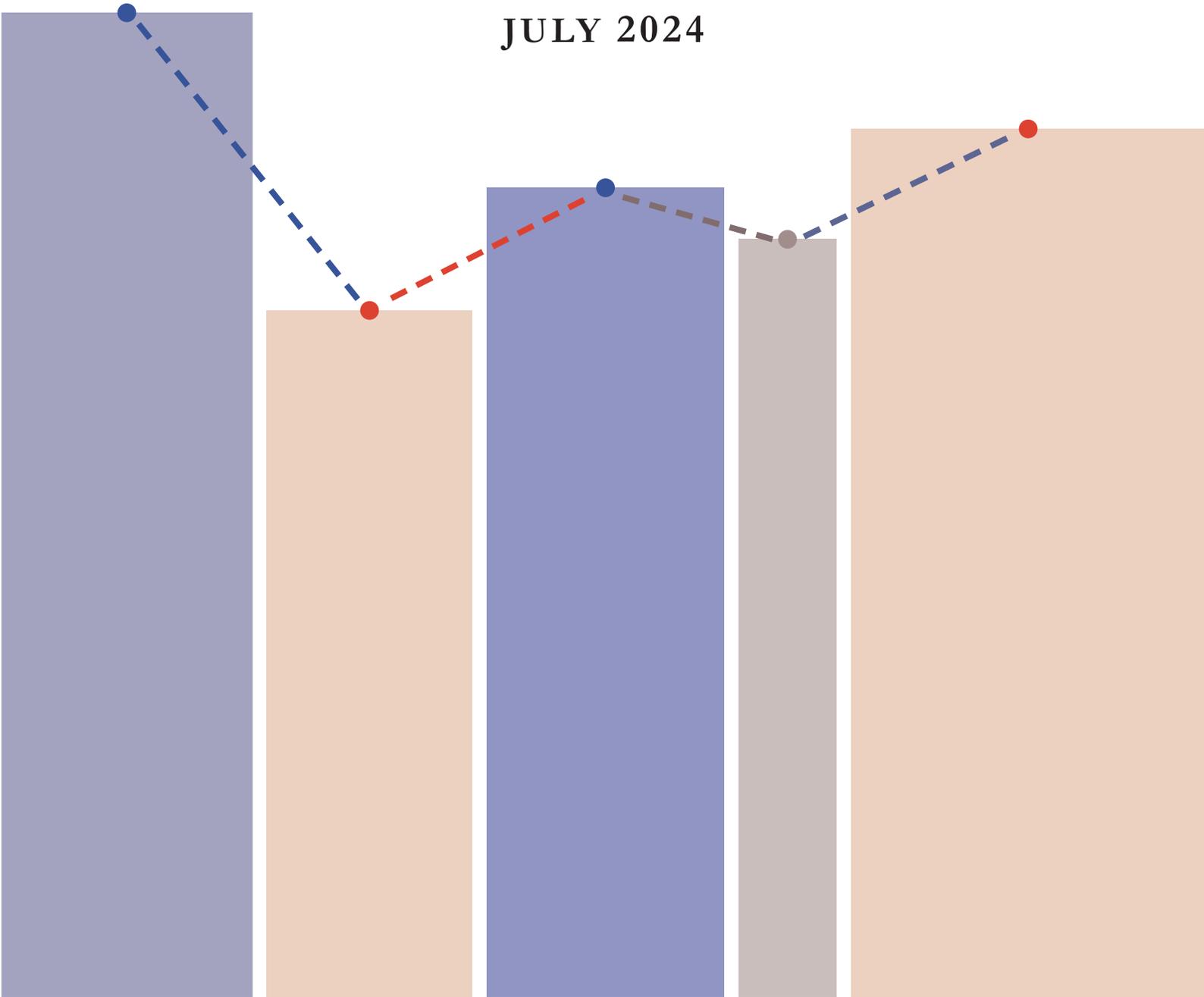


**SPECIALIZATION IN CRIMINAL COURTS:
DECISION MAKING, RECIDIVISM, AND RE-VICTIMIZATION
IN DOMESTIC VIOLENCE COURTS IN TENNESSEE**

*A Summary Brief by Aria Golestani, Emily
Owens, and Kerri M. Raissian*

JULY 2024



Specialization In Criminal Courts: Decision Making, Recidivism, & Re-Victimization In Domestic Violence Courts In Tennessee

A Summary Brief by Aria Golestani, Emily Owens, and Kerri Raissian | July 2024

PURPOSE

The researchers evaluate specialized domestic violence (DV) courts using administrative data on misdemeanor cases in Davidson County (Tennessee) county between 2000 and 2006 to learn more about defendant and victim outcomes. Their research design allows them to specifically estimate the "judicial component" on outcomes.

BACKGROUND

In 2012, more than 3,000 "specialized courts" in the United States represented 5% of all jurisdictions. Specialized courts are dedicated to cases in which defendants have unique needs, such as mental health considerations, or are accused of specific types of crimes. All DV specialized courts share two features: (i) A judge specializing in a given case type and (ii) the specialized judge's fixed courtroom personnel, typically probation and court officers.

Existing research does not clearly show how specialized courts affect future criminal behavior or victim satisfaction relative to traditional courts. In 2016, the U.S. Bureau of Justice Statistics noted that only 41% of specialized courts track the subsequent criminal behavior of individuals moving through them.

This paper's primary contribution is to estimate the causal effect of specialized, criminal DV courts' central, judicial components on misdemeanor case outcomes and subsequent crime.

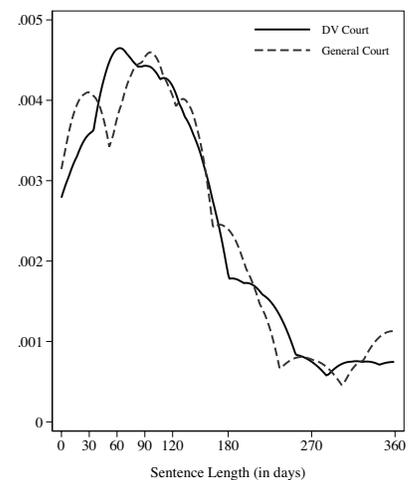
METHOD

This study uses novel data from the Tennessee General Sessions Court of Metropolitan Nashville and Davidson County's specialized DV courts. The courts consist of three actors that the researchers call a "judicial component": a specialized judge, specialized probation officers, and specialized court officers. During the analysis period, from 2000 to 2006, Davidson County operated two identically-structured DV courts.

During the period, the two specialized courts and other general courts heard misdemeanor cases in which the defendant had not posted bond on a rotating schedule (see *Figure 1* for incarceration distribution). The court rotation process assigned misdemeanor defendants who could not post bond to specialized DV or traditional general courts by arrest date alone, which is uncorrelated with defendant or case characteristics that might predict conviction, incarceration, or recidivism.

All DV cases, regardless of assignment to specialized or traditional courts, had access to additional resources, including specialized prosecutors and public defenders and a victim's advocate. As such, this study's estimates represent the causal impact of the specialized DV judicial components themselves, without weighing the effect of the wraparound services often available in specialized courts.

Figure 1. Incarceration Distribution



Kernel Density Estimates (Conditional on Conviction)
DV Courts avg. = 118.0 and General Courts avg. = 121.3.

RESULTS



Comparing the DV case outcomes in specialized versus traditional courts, the researchers find that DV cases are more likely to go to trial when assigned to DV courts. The increased use of trials leads to specialized judges exerting greater influence on outcomes, consistent with existing critiques of specialized judges in civil courts.

This study's results show that defendants assigned to specialized DV courts are less likely to be convicted and incarcerated and have shorter expected sentences than those assigned to traditional courts (see *Figures 2 and 3*).

The results do not show that DV courts are less punitive than traditional courts in non-DV cases. The finding suggests that the observed differences in DV case outcomes result from the way specialized judges, probation officers, and court officers react (or are expected by attorneys to react) to specialized cases, rather than a broader judge-driven fixed effect. Taking judicial conviction rates into account, DV judges are 10% less likely to convict in DV cases than in misdemeanors on average. DV cases in DV court are 16% less likely to result in incarceration than misdemeanors in general, and maximum sentences are 14 days shorter.

How do DV courts affect victims' and offenders' future behavior?

The researchers link their court data to Metropolitan Nashville Police Department records and estimate the impact of being assigned to a specialized court on criminal activity measures. The results suggest that victims whose cases are assigned to DV courts are 25% less likely to contact police about a future DV incident than those assigned to traditional courts. The reduction is observed among victims whose cases are presented to specialized courts in a trial or to approve a plea bargain but not among those whose cases are dismissed by prosecutors prior to judicial component involvement.

Victims with previous cases handled by a DV court are up to 80% more likely to cooperate with police officers than those initially heard in traditional courts. The researchers do not find evidence that specialized courts' judicial components impact recidivism rates (i.e., the probability a defendant is charged with a misdemeanor or felony in the three years following their initial adjudication). The study also fails to find evidence that defendants assigned to DV courts are any more or less likely to be arrested again than those assigned to general courts.

Figure 2. DV Court Conviction Rates

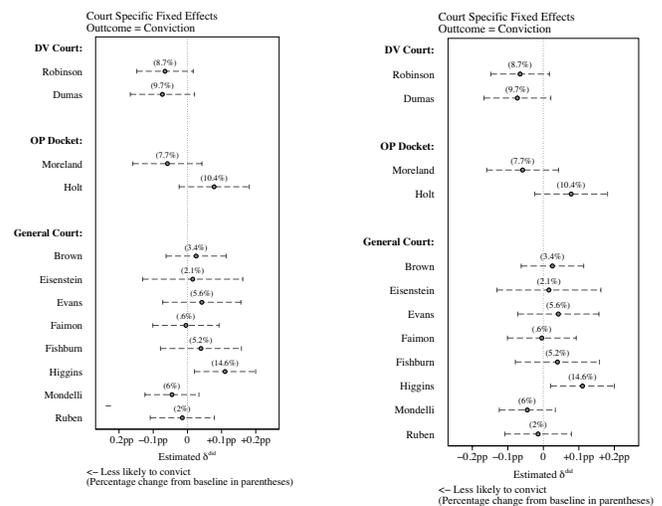
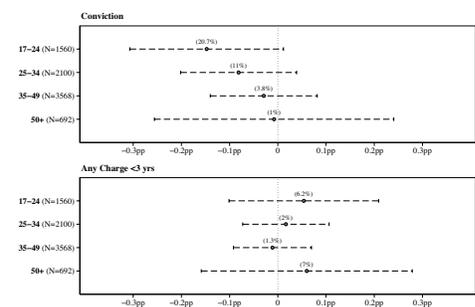


Figure 3. DV Court Effect by Age



DISCUSSION

Specialized criminal courts are increasingly popular among local governments as tools to address crimes involving victims or offenders with needs believed to render traditional approaches ineffective. This study's data on victims and defendants suggest that DV specialized courts can reduce costly convictions and incarceration while potentially reducing reoffending.

The researchers not only observe a potential reduction in revictimization among DV offenders, but they do not find evidence of changes in recorded recidivism, suggesting that DV courts more accurately convict (or decline to convict) defendants than do traditional courts. The researchers find additional suggestive evidence that repeat experience with a particular type of case may be important for judicial decision making. What's more, limiting judicial decision making's scope reduces the impact of specialization.

Does the reduced use of conviction and incarceration in DV cases reduce the deterrent effect of the criminal justice system? This study considers the issue by examining how arrests and charges for DV changed after 2006, when the Davidson County jail docket expanded. After 2006, the probability that a DV case appears in specialized court goes from 2/11 to 1, and little evidence emerges that the associated reduction in expected formal punishment is associated with an increase in the number of DV arrests or misdemeanor charges per 1,000 Davidson County residents.

Future work examining why victims contact police should explore whether this study's observed DV court impacts on future behavior are truly the result of increased victim cooperation with police and prosecutors, as the data suggest. The result could be consistent with DV courts' goal of improving victim outcomes, or it could suggest a reluctance of victims to contact police in marginal domestic incidents.

This brief is a summary of a published paper available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3923832.

To cite this brief: Golestani, A., Owens, E., and Raissian, K. (2024, July). "Specialization in Criminal Courts: Decision Making, Recidivism, and Re-victimization in Domestic Violence Courts in Tennessee." https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3923832.

Copyright ©2024 by the University of Connecticut. All rights reserved. Permission granted to photocopy for personal and educational use if the names of the creators and full copyright notice are included in all copies.

