses, the results are not presented in Chapter Four.

Chapter 3

Documentation of Recommended Practices

The research team collaborated with the presiding IDV/DV court judge and the domestic violence team at the Center for Court Innovation to develop a rigorous judicial monitoring schedule and protocol. To examine implementation fidelity and document the use of recommended judicial monitoring practices, our onsite research assistant collected extensive data on offender infractions and judicial responses at nearly every scheduled court appearance for compliance monitoring (see court observation form, Appendix J).¹⁸ This chapter reviews our judicial monitoring protocols and their practical implementation, as a model and test case for other jurisdictions that might be interested in the implementation of enhanced monitoring.

Moreover, we consider the material in this chapter to represent an important contribution to the field, regardless of the ultimate effects of judicial monitoring on re-arrest or other behavioral outcomes of interest. Even if judicial monitoring does not reduce re-arrest, it may have other benefits, especially in promoting offender accountability through the use of consistent and appropriate court responses to noncompliance (Frank and O’Sullivan 1999). In this regard, previous research demonstrates that court officials, program providers, and victim advocates consistently perceive domestic violence offender accountability as an extremely important goal, even as courts vary substantially in the degree to which their policies actually pursue accountability (Harrell et al. 2007; Howle 2006; Labriola et al. 2007; Labriola et al. 2009). Our hope is that the model of judicial monitoring developed for this study might provide other jurisdictions with a template for how to realize offender accountability, if not other goals as well.

The Judicial Monitoring Model

In collaboration with the original IDV/DV court judge, we developed a rigorous judicial monitoring schedule and protocol (see previous chapter), including a monitoring script (Appendix C) and a sanction schedule. The monitoring script specified that the judge would perform seven distinct tasks at each monitoring appearance:

- 1) Convey information about behavioral expectations and consequences of both compliance and noncompliance;
- 2) Discover any reported violations (and if any exist, put the offender in custody until his attorney can be present);
- 3) Have individualized interaction with the offender (e.g., asking how the offender thinks he is doing);
- 4) Apply incentives and sanctions designed to reinforce the linkages between good and bad behavior and resulting consequences;
- 5) Give an adjourn date for the next monitoring appearance;
- 6) Indicate whether the subsequent date represents an extension or reduction of the monitoring schedule; and

¹⁸ Compliance information was only tracked for Group 1 offenders (randomly assigned to judicial monitoring). All information presented throughout this chapter is, therefore, limited to Group 1 offenders.

- 7) Reiterate that there is a protective order in effect and program rules that need to be followed.

The protocol developed was not intended to be a literal script that the judge was to follow, word-for-word, but was intended as a framework for the judge to address offenders returning for judicial monitoring.

At each court appearance, the judge generally began by introducing herself and reminding the offender of why he was in court that day—i.e., as a result of pleading guilty to a specified charge. The judge then reminded the offender that domestic violence is a serious crime that the court does not take lightly and asked the offender to identify an example of the negative consequences of domestic violence for victims, children, or society. The judge also reminded the offender that it was because he committed a domestic violence offense that he was required to return to court. While the script suggested that the judge specify how many remaining weeks the offender would return for monitoring, because the length of the monitoring period was largely dependent on offender compliance, it was rarely possible for the judge to specify the remaining monitoring time.

The judge reminded offenders of the protective order in place and of the requirements of that order (e.g., no contact, no new offense). The judge told the offender that, should they violate the protective order, they would be sent to jail. Offenders were asked to summarize their responsibilities as they understood them. The judge checked with the dedicated assistant district attorney (ADA) to determine whether there had been any violations of the protective order or any new arrests. While the judge may well know of violations or new arrests prior to court, this on-record discussion was designed in part to demonstrate to the offenders that the court will hear about and respond to new criminal activity.

The judge also reminded offenders of their program attendance obligations, including the number of sessions attended and the number remaining. The judge then received up-to-date program compliance information, which was reported by the court analyst, in-court representatives from the assigned programs, or a probation representative. Again, the judge may have had access to program compliance information prior to the court appearance—program information is entered into the court’s computerized management information system—but the on-record reporting of compliance information serve to remind the offenders that the court is in communication with programs and that noncompliance will be detected.

The judge outlined additional behaviors that would be considered noncompliant by the court, including violation of program rules, violation of the protective order, re-arrest, and program absences. Offenders were reminded that the court would learn immediately of noncompliant behavior and that such noncompliance would result in sanctions. Offenders were asked to confirm that they understood both their obligations to the court and the potential consequences of failure to comply with these obligations.

Importantly, noncompliance noted at any time during the monitoring appearance—e.g., violation of the protective order, new arrest, program absences, breaking program rules—was to be met with a sanction. The sanction schedule below provided a general guideline for response to noncompliance, with all final sanctioning decisions made by the presiding judge on a case-by-case basis.

Table 3.1. Sanction Schedule

Action	Sanctions for Group 1
Program noncompliance (not yet terminated): e.g., missed two consecutive sessions or missed one session and tested positive	<ul style="list-style-type: none"> • Verbal admonishment; and • More frequent court reporting
First program termination ¹	<ul style="list-style-type: none"> • Verbal admonishment; • Jail for up to two weeks; and • Restart program
First violation of any kind after restart of program	<ul style="list-style-type: none"> • Verbal admonishment; • More frequent court reporting; • Jail for one to two weeks; and • Electronic monitoring
Second program termination	<ul style="list-style-type: none"> • Resentence to jail
First violation of order of protection	<ul style="list-style-type: none"> • Verbal admonishment; • Jail for up to one week; • More frequent court reporting; and • Electronic monitoring
Repeated Violation of Order of Protection	<ul style="list-style-type: none"> • VOP hearing or hearings to reopen ACD or CD; • Electronic monitoring; • Additional conditions of Probation, ACD, or CD; and • Resentence to jail
New domestic violence arrest	<ul style="list-style-type: none"> • Immediate incarceration for up to two weeks or resolution of new charge
New arrest (non-domestic violence)	<ul style="list-style-type: none"> • Verbal admonishments; and • Additional mandates to appropriate programs consistent with arrest/behavior

¹ Five total absences or two absences during the first month results in program termination at the two batterer programs used most often by the Court.

Finally, offenders were given the date and time for their next compliance appearance. Based on a previous RCT conducted by three of the current authors in the Bronx, New York—which found no impact of graduated monitoring but also found that offenders in did not truly understand the graduated nature of their court appearance schedule—judges were asked to explicitly state the reason for any increases or decreases in judicial monitoring frequency. In this way, we hoped to ensure not only that a graduated monitoring schedule was employed, but also that offenders understood that their behavior shaped the frequency of their monitoring appearances. Despite these efforts and as noted in Chapter Two, courtroom observations by our research interns suggest that the two subsequent IDV/DV court judges who presided after the original judge did not always adhere to the monitoring script and did not explicitly state that the next scheduled court appearance represented an increase or decrease in monitoring frequency.

Implementation of the Model

To examine the implementation of model in practice, our onsite research assistant collected information on offender compliance and judicial responses at nearly every scheduled appearance for compliance monitoring. Because offenders in Group 2 were not expected to return to court for regular monitoring, this information was only tracked for offenders in Group 1.

Table 3.2 presents the prevalence of infractions, achievements, and judicial responses mentioned during compliance appearances. The majority of offenders (79%) had at least one infraction; nearly a third (30%) had at least one *serious* infraction—defined as return on a warrant, program termination, or a new arrest. This evidence indicates that, in general, noncompliance is quite common in our target domestic violence offender population. An infraction of some kind was mentioned in court during 21% of individual monitoring appearances; a serious infraction was mentioned in 3% of court appearances. Infractions tracked in court included failure to follow the judge’s instructions; poor attitude in court or program; court or program absences; lack of program participation; court or program tardiness; program rule-breaking; lack of payment at program; program termination; failure to follow probation’s directions; return on a warrant (voluntary or involuntary); violation of the protective order; or a new arrest. A sanction was imposed in response to noncompliance in 18% of all appearances. Again, the majority of offenders (77%) received at least one sanction at some point, indicating that although most individual court appearances did not end in the imposition of a sanction, most offenders received a sanction on at least one occasion.

Achievements were even more prevalent among the Group 1 offenders—94% of offenders had an achievement mentioned in court at some point and some type of achievement was mentioned during 44% of all compliance monitoring appearances. Achievements of interest included general compliance with the court mandate, scheduling or attending orientation for a mandated program, program completion, and educational and employment achievements (e.g., obtained a high school diploma/GED, enrolled in school or vocational training, obtained employment). Despite so many offenders attaining at least one achievement, far fewer (71%) received an incentive—indicated by a decrease in monitoring frequency, encouragement by the judge, or a change to a limited protective order (at the victim’s request only). Likewise, an incentive was dispensed at only 14% of all Group 1 monitoring appearances. This may reflect judicial reluctance to mete out excessive praise for merely following court orders, as most of the “achievements” tracked are measures of general compliance, rather than indications of going above and beyond by offenders.

Table 3.2. Prevalence of Infractions, Sanctions, Achievements, and Incentives

	Group 1 Judicial Monitoring 77
<i>N</i>	77
Offender Noncompliance	
Infractions	
% of All Appearances with 1+ Infraction(s)	21%
% of Offenders with 1+ Infraction(s)	79%
% of All Appearances with 1+ Serious Infraction(s) ¹	3%
% of Offenders with 1+ Serious Infraction(s) ¹	30%
Sanctions	
% of All Appearances where a Sanction was Imposed	18%
% of Offenders who Received a Sanction	77%
Offender Compliance	
Achievements	
% of All Appearances with 1+ Achievement(s)	44%
% of Offenders with 1+ Achievement(s)	94%
Incentives	
% of All Appearances where an Incentive was Dispensed	14%
% of Offenders who Received an Incentive	71%

¹ Serious infractions include return on warrant, new arrest, and program termination.

Table 3.3 presents court responses to both noncompliance (in the form of sanctions) and compliance (in the form of incentives). Criminal justice literature generally maintains that, in order to act as a deterrent, sanctions must be swift, certain, and appropriately severe (Marlowe and Kirby 1999; Marlowe et al. 2005; Paternoster and Piquero 1995). Research also indicates that the certainty of punishment is a more important element in the potential criminal's cost-benefit calculus than the severity of the punishment (Nagin and Pogarsky 2001).

The findings presented in Table 3.3 indicate that 78% of infractions were met with some type of in-court sanction. It is important to note that these measures are limited to infractions that were *detected* by the court and mentioned in court. Substantially fewer infractions (21%) resulted in a *serious* sanction (i.e., resentence to jail or probation, short-term jail sanction, or filing of violation of probation (VOP) proceedings). When serious infractions (i.e., return on a warrant; new arrest; program termination) are isolated, just under 40% result in a serious sanction. While this may seem surprisingly low, it is worth noting that a bench warrant is often ordered when an offender forgets his court date or is late enough to miss the court calendar; while the judge may ultimately admonish offenders for being late, it is rare that such an event would lead to a serious sanction. Similarly, termination from a program may simply lead to the offender being re-admitted to the program if he had previously shown a good-faith effort at program compliance. While *some* sanction was imposed in response to the vast majority of serious infractions (79%, results not presented), responses therefore were not necessarily severe.

