

# Testing the Effects of New York's Domestic Violence Courts

A Statewide Impact Evaluation

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The opinions, findings, and conclusions or recommendations expressed in this publication are those of the authors and do not necessarily reflect the views of the US Department of Justice. For correspondence, please contact Amanda Cissner, Center for Court Innovation, 520 8<sup>th</sup> Avenue, New York, NY 10018 (cissnera@courtinnovation.org).

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# Executive Summary

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Over the past 15 years, a growing number of jurisdictions have established specialized domestic violence courts. With more than 200 such courts operating in the United States, they represent an important new strategy for handling the massive number of domestic violence cases that flood state courts nationwide. Domestic violence courts typically handle a jurisdiction's domestic violence cases on a separate calendar, presided over by a specially assigned judge who gains expertise in the unique legal and personal issues that these cases pose.

Despite their common structure, domestic violence courts lack a unifying set of goals and policies (Keilitz 2001; Labriola et al. 2009; Shelton 2007). The diversity embodied in today's domestic violence courts presents a particular challenge for research, with previous single-site evaluations unable to provide a definitive answer to whether domestic violence courts, on the whole, produce better outcomes.

This study seeks to make a significant contribution to the knowledge of the field, focusing on whether and how domestic violence courts work. The study is a quasi-experimental evaluation of 24 domestic violence courts throughout New York State. New York is a particularly suitable state for a study of this nature, as it is home to 64 (31%) of the country's 208 total domestic violence courts (Labriola et al. 2009). New York's domestic violence courts exhibit comparable diversity to that found nationwide, enabling this study to have greater external validity than most prior efforts.

## Methodology

Outcomes are compared between matched samples of defendants processed in the 24 domestic violence courts and in conventional courts operating in the same 24 jurisdictions prior to the opening of the specialized court. Cases processed in each domestic violence court during its first two full calendar years of operations comprised the domestic violence court sample. Cases processed in conventional courts during the two full calendar years preceding the opening of the specialized court comprised the comparison sample. In order to correct for any potential bias introduced by our retrospectively drawn "pre vs. post" samples, we implemented propensity score matching techniques, which resulted in final samples that were virtually identical on key characteristics, including criminal histories, current charges, and demographic background.

We hypothesized that the impact of the domestic violence courts might vary based on local context and the specific policies and procedures of each court. Consequently, select analyses include community-level measures (taken from census data) and court policies (drawn from two policy surveys administered to court personnel). Both overall court impacts and the impact of specific policies were analyzed in a hierarchical linear modeling (HLM) framework, which takes into account the possibility that the applicable impacts and dynamics may vary from jurisdiction to jurisdiction.

## The Policies and Practices of New York’s Domestic Violence Courts

- Community Characteristics: The 24 courts are situated in a wide range of geographic contexts—including New York City (N=7) and surrounding suburbs (N=4), smaller upstate cities (N=4), and semi-rural and rural areas (N=9).
- Court Eligibility Criteria: Three-quarters of the 24 domestic violence courts (N=18) accept only misdemeanors, five courts accept only felonies, and one accepts both charge severities. All 24 courts accept intimate partner violence cases, and just over half accept some non-intimate partner violence domestic violence cases (e.g., elder abuse or child abuse).
- Court Staffing: All 24 courts have a dedicated judge who receives special training; nearly all have additional specialized staffing in the form of dedicated victim advocates (N=22) and either a project or resource coordinator (N=22).
- Court Goals: Staff at 22 of the 24 courts (92%) ranked offender accountability as an “extremely important” goal. Other goals most commonly cited as extremely important were victim safety (75%), penalizing noncompliance (67%), and deterring recidivism (67%).
- Court Policies: Actual policies varied widely across several domains, including specific accountability measures (i.e., use of various sanctions for noncompliance), victim safety and services (e.g., use of protection orders, linkages to victim advocates, and courthouse safety measures), use of offender assessment tools, orders to batterer programs, and orders to other types of programs (e.g., substance abuse or mental health treatment).

## The Impact of New York’s Domestic Violence Courts

### 1. Impact on Re-Arrest

- Overall Impact: The domestic violence courts did not reduce re-arrests overall. However, among *convicted offenders*—those who are the target of key court policies, including final orders of protection, program mandates, judicial supervision, and sanctions for noncompliance—domestic violence courts appeared to reduce re-arrest on any charge (46% v. 49%, non-significant) and significantly reduced re-arrest on domestic violence charges (29% v. 32%). Domestic violence courts also significantly reduced the *total number of re-arrests* on both any charge and domestic violence charges.
- Court Policy Effects: Domestic violence courts that prioritize deterring re-offense and that include policy measures designed to sanction noncompliant offenders and to address victim safety and service needs significantly reduced re-arrest, as distinguished from domestic violence courts that focus less on those issues. It was not possible to disentangle which of these points of emphasis is the most important.

## 2. Impact on Case Processing

- Time to Resolution: Domestic violence courts across the state significantly reduced average case processing time (197 v. 260 days to disposition). This result indicates that New York's domestic violence courts generally increased case processing efficiency.

## 3. Impact on Offender Accountability

- Overall Impact: Domestic violence courts modestly increased the conviction rate (65% vs. 61%) and the percentage of sentences that involved jail or prison (32% vs. 28%), but these differences were not statistically significant.
- Impact on Male Defendants: Domestic violence courts significantly increased the conviction rate among male defendants. They also appeared to increase the rate of jail or prison sentences among convicted males ( $p < .10$ ) but not among convicted females. Holding males more accountable in this fashion is arguably of particular significance, since males are more often the primary aggressor, more often resort to injurious forms of violence, and can at times seek to manipulate their female partners and the justice system by filing cross-complaints supported by weaker evidence.

## Conclusion

This study of New York's domestic violence courts demonstrated a modest positive impact on recidivism among *convicted offenders*, though not among *all* defendants. The study did not detect a significant overall impact on conviction rates or incarceration sentences, although the domestic violence courts produced significantly more punitive outcomes (higher conviction and incarceration rates) for male offenders. Consistent with previous research, the study suggests that not all domestic violence courts seek the same goals, follow the same policy model, or achieve the same impacts. This study also found that those domestic violence courts that prioritize deterrence and that both prioritize and implement specific policies to sanction offender noncompliance, while also addressing the needs of victims, are most effective in reducing recidivism. Knowing that modest recidivism reductions are possible can set the stage for future research and development on promising practices that offer the prospect of maximizing the benefits of these specialized courts.

# Chapter 1

## Introduction

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Over the past 15 years, a growing number of jurisdictions have established specialized domestic violence courts. There are currently an estimated 208 such courts in the United States (Labriola et al. 2009), as well as more than 50 in Canada (Quann 2007) and nearly 100 in the United Kingdom (Crown Prosecution Service 2008). These courts typically hear all or most of a jurisdiction's domestic violence cases on a separate calendar, presided over by a specially assigned judge. The idea is that the judge will gain expertise in the unique legal and personal issues presented by domestic violence cases, leading to more informed and consistent decisions.

### Domestic Violence Court Origins

Domestic violence courts arose in response to a number of legal and social developments. A massive number of domestic violence cases have flooded courts nationwide since the late 1970s. Activists have pressed the legal system to treat domestic violence as a serious crime rather than a private matter among individuals (e.g., Horowitz 2003; Schechter 1982). A variety of institutional responses followed, including pro-arrest policies, evidence-based prosecution, specialized prosecution units, and greater funding for victim services (Buzawa and Buzawa 1996; Rebovich 1996; Sherman 1992). Domestic violence courts complemented these other strategies.

Domestic violence courts also emerged as part of a broader trend towards specialized “problem-solving courts,” such as drug, mental health, community, and reentry courts. Although each problem-solving model has distinct goals and elements, some propose that these models are unified by an overarching focus not primarily on the legal process but on substantive outcomes, such as reduced recidivism, enhanced victim services, or greater responsiveness to community needs (Berman and Feinblatt 2005; Porter, Rempel, and Mansky 2010; Wolf 2007).

With more than 200 such courts operating in the U.S, domestic violence courts are the second most widespread problem-solving court model after drug courts. Yet, unlike drug courts, which have articulated and broadly disseminated “Ten Key Components” (NADCP 1997), domestic violence courts lack a unifying set of goals and policies (Keilitz 2001; Labriola et al. 2009; Shelton 2007). For instance, some domestic violence courts hear only cases related to intimate partner violence, whereas others include violence between non-intimate family or household members. Some domestic violence courts have a single specialized judge and calendar, whereas others have multiple calendars—for instance, one all-purpose calendar and another calendar for compliance reviews. Some practitioners believe that it is important for domestic violence courts to reduce recidivism, whereas others are not convinced that such a goal is realistic and, consequently, place a greater emphasis on holding offenders accountable for misconduct through aggressive sanctions or improved services for victims.

A recent national survey detected broad agreement concerning the overarching goals of victim safety and offender accountability but identified other goals whose importance elicited far less consensus, including offender rehabilitation, efficient case processing, and consistency in sentencing. The survey also revealed wide variations in specific policies, such as the use of offender assessments, program mandates, probation and judicial monitoring, and courthouse

victim safety measures (Labriola et al. 2009). Several publications have proposed recommended practices for domestic violence courts, such as linkage to victim services, judicial monitoring, and a coordinated community response (Mazur and Aldrich 2002; Sack 2002). Yet, it is unclear whether these publications have influenced the field to the same extent as, for example, the “Ten Key Components” has broadly unified the field of drug courts.

## **The Need for Research**

The diversity entailed by today’s domestic violence courts presents a particular challenge for research. Broad generalizations based on single-site evaluations are particularly problematic, given that other sites may operate quite differently. Furthermore, few impact evaluations with strong quasi-experimental comparison groups have been conducted, and findings to date are inconsistent. For instance, regarding whether domestic violence courts reduce recidivism, the current investigators count ten sites that have been evaluated, with four yielding positive findings, three yielding null or negative findings, and three yielding mixed findings depending on the specific recidivism measure utilized. It is entirely plausible that the three sites shown to have reduced recidivism employ policies that are particularly conducive to such effects, whereas the other sites have a different constellation of policies that are better suited to other goals. It is also plausible that domestic violence courts have genuinely mixed or null effects, with site-to-site variations simply reflecting differences in the nature and quality of researcher methodology. In sum, in the absence of comparative research utilizing a common methodology across multiple sites, it is difficult to draw reliable conclusions about the domestic violence court model.

## **Study Overview**

With funding from the National Institute of Justice, this study evaluates 24 New York State domestic violence courts. New York is a particularly suitable state for undertaking a multi-site study of this nature. The state is currently home to 64 (31%) of the estimated 208 domestic violence courts nationwide. The state includes 28 criminal and 36 “integrated” domestic violence courts, the latter of which place criminal, family, and matrimonial cases involving the same family before the same dedicated judge (Cissner, Picard-Fritsche, and Puffett 2011; Steketee 2000). This study focuses exclusively on criminal domestic violence courts, which is the more common model nationwide. The goal is to test the effects of specialized domestic violence courts on a core set of quantifiable criminal justice outcomes. Research questions include:

1. Do domestic violence courts reduce recidivism?
2. Do domestic violence courts hold defendants accountable through the use of more severe case outcomes and sentences?
3. What, if any, policies make these courts more or less effective (e.g., related to eligibility, program mandates, compliance monitoring, or victim services)?
4. What, if any, community characteristics make these courts more or less effective (e.g., population size, racial composition, or socioeconomic characteristics)?

5. Based on individual characteristics (e.g., age, criminal history, or current charges), which categories of defendants are at a high risk of re-offending; and are certain categories particularly responsive to the domestic violence court intervention?

In this study, recidivism is measured as re-arrests over a three-year tracking period, with domestic violence re-arrests distinguished from re-arrests for other crimes. Since several key policies, such as program mandates and intensive monitoring, pertain only to those offenders who are actually convicted of a crime, we performed separate recidivism analyses on the sub-sample of offenders who were convicted on the initial case.

We were also interested in measuring effects on case processing (i.e., time from arrest to disposition) and case resolutions (i.e., conviction rates and sentencing decisions). By handling all domestic violence cases on a specialized calendar before a trained judge, it is possible that domestic violence courts produce more *consistent* dispositions and sentences. Given the goal of holding the perpetrators more accountable for their behavior, it is also possible that domestic violence courts produce more *severe* dispositions and sentences.

Since all 24 sites in this study are located within a single state, some modesty is in order regarding the extent to which results should be generalized to all types of domestic violence court models that exist nationally and internationally. In addition, even with respect to New York State, this study does not constitute a comprehensive evaluation of the impact of domestic violence courts on all pertinent outcomes. For instance, this study does not include interviews with defendants to determine their perceptions concerning the degree to which the court deterred them from misbehavior, nor does it examine the prevalence of victim services or degree to which victims perceive that available services meet their needs. (For studies that incorporate such questions, see Harrell et al. 2006, 2007; Newmark et al. 2001).

## **Organization of the Report**

The first three chapters provide an overview of the study and its purpose, as well as detailing all aspects of the research design and methodology. Chapter Two is a review of relevant previous research. Chapter Three describes the research design in detail, including the sampling frame, details on the propensity score matching technique, and the analysis plan.

Chapter Four provides descriptive information on the individual characteristics of domestic violence court and comparison defendants as well as information on court-level policies and procedures and census information on the communities in which these courts are located.

Chapter Five presents findings on recidivism impacts, and Chapter Six presents findings on other outcomes of interest, including case processing time, final dispositions, and sentences. Finally, Chapter Seven discusses the methodological assets and limitations of this study as well as its substantive policy and research implications.

## Chapter 2

### A Systematic Review of the Literature

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This chapter provides an original review of previous research on domestic violence courts, focusing on the same kinds of criminal justice impacts that comprise the focus of the current evaluation: recidivism, case processing, dispositions, and sentences.

#### **The Impact on Recidivism**

Ten sites have been evaluated utilizing quasi-experimental methods.<sup>1</sup> In general, four sites produced a reduction in recidivism across most measures analyzed, three sites produced no reductions or increases, and three sites produced mixed results depending on the specific recidivism measure (see Table 2.1 for details).

#### ***The Judicial Oversight Demonstration***

The Judicial Oversight Demonstration (JOD) was a three-site demonstration funded by the US Department of Justice and designed to test the feasibility and impact of a coordinated criminal justice response to intimate partner violence. The program model included a specialized domestic violence court with ongoing judicial monitoring and community-based services for offender and victims. The primary goals of JOD were to protect victim safety, hold offenders accountable, and reduce repeat offending.

The Urban Institute conducted an evaluation of all three sites. Two sites—Dorchester, MA, and Washtenaw County, MI (encompassing Ann Arbor)—participated in a quasi-experimental evaluation comparing outcomes to similar cases processed in neighboring jurisdictions. The third site, Milwaukee, WI, participated in a quasi-experimental comparison between offenders ordered to probation before and after JOD implementation.

In Milwaukee, the domestic violence re-arrest rate decreased significantly from 23% to 14%; in Dorchester, the re-arrest rate for any crime decreased from 31% to 23% (although the effect was not statistically significant); and in Ann Arbor, the re-arrest rate for any crime remained essentially the same (23% to 24%). In addition, victim reports of re-abuse were analyzed in the Ann Arbor and Dorchester sites. In Dorchester, JOD victims reported significantly less repeat violence by the offender than comparison victims (using multiple measures of re-victimization). In contrast, there was not a significant difference between JOD and comparison victims in reports of repeat violence in Ann Arbor. (Results for Milwaukee are in Harrell et al. 2006; results for Ann Arbor and Dorchester are in Harrell et al. 2007.)

Although interpretation is unclear, the authors of the JOD study note that in both Dorchester and Milwaukee—where positive effects were detected—JOD offenders were far more likely than comparison offenders to have their probation revoked and to be re-sentenced to jail. Indeed, in Milwaukee, further analysis determined statistically that the overall reduction in re-arrests did not occur because JOD offenders were less likely to commit new crimes when “at risk” (i.e.,

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<sup>1</sup> An additional study of the Shelby County (TN) domestic violence court is often cited in the domestic violence court evaluation literature (as Henning and Kesges 1999), but a copy of the report could not be obtained. The current literature review only includes evaluation reports that are publicly available (obtainable through reasonable effort).

when living in the community), but because the offenders were more likely to be revoked and incarcerated. Hence, the positive impact of the domestic violence court was qualified in that the impact hinged on enforcement, not behavioral changes while the offenders were out in the community. Of course, both increased enforcement and recidivism reduction were among the original goals of the JOD demonstration, so achieving both in tandem remains a positive outcome.

### ***Other Recidivism Evaluations with Positive Findings***

Besides Dorchester and Milwaukee, two additional sites have also produced positive impacts on recidivism. Angene (2000) found that the one-year re-arrest rate decreased significantly (21% to 14%) among domestic violence cases processed before and after the introduction of misdemeanor domestic violence courts in San Diego (CA). Although clear attribution cannot be made, Angene (2000) suggests that the most substantial policy change that may have explained these results was the introduction of post-conviction judicial status hearings.

Gover et al. (2003) detected a significant reduction in domestic violence re-arrests (from 19% to 12%) after the establishment of the domestic violence court in Lexington County, SC.

### ***Other Recidivism Evaluations with Negative or Null Findings***

Besides Ann Arbor, two additional sites were found not to produce a recidivism reduction. Newmark et al. (2001) studied the first domestic violence court established in New York State, a felony court in Brooklyn, which opened in June 1996. Based on a comparison of felony domestic violence cases processed before and after the establishment of the specialized court, the study found that at 18 months post-disposition, re-arrest rates increased (26% to 41%). In explaining this apparent iatrogenic effect, the study's authors noted that a number of related policy changes are likely to have increased the probability of *detecting* future domestic violence crimes in Brooklyn. Thus, the increase in re-arrests may reflect, at least in part, a positive effect of improved enforcement and monitoring of the offenders.

Peterson (2004) compared re-arrests within 18 months after disposition before and after the introduction of a misdemeanor domestic violence court in Manhattan. He found that the re-arrest rate for domestic violence offenses increased after the establishment of the domestic violence court (12% to 16%), although the difference was not statistically significant. As in the Brooklyn study, Peterson attributed this increase to better identification and enforcement of domestic violence crimes over time.<sup>2</sup>

### ***Recidivism Evaluations with Mixed Findings***

Eckberg and Podkopacz (2002) evaluated the impact of the misdemeanor domestic violence court in Minneapolis (MN). They found that the pretrial re-arrest rate for domestic assault was essentially unchanged. However, in the nine-month period after the case disposition, domestic assault re-arrests declined slightly, though significantly, from 18% to 14%. Eckberg and Podkopacz did not conduct multivariate analyses or other selection bias adjustments to control

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<sup>2</sup> Prior to the establishment of the Manhattan domestic violence court, Peterson (2002, 2003) compared Manhattan, when it did not have a specialized court, to the neighboring boroughs of the Bronx and Brooklyn, which did. He found that the boroughs with misdemeanor domestic violence courts had higher re-arrest rates than Manhattan, even after controlling for legal, case processing, and demographic variables. However, these cross-borough comparisons can be highly problematic, given that each borough has distinct policing and prosecution practices. For this reason, we do not include these earlier studies in the primary literature review.

for possible changes in the offender population that might have influenced the reported recidivism differences. Accordingly, this quasi-experimental evaluation may be viewed as having weak internal validity.

A quasi-experimental study in Ontario, Canada compared a random sample of 500 domestic violence offenders from one of several Ontario jurisdictions that had a domestic violence court with a random sample of 500 comparable offenders convicted in an Ontario jurisdiction that did not have a specialized court (Quann 2006). Findings did not demonstrate a domestic violence court impact on the likelihood of recidivism *overall*. However, concerning specific crimes, domestic violence court offenders were less likely than the comparison group to be reconvicted of a spousal or other violent offense, while more likely to be reconvicted of an administrative offense.

Finally, Davis et al. (2001) examined outcomes before and after the implementation of a misdemeanor domestic violence court in Milwaukee. This specialized court, which was created in the 1990s and preceded the court model that comprised the subject of the later JOD study, sought to achieve a speedier disposition of cases, whereas the later JOD model was comprehensive, combining intensive judicial oversight, probation monitoring, and more aggressive responses (e.g., probation revocations) to noncompliance with court-imposed conditions. Davis et al. reported that six months after disposition, victim reports of re-abuse declined from 30% to 16%, although the difference was not statistically significant. Concerning official re-arrests, misdemeanor re-arrests increased slightly (non-significant), whereas felony re-arrests decreased slightly (also not significant) after the specialized court began.

## **The Impact on Case Processing Efficiency**

The evaluation literature provides a relatively consistent set of findings related to case processing efficiency. Quasi-experimental evaluations of misdemeanor domestic violence courts in Milwaukee (the earlier of the two Milwaukee studies), Minneapolis, Manhattan, and San Diego all indicate that these courts sped up case processing. In San Diego, research documented a 74 percent reduction in the median number of days to disposition (from 57 to 15 days) after the city's four domestic violence courts opened (Angene 2000). In Minneapolis, the average length of time from case filing to resolution was reduced by nearly a week after the inception of the misdemeanor domestic violence court (Eckberg and Podkpacz 2002). In Manhattan, only 14 percent of domestic violence cases were resolved within five weeks prior to the implementation of the misdemeanor domestic violence court, compared with 24 percent after the court's inception (Peterson 2004). Finally, Davis et al. (2001) found that the original Milwaukee domestic violence court (pre-JOD) cut case processing time in half, from 166 days to 86 days.

In contrast, the evaluation of the felony domestic violence court in Brooklyn (Newmark et al. 2001) found that case processing time *increased* after the specialized court opened. It is possible that in more serious felony cases, specialization leads greater attention to be afforded to each case, resulting in a longer time to disposition; however, caution is indicated before generalizing, based on the results obtained at a single felony program.

## The Impact on Case Outcomes

The literature is ambiguous on whether domestic violence courts increase conviction rates (see Table 2.1 for details). Five of the aforementioned studies linked the implementation of specialized domestic violence courts to *increased* conviction rates. In the earlier of the two Milwaukee studies, Davis et al. (2001) found that after the specialized court was established, victims were more likely to cooperate with the prosecution, and the conviction rate increased from 56% to 69%. In Dorchester (Harrell et al. 2007), Minneapolis (Eckberg and Podkopacz 2002), and Ontario (Quann 2006), the evaluations also found that that domestic violence courts led to a significant increase in the conviction rate. Defendants in the Brooklyn felony domestic violence court were also more likely to be convicted after the specialized court opened (87% to 94%), although this difference did not reach statistical significance.

