

Specialization in Domestic Violence Courts

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NBER Discussion

Great paper

- **Interesting, policy-relevant question**
- **Clever identification and data collection**
- **Thought-provoking results**

Brief Overview – Points of Discussion

- **Minor points and suggestions related to the analysis**
 - Testing randomness of assignment
 - How to think about multiple charges per case
- **How to think about the outcomes and results**
 - What's the objective of specialized DV courts?
 - Outcome might not be traditional criminal justice outcomes

Testing randomness of assignment for DV cases

Table 2: Testing Randomness of Assignment for DV Cases and All Other Cases

$$x_{it} = \pi_0 + \pi_1(DV\ Court)_{jt} + \lambda_t + \mu_{it} \quad (eq\ 1)$$

Panel A: DV Cases

Defendant Characteristics	Uncod. Mean General Judge (xit)	Predicted Value Specialized Judge (xit + π_1)	p-value
White Defendant	0.447	0.415	0.63
Age at Arrest	33.980	36.819	0.03
Days from Arrest/Citation to Court	6.151	6.272	0.57
=1 if Ever Appeared in Court Previously	0.775	0.747	0.98
# of Charges for Current Case	3.271	3.054	0.86
=1 if Appeared in Court Previously For DV	0.193	0.207	0.60
# of Previous Court Appearances For DV	0.272	0.337	0.32
N	2,812	662	Total: 3,474
F-test of joint significance (p-value)			0.451

Age protective of DV in the cross-section (Capaldi et al, 2012).
Prospective longitudinal studies that found that DV declines with age (Kim, Laurent, Capaldi, & Feingold, 2008).

Alternative

- Predict the outcomes with all the pre-determined characteristics (race, age, days from arrest/citation to court, etc)
- Test whether the predicted probability of conviction (or incarceration or recidivism) differs for DV judges vs. non-DV judges

Multiple charges per case

- **Unit of analysis is a charge in the judicial decision analysis and typically, multiple charges per case**
- **This complicates interpretation of the estimated effect**
 - Conviction on one charge not independent of conviction on another
 - Moreover, Nelson (2004) documents that the greater the number of charges the more likely a conviction for DV in CA
 - 1 charge, 29% conviction rate
 - 4 charges, 100% conviction rate
 - The number of charges should be taken into account
- **What to do?**
 - Limit to analysis of the top charge per case or define as conviction on any charge, controlling for number of charges
 - Nested model?: decision on top charge, then decision on lesser charges. Key: decisions on each charge not independent

Goals of Domestic Violence Courts?

- Overall goals:
 - Enhance victim safety
 - Promote offender accountability
- Specific goals:
 - Increased victim and offender satisfaction with the process
 - Increased reliance on services to address underlying problems
 - Increased offender compliance with court mandates
 - Reduced recidivism
 - Improved family outcomes

Interests of the State vs. Victim autonomy/ satisfaction

- The goals of DV courts can be at odds with the goals of the criminal justice system more generally where the interests of the state are paramount (not the interests of the victim and to a lesser extent the offender)
- Given this, “traditional” criminal justice outcomes might not be the right outcomes to consider when evaluating the effectiveness of DV courts
 - For example, if victims don’t want to prosecute, dismissal might be optimal.

Interpreting Results: Guilt and Punishment

- Understanding results with respect to conviction and incarceration:
- One defining characteristic of DV courts is better non-jail protection for victims.
 - Would expect to see lower conviction and incarceration rates for the less serious allegations if there are better non-jail protections for victims
- Would be useful to verify that in this setting

Interpreting Results: VOPs

- Results with respect to VOPs are consistent with the objectives of specialized DV courts
 - Judges in specialized courts put many more conditions on probation (see review in Moore, 2009).
 - If so, violations more likely and the “accountability” objective means increased incarceration for violations

Interpreting Results: Recidivism

- Existing evidence with respect to recidivism (also reviewed in Moore, 2009) is very mixed. Why wouldn't recidivism decline?
 - VOPs
 - Increasing satisfaction with the process in specialized DV courts (documented in many studies) might increase the probability of reporting and/or prosecution conditional on violence.
 - Recidivism as measured by arrest or prosecution might increase

Concluding comments

- Reporting of DV is endogenous. This plagues all studies of DV and makes it very difficult to evaluate the effectiveness of DV policies and interventions.
 - The answer is to use measures of actual victimization, not police reports.
 - Typically use intimate partner homicide, but infrequent
- Compounding this is the recent spotlight on issues of police brutality among African Americans
- How would we expect reporting of DV to the police among African American women to respond?
 - Distrust of the police already reducing reliance on the criminal justice system among African American women.