Table 3.3 further details the *types* of sanctions commonly imposed for noncompliance. The most frequently imposed sanctions were the least severe (i.e., judicial warning); fewer infractions resulted in verbal admonishments (12%); filing of a probation violation (11%); a warrant (10%);

or a short-term jail sentence (9%). Only 4% of infractions led to either an immediate re-sentence to jail or probation.

Judicial response for achievements in the form of incentives was less certain; only a quarter of achievements noted in court resulted in an incentive. The majority of incentives came in the form of verbal encouragement from the judge (17%) or a noted decrease in monitoring frequency (13%).

Interestingly, we sought to ascertain whether the three judges who presided over the IDV/DV courts during the study period differed significantly in their use of sanctions and incentives. Some of the sub-categories presented in Tables 3.2 and 3.3 were too small to enable examining between-judge differences, but we were able to compare the general certainty of response to infractions and achievements across judges. The three judges responded fairly comparably to incidents of noncompliance—with more than three-quarters of infractions resulting in a sanction for all three judges (76%, 79%, 86%). Strikingly, the second presiding judge (Judge 2), was much less likely to incentivize achievements. While the other two judges responded to more than a third of achievements with some sort of incentive, Judge 2 dispensed an incentive in only 4% of achievements. This may, in part, reflect Judge 2's apparent reluctance to extend the monitoring period for Group 1 offenders; while Group 1 offenders monitored by Judge 1 averaged more than three and a half weeks (25.1 days) between appearances, Group 1 offenders monitored by Judge 2 averaged less than two weeks between appearances (13.4 days).¹⁹ While it is difficult to tease out exactly what the underlying reason for these differences is, it does not appear that Judge 2 simply had a significantly less compliant offender population; an infraction was noted in 25% of Judge 1's monitoring appearances and 29% of Judge 2's monitoring appearances. In sum, although Judge 2 was therefore the least faithful judge to our original plan to implement graduated monitoring—involving in particular the use of less frequent court appearances in response to compliance—Judge 2 therefore engaged in the most intensive form of judicial monitoring by requiring all offenders to maintain a frequent (biweekly) schedule throughout the judicial monitoring period. The results in the next chapter suggest that Judge 2's approach—more intensive monitoring in favor of graduated monitoring with incentives for compliance—may well have been the more effective approach.

¹⁹ Judge 3 was on the bench in the IDV/DV court for regular monitoring appearances for such a small amount of the study period that it is impossible to draw conclusions from compliance hearings scheduled during his tenure.

Table 3.3. Judge Response to Offender Noncompliance and Compliance

	Group 1 Judicial Monitoring
<i>Total Number of Offenders</i>	77
<i>Total Number of Court Appearances</i>	1,549
Sanctions	
% of Infractions Resulting in a Sanction ¹	78%
% of Infractions Resulting in a Serious Sanction ^{1,2}	21%
% of Serious Infractions Resulting in a Serious Sanction ^{1,2,3}	39%
% of Infractions Resulting in: ^{1,4}	
Judicial Warning	36%
Verbal Admonishment	12%
VOP Hearing	11%
Warrant Ordered	10%
Any Short-Term Jail Sanction	9%
Increase in Judicial Monitoring	6%
Resentence to Jail	4%
Immediate Incarceration Until New Charge is Resolved	4%
Resentence to Probation	4%
Restart Program	3%
Return to Program	3%
Hearing to Re-Open CD/ACD	1%
Stay for Afternoon Calendar	1%
Additional Program Mandate(s)	1%
Other Sanction	15%
Incentives	
% of Achievements Resulting in an Incentive ⁵	25%
% of Achievements Resulting in: ^{5,6}	
% who Received Encouragement by Judge	17%
% who Received Decrease in Judicial Monitoring	13%
% who Received Decrease in to Limited OP	1%

¹ Actual measure is % of appearances with 1+ infraction(s) on which a sanction is dispensed.

² Serious sanctions include resentence to jail, resentence to probation, jail sanctions, and filing of violation of probation (VOP) proceedings.

² Serious infractions include return on warrant, new arrest, and program termination.

⁴ Infractions may result in more than one sanction; percentages add up to more than 100%.

⁵ Actual measure is % of appearances with 1+ achievement on which an incentive is dispensed.

⁶ Achievements may result in more than one response; percentages add up to more than 100%.

Summary

We sought to develop and implement a “best practice” model of judicial monitoring. This chapter summarizes the principles and practices entailed by that model. The implementation results indicate that the vast majority of study offenders (79%) committed at least one infraction, and the vast majority of infractions (78%) were met with a sanction, although serious infractions did not always lead to serious sanctions. Incentives in response to offender compliance—arguably a less crucial component of an accountability model—were less consistently implemented—although evidence to be presented in the next chapter suggests that incentives were not necessarily a beneficial aspect of our model. Of further interest, based on feedback from our research assistant and our own in-court observations, there was a decline in judicial adherence to the monitoring script over time, as the original IDV/DV court judge was replaced by subsequent judges. This underlines the potential import of judicial buy-in for other jurisdictions hoping to draw from the model of judicial monitoring developed here. For the benefit of other jurisdictions that are struggling to develop strategies for addressing domestic violence, it is particularly important to bear in mind the high quantity of noncompliance among study offenders. (Nearly four in five offenders in our study had at least one infraction; and one-third had a serious infraction.) These findings suggest that domestic violence offenders are quite likely to be noncompliant with court orders; and a concerted effort to establish protocols for addressing this noncompliance in a consistent, systematic manner will likely serve as a useful tool for any jurisdiction dealing with a similar offender population.

Chapter 4

Impact Findings

This chapter begins with descriptive information about study offenders. The chapter continues with analyses testing the impact of group assignment (i.e., judicial monitoring or no monitoring) on key outcomes of interest, including program sessions attended, compliance with court mandates, and re-arrest. This chapter then explores the impact of other potential predictor variables, including the precise number of court appearances attended; the identity of the judge (among the three judges who presided during the study); and offender perceptions.

Offender Profile

Table 2.1 in the previous chapter compares the baseline characteristics of offenders assigned to judicial monitoring with a program mandate (Group 1) and those assigned to a program mandate only (Group 2). Overall, these findings indicate that the sampled domestic violence defendants are predominately from racial and ethnic minority groups in their mid-thirties, with an extensive criminal history. Interestingly, the overwhelming majority of cases (63%) included a criminal contempt charge, which typically involves a violation of a previous court-imposed protective order. Many cases also involve other charges (thus the charge percentages in Table 2.1 exceed 100%), with harassment and assault the next most common charges after criminal contempt. Fewer than 10% of study offenders were arraigned on a felony charge. Concerning criminal history, 75% had a prior arrest, and 70% had a prior domestic violence arrest.

Impact of Judicial Monitoring

Results in this section concern the main effect of randomized group assignment (judicial monitoring or not). Specifically, we examine the impact of group assignment on the number of program sessions attended, offender perceptions, compliance with court orders, and recidivism.

Impact on Court Appearances

As discussed in Chapter 2 and consistent with the intention of our design, on the instant criminal case, offenders assigned to judicial monitoring *did* in fact make significantly more monitoring appearances than those not randomly assigned to judicial monitoring (15.45 v. 4.10 appearances, $p < .001$).²⁰ While Group 1 offenders made slightly more court appearances on other concurrent criminal cases (3.31 v. 1.97 appearances) and on family and matrimonial cases heard in the IDV court (2.40 v. 1.57 appearances), these differences were not statistically significant.

Impact on Offender Perceptions

As explained in Chapter Two, we conducted interviews with offenders to learn more about how judicial monitoring might affect their behavior. In particular, we were interested in how well offenders understood their monitoring requirements and other responsibilities; whether offenders

²⁰ Monitoring appearances include court appearances *after* the randomization date through case completion.

perceived that noncompliance would be met with swift, certain, and severe sanctions; and how fairly offenders believed they were treated in court.

For the entire sample (both study groups), interview responses indicate that offenders had a strong grasp of the court mandate, with at least 60% agreeing with each of the four statements included in the comprehension scale. However, when asked whether they believed that noncompliance would be detected, more offenders disagreed than agreed in response to each of the individual question items. Thus, the pattern of results suggests that most offenders did not believe that any noncompliant behavior would be detected—at least not quickly.²¹ However, offenders overwhelmingly believed that sanctions would follow any violations of program rules or protective orders that became known. When asked how severe those sanctions would be, a majority of offenders said they would either receive a simple warning or would have to restart the program if they broke program rules. However, a vast majority (83% or more) believed that they would spend some time in jail if they violated a protective order, were terminated from the batterer program, or were re-arrested for a new crime. Concerning the procedural justice items, more than seven in ten offenders agreed or strongly agreed that they were prosecuted because of what they did, that the judge emphasized the importance of attending the program, that the judge treated them with respect, and even that the judge knew them by name. On the other hand, just two in ten thought that the judge had treated them worse than others because of personal characteristics. Despite these high ratings on specific dimensions of procedural justice, slightly less than a majority of offenders believed that, overall, the court had treated their case fairly. (For a complete distribution of offender interview responses on each question item, see Appendix H.)

The top section of Table 4.1 compares mean scores for the four final scales described in Chapter 2 between the two study groups. We detected differences by study group on three of the four scales. Offenders assigned to judicial monitoring were more likely than those who were not monitored to believe that they understood their obligations; that there would be consequences for noncompliance; and that the consequences would be severe. These results suggest that the experimental condition was successful in the intended way in affecting offenders' perceptions related to the comprehension of their responsibilities and to deterrence. (Effects for the comprehension of court process scale, however, only met a .10 significance standard.) On the other hand, we did not find that the samples differed in their perceptions related to procedural justice, as shown in the results in Table 4.1 for the final scale.

Impact on Program Attendance and Compliance

As shown in the next section of Table 4.1, there were not any significant differences between those assigned to judicial monitoring and those not so assigned on either the average number of court ordered batterer program or substance abuse treatment sessions attended. Similarly, as shown in the next section of the table, the samples did not differ in their program completion rates. However, despite the lack of any difference in fulfilling actual program obligations, those assigned to judicial monitoring were less likely to fulfill their overall court mandate (49% v. 66%). This is conceivably explained by the more onerous obligations—extending beyond

²¹ The exception to the pattern is the second item, “If I quit the program, it would take the court at least a week to find out.” In contrast to the other items, this item is worded in the negative: The fact that most offenders disagreed with it indicates that they believed it likely that noncompliance would be detected. It is not clear why this item does not follow the same pattern as the others.

program attendance and completion—and hence the greater opportunities to be noncompliant (e.g., through missed court appearances), faced only by those assigned to judicial monitoring.

Impact on Recidivism

As shown in the final section of Table 4.1, judicial monitoring did not lead to any measures of reduced re-arrest. For example, over the one year post-sentence period, 43% of those assigned to judicial monitoring and 41% of those not so assigned were re-arrested; and 31% and 34% respectively, were re-arrested for domestic violence.