Two further studies not included in Table 2.1 (because they did not examine recidivism) similarly linked the establishment of a domestic violence court to increased conviction rates. Miller (1999) examined the impact of the simultaneous establishment of a specialized domestic violence prosecution bureau and a specialized misdemeanor domestic violence court in Queens, New York and found that the conviction rate increased from 30% to 60%, even as the volume of cases increased from 3,500 per year to 4,700 per year. In addition, an evaluation of the Miami misdemeanor domestic violence court found that the dismissal rate declined from 42% to 37% after the court's establishment (Goldkamp et al. 1996).

In contrast to the seven studies just summarized, two others did not detect a relationship between domestic violence courts and conviction rates. In San Diego, there was no change in the conviction rate from about 93% (Angene 2000). In Manhattan, the domestic violence court also did not change the distribution of case dispositions (exactly 29% convicted, 56% dismissed, and 15% adjourned in contemplation of dismissal both before and after domestic violence court implementation).

The impact of domestic violence courts on sentencing practice is similarly unclear. Various domestic violence courts have been associated with both a greater (Harrell et al. 2006, 2007; Quann 2007; Ursel and Brickey 1996) and a lesser (Angene 2000; Davis et al. 2001; Peterson 2004) use of jail sentences than traditional courts. Evaluations that reported a reduced use of jail generally attributed this finding to an increased reliance on monitoring defendants through batterer intervention and drug and alcohol programs in lieu of incarceration (Goldkamp et al. 1996, Peterson 2002). See Table 2.1 for changes in incarceration rates found in these studies.

**Table 2.1. Overview of Select Domestic Violence Court Evaluations**

Authors	Site	Comparison Group Definition	Selection Bias Adjustment	Key Findings				
				Recidivism			Conviction Rates	Sentencing Severity
				Finding	Sig.*	Timeframe		
Angene (2000)	San Diego, CA	Misdemeanor domestic violence cases processed before the establishment of specialized domestic violence courts (multiple courts within the site).	Yes	New police contact for domestic violence decreased from 21% to 14%.	Yes	One-year post conviction	No change (about 93%).	Decrease from 61% to 33% in incarceration sentences. The length of sentences increased from a median of 45 to 60 days.
Davis, Smith, and Rabbitt (2001)	Milwaukee, WI	Misdemeanor domestic violence cases processed before the establishment of a specialized domestic violence court.	Yes	Victim reports of re-abuse decreased from 30% to 16%; decline in felony re-arrests; increase in misdemeanor re-arrests	Victim: Yes Official: No	6-months post disposition	Increased from 56% to 69%.	Decrease from 75% to 39% in jail sentences.
Eckberg and Podkopacz (2002)	Minneapolis, MN	Misdemeanor domestic violence cases processed before the establishment of a specialized domestic violence court part.	No	No change in pre-trial re-arrests for a new domestic assault case. New post-disposition domestic assault cases decreased from 18% to 14%.	Pre-Trial: No Post-Dispo: Yes	Pre-trial and one-year post disposition	Increased by 18 percentage points.	Did not analyze.
Gover (2003)	Lexington County, SC	Criminal domestic violence cases processed before the establishment of a specialized domestic violence court.	Yes	Re-arrests for domestic violence and assaults involving intimates decreased from 19% to 12%.	Yes	18-months post arrest	Did not analyze.	Did not analyze.
Harrell et al. (2007)	Dorchester, MA	Similar cases reaching disposition in a neighboring jurisdiction: Lowell, MA.	Yes	Re-arrests decreased from 31% to 23%. Less victim reports of re-abuse (13% vs. 24%) in the eleven months after incident.	Official: No Victim: Yes	Official reports: one-year post-disposition. Victim reports: 2 months and 11 months post-incident	Increased from 30% to 60%.	100% of the convicted JOD offenders received probation time alone or accompanied by jail time, compared to 45% of the comparison group.
	Ann Arbor, MI	Similar cases reaching disposition in a neighboring jurisdiction: Ingham County, MI.		Re-arrests increased from 23% to 24%. No difference on any measure of revictimization at either interview.	No		Did not analyze: Sample definition was limited to convicted cases.	No difference in sentencing.
Harrell et al. (2006)	Milwaukee, WI	Offenders convicted of IPV and ordered to probation before the establishment of the Judicial Oversight Demonstration (JOD) Initiative.	Yes	Re-arrests for domestic violence decreased from 23% to 14%.	Yes	One-year post-disposition	Did not analyze: Sample definition was limited to convicted cases placed on probation.	JOD offenders received significantly less stayed time (jail time noted as part of the sentence but not yet imposed) than comparison (156 days vs. 177 days).
Newmark et al. (2001)	Brooklyn, NY	Felony domestic violence cases processed before the establishment of this court.	Yes	Re-arrests for any crime increased from 26% to 41%.	Yes	18-months Post Disposition	Increased from 87% to 94% (not significant).	No change in sentencing.
Peterson (2004)	New York, NY	Misdemeanor domestic violence cases processed before the establishment of a specialized domestic violence court.	Yes	New domestic violence offenses increased from 12% to 16%.	No	18-months post-disposition	No change (about 29%)	Decrease from 31% to 27% in jail sentences. Average jail sentence length decreased, from 65 days to 48 days.
Quann (2006)	Ontario, Canada	Random sample of 500 offenders who were convicted of a domestic violence offense in Ontario, Canada in court jurisdictions without a domestic violence court (multiple courts within the site).	Yes	No change in re-conviction rates (about 31%).	No	Two-years post-conviction	Did not analyze: Sample definition was limited to convicted cases.	Domestic violence court sample significantly more likely to receive a prison sentence (52% versus 45%) and less likely to receive a probation sentence (45% versus 50%).

\* .05 significance level or better

## Chapter 3

### Research Design and Methodology

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This report reflects the results of a quasi-experimental impact evaluation, comparing outcomes for defendants prosecuted in 24 New York State domestic violence courts to otherwise similar defendants prosecuted just prior to the opening of each site’s specialized court. Analyses are structured to determine whether domestic violence courts influence key outcomes of interest (recidivism, case processing, dispositions, and sentencing); whether any court- or community-level characteristics mediate the effectiveness of the courts; and whether specific categories of defendants are particularly responsive to the domestic violence court intervention.

#### Sampling Plan

The court sample included 24 criminal domestic violence courts that had been in operation as of 2007.<sup>3</sup> Of those, seven are located in New York City, four in its suburbs, four in mid-sized cities in upstate New York, and nine in small cities, semi-rural, or rural areas. The majority of courts (N=18) accept misdemeanors only, five courts accept felonies only, and one court accepts both misdemeanor and felony cases. Table 3.1 lists all 24 domestic violence courts, along with basic information about each court’s location, year opened, and sampling period.

#### *The Domestic Violence Court Sample*

From each of the 24 sites, the domestic violence court sample is drawn from all cases arrested and processed during the first two *full calendar years* of court operations. The sampling frame was limited to the first two full calendar years for two reasons. First, because the comparison sample is drawn from the period preceding the opening of the domestic violence court, adding defendants who were arrested in later years might raise the risk of historical bias stemming from changes in police or prosecutor practices over time. Second, by beginning our sample with the first *full calendar years* of court operations,<sup>4</sup> we avoided including the earliest cases processed in the domestic violence court, when policies and procedures may not yet have been well established.

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<sup>3</sup> Thirty criminal domestic violence courts in New York State were in operation as of 2007. However, data limitations led us to exclude four town and village justice courts (in many of New York’s smaller jurisdictions, town and village justice courts are the first level trial court) as well as two city courts for which we could not identify a domestic violence court case sample with any certainty. (In many of New York’s smaller jurisdictions, town and village justice courts are the first level trial court. These courts are funded by local municipalities, rather than the state court system, and have jurisdiction over violations and misdemeanors committed in local townships, felony cases that have not yet been indicted, and some civil cases.) Also excluded were 36 “integrated” domestic violence courts that handle criminal and civil cases that involve the same family members. A separate series of five studies evaluate outcomes in these integrated courts (Cissner, Picard-Fritsche, and Puffett 2011; Picard-Fritsche 2011; Picard-Fritsche, Cissner, and Puffett 2011; Katz and Rempel 2011; Levy, Ross, and Guthrie 2008).

<sup>4</sup> The domestic violence court sample is drawn from the first full calendar year (January through December) of operations, regardless of which month the court opened. In some instances—e.g., for courts that opened in February or March—this means that the court was operating for nearly a year before the sampling period. In more instances, this means that only the first few months of court operations were completed prior to the sampling period.

**Table 3.1. New York State Domestic Violence Court Sites**

	<b>Domestic Violence Court</b>	<b>County</b>	<b>Year Court Opened</b>	<b>Eligible Cases</b>		<b>Participant Sample Years</b>	<b>Comparison Sample Years</b>	<b>2008 DV Court Caseload</b>	
				<b>Felony Cases</b>	<b>Misdemeanor Cases</b>				
<b>STRATA 1</b>	<b>New York City</b>	Bronx Misdemeanor DV Court	Bronx	1997		✓	1998-1999	1994-1996	3,029 <sup>1</sup>
		Bronx Felony DV Court	Bronx	1999	✓		2000-2001	1996-1998	
		Brooklyn Misdemeanor DV Court	Kings	1996		✓	1997-1998	1993-1995	4,686
		Brooklyn Felony DV Court	Kings	1996	✓		1997-1998	1993-1995	87
		Manhattan Criminal DV Court	New York	2000		✓	2001-2002	1997-1999	2,353
		Queens Misdemeanor DV Court	Queens	1997		✓	1998-1999	1994-1996	4,426 <sup>2</sup>
		Queens Felony DV Court	Queens	2002	✓		2003-2004	1999-2001	
<b>STRATA 2</b>	<b>NYC Suburbs</b>	Nassau County Misdemeanor DV Court	Nassau	2002		✓	2003-2004	1999-2001	1,013
		Nassau County Felony DV Court	Nassau	2002	✓		2003-2004	1999-2001	561
		Suffolk County Misdemeanor DV Court	Suffolk	2000		✓	2001-2002	1997-1999	322
		Westchester County DV Court	Westchester	2001	✓	✓	2003-2004	1998-2000	300
<b>STRATA 3</b>	<b>Mid-sized Cities</b>	Albany City DV Court	Albany	2005		✓	2006-2007	2002-2004	567
		Buffalo City DV Court	Erie	1999		✓	2000-2001	1996-1998	1,888
		Erie County Felony DV Court	Erie	2002	✓		2003-2004	1999-2001	163
		Syracuse City DV Court	Onondaga	2004		✓	2005-2006	2001-2003	803
<b>STRATA 4</b>	<b>Semi-Rural/Rural</b>	Auburn City DV Court	Cayuga	2003		✓	2004-2005	2000-2002	148
		Beacon City DV Court	Dutchess	2007		✓	2008-2009	2004-2006	73
		Binghamton City DV Court	Broome	2003		✓	2005-2006	2000-2002	164
		Glens Falls City DV Court	Warren	2005		✓	2006-2007	2002-2004	62
		Kingston City DV Court	Ulster	2006		✓	2007-2008	2003-2005	328
		Newburgh City DV Court	Orange	2006		✓	2007-2008	2003-2005	278
		Oswego City DV Court	Oswego	2006		✓	2007-2008	2003-2005	27
		Troy City DV Court	Rensselaer	2001		✓	2002-2003	1998-2000	162
		Utica City DV Court	Onieda	2007		✓	2008-2009	2004-2006	480

<sup>1</sup> The Bronx Misdemeanor and Bronx Felony Domestic Violence Courts were merged into a single court in 2004.

<sup>2</sup> The Queens Misdemeanor and Queens Felony Domestic Violence Courts operate as separate courts, but all 2008 Queens data in the MIS is included under a single court identifier.

During the period covered by this evaluation, there was not a reliable domestic violence flag in New York’s statewide criminal court management information system (MIS); therefore, there was not a straightforward way to determine with certainty whether a specific case involved underlying domestic violence. In addition, very few of the 24 courts regularly indicated in the MIS that a case was disposed in the domestic violence court—although data in 13 sites indicated whether most or all cases were handled by the dedicated domestic violence court judge, which effectively signifies that the specialized court processed it. In order to determine whether a case was (1) a domestic violence case and (2) processed in the domestic violence court, we utilized the following criteria:

- The case had at least one domestic violence-type charge (i.e., assault, harassment, menacing, criminal contempt, or stalking) at arrest *or* was explicitly flagged as a domestic violence case in the statewide criminal court MIS;
- The case was disposed on the day(s) of the week during which the domestic violence court was operational during the court’s first two years;
- In the 13 sites where such data was partially or fully available (the seven New York City, four suburban, and two Erie County-based sites), the case was disposed by the dedicated domestic violence court judge(s).<sup>5</sup>

These eligibility criteria led to a total domestic violence court sample of 37,174 cases, from which a final randomly drawn sample was established of 9,292 cases (achieved by selecting every fourth case in each of the 24 sites).

### ***The Comparison Sample***

Since New York State does not have specific domestic violence charges or a reliable domestic violence flag, the comparison sample is drawn from the statewide Order of Protection Registry. The registry, which became operational in October 1995, is required by the state’s Domestic Violence Intervention Act to accept and maintain active criminal and civil court orders of protection. Such orders are routinely issued in response to alleged crimes or violations between spouses, former spouses, parents and children, or members of the same family or household. The data is held in the system even after the orders become inactive, in accordance with state records retention guidelines, thereby enabling inquiries into the domestic violence history of any individual.

All cases in which a criminal protective order (temporary or final) was issued within the *two full calendar years* preceding the opening of the local domestic violence court, and in which the protected party was not a child, were included. This resulted in an initial comparison sample of 23,312 cases. Cases in which there was no domestic violence-type charge (i.e., assault, harassment, menacing, criminal contempt, or stalking) at arrest were excluded from the sample, resulting in 21,046 comparison cases. We intentionally omitted domestic violence cases involving children—in line with the exclusion of child abuse cases from most of the domestic

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<sup>5</sup> Disposition judge is a field available only in those courts which utilize the statewide CRIMS MIS. These courts tend to be the highest-volume courts and are located in New York City, its suburbs, and one upstate county (Erie, which encompasses both the Erie County and Buffalo City domestic violence courts). The remaining courts use an alternative version of the statewide criminal MIS, CRIMS-FULL, which does not include disposition judge information. Overall, 11 courts had complete disposition judge information (all seven New York City courts; Buffalo City Court; Erie County Court; Nassau County Felony Court; and Suffolk County Misdemeanor Court), two courts (Nassau County Misdemeanor and Westchester County courts) had partial disposition judge information, and the remaining 11 courts had no disposition court judge information.

violence courts in the study. However, it remains inevitable that the selection process led the initial comparison group to include a small proportion of other non-intimate partner case types (involving elder abuse, for example) that, in some but not all of the 24 sites, are excluded from the local domestic violence court. The matching techniques described below were used to limit the number of these cases that made it into the *final* comparison sample.

## **Community- and Court-Level Characteristics**

The 24 domestic violence courts vary on many court policies and practices. In order to account for community context, select analyses include community-level characteristics such as population density (urban, suburban, or rural), socioeconomic characteristics of the population, and population racial and ethnic heterogeneity. This information is drawn from census data.

Data on court policies and practices is drawn from two survey instruments administered to each of the 24 courts. The first survey was administered statewide in 2008; the second was a supplemental survey administered in 2010.<sup>6</sup> The two surveys contained questions on a wide variety of operational and practice issues, including: caseload characteristics; court personnel and staffing; victim services; orders of protection; use of programs and services for defendants; judicial and probation monitoring practices; and common sanctions or responses to noncompliance (see Appendix A and Appendix B for the full survey instruments). Further information on court policies and procedures, as well as verification of survey responses, was provided by the Center for Court Innovation's Domestic Violence Programs Department.

## **Adjustment for Selection Bias**

The use of a multi-site design involving retrospectively drawn domestic violence court and comparison samples from each site made infeasible the implementation of random assignment methods. Therefore, there is a possibility that the baseline characteristics of the two samples significantly differed, perhaps due to historic changes in the composition of the defendant population or for other reasons. To reduce such differences, propensity score matching was implemented. Propensity score matching is considered a strong methodological alternative to random assignment (Cochran and Rubin 1973; Rosenbaum and Rubin 1983). The approach takes specified background characteristics and creates a single summary measure (i.e., the propensity score). This summary measure is a single number from 0 to 1 that can be assigned to each case, reflecting the predicted probability that the case falls into one as opposed to another of two possible groups—in this study, the domestic violence court as opposed to the comparison sample. Once propensity scores are assigned, pairs of cases with similar or identical scores can be matched, ensuring that the final samples are comparable in their distribution of both propensity scores and constituent characteristics.

In this study, propensity score matching proceeded as follows. First, the 24 sites were divided into four strata: New York City sites (7); suburban sites (4); upstate cities (4); and upstate semi-

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<sup>6</sup> Nineteen of the 24 sites included in the current study completed the original 2008 survey instrument, which was analyzed as part of a previous national study of domestic violence court goals, policies, and procedures (Labriola et al. 2009). Each of these 19 sites granted permission for the 2008 responses to be used for purposes of the current study. The remaining five sites (Brooklyn Misdemeanor, Oswego City, Queens Felony, Utica City, and Westchester County courts) were asked to complete both the original survey and the 2010 supplement. The 2010 survey supplement had a 100% completion rate.

rural/rural sites (9). The upstate city category included four cities, Albany, Buffalo, Rochester, and Syracuse. Within each stratum, we examined the p-values for all bivariate comparisons of defendant baseline characteristics (presented below in Table 3.2). Next, we entered all characteristics into a backward stepwise logistic regression model, for which the dependent variable was sample membership (0 = comparison sample, 1 = domestic violence court sample). The variables initially entered into the regression model consisted of those with any evidence of a possible difference between samples, based on the bivariate analyses. If there was a difference between the samples at a significance level of .50 or lower, the variable was included in the model. In turn, among those variables, the backward stepwise procedure deleted variables whose p-value in earlier steps of the regression procedure was greater than .50.

For cases that were missing data on one or more baseline characteristics included in the initial propensity model, propensity scores were computed based on more limited models that eliminated variables with the missing data (per Rosenbaum and Rubin 1984). However, it was still necessary to delete 220 original cases (less than one percent) from the final sample due to missing data across nearly all background characteristics. In addition, once having obtained propensity scores and performed diagnostics, it was necessary to cut an additional 44 participant cases and 59 comparison cases (less than 1%) from the final sample based on lack of common support (i.e., based on not having both participant and comparison cases at the very lowest and highest points on the propensity score spectrum respectively).

We then employed a one-to-one matching strategy—in which each domestic violence court defendant’s propensity score was compared to the pool of potential comparison subjects and the comparison subject with the closest score (of those not already selected) was selected—to determine the final sample. Matches across sites within the same stratum were allowable.<sup>7</sup> Upon completion of the matching process within each stratum, diagnostics were performed, comparing the baseline characteristics of the matched domestic violence court and comparison samples, to validate the success of the matching process.

The right-most columns of Table 3.2 demonstrate the degree to which the final samples became more comparable as a result of this matching process. While prior to matching, 39 variables were significantly different between the samples, the final samples were significantly different on 13 variables.<sup>8</sup> Due to the extremely large sample sizes, significant differences exist even after matching for the simple reason that substantively negligible differences tended to be statistically significant. The table indicates the absolute magnitude of the differences. The propensity score matching process was implemented separately for the full sample and for only those cases ending in conviction. Table 3.2 displays the results for the full sample.

During the propensity score matching process for the convicted only sample, it was necessary to delete 143 original cases (approximately one percent) from the final sample due to missing data. After obtaining propensity scores, it was necessary to cut an additional 28

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<sup>7</sup> Extremely small sample sizes in some of the sites (i.e., Beacon, Glens Falls, and Oswego) made limiting matches to the same sites impractical.

<sup>8</sup> In order to streamline results, the mean number of prior arrests and convictions for each individual offense type are not included in Table 3.2. The inclusion of these additional measures adds 12 more baseline differences and three more post-matching differences to the differences presented in the table.

**Table 3.2. Baseline Characteristics of DV Court and Comparison Group Samples, Before and After Propensity Score Matching**

	Pre-Matching		Final Sample	
	DV Court 8,970	Comparison 21,008	DV Court 8,859	Comparison 8,859
<i>N</i>				
<b>Demographics</b>				
Age	33.01	33.05	33.00	32.96
Black	49%***	45%	49%	49%
Hispanic	24%***	27%	24%*	23%
White	24%	24%	24%	25%
Asian	3%	3%	3%	3%
Male	84%	84%	84%	84%
<b>Current Charges</b>				
Current Charge Type				
Harassment	31%***	28%	31%	31%
Assault	62%*	63%	62%	63%
Menacing	15%**	14%	15%	15%
Stalking	0%***	0%	0%	0%
Criminal Contempt	18%***	15%	18%	18%
CC Only	11%***	7%	11%	10%
Child Victim	5%***	8%	5%	5%
Violent Felony	20%***	22%	20%	19%
Weapons	22%	23%	22%	22%
Firearm	7%**	6%	7%	6%
Drug	2%	2%	2%	1%
DWI	0%	0%	0%	0%
Current Charge Severity				
Felony Arrest	32%	32%	32%***	28%
Felony Arraignment	18%***	25%	18%	18%
<b>Prior Arrests</b>				
Any Arrest				
mean	60%**	58%	60%*	58%
Domestic Violence	4.12***	3.71	4.08*	3.87
mean	41%***	38%	41%	39%
Felony	1.19***	1.06	1.17*	1.10
VFO	47%***	45%	47%*	45%
Drug	32%**	31%	32%*	31%
Weapon	31%***	30%	31%**	30%
SOR	29%***	27%	29%*	27%
Child Victim	8%*	7%	8%	7%
Warrants	7%***	6%	7%	6%
	36%***	34%	36%**	34%
<b>Prior Convictions</b>				
Any Convictions				
mean	38%*	36%	37%	36%
Domestic Violence	1.42*	1.34	1.40	1.38
mean	28%***	25%	27%	26%
Felony	0.57***	0.49	0.56	0.53
VFO	21%	21%	21%	20%
Drug	8%	8%	8%	7%
Weapon	17%	18%	17%	17%
SOR	8%*	7%	8%	7%
Child Victim	1%	1%	1%	1%
	1%*	1%	1%	1%

\*\*\*p<.001 \*\*p<.01 \*p<.05

Note: Due to the large number of marginally significant variables between the pre-matched samples (caused, at least in part, by such large sample sizes), significance levels in Table 3.2 are limited to p<.05.

participant cases and seven comparison cases from the final sample based on lack of common support. Pre-matching, there were 30 variables significantly different between the samples ( $p < .05$ ) and after the matching process only one of the variables was significantly different ( $p < .01$ ). (See Appendix C for the characteristics of the convicted sample before and after matching.)