Table 4.1. Impact of Judicial Monitoring

	Group 1 Judicial Monitoring	Group 2 No Judicial Monitoring
<i>N</i>	22	16
<i>Offender Perceptions</i>		
Comprehension of Court Process	4.52+	3.97
Perceptions of Consequences	3.99*	3.54
Severity of Response	6.89+	6.26
Procedural Justice	3.83	3.43
<i>N</i>	77	70
<i>Attendance</i>		
Total number of batterer program sessions attended	17.25	14.92
Total number of substance abuse treatment sessions attended	9.90	9.32
<i>Compliance</i>		
Overall compliant with court orders	49%*	66%
Ever successfully complete a batterer program	49%	46%
Ever successfully complete a substance abuse treatment program	50%	50%
<i>One-Year Recidivism</i>		
Any re-arrest	43%	41%
Mean number of re-arrests	0.69	0.61
Any domestic violence re-arrest	31%	34%
Mean number of domestic violence re-arrests	0.48	0.44

***p<.001 **p<.01 *p<05 +p<.10

Impact of Additional Key Independent Variables

Besides study condition (judicial monitoring or not), we were also interested in whether certain background characteristics, the precise number of court appearances attended, the identity of the sentencing judge, and offender perceptions might influence their compliance and recidivism outcomes. These results are provided via a simple correlation matrix in Table 4.2.

Impact of Background Characteristics

We began by testing what background characteristics significantly influenced overall study compliance and noncompliance, as well as re-arrests. We found that there were positive

correlations between age, white race, menacing charge, and disposed with an adjournment in contemplation of dismissal (as opposed to a conviction and conditional discharge sentence) on overall study compliance. (All effects were statistically significant). In contrast, we found that black race, and prior domestic violence and felony arrests were negatively correlated with overall study compliance.

Regarding those relationships that were significant, we found that a greater prior criminal history predicted both re-arrests for any crime and re-arrests for domestic violence. We also found that offenders who were disposed with an adjournment in contemplation of dismissal, as well as offenders who faced a menacing charge, were significantly less likely to be re-arrested (both all re-arrests and domestic violence). In sum, there appears to be evidence that criminal history, age, and less severe charges and dispositions had an effect on offender behavior.

Impact of Court Appearances

Although study condition (judicial monitoring or not) did not significantly influence program compliance, the level of judicial monitoring as measured by the precise number of court appearances attended *was* influential. Specifically, there were consistently positive correlations between the average number of court appearances on the instant case or additional concurrent cases with both batterer and substance abuse treatment program attendance and completion. (Most but not all effects were statistically significant). Although this suggests a positive impact of more monitoring, the finding may simply illustrate that those who remain active for long enough to accumulate more court appearances (i.e., those who have not been re-sentenced due to noncompliance) also continue to remain active in mandated programs.

When turning to re-arrest, there is little evidence that more court appearances has a positive impact. More appearances on concurrent court cases were actually correlated with *increased* re-arrest.²² (This finding likely indicates the obvious reality that individuals who have more past and current court involvement will likely be involved more in the future as well.) In sum, there is ultimately little strong evidence that the precise quantity of judicial monitoring, as measured by numbers of court appearances, had an independent, non-spurious effect on offender behavior.

Impact of Judge

Interestingly, we found that offenders sentenced by the judge who helped plan and implement the current study (Judge 1) attended fewer batterer program ($p < .10$) and substance abuse treatment program ($p < .05$) sessions than other offenders. Conversely, offenders sentenced by Judge 2 attended significantly more batterer program ($p < .01$) and substance abuse treatment sessions ($p < .10$) than others. We also found that offenders sentenced by Judge 2 were more likely to complete a batterer program ($p < .05$) and a substance abuse program ($p < .10$). This finding may reflect, in part, our finding Judge 2 required, on average, bi-weekly appearances (13.4 days between monitoring appearances), whereas Judge 1 required that offenders return to court on a more graduated schedule (25.1 days between appearances). That is, while Judge 1 drew from the appearance schedule developed as part of the study, Judge 2 tended to study appearances every two weeks, regardless of offender compliance. In light of the finding that

²² As noted in Chapter Two, offenders with cases in the IDV court frequently had additional concurrent cases in either criminal or family court. During appearances on these concurrent cases, the IDV/DV court judge did not mention compliance on the study case.

more appearances predict total number of program sessions attended, it follows that the judge who requires more appearances would likewise see greater compliance.

Impact of Offender Perceptions

Two of the offender perception scales—perceptions of consequences and procedural justice—were significantly associated with attending more batterer program sessions; and the perceptions of consequences scale was also associated with actually completing the assigned batterer program mandate. These findings are in the expected directions. Inexplicably, a higher score on the perceived severity of response scale was associated with attending *fewer* substance abuse treatment sessions. Overall, the findings suggest that offender comprehension and perceptions tied to consequences and procedural justice lead to greater compliance with court-ordered program attendance and completion. None of the offender perception measures were correlated with recidivism measures (average correlations between .15 and .20).

	Attendance		Compliance		Recidivism	
	Total # BP sessions attended	Total # Substance Abuse Tx sessions attended	Ever successfully completed a BP mandate	Ever successfully completed a SA mandate	Any Re-Arrest	DV Re-Arrest
<i>N</i>	143	61	147	147	147	147
Study Group						
Judicial Monitoring Group	0.110	-0.094	0.032	0.100	0.014	-0.033
Court Appearances						
Number of Appearances on the Instant Case (Mean) ¹	0.236***	.208*	0.076	0.180*	-0.030	-0.029
Number of Appearances on Concurrent Cases (Mean) ²	0.170**	0.154	0.111	0.177*	0.164*	0.221**
Number of Cases ³	0.137*	0.175+	0.117	0.187*	0.162*	0.230**
Sentencing Judge						
Judge 1	-0.122+	-0.246*	-0.043	0.057	0.072	0.041
Judge 2	0.168**	0.219+	0.182*	0.146+	0.013	-0.012
Judge 3	-0.039	0.046	-0.130	-0.200*	-0.084	-0.030
<i>N</i>	38	20	38	20	38	38
Offender Perceptions						
Comprehension of Process	0.245	-0.060	-0.096	-0.169	-0.063	-0.122
Perceptions of Consequences	0.348*	-0.121	0.426**	-0.226	-0.150	-0.195
Severity of Response	0.058	-0.511	-0.143	0.269	0.189	0.261
Procedural Justice	0.505**	-0.049	-0.083	-0.197	-0.147	-0.186

***p<.001 **p<.01 *p<.05 +p<.10

¹ Includes all appearances between randomization date (not inclusive) to study completion date.

² Includes appearances on concurrent family and other criminal cases scheduled between the randomization and study completion dates on the instant case.

³ Includes total number of concurrent IDV/DV court cases during the study period.

The Perspectives of Victims

We attempted to interview victims in both experimental and control cases to determine if there were differences in victims' feelings of safety and reports of new abuse. As discussed in the second chapter, because the study protocol called for an initial contact by the district

attorney's office to obtain consent and the interviews were done by a third party, we did not achieve the participation rate that allowed us to make meaningful comparisons between the groups: Interviews were completed with five Group 1 victims, five Group 2 victims, and one victim in a case excluded by the judge. We supplemented the brief structured interviews with focus groups that included four victims. The focus groups allowed us to explore subjects in greater depth than was possible in the brief structured interviews. Here, we present briefly results from the interviews and focus groups, with more detail available in Appendix F.

A large majority of victims (9 of 11) wanted the abuser prosecuted. While they differed in what they wanted the court to do with the abuser (most wanted a program, some wanted jail, others wanted an order of protection, and one wanted just to "scare" the abuser), most were satisfied with what the court did. Five were very satisfied and three were somewhat satisfied with the sentence in their case, while just two victims were dissatisfied. Six victims said that they felt safer as a result of the court's actions in their case. (The six were evenly divided between experimental and control cases, so we have no indication that judicial monitoring increased feelings of safety.) Three of the four focus group victims also felt safer as a result of the court's action. But they also admitted to somewhat mixed feelings, worrying that the arrest and prosecution might anger abusers and encourage them to retaliate.

We asked victims in the focus groups whether they knew that their partners were ordered to report regularly to a judge. None were aware whether their partner's progress in a treatment program was monitored by a judge (although two were in the experimental group). Perhaps that is not surprising since three of the women in the focus group had had only minimal contact with the offender since the arrest. Little contact was also the rule for the majority of victims interviewed: Seven of the 11 victims saw the abuser less than once a month or not at all.

Four of the victims interviewed (two experimental cases, one control cases, and the judicial exclusion case) reported suffering physical abuse at the hands of the offender within two months of the interview. None of the focus group victims had experienced new incidents of physical abuse.

Victims in the focus groups were asked whether they had thoughts about making the court experience more comfortable for victims. Two felt that the court ought to do a better job of listening to victims and keeping them informed of the status of their case.

Summary

Synthesizing the results presented above, we believe an interesting story has emerged. It seems that there is not a clear relationship between assignment to judicial monitoring and the outcomes of interest. However, notable relationships were found when looking at the key components of judicial monitoring—court appearances, judicial interaction, and the offender perceptions that form as a result of that judicial interaction. In particular, one of the three judges had a positive impact on program attendance and completion of both batterer program and substance abuse treatment programs. In addition, two important offender perception scales also showed consistent findings across the outcome measures, indicating that perceptions tied both to perceptions of noncompliance and to procedural justice serve to increase program compliance.

Chapter 5

Conclusions

This chapter reviews the major study findings and assesses them in light of the previous literature. We also identify important study strengths and limitations. In conclusion, we offer recommended best practices for monitoring domestic violence offenders and discuss other possible new directions for policy and research, drawing on the findings from this study.

Discussion of Major Findings

Main Effect of Judicial Monitoring

We did not find that judicial monitoring had an impact on re-arrest, program attendance, or program completion. We did find that offenders assigned to judicial monitoring were more likely to believe that they understood their obligations; that there would be consequences for noncompliance; and that the consequences would be severe compared to offenders not assigned to monitoring.

Impact of Court Appearances

The intensity of judicial monitoring, as measured by the precise number of court appearances attended, *was* influential in impacting some of our outcome measures. Specifically, there were consistently positive correlations between the average number of court appearances on the instant case or on additional concurrent cases with both batterer and substance abuse treatment program attendance and completion. Although this suggests a positive impact of more monitoring, the finding may simply illustrate that those who remain active for long enough to accumulate more court appearances also remain active in mandated programs.

When turning to re-arrest, there was little evidence that more trips to court had a deterrent impact. More appearances on concurrent court cases were actually correlated with *increased* re-arrest, though this finding likely reflects the obvious reality that individuals who have more historic court involvement will likely be involved more in the future as well. In sum, there is ultimately little evidence that the precise quantity of judicial monitoring, as measured by the number of court appearances, had an independent, non-spurious effect on offender behavior.

Impact of Specific Judicial Practices

Interestingly, we found that offenders sentenced by the judge who helped to plan and implement the current study (Judge 1) attended fewer batterer and substance abuse treatment program sessions than other offenders. Conversely, offenders sentenced by Judge 2—the judge who opted *not* to incentivize achievements and utilized, on average, a biweekly (rather than a graduated) monitoring schedule—attended significantly more program sessions and were more likely to complete the program mandate.

Impact of Offender Perceptions

We found that two of the offender perception scales—perceptions of consequences and procedural justice—were correlated with batterer program sessions attended. That is, offenders who believed that the court was likely to learn of and respond to noncompliance and those

offenders who felt they were treated fairly attended more program sessions. In addition, offenders who believed that the court would learn of and respond to noncompliance were more likely to complete their batterer program mandate.

Study Strengths and Limitations

This study possessed several unique strengths. First and foremost, we were able to successfully implement a randomized controlled trial, the strongest design for testing the impact of judicial monitoring. This would not have been achieved without the successful collaboration with the presiding judge and other practitioner partners affiliated with the Monroe County domestic violence courts, which allowed us to develop and execute a rigorous judicial monitoring schedule and protocol. The research team, judge, and stakeholders were all interested in answering the research question of whether or not rigorous judicial monitoring can impact recidivism or other court outcomes.

Another strength of this study provides an excellent foundation for future research: We were able to collect extensive data on offender infractions and judicial responses at nearly every scheduled compliance monitoring appearance. This data provided us with an immense amount of information regarding the implementation of our protocols and provide a rigorous model of judicial monitoring based on recommended practices in working with domestic violence and other criminal court populations.

Nonetheless, we must also point out the study's limitations. First, our study population was distinctive in a number of ways. Rochester is a mid-sized city and most of the domestic violence offenders are nonwhite and have an extensive criminal history, especially with domestic violence. This study only represents one city and we cannot be sure how generalizable these findings are across the country.

Perhaps the greatest study limitation was the low sample size. We originally intended to continue intake until the sample size reached 600 defendants, with the possibility of a somewhat reduced sample size if we had not reached the proposed sample size after 24 months. However, initial case volume estimates provided by the court proved inaccurate and after 38 months, only 155 defendants had been randomly assigned. Contributing to low sample size, the court had committed to implement a criminal domestic violence court in addition to the preexisting integrated domestic violence court, with both courts used to identify eligible study offenders. However, the criminal domestic violence court encountered a number of setbacks—including a nine-month temporary hiatus, narrowed eligibility criteria (the court never handled all criminal domestic violence cases and narrowed the range of cases that it handles over time), and eventual dissolution of the court. Accordingly, despite extensive planning prior to study start-up, we were unable to achieve our target numbers for either the randomized trial or the offender and victim interview portions of the study.

Third, all defendants in the study with cases in the IDV court were also required to return to court on additional criminal actions (not the criminal case that triggered study participation) or on concurrent family court and matrimonial matters. In order to avoid contamination of the Group 2 sample drawn from the IDV court, the judge refrained from mentioning issues related to the study criminal case during these appearances on other cases. However, it is worth noting that some of the Group 2 defendants did continue to return to court—albeit on other cases—and were essentially monitored as well.

Fourth, we found an extremely limited use of jail sanctions. We believe this may be a potential weakness in the implementation of our judicial monitoring model and the lack of a real deterrent effect. It is possible that courts implementing a sanction schedule that utilizes more responses from the most severe end of the sanction spectrum might see different impacts.

Fifth, the timing of the offender interviews meant that we spoke to offenders *after* they completed their court mandates (or were resentenced). Therefore, it is not only possible but likely that the experience during the monitoring period had some influence on offender perceptions. However, we sought to determine whether offender perceptions shaped overall compliance—that is, the behaviors occurring *during* the monitoring period. In short, it is difficult to disentangle how perceptions shape behaviors and how experiences shape perceptions.

Sixth, the “risk principle” states that intensive interventions such as frequent judicial monitoring may be particularly effective with offenders who are initially at a “high risk” of re-offending, absent any intervention; conversely, intensive interventions may not work as well with “low risk” offenders (Andrews and Bonta 2010). However, in this study, our sample size only enabled analyzing the main effects of judicial monitoring and other predictor variables, meaning that we could not test whether monitoring was indeed more effective with high- than low-risk defendants in our sample. Future research would benefit from either a multi-site approach or from the use of a large urban site with exceptionally large volume so that subgroup analyses might be conducted of “for whom” judicial monitoring is or is not particularly effective.

Implications for Policy and Future Research

We believe that our in-depth analysis of the design and implementation of our judicial monitoring model is an excellent test case for other jurisdictions that might be interested in the implementation of enhanced monitoring. Despite the null findings, we believe that the development of rigorous judicial monitoring schedule and protocol is a useful foundation for other jurisdictions looking for recommended practices for monitoring domestic violence offenders (for accountability or other attainable purposes), with the understanding that each jurisdiction must adhere to their unique laws and procedural constraints.

We did not find that judicial monitoring leads to lower re-arrest rates; nor did we find any impact of monitoring on program attendance or compliance. We did find that critical components of judicial monitoring had an impact on program attendance, compliance, and recidivism. In particular, the number of court appearances was positively correlated with all outcome measures. In addition, specific judicial practices also had a relationship with those measures. Lastly, the results suggest that the experimental condition was successful in the intended way in affecting offenders’ perceptions related to comprehension of their responsibilities and to deterrence.

Researchers, practitioners, and criminal justice stakeholders all recognize the need to develop better assessment tools for identifying risk factors and predicting re-assault among domestic violence offenders. These tools would inform decisions about the appropriate level of supervision and shape court mandates and dispositions. Moreover, it is possible that rigorous judicial monitoring is simply not sufficient to send a deterrent message to offenders, especially those who are not amenable to desistance for reasons related to their particular risks and needs (mental health needs in particular). It is also possible that judicial monitoring can, in fact, be effective, but that it must be implemented frequently, consistently, and without incentivizing compliance—all characteristics of judicial monitoring that were practiced by the one judge whose results were more positive than the other two. Accordingly, we believe that future

confirmatory research on judicial monitoring is necessary to test whether there are specific monitoring practices that can begin to “move the dial” in achieving positive effects with a domestic violence offender population.

Moreover, in light of the preexisting literature that generally supports judicial monitoring, as well as several promising findings related to specific judicial practices and to the impact of monitoring on key offender perceptions, we believe that this is the first in what should be multiple studies examining the efficacy of judicial monitoring with domestic violence offenders.

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Appendix A. Allocution Script

[Note: The following allocution is not intended to be a literal script but more a framework from which the judge will speak.]

Mr. _____

The DA's office is offering you a plea offer to [*charge*] to satisfy all of the charges in front of me. [*Review charges here.*]

Is it your desire to accept that plea? The Court requires that you now give us the specifics of the crimes that you committed, including place, time, criminal activity and the name(s) of the victim(s) of your crime. You will be required to specify the actions in which you engaged that resulted in [*review details of incident here*].

Here is how this plea offer works. Your sentence will be [*a conditional discharge or probation*] or [*disposed as adjourned in contemplation of dismissal (ACD)*]. This means that you will not have to go to jail, provided that you satisfy certain conditions, including compliance with the court's order of protection and attendance at a program. [*Indicate type of program if already determined: batterer program, substance abuse treatment, etc.*] If you do not agree to the terms of this plea, or do not satisfy its conditions, you will go to jail, for up to [*jail sentence based on charge*].

In your case, there are two different possible groups of conditions that may be required. You will be randomly assigned to one of two different conditions. This random assignment is for the purpose of a research study. If you agree to this plea, you are saying that you are willing to accept either one of the two possible groups or sets of conditions.

I will explain each of the two groups in detail. But first, a quick and easy way to describe the groups is to say that:

Group One – includes the program and regular judicial monitoring;

Group Two – includes the program only.

Group #1

If you are selected for group #1, the conditions will be as follows. You will be required to attend and complete a program [*batterer, substance abuse, mental health or other program*]. You must also return to my court for frequent monitoring and obey a (full or limited) order of protection. If you fail to comply with any of these conditions you may be sent to jail.

Group #2

If you are selected for group #2, the conditions will be as follows. You will be required to attend and complete the program [*batterer, substance abuse, mental health or other program*]. If you fail to complete the program, you may be sent to jail. In addition, you will have to obey a (full or limited) order of protection. You will not have to return to court for monitoring, unless you are terminated from the program for failing to follow its rules, a warrant is issued for your arrest, or you are rearrested.

There is a “no contact” order between you (the defendant) and the victim. The burden is upon you, NOT the victim, to obey this order. If you do not obey this order you will go to jail, for up to _____. The order of protection is the court’s order. Your victim cannot say that the order is terminated or that you can have contact with her/him. Changes to the order must be made here, in this court. [*Read the order of protection carefully.*]

You must stay away from the person and any children listed in the order. This means:

- No phone calls.
- No letters, e-mails, faxes.
- No flowers.
- No boxes of candy.
- No presents of any kind.
- No messages through friends, relatives, neighbors or acquaintances.
- No contacting the person in any way.

You must obey this order of protection. If you fail to comply with any of these conditions you may be sent to jail. Do you understand this?

As I just discussed, you will also be required to attend and complete:

- a batterer program;
- a mental health or substance abuse treatment program;
- _____ program; or
- community service.

This program meets _____ times a week for a period of ___ weeks, with a cost of _____ each time you go (for programs). You must follow all of the conditions and procedures outlined by the program. Program staff will notify court staff immediately in the event of your non-compliance and you will be brought back to court immediately.

If you fail to comply with any of the conditions of your plea you may receive probation or be sent to jail.

Do you understand all that? If so, please explain to me your understanding of the conditions of your plea, including order of protection and program requirements and the penalties for not complying with these court mandates.

Do you understand the negative effect that your criminal actions have had upon your victim, children, family and the community at large? What do you think are some of these effects?

Do you want to talk to your lawyer about the conditions of your plea before you make up your mind?

Counsel, does the defendant wish to accept the offer? Please offer defendant’s plea.

Very good, Mr. _____,

Do you wish to plead guilty to _____? Has any one forced you to take this plea? Has any one promised you anything to take this plea? Good. Your plea is accepted.

[Randomization will occur.]

[If assigned to Group 1.] You have been selected for group 1. You will be required to attend and complete a program [batterer, substance abuse, mental health or other program]. You must also return to my court for frequent monitoring and obey a (full or limited) order of protection. If you fail to comply with any of these conditions you may be sent to jail. *[Distribute sheet that explains sanctions, including details such number of days in jail, in lay terms.]* Do you understand?

[If assigned to Group 2.] You have been selected for group 2. You will be required to attend and complete the program [batterer, substance abuse, mental health or other program]. If you fail to complete the program, you may be sent to jail. In addition, you will have to obey a (full or limited) order of protection. You will not have to return to court for monitoring, unless you are terminated from the program for failing to follow its rules, a warrant is issued for your arrest, or you are rearrested. Do you understand?