One of the advantages of the propensity score matching process is that it simplifies the analysis when testing for program impact. That is, without the use of propensity score matching, one would need to control for background characteristics, possibly by entering numerous covariates into a multiple regression analysis. Propensity score matching eliminates the need to control for additional measures, as the process creates a (near) equal distribution of the variations among those in the domestic violence court and comparison samples. (In certain analyses, we still included additional covariate controls, enabling us to determine whether the use of such controls, as an addition to propensity score matching, had any bearing on the strength and significance of the domestic violence court impact.)

## Outcome Measures

The outcome measures in this study concern recidivism as well as case outcomes on the instant case arrest. The principal recidivism measure is official re-arrest. Separate re-arrest measures were created that distinguished charge seriousness (misdemeanor or felony) and charge type (e.g., domestic violence incident, domestic violence incident with the same victim, violent offense, and drug offense). Re-arrests were examined over one, two and three years for all 24 sites. Table 3.3 illustrates the available samples for each of the analysis periods. The use of multiple years of follow-up allowed for examination of the duration of program impact, both during and after the period that defendants were monitored by the court.

Additional outcomes of interest included case processing time (days from arrest to disposition) and case outcomes, including conviction rates, sentencing decisions, and length of time sentenced to probation, jail, or prison (for offenders receiving one of those sentences).

**Table 3.3. Available Samples for Each Analysis Period**

	Full Sample		STRATA 1 New York City		STRATA 2 NYC Suburbs		STRATA 3 Mid-Size City		STRATA 4 Semi- Rural/Rural	
	DV Court	Comparison	DV Court	Comparison	DV Court	Comparison	DV Court	Comparison	DV Court	Comparison
<b>Post Arrest Time Periods</b>										
One Year Post Arrest (N)	8,859	8,859	5,800	5,800	1,474	1,474	1,239	1,239	346	346
Two Years Post Arrest (N)	8,834	8,859	5,800	5,800	1,474	1,474	1,239	1,239	321	321
Three Years Post Arrest (N)	8,689	8,858	5,800	5,799	1,474	1,474	1,220	1,239	195	346
<b>Post Disposition Time Periods</b>										
One Year Post Disposition (N)	3,649	3,652	2,002	2,002	769	769	644	643	234	238
Two Years Post Disposition (N)	3,616	3,652	2,002	2,002	768	769	643	643	203	238
Three Years Post Disposition (N)	3,499	3,650	2,002	2,002	767	768	591	642	139	238

## Hierarchical Modeling

As in all multi-site evaluations, the individual observations in the data—i.e., the individual defendants—do not comprise independent observations, as is required by the assumptions of standard statistical methods. Instead, the observations are each nested within one of 24 sites. In turn, these sites may have systematically varying police or prosecution policies, domestic violence court policies, or community-level influences. These site-specific features may lead re-arrest rates or other outcomes to vary (e.g., if some police departments are more likely than others to make an arrest in response to domestic violence incidents; or if some prosecutors are more likely to seek more or less severe sentences in court). Site-specific differences may also lead the direction or strength of the domestic violence court impact to vary. Hierarchical modeling takes these possibilities into account (see Raudenbush and Bryk 2002) by explicitly modeling (1) the intercept and (2) the impact of domestic violence court status as random effects (i.e., able to vary by site) rather than as fixed effects (assumed not to vary).

Table 3.4 shows the results of simple random effects logistic regression models, performed using HLM 6.04 software. The models include only the intercept and domestic violence court status in predicting six key outcome measures: (1) any re-arrest three years after the initial arrest, (2) any domestic violence re-arrest three years after the initial arrest, (3) whether the instant case ended in a conviction, (4) any re-arrest three years after disposition (of those convicted), (5) any domestic violence re-arrest three years after disposition, and (6) among those cases that were convicted, whether the sentence involved jail or prison time.

In all six models, the random effect for the intercept was significant; in other words, there was significant between-site variance in all six outcomes. In addition, the random effect for domestic violence court status was significant in all six models; that is, there was significant between-site variance in the relative impact of the domestic violence court on outcomes. These results indicate that it would be prudent to conduct all impact analyses in an HLM framework that would adjust statistically for site-specific tendencies.

## Analytic Plan

### *Main Effects of the Domestic Violence Court*

Final impact analyses were conducted using HLM 6.04 software, with the impact of domestic violence court status analyzed as a random effect. We conducted logistic regressions on dichotomous outcomes (e.g., any re-arrest, convicted or not, and sentenced to incarceration or not) and Poisson regressions on right-skewed count distributions (e.g., number of re-arrests). We transformed the HLM regression coefficients for the intercept and domestic violence court status to produce adjusted averages. Thus, although many of the reported results appear to consist of simple percentages or averages, all such outcomes are never based on the raw data but are always adjusted with HLM regression procedures.

We were particularly interested in the possible impact of domestic violence courts on cases ending in a conviction—e.g., via policies such as post-disposition program mandates, compliance monitoring, or sanctions for noncompliance. Therefore, we conducted separate analyses for all sampled cases and for only those cases that were convicted. The latter analyses began the follow-up tracking period on the case disposition date (i.e., date of conviction) rather than the initial arrest date.

**Table 3.4. HLM Models for Major Outcomes**

<b>POST-ARREST RECIDIVISM</b>					
<b>Number of Cases (Level 1 Units)</b>		<b>17,547</b>			
<b>Number of Sites (Level 2 Units)</b>		<b>24</b>			
<b>Any Re-Arrest, 3 Years Post-Arrest (Y/N)</b>					
Fixed effects					
Intercept, G00	<i>Coefficient</i>	<i>Std. Error</i>	<i>df</i>	<i>p value</i>	
Sample = drug court participant, G10	-0.041	0.077	23	0.600	
	-0.033	0.066	23	0.619	
Random effects					
Level 2, U0	<i>Variance</i>	<i>Std. Deviation</i>	<i>df</i>	<i>p value</i>	
Level 2, U1	0.092	0.304	21	0.000	
	0.039	0.197	21	0.001	
<b>DV Re-Arrest, 3 Years Post-Arrest (Y/N)</b>					
Fixed effects					
Intercept, G00	<i>Coefficient</i>	<i>Std. Error</i>	<i>df</i>	<i>p value</i>	
Sample = drug court participant, G10	-0.687	0.071	23	0.000	
	-0.033	0.073	23	0.655	
Random effects					
Level 2, U0	<i>Variance</i>	<i>Std. Deviation</i>	<i>df</i>	<i>p value</i>	
Level 2, U1	0.071	0.267	21	0.000	
	0.055	0.234	21	0.002	
<b>POST-DISPOSITION RECIDIVISM</b>					
<b>Number of Cases (Level 1 Units)</b>		<b>7,149</b>			
<b>Number of Sites (Level 2 Units)</b>		<b>24</b>			
<b>Any Re-Arrest, 3 Years Post-Disposition (Y/N)<sup>1</sup></b>					
Fixed effects					
Intercept, G00	<i>Coefficient</i>	<i>Std. Error</i>	<i>df</i>	<i>p value</i>	
Sample = drug court participant, G10	-0.049	0.067	23	0.468	
	-0.135	0.099	23	0.188	
Random effects					
Level 2, U0	<i>Variance</i>	<i>Std. Deviation</i>	<i>df</i>	<i>p value</i>	
Level 2, U1	0.047	0.216	20	0.000	
	0.112	0.334	20	0.000	
<b>DV Re-Arrest, 3 Years Post-Disposition (Y/N)<sup>1</sup></b>					
Fixed effects					
Intercept, G00	<i>Coefficient</i>	<i>Std. Error</i>	<i>df</i>	<i>p value</i>	
Sample = drug court participant, G10	-0.749	0.060	23	0.000	
	-0.195	0.102	23	0.067	
Random effects					
Level 2, U0	<i>Variance</i>	<i>Std. Deviation</i>	<i>df</i>	<i>p value</i>	
Level 2, U1	0.029	0.170	20	0.029	
	0.119	0.345	20	0.000	
<b>CASE RESOLUTION</b>					
<b>Number of Cases (Level 1 Units)</b>		<b>17,718</b>			
<b>Number of Sites (Level 2 Units)</b>		<b>24</b>			
<b>Case Ends in Conviction (Y/N)</b>					
Fixed effects					
Intercept, G00	<i>Coefficient</i>	<i>Std. Error</i>	<i>df</i>	<i>p value</i>	
Sample = drug court participant, G10	0.467	0.182	23	0.018	
	0.144	0.142	23	0.321	
Random effects					
Level 2, U0	<i>Variance</i>	<i>Std. Deviation</i>	<i>df</i>	<i>p value</i>	
Level 2, U1	0.907	0.952	22	0.000	
	0.432	0.658	22	0.000	
<b>INCARCERATION (Convicted Cases Only)</b>					
<b>Number of Cases (Level 1 Units)</b>		<b>7,149</b>			
<b>Number of Sites (Level 2 Units)</b>		<b>24</b>			
<b>Sentenced to Jail/Prison (Y/N)<sup>1</sup></b>					
Fixed effects					
Intercept, G00	<i>Coefficient</i>	<i>Std. Error</i>	<i>df</i>	<i>p value</i>	
Sample = drug court participant, G10	-0.966	0.159	23	0.000	
	0.255	0.169	23	0.145	
Random effects					
Level 2, U0	<i>Variance</i>	<i>Std. Deviation</i>	<i>df</i>	<i>p value</i>	
Level 2, U1	0.545	0.738	20	0.000	
	0.679	0.824	20	0.000	

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

Note: Logistic regression (Bernoulli) models were run on all outcome measures.

Besides examining impacts across the full 24-site sample, we performed separate impact analyses within each of the four key strata (New York City, New York City suburbs, mid-sized cities in upstate New York, and rural/semi-rural jurisdictions). For these analyses, the number of sites was no more than nine, well under the total of 15 sites that is commonly viewed as a minimum number for hierarchical modeling methods to be suitable. Accordingly, strata-specific analyses were conducted in the SPSS 16.0 statistical package. However, any significant strata-specific impacts were confirmed with the full sample in HLM through the use of interaction terms (domestic violence court\*nyc site, domestic violence court\*rural/semi-rural site, etc.).

We also conducted a survival analysis to test whether domestic violence courts delayed the onset of first re-arrest. Such an analysis is important, given the possibility that domestic violence courts may have a significant short-term impact (while the initial case is pending or during the post-conviction compliance monitoring period) that wanes later on. Fifty-three percent of the domestic violence court sample (including cases from five of the 24 domestic violence courts) could be tracked over a ten-year timeframe. Cases available for less than the maximum ten years of follow-up were still included in the survival analysis but were censored at the point after which they could no longer be tracked. The HLM statistical package does not permit survival analyses, necessitating a standard analytic framework in SPSS 16.0. For this reason, the statistical significance of any reported differences in the survival curves should be interpreted with caution; but the survival analysis remains exceptionally useful for indicating, across our entire sample of domestic violence and comparison cases, the degree to which domestic violence recurs over times.

### ***Effects of Additional Baseline Characteristics***

We included select multivariate analyses, examining the impact of other individual-level characteristics about which it was feasible to collect data across the 24 sites:

- Demographics: e.g., age and race/ethnicity;
- Criminal History: e.g., number of prior arrests/convictions, prior violent felony arrests/convictions, prior domestic violence arrests/convictions, and prior drug arrests/convictions;
- Current Charges: e.g., charge severity; assault charge; criminal contempt charge; or drug charge.

Given the lack of a strong theoretical reason to expect a random effects framework to be necessary, we adopted a fixed effects approach for final, reported results *except* where the effect of an individual-level characteristic did significantly vary by site and where a random effects framework produced a substantive change in the findings. In fact, in test models (results not shown), none of the individual-level predictors under investigation called for a random effects framework.

To explore whether defendants with certain characteristics were particularly responsive to the domestic violence court intervention, we added interaction terms to the multivariate models. For example, an examination of whether defendants with a prior criminal history fare particularly well in domestic violence courts would need, at minimum, to include as independent variables: (1) domestic violence court status, (2) a relevant criminal history variable, and (3) an interaction term for the two (domestic violence court status\*criminal history variable).

### *Effects of Court and Community Characteristics*

This study sought not only to determine *whether* domestic violence court impacts vary by site but to test alternative reasons for *why* this might be the case. Specifically, it sought to examine whether domestic violence courts that have adopted certain policies and practices, or that are located in certain types of communities (e.g., based on census characteristics), are more effective than other types of domestic violence courts. Additional analyses in HLM involved entering specific court-level policies and community-level characteristics as independent, explanatory variables. Key measures are described in Table 3.5 below.

As shown in Table 3.6, these measures were then re-coded into three-part scales. In the case of the community characteristics, the three levels were defined as low, medium, and high, based on the composition of the 24 sites, with an attempt to place one-third of sites into each category. In the case of the court policy characteristics, a two-part process was followed. First, multiple measures for court policies that represent the same underlying construct (coordinated community response, assessment, monitoring, etc.) were combined into a single multi-item index. Reliability tests were conducted to ensure that the items in each index were appropriately combined as aspects of a common construct. Second, each resulting index was divided into three parts: courts that do not implement the policy at all, courts that implement a low level (i.e., implement the policy to a small extent), and courts that implement a high level of the policy construct.

For these analyses, it became logical (not to mention technically necessary) to divide each of the 24 study jurisdictions into two: a domestic violence court site, which operated according to a series of domestic violence court-specific policies, and a comparison court site, which did not operate according to any such domestic violence court-specific policies. In a typical analysis, the 24 comparison court sites would be coded as “0” on each domestic violence court policy in question, whereas the 24 domestic violence court sites would be coded differently depending on whether or not they adopted the given policy (dichotomous measures) or how much of the policy they employed (for the three-category measures shown in Table 3.6).<sup>9</sup>

We first examined the baseline individual-level and community-level predictors of each key outcome of interest—exploring, for instance, whether defendants with a more extensive criminal history or who live in sites with a higher unemployment rate were especially likely to be re-arrested. We then established a standard set of individual- and community-level control variables, to be included in every model. The final control variables were: sample (domestic violence court v. comparison); defendant age; defendant sex; prior arrest (yes/no); number of prior domestic violence arrests; number of prior warrants; jurisdiction location (New York City, suburbs, semi-rural/rural; reference category, mid-size city). The establishment of this standard set of control variables ensured that the analysis did not mistakenly attribute an effect to court-level policies, when the courts that operated according to those policies may, instead, have simply had a lower-risk defendant population, based on individual characteristics.

Then, one at a time, we entered each policy of interest (i.e., each of the court policy constructs described in Table 3.5), effectively testing whether domestic violence courts that possessed each court policy outperformed other domestic violence courts. We similarly analyzed each of the community-level characteristics identified in Table 3.5, but in this case, we included

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<sup>9</sup> The 24 comparison court responses were coded 0 (or corresponding coding for “none” or “no”) with the following exceptions: Eligible case types (felony, misdemeanor, violations, civil cases, other) were coded to match the response of the domestic violence court in the same jurisdiction; typical legal outcome upon completion of mandated programs was coded across all comparison courts as “no impact on disposition/sentence;” and return to court for noncompliant offenders was coded as “next scheduled appearance.”

both the community characteristic and an interaction term (i.e., community characteristic\*domestic violence court status); the coefficient for the interaction term would indicate whether *domestic violence courts* with the given community characteristic outperformed domestic violence courts that did not have the given community characteristic.

**Table 3.5. Community- and Court-Level Characteristics Operationalized**

<b>Community Characteristics</b>	<ul style="list-style-type: none"> <li>○ Strata (New York City, NYC suburb, mid-size city, semi-rural/rural)</li> <li>○ Total population size;</li> <li>○ Degree of racial/ethnic diversity;</li> <li>○ Median household income;</li> <li>○ Unemployment rate;</li> <li>○ Poverty rate;</li> <li>○ Educational attainment level</li> </ul>
<b>Domestic Violence Court Eligibility Criteria</b>	<ul style="list-style-type: none"> <li>○ Are felony charges eligible for the domestic violence court</li> </ul>
<b>Case Processing Efficiency Priority</b>	<ul style="list-style-type: none"> <li>○ Is increased efficiency of domestic violence case processing rated as an <i>extremely</i> important court goal</li> </ul>
<b>Offender Assessment Index</b>	<ul style="list-style-type: none"> <li>○ Does court staff administer an assessment directly to the offender <i>always</i> or <i>often</i>;</li> <li>○ Does the court utilize a standardized assessment tool;</li> <li>○ Does the assessment evaluate the following: <ul style="list-style-type: none"> <li>▪ Risk of repeat violence;</li> <li>▪ Background characteristics;</li> <li>▪ Mental health issues;</li> <li>▪ Drug or alcohol abuse issues;</li> <li>▪ Service needs;</li> <li>▪ Victimization of the defendant (e.g., background of child abuse);</li> <li>▪ Risk of lethality</li> </ul> </li> <li>○ Does the court use the assessment for the following purposes: <ul style="list-style-type: none"> <li>▪ Determine type of treatment or program(s) ordered;</li> <li>▪ Determine intensity of probation or judicial supervision</li> </ul> </li> </ul>

**Table 3.5. Community- and Court-Level Characteristics Operationalized (Continued)**

<p><b>Coordinated Community Response Index</b></p>	<ul style="list-style-type: none"> <li>○ Is the court staffed by a dedicated project coordinator/administrator;</li> <li>○ Is the court staffed by a dedicated resource coordinator/compliance monitor;</li> <li>○ Are outside agencies included in the specialized court staffing;</li> <li>○ Does the court hold regular staffing meetings;</li> <li>○ Are outside agencies included in the regular staffing meetings;</li> <li>○ Is achieving a coordinated response to domestic violence rated as an <i>extremely</i> important court goal</li> </ul>
<p><b>Approach to Monitoring Index</b></p>	<ul style="list-style-type: none"> <li>○ Is penalizing offenders who are noncompliant with court orders rated as an <i>extremely</i> important court goal;</li> <li>○ Does the court utilize graduated court monitoring, with less frequent intervals given between adjournment dates for noncompliant offenders;</li> <li>○ During compliance hearings, does the judge/judicial officer <i>typically</i> do the following: <ul style="list-style-type: none"> <li>▪ Reviews any re-arrests or alleged violations of court orders;</li> <li>▪ Restates program attendance responsibilities;</li> <li>▪ Restates responsibilities related to contact with the victim;</li> <li>▪ Restates what consequences will follow future noncompliance with court orders;</li> <li>▪ Praises compliant behavior;</li> <li>▪ Verbally admonishes defendant for noncompliant behavior;</li> <li>▪ Imposes concrete sanctions for noncompliant behavior;</li> <li>▪ Reviews report submitted by program or probation;</li> <li>▪ Converses directly with defendant in court</li> </ul> </li> </ul>
<p><b>Offender Accountability Index</b></p>	<ul style="list-style-type: none"> <li>○ Is holding offenders accountable for illegal behavior rated as an <i>extremely</i> important court goal;</li> <li>○ Does the court have a protocol or guidelines defining which sanctions may be imposed when a defendant is noncompliant with a program;</li> <li>○ Does the court <i>always</i> impose sanctions in response to noncompliance with a program mandate;</li> </ul> <p><i>(Offender Accountability Index continued on next page)</i></p>

**Table 3.5. Community- and Court-Level Characteristics Operationalized (Continued)**

<p><b>Offender Accountability Index (Continued)</b></p>	<ul style="list-style-type: none"> <li>○ When a defendant is reported to be noncompliant with a program, does the court do the following <i>always</i> or <i>often</i>: <ul style="list-style-type: none"> <li>▪ Verbally admonish defendant (<i>always</i> responses only);</li> <li>▪ Order defendant back to program with credit for sessions attended;</li> <li>▪ Order defendant back to program with extra sessions added;</li> <li>▪ Order defendant to restart program;</li> <li>▪ Order defendant to start a new program;</li> <li>▪ Order defendant to make more frequent court appearances for compliance monitoring;</li> <li>▪ Revoke or amend probation conditions;</li> <li>▪ Resentence defendant to jail;</li> <li>▪ Order drug test</li> </ul> </li> </ul>
<p><b>Offender Rehabilitation Priority</b></p>	<ul style="list-style-type: none"> <li>○ Is rehabilitating offenders rated as a <i>very</i> or <i>extremely</i> important court goal</li> </ul>
<p><b>Deterrence Priority</b></p>	<ul style="list-style-type: none"> <li>○ Is deterring recidivism rated as an <i>extremely</i> important court goal</li> </ul>
<p><b>Approach to Sentencing Index</b></p>	<ul style="list-style-type: none"> <li>○ Is increased consistency of domestic violence case dispositions and sentences rated as an <i>extremely</i> important court goal;</li> <li>○ For cases that end in conviction, does the court mandate at least half of offenders to attend a batterer program;</li> <li>○ For cases that end in conviction, does the court <i>always</i> impose a protective order;</li> <li>○ For cases that end in conviction, does the court <i>always</i> or <i>often</i> impose the following sentences: <ul style="list-style-type: none"> <li>▪ Batter program mandate;</li> <li>▪ Other program mandate;</li> <li>▪ Incarceration for less than one year;</li> <li>▪ Fines;</li> <li>▪ Conditional discharge;</li> <li>▪ Probation</li> </ul> </li> </ul>
<p><b>Victim Safety and Services Index</b></p>	<ul style="list-style-type: none"> <li>○ Is increased victim safety rated as an <i>extremely</i> important court goal;</li> <li>○ Is facilitating victim access to services rated as an <i>extremely</i> important court goal;</li> <li>○ Does the court routinely impose a temporary criminal protection at the first domestic violence court appearance;</li> <li>○ Are victim advocates/victim witness assistants involved (e.g., make contact with victim, offer services, etc.) in at least 75% of the courts cases;</li> </ul> <p>(Victim Safety Index continued on next page)</p>

**Table 3.5. Community- and Court-Level Characteristics Operationalized (*Continued*)**

<b>Victim Safety and Services Index (<i>Continued</i>)</b>	<ul style="list-style-type: none"><li>○ Are the following provisions for victim safety made in and around the courthouse:<ul style="list-style-type: none"><li>▪ Separate waiting area in the courthouse;</li><li>▪ Escort <i>before</i> court proceedings <i>outside</i> the courthouse;</li><li>▪ Escort <i>before</i> court proceedings <i>inside</i> the courthouse;</li><li>▪ Escort <i>after</i> court proceedings <i>inside</i> the courthouse</li></ul></li></ul>
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**Table 3.6. Community- and Court-Level Measures, Scaled**

<b>Community-Level Measures, Scaled</b>					
	<b>Response Range</b>	<b>Low</b>	<b>Three-Part Scale</b>		<b>Alpha</b>
			<b>Medium</b>	<b>High</b>	
Total Population Size	13,808-2,465,326	13,808-49,999 (33%)	50,000-1,332,650 (33%)	1,332,651-2,465,326 (33%)	
Racial/Ethnic Diversity Index <sup>1</sup>	0.704-.891	0.704-0.414 (33%)	0.415-0.636 (33%)	0.637-0.891 (33%)	
% of Families Living in Poverty	3.5-28.0	3.5-9.2 (29%)	9.3-17.6 (38%)	17.7-28.0 (33%)	
Median Household Income	\$24,536-\$79,881	\$24,536-\$31,594 (33%)	\$31,595-\$42,266 (29%)	\$42,267-79,881 (38%)	
% Unemployed	2.8-14.3	2.8-4.5 (29%)	4.6-8.5 (38%)	8.6-14.3 (33%)	
% without a High School Diploma/GED	13.3-37.9	13.3-20.6 (33%)	20.7-25.4 (29%)	25.5-37.9 (38%)	
<b>Court-Level Policy Measures, Indexed</b>					
	<b>Response Range</b>	<b>None</b>	<b>Three-Part Index</b>		<b>Alpha</b>
			<b>Low</b>	<b>High</b>	
Coordinated Community Response Index	0-6	0 (52%)	1-3 (15%)	4-6 (33%)	0.89
Assessment Index	0-10	0 (75%)	-	1-10 (25%)	0.93
Offender Monitoring Index	0-11	0 (52%)	1-6 (23%)	7-11 (25%)	0.96
Accountability Index	0-12	0 (50%)	1-3 (25%)	4-12 (25%)	0.86
Sentencing Index	0-7	0 (50%)	1-4 (19%)	5-7 (31%)	0.81
Victim Safety Index	0-9	0 (50%)	1-4 (29%)	5-9 (21%)	0.90

<sup>1</sup> Index based on proportions black, white, Asian, American-Indian, and Pacific Islander race and proportion Hispanic ethnicity, recoded into a three-category scale (low, medium, high).