Appendix B. Baseline Characteristics by Study Group ¹

	Group 1 Judicial Monitoring 83	Group 2 No Judicial Monitoring 70
<i>N</i>		
Demographics		
Age	33.8	34.6
Race/Ethnicity		
Black	54%	45%
Hispanic/Latino	19%	22%
White	27%	32%
Asian	0%	1%
Born in the USA	100%	99%
Male	100%	100%
Instant Case Information		
Sentencing Judge		
Judge 1	39%	31%
Judge 2	31%	29%
Judge 3	31%	40%
Arrest Charge ²		
Harassment	16%	20%
Assault	23%	17%
Menacing	2%	6%
Criminal Contempt	61%	61%
Any DV Arrest Charge	89%	91%
Child Victim Offense	2%	0%
Sex Offender Registrant	2%	3%
Violent Felony Offense	7%	0%*
Weapons Charge	4%	6%
Firearm Charge	0%	3%
Drug Charge	2%	0%
DCJS DV Flag	20%	20%
Charge Severity		
Felony Arrest Charge	14%	10%
Felony Arraignment Charge	14%	6%+
Prior Arrests		
Any Prior Arrest	72%	76%
Mean, Any Prior Arrest	5.66	7.53
Prior DV Arrest	72%	67%
Mean, Prior DV Arrest	2.58	3.56
Prior Felony Arrest	53%	51%
Prior VFO Arrest	30%	17%+
Prior Drug Arrest	34%	30%
Prior Weapons Arrest	24%	24%
Prior SOR Arrest	12%	6%
Prior Child Victim Arrest	4%	13%*
Prior Convictions		
Any Prior Convictions	40%	57%*
Mean, Any Prior Conviction	1.60	2.74+
Prior DV Conviction	68%	66%
Mean, Prior DV Conviction	3.35	4.64
Prior Felony Conviction	28%	27%
Prior VFO Conviction	12%	3%*
Prior Drug Conviction	22%	26%
Prior Weapons Conviction	7%	9%
Prior SOR Conviction	1%	4%
Prior Child Victim Conviction	1%	6%
Case Disposition and Sentence		
Entered Study on an ACD	9%***	23%
Sentenced to Probation ³	51%	44%

***p<.001 **p<.01 *p<.05 +p<.10

¹ Includes six Group 1 offenders arrested on a violent felony offense and, therefore, excluded from analyses in the main text.

² Arrest charges are not limited to top charge--i.e., there may be multiple charges on a single arrest--so the sum of the categories is greater than 100%.

³ Excludes two Group 2 cases which DCJS could not provide a match.

Appendix C. Monitoring Script

[Note: The following monitoring dialogue is not intended to be a literal script but more a framework from which the judge will speak. This script will be followed at the defendant's monitoring appearances-post-disposition]

Mr. _____

I am Judge [X]. You are required to appear before me for monitoring because you have pled guilty to the following charges_____.

Domestic violence is a serious crime, and one that this Court does not take lightly.

Do you understand the negative effect that your criminal actions have had upon your victim, children, family and the community at large? (*Ask for examples*)

Because you have committed this offense, you are required to report to me on a regular basis for _____ more weeks. If you fail to appear here on each of your required dates, a bench warrant will be issued for your arrest.

There is an order of protection or "no contact" order between you (the defendant) and the victim. The burden is upon you, NOT the victim, to obey this order. You must stay away from this person and any children listed in the order. You must obey a (full or limited) order of protection. If you fail to comply with any of these conditions you may be sent to jail. Do you understand what this order of protection forbids you to do? If so, please tell me in your words. District Attorney's Office, has there been any reported violations?

If order of protection has been violated prior to appearance: Refer to sanction chart.

You are also required to attend a domestic violence education program, a mental health or substance abuse treatment, community service, etc. You are in _____ program [review policies and protocols]. You have attended ___ class(es) out of _____ classes and it is the court's expectation that you complete this program.

If non-compliant: Refer to sanction chart.

In addition to the conditions outlined by the program, the court will consider the following behavior non-compliant:

- A violation of the Order of Protection.
- Re-arrest.
- An unexcused absence from the program.
- More than three excused absences from the program.
- Two consecutive excused absences from the program.

The court is notified immediately when you are out of compliance with the program's and this court's attendance and payment requirements and the consequences of this can include having to come to this compliance court more frequently, probation or jail.

In the event of program non-compliance: **Refer to sanction chart.**

Do you understand what your obligations are to this court? Do you understand the consequences of not complying with these requirements? If so, please restate these obligations and requirements.

Mr _____ . I will see you next at _____ on _____ .

Appendix D. Victim Interview Instrument

CASE # _____ DATE _____ INTERVIEWER _____
DOCKET # _____ LANGUAGE OF INTERVIEW _____
VICTIM NAME _____ PHONE # _____

Instructions to interviewers:

Do not leave messages on answering machines.

[When someone answers the phone]:

Interviewer: May I please speak with (NAME OF VICTIM)?

[If respondent asks who you are]:

Interviewer: My name is (INTERVIEWER NAME) and I am conducting a women's health study for the City of Rochester.

[If the victim is not available]:

Interviewer: Is there a good time that I could call back and reach (NAME OF VICTIM)?

[Once the victim is on the phone]:

Interviewer: Hello, my name is (INTERVIEWER NAME) and I am with Alternatives to Battered Women. I am calling you as part of a federal study to gauge satisfaction of victims who recently had cases in the criminal court. We spoke about six months ago and you gave me permission to contact you again. I am calling today because I would like to conduct a brief interview with you. The interview will take about 15 minutes and would ask about your experience with your case. The information that you provide would be used to help the courts decide how best to handle men who abuse their spouses. You will be paid \$25 for your time. Are you interested in participating in the research?

[If victim says no, thank her for her time and get off the phone.]

[If victim says it isn't a good time to talk]:

Interviewer: Is there a time that I could reach you that would be more convenient?

[If the victim says yes]:

Interviewer: Are you alone and in a place where it is safe for you to talk to me?

[If the victim says no or hesitates]:

Interviewer: Is there a better time when I could call back?

[If the victim says that she is alone in a safe place]:

Interviewer: At any time during the interview, if you become worried about your safety or if you need to end our conversation for any reason, please hang up the phone.

If you are willing to participate in the research at this time, I would like to inform you of your rights as a research subject:

I want to remind you that your participation is completely voluntary and will not affect any services you may be receiving from the courts or victim service programs. Keep in mind that if you participate, you may stop the interview at any time, you can refuse to answer any question that is asked, and we will keep everything you tell us and all other information we collect in the strictest confidence. It will not be divulged to anyone not directly involved in the research. Your name will NEVER be used in any report. The only exception to this assurance of confidentiality is if you tell us that you are in danger of hurting yourself, that a child is in danger of being harmed, or that a crime is going to be committed. To thank you for participating in this research, you will receive a payment of \$25 whether or not you finish the interview, which will be mailed to you in a plain white envelope with a return address from Women's Health Study. If you have any questions about the study, or wish to receive a summary of the study when it is completed, you can call Melissa Labriola at the Center for Court Innovation (212-373-1693). If you would like to discuss the study in person or your rights as a research subject, I can schedule a time to meet with you to discuss these things. If you would like to receive printed materials describing the study, please let me know and I will send the materials to you. Are you willing to participate in this interview? _____Yes _____No

SECTION A: CRIMINAL JUSTICE EXPERIENCE

Let's start by asking you about your experience with your criminal court case. I am referring to the criminal case that began more than six months ago with an arrest of (*INSERT ABUSER'S NAME*).

(1) At the time of the arrest, what was your relationship to him?

"He was your..."

- husband
- estranged husband (separated)
- ex-husband (legally divorced)
- boyfriend
- ex-boyfriend
- Other—my: _____

(2) Did you want him arrested?

- Yes
- No⇒ What did you want instead? _____
- DK

(3) Did you want him to be prosecuted in court? [In case she doesn't understand, "Did you want him to go before a judge and have a judge decide what should be done?"]

- Yes
- No

(4) When the case was prosecuted, what did you want the court to do?
(Read the following list and check ALL THAT APPLY)

Did you want the court to:

- Let him go
- Send him to jail ⇒ How long? _____
- Order him to stay away from you
- Put him in a program for men who abuse their partners
- Put him in a substance abuse treatment program
- Put him in some other kind of program ⇒ what kind? _____
- Require him to come back to court regularly to check up on his behavior
- Require him to be supervised by a probation officer
- Make him pay restitution (financial reimbursement to the victim for crime-related medical care or property damage)
- Other ⇒ what? _____
- DK/No Opinion

(5) Do you know what the actual sentence was? In other words, do you know what the court told him to do in the criminal case?

- Yes No Unsure

(6) Overall, were you satisfied or dissatisfied with the sentence in your case?

- Very Satisfied
- Somewhat Satisfied
- In-between satisfied and dissatisfied/Neutral
- Somewhat Dissatisfied ⇒ why were you dissatisfied? _____
- Very Dissatisfied ⇒ why were you dissatisfied? _____
- D/K
- Doesn't know sentence

(7) Overall, were you satisfied or dissatisfied with the way you were treated in court?

- Very Satisfied
- Somewhat Satisfied
- In-between satisfied and dissatisfied
- Somewhat Dissatisfied ⇒ why were you dissatisfied? _____
- Very Dissatisfied ⇒ why were you dissatisfied? _____
- DK
- Not applicable (never was in court)

(8) Do you think the sentence has made you any safer from harm?

- Much more safe
 - Somewhat more safe
 - Neither more safe or less safe
 - Somewhat less safe
 - Very much less safe
 - D/K
-

SECTION B: RE-OFFENDING

For the next set of questions, I would like you to think about events during the past six months – that is, since (ABUSER’S NAME) was sentenced.

(1) Have you seen or heard from him in the past six months?

- Yes
- No
- Refused

(IF NO, SKIP TO Section B, Question 3)

(2) Currently, how often do you see **him**?

- Live together
- Several times per week
- Several times per month
- Less than once per month
- D/K

(3) In the past six months, has he been violent or threatening towards you?

- Yes → *Okay, then I want to get some details on that, so I am going to read you questions from a questionnaire. (PROCEED TO CTS)*
- No → **SKIP TO Q 5**

(4) **Revised Conflict Tactics Scale**

Please tell me how many times in the past six months he did the following violent or threatening things.

- 0 = This never happened.
- 1 = Once in the past six months.
- 2 = Twice in the past six months.
- 3 = 3 times in the past six months.
- 4 = 4 or more times in the past six months.

	Never	Once	Twice	3 times	4 or more times
<i>a. He threw something at you that could hurt</i>	0	1	2	3	4
<i>b. He twisted your arm or pulled your hair</i>	0	1	2	3	4
<i>c. He pushed or shoved you</i>	0	1	2	3	4
<i>d. He used force (like hitting you, holding you down, or using a weapon) to make you have sex</i>	0	1	2	3	4
<i>e. He used a knife or gun on you</i>	0	1	2	3	4
<i>f. You passed out from being hit on the head by him in a fight</i>	0	1	2	3	4
<i>g. He punched you or hit you with something that could hurt</i>	0	1	2	3	4
<i>h. He choked you</i>	0	1	2	3	4
<i>i. He shouted or yelled at you</i>	0	1	2	3	4
<i>j. He insisted on sex when you did not want to, but did not use force</i>	0	1	2	3	4
<i>k. He beat you up</i>	0	1	2	3	4
<i>l. He grabbed you</i>	0	1	2	3	4
<i>m. He slapped you</i>	0	1	2	3	4
<i>n. He burned or scalded you on purpose</i>	0	1	2	3	4
<i>o. He kicked you</i>	0	1	2	3	4
<i>p. He hit you in your face, breasts or genital area</i>	0	1	2	3	4
<i>q. He hurt or injured you in another way: (please specify): _____</i>	0	1	2	3	4

(5) In the past six months, has he made any threats against you, your children, or someone else that you are close to?

Yes → Okay, then I want to get some details on that, so I am going to read you questions from a questionnaire. **(PROCEED TO Q 6)**

No → **SKIP TO Q 7**

(6) In the past six months, has he made any of the following threats?

	Never	Yes
<i>a. He threatened to report you to child protective services, immigration or other authorities</i>	0	1
<i>b. He threatened to hurt you</i>	0	1
<i>c. He threatened to kill you</i>	0	1
<i>d. He threatened to take your child(ren) away</i>	0	1
<i>e. He threatened to hurt your child(ren)</i>	0	1
<i>f. He threatened to kill your child(ren)</i>	0	1
<i>g. He threatened to hurt or kill someone you care about (for example; relative, friend)</i>	0	1

(7) In the past six months, has **he** harassed, stalked, or bothered you?

Yes → *Okay, then I want to get some details on that, so I am going to read you questions from a questionnaire. (PROCEED TO STALKING/HARASSMENT SCALE)*

No → **SKIP TO Q 9**

(8) **Stalking and harassment scale**

Please tell me how many times in the past six months he did the following things to harass you.

0 = This never happened.

1 = Once in the past six months.

2 = Twice in the past six months.

3 = 3 times in the past six months.

4 = 4 or more times in the past six months.

	Never	Once	Twice	3 times	4 or more times
a. He insulted or swore at you	0	1	2	3	4
b. Kept you from spending time with friends or stopped you from going someplace you wanted to go	0	1	2	3	4
c. Threatened to kill himself if you leave or stay away from him	0	1	2	3	4
d. Kept you from using your money	0	1	2	3	4
e. Left you threatening messages (for example, put notes on cars, sent threatening letters, sent threatening messages through friends or family)	0	1	2	3	4
f. Waited outside your home, school or workplace when you didn't want him to	0	1	2	3	4
g. Took things that belonged to you	0	1	2	3	4
h. Reported you to the authorities for something you didn't do (for example, using drugs, neglecting the children)	0	1	2	3	4
i. Followed you or spied on you	0	1	2	3	4
j. Made unwanted phone calls to you (for example, called you more than 5 times a day or repeated calls when you were sleeping, called you even though you asked him not to, bothered you at work)	0	1	2	3	4
k. Sent you unwanted letters, faxes, or communicated with you in other ways against your will	0	1	2	3	4

(9) For any of the incidents you mentioned above, did you or someone else call the police ?

No once twice 3 + times N/A – no new abuse

IF POLICE CALLED: In any of these cases, was he arrested?

No once twice 3 or more times

SECTION C: DEMOGRAPHIC INFORMATION

Before we end the interview, I would like to ask you a few questions about your background for statistical purposes.

(1) How old are you? _____

(2) What is your current employment situation?

- | | |
|---|---|
| <input type="checkbox"/> Employed – full-time | <input type="checkbox"/> Looking for work |
| <input type="checkbox"/> Employed – part-time | <input type="checkbox"/> Unemployed |
| <input type="checkbox"/> Homemaker | <input type="checkbox"/> Student |
| <input type="checkbox"/> Seasonal/temp worker | <input type="checkbox"/> Disabled |
| <input type="checkbox"/> Declined | |

(3) What is the highest level of education you have completed?

- | | |
|--|--|
| <input type="checkbox"/> 8 th grade or less | <input type="checkbox"/> Some college or vocational school |
| <input type="checkbox"/> Some high school | <input type="checkbox"/> College graduate (BA/BS) |
| <input type="checkbox"/> High school graduate/GED | <input type="checkbox"/> Graduate School |

(4) How do you identify yourself in terms of race or ethnicity?

- Black or African American
- White
- Latina/Hispanic
- Asian/Pacific Islander (China, Thailand, Philippines, etc.)
- Middle Eastern (Arab, Israel)
- South Asian (India, Pakistan)
- American Indian or Alaskan Native
- Biracial/Multiracial (Specify) _____
- Declined

(5) Were you born in the US? Yes No → Country of birth: _____

Thank you very much. We will send you a money order within 2 weeks. What address should I send the money order to?

I just want to confirm – is it okay if we call you back in a few months to check in and ask you some follow up questions? Again, you will be paid \$25 for your time if you participate in the follow up interview.

Thank you again. We realize that some of these questions may be upsetting. Please let me know if you would like the number of a counselor you could speak to. If there are other domestic violence services you feel you may need, let me know. I may be able to provide a referral. (**Refer to list of referral numbers**)

NOTE: If participant requests a referral, ask her if she would like you to call ahead to try to contact an appropriate person and notify them that participant will be calling. Ask if she would like you to call her back after doing so.

Appendix E. Victim Focus Group Domains

Introduction

The issues to be discussed today pertain to your opinions regarding:

- Your needs and desires in your case
- Your participation in court and treatment by court officials
- Court monitoring
- Feelings of safety

This is a study about court monitoring of domestic violence offenders and how it affects their behavior, relationship with spouses or girlfriends, and families. We are trying to find out which if court monitoring is best from your perspective, in your experience.

Any questions? Is everyone clear, should I go over something again? I can't answer questions about your case specifically, I just mean are you clear about what we are going to be talking about today. At the end of this group, we will give you information about how to get help with your case or anything else you might need help with related to problems with your partner or ex-partner.

Topics for Discussion

The first thing we want to know what your experience was with the police and then with the prosecutor, victim advocate, and judge.

- Let's start with what happened that led up to the arrest
- Did you want your partner to be arrested?
 - Did you express your preference to the police officer(s)?
 - Did they listen to your wishes?
- Did you talk to a prosecutor or victim advocate at the court?
 - Did you express your preference to them?
 - Did they listen to your wishes?
- Were you asked to attend court?
 - How many times were you asked to attend?
 - Did you come to court? (If not, why not?)
 - What happened on the days that you came to court?
 - What did you do in court? Did you speak to anyone?
 - How were you treated by the prosecutor, victim advocate, and judge?
- Did you know the outcome of your case?
 - What was the outcome?
 - Were you consulted by the prosecutor about the outcome before it was announced in court? (If not, were you upset that you were not consulted?)
 - Did the prosecutor or victim advocate ask you your wishes or concerns in determining a fair outcome?
 - Do you know if your partner's sentence included judicial monitoring – that is, going back to court periodically and reporting to a judge?
 - Were you (at the time) satisfied with the sentence? Why or why not?
 - Did the sentence make you feel safer?

Now, we would like to talk about what effect you think the sentence had on your safety and on your partner's behavior.

- Do you still have contact with your partner?
- Has your partner abused, threatened, or bothered you since the sentence?
- Do you think the terms of the sentence helped change his behavior toward you?
 - How has his behavior changed?
 - What about the sentence do you think made a difference?
- How has the sentence affected his relationship with you and/or your children?
- Looking back, are you satisfied now with the sentence handed down in your case?
- Do you think that the experience of taking this case to court was helpful to resolving the abuse issues in your relationship?
- Based on your experience in this case, would you report a similar incident to the police in the future?

Finally, we would like your thoughts on how to make the court system work better for domestic violence victims.

- What recommendations would you offer to make the process more comfortable for victims?
- Do you think that court monitoring is an important part of a sentence for domestic violence offenders?
- Do you have any thoughts on how the monitoring process can be made more effective?

Appendix F. Victim Interview and Focus Group Results

This appendix presents the salient themes acquired through the 11 victim interviews and focus groups with four victims whose cases were part of the study. We report the major findings related to victims' experiences with the criminal justice system, including their wishes related to arrest and prosecution, feelings about the outcomes of the case, how they were treated, and recurrence of abuse. As noted in Chapter 2, 11 victims completed interviews at six months post-disposition; one victim completed a second interview at one year post-disposition. The victims participating in the interviews were evenly divided between Group 1 and Group 2, with one additional victim whose abuser had been excluded by the judge completing the interview. A total of four victims participated in the two focus groups; focus group participants are referred to as Participant A, B, C, and D.

The Precipitating Incident

Unlike focus group participants, interview participants were not asked about the incident leading up to the criminal case. They were, however, asked about the nature of their relationship with the defendant at the time of the incident. Four victims reported that they were currently in a relationship with the defendant at the time of the incident (3 were currently married, 1 was currently dating). The remaining seven victims reported that the defendant was an ex-boyfriend. None reported that the perpetrator was either an estranged or an ex-husband.

Two of the focus group participants reported that they were currently involved in a relationship with the perpetrator at the time of the incident. *Participant C* had an argument with her spouse that escalated into physical violence. The victim called the police, who arrested her spouse. A domestic violence officer followed up with her later and made sure she got an order of protection. She had a minor bruise on her arm from the incident, but no other visible injuries. *Participant D* had been married for 30 years. Over the years, there had been occasional incidents of domestic violence that led, on five or six prior occasions, to the police being called. Her spouse had been through a batterer program before, and had curtailed his use of alcohol. According to *Participant D*, his use of alcohol had increased again over the past year, and he had become increasingly abusive. On the occasion leading to the current case, the defendant became physically violent during an argument and one of their children called the police after the victim received a small cut over her eye. Her spouse was charged with third degree assault. He spent the night in jail and then went to his sister's house to stay.

Participant A reported that the current case stemmed from a violation of a civil protective order issued by the family court. The order was originally issued when her ex-boyfriend, with whom she had a five-year relationship, was supposed to babysit for their son. When he arrived at her house, he "freaked out," planted cocaine in the trunk of her car, and then called the police. The police did not charge her, but said that there was nothing they could charge him with either. The next day, she went to family court and obtained the protective order.

The final participant, *Participant B*, was attacked by her ex-husband, with whom she had shared a 17-year relationship and three children. The defendant broke into her house and choked her to the point that she was sure she was about to die. The victim was certain that he had come there to kill her, but she managed to get free and called the police. The perpetrator was charged with burglary and assault; the victim thought he should also have been charged with attempted murder. This was the fifth time that she had called the police on him.

All four of the focus group participants reported a history of abuse with the defendant. When asked what made them decide to follow through on a criminal court case after *this* incident, each of the victims expressed fear based on the irrational and unpredictable behaviors of the perpetrators. *Participant A* said what decided the issue for her was his planting drugs in her car. She realized then that he was, “out of control and can’t be trusted.” *Participant B* was convinced that she had to do something because, “he almost killed me.” *Participant C* wanted out of the marriage and an end to living in fear.