## Chapter 4

### Sample Characteristics and Court Policies

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This chapter presents descriptive information about the final domestic violence court sample, the policies of the 24 domestic violence courts, and the community characteristics in which those courts operate.

#### **Profile of the Defendant Samples**

Table 4.1 presents the baseline characteristics of defendants in the final domestic violence court sample (Appendix D compares this sample to the final comparison sample, whose characteristics are generally similar, as a result of our propensity score matching process.) The table further distinguishes defendant characteristics by strata (i.e., New York City, New York City suburbs, mid-sized cities, and semi-rural/rural). Not only does the information presented in Table 4.1 provide a description of the sample for the current study, it also provides a more general portrait of domestic violence defendants in New York State, the third largest state in the country. Overall, the findings are consistent with previous research, suggesting that domestic violence defendants are predominately males from racial and ethnic minority groups in their early thirties, with extensive criminal histories (e.g., Buzawa and Buzawa 1996; Labriola et al. 2009).

#### ***Demographics***

The domestic violence court defendants are approximately 33 years old on average and overwhelmingly male (84%). Half are black (49%), and the other half are made up of Hispanic (24%), white (24%), and Asian (3%) defendants. While the age and sex of the defendants do not differ by strata, there are differences in their racial make-up. We see fewer black defendants and more white defendants in the New York City suburbs and semi-rural/rural courts. This finding is a direct reflection of the overall community composition of each stratum, as described below.

#### ***Current Charges***

The charge information presented in Table 4.1 is not limited to the top charge; because a single case frequently includes multiple charges, the sum of the percentages is greater than 100%. The overwhelming majority of cases included an assault charge (62%), with about one-third including a harassment charge (31%). Other common charges included weapons (22%) and criminal contempt (11%). Notice that New York State does not have domestic violence-specific charges; the kinds of charges applied to domestic violence (assault, harassment, etc.) are applied, where appropriate, to non-domestic violence cases as well.

Almost one-third of the sample was arrested on a felony charge (32%), and 18% were arraigned on a felony charge. (In New York City, the prosecutor often downgrades the charges from the felony to misdemeanor level when drawing up the official criminal complaint.)

**Table 4.1. Profile of Court Samples**

	<b>Full Sample</b>	<b>STRATA 1 New York City</b>	<b>STRATA 2 NYC Suburbs</b>	<b>STRATA 3 Mid-Size City</b>	<b>STRATA 4 Semi-Rural/ Rural</b>
<i>N</i>	8,859	5,800	1,474	1,239	346
<b>Demographics</b>					
Age	33.01	32.93	34.37	32.17	31.28
Race/Ethnicity					
Black	49%	51%	28%	64%	35%
Hispanic	24%	32%	15%	3%	13%
White	24%	13%	56%	31%	51%
Asian	3%	4%	1%	2%	0%
Male	84%	85%	82%	83%	80%
<b>Current Charges</b>					
<b>Current Charge Type</b>					
Harassment	31%	32%	14%	49%	22%
Assault	62%	69%	40%	61%	52%
Menacing	15%	16%	12%	15%	18%
Stalking	0%	0%	0%	1%	1%
Criminal Contempt	18%	14%	36%	15%	25%
CC Only	11%	6%	32%	5%	14%
Child Victim	5%	6%	2%	8%	7%
Violent Felony	20%	23%	7%	22%	12%
Weapons	22%	23%	15%	28%	20%
Firearm	7%	9%	1%	5%	1%
Drug	2%	2%	1%	2%	1%
DWI	0%	0%	0%	0%	0%
<b>Current Charge Severity</b>					
Felony Arrest	32%	34%	25%	34%	21%
Felony Arraignment	18%	13%	25%	33%	21%
<b>Prior Arrests</b>					
Any Arrest	60%	55%	61%	75%	69%
<i>Mean</i>	4.12	3.64	3.50	6.54	4.95
Domestic Violence					
<i>Mean</i>	1.19	1.04	1.01	1.91	1.51
Felony	47%	45%	39%	62%	48%
VFO	32%	33%	22%	44%	26%
Drug	31%	31%	28%	40%	29%
Weapon	29%	29%	20%	38%	23%
SOR	8%	7%	5%	13%	10%
Child Victim	7%	6%	4%	13%	15%
Warrants	36%	36%	34%	43%	33%
<b>Prior Convictions</b>					
Any Convictions	38%	34%	38%	51%	49%
<i>Mean</i>	1.42	1.27	1.45	1.83	2.01
Domestic Violence					
<i>Mean</i>	0.57	0.46	0.60	0.91	0.88
Felony	21%	21%	19%	26%	22%
VFO	8%	8%	6%	9%	3%
Drug	17%	17%	15%	21%	17%
Weapon	8%	8%	5%	10%	8%
SOR	1%	1%	1%	3%	2%
Child Victim	1%	1%	1%	3%	3%

### ***Criminal History***

The domestic violence court defendants have an extensive criminal history. In particular, 60% of the defendants had a previous arrest, with an average of more than four prior arrests, and 41% had a prior domestic violence arrest. The incidence of past convictions is lower (38%) than arrests, which may in part reflect the difficulty of obtaining a conviction in domestic violence cases.

### **Profile of Domestic Violence Courts**

As indicated in Chapter Three, criminal domestic violence courts in operation as of 2007 were included in the current study. The actual opening dates ranged from 1996 to 2007, with the New York City courts generally opening earlier than the others. The caseload data presented in Table 3.1 (see previous chapter) give a general sense of the relative caseloads of the 24 sites. Not surprisingly, the caseloads in the New York City courts are generally the largest. This section provides further summary data on the goals, policies, and operations of the 24 courts.

### ***Domestic Violence Court Goals***

Table 4.2 lists the full array of court goals included in the policy survey. At least 60% of respondents rated ten of the 13 goals in the survey as either very or extremely important, suggesting that most domestic violence courts share a long list of priorities.

Isolating only those goals that respondents identified as extremely important, at least three-quarters of the courts prioritize offender accountability (92%) and victim safety (75%). On the other end of the spectrum, less than one-quarter considered either rehabilitating offenders or increasing the visibility of domestic violence as a social problem to be extremely important.<sup>10</sup>

**Table 4.2. Respondent Rankings of Court Goals (N=24)**

	<b>Not a Goal</b>	<b>Somewhat Important Goal</b>	<b>Very Important Goal</b>	<b>Extremely Important Goal</b>
Hold Offenders Accountable for Illegal Behavior	0%	0%	8%	92%
Increase Victim Safety	0%	4%	21%	75%
Penalize Offenders Noncompliant with Court Orders	4%	8%	21%	67%
Deter Offender Recidivism	8%	8%	17%	67%
Facilitate Victim Access to Services	13%	4%	29%	54%
Foster Expertise among Judges or Prosecutors	13%	8%	25%	54%
Apply State Statutes Correctly and Consistently	8%	21%	21%	54%
Increase Efficiency of DV Case Processing	8%	17%	25%	50%
Increase Consistency of DV Case Dispositions and Sentencing	4%	4%	50%	42%
Achieve Coordinated Response to DV	13%	17%	29%	42%
Improve Victim Perception of Court Fairness	21%	21%	33%	25%
Increase Community Visibility of DV as a Social Problem	29%	29%	21%	21%
Rehabilitate Offenders	54%	17%	13%	17%

<sup>10</sup> Research by Labriola et al. 2009 demonstrates that New York State domestic violence courts are unique in the extent to which they do not prioritize rehabilitation on average; domestic violence courts in other parts of the country are significantly more likely than in New York State to prioritize rehabilitating offenders as extremely important.

### ***Case Eligibility Criteria***

The majority of the 24 domestic violence courts (N=18) accept only misdemeanors, five courts accept only felonies, and one court accepts both misdemeanors and felonies. Besides these charge specifications, the courts vary in the types of relationships that are deemed eligible (see Table 4.3). Whereas intimate partner violence cases are eligible for all 24 courts, there are some variations in the operative definition of an intimate relationship. All 24 courts define as intimate partners those couples who are married or were previously married, have children in common, or live together. In addition, the majority of courts define as intimates former partners who were never married (N=20), same-sex couples (N=21), and couples who have no children together and do not reside together (N=20). Fewer courts accept non-intimate partner domestic violence cases. Nonetheless, 13 of the 24 courts accept elder abuse cases, nine accept child abuse cases, 12 accept cases of violence against other family members (e.g., siblings), and two accept cases of violence between non-intimates who are living together.

### ***Dedicated Staffing***

All 24 domestic violence courts have a dedicated judge, with more than one dedicated judge in seven sites. The majority of courts also have at least one of each of the following staff members: victim advocate (92%), prosecutor (88%), resource coordinator/compliance monitor (83%), public defender (71%), court clerk (71%), and bailiff (67%). Slightly fewer courts have dedicated probation staff (54%) or a project coordinator (42%). All but two of the courts have *either* a resource coordinator/compliance monitor *or* a project coordinator, positions that are uncommon in standard criminal courts. Coordinators frequently help to alleviate the strain a specialized court might otherwise place on court staff by spearheading outreach to community partners and maintaining up-to-date compliance information or other supplementary court data.

### ***Special Sentencing Conditions***

Previous literature suggests that domestic violence courts make greater use of final orders of protection, program mandates, intensive probation, and other special conditions than non-specialized courts (e.g., Angene 2000; Gondolf 1998; Harrell et al. 2007; Klein and Crowe 2008; Newmark et al. 2001). Indeed, 23 of the 24 courts (96%) reported that they often or always include a protective order as part of the final sentence. In addition, 17 of the courts (71%) reported that at least half of all convicted offenders are ordered to attend a batterer program. Other commonly mandated programs include alcohol or substance abuse treatment (used by 22 of the 24 courts, or 92%), mental health treatment (92%), parenting classes (58%), and anger management (58%). The majority of courts (54%) reported that program completion has no impact on the case disposition or sentence, whereas one-third (33%) of courts reported that program completion results in a charge or sentence reduction.

### ***Offender Assessment***

Only six of the 24 courts (25%) reported that defendants are either often or always administered an assessment; those seven courts were all located in the suburbs of New York City or in one of the mid-sized upstate cities, meaning that none of the courts with the highest volume (in New York City) report regularly conducting any type of assessment. Formal assessments can cover a range of issues. They include: drug and alcohol dependence (42% of all 24 courts), mental health issues (38%), socio-demographic background (29%), service needs (25%), risk for repeat violence (25%), history of victimization (21%), or risk for lethality (17%).

## *Supervision and Compliance*

Probation Supervision. Ten of the 24 courts (40%) reported that they frequently mandate offenders to probation supervision, and an additional ten courts reported that they sometimes mandate to probation. In a recent study of specialized domestic violence probation, one factor that differentiated the specialized approach from traditional probation was greater probation contact with domestic violence victims (Klein and Crowe 2007). Considering the 19 courts in this study that reported ordering offenders to probation at least sometimes and answered questions about victim contact with probation, 90% of this sub-sample indicated that probation officers routinely contact victims. The most common reason for contacting victims was to elicit information (37%), with 26% specifically citing an interest in asking the victim about offender compliance with protection orders. Two courts indicated that probation officers routinely contact victims to alert them of noncompliance by their abuser, and two courts indicated that they contact victims to offer services. In general, New York City courts are less likely than others to report frequently mandating offenders to probation supervision (one of seven courts or 14%).

Judicial Supervision. In general, judicial supervision involves regular status hearings before a judge or judicial hearing officer for the express purpose of compliance monitoring. Such supervision typically occurs after a conviction but can also occur earlier, sometimes in tandem with required attendance in a pretrial diversion program. All but one of the 24 courts (96%) reported that they engage in judicial monitoring. However, only 16 of the courts (67%) reported that judicial monitoring takes place at least once per month; and only six courts reported that they conduct monitoring on a separate compliance calendar rather than mixing judicial status hearings with hearings on dispositional issues. Table 4.4 presents the typical content of judicial monitoring.

- Surveillance and Interaction: The judge or judicial officer conducts at least one form of basic “surveillance or interaction” in 75% of the 20 courts responding to this question. Such tasks include conversing directly with the defendants (80%), reviewing probation or program reports (75%), or reviewing any allegations of criminal behavior (50%).
- Information and Understanding: In 60% of the courts, the judge attempts to use court supervision in at least one respect to increase defendants’ information about and understanding of the requirements of the sentence. Such efforts include reiterating program attendance requirements (60%), the consequences of noncompliance (55%), or restrictions on victim contact (40%).
- Sanctions and Incentives: In 80% of the courts, the judge takes at least one of the following actions: admonishing defendants for noncompliance (80%), imposing concrete sanctions for noncompliance (60%), or praising compliance (65%).

**Table 4.3. Court Survey Responses: DV Court Eligibility**

	Domestic Violence Court	Eligible Charges	Eligible Violence Types					Eligible Intimate Relationships						
			Intimate Partner Violence	Elder Violence	Child Abuse	Violence against Other Relatives	Violence against Roommates	Married Partners	Separated/Divorced	Children in Common	Live Together	Not Living Together, No Children in Common	Former Partners	Same Sex Couples
<b>STRATA 1</b> <b>New York City</b>	Bronx Misdemeanor DV Court	Misdemeanor	✓	✓		✓		✓	✓	✓	✓	✓	✓	✓
	Bronx Felony DV Court	Felony	✓	✓		✓		✓	✓	✓	✓	✓	✓	✓
	Brooklyn Misdemeanor DV Court	Misdemeanor	✓					✓	✓	✓	✓	✓	✓	✓
	Brooklyn Felony DV Court	Felony	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
	Manhattan Criminal DV Court	Misdemeanor	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓
	Queens Misdemeanor DV Court	Misdemeanor	✓					✓	✓	✓	✓	✓	✓	✓
	Queens Felony DV Court	Felony	✓					✓	✓	✓	✓	✓	✓	✓
<b>STRATA 2</b> <b>NYC Suburbs</b>	Nassau County Misdemeanor DV Court	Misdemeanor	✓					✓	✓	✓	✓	✓	✓	✓
	Nassau County Felony DV Court	Felony	✓					✓	✓	✓	✓			✓
	Suffolk County Misdemeanor DV Court	Misdemeanor	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	Westchester County DV Court	Misdemeanor & Felony	✓					✓	✓	✓	✓	✓	✓	✓
<b>STRATA 3</b> <b>Mid-sized Cites</b>	Albany City DV Court	Misdemeanor	✓					✓	✓	✓	✓	✓	✓	✓
	Buffalo City DV Court	Misdemeanor	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓
	Erie County Felony DV Court	Felony	✓	✓				✓	✓	✓	✓			
	Syracuse City DV Court	Misdemeanor	✓					✓	✓	✓	✓	✓	✓	✓
<b>STRATA 4</b> <b>Semi-Rural/Rural</b>	Auburn City DV Court	Misdemeanor	✓	✓	✓			✓	✓	✓	✓	✓		✓
	Beacon City DV Court	Misdemeanor	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓
	Binghamton City DV Court	Misdemeanor	✓					✓	✓	✓	✓	✓	✓	✓
	Glens Falls City DV Court	Misdemeanor	✓	✓	✓	✓		✓	✓	✓	✓			
	Kingston City DV Court	Misdemeanor	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓
	Newburgh City DV Court	Misdemeanor	✓					✓	✓	✓	✓	✓	✓	✓
	Oswego City DV Court	Misdemeanor	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓
	Troy City DV Court	Misdemeanor	✓			✓		✓	✓	✓	✓	✓	✓	✓
	Utica City DV Court	Misdemeanor	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓

**Table 4.4. Judge's Actions in Compliance Hearings**

	Full Sample <sup>1</sup>
Court Does Not Engage in Regular Judicial Monitoring	n=4
Court Engages in Regular Judicial Monitoring	n=16
<b>Surveillance and Interaction</b>	<b>75%</b>
<i>Converse directly with defendant in court</i>	80%
<i>Review report submitted by program or probation</i>	75%
<i>Review any re-arrest or alleged violation of court orders</i>	50%
<b>Information and Understanding: Reinforce Requirements</b>	<b>60%</b>
<i>Reiterate program attendance responsibilities</i>	60%
<i>Explain consequences of future noncompliance with court orders</i>	55%
<i>Reiterate restrictions on contact with the victim</i>	40%
<b>Sanctions and Incentives</b>	<b>80%</b>
<i>Admonish defendant for noncompliant behavior</i>	80%
<i>Praise compliant behavior</i>	65%
<i>Impose concrete sanctions for noncompliant behavior</i>	60%

<sup>1</sup> Only 20 courts responded to questions about monitoring frequency and the judge's actions during compliance hearings. Therefore, all percentages are derived from an N of 20. To indicate the prevalence of judicial monitoring *in general*—across all 20 courts responding to judicial monitoring questions—those courts that do not conduct such monitoring are still included in the table and reflected with zeros across the board. A breakdown by strata is not displayed, since there were no strata-specific patterns.

Enforcement of Noncompliance. The majority (86%) of responding courts indicated that noncompliance with a program mandate is often or always met with a sanction. However, only four courts reported that they have written protocols prescribing a schedule of sanctions in response to noncompliance; and only two courts provide a copy of such a schedule to defendants.

Table 4.5 presents the frequency with which the courts report imposing specific sanctions for noncompliance with court orders. The most common responses are the least punitive: verbally admonishing defendants (95% report doing so always or often); ordering defendants to return to court immediately (74%); and ordering defendants to make more frequent court appearances (52%). Far fewer courts reported imposing any of a series of sanctions related to increased program attendance. At the most severe end of the spectrum, 29% of courts reported often or always imposing jail, and 24% of courts reported often or always revoking probation. These results regarding the use of sanctions for noncompliance closely mirrors the findings in a recent national survey of domestic violence courts (Labriola et al. 2009), indicating that the distribution of these policies in New York is broadly representative of the national field.

**Table 4.5. Court Responses to Noncompliance**

	<b>Always/ Often</b>	<b>Sometimes</b>	<b>Rarely/ Never</b>
Verbally admonish defendant <sup>2</sup>	95%	0%	5%
Order defendant to return to court immediately <sup>2</sup>	74%	11%	16%
Order defendant to make more frequent court appearances	52%	33%	14%
Resentence defendant to jail	29%	52%	19%
Order defendant back to program with extra sessions added	24%	24%	52%
Revoke or amend probation conditions	24%	67%	10%
Order defendant back to program	19%	57%	24%
Order drug test	14%	33%	52%
Order defendant to restart program	14%	62%	24%
Order defendant to start a new program	5%	71%	24%

<sup>1</sup> Only 21 courts responded to questions about court responses to noncompliance. Therefore, all percentages are derived from an N of 21 unless otherwise noted.

<sup>2</sup> Percentages derived from 19 responding courts.

### ***Victim Safety and Services***

All but two of the courts reported that at least one victim advocate is dedicated to the domestic violence court. This is slightly higher than the 80% of courts included in the recent national portrait of domestic violence courts (Labriola et al. 2009). The majority of courts in this study (63%) estimated that a victim advocate is involved in more than half of all domestic violence court cases.

The courts reported engaging in a number of provisions for victims' physical safety in and around the court. Half (50%) reported having separate waiting areas for victims. Other strategies include escorts before (38%) and after (42%) court; childcare centers so that children do not have to be present for court proceedings (21%); and separate seating in the courtroom for victims (21%).

Beyond provisions for victim safety *during* court proceedings, protective orders have long been a critical tool in the legal system's efforts to protect victims of domestic violence. Almost all courts in this study (95%) reported regularly issuing a protection order at some point during the case. The vast majority reported that a temporary order is usually issued either at a defendant's first appearance in the domestic violence court (75%) or prior to the first appearance (21%). Many courts reported, however, that victims may not receive copies of the order for several days. Specifically, 44% of the courts reported that victims are sent their copy in the mail by the court clerk, prosecutor's office, or victim advocate. Another 40% of courts reported that victims are *either* sent their protection order by mail or are given the order when they go to court. In the remaining courts, protective orders are delivered in-person by a law enforcement agent (8%) or the survey respondent did not know how victims receive a copy (8%).

**Table 4.6. The 24 Sites: Community Characteristics**

	Strata 1 New York City				Strata 2 NYC Suburbs			Strata 3 Mid-Sized Cities			
	<b>Bronx County</b> (Bronx Misdemeanor DV Court; Bronx Felony DV Court)	<b>Kings County</b> (Brooklyn Misdemeanor DV Court; Brooklyn Felony DV Court)	<b>New York County</b> (Manhattan Criminal DV Court)	<b>Queens County</b> (Queens Misdemeanor DV Court; Queens Felony DV Court)	<b>Nassau County</b> (Nassau County Misdemeanor DV Court; Nassau County Felony DV Court)	<b>Suffolk County</b> (Suffolk County Misdemeanor DV Court)	<b>Westchester County</b> (Westchester County DV Court)	<b>Albany City</b> (Albany City DV Court)	<b>Buffalo City</b> (Buffalo City DV Court)	<b>Erie County</b> (Erie County Felony DV Court)	<b>Syracuse City</b> (Syracuse City DV Court)
<b>Total Population</b>	1,332,650	2,465,326	1,537,195	2,229,379	1,334,544	1,419,369	923,459	95,658	292,648	950,265	147,306
<b>Demographics</b>											
Median Age	31.2	33.1	35.7	35.4	38.5	36.5	37.6	31.4	33.6	38.0	30.5
Male	47%	47%	48%	48%	48%	49%	48%	48%	49%	48%	47%
Race <sup>1</sup>											
Caucasian	32%	43%	57%	47%	81%	86%	74%	65%	56%	83%	67%
Black	38%	38%	18%	21%	10%	7%	15%	29%	38%	13%	26%
Native American	1%	0%	1%	1%	0%	0%	0%	0%	1%	1%	1%
Asian/Pacific Islander	3%	8%	10%	19%	5%	3%	5%	3%	1%	1%	4%
Other	26%	11%	15%	12%	4%	4%	7%	2%	4%	1%	2%
Ethnicity											
Hispanic/Latino	48%	20%	27%	25%	10%	11%	16%	6%	8%	3%	5%
% Immigrants	29%	38%	29%	46%	18%	11%	22%	9%	4%	5%	8%
<b>Socioeconomic Status</b>											
% of Families Living in Poverty	28%	22%	18%	12%	4%	4%	6%	16%	23%	9%	22%
Median Household Income	\$27,611	\$32,135	\$47,030	\$42,439	\$72,030	\$65,288	\$79,881	\$30,041	\$24,536	\$49,490	\$33,026
% Unemployed	14%	11%	9%	8%	4%	4%	3%	13%	13%	5%	6%
% without a High School Diploma/GED	40%	31%	21%	26%	13%	14%	16%	19%	25%	17%	24%
<b>Arrest Rate per 1,000 residents</b>	52.95	33.10	49.55	22.17	12.69	16.60	16.16	56.41	68.49	36.38	51.91

**Table 4.6. The 24 Sites: Community Characteristics (Continued)**

	Strata 4 Semi-Rural/Rural								
	<b>Auburn City</b> (Auburn City DV Court)	<b>Beacon City</b> (Beacon City DV Court)	<b>Binghamton City</b> (Binghamton City DV Court)	<b>Glens Falls City</b> (Glens Falls City DV Court)	<b>Kingston City</b> (Kingston City DV Court)	<b>Newburgh City</b> (Newburgh City DV Court)	<b>Oswego City</b> (Oswego City DV Court)	<b>Troy City</b> (Troy City DV Court)	<b>Utica City</b> (Utica City DV Court)
<b>Total Population</b>	28,574	13,808	47,380	14,354	23,456	28,259	17,954	49,170	60,651
<b>Demographics</b>									
Median Age	36.9	36.4	36.7	35.6	38.1	27.8	34.9	31.7	37.0
Male	50%	47%	47%	48%	47%	47%	47%	50%	47%
Race <sup>1</sup>									
Caucasian	90%	71%	86%	98%	83%	45%	97%	82%	82%
Black	8%	20%	9%	1%	13%	35%	1%	12%	13%
Native American	0%	0%	0%	0%	0%	1%	0%	0%	0%
Asian/Pacific Islander	1%	1%	3%	0%	2%	1%	1%	4%	2%
Other	1%	7%	2%	0%	2%	19%	1%	2%	2%
Ethnicity									
Hispanic/Latino	3%	17%	4%	1%	7%	36%	3%	4%	6%
% Immigrants	3%	9%	9%	2%	5%	20%	3%	6%	12%
<b>Socioeconomic Status</b>									
% of Families Living in Poverty	13%	9%	9%	12%	12%	23%	13%	14%	20%
Median Household Income	\$30,281	\$45,236	\$36,137	\$42,266	\$31,594	\$30,332	\$41,613	\$29,844	\$33,818
% Unemployed	6%	6%	4%	4%	6%	11%	5%	12%	5%
% without a High School Diploma/GED	26%	6%	22%	18%	21%	38%	21%	22%	27%
<b>Arrest Rate per 1,000 residents</b>	39.12	25.99	51.49	32.11	33.99	54.54	32.08	56.91	52.86

Note: Population, demographic, and socioeconomic statistics taken from 2000 US Census data. County-level arrest rates are calculated based on data provided by the New York State Division of Criminal Justice Services, based on 2005 FBI population estimates. City-level arrest rates are calculated using the FBI's 2009 Unified Crime Report.

<sup>1</sup> Of those identified as one race.

## Community Profile

The 24 courts included in the current study draw their caseloads from 20 counties, with 12 courts drawing cases from throughout the county in which they are located and 12 courts drawing cases from a single city or town. Table 4.6 presents population characteristics of the sites, including demographics, socio-economic characteristics, and arrest rate per 1,000 residents.

The sites range in population size from just under 14,000 (Beacon City) to more than two million (Queens County and Kings County). Not surprisingly, the New York City sites have the highest percentage of non-white and immigrant residents. The four mid-size upstate cities also have a relatively sizeable black population.

Socioeconomic characteristics vary widely across the state. Overall, the populations in the New York City suburbs have the highest socioeconomic status, with higher average incomes and education levels and lower rates of poverty and unemployment than elsewhere. Corresponding with their higher socioeconomic status, arrest rates in New York City's suburbs are lower than those in the other three geographically-defined strata.

## Chapter 5

### The Impact of Domestic Violence Courts on Recidivism

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This chapter presents findings concerning whether domestic violence courts reduce recidivism and which policies, practices, or target populations influence their impact.

#### **Impact on Incidence and Prevalence of Re-Arrest**

Table 5.1 displays the main recidivism impact findings, both statewide and for each geographic stratum (New York City, suburbs, mid-size cities, and semi-rural/rural areas). The upper portion of the table displays the impact of domestic violence court status on re-arrest within three years of the initial instant case arrest. The statewide results indicate that about 48% of the defendants in both samples were re-arrested within three years, with 33% re-arrested on domestic violence charges, 19% on felony domestic violence charges, and 11% on violent felony charges (either domestic violence or non-domestic violence violent felonies).

Domestic violence court defendants were significantly more likely to be re-arrested on drug charges (14% vs. 13%), but this difference was only one percentage point in actual magnitude. Similarly, a small number of effects in the New York City and mid-size city strata were statistically significant (all in the direction of higher recidivism among domestic violence court defendants), but the substantive magnitude of these differences was marginal.

Many domestic violence court policies, including program mandates, ongoing judicial and/or probation supervision, and sanctions for noncompliance, apply only to those defendants who are convicted of a crime. For this reason, as shown in the lower portion of Table 5.1, we conducted separate three-year analyses for defendants who were *convicted*. In most of the recidivism measures, a similar picture emerges. Within three years of conviction, 46% of the domestic violence court sample and 49% of the comparison group were re-arrested, with 29% and 32% respectively re-arrested on a domestic violence charge ( $p < .01$ ). Similarly, the average number of re-arrests and domestic violence re-arrests are significantly lower for the domestic violence court sample. These differences suggest the possibility of a small positive impact overall, with the difference on three of the four measures statistically significant.

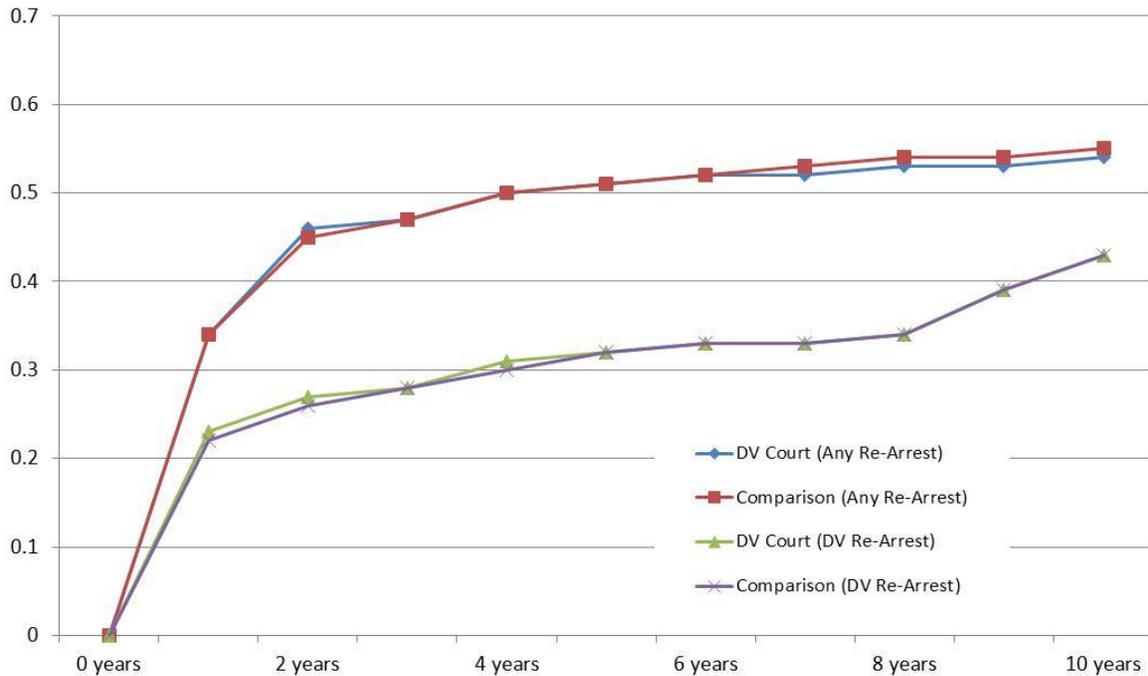
The three-year post-arrest and post-conviction findings displayed in Table 5.1 mirror those obtained over shorter one-year and two-year tracking periods (see Appendix E).

**Table 5.1 Recidivism**

	<b>Full Sample</b>		<b>STRATA 1 New York City</b>		<b>STRATA 2 NYC Suburbs</b>		<b>STRATA 3 Mid-Size City</b>		<b>STRATA 4 Semi-Rural/Rural</b>	
	DV Court	Comparison	DV Court	Comparison	DV Court	Comparison	DV Court	Comparison	DV Court	Comparison
<b>Three Years Post-Arrest</b>										
<i>N</i>	8,689	8,858	5,800	5,799	1,474	1,474	1,220	1,239	195	346
Any Re-Arrest	48%	49%	44%	43%	44%	45%	56%	56%	54%	54%
mean	1.16	1.25	1.21	1.21	1.05	1.02	1.54	1.56	1.20	1.24
DV Re-Arrest	33%	33%	30%*	28%	31%	32%	37%	37%	36%	36%
mean	0.59	0.62	0.55*	0.51	0.57	0.58	0.71	0.70	0.61	0.64
Felony DV Re-Arrest	19%	19%	19%*	17%	17%	18%	24%	24%	18%	15%
Drug Re-Arrest	14%*	13%	18%	18%	12%	10%	17%	17%	12%	9%
VFO Re-Arrest	11%	11%	12%	13%	6%	7%	19%*	15%	11%	9%
<b>Three Years Post-Disposition</b>										
<i>N</i>	3,499	3,650	2,002	2,002	767	768	591	642	139	238
Any Re-Arrest	46%	49%	48%	49%	44%	44%	54%	56%	45%	48%
mean	1.09**	1.25	1.35	1.40	1.08	1.11	1.36+	1.57	1.01	1.14
DV Re-Arrest	29%**	32%	31%	32%	27%	31%	31%	35%	27%	29%
mean	0.50**	0.58	0.58	0.58	0.50	0.57	0.56*	0.74	0.47	0.54
Felony DV Re-Arrest	18%	19%	20%	19%	18%	18%	20%	22%	12%	16%
Drug Re-Arrest	16%	17%	20%	22%	14%	11%	16%	14%	10%	12%
VFO Re-Arrest	13%	13%	12%	14%	8%	10%	17%	16%	10%	8%

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

**Figure 5.1. Survival Curve: Survival of DV Court and Comparison Group Defendants Up to Ten Years Post-Arrest, Any Re-Arrest and DV Re-Arrest**



The total sample included in this analysis includes 8,859 domestic violence court cases and 8,859 comparison group cases. Cases have been left censored at available tracking periods, thus the effective sample size declines.

## Survival Analysis

Figure 5.1 presents a ten-year survival curve for the domestic violence court and comparison samples (with separate curves for any re-arrests and domestic violence re-arrests). There were no significant differences in terms of “survival time” (days to first re-arrest). As the figure demonstrates, the curves for the samples are almost identical. The findings show that of those who were re-arrested at any time during the measurement period, most were re-arrested in the first two years of tracking. By the final 10-year mark, about 54% of both samples had been re-arrested, with 43% re-arrested for a domestic violence crime.

## Multivariate Results: Individual-Level Predictors of Re-Arrest

Table 5.2 presents a series of logistic regression models respectively predicting re-arrest for any crime and for a domestic violence crime within three years of the initial instant case arrest. (Results for other time periods are in Appendix F).

None of the reported models show a significant effect of domestic violence court status. Instead, consistent with the general criminal justice literature, younger defendants, males, defendants with a more extensive criminal history (i.e., any prior arrest and more prior domestic violence arrests), and those who have previously shown noncompliance with court orders by failing to appear in court and having a warrant issued are significantly more likely than others to be re-arrested. This is true both when examining *all* re-arrests and when isolating domestic violence re-arrests. In addition, in Model 1, black, Hispanic, and white defendants are all significantly more likely than Asian or other racial/ethnic categories to be re-arrested (black

**Table 5.2. Individual-Level Predictors of Re-Arrest at Three Year Post-Arrest**

	Model 1 Model 2 Model 3			Model 1 Model 2 Model 3		
Dependent Variable	Any Re-Arrest			Any DV Re-Arrest		
<i>N</i>	17,547			17,547		
	<b>Odds Ratio</b>			<b>Odds Ratio</b>		
Domestic Violence Court	0.997	0.979	1.020	0.990	0.971	0.979
Age	0.973***	0.960***	0.960***	0.982***	0.972***	0.972***
Race <sup>1</sup>						
Black	2.655***	1.383+	1.379+	1.922***	1.127	1.123
Hispanic	1.691**	1.135	1.134	1.336*	0.981	0.989
White	1.663***	1.170	1.166	1.516***	1.120	1.115
Male	2.883***	1.875***	1.804***	2.583***	1.779***	1.709***
Instant Case Charge <sup>2</sup>						
Assault		0.808***	0.808***		0.867***	0.867***
Criminal Contempt		1.216***	1.284***		1.412***	1.410***
Drug		2.146***	2.145***		1.024	1.025
Felony Arraignment		1.009	1.010		0.989	0.988
Prior Arrest (y/n)		3.482***	3.593***		2.444***	2.673***
Numer of Prior DV Arrests		1.115***	1.115***		1.151***	1.151***
Number of Prior Warrants		1.265***	1.266***		1.078***	1.078***
sample * age			0.999			1.002
sample * male			1.080			1.082
sample * crim contempt arrest			0.897			1.002
sample * prior arrest			0.938			0.836+

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

<sup>1</sup> Reference category: Asian.

<sup>2</sup> Reference category: Other charge (see Table 3.2 for distribution).

defendants especially so, based on the odds ratio); but these effects of race all become non-significant in Model 2, after controlling for charges and prior criminal history.<sup>11</sup>

Model 3 includes interaction terms to test whether specific categories of defendants are more or less likely to benefit from the domestic violence court intervention. Although the sample size is more than sufficient for this type of analyses, no categories of defendants were disproportionately likely to benefit from the intervention (at the standard .05 significance level).<sup>12</sup>

<sup>11</sup> Given that defendants from certain racial groups appear disproportionately likely to accumulate a prior criminal history in the first place, the results in Models 2 and 3 do not render the factor of race altogether irrelevant. Further research would be necessary to determine whether certain racial/ethnic categories of defendants are especially likely to engage in the criminal behavior under study or are disproportionately likely to have law enforcement contact and to be arrested for criminal behavior. This study can make no claims regarding these dynamics.

<sup>12</sup> We conducted simpler three-variable tests of a greater array of possible interactions, as described in Chapter 3. The four reported interaction parameters in Table 5.3 were the only ones for which we detected significant interaction terms in those simpler test models, which did not control for a full battery of other individual characteristics, as in Table 5.3.

The logistic regression models predicting re-arrest for any crime and for a domestic violence crime within one year, two years, and three years of conviction are presented in Appendix F. Similar to the results at the post-arrest period, younger defendants, males, and defendants with an extensive criminal history were significantly more likely than others to be re-arrested for any crime and domestic violence in particular. However, unlike the post-arrest results, domestic violence court offenders were significantly less likely to be re-arrested for a domestic violence crime. The earlier bivariate results suggested this positive impact as well.

## **The Mediating Impact of Court Policies and Community Characteristics**

Court-level policies were collected through two separate policy surveys administered to staff in each of the 24 domestic violence courts. Policies were categorized into ten overarching domains (see Chapter Three): court eligibility, case processing, offender assessment, coordinated community response, offender monitoring, offender accountability, offender rehabilitation, deterrence, approach to sentencing, and victim safety and services.

Table 5.3 presents the results of regression analyses measuring the mediating role of these court-level policy domains in explaining the impact of domestic violence courts on re-arrest at three years after the initial arrest. Each model includes domestic violence court status, key individual-level predictors (taken from Model 2 in Table 5.2, above), and jurisdiction location (i.e., New York City, NYC suburbs, semi-rural/rural; reference category: mid-size city), along with a single policy construct or a policy construct and interaction term where appropriate (see Models 1 and 2). The results presented are for the three-year post-arrest analysis; unless noted otherwise, results were generally consistent in direction, if not exact magnitude, across other timeframes (one or two year post-arrest) and for separate analyses conducted of re-arrest within three years post-conviction for cases that were convicted on the initial case.<sup>13</sup> (Results from the three year post-conviction analysis are presented in Appendix G.)

The results suggest that domestic violence courts that prioritized offender rehabilitation (in the post-arrest period only) and deterring re-offense were more likely to reduce re-arrest, as compared with other types of domestic violence courts. Similarly, domestic violence courts that prioritized offender accountability—and that have more accountability-oriented practices in place—appeared particularly likely to reduce re-arrest for any crime, although adherence to an accountability model did not appear to significantly impact *domestic violence* re-arrests. Domestic violence courts that prioritized victim safety and put more safety/service measures in place also appeared to produce better results; defendants in such courts were significantly less likely to be re-arrested for any crime during the post-arrest period, although, again, the finding did not reach significance when domestic violence re-arrests were isolated.

In addition, domestic violence courts that limited their eligible caseload to felony cases appeared relatively less successful than misdemeanor domestic violence courts in reducing domestic violence re-arrests, although this finding was weak ( $p < .10$  significance level) and limited to the post-arrest period. (In general, despite the large sample size of individual defendants, the existence of only 24 sites sharply reduced the statistical power to detect court policy effects.) While this finding suggests that domestic violence courts handling more serious

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<sup>13</sup> In addition, all analyses were run for only those 11 sites for which complete disposition judge information was available for domestic violence court defendants and their matched comparison groups. As described in Chapter Three, the domestic violence court samples from these sites (all seven New York City courts; Buffalo City Court; Erie County Court; Nassau County Felony Court; and Suffolk County Misdemeanor Court) are those that represent *only* those cases processed in the domestic violence court. The results of the multivariate analyses did not differ whether it included the full 24-court sample or only the 11 courts with full disposition judge information.

felony cases fare worse, it is worth noting that misdemeanor domestic violence courts—the courts that serve the majority of offenders—perform better than traditional courts.

Of final interest, as suggested by the bivariate results presented in Table 5.1 and confirmed in multivariate analyses whose results appear in Appendix F, the results of the court- and community-level analyses suggested a small effect of domestic violence courts in reducing re-arrest among those defendants who are *convicted*. Of the 16 models presented in Appendix G, defendants in the domestic violence court were less likely to be re-arrested on *any* new charge in five models (Models 1, 3, 6, 10, and 16) and less likely to be re-arrested on a domestic violence charge in 11 models (Models 1, 2, 3, 4, 6, 8, 10, 13, 14, 15, and 16;  $p < .20$ , results not shown).<sup>14</sup>

Table 5.3 also presents the results of regression analyses measuring the impact of other community-level characteristics. The findings suggest that domestic violence courts in sites with a more racially and ethnically diverse population were significantly less likely to be effective than other domestic violence courts ( $p < .01$ ). Table 5.3 notes other suggestive findings (albeit meeting quite weak significance thresholds) that generally point to greater effectiveness among domestic violence courts in more advantaged community contexts (lower poverty and unemployment rate and higher high school graduation rate). None of these findings were duplicated when only convicted offenders were isolated (Appendix G) and should be interpreted with caution given their weak significance levels.

## Conclusion

The results presented here suggest that domestic violence courts have a small positive effect on recidivism among convicted offenders. Our analyses also linked several court-level policies to more positive effects on recidivism. Specifically, policies focused on deterring re-offense, holding defendants accountable for noncompliance with court orders, and providing victims with safety and service assistance appeared to engender more positive recidivism impacts.

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<sup>14</sup> Defendants in the domestic violence court were less likely to be re-arrested on any new charge in one model (Model 3) and less likely to be re-arrested on a domestic violence charge in six models at the  $p < .05$  level (Models 1, 3, 4, 13, 14, and 16).

**Table 5.3.**  
**Court- and Community-Level Multivariate Predictors of Re-Arrest**  
**at Three Years Post-Arrest**<sup>1</sup>

		Any Re-Arrest	Any DV Re-Arrest
		17,547	
		46	
<b>Control Variables</b>			
<i>All Models</i>	Domestic Violence Court	<i>Included in each model, results not shown.</i>	
	Offender Background Characteristics <sup>3</sup>		
	Jurisdiction Location <sup>4</sup>		
<b>Court Characteristics</b>			
Model 1	DV Court Sample in a Rural/Semi-Rural Jurisdiction <sup>5</sup>	NS	NS
Model 2	Only Felony Cases DV Court Eligible	0.721*	0.828++
	DV Court Sample Includes Only Felony Cases <sup>6</sup>	NS	1.306+
Model 3	Increased Case Processing Efficiency Priority	NS	NS
Model 4	Coordinated Community Response Index <sup>7</sup>	NS	NS
Model 5	Offender Assessment Index <sup>8</sup>	NS	NS
Model 6	Offender Monitoring Index <sup>7</sup>	NS	NS
Model 7	Offender Rehabilitation Priority	0.853+	NS
Model 8	Deterring Recidivism Priority	0.725**	0.692*
Model 9	Accountability Index <sup>7</sup>	0.811*	NS
Model 10	Approach to Sentencing Index <sup>7</sup>	NS	1.191++
Model 11	Victim Safety Index <sup>7</sup>	0.855*	NS
<b>Community Characteristics</b>			
Model 12	Total Population Size Scale <sup>9</sup>	NS	NS
	sample*population size scale	NS	NS
Model 13	Racial/Ethnic Diversity Index Scale <sup>10</sup>	0.767*	0.635***
	sample*diversity scale	NS	1.142**
Model 14	% of Families Living in Poverty Scale <sup>9</sup>	NS	0.867++
	sample*families in poverty scale	1.133++	1.178++
Model 15	% Unemployed Scale <sup>9</sup>	NS	NS
	sample*unemployment scale	NS	1.164++
Model 16	% without a High School Diploma/GED Scale <sup>9</sup>	0.876+	0.852+
	sample*education scale	1.134++	NS

\*\*\*p<.001 \*\*p<.01 \*p<.05 +p<.10 ++p<.20

<sup>1</sup> All significance levels are derived based upon multivariate models including the specified independent variable, along with sample (domestic violence court v. comparison group); select offender background characteristics; and jurisdiction location.

<sup>2</sup> Due to missing court responses on the policy survey, the total number of available sites for the model including the offender assessment scale is limited to 42; the total number of offenders is limited to 12,293. The model including the accountability scale is limited to 40 sites, 17,124 offenders. The model including the sentencing scale is limited to 17,201 offenders, 40 sites.

<sup>3</sup> Offender background characteristics include age, male, prior arrest (y/n), number of prior DV arrests, and number of prior warrants.

<sup>4</sup> Jurisdiction location includes New York City, NYC suburbs, and semi-rural/rural jurisdictions; reference category, mid-size city.

<sup>5</sup> Interaction term: sample\*semi-rural/rural jurisdiction.

<sup>6</sup> Interaction term: sample\*only felony cases DV court eligible.

<sup>7</sup> Three-category index: None, low, high.

<sup>8</sup> Two-category index: None, high.

<sup>9</sup> Three-category scale: Low, medium, high.

<sup>10</sup> Index based on proportions black, white, Asian, American-Indian, and Pacific Islander races and proportion Hispanic ethnicity, recoded into a three-category scale (low, medium, high).

## Chapter 6

# The Impact of Domestic Violence Courts on Case Processing and Case Resolutions

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This chapter presents findings concerning the impact of domestic violence courts on case processing speed, disposition outcomes, and sentences.

### **Case Processing**

Across the entire statewide sample, the results indicate that domestic violence courts significantly reduced case processing time. The average domestic violence court case took approximately 6.5 months (197 days) to reach disposition, as compared with 8.6 months (260 days) in the comparison sample. This positive impact on case processing efficiency is consistent with previous quasi-experimental evaluations that analyzed the case processing effects of misdemeanor domestic violence courts (e.g., Angene 2000; Davis et al. 2001; Eckberg and Podkopacz 2002; Peterson 2004). (Eighteen of the 24 domestic violence courts in this study are misdemeanor courts, and a nineteenth handles both misdemeanors and felonies.) In addition, as indicated in Chapter Four, three-fourths of the sampled domestic violence courts indicated that improving case processing efficiency was a very or extremely important goal.

### **Case Resolutions**

#### ***Convictions and Other Case Dispositions***

As Table 6.1 demonstrates, there were small differences between domestic violence court and comparison samples in the percentages of cases convicted (65% vs. 61%), dismissed (17% vs. 15%), and ending in an ACD (19% vs. 24%).<sup>15</sup> The only significant difference was in the rate of ACDs (which virtually always end in dismissal).

#### ***Conviction Charge Severity***

As shown in Table 6.2, among cases that ended in a conviction, there were no differences in the severity of the top charge (felony, misdemeanor, or violation) between the domestic violence court and the comparison samples.

#### ***Sentencing***

Table 6.2 also provides information on the sentences received by convicted offenders. Across both samples, conditional discharges were used most frequently (42% of cases in both samples), and sentences including some incarceration time were the next most common type (more than

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<sup>15</sup> In New York State, cases that are “adjourned in contemplation of dismissal” will ultimately be dismissed after a specified timeframe (either six months or one year depending on the charges), unless the prosecutor opts to re-open the case based on an alleged violation of court-imposed conditions. Since prosecutors can re-open the case—but they rarely do—ACDs *can* ultimately be resolved with either a dismissal or conviction, however, as a practical matter, they are nearly always resolved with a dismissal, since cases are rarely reopened.

one quarter of cases in both samples). There were no differences in sentencing practices between the domestic violence and comparison samples.

**Table 6.1. Case Dispositions**

	Full Sample	
	DV Court	Comparison
<i>N</i>	8,689	8,858
Convicted	65%	61%
Dismissed	17%	15%
ACD	19%*	24%

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

**Table 6.2. Top Convictions Charge Severity, Sentence Type, and Sentence Length**

	Full Sample	
	DV Court	Comparison
<i>N</i>	3,499	3,650
<b>Conviction Charge Severity</b> <sup>1</sup>		
Violation	39%	42%
Misdemeanor	45%	45%
Felony	17%	17%
<b>Sentence Types</b>		
Jail/Split/Prison <sup>2</sup>	32%	28%
Probation	13%	14%
Conditional Discharge	42%	42%
Other Sentence <sup>3</sup>	13%	14%
<b>Sentence Length</b> <sup>4</sup>		
Days Incarcerated	110.1	102.5
Probation Time (years)	2.9	2.7

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

*Note:* Due to rounding and assumptions of HLM, percentages do not always add up to 100%.

<sup>1</sup> The primary violation level domestic violence charges in New York State are harassment in the 2nd degree and disorderly conduct. Harassment as well as all other common domestic violence charges also have misdemeanor and felony level variation, depending on the severity of injury.

<sup>2</sup> Jail sentences, jail/probation split sentences, and prison sentences have been collapsed into a single category representing offenders who received any incarceration sentence. Sixteen percent of convicted offenders (participant and comparison) received a jail sentence, 4% received a split sentence, and 2% received prison.

<sup>3</sup> Other sentence includes time served (5%), fine (5%), unconditional discharge (1%), no incarceration (<1%), convicted with no sentence (<1%).

<sup>4</sup> Days incarcerated calculated for those who were sentenced to jail or jail/probation split. Probation time calculated for those who received any probation.

Regarding the length of incarceration sentences, of those who were sentenced to jail or prison, there was not a significant difference in jail/prison length (around three and a half months on average for both samples); and of those sentenced to probation, there was not a difference in probation length (approximately 2.8 years). Of *all* convicted offenders, both domestic violence court and comparison offenders spent less than one month in jail (29 and 28 days, respectively) and less than one year on probation (0.7 years for both samples).

## Multivariate Results: Predictors of Conviction

As Table 6.3 confirms (similar to the results shown above), the domestic violence courts did not increase the conviction rate. Significant individual-level predictors of conviction were:

- Demographics: Male (vs. female) sex;
- Instant Case Charge: Arrested on a criminal contempt charge (generally signifying a violation of a previous order of protection); arrested on a drug charge; and arraigned on a felony (vs. misdemeanor) charge on the instant case; and
- Criminal History: Prior criminal history (all criminal history variables in our models, including prior arrest, number of prior domestic violence arrests and number of prior warrants, exerted independent significant effects).

Importantly, as shown in the interaction terms for Model 3, domestic violence courts were significantly more likely than the comparison courts to convict male defendants, whereas domestic violence court status did not influence the conviction rate among female defendants.<sup>16</sup>

No single court policy or community characteristics mediated the relationship between domestic violence court status and conviction rates (see Appendix H for those results).

## Multivariate Results: Predictors of Incarceration

### *Individual-Level Predictors of Incarceration*

As Table 6.4 confirms, domestic violence courts were significantly more likely than comparison courts to impose a severe sentence—involving prison, jail, or a split sentence. Individual-level predictors that increased the probability of a sentence involving incarceration included:

- Demographics: Younger age and male sex;
- Charge Type: Arrested on criminal contempt or drug charges;
- Charge Severity: Initially arraigned on felony (vs. misdemeanor) charges; and
- Criminal History: Prior criminal history (all criminal history variables exerted independent significant effects).

As shown in the interaction terms for Model 3, domestic violence courts were somewhat more likely than the comparison courts to sentence *male* offenders to jail or prison. On the other

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<sup>16</sup> Based on this finding, we conducted separate analyses examining court-level mediators of domestic violence court impacts on re-arrest and incarceration among only convicted *male* offenders. We also examined court-level mediators of domestic violence court impacts on conviction among only *male* offenders. The results of these male-only analyses were comparable in direction and significance to the findings presented for all offenders, with one notable exception: domestic violence courts that rely on court monitoring were significantly less likely to incarcerate male offenders than courts that implement less intensive monitoring ( $p < .05$ ).

**Table 6.3. Individual-Level Predictors of Conviction**

	Model 1	Model 2	Model 3
Dependent Variable	Convicted		
N	17,718		
Domestic Violence Court	1.122	1.135	1.098
Age	1.003	1.002	1.002
Race <sup>1</sup>			
Black	1.135	0.927	0.922
Hispanic	1.208+	1.083	1.079
White	0.972	0.869	0.864
Male	1.842***	1.670***	1.495***
Instant Case Charge <sup>2</sup>			
Assault		0.988	0.988
Criminal Contempt		1.192*	1.289**
Drug		1.519*	1.522*
Felony Arraignment		1.485***	1.487***
Prior Arrest (y/n)		1.399***	1.525***
Numer of Prior DV Arrests		1.020+	1.020+
Number of Prior Warrants		1.049***	1.049***
sample * age			1.000
sample * male			1.237*
sample * crim contempt arrest			0.858
sample * prior arrest			0.843

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

<sup>1</sup> Reference category: Asian.

<sup>2</sup> Reference category: Other charge (see Table 3.2 for distribution).

hand, domestic violence court status did not significantly affect the rate at which convicted female offenders were sentenced to jail or prison (although the odds ratio of 1.376 suggests a modest increase in incarceration sentences among female offenders as well).

### ***Court-Level Mediators of Domestic Violence Court Effects on Incarceration***

Table 6.5 presents the results of regression analyses measuring whether court policy- and community-level variables *mediate* the domestic violence court impact on sentences involving incarceration. As in comparable analyses reported in Chapter Five, each model includes domestic violence court status, key individual-level predictors (i.e., taken from Tables 6.3 or 6.4), and jurisdiction location (i.e., New York City, NYC suburbs, semi-rural/rural; and a reference category: mid-size city). To these standard variables, each model then adds a different court-level policy measure or a community-level characteristic and interaction term where appropriate.

**Table 6.4. Individual-Level Predictors of Sentence**

	<b>Model 1</b>	<b>Model 2</b>	<b>Model 3</b>
Dependent Variable	Sentenced to Jail/Prison		
<i>N</i>	7,301		
Domestic Violence Court	1.284	1.269	1.376
Age	0.994*	0.983***	0.983*
Race <sup>1</sup>			
Black	2.431***	1.197	1.195
Hispanic	1.768***	1.194	1.193
White	1.461**	0.922	0.919
Male	1.701***	1.412***	1.213+
Instant Case Charge <sup>2</sup>			
Assault		0.988	0.984
Criminal Contempt		1.334**	1.347+
Drug		1.367+	1.364+
Felony Arraignment		1.703***	1.699***
Prior Arrest (y/n)		2.838***	3.330***
Numer of Prior DV Arrests		1.093***	1.093***
Number of Prior Warrants		1.194***	1.194***
sample * age			1.000
sample * male			1.332+
sample * crim contempt arrest			0.979
sample * prior arrest			0.738

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

<sup>1</sup> Reference category: Asian.

<sup>2</sup> Reference category: Other charge (see Table 3.2 for distribution).

The results presented in Table 6.5 show potential court and community mediation effects up to a weak .20 significance threshold. Overall, few clear and significant effects are present. Courts that only process felony cases are far more likely than misdemeanor courts to sentence offenders to jail or prison in general (see Model 2, odds ratio = 3.661, p<.01). However, domestic violence court status itself does not accentuate this relationship: In *both* a domestic violence court and traditional court context, felony courts use jail or prison more often than misdemeanor courts (note the non-significant interaction term in Model 2). Accordingly, the results in Table 6.5 should be interpreted with caution.

## **Conclusion**

The establishment of domestic violence courts in New York State led to significantly speedier case processing. Regarding case resolutions, they did not appear to precipitate a general change in conviction rates or sentencing practices. However, the domestic violence courts had a notable effect on case resolutions with male defendants—both significantly increasing the conviction rate among male defendants and modestly increasing the use of jail and prison sentences.

**Table 6.5.**  
**Court- and Community-Level Multivariate Predictors of**  
**Incarceration Sentence <sup>1</sup>**

		<b>Incarceration Sentence</b>
	Number of Offenders <sup>2</sup>	5,411
	Number of Sites <sup>2</sup>	47
<b>Control Variables</b>		
<i>All Models</i>	Domestic Violence Court	<i>Included in each model, results not shown.</i>
	Offender Background Characteristics <sup>3</sup>	
	Jurisdiction Location <sup>4</sup>	
<b>Court Characteristics</b>		
Model 1	DV Court Sample in a NYC Suburb Jurisdiction <sup>5</sup>	0.425++
Model 2	Felony Cases DV Court Eligible	3.661**
Model 3	DV Court Sample Includes Felony Cases <sup>6</sup>	NS
Model 4	Increased Case Processing Efficiency Priority	NS
Model 5	Coordinated Community Response Index <sup>7</sup>	NS
Model 6	Offender Assessment Index <sup>8</sup>	NS
Model 7	Offender Monitoring Index <sup>7</sup>	NS
Model 8	Offender Rehabilitation Priority	NS
Model 9	Deterring Recidivism Priority	NS
Model 10	Accountability Index <sup>7</sup>	NS
Model 11	Approach to Sentencing Index <sup>7</sup>	NS
Model 12	Victim Safety Index <sup>7</sup>	NS
<b>Community Characteristics</b>		
Model 13	Total Population Size Scale <sup>9</sup>	NS
Model 14	sample*population size scale	NS
Model 15	Racial/Ethnic Diversity Index Scale <sup>10</sup>	0.612+
Model 16	sample*diversity scale	NS
Model 17	% of Families Living in Poverty Scale <sup>9</sup>	NS
Model 18	sample*families in poverty scale	NS
Model 19	% Unemployed Scale <sup>9</sup>	NS
Model 20	sample*unemployment scale	1.626++
Model 21	% without a High School Diploma/GED Scale <sup>9</sup>	NS
Model 22	sample*education scale	NS

\*\*\*p<.001 \*\*p<.01 \*p<.05 +p<.10 ++p<.20

<sup>1</sup> All significance levels are derived based upon multivariate models including the specified independent variable, along with sample (domestic violence court v. comparison group); select offender background characteristics (offender age, offender sex, dichotomous prior arrest variable, number of prior DV arrests, and number of prior warrants); and jurisdiction location.

<sup>2</sup> Due to missing court responses on the policy survey, the total number of available sites for the model including the offender assessment index is limited to 43; the total number of offenders is limited to 5,741. The model including the accountability index is limited to 41 sites, 6,971 offenders. The model including the sentencing index is limited to 41 sites, 6,971 offenders.

<sup>3</sup> Offender background characteristics include age, male, prior arrest (y/n), number of prior DV arrests, and number of prior warrants.

<sup>4</sup> Jurisdiction location includes New York City, NYC suburbs, and semi-rural/rural jurisdictions; reference category, mid-size city.

<sup>5</sup> Interaction term: sample\*semi-rural/rural jurisdiction.

<sup>6</sup> Interaction term: sample\*felony cases DV court eligible.

<sup>7</sup> Three-category scale: None, low, high.

<sup>8</sup> Two-category scale: None, high.

<sup>9</sup> Three-category scale: Low, medium, high.

<sup>10</sup> Index based on proportions black, white, Asian, American-Indian, and Pacific Islander races and proportion Hispanic ethnicity, recoded into a three-category scale (low, medium, high).

## Chapter 7

### Conclusion

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This study was an investigation of the extent to which criminal domestic violence courts affect recidivism, case processing, and case resolutions. We sought to answer our research questions with a multi-site quasi-experimental design, including 24 criminal domestic violence courts throughout New York State. This chapter reviews the major study findings, as well as identifying important study assets and limitations.

#### **Policies and Practices in New York’s Domestic Violence Courts**

The 24 courts in the study are situated in a variety of geographic locales—from New York City to its surrounding suburbs to several smaller cities to more rural areas in the upstate region. Most of the courts appear, at least in theory, to be dedicated to pursuing an “accountability model” (see Labriola et al. 2007). Ninety-two percent of the domestic violence courts (22 of 24) listed the goal of holding offenders accountable for illegal behavior as “extremely important.” The goal cited second most often as extremely important was protecting victim safety (75% of courts). All except one of the 24 domestic violence courts reported that they require at least some offenders to return to court for judicial monitoring, and the majority of courts (86%) indicated that noncompliance with a program mandate is typically met with a sanction. Nearly all of the 24 courts (96%) reported that a protective order is frequently imposed as part of a final sentence. In addition, the 24 courts share certain staffing practices; they all have a dedicated judge who has received special training; and the majority (22) have a resource or project coordinator as well as a dedicated victim advocate.

There was wide variation across the 24 courts in eligible case types, use of probation, offender assessments, specific court response to noncompliant offenders, and the legal ramifications of successfully completing a program mandate (i.e., whether or not program completion affects the final charges or the case disposition).

#### **The Impact of New York’s Domestic Violence Courts**

##### ***Statewide Impacts***

This study demonstrated a small positive impact of New York’s domestic violence courts on recidivism *among convicted offenders* but not among all offenders (regardless of whether their cases ended in a conviction). The study did not detect an overall impact of domestic violence courts on conviction rates on the initial criminal case, although the percentages indicated slightly higher conviction rates in the domestic violence court sample. Neither did we find any overall impact of domestic violence courts on sentencing. Specifically, convicted offenders in domestic violence courts were not, on the whole, more likely to receive a sentence involving prison or jail than offenders processed in traditional courts. Consistent with previous research, New York’s domestic violence courts significantly reduced case processing time (by just over two months).

##### ***The Moderating Role of Defendant Sex***

The study tested whether domestic violence courts had differential effects with specific defendant subgroups. The sex of defendants moderated the court impact on case resolutions. Whereas domestic violence courts did not significantly change conviction rates overall, they

significantly *increased* conviction rates among male defendants. In addition, domestic violence courts somewhat increased the use of sentences involving jail or prison among convicted male defendants, but not among convicted female defendants (with the effect on sentencing at the .10 level).

Achieving more severe case outcomes with male but not with female defendants is largely consistent with the intended impact of the model. In cases of intimate partner violence, males are more often the primary aggressor, more often resort to injurious forms of violence, and often seek to manipulate their female partners and the justice system by filing cross-complaints. One of the intended benefits of having dedicated domestic violence court judges is the special training they receive in the ways that abusive males may attempt to manipulate both their victims and the criminal justice system. This training might well have the effect of yielding more severe case outcomes only among male defendants.

### ***The Role of Court Location, Accountability Focus, and Other Contextual Factors***

Multi-level analyses of policy and practice effects linked several court policies to greater recidivism reductions. In general, policies related to promoting victim safety and reducing offender re-offense—specifically, through deterrence, rehabilitation, or accountability—were more instrumental in reducing recidivism than policies targeting court structure (e.g., coordinated community response) or other outcomes (e.g., case processing, sentencing).

This study cannot provide a definitive answer as to which policy factors enable some domestic violence courts to reduce recidivism and others to be less successful. Nonetheless, the findings suggest that recidivism reductions are enhanced by a greater focus on deterrence and accountability mechanisms, and a greater array of victim safety and service provisions.

### **The Impact of Other Individual Characteristics**

Consistent with the general criminal justice literature, younger defendants, males, defendants with a more extensive criminal history, and defendants who demonstrated prior noncompliance with court orders were significantly more likely than others to be re-arrested. The defendant characteristics associated with both receiving a conviction and, of those convicted, with receiving a more severe sentence were: male sex, arrested on a felony charge (vs. misdemeanor); and having more extensive prior criminal history.

### **Study Strengths and Limitations**

This study possessed several unique strengths, as compared with the previous literature. The multi-site framework produced findings with stronger external validity than previous studies, all of which were implemented in single sites, with the one exception of the three-site Judicial Oversight Demonstration evaluation. The process data demonstrated that New York’s 24 domestic violence courts were somewhat diverse in their primary goals and highly diverse in the degree to which they adopted various policies related to staffing, assessments, program mandates, monitoring, court responses to noncompliance, and victim services.

Nonetheless, the external validity of this study is qualified by its limitation to a single state court system. While we looked at a number of jurisdictions across the state in order to maximize the broader applicability of our findings—including a range of urban, suburban, and rural sites—the study is limited to only courts in New York State. Also noteworthy, the Chief of Policy and Planning for the New York State Unified Court System (who is in effect, the state’s “problem-solving court” coordinator) provides some level of centralized guidance to all of the state’s domestic violence courts. As a group, New York’s domestic violence courts may place a greater

philosophical emphasis on monitoring and accountability, and a lesser emphasis on defendant rehabilitation, than domestic violence courts in other states. At the same time, it would be incorrect to view this philosophical tendency as defining all 24 courts in our sample; the courts still reflect a sizable amount of policy variation.

Besides a reasonable claim to external validity, a second strength of the study design is the use of rigorous propensity score modeling methods to control for selection bias. Although a randomized controlled trial (RCT) would be a stronger design, randomly assigning defendants to the domestic violence court across 24 sites was not practical. By, instead, using a propensity score matching strategy, this study was able to achieve comparable samples across a wide array of individual demographic, charge-related, and criminal history characteristics.

Another strength of the study was the sample size, including more than 2,000 cases for all main effect analyses (and a great deal more cases for many analyses). Of particular importance, the sample size was sufficient to enable a rigorous study of subgroup effects, enabling the finding that the state's domestic violence courts were particularly likely to convict and impose severe sentences on male defendants.

However, because the sample involved only 24 sites, it was difficult to tease out precisely which domestic violence court policies were most conducive to greater or lesser impacts. The data suggests that a focus on policies that promote deterrence and accountability and perhaps certain other court-level characteristics (e.g., more victim services) produce differential impacts; but because many of these factors are inter-correlated, disentangling them with statistical certainty is difficult. In addition, it is notable that our policies measures were derived solely from court responses to policy surveys, rather than researcher observations of actual court practices. Therefore, several of our key findings rely on relatively soft measures of court policies.

Another study limitation was the pre-post design. Methodologically, the use of a pre-post design may create historic bias if identification, enforcement, or arrest for domestic violence crimes changes over time. This weakness may be somewhat mitigated by the use of different pre-post periods for each domestic violence court, based on when each court opened. That is, it seems unlikely that, by chance, systematic biasing changes would have occurred across all or most of our 24 sites precisely before and after the respective moments that each of their domestic violence courts happened to open.

The current study also suffered from several data limitations. For one, we were not certain that we accurately captured the domestic violence court sample in each site, given deficiencies in available court data—notably the lack of a variable for disposition judge in some sites. To address this limitation, we duplicated impact analyses with the sub-sample of courts for which full disposition judge data was available. There were no notable changes to findings in those courts for which sampling methods were more reliable.

The lack of a uniform evidence-based risk/needs assessment also hampered the study. Such an assessment would have allowed for the identification of high- and low-risk defendant subgroups (between which impacts might vary). The current study did control for classic static factors (demographics, criminal history, noncompliance history, and charges); but lacked other psychosocial data.

Finally, this study focused exclusively on official criminal justice outcomes: re-arrest, case processing speed, and case resolutions. It did not examine case-level data related to victim services, victim perceptions, uses of different program mandates in individual cases, supervision strategies, or responses to noncompliance. Instead, in addressing these topics, we had to rely only on our court-level policy survey. Related, our recidivism measures were limited to official re-arrests, while omitting victim reports of re-abuse.

## Future Research Priorities

The findings regarding the potentially greater impact of domestic violence courts that focus on deterrence and accountability merit future exploration. In the absence of a national multi-site evaluation, one direction might be for future single-site evaluations to identify and study specifically domestic violence courts that are known to make extensive use of probation and/or judicial supervision, and of swift, certain, and severe responses to noncompliance. The two JOD sites that employed rigorous probation supervision, Dorchester, MA, and Milwaukee, WI, produced positive effects on recidivism—a finding that is consistent with this study.

To isolate the effects of different policies with greater precision, future single-site research might also employ defendant interviews one or several months after baseline—for example, to measure early perceptions concerning threat of sanctions, procedural justice, and understanding of responsibilities. Follow-up one-year interviews might then add measures of intervention dosage—including questions concerning program sessions, probation contact, court appearances, drug testing, or other service/supervision experiences that domestic violence courts might employ. Analysis might then seek to link perceptions and service experiences to impacts.

Finally, there is a need for research seeking to replicate this study's impact findings concerning conviction and sentencing outcomes, especially among male defendants. Although prior research had been mixed, the findings indicate that New York's domestic violence courts increased the likelihood of conviction and incarceration of males. Since New York's statewide philosophy tends to focus on holding defendants accountable—including obtaining convictions and more severe sentences—it is not fully clear the extent to which these New York State findings characterize the typical domestic violence court nationwide.

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**APPENDIX A.  
STATEWIDE EVALUATION OF DOMESTIC VIOLENCE COURTS  
2008 COURT SURVEY**

**Background Information**

*Please complete the following:*

Name of Court: \_\_\_\_\_

Your Name: \_\_\_\_\_

Position: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

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***Please read:* For the purpose of this survey, a criminal domestic violence court handles domestic violence cases on a separate calendar or assigns domestic violence cases to one or more dedicated judges or judicial officers.**

1. Does the court handle criminal domestic violence cases on a separate calendar?  
 Yes  
 No
  
2. Does the court assign criminal domestic violence cases to one or more dedicated judges or judicial officers?  
 Yes → How many dedicated judges or judicial officers? \_\_\_\_\_ (#)  
 No

***Please read:* If you answered “no” to BOTH questions 1 and 2, please stop here and return the survey in the enclosed envelope. Thank you for your participation.**

**I. GENERAL QUESTIONS**

3. In what year was the domestic violence court established? \_\_\_\_\_ (year)
4. Approximately how many cases did the domestic violence court hear in 2007? \_\_\_\_\_ (#)
5. How many staff members from each of the following roles are assigned specifically to work in the domestic violence court?
- \_\_\_\_\_ # Judges or judicial officers
  - \_\_\_\_\_ # Project coordinators/administrators
  - \_\_\_\_\_ # Program compliance monitors, resource coordinators, or case managers
  - \_\_\_\_\_ # Police officers or sheriffs
  - \_\_\_\_\_ # Probation officers
  - \_\_\_\_\_ # Public defenders
  - \_\_\_\_\_ # Prosecutors
  - \_\_\_\_\_ # Victim advocates
  - \_\_\_\_\_ # Court clerks
  - \_\_\_\_\_ # Bailiffs/security officers/marshals
  - \_\_\_\_\_ # other dedicated staff. Please specify their roles: \_\_\_\_\_
6. About how long are judges or judicial officers typically assigned to the domestic violence court before rotating out?
- \_\_\_\_\_ Years or \_\_\_\_\_ Months
  - No typical timeframe for rotation
  - Unsure
  - Other: Please explain: \_\_\_\_\_
7. Have the judges or judicial officers who are currently assigned to the domestic violence court received domestic violence training?
- Yes
  - Some but not all
  - None
  - Unsure
8. In approximately what percent of cases do domestic violence defendants require interpreter services in court?
- None
  - 1% to 24%
  - 25% to 49%
  - 50% to 74%
  - 75% to 100%

**II. DOMESTIC VIOLENCE COURT GOALS AND OBJECTIVES**

9. Please rank the importance of the following potential goals of handling domestic violence cases in a specialized court? *Please check one column for each item.*

Goals and Objectives	Not a goal of the DV Court	Somewhat important	Very important	Extremely important
a. Hold offenders accountable for illegal behavior				
b. Rehabilitate offenders				
c. Deter offender recidivism				
d. Penalize offenders who are noncompliant with court orders				
e. Increase efficiency of DV case processing				
f. Increase consistency of DV case dispositions and sentences				
g. Increase community visibility of DV as a social problem				
h. Achieve coordinated response to DV				
i. Increase victim safety				
j. Facilitate victim access to services				
k. Foster expertise in judges or judicial officers who handle DV cases				
l. Improve victim perception of the fairness of the court process				
m. Apply statewide statutory requirements correctly and consistently				
n. Other goals: Please specify				

10. In your opinion, how is the domestic violence court most different from a non-specialized court in how it handles domestic violence cases?

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### III. CASE ELIGIBILITY AND SCREENING

11. What kinds of cases does the domestic violence court hear? (Please check all that apply.)

- Felonies
- Misdemeanors
- Ordinance violations
- Civil protection/restraining orders
- Other: Please specify: \_\_\_\_\_

12. Which forms of domestic violence are eligible for the court? (Please check all that apply.)

- Intimate partner violence
- Elder abuse
- Child abuse
- Violence between other relatives
- Violence between roommates
- Other types: Please specify: \_\_\_\_\_

13. Which specific intimate partner relationships are eligible? (Please check all that apply.)

Victim and defendant:

- are married
- are legally separated or divorced
- have children in common (regardless of current relationship status)
- live together but are not married
- do not live together and do not have children in common
- were formerly intimate partners
- are the same sex

14. At the first domestic violence court appearance, does the court routinely impose a temporary criminal protection/restraining order?

- Yes
- No
- No – but such an order or condition has usually been imposed already by another judge
- No – but the DV court judge routinely issues a civil protection/restraining order

**IV. DISPOSITIONS AND SENTENCES**

15. Does the court primarily use a diversion model?

- Yes
- No

16. For cases that end in conviction, are specific domestic violence sentences mandated by state law?

- Yes → Please briefly summarize or provide statutory references:

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- No

17. For cases that end in conviction, please indicate how frequently the following sentences or sentencing conditions are imposed:

	Never	Rarely	Sometimes	Often	Always
a. Batterer program					
b. Other type of program					
c. Probation					
d. Incarceration for less than one year					
e. Incarceration for one year or longer					
f. Protection/restraining order					
g. Restitution					
h. Fine					
i. Community service					
j. Conditional discharge					
k. Other: Please specify:					

**VI. PROGRAMS FOR DEFENDANTS**

18. How often does the court mandate defendants to a batterer program or other program *before* they plead guilty or are convicted?

- Never
- Rarely
- Sometimes
- Often
- Always

19. Approximately what percent of *convicted* defendants did the court sentence to a batterer program in 2007? (If you are unsure, please provide your best estimate.)

- None → *Please skip to question 23.*
- All defendants convicted of domestic violence are mandated by state law to attend a batterer program.
- 1% to 24%
- 25% to 49%
- 50% to 74%
- 75% to 100%

20. How many batterer programs are available to court-mandated defendants?

\_\_\_\_\_ (# programs)

- Not sure
- None

21. What is the typical number of weeks that defendants must attend a batterer program?

\_\_\_\_\_ (# of weeks)

22. Please rate the importance of the following reasons for the court to mandate defendants to batterer programs:

	<b>Not Important</b>	<b>Somewhat Important</b>	<b>Very Important</b>	<b>Extremely Important</b>
a. Treatment or rehabilitation				
b. Accountability				
c. Monitoring				
d. Proportionality (appropriate penalty)				
e. Alternative to incarceration				
f. Mandated by state statute				
g. Others: Please specify:				

23. What other types of programs are defendants mandated to attend by the domestic violence court? (Please check all that apply.)

- Alcohol or substance abuse treatment
- Anger management for intimate partner cases
- Anger management for other domestic violence cases (parent-child, siblings, etc.)
- Couples counseling
- Mediation
- Mental health treatment/counseling
- Parenting class
- Supervised visitation
- None
- Other. Please specify: \_\_\_\_\_

24. What is the typical legal outcome for defendants who have completed all mandated programs? (Please only select the one most typical outcome.)

- Case closed and probation term shortened
- Case closed and conviction charges reduced (e.g., misdemeanor to violation)
- Case dismissed
- No impact on the case disposition or sentence
- Other. Please specify: \_\_\_\_\_

## **VII. ASSESSMENT OF DOMESTIC VIOLENCE OFFENDERS**

25. How often do defendants receive an assessment?

- Never → *Please skip to question 29.*
- Rarely → *Please skip to question 29.*
- Sometimes
- Often
- Always

26. What does the assessment evaluate? (Please check all that apply.)

- Risk of repeat violence
- Background characteristics
- Mental health issues
- Drug or alcohol abuse issues
- Service needs
- Victimization of the defendant (e.g., background of child abuse)
- Risk of lethality
- Other issues: Please specify: \_\_\_\_\_

27. Are standardized assessment tools used?

- Yes
- No
- Unsure

28. What are the purposes of defendant assessment? (Please check all that apply.)

- Determine type or length of sentence
- Determine type of treatment or program(s) ordered
- Determine bail recommendation
- Determine intensity of probation or judicial supervision
- Other: Please specify: \_\_\_\_\_
- Unsure

## VII. SUPERVISION AND COMPLIANCE

### A. PROBATION SUPERVISION

29. How often does the court mandate domestic violence offenders to probation supervision?

- Never → *Please skip to question 34.*
- Rarely → *Please skip to question 34.*
- Sometimes
- Often
- Always

30. For defendants supervised by probation, about how often do they meet with their probation officer (including both office and home visits)?

- \_\_\_\_\_ times per month **OR** \_\_\_\_\_ times per year
- Unsure

31. How often does probation require defendants to attend substance abuse or mental health treatment as a probation requirement, even if it was not expressly ordered by the court?

- Never
- Rarely
- Sometimes
- Often
- Always

32. Do probation officers routinely contact victims for any of the following reasons? (Check all that apply.)
- Probation officers do not contact victims
  - Verify with victims that offender is compliant with restraining orders
  - Offer services to victims
  - Alert the victim that the offender is noncompliant (i.e., abusing drugs, rearrested, etc.)
  - Elicit information from victim
  - Other: Please specify: \_\_\_\_\_
  - Unsure

33. When does the court typically receive a status report from probation? (Check all that apply.)
- Never
  - Rarely
  - Regularly (please specify)  
\_\_\_\_\_ times per month **OR** \_\_\_\_\_ times per year
  - Upon filing of a probation violation
  - Upon completion of probation requirements

**B. COURT SUPERVISION**

34. How often does the court require defendants to see a judge or judicial officer for regular compliance monitoring?
- Never → *Please skip to question 41.*
  - Rarely → *Please skip to question 41.*
  - Sometimes
  - Often
  - Always
35. Over the duration of the judicial monitoring period, how frequently do defendants typically see the judge or judicial officer?  
\_\_\_\_\_ times per month **OR** \_\_\_\_\_ times per year
36. Does the domestic violence court have a separate compliance calendar? (Are compliance cases heard at a different time than cases dealing with dispositional issues?)
- Yes
  - No

37. Which of the following does the judge or judicial officer typically do in compliance hearings? (Please check all that apply.)

- Reviews any re-arrests or alleged violations of court orders
- Restates program attendance responsibilities
- Restates responsibilities related to contact with the victim
- Restates what consequences will follow future noncompliance with court orders
- Praises compliant behavior
- Verbally admonishes defendant for noncompliant behavior
- Imposes concrete sanctions for noncompliant behavior
- Reviews report submitted by program or probation
- Converses directly with defendant in court
- Other - Please specify: \_\_\_\_\_

38. How often does the court impose sanctions in response to noncompliance with a program mandate?

- Never     Rarely     Sometimes     Often     Always

39. When a defendant is reported to be noncompliant with a program, how often does the court do each of the following?

	Never	Rarely	Sometimes	Often	Always	Unsure
a. Order defendant to return to court immediately						
b. Verbally admonish defendant						
c. Order defendant back to program with credit for sessions attended						
d. Order defendant back to program with extra sessions added						
e. Order defendant to restart program						
f. Order defendant to start a new program						
g. Order defendant to make more frequent court appearances for compliance monitoring						
h. Revoke or amend probation conditions						
i. Resentence defendant to jail						
j. Order drug test						
k. None of the above						
l. Other sanctions:						

40. Does the court have a protocol or guidelines defining which sanctions may be imposed when a defendant is noncompliant with a program?

- Yes
- No
- Unsure

**VIII. VICTIM SERVICES**

41. Please indicate approximately how often victims come to court for each of the following reasons:

	Never	Rarely	Sometimes	Often	Always	Unsure
a. To observe the proceeding						
b. To testify						
c. To request a protection/restraining order						
d. To request termination or modification of a protection/restraining order						
e. To meet with a victim advocate						
f. To obtain services						
g. Other:						

42. What provisions are made for victim safety in and around the courthouse? (Please check all that apply.)

- Separate waiting area in the courthouse
- Separate seating area in the court
- Escort before court proceedings *outside* the courthouse
- Escort before court proceedings *inside* the courthouse
- Escort after court proceedings *inside* the courthouse
- Escort after court proceedings *outside* the courthouse
- Daycare/childcare center so children do not have to come to court
- None
- Other: Please specify: \_\_\_\_\_

43. How do victims receive copies of their criminal protection/restraining orders?

- Court clerk mails orders to victims
- Prosecutor's office mails copies to victims
- Victim advocates mail copies to victims
- Victims receive copies when they come to court
- N/A (criminal court does not issue protection/restraining orders)
- Unsure
- Other: Please specify: \_\_\_\_\_

**IV. CONCLUSION**

44. Please briefly state the top three challenges faced by the domestic violence court.

1. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

45. What lessons have you learned that might benefit new domestic violence courts?

\_\_\_\_\_  
\_\_\_\_\_

46. Please briefly describe any innovative features of your domestic violence court.

\_\_\_\_\_  
\_\_\_\_\_

47. We would like to distribute a survey to the prosecutor's office affiliated with your court because we believe prosecutorial philosophy and practice is a critical context for understanding the development of individual DV courts. Can you please provide us with the name and contact information for the prosecutor's office that most often works in your DV court?

Agency Name: \_\_\_\_\_

Contact Name \_\_\_\_\_

Agency Address: \_\_\_\_\_

\_\_\_\_\_

Agency Phone: \_\_\_\_\_

**Thank you very much for your participation and assistance!**

**If you have any further questions, please call Melissa Labriola, Center for Court Innovation, at 212-373-1693 or e-mail her at [mlabriol@courts.state.ny.us](mailto:mlabriol@courts.state.ny.us).**

**APPENDIX B.**  
**STATEWIDE EVALUATION OF DOMESTIC VIOLENCE COURTS**  
**2010 COURT SURVEY SUPPLEMENT**

**Background Information**

*Please complete the following:*

Name of Court: \_\_\_\_\_

Your Name: \_\_\_\_\_

Position: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

**Do you give us permission to use the information that you previously provided?**

- Yes**
- No**
- Unsure - Please call and provide more information**

1. Does the domestic violence court team meet regularly as a group?
- Yes
    - How often? \_\_\_\_ times per month OR \_\_\_\_ times per year
  - No
  - Unsure

2. Who attends these meetings?
- |                                                          |                                                   |
|----------------------------------------------------------|---------------------------------------------------|
| <input type="checkbox"/> Judge(s) or judicial officer(s) | <input type="checkbox"/> Defense bar              |
| <input type="checkbox"/> Court staff                     | <input type="checkbox"/> Victim assistance agency |
| <input type="checkbox"/> Police / Sheriff Department     | <input type="checkbox"/> Batterer program         |
| <input type="checkbox"/> Probation Department            | <input type="checkbox"/> Other _____              |
| <input type="checkbox"/> Prosecutor's office             | <input type="checkbox"/> Unsure                   |

3. Indicate the court's overall approach to judicial monitoring.
- No judicial monitoring is conducted
  - Offender brought back to court when noncompliant
  - Regular judicial monitoring is conducted, same intervals given between adjournment dates for every offender
  - Regular judicial monitoring is conducted, less frequent intervals given between adjournment dates for noncompliant offenders
  - Offender returns to court only when mandate is complete
4. When the court receives a report of noncompliance, how soon is the defendant returned to the court calendar?
- Within two weeks, regardless of the court appearance schedule
  - From two weeks to a month, regardless of the court appearance schedule
  - At the next scheduled court appearance
  - Other: please specify: \_\_\_\_\_
5. Does the court have a written protocol or guidelines defining which sanctions may be imposed when a defendant is noncompliant with a program?
- Yes
  - No
  - Unsure
- 5a. If yes, is the protocol given to the defendant?
- Yes
  - No
  - Unsure
- 5b. If yes, how often is the protocol followed?
- Never       Rarely       Sometimes       Often       Always
6. How often does a court staff member administer an assessment directly to a defendant?
- Never → *Please skip to question 10.*
  - Rarely → *Please skip to question 10.*
  - Sometimes
  - Often
  - Always
7. What does the assessment evaluate? (Please check all that apply.)
- Risk of repeat violence
  - Background characteristics
  - Mental health issues
  - Drug or alcohol abuse issues
  - Service needs
  - Victimization of the defendant (e.g., background of child abuse)
  - Risk of lethality

Other issues: Please specify: \_\_\_\_\_

8. Are standardized assessment tools used?

Yes: Please provide the name of the assessment used \_\_\_\_\_

No

Unsure

9. In what percentage of your cases are victim advocates/victim witness assistants involved (e.g., make contact with victim, offer services, etc.)? Please estimate to the best of your ability.

1% to 24%

25% to 49%

50% to 74%

75% to 100%

Unsure

10. Is there a victim advocate from the prosecutor's office available in the courtroom during the domestic violence court calendar?

Never     Rarely     Sometimes     Often     Always

11. Is there a victim witness assistant from an independent victim assistance agency available in the courtroom during the domestic violence court calendar?

Never     Rarely     Sometimes     Often     Always

**Thank you for very much for your participation and assistance.**

**Please email your responses to Melissa Labriola at [mlabriol@courts.state.ny.us](mailto:mlabriol@courts.state.ny.us) or by fax at (212) 397-0985. If you have questions, please call (212) 373-1693.**

**Appendix C. Baseline Characteristics of DV Court and Comparison Group Samples, Convicted Offenders Only, Before and After Propensity Score Matching**

	Pre-Matching		Final Sample	
	DV Court <i>N</i> 3,726	Comparison 8,761	DV Court 2,708	Comparison 2,708
<b>Demographics</b>				
Age	32.99	32.91	33.07	33.07
Black	45%	46%	47%	48%
Hispanic	25%*	23%	21%	21%
White	27%*	29%	30%	30%
Asian	4%***	2%	2%	2%
Male	90%**	88%	89%+	90%
<b>Current Charges</b>				
Current Charge Type				
Harassment	32%***	27%	30%	31%
Assault	59%	57%	57%	56%
Menacing	16%*	14%	15%	15%
Stalking	1%***	0%	0%	0%
Criminal Contempt	24%***	20%	24%	25%
CC Only	12%***	10%	13%	12%
Child Victim	6%***	10%	7%	7%
Violent Felony	20%+	22%	18%	18%
Weapons	23%	22%	22%	21%
Firearm	6%***	6%	6%	5%
Drug	2%	2%	2%	2%
DWI	0%	0%	0%	0%
Current Charge Severity				
Felony Arrest	36%	36%	33%	32%
Felony Arraignment	26%***	30%	28%	27%
<b>Prior Arrests</b>				
Any Arrest	68%	68%	71%	70%
mean	5.12**	4.67	5.30	5.06
Domestic Violence	48%	47%	50%	50%
mean	1.50*	1.39	1.56	1.52
Felony	54%*	53%	56%	56%
VFO	37%	37%	38%	38%
Drug	35%+	34%	36%	37%
Weapon	33%	31%	33%	32%
SOR	10%	9%	9%	9%
Child Victim	9%**	7%	9%	9%
Warrants	43%+	41%	44%	43%
<b>Prior Convictions</b>				
Any Convictions	46%	46%	49%	48%
mean	1.90+	1.77	1.95	1.88
Domestic Violence	36%*	34%	37%	37%
mean	0.80**	0.72	0.83	0.81
Felony	26%	25%	26%	26%
VFO	10%	9%	10%	9%
Drug	21%	20%	21%	22%
Weapon	9%	9%	9%	9%
SOR	2%	2%	2%	2%
Child Victim	2%	2%	2%	2%

\*\*\*p<.001 \*\*p<.01 \*p<.05

### Appendix D. Profile of the Samples

	Full Sample		STRATA 1 New York City		STRATA 2 NYC Suburbs		STRATA 3 Mid-Size City		STRATA 4 Semi-Rural/ Rural		
	<i>N</i>	8,859	8,859	5,800	5,800	1,474	1,474	1,239	1,239	346	346
<b>Demographics</b>											
Age		33.01	32.9602	32.93	32.91	34.37	34.45	32.17	32.00	31.28	30.87
Race/Ethnicity											
Black		49%	49%	51%	52%	28%	29%	64%	63%	35%	38%
Hispanic		24%*	23%	32%	31%	15%	10%	3%	3%	13%	11%
White		24%	25%	13%	13%	56%	60%	31%	33%	51%	51%
Asian		3%	3%	4%	4%	1%	1%	2%	1%	0%	0%
Male		84%	84%	85%	85%	82%	81%	83%	83%	80%	83%
<b>Current Charges</b>											
<b>Current Charge Type</b>											
Harassment		31%	31%	32%	33%	14%	13%	49%	49%	22%	20%
Assault		62%	63%	69%	69%	40%	41%	61%	63%	52%	55%
Menacing		15%	15%	16%	16%	12%	12%	15%	15%	18%	16%
Stalking		0%	0%	0%	0%	0%	0%	1%	0%	1%	0%
Criminal Contempt		18%	18%	14%	14%	36%	33%	15%	15%	25%	25%
CC Only		11%	10%	6%	6%	32%	29%	5%	5%	14%	16%
Child Victim		5%	5%	6%	6%	2%	2%	8%	7%	7%	7%
Violent Felony		20%+	19%	23%*	21%	7%	8%	22%	23%	12%	9%
Weapons		22%	22%	23%	22%	15%	17%	28%	28%	20%	18%
Firearm		7%+	6%	9%+	8%	1%	1%	5%	5%	1%	0%
Drug		2%	1%	2%	1%	1%	1%	2%	2%	1%	1%
DWI		0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
<b>Current Charge Severity</b>											
Felony Arrest		32%***	28%	34%***	27%	25%	29%	34%	34%	21%	19%
Felony Arraignment		18%	18%	13%	12%	25%	27%	33%	34%	21%	19%
<b>Prior Arrests</b>											
Any Arrest		60%**	58%	55%*	53%	61%	58%	75%	76%	69%	70%
Mean		4.12*	3.87	3.64+	3.44	3.50	3.26	6.54	6.40	4.95	4.43
Domestic Violence		41%+	39%	38%+	36%	38%	36%	55%	54%	46%	47%
Mean		1.19*	1.10	1.04+	0.97	1.01	0.97	1.91	1.80	1.51	1.29
Felony		47%**	45%	45%**	42%	39%	40%	62%	62%	48%	49%
VFO		32%*	31%	33%*	31%	22%	22%	44%	42%	26%	26%
Drug		31%**	30%	31%*	29%	28%	25%	40%	40%	29%	27%
Weapon		29%*	27%	29%**	27%	20%	18%	38%	37%	23%	24%
SOR		8%	7%	7%	7%	5%	4%	13%	14%	10%	7%
Child Victim		7%	6%	6%	6%	4%	4%	13%	12%	15%	12%
Warrants		36%**	34%	36%*	34%	34%	32%	43%	41%	33%	31%
<b>Prior Convictions</b>											
Any Convictions		37%+	36%	34%*	31%	38%	38%	51%	51%	49%	50%
Mean		1.40	1.38	1.27	1.28	1.45	1.32	1.83	1.82	2.01	1.75
Domestic Violence		27%	26%	24%+	23%	29%	27%	40%	39%	36%	36%
Mean		0.56	0.53	0.46	0.43	0.60	0.57	0.91	0.92	0.88	0.80
Felony		21%	20%	21%	20%	19%	18%	26%	25%	22%	18%
VFO		8%	7%	8%	8%	6%	6%	9%	8%	3%	2%
Drug		17%	17%	17%	16%	15%	15%	21%	21%	17%	20%
Weapon		8%	7%	8%	7%	5%	5%	10%	10%	8%	8%
SOR		1%	1%	1%	1%	1%	1%	3%	3%	2%	1%
Child Victim		1%	1%	1%	0%	1%	1%	3%	3%	3%	3%

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

## APPENDIX E. RECIDIVISM RATES

### Appendix E.1. One-Year Post Arrest Recidivism

	Full Sample		New York City		NYC Suburbs		Mid-Size City		Semi-Rural/Rural	
	DV Court	Comparison	DV Court	Comparison	DV Court	Comparison	DV Court	Comparison	DV Court	Comparison
	8859	8859	5,800	5,800	1,474	1,474	1,239	1,239	346	346
Any Re-Arrest	34%	34%	32%	31%	33%	32%	38%	40%	39%	40%
mean	0.57	0.60	0.56	0.56	0.53	0.50	0.64	0.70	0.65	0.65
DV Re-Arrest	23%	22%	20%*	21%	23%	23%	24%	24%	25%	26%
mean	0.34	0.33	0.29+	0.27	0.33	0.32	0.35	0.34	0.37	0.38
CC Only Re-Arrest	10%	10%	6%	6%	15%	16%	8%	7%	10%	14%
mean	0.13	0.13	0.07	0.08	0.22	0.21	0.09	0.09	0.14	0.17

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

### Appendix E.2. Two-Year Post Arrest Recidivism

	Full Sample		New York City		NYC Suburbs		Mid-Size City		Semi-Rural/Rural	
	DV Court	Comparison	DV Court	Comparison	DV Court	Comparison	DV Court	Comparison	DV Court	Comparison
	8834	8859	5,800	5,800	1,474	1,474	1,239	1,239	321	346
Any Re-Arrest	34%	34%	40%	39%	40%	41%	50%	50%	46%	50%
mean	0.57	0.60	0.90	0.94	0.82	0.81	1.10	1.18	0.96	0.99
DV Re-Arrest	29%	30%	27%+	25%	28%	30%	47%	47%	32%	33%
mean	0.49	0.51	0.43	0.41	0.46	0.48	0.99	1.03	0.51	0.54

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

**APPENDIX F.  
INDIVIDUAL PREDICTORS OF RE-ARREST**

**Appendix F.1. Individual-Level Predictors of Re-Arrest  
at One Year Post-Arrest**

	<b>Model 1</b>	<b>Model 2</b>	<b>Model 3</b>	<b>Model 1</b>	<b>Model 2</b>	<b>Model 3</b>
Dependent Variable	Any Re-Arrest			Any DV Re-Arrest		
N	17,718			17,718		
	<b>Odds Ratio</b>			<b>Odds Ratio</b>		
Domestic Violence Court	1.028	1.020	1.075	1.028	0.988	0.991
Age	0.973***	0.964***	0.963***	0.986***	0.979***	0.979***
Race <sup>1</sup>						
Black	2.156***	1.283	1.281	1.670***	1.091	1.088
Hispanic	1.477*	1.099	1.098	1.308+	1.035	1.034
White	1.533**	1.154	1.152	1.498***	1.163	1.159
Male	2.474***	1.734***	1.783***	2.231***	1.650***	1.575***
Instant Case Charge <sup>2</sup>						
Assault		0.829***	0.828***		0.870***	0.870***
Criminal Contempt		1.245***	1.259***		1.567***	1.509***
Drug		1.385*	1.385*		1.059	1.059
Felony Arraignment		0.990	0.993		0.947	0.944
Prior Arrest (y/n)		2.292***	2.400***		1.808***	1.971***
Numer of Prior DV Arrests		1.070***	1.070***		1.104***	1.104***
Number of Prior Warrants		1.180***	1.180***		1.069***	1.069***
sample * age			1.002			1.001
sample * male			0.948			1.095
sample * crim contempt arrest			0.976			1.079
sample * prior arrest			0.913			0.844+

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

## Appendix F.2. Individual-Level Predictors of Re-Arrest at Two Years Post-Arrest

	Model 1	Model 2	Model 3	Model 1	Model 2	Model 3
Dependent Variable	Any Re-Arrest			Any DV Re-Arrest		
<i>N</i>	17,693			17,693		
	<b>Odds Ratio</b>			<b>Odds Ratio</b>		
Domestic Violence Court	1.026	1.019	1.057	0.978	0.884**	0.955
Age	0.973***	0.964***	0.963***	0.984***	0.946***	0.974***
Race <sup>1</sup>						
Black	2.155***	1.281	1.279	1.744***	1.840**	1.067
Hispanic	1.478*	1.097	1.096	1.263	1.415	0.956
White	1.535**	1.157	1.155	1.451***	1.345	1.089
Male	2.485***	1.743***	1.782***	2.502***	1.728***	1.700***
Instant Case Charge <sup>2</sup>						
Assault		0.830***	0.829***		0.788***	0.850***
Criminal Contempt		1.246***	1.260***		0.917	1.424***
Drug		1.385*	1.385*		1.869***	0.994
Felony Arraignment		0.991	0.993		1.023	0.980
Prior Arrest (y/n)		2.292***	2.398***		3.849***	2.358***
Numer of Prior DV Arrests		1.069***	1.070***		1.004	1.134***
Number of Prior Warrants		1.182***	1.182***		1.251***	1.070***
sample * age			1.002			1.001
sample * male			0.957			1.094
sample * crim contempt arrest			0.976			1.030
sample * prior arrest			0.914			0.842+

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

<sup>1</sup> Reference category: Asian.

<sup>2</sup> Reference category: Other charge (see Table 3.2 for distribution).

### Appendix F.3. Individual-Level Predictors of Re-Arrest at One Year Post-Disposition

	Model 1	Model 2	Model 3	Model 1	Model 2	Model 3
Dependent Variable	Any Re-Arrest			Any DV Re-Arrest		
<i>N</i>	7,301			7,301		
	<b>Odds Ratio</b>			<b>Odds Ratio</b>		
Domestic Violence Court	0.900	0.877	1.082	0.884	0.869	1.228
Age	0.973***	0.964***	0.966***	0.988***	0.980***	0.985***
Race <sup>1</sup>						
Black	2.411***	1.382	1.384+	2.018***	1.302+	1.307+
Hispanic	1.674*	1.225	1.226	1.645**	1.299+	1.304+
White	1.672*	1.171	1.172	1.615**	1.182	1.188+
Male	1.747***	1.463***	1.507**	1.647***	1.413**	1.397*
Instant Case Charge <sup>2</sup>						
Assault		0.871*	0.869*		0.989	0.986
Criminal Contempt		1.152*	1.191+		1.525***	1.590***
Drug		1.241	1.241		0.733+	0.731+
Felony Arraignment		0.860*	0.862*		0.836*	0.838*
Prior Arrest (y/n)		2.182***	2.184***		1.839***	1.856***
Numer of Prior DV Arrests		1.051***	1.051***		1.088***	1.088***
Number of Prior Warrants		1.165***	1.167***		1.055***	1.056***
sample * age			0.995			0.990+
sample * male			0.945			1.017
sample * crim contempt arrest			0.935			0.919
sample * prior arrest			1.009			0.986

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

### Appendix F.4. Individual-Level Predictors of Re-Arrest at Two Years Post-Disposition

	Model 1	Model 2	Model 3	Model 1	Model 2	Model 3
Dependent Variable	Any Re-Arrest			Any DV Re-Arrest		
<i>N</i>	7,268			7,268		
	<b>Odds Ratio</b>			<b>Odds Ratio</b>		
Domestic Violence Court	0.883	0.850	0.958	0.812*	0.795*	1.044
Age	0.971***	0.960***	0.963***	0.984***	0.974***	0.977***
Race <sup>1</sup>						
Black	2.550***	1.326	1.330	2.080***	1.257+	1.260+
Hispanic	1.584*	1.086	1.088	1.512**	1.153	1.157
White	1.605**	1.048	1.050	1.573***	1.104	1.108
Male	1.845***	1.501***	1.437**	1.820***	1.543***	1.506**
Instant Case Charge <sup>2</sup>						
Assault		0.847*	0.846*		0.925+	0.923+
Criminal Contempt		1.123	1.146		1.363***	1.377**
Drug		1.434*	1.432*		0.753+	0.751+
Felony Arraignment		0.899+	0.900+		0.890+	0.891+
Prior Arrest (y/n)		2.668***	2.596***		2.029***	2.148***
Numer of Prior DV Arrests		1.088***	1.088***		1.130***	1.130***
Number of Prior Warrants		1.182***	1.183***		1.048**	1.048***
sample * age			0.993			0.993
sample * male			1.090			1.047
sample * crim contempt arrest			0.960			0.982
sample * prior arrest			1.060			0.891

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

### Appendix F.5. Individual-Level Predictors of Re-Arrest at Three Years Post-Disposition

	Model 1	Model 2	Model 3	Model 1	Model 2	Model 3
Dependent Variable	Any Re-Arrest			Any DV Re-Arrest		
<i>N</i>	7,149			7,149		
	<b>Odds Ratio</b>			<b>Odds Ratio</b>		
Domestic Violence Court	0.826	0.803+	0.954	0.810+	0.795*	1.038
Age	0.971***	0.959***	0.964***	0.983***	0.972***	0.977***
Race <sup>1</sup>						
Black	2.586***	1.265	1.270	2.060***	1.173	1.178
Hispanic	1.556*	1.018	1.022	1.484*	1.093	1.097
White	1.318**	1.024	1.028	1.551***	1.064	1.068
Male	1.878***	1.469***	1.351*	1.772***	1.456***	1.360*
Instant Case Charge <sup>2</sup>						
Assault		0.847*	0.846*		0.931	0.928
Criminal Contempt		1.107	1.114		1.332***	1.359**
Drug		1.625**	1.621**		0.715+	0.712+
Felony Arraignment		0.932	0.932		0.935	0.936
Prior Arrest (y/n)		3.056***	3.032***		2.227***	2.331***
Numer of Prior DV Arrests		1.090***	1.090***		1.135***	1.134***
Number of Prior Warrants		1.219***	1.220***		1.070***	1.070***
sample * age			0.990			0.991+
sample * male			1.186			1.153
sample * crim contempt arrest			0.988			0.961
sample * prior arrest			1.020			0.913

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

<sup>1</sup> Reference category: Asian.

<sup>2</sup> Reference category: Other charge (see Table 3.2 for distribution).

**Appendix G.**  
**Court- and Community-Level Multivariate Predictors**  
**of Re-Arrest at Three Years Post-Disposition <sup>1</sup>**

		Any Re- Arrest	Any DV Re- Arrest
	Number of Offenders <sup>2</sup>	7,149	
	Number of Sites <sup>2</sup>	45	
<b>Control Variables</b>			
<i>All Models</i>	Domestic Violence Court	<i>Included in each model, results not shown.</i>	
	Offender Background Characteristics <sup>3</sup>		
	Jurisdiction Location <sup>4</sup>		
<b>Court Characteristics</b>			
Model 1	DV Court Sample in a Rural/Semi-Rural Jurisdiction <sup>5</sup>	NS	NS
Model 2	Felony Cases DV Court Eligible	0.658	0.812**
	DV Court Sample Includes Felony Cases <sup>6</sup>	NS	NS
Model 3	Increased Case Processing Efficiency Priority	NS	NS
Model 4	Coordinated Community Response Index <sup>7</sup>	NS	NS
Model 5	Offender Assessment Index <sup>8</sup>	NS	NS
Model 6	Offender Monitoring Index <sup>7</sup>	NS	NS
Model 7	Offender Rehabilitation Priority	NS	NS
Model 8	Deterring Recidivism Priority	0.780++	0.769++
Model 9	Accountability Index <sup>7</sup>	0.740++	NS
Model 10	Approach to Sentencing Index <sup>7</sup>	NS	NS
Model 11	Victim Safety Index <sup>7</sup>	NS	NS
<b>Community Characteristics</b>			
Model 12	Total Population Size Scale <sup>9</sup>	NS	NS
	sample*population size scale	NS	NS
Model 13	Racial/Ethnic Diversity Index Scale <sup>10</sup>	NS	0.791+
	sample*diversity scale	NS	NS
Model 14	% of Families Living in Poverty Scale <sup>9</sup>	1.280*	NS
	sample*families in poverty scale	NS	NS
Model 15	% Unemployed Scale <sup>9</sup>	1.293**	1.135++
	sample*unemployment scale	NS	NS
Model 16	% without a High School Diploma/GED Scale <sup>9</sup>	NS	NS
	sample*education scale	NS	NS

\*\*\*p<.001 \*\*p<.01 \*p<.05 +p<.10 ++p<.20

<sup>1</sup> All significance levels are derived based upon multivariate models including the specified independent variable, along with sample (domestic violence court v. comparison group); select offender background characteristics; and jurisdiction location.

<sup>2</sup> Due to missing court responses on the policy survey, the total number of available sites for the model including the offender assessment scale is limited to 41; the total number of offenders is limited to 5,589. The model including the accountability scale is limited to 39 sites, 6,819 offenders. The model including the sentencing scale is limited to 6,869 offenders, 39 sites.

<sup>3</sup> Offender background characteristics include age, male, prior arrest (y/n), number of prior DV arrests, and number of prior warrants.

<sup>4</sup> Jurisdiction location includes New York City, NYC suburbs, and semi-rural/rural jurisdictions; reference category, mid-size city.

<sup>5</sup> Interaction term: sample\*semi-rural/rural jurisdiction.

<sup>6</sup> Interaction term: sample\*felony cases DV court eligible.

<sup>7</sup> Three-category scale: None, low, high.

<sup>8</sup> Two-category scale: None, high.

<sup>9</sup> Three-category scale: Low, medium, high.

<sup>10</sup> Index based on proportions black, white, Asian, American-Indian, and Pacific Islander races and proportion Hispanic ethnicity, recoded into a three-category scale (low, medium, high).

# APPENDIX H. COURT- AND COMMUNITY-LEVEL PREDICTORS OF CONVICTION

**Appendix H. Court- and Community-Level  
Multivariate Predictors of Conviction <sup>1</sup>**

		<b>Convicted</b>
	Number of Offenders <sup>2</sup>	17,718
	Number of Sites <sup>2</sup>	47
<b>Control Variables</b>		
<i>All Models</i>	Domestic Violence Court	<i>Included in each model, results not shown.</i>
	Offender Background Characteristics <sup>3</sup>	
	Jurisdiction Location <sup>4</sup>	
<b>Court Characteristics</b>		
Model 1	DV Court Sample in a Rural/Semi-Rural Jurisdiction <sup>5</sup>	NS
Model 2	Felony Cases DV Court Eligible	2.876+
Model 3	DV Court Sample Includes Felony Cases <sup>6</sup>	NS
Model 4	Increased Case Processing Efficiency Priority	NS
Model 5	Coordinated Community Response Index <sup>7</sup>	NS
Model 6	Offender Assessment Index <sup>8</sup>	NS
Model 7	Offender Monitoring Index <sup>7</sup>	NS
Model 8	Offender Rehabilitation Priority	NS
Model 9	Deterring Recidivism Priority	NS
Model 10	Accountability Index <sup>7</sup>	NS
Model 11	Approach to Sentencing Index <sup>7</sup>	0.516++
Model 12	Victim Safety Index <sup>7</sup>	NS
<b>Community Characteristics</b>		
Model 13	Total Population Size Scale <sup>9</sup>	NS
Model 14	sample*population size scale	NS
Model 15	Racial/Ethnic Diversity Index Scale <sup>10</sup>	0.409**
Model 16	sample*diversity scale	NS
Model 17	% of Families Living in Poverty Scale <sup>9</sup>	0.622+
Model 18	sample*families in poverty scale	NS
Model 19	% Unemployed Scale <sup>9</sup>	0.650++
Model 20	sample*unemployment scale	NS
Model 21	% without a High School Diploma/GED Scale <sup>9</sup>	0.636++
Model 22	sample*education scale	NS

\*\*\*p<.001 \*\*p<.01 \*p<.05 +p<.10 ++p<.20

<sup>1</sup> All significance levels are derived based upon multivariate models including the specified independent variable, along with sample (domestic violence court v. comparison group); select offender background characteristics; and jurisdiction location.

<sup>2</sup> Due to missing court responses on the policy survey, the total number of available sites for the model including the offender assessment scale is limited to 44; the total number of offenders is limited to 12,463. The model including the accountability scale is limited to 41 sites, 17,295 offenders. The model including the sentencing scale is limited to 17,315 offenders, 40 sites.

<sup>3</sup> Offender background characteristics include age, male, prior arrest (y/n), number of prior DV arrests, and number of prior warrants.

<sup>4</sup> Jurisdiction location includes New York City, NYC suburbs, and semi-rural/rural jurisdictions; reference category, mid-size city.

<sup>5</sup> Interaction term: sample\*semi-rural/rural jurisdiction.

<sup>6</sup> Interaction term: sample\*felony cases DV court eligible.

<sup>7</sup> Three-category scale: None, low, high.

<sup>8</sup> Two-category scale: None, high.

<sup>9</sup> Three-category scale: Low, medium, high.

<sup>10</sup> Index based on proportions black, white, Asian, American-Indian, and Pacific Islander races and proportion Hispanic ethnicity, recoded into a three-category scale (low, medium, high).