The Criminal Justice Experience

Arrest and Prosecution

The majority of interview respondents wanted the perpetrator arrested (73%) and prosecuted (82%). Three of the focus group participants wanted their abuser arrested; *Participant C* had not expressed an opinion and only found out from the domestic violence officer who visited her later that her spouse had been arrested. All the focus group participants believed that the police were supportive. *Participant B*, in particular, noted that she felt that the police listened to her.

Participant D was visited by child protective services (who were called as part of standard procedure by the police), and her name was added to their registry.

Focus group participant reports were mixed in regard to contact with the district attorney’s office. One participant (*Participant C*) tried unsuccessfully several times to reach the prosecutor assigned to her case by phone; she was able to speak with the assigned prosecutor only after she went to the court building on the day her case was scheduled. A second participant (*Participant B*) reported that the Legal Aid attorney assigned to her case acted as an intermediary between the victim and prosecutor. *Participant D* called the district attorney’s office and was able to talk to the prosecutor assigned to her case. *Participant A* spoke to several prosecutors and felt that they were helpful in preparing her for grand jury testimony. She also reported that the prosecutor helped her to set realistic expectations for the outcome in her case; while she wanted her abuser to go to jail, the prosecutor explained that a jail sentence was not possible, since the defendant had no criminal record. Instead, the prosecutor suggested that he would seek a probation sentence that would include regular reporting requirements and a batterer program mandate.

Case Outcome

When asked what they wanted the court to do to their batterer, most victims indicated that they wanted the abuser to receive a program mandate (N=8) or jail sentence (n=5); four victims wanted a protective order and one just wanted the court to “scare him.”²³ All but one of the 11 interview respondents in fact received a protective order. Most of the victims reported that they got what they wanted from the court; the majority were either very satisfied (N=5) or somewhat satisfied (N=3) with the sentence in their case, one was neutral, and only two were either somewhat dissatisfied (N=1) or very dissatisfied (N=1). When asked about their treatment in court, most were very (N=5) or somewhat (N=2) satisfied, one was neutral, and the rest were somewhat (N=2) or very (N=1) dissatisfied. A majority of the victims (N=6) felt that the sentence had made them much safer from harm; one more felt that the sentence had made her

²³ Victims could provide more than one response, so the sums may equal more than the total 11 victims who completed interviews.

somewhat more safe. One victim, who was upset that the perpetrator was not sentenced to jail, believed that the sentence had made her very much less safe.

All of the focus group participants knew the outcomes of their cases. (In one instance, sentencing had not yet occurred, but the victim knew the status of her case and had been contacted by the Probation Department to ask what she wanted in a disposition.) Each of the three women whose abusers had been sentenced felt that the sentence was fair. *Participant A's* abuser was sentenced to both batterer treatment and drug programs. *Participant B's* abuser was sentenced to batterer treatment with probation reporting requirements. *Participant D's* spouse was sentenced to weekend jail for 15 weeks and three years of probation. All of the women received protective orders (either a full no-contact order or a limited order).

None of the women knew whether their spouses had to report regularly to the IDV/DV court judge. Perhaps that is not surprising since three of the women had only minimal contact with the offenders since the incident that led to their arrest. *Participant B* said that her husband's progress in drug treatment was being monitored by a judge. She felt the monitoring was useful; "It keeps the consequences fresh in his memory."

Three of the focus group participants felt safer as a result of the sentence in their case. *Participant A* said that she felt safer as a result of taking the case to court, specifically because of the final protective order. She believed that her abuser had learned a lesson in violating the earlier temporary protective order, and that he would take the new order seriously. She thought that taking the matter to court had been helpful because it got her ex out of her life. *Participant C* said that the judge appeared angry about her spouse's history of domestic violence. She felt that the judge "scared the pants" off of her spouse with talk about what would happen if he violated the no-contact order. *Participant D* was, overall, the most optimistic about the effect of prosecution on her spouse's behavior. She believed that her spouse took to heart the teachings in the batterer program he attended. According to the victim, he not only stopped drinking, but made a concerted effort to change to a healthier diet as well. The couple still had arguments but, she believed, they would stay non-violent as long as he remained sober.

One victim, *Participant B*, did not feel safer because of the protective order. She stated that the defendant knows that the order "is just paper." She did not believe that the perpetrator had changed. She did think that the sentence might make the defendant think twice about abusing his new girlfriend. But she suffers from post-traumatic stress disorder as a result of the attack and indicated that she is selling her home because she no longer feels safe there. She reported "I still fear him tremendously." Her overall prognosis was not optimistic, saying only that she thought that court had been helpful "so far."

Three of the victims said that their spouses were angry about being arrested and having to pay for the batterer program classes. The women were hopeful that the court's action would send a message to their spouses about consequences for violent behavior, but fearful that the arrest and prosecution would push their spouses over the boiling point.

The Court Experience

More than half of victims interviewed reported that they were very (N=5) or somewhat (N=2) satisfied with their treatment in court. One victim reported that she never went to court and the remaining victims were somewhat (N=1) or very (N=2) dissatisfied with their treatment in court.

All focus group participants had attended court hearings on multiple occasions—up to eleven times, according to *Participant B*. Three of the women were frustrated by the repeated demands to come to court only to have the case postponed.

Two participants (*Participants A* and *B*) felt that they were treated well in court and supported by victim advocates and prosecutors and had a chance to talk about what they wanted to see happen in the case. In the case of *Participant B*, although her abuser did not receive the jail sentence she wanted, she felt that the prosecutor made an effort to explain to her what was possible. Neither of these participants spoke to the judge, but both felt that she was fair.

The other two victims reported frustration over not having more influence in the outcome of their case. *Participant C* told the prosecutor that she wanted her abuser to be mandated to attend a batterer program. On the day she came to court, she carried a letter that she had written to the judge indicating her desires. However, the prosecutor would not deliver the letter to the judge and the case was pled without her knowledge while she waited in the hall. She complained about not being seen or heard in court—she felt “invisible.” The exception to this was when the probation department asked her for information to put in the pre-sentence report. *Participant D* told the prosecutor that she wanted her abuser to get counseling. But the prosecutor stressed that the court’s action was not up to her, and said he would press for a six year prison sentence. While this attitude upset the victim, she was pleased that she got a new protective order that stipulated no violent contact.

When asked for recommendations to improve the court process for victims, two of the women said that going to court so often just to have their case postponed was the worst thing about the court process. *Participant A* was also upset that she had to see the perpetrator each time she came to court, and wished that there could be a way around that. *Participant C* said that the staff of child protective services ought to use more common sense in their findings and not “overreact.” She also felt that the courts ought to find out what victims need and involve them more in the process; according to her, in the courts, “no one hears what you have to say.” *Participant D* said that she did not know what was happening in her abuser’s prosecution. She wanted the courts to do a better job of keeping victims informed of the status of their case.

Continued Contact and Recurrence of Abuse

Interview respondents were asked a series of questions about physical and psychological abuse that they may have experienced over the two months prior to the interview. Seven of the respondents had been in contact with the abuser during that period, but four said that they had neither seen nor heard from him within the past two months. One of the victims reported that she lived with the offender, two saw him several times a week, one saw him several times per month, and the majority (n=7) saw him less than once a month or not at all.

Two of the four focus group participants had not been in contact with their abuser since the arrest. *Participant B* said that she is “furious” with her abuser, yet also wants him to know what is happening in their children’s lives (he has supervised visitation with the children out of her presence). He has suggested to the children that he and she should get back together. She claims that her children (ages 7, 11, and 14) are angry with their father, but also sometimes blame her for their estrangement. *Participant C* felt that her marriage had “played itself out.” She said she is unable to trust her spouse again and that she remains fearful for her life.

Participant A just started having contact with her abuser in violation of the protective order. She reported that she is supervising visits between her two-year-old son and his father (in

violation of the protective order) because she feels bad that her son does not know his father. *Participant D* very much wanted her long-time marriage to work, and believed that it could as long as her spouse continues to stay away from alcohol.

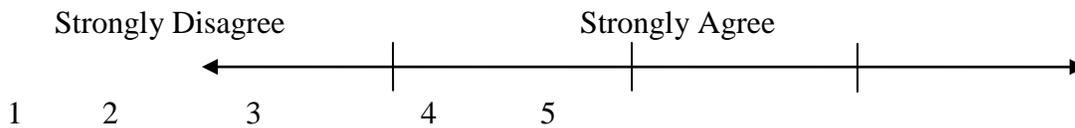
Four of the victims interviewed (two experimental cases, one control case, and the excluded case) reported incidents of physical abuse within the past two months. Of those who reported new physical abuse, all reported at least three different forms of physical abuse (mean=5.5). The most common forms of physical abuse reported were use of a knife or gun, shouting or yelling, and grabbing (each with four positive responses).

Psychological abuse was more common than physical abuse, reported by seven of the 11 respondents (four experimental cases, two controls, and the one excluded case) over the past two months. On average, victims had experienced seven types of psychological abuse; the most common types of psychological abuse included threats of physical harm, unreasonable jealousy, insults or swearing, and blame for things beyond the respondent's control (each reported by five victims).

- d. The judge has been very consistent in explaining what would happen – what the consequences would be – if I did not complete the program.
 1 2 3 4 5

II. Detection of Noncompliance

4. For the following statements, please rate your agreement on a scale from 1 to 5, where 1 means that you strongly disagree and 5 means that you strongly agree.



- a. Every few weeks, someone who works for the program talks or writes to someone at the court about how I'm doing.
 1 2 3 4 5
- b. If I quit going to the program, it would take a week or more before the court found out.
- c. Going after and catching people who drop out of programs and split is a high priority for judges, prosecutors, and warrant squads.
- d. If I contacted my partner occasionally in ways not allowed by the order of protection, the court would probably find out.
- e. If I was arrested for something other than domestic violence, the judge on my domestic violence case would probably find out.

III. Certainty of Response to Noncompliance

5. For the following statements, please rate your response on a scale from 1 to 5, where 1 means that you think it is very unlikely that the judge would sanction your behavior and 5 means that you think it is very likely that the judge would sanction your behavior. (By "sanction," we mean "punish." Examples of sanctions the judge might give include a lecture, more frequent court appearances, starting your program over, and jail time.)

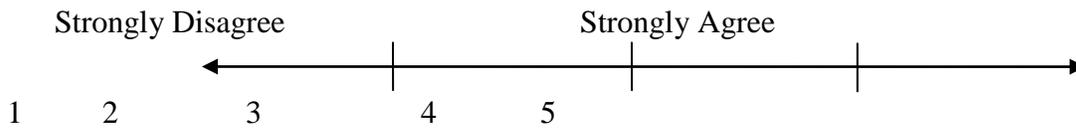


- a. If you broke rules at your program and the court found out, how likely is it that the judge would sanction you?
 1 2 3 4 5
- b. If you were terminated from your program and the court found out, how likely is it that the judge would sanction you?

c. If you had contact with your partner in violation of the protective order and the court found out, how likely is it that the judge would sanction you?

d. If you were re-arrested for something and the court found out, how likely is it that the judge would sanction you?

6. While you were ordered to attend a program, how likely did you believe the following statements to be? Rate your agreement on a scale from 1 to 5, where 1 means that you strongly disagree and 5 means that you strongly agree.



a. The judge will give me several chances before sending me to jail for messing up. 1 2 3 4 5

b. The judge and other people from the court threaten a lot, but they don't usually send people to jail for breaking rules at the program.

IV. Severity of Response to Noncompliance

7. In answering the following questions, use the following list of actions that the court can take.

a. More than a month in jail	e. A warning
b. Between 2 weeks and a month in jail	f. Restart the program from the beginning
c. Less than 2 weeks in jail	g. Return to the program
d. A warning and more frequent court appearances	h. Nothing

a. From the list above, what do you think would happen if you broke rules at your program?

b. From the list above, what do you think would happen if you were terminated from your program? _____

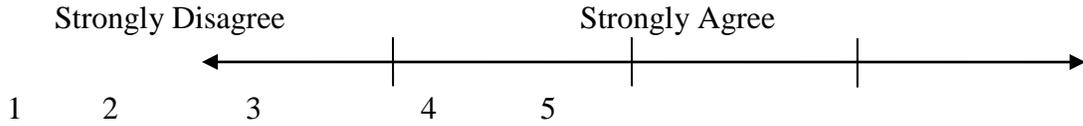
c. From the list above, what do you think would happen if you had contact with your partner in the case in violation of the order of protection? _____

d. From the list above, what do you think would happen if you were re-arrested? _____

8. If the judge did decide that you failed the mandate and wouldn't get another chance, how much jail time did you think you would get? _____

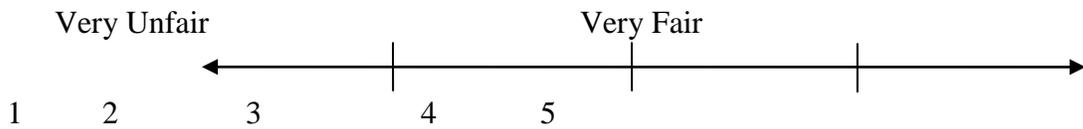
VI. Procedural Justice

9. Thinking back to all of the times you appeared in court on the case that was just heard, rate your agreement with the following statements on a scale from 1 to 5, where 1 is strongly disagree and 5 is strongly agree.



- | | | | | | |
|---|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| | <u>1</u> | <u>2</u> | <u>3</u> | <u>4</u> | <u>5</u> |
| a. Judge [X] listened to me. | <input type="checkbox"/> |
| b. Judge [X] treated me worse than others because of my personal characteristics (gender, age, education, or race). | <input type="checkbox"/> |
| c. Judge [X] was knowledgeable about my case. | <input type="checkbox"/> |
| d. Judge [X] knew me by name. | <input type="checkbox"/> |
| e. Judge [X] helped me to succeed. | <input type="checkbox"/> |
| f. Judge [X] emphasized the importance of attending my program. | <input type="checkbox"/> |
| g. Judge [X] remembers my situation and needs from hearing to hearing. | <input type="checkbox"/> |
| h. Judge [X] can be trusted to treat me fairly. | <input type="checkbox"/> |
| i. Judge [X] treated me with respect. | <input type="checkbox"/> |
| j. I was prosecuted because of what I did. | <input type="checkbox"/> |

10. Overall, how fair do you think your court experience was? For the following questions, please rate the fairness of your experience on a scale from 1 to 5, where 1 is very unfair and 5 is very fair.



- | | | | | | |
|---|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| | <u>1</u> | <u>2</u> | <u>3</u> | <u>4</u> | <u>5</u> |
| a. Overall, how fairly was your case handled by the court? | <input type="checkbox"/> |
| b. Overall, how fair was the court's use of sanctions or penalties? | <input type="checkbox"/> |

11. *[Ask if mandated to judicial monitoring]*

a. What did you like most about appearing regularly in front of the judge?

b. What do you like least about appearing regularly in front of the judge?

VII. Background Information

Now I'd like to ask you some questions about yourself, mostly thinking back to the time when you were first arrested on the case that was just heard in court.

12. On approximately what date were you arrested? _____

13. At the time of the arrest, what was your relationship with your partner who was involved in the case?

- Married
- Divorced
- Boyfriend
- Ex-boyfriend
- Other: _____

14. At the time of the arrest, were the two of you living together?

- Yes
- No

15. Do the two of you have any children in common?

- Yes
- No

15a. *[If yes]* At the time of the arrest, were any of them living with you?

- Yes
- No

16. At the time of the arrest, were you employed?

- Yes
- No

17. Are you employed now?

- Yes
- No

18. Please describe how far you got in school.

- Did not graduate high school or obtain a G.E.D.
- Graduated high school or obtained a G.E.D.

off work to deal with court matters.

- c. Having all of my cases in front of one judge has helped me to get positive results in my cases.
- c. The outcome(s) of my case(s) would have been the same in another court, such as a regular family court or criminal court.
- d. Having the same judge in all my cases may have negatively influenced her decision in some or all of my cases.
- e. Overall, this court handled all of my cases fairly.

Appendix H. Offender Perception Scales: Items and Response Distribution

Appendix H.1. Offender Perceptions: Comprehension of Court Mandate Scale

	Strongly Disagree				Strongly Agree
	1	2	3	4	5
Understood what was going on.	10%	8%	22%	20%	40%
Judge made sure I understood consequences of failure.	8%	0%	5%	5%	83%
Understood behavior that might result in jail.	8%	3%	0%	3%	87%
Judge explained consequences of not completing program.	10%	3%	5%	5%	77%

Appendix H.2. Offender Perceptions: Detection of Noncompliance Scale

	Strongly Disagree				Strongly Agree
	1	2	3	4	5
Program staff update the court on how I'm doing every few weeks.	16%	16%	53%	13%	3%
If I quit, it would take the court at least a week to find out.	40%	14%	26%	20%	0%
Catching program drop-outs is a high priority for court personnel.	8%	16%	51%	24%	0%
The court would probably find out about illegal contacts with my partner.	13%	13%	65%	8%	0%
The judge would probably find out if I was arrested for a non-domestic crime.	5%	24%	68%	3%	0%

**Appendix H.3. Offender Perceptions:
Certainty of Response to Noncompliance Scale**

	Strongly Disagree					Strongly Agree				
	1	2	3	4	5	1	2	3	4	5
Judge will give several chances before sending me to jail for messing up.	33%	26%	21%	10%	10%					
Court personnel threaten, but don't usually send people to jail for breaking program rules.	66%	16%	3%	10%	5%					
How Likely Is It That Judge Would Sanction You If...	Very Unlikely					Very Likely				
	1	2	3	4	5					
You broke program rules?	5%	0%	8%	11%	76%					
You were terminated from the program?	5%	0%	5%	10%	79%					
You had illegal contact with your partner?	5%	0%	5%	5%	84%					
You were rearrested?	3%	0%	10%	15%	72%					

Appendix H.5. Offender Perception Scales: Severity of Response to Noncompliance

What would happen if.....	Nothing	Return to Program	Restart Program	Warning	Increased monitoring	< 2 weeks in jail	2 weeks - 1 month in jail	> 1 month in jail
You broke program rules?	0%	3%	28%	23%	8%	5%	8%	26%
You were terminated from program?	3%	0%	3%	5%	7%	13%	13%	57%
You violated the protective order?	0%	0%	0%	5%	3%	0%	18%	74%
You were re-arrested?	5%	0%	0%	2%	10%	13%	5%	65%

**Appendix H.5. Offender Perceptions:
Procedural Justice Scale**

	Strongly Disagree 1	2	3	4	Strongly Agree 5
The judge listened to me	20%	8%	20%	8%	45%
The judge treated me worse than others due to personal characteristics	63%	5%	12%	5%	15%
The judge was knowledgeable about my case	15%	8%	15%	12%	50%
The judge knew me by name	18%	0%	12%	12%	58%
The judge helped me to succeed	28%	7%	18%	10%	37%
The judge emphasized the importance of attending my program	13%	2%	5%	15%	65%
The judge remembers my situation and needs from hearing to hearing	18%	15%	5%	20%	42%
The judge can be trusted to treat me fairly	18%	5%	20%	10%	47%
The judge treated me with respect	15%	0%	13%	18%	54%
I was prosecuted because of what I did	15%	3%	8%	13%	61%
	Very Unfair 1	2	3	4	Very Fair 5
Overall, how fairly was your case handled by the court?	26%	5%	21%	18%	31%
Overall, how fair was the court's use of sanctions?	11%	13%	24%	16%	37%

Appendix I. Factor Loadings for Items in Scale Measuring Perceptions of Consequences for Noncompliance

	Factor Loading
Program staff update the court on how I'm doing every few weeks.	.134
If I quit, it would take the court at least a week to find out.	-.086
Catching program drop-outs is a high priority for court personnel.	.609
The court would probably find out about illegal contacts with my partner.	.673
The judge would probably find out if I was arrested for a non-domestic crime.	.675
How likely is it that judge would sanction you if....you broke program rules?	.812
How likely is it that judge would sanction you if....you were terminated from the program?	.746
How likely is it that judge would sanction you if....you had illegal contact with your partner?	.884
How likely is it that judge would sanction you if....you were rearrested?	.741
The judge will give several chances before sending me to jail for messing up.	.110
Court personnel threaten, but don't usually send people to jail for breaking program rules.	.188

**(Items in bold were included in scale.)*

Appendix J. Courtroom Observation Form

Name of Defendant: _____

Docket Number: _____

Date: _____ Time: _____

Achievement		Incentive	
Compliance with court mandate		Encouragement by Judge	
Scheduled/Attended program orientation		Decrease in judicial monitoring frequency	
Completed batterer program		Change order of protection full to limited	
Completed substance abuse program		Other	
Completed alcohol treatment program			
Completed mental health program		Sanction	
Completed ACT program		Judicial warning	
Completed parenting class		Verbal admonishment	
Completed other program		Increase in judicial monitoring frequency	
Obtained employment		Restart program	
Enrolled in vocational training		Return to program with credit for sessions attended	
Entered school (HS/college)		Community service	
Obtained GED/HS diploma		Additional conditions of CD	
Other		Additional conditions of ACD	
		Additional conditions of Probation	
Infraction		Warrant issued	
Failure to follow judge's directions		Stay for afternoon call	
Poor attitude		Remanded	
Absence(s) at program		1 day jail	
Little/no participation with program		2 days jail	
Termination from batterer program		3 days jail	
Termination from substance abuse program		5 days jail	
Termination from alcohol treatment program		1 week jail	
Termination from mental health program		8-13 days	
Termination from other program		2 weeks jail	
Lateness(es) at program		More than 2 weeks jail	
Rule-breaking at program		Resentenced to jail	
Failure to follow probation's directions		Resentenced to probation	
Violated order of protection		VOP hearing/VOP hearing scheduled	
New non-dv arrest		Hearings to reopen ACD or CD	
New dv arrest		Additional mandates to appropriate programs consistent with arrest/behavior	
Failure to appear for court appearance		Immediate incarceration until resolution of new charge	
Voluntary return on warrant		Electronic monitoring	
Involuntary return on warrant		Other	
Lateness(es) at court			
Lack of payment for program			
Other			

Notes: