

Specialized Felony Domestic Violence Courts: Lessons on Implementation and Impacts from the Kings County Experience

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**Report Submitted to the Center for Court Innovation
and the National Institute of Justice**

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October 2001



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Acknowledgments

This report was prepared with input from a number of court and partner agency personnel in Brooklyn, and their valuable participation and insights are gratefully acknowledged. We conducted interviews with:

- Honorable Michael Pesce, Honorable John Leventhal, and Honorable Matthew D’Emic of the Kings County Supreme Court
- James Imperatrice, Chief Clerk Criminal Term, Kings County Supreme Court
- Michael Magnani, Administrator for Special Projects, Office of Court Administration
- Chris Gillespie, Initialization Clerk, Office of Court Administration
- Resource Coordinators Jezebel Cook and Sharon Lastique of the Felony Domestic Violence Court parts
- Lisa Smith, Wanda Lucibello, Deirdre Bialo-Padin, and Linda Rodriguez Wancel of the Kings County District Attorney’s Office
- Ovita Williams, Kathy Charlap, and Sarah Ellis of the District Attorney’s Office, Domestic Violence Bureau
- Christy Gibney Carey, Lauren Ginsberg and Peggy Grauwiler of Safe Horizon (formerly Victim Services)
- Joel Weinstein and Judy Rubin of the Department of Probation, Intensive Supervised Probation Branch
- Ted Bunch, Juan Ramos, and Angel Vargas of Alternatives to Violence
- Dan Sanders and Jack Sarmanian of the New York City Alternative Assistance Program
- John Aponte of the New York Center for Neuropsychology and Forensic Behavioral Science
- Ken Linn and Judy Mock of Treatment Alternatives to Street Crime
- Lisa Schriebersdorf, Laura Saft, Stephen Dean, and Diana Boyer of Brooklyn Defender Services
- Richard Ochetti of the Legal Aid Society
- Rubi Singh-Lochner, formerly of the Federation of Employment and Guidance Services
- Emily Sack, Michele Sviridoff, Christine Sisario, Nora Puffet, Diana Brandt, and Greg Steinberg of the Center for Court Innovation

We also appreciate the assistance of those who provided the many resources used in this research. Judge Michael Pesce, James Imperatrice, and Joseph Cannella of the Office of Court Administration graciously provided the on-site researcher with office space and access to court case files. Wanda Lucibello and Andrea McIntosh of the Domestic Violence Bureau of the District Attorney’s Office provided space to review case files and assistance in identifying domestic violence cases valid for the sample. Additional assistance in identifying sample cases was provided by Cliff Dinadio of the Office of Court Administration. Randy Dinadio of the Office of Court Administration has provided weekly statistics on the FDVC dating back to the start of the Court. Staff in the file rooms in both the Supreme Court and the District Attorneys Office helped in obtaining case files, and for this we’d like to thank Monte Rauchwerger, Phil Favale and Millie Perez of the Office of Court Administration, and Thomas McDonald, Corinne Hayes, Anthony Alvario, Robert Young and Rebecca Huertas of the District Attorneys Office. Janet Fink, Deputy Counsel of the Office of Court Administration provided us with legal summaries on domestic violence legislation. Janet Fink, Elaine Best, and Wendy Farley of the Office of Court Administration were very helpful in obtaining Domestic Violence Registry data and other information. Steve Greenstein, Bruce Frederick,

and Susan Jacobsen at the state's Division of Criminal Justice Services were very helpful in obtaining criminal history and recidivism data. Fredda Weinberg, formerly of the Center for Court Innovation, provided invaluable assistance and support in developing our database. Paul Dynia, formerly of the District Attorneys Office, and Hung-en Sung of the District Attorney's Office were helpful in obtaining data from the District Attorney's Office. Four interns, Jon Marelli, Amy Scriba, Lynn Bauer, and Shireen Barday, graciously donated their time to assist in collecting data.

Staff at the Center for Court Innovation and the Urban Institute have been very helpful in conducting the research and producing this report. We thank Michele Sviridoff and Emily Sack of the Center for Court Innovation for their guidance and support, and appreciate the many reports and other documents prepared by Emily from which some sections of this report have been drawn. We also appreciate assistance provided by Nora Puffet and Christine Sisario. We are grateful for assistance from the Urban Institute: research support provided by Alexa Hirst and Jake Rosenfeld, as well as editorial, graphics, and production assistance from David Williams, Adele Harrell, Dionne Davis, Nicole Brewer, and Blaine Liner.

This research was supported under award #97-WT-VX-0005 from the National Institute of Justice (NIJ), Office of Justice Programs, U.S. Department of Justice. Points of view in this document are those of the authors and do not necessarily represent the official position of the U.S. Department of Justice. We appreciate the support of our NIJ Project Monitor, Bernie Auchter.

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Abstract

This evaluation documents key features of Brooklyn’s Felony Domestic Violence Court model, and traces its development, implementation, challenges, evolution, and expansion. We also conducted a pre/post evaluation of how the model influences case processing, outcomes, and recidivism. We found that the existence of the specialized court seemed to change the types of cases entering it, in that prosecutors were more likely to indict cases with less severe police charges than before. This may have influenced case processing, disposition, and sentencing patterns. FDVC victims were more likely to be assigned an advocate, and defendants on pre-disposition release were more likely to be required to participate in a batterers’ intervention program. The Court itself produced a higher rate of disposition by guilty plea, which saves the system time and money. Interpretations of recidivism findings are severely constrained by limitations in the recidivism data and the pre/post design. We consistently found that criminal history, especially criminal contempt of court orders, predicted how well defendants performed pre- and post-disposition. Recommendations for future research efforts are offered.

Executive Summary

This report was prepared under a grant from the National Institute of Justice in the U.S. Department of Justice to the Center for Court Innovation in New York and the Urban Institute in Washington, D.C. The grant funded process and outcome evaluation research to document the implementation and effectiveness of the Kings County Felony Domestic Violence Court (FDVC). This final report provides a process evaluation through an analysis of the goals and strategies of the model under which the Court and partner agencies operate; an overview of major influences in the Court's development in its first four years of operation; implementation issues which have arisen and how they have been addressed; and operational issues still outstanding. It is based on qualitative research methods, including interviews with a number of key court and partner agency personnel; observations of courtroom proceedings; and attendance at coordination meetings. It also draws on statistical analyses of data provided by the Office of Court Administration on Court cases, and on documents prepared by the Center for Court Innovation and others. The impact evaluation compares case characteristics, processing, and outcomes for a sample of cases adjudicated in Kings County's Supreme Court before the FDVC was established with a sample of cases adjudicated by the specialized court during the early months of its operation. Statistical analyses address a number of questions around the central issue of what difference it makes to adjudicate felony domestic violence cases under the specialized court model.

KEY ELEMENTS OF THE COURT MODEL

The FDVC has been in operation since June 1996. Its goal is to create an effective and coordinated response to felony domestic violence crimes by bringing together criminal justice and social service agencies. The Court model operates at both a systemic level, by seeking to change how community agencies work together, and at an individual case level, through efforts to hold offenders more accountable and provide better protection and services to victims. The model features a number of innovative structures and practices:

- *A network of criminal justice and social service partner agencies who work together on making the model succeed.* The core partner agencies coordinate at a systemic level through regular networking meetings and multi-disciplinary trainings. The key agencies consist of the Court, the Center for Court Innovation (a public/private partnership which develops and implements innovative court programs); the Kings County District Attorney's Office's Domestic Violence Bureau and Counseling Services Unit; Safe Horizon's Brooklyn Felony Domestic Violence Unit (a private non-profit, formerly Victim Services); the New York City Department of Probation; New York Forensics and Safe Horizon's Alternatives to Violence (batterer intervention providers); and Treatment Alternatives to Street Crime.
- *The specialized caseload of virtually all indicted domestic violence felonies in the jurisdiction, and no other cases than domestic violence felonies.* Concentrating all these cases on a single docket has the advantages of efficiently bringing resources together, and making it easier to identify and address gaps in the system of services.
- *Trained and dedicated personnel from court, prosecution, offender intervention and treatment, probation, and victim service agencies.* Most of the personnel involved in these cases specialize in domestic violence cases and have received extensive and ongoing training in domestic violence issues. The judges take a key leadership role in implementing this model.
- *Vertical processing and standard practices to ensure consistency in case handling.* Each case is handled by the same judge and prosecutor/advocate team from the point of post-indictment arraignment in the Supreme Court (with occasional exceptions for cases that go to trial). Standard practices, such as the

routine use of protection orders and Court mandates to batterer intervention and treatment programs as needed during the pre-disposition phase, are employed.

- *Enhanced case information flow among partner agencies to improve judicial decision-making and partner agency operations.* Each judge has a resource coordinator and the batterer intervention, treatment, probation, and victim service agencies have Court liaisons or dedicated staff to enhance the exchange of information about cases. A grant-funded technology application project has developed an automated system to make communication links faster and more efficient, and information more readily available.
- *An emphasis on defendant monitoring and accountability.* Defendants are routinely ordered to a batterer intervention program during the pre-disposition period and post-disposition for probationers. These programs are used by the court almost wholly as a means of surveillance; the court follows attendance at the programs between court appearances to assure compliance and accountability. Defendants and probationers must also appear regularly in Court for monitoring purposes, so the Court can review their compliance with Court orders and sanction non-compliance. Monitoring occurs throughout the pre-disposition period for both detained and released defendants, and after disposition for those sentenced to probation and, recently, for those released on parole.
- *Enhanced protection for, and services to, victims.* Advocates from Safe Horizon and the District Attorney's Office's Counseling Services Unit work with the victims in domestic violence cases from just prior to the point of grand jury presentation (or earlier, for major crimes that receive on-scene intervention) through case disposition and sometimes beyond, particularly if the offender is sentenced to probation. The advocates offer a broad range of assessment, referral, and information services to victims, and provide the Court with information on victims' reports of further threats, intimidation, or abuse by the batterer (with the victims' consent). The Court also offers protection to victims through the routine use of orders of protection throughout the adjudication process and usually as a condition of disposition.

The Court has received recognition for its efforts through media coverage; visits from local, national, and international delegations; grant funding to enhance and expand Court operations; and designation as a "Best Practice" model site at a regional Department of Justice conference. Also, the Court model has been replicated in other courts, and featured in presentations at a number of professional conferences. The Center for Court Innovation, a key partner, received a very prestigious Innovations in American Government Award from Harvard University and the Ford Foundation in 1998.

DEVELOPMENT, OPERATION, AND EVOLUTION OF THE COURT MODEL

The Court model has its roots in many factors. These include a growing awareness of the need for an intensive and coordinated approach to these difficult and complicated cases, and pioneering efforts with specialized dockets and other critical elements of the model (such as coordinated partnerships, specialized prosecution units, and enhanced services for victims and batterers), in other jurisdictions across the nation. Innovative approaches to case handling were already being used in this jurisdiction before the Court started, such as the District Attorney Office's evidence-based prosecution policy, vertical prosecution model, and expanded definition of domestic violence. The court system had previously used treatment referrals, monitoring, and resource coordinators in specialized drug court. The Court also received the support of the administrative judges, the District Attorney, and other influential personnel. Its starting date was expedited by the catalyst of a domestic violence homicide.

In the first several years of operations, FDVC saw its caseload grow substantially, due to a number of factors. The District Attorney's Office became more likely to indict and prosecute cases in the context of the specialized court. Also, legislation enacted shortly after the Court's start mandated arrest for domestic violence cases under certain circumstances, and upgraded most protection-order violation offenses from misdemeanors to felonies. Prior to the legislative changes, these cases would have been adjudicated solely in lower courts. The court system responded to the increased caseload by recruiting judges from other felony parts to preside over trials, and by opening a second felony domestic violence part in April 1998.

The Felony Court parts' caseload has subsided since early 1999. This may be due to a drop in the number of arrests made, which may reflect decreases in the occurrence of felony domestic violence crimes, lower rates of reporting these crimes, and/or lower arrest rates. Unfortunately data are not available to test these hypotheses. But whatever the cause(s), the effect has been to relieve some of the pressures on the system agencies, and to allow a more faithful implementation of the model (such as true vertical adjudication and scheduling monitoring appearances more frequently).

The Court model has been expanded in a number of ways. Additional agencies have become involved, including mental health service providers and additional batterer intervention programs. The original batterer intervention program stopped receiving clients because of problems in reporting and Court concerns about how services were delivered. Services have been expanded to Rikers Island so detained defendants and offenders serving jail time can receive services as well. Probation formed a dedicated domestic violence unit which offers intensive supervision, such as electronic surveillance for very high-risk cases. Links have been established with the State Department of Corrections and Division of Parole to better enforce post-disposition protection orders, and to allow Court monitoring of its parolees. Links have also been formed with the Brooklyn Family Court and the Administration for Children's Services to address issues and improve coordination for families with cases in multiple courts, or with child abuse/neglect matters. The technology application assists in improving communication links among court and partner agencies, and streamlines the process of issuing and registering orders of protection.

POLICY AND OPERATIONAL CHALLENGES

Despite how the model has thrived and grown, FDVC and its partners still face a number of challenges. This model is extremely resource-intensive, and it is very difficult to provide the breadth and intensity of services specified under the model and demanded by the complexity of the cases while still meeting the Office of Court Administration's standards for speedy case processing. The project director's role is critical in ensuring the success of the model, and it needs to be sustained over time.

Prosecutors and victim service providers face a number of operational challenges, including the need to prioritize cases to comply with legal requirements for timely indictments, and their ability to provide immediate, comprehensive, and frequent services to all victims. Several initiatives have been developed to address these concerns. Victim service providers also face restrictions on their options for referring victims to needed community services due to their limited availability.

Community resources that serve batterers are also extremely limited, especially for batterers whose violence has reached the felony level or is exacerbated by substance abuse or mental health treatment needs.

Finally, concerns have been expressed from the defense bar over a number of fundamental issues concerning the court, including the wisdom of having a specialized docket; the legality of efforts to prevent future offenses, especially pre-disposition batterer intervention or other treatment orders which seem to imply guilt and impose punishment before a conviction has been reached (although a recent ruling upholding this practice has not been challenged by the defense bar); routine use of full rather than limited protection orders (full orders prohibit any contact while limited orders allow some contact); and definitions and procedures for identifying cases as domestic violence. Defense also raised some other concerns, which while having little to do with the court model are perhaps highlighted in the context of a specialized domestic violence docket. These include the fairness of legislative changes passed shortly before the opening of the FDVC that resulted in laws felonizing protection-order violations and mandating arrest; exceptions which have been made to evidence exclusion rules in domestic violence cases; and the District Attorney's Office's evidence-based prosecution policy, under which they are reluctant to drop cases on the victim's request alone, but prefer to proceed with prosecution even without the victim's testimony if they have other evidence with which to go forward.

THE IMPACT OF THE FDVC MODEL ON EARLY CASES

We analyzed quantitative data to examine questions around how the model has changed the way cases are processed; the impact of this approach to adjudication on case outcomes; and effects on recidivism. A total of

136 cases (including 27 cases in which a felony protection order violation was the only felony indictment charge) adjudicated by the FDVC in an early period (cases indicated in the first half of 1997) was compared with a sample of 93 cases handled by general felony court parts in the 18 months before the specialized Court was established. It should be noted that these 136 FDVC-processed cases were all from the early days of the specialized Court (we sampled from this timeframe to allow a follow-up period for recidivism data), which has now disposed over 1,100 cases. Changes in the Court and partner agencies in the last three years are not reflected in our impact data. With that caveat in mind, our findings indicate that the use of this court model has made a difference in several key areas:

- The District Attorney's Office is more likely to indict cases with less severe police charges in order to bring the enhanced defendant monitoring and victim services resources to these cases. Dismissal rates are very low, at 5% to 10% of indicted cases. In addition, a new state law implemented shortly after the start of the Court resulted in many protection order violation cases being prosecuted as felonies, which would previously have been misdemeanors. These changes in law and practice mean that cases processed by the FDVC were as a group more heterogeneous than the pre-Court cases on severity of the criminal incident (even when the protection order violations were considered separately). This may in turn have influenced patterns in case processing, disposition, and sentencing, discussed below.
- Victim services are clearly expanded under the specialized Court, in that all victims are assigned an advocate and receive a protection order during case processing (and often afterwards as well). Unfortunately data describing the nature or impact of advocacy services received were not available.
- Judicial monitoring of defendant compliance could not be documented because information differentiating status appearances from other types of court appearances was not available from file reviews, either pre-disposition or post-disposition. Pre-disposition release was used somewhat more often in FDVC cases, and released FDVC defendants were more likely to be ordered to batterers' intervention programs while on release. Many defendants were re-jailed for infractions of release conditions, no matter which type of court handled their case.
- The specialized Court spent slightly more time, on average, processing cases from felony arraignment to disposition. However, the severity of indictment charges and defendants who were released and re-manded for infractions better predicted increased processing time. It is very difficult but important to strike a balance between the need to give these complex and intractable cases the time and attention they require, the need to provide speedy justice, and the various pros and cons of pre-disposition release.
- Conviction rates did not change under the specialized Court, but methods of reaching disposition did. Convictions by guilty pleas were more common and trials were less common in FDVC cases. Even when accounting for other relevant factors (such as factors related to evidence), plea bargaining is more likely to result from use of the Court model itself. This represents a cost-savings to the court system. Conviction charges were, on the whole, less severe for FDVC cases than cases processed by general felony courts. This may be a product of the greater use of plea bargaining, and/or the fact that less serious cases (based on arrest charges) are more likely to enter the FDVC than were entering felony courts before.
- Sentencing practices under the FDVC model were neither more punitive (in terms of incarceration) nor more treatment-oriented (with treatment mandates as a condition of the sentence), on the whole, than sentencing practices before the Court began. It seems likely that sentencing did not become more punitive because of the broader mix of cases (on charge severity) entering the Court, and/or because of the greater use of plea bargaining. Orders to batterer intervention may not have increased in FDVC sentences because these programs were used so much more widely in the pre-disposition period.
- Data on probation violations and arrests for additional incidents were analyzed. Interpretation of these findings is extremely equivocal because of limitations imposed by the reliability of these indicators as measures of compliance and recidivism (we were limited to official records of reported allegations, which may underestimate actual behaviors, and we could not differentiate domestic violence from other types of

crimes), and because of the pre/post research design. With these warnings in mind, our results tentatively suggest that probation violations were reported for about one-third of all probationers, and did not change under the new court model. Additional arrests for those released prior to disposition were even higher, at nearly half of all released defendants. Rates of pre-disposition repeat arrests did not vary by type of court, but post-disposition arrest rates were double for FDVC-processed cases (about half vs. one-quarter). Very limited data were available on the nature of the additional arrest charges, and it was not possible to distinguish domestic violence from other types of criminal incidents. However, cases in the pre sample were most often arrested again for non-violent felony offenses, cases in the FDVC sample were most often re-arrested for misdemeanors, and criminal contempt (protection-order violation) cases were most often arrested again for criminal contempt.

- Criminal history, especially prior convictions for criminal contempt, emerged as one of the most consistent indicators of how well defendants performed both pre-disposition and in the post-disposition follow-up period. Those with prior criminal convictions, especially for contempt, were less likely to be granted pre-disposition release, more likely to be re-jailed for violations when they were released, more likely to be convicted in the current case, and more likely to be arrested on new charges in the pre-disposition and post-disposition follow-up periods. These findings suggest that those with prior convictions, especially for criminal contempt, may need the closest monitoring and supervision by the system.

As the popularity of specialized domestic violence courts grows, additional research should be conducted to document how the approach grows and evaluate its impact. Further research could benefit from several lessons learned in this study:

- This study began several years after the specialized Court started. An evaluation component should be planned when a new court is being planned, so that evaluation can occur proactively rather than retroactively. This would allow evaluators to develop research materials with which to evaluate the model more thoroughly. In this study, for example, it was not possible to fully document the implementation of defendant monitoring techniques because sufficiently detailed information was not contained in case files, and our samples consisted of cases already processed and closed.
- Since domestic violence is such a notoriously chronic crime and victim safety is a critical concern, evaluators must address the question of recidivism. It is important to use the most reliable measures of recidivism, going beyond incidents which were reported to and acted upon by the authorities. Interviews with victims are the best way to measure repeat domestic violence (at least against that identified victim), both reported and unreported, for which arrests were and were not made. Resources for this critical step were not available here, but should be prioritized for future research efforts.

The Kings County Felony Domestic Violence Court Model

The Kings County Supreme Court, which has original jurisdiction over felonies in the borough of Brooklyn, has been operating the Felony Domestic Violence Court (FDVC) since June 1996. This Court operates under a model that features a number of innovative practices. The goals of this approach to adjudication are to create an effective and coordinated response to felony domestic violence crimes by bringing together criminal justice and social service agencies, and to serve as a model for other communities, state- and nation-wide. The model operates at both a systemic level, by seeking to change how community agencies work together, and at an individual case level, through efforts to hold offenders more accountable and provide better protection and services to victims. Several key features distinguish the structure and operations of FDVC from other felony courts with more generalized dockets and more traditional operating procedures:

- A network of criminal justice and social service partner agencies who work together on making the model succeed;
- The specialized caseload of virtually all indicted domestic violence felonies in the jurisdiction, and no other cases than domestic violence felonies;
- Trained and dedicated personnel from court, prosecution, probation, offender intervention and treatment, and victim service agencies;
- Vertical processing and standard practices to ensure consistency in case handling;
- Enhanced case information flow among partner agencies to improve judicial decision-making and partner agency operations;
- An emphasis on defendant monitoring, and accountability; and
- Enhanced protection for, and services to, victims.

FDVC has received considerable recognition for its efforts, including media attention, visits from national and international teams of practitioners and policy makers, and grant support for enhancement and expansion of the Court model.

A NETWORK OF CRIMINAL JUSTICE AND SOCIAL SERVICE PARTNER AGENCIES

One of the key features of this Court model is its emphasis on building partnerships of public and private sector community agencies who coordinate their work toward achieving a common set of goals. The core partner agencies include FDVC itself; the Center for Court Innovation (CCI); the Domestic Violence Bureau and Counseling Services Unit of the District Attorney's Office; Safe Horizon's Brooklyn Felony Domestic Violence Unit; the New York City Department of Probation; New York Forensics and Safe Horizon's Alternatives to Violence; and Treatment Alternatives to Street Crime (TASC). The defense bar, including several major agencies who provide contracted public defense services to the county (Brooklyn Defender Services and Legal Aid Society), also participates in many of the networking activities but does not consider itself a partner of the Court. *Partner Agency Profiles* are presented in the following pages to provide thumbnail sketches of the major partner agencies and their mission, activities, and key staff.

Kings County Felony Domestic Violence Court

Mission

The Court consists of two parts, both of which vertically adjudicate indicted domestic violence felonies in Kings County (Brooklyn) from post-indictment arraignment through case disposition, and post-disposition for probationers. Its goals are to facilitate a coordinated network of partner agencies with strong communication links to promote offender accountability, victim safety, and case processing consistency, while delivering justice within a speedy time frame.

Activities

The courts handle all standard adjudication procedures for these cases, including arraignment, hearings, motions, trials, disposition, and sentencing. In addition, enhanced case services include pre-disposition monitoring of all defendants, post-disposition monitoring of offenders on probation, frequent use of batterer intervention, substance abuse, and mental health services, and routine and universal use of orders of protection. A resource coordinator for each judge acts as the linchpin for case-based communication among the Court and partner agencies, providing the partners with critical information (such as orders to batterer intervention, other treatment programs, or probation) and regularly collecting compliance information, updates on alleged protection-order violations, and service information from partner agencies. This function allows the supporting agencies to efficiently intake clients according to Court mandates, and allows the Court to enforce its mandates by identifying and sanctioning violations, thereby increasing defendant accountability and victim safety.

In addition, the judges facilitate a coordinated network by convening regular partner meetings to update partners on new developments, encourage network expansion, and identify and resolve problems areas as they arise.

Key Staff

- The Honorable Michael Pesce, Chief Administrative Judge of the Second Judicial District of New York (Brooklyn and Staten Island)
- The Honorable John Leventhal, Justice of the Supreme Court, Kings County Felony Domestic Violence Court
- The Honorable Matthew D’Emic, Acting Justice of the Supreme Court, Kings County Felony Domestic Violence Court
- James Imperatrice, Chief Clerk, Criminal Term, Kings County Supreme Court
- Joseph Canzella, Deputy Chief Clerk, Criminal Term, Kings County Supreme Court
- Jezebel Cook, Resource Coordinator
- Sharon Lastique, Resource Coordinator
- Charles Troia and Karen Kleinberg, Principal Law Clerks
- John Gallo and William Mitchell, Supreme Court Clerks
- Sgts. Boyd-Gillen and Alan Tisman
- Supreme Court Officers John Ramillo, Ronald McLaughlin, Carl Fiorillo, Judith Mason, Guy Tucci, and George Austin

The Center for Court Innovation

Mission

The Center for Court Innovation (CCI) is a public/private partnership between the New York State Unified Court System and the Fund for the City of New York, a non-profit established by the Ford Foundation in 1968 to enhance the efficiency and effectiveness of government and other nonprofits in New York City. CCI aims to foster innovation within the state's and nation's courts. The Center is comprised of a small group of planners, researchers, and technology experts who function like the research and development arm of a corporation. The Center addresses emerging challenges within the court system, investigates new ideas in the field, and tests new approaches to chronic problems. Courts the Center has been instrumental in developing and implementing include the Midtown Community Court, the Brooklyn Treatment Court, the Red Hook Community Justice Center, the Manhattan Family Treatment Court, and domestic violence courts in the Bronx, Buffalo, and Westchester and Suffolk Counties.

Activities

The Director of Domestic Violence and Family Court Programs, an employee of CCI, was active in the development and early implementation of the Court model. When the Court first opened, she worked full time on this project serving as a project director (hereafter in this document referenced as the Director), though she now has a much broader range of responsibilities. She spent a great deal of her time with the original judge in the courtroom, consulting with him on a case-by-case basis. This provided extensive on-the-job training to the judge. Also, the Director and the Domestic Violence Court Project Planner are instrumental in convening and facilitating partner meetings to enhance interagency linkages and identify and resolve emerging problem areas. They and the Training Coordinator work with partners one-on-one, as appropriate, when specific issues arise. They play a key role in development and expansion of the Court model by networking with potential future partner agencies, developing new or expanded programs which would benefit the Court, and developing fund raising efforts to support these activities, and developing training for Court and partner agency personnel. Finally, they play a large role in efforts to publicize the Court by presenting papers at professional conferences and frequently hosting delegations of visitors. In her wider role as Director of Domestic Violence and Family Court Programs, the Director works closely with judges in all the specialized domestic violence courts throughout the state, gives presentations to judges and others at a variety of settings on the principles of a domestic violence court, and ensures that the principles of the court model piloted in Brooklyn are faithfully replicated throughout the state.

One of the grant-funded areas of expansion is the Domestic Violence Court Technology Application. The core technology application is funded by the Violence Against Women Office of the U.S. Department of Justice and the New York State Department of Criminal Justice Services. The State Justice Institute is funding Resource Link, which enables remote links between the core application and key partner agencies, including the District Attorney's Office, defense attorneys, Safe Horizon, Probation, New York Forensics, and ATV. The technology application has developed an automated case-level database for use by the Court and the major partner agencies. The goal is to enhance the flow of information on Court orders, defendant compliance and re-arrests, and victim safety and services by allowing each partner to provide automated data on their case actions, services, and information, and have access to information provided by other partners on a need-to-know basis. The system will also streamline the process of issuing protection orders, by automatically registering them with the state's Domestic Violence Registry, and accessing the Registry for domestic violence history checks.

Key Staff

- John Feinblatt, Director of the Center for Court Innovation
- Emily Sack, J.D., Deputy Director at CCI and Director of Domestic Violence and Family Court Programs
- Christine Siscaretti, Domestic Violence Court Project Planner
- Robyn Mazur, State-Wide Domestic Violence Training Coordinator
- Ruth Eichmiller, Court Coordinator for Children of Domestic Violence
- Michele Sviridoff, Deputy Director and Director of Research
- Nora Puffet, Domestic Violence Research Associate
- Christine Sisario, Senior Technology Coordinator
- Alex Tolchin, Technology Planner for the Brooklyn Felony Domestic Violence Court Technology Application
- Leonid Brodsky, Applications Programmer

***Kings County District Attorney's Office
Domestic Violence Bureau and Counseling Services Unit***

Mission

The mission of the Domestic Violence Bureau of the District Attorney's Office is to successfully prosecute cases while providing victims with protection from further abuse and services to help them recover from abuse already suffered. The Bureau's staff of attorneys work most closely with advocates in the DA's Counseling Services Unit and from Safe Horizon (and with other community agencies as needed). The DA advocates' priorities are to assist prosecutors and provide services to victims.

Activities

Attorneys in the Domestic Violence Bureau prosecute misdemeanor and felony cases that are determined by the District Attorney's complaint room to involve intimate partner relationships. They are trained in the issues of domestic violence and are expert on working with reluctant victims, prosecuting without victim participation, safety planning, making referrals for services, and coordinating with victim advocates to ensure victim safety. The Domestic Violence Bureau is staffed by trained and experienced Misdemeanor Assistant District Attorneys and Felony Assistant District Attorneys. After arraignment in criminal court, a Domestic Violence Bureau Felony Assistant District Attorney (ADA) presents felony cases before a grand jury for felony indictment. Once the case is indicted, the Felony ADA vertically prosecutes the case (in a team paired with an advocate employed in the DA's Counseling Services Unit or from Safe Horizon) for its duration. The Domestic Violence Bureau also includes an Elder Abuse Unit specializing in those cases, the Barrier-Free Justice Project, and the Central Brooklyn Task Force. The Barrier-Free Justice Project, funded by a STOP VAWA grant, is a partnership with Barrier-Free Living (a nonprofit providing residential shelter for the disabled) and Brooklyn Legal Services (which provides civil legal assistance to victims) to improve services to disabled victims of domestic violence. The Central Brooklyn Task Force, funded by a VAWA Grant to Encourage Arrest Policies, focuses on enhancing coordination with police and services to underserved groups in two specific precincts. Other special initiatives focus on using technology to enhance victim safety, teenaged victims, offenders who are law enforcement officers, children of domestic violence, fatality reviews, coordination with family courts, training of police officers, and outreach and education to community organizations.

The Felony ADAs' role includes:

- in-depth interviewing of victims before grand jury to assess the details of the instant incident and history of abuse. This process also involves explaining prosecution and the court process, and preparing the victim for the grand jury.
- drawing up indictment charges and presentation before a grand jury.
- vertical prosecution of cases in the felony domestic violence parts from supreme court arraignment through case disposition.
- prosecuting major misdemeanor cases in criminal courts.
- continued gathering of evidence regarding the instant incident and history of abuse.
- providing information to the Court on re-arrests and violations against victims during the pendency of the case.
- file pre-trial motions, present at hearings, and prosecute at trial.

The DA's Counseling Services Unit is staffed by about 30 advocates and administrative staff. It was formed in January 1999 by combining the Victim Assistance Units formerly within the Domestic Violence, Sexual Assault, and Child Abuse Bureaus into a single unit. Eight advocates and about eight to ten student interns provide services to domestic violence cases. Three of these advocates carry caseloads of about 40-60 felony cases, plus hundreds of misdemeanors, from all areas of Brooklyn except those targeted by the Central Brooklyn Task Force project (below). The advocates' services for domestic violence cases include:

- the Central Brooklyn Task Force project to improve coordination with police in two Brooklyn precincts and expand outreach and services to underserved groups in those precincts, by working closely with the New York City Asian Women's Center, the Arab-American Family Support Center, the Caribbean Women's Health Association, and the Center for Elimination of Violence in the Family.

Three of the six advocates who handle domestic violence cases are dedicated to this project.

- on-scene crisis intervention for survivors of domestic homicide victims or very serious domestic assaults.
- initial case interviews to gather information on the history of violence for case preparation, lethality assessment, safety planning, needs assessment, service planning, and making referrals for relocation services, financial assistance, long-term counseling, and other needs.
- ongoing client contact to assess progress, service needs, and repeat abuse, threats, or other violations of orders of protection, and to keep clients informed of Court procedures and case status.
- ongoing reports to the Court on victim safety and violations of orders, during both the pre-disposition and the post-disposition period for victims of probationers being monitored by the Court.
- advocacy with assistant district attorneys and probation officers on behalf of victims.
- individual therapy and support groups
- programs to enhance safety for victims at high risk, including the AWARE beeper program to alert 911 at the press of a button, and a cell phone program for dialing 911 from any location
- enhanced relocation services on both emergency and long-term bases
- a voice mail account for victims to retrieve messages from prosecutors and relatives

Key Staff

Attorneys

- Charles J. Hynes, Kings County District Attorney
- Lisa Smith, Chief of Policy and Planning, Special Victims Division
- Wanda Lucibello, Chief, Special Victims Division
- Deidre Bialo-Padin, Chief, Domestic Violence Bureau
- Anthony Catalano, Executive Assistant District Attorney, Domestic Violence Bureau
- Nancy Greenberg and Elisa Paisner, Bureau Chiefs, Domestic Violence Bureau
- Shelley Edelstein, Deputy Bureau Chief, Domestic Violence Bureau
- Leslie Kahn and Kin Ng, First Deputy Bureau Chiefs, Domestic Violence Bureau
- Arlene Markarian, Unit Chief, Elder Abuse Unit, Domestic Violence Bureau
- Christine Grillo, Supervising Senior, Domestic Violence Bureau
- Cynthia Lynch, Counsel, Domestic Violence Bureau
- Thomas Carr, Anthony DeFazio, Daniel Hoeffner, Philip Hosang, Michelle Kaminsky, Jonathan Kaye, Robert Lamb, Evelyn LaPorte, Nancy Nayson, Laurie Opoichinsky, Lisa Posamentier, Samantha Puro, and Stacey Salinsky, Felony Assistant District Attorneys, Domestic Violence Bureau

Domestic Violence Advocates in the Counseling Services Unit

- Ovita Williams, Senior Clinical Supervisor and Director of Intern Services
- Kathy Charlap, Director of Clinical Services
- Amanda Voytek, Director of Counseling Programs
- Sara Ellis, Coordinator of the DA's Brooklyn Domestic Violence Task Force

Safe Horizon's Brooklyn Felony Domestic Violence Unit

Mission

Safe Horizon (SH, formerly Victim Services) is a private non-profit agency that provides a broad scope of services to crime victims throughout New York City. The mission of SH is to provide support, prevent violence, and promote justice for victims of crime and abuse, their families, and communities. Founded in 1978, SH is now the nation's leading victim assistance agency. SH operates extensive community and court-based services for victims of domestic violence, sexual assault, rape, child abuse, and assault, as well as survivors of homicide. In addition, SH operates hotlines for domestic violence, sexual assault, elder abuse, and other crime victims, and offers mediation services. Safe Horizon is also committed to violence prevention and conducts school-based programs for youth.

Activities

The advocates assigned to SH's dedicated felony domestic violence unit are located in offices in the Domestic Violence Bureau of the District Attorney's Office, and in the Supreme Court. The advocates' caseloads typically range from approximately 20 to 50 felony cases. SH maintains client confidentiality and staff must obtain permission from clients to report information regarding the case to the Court. Felony cases are assigned to an advocate after indictment by the grand jury. Advocates perform a detailed intake during the initial client interview to evaluate the history of violence, the circumstances of the current offense, conduct a lethality assessment, and assist the client with safety planning. Additionally, the client's needs are examined and referrals for relocation services, financial services, or long-term counseling can be made at this time.

Other services the SH advocates offer include:

- ongoing client contact to assess progress, service needs, and repeat abuse, threats, or other violations of orders of protection, and to keep clients informed of Court procedures and case status;
- ongoing reports to the Court on victim safety and violations of protection orders by the defendants, during both the pre-disposition and the post-disposition period for victims of probationers being monitored by the Court;
- advocacy with assistant district attorneys, probation officers, and other agencies on behalf of victims, with victims' permission;
- close contact in the post-disposition period with victims whose offenders are assigned to Probation's Start (Juris Monitor) program because of high risk.

SH advocates offer additional services beyond those offered by the DA's advocates:

- advocacy and assistance in processing applications to the city public housing authority and federal Section 8 voucher program to expedite relocation; and
- access to SH internal emergency assistance funds.

Key Staff

- Christy Gibney Carey, Director, Brooklyn Criminal and Supreme Court Programs
- Kinaja Janardhanan, Manager, Brooklyn Felony Domestic Violence Court Program
- Karline Volcy, Case Manager, Brooklyn Felony Domestic Violence Court Program
- Jasmine Salazar, Case Manager, Brooklyn Felony Domestic Violence Court Program

Partner Agency Profile
Department of Probation

Mission

The primary mission of Probation is to promote public safety by providing supervision for the thousands of adults and juveniles placed on probation each year by judges in the Family, Supreme and Criminal Courts. They seek to help people who have committed serious crimes to redirect their lives and become responsible members of the communities in which they live. They attempt to give each probationer the tools he or she will need to lead a law-abiding life and to identify those probationers unable or not willing to make that transition.

Activities

The City-wide Domestic Violence Program supervises domestic violence offenders using a rigorous form of supervision based on the Intensive Supervision Program (ISP) model for felony offenders. EM-ISP (Electronic Monitoring – Intensive Supervision Program) implements a Juris Monitor program in which very high risk offenders are placed under house arrest and monitored with electronic ankle bracelets. The victim has a receiver that alerts the victim if the offender is within close range. Victims are provided with a cellular phone programmed to dial 911 for emergencies. The FDVC typically assigns its offenders convicted of felonies to EM-ISP or the City-wide Domestic Violence Program, while most of the offenders convicted of misdemeanors are assigned to Probation's Enforcement Track. Probationers in the Enforcement Tracks are supervised in the community while adhering to conditions mandated by probation, including counseling, job training, and a wide array of community-based services. EM-ISP and the City-wide Domestic Violence Program involve much closer monitoring and more extensive case management than traditional probation. All domestic violence offenders are assessed for a variety of needs (including substance abuse treatment, job placement, occupational or educational skills) and are mandated to follow through with service referrals. During the period of intensive probation (typically about 12 to 18 months) probationers meet at least twice a week with their probation officer in his or her office, and the probation officers visit probationers at their home, job or school twice a month. These probation officers have restricted caseloads (compared with traditional probation officers) to permit this more intensive level of services to probationers.

Probationers in EM-ISP are reassigned to the City-wide Domestic Violence Program once it is felt they can function without the electronic monitoring.

In Kings county, a supervising probation officer from the City-wide Domestic Violence Program serves as a liaison to the Court, performing pre-sentencing assessments and intakes on potential probationers, and regularly reporting progress and problems to the Court during the post-dispositional monitoring period. The City-wide Domestic Violence Program officers receive ongoing training in domestic violence issues. Probation also has an armed warrant team that apprehends offenders who have absconded or violated probation conditions or a Court order, including an order of protection.

Key Staff

- Irene Prager, Assistant commissioner, City-wide Domestic Violence Program
- Ellen Arkin-Runde, Branch Chief, City-wide Domestic Violence Program
- Leta Binder, Administrative Manager for Operations
- Judith Rubin, Investigations Review Officer and Liaison to the Kings County Felony Domestic Violence Court.
- Jacqueline Simmons and Carol Pearson, Supervising Probation Officers, City-wide Domestic Violence Program.
- Hunter Cole, Douglas LaMotta, Rosemary Salinger, Maritza Hernandez, Selina Jadoobir. Doug Walters, Dawn Gordon, Rashid Hamadi, Gustavo Benetiz, John Desenchak, Sade Salami and Larry Polonetsky, Probation Officers, City-wide Domestic Violence Program.
- Richard Kaecker, Supervising Probation Officer, Armed Field Unit, City-wide Domestic Violence Program.
- Karim Scott and Hector Melendez, Probation Officers, Armed Field Unit, City-wide Domestic Violence Program.

***New York Center for Neuropsychology and Forensic Behavioral Science
(New York Forensics)***

Mission

New York Forensics is a private for-profit that provides clinical evaluation, forensic assessment, and mental health treatment services to a wide variety of clients and defendants, referring clinicians, attorneys, and the criminal justice system. The Prevention of Family Violence Program (PFVP) is a psychoeducational intervention for men who batter, and was created in 1998. The PFVP has been working with FDVC referrals since about mid-1999.

Activities

The PFVP offers group intervention for male batterers in intimate relationships through a 39-week program of 90-minute group meetings. The groups are limited to about 12 to 15 participants each and run in fixed cycles (rather than open-ended). There are orientation and preparatory activities in which clients participate if they are referred at a time when no group is about to begin; clients do not await services. Each session costs from \$15 to \$35 (depending on client's income), for a total of \$450 to \$1050 for the entire program. The group uses the Duluth psychoeducational model with interactive teaching techniques, and can accept clients with substance abuse or mental health issues if they are concurrently in treatment for those needs. Individual counseling is also available if necessary, but couples counseling is not used with court-referred cases.

Two absences are permitted, but on the third absence the client is terminated from the program and the referring agency is notified. Program staff contact the Courts' Resource Coordinators on a weekly basis to notify the FDVC of warnings (issued at the second absence) and terminations. The Director of the PFVP estimates that about 60-90% of Court referrals complete their program, which is attributed to Court monitoring and accountability, enhanced by effective information-sharing through regular communications with the Resource Coordinators.

Key Staff

- John Aponte, Director of PFVP

Safe Horizon's Alternatives to Violence

Mission

The Alternatives to Violence Program (ATV) was developed in 1982 to provide education for men who batter their intimate partners, and to encourage them to take responsibility for and stop the abuse. There is an emphasis on challenging belief systems that uphold a man's right to control and dominate his partner. ATV did not serve felony cases until quite recently, at which point its services became available to the FDVC (in March 2000).

Activities

ATV uses an educational approach which focuses on defining domestic violence, understanding its historical and cultural contexts, reviewing the criminal and legal consequences of domestic violence, challenging belief systems that validate domestic violence, and taking responsibility for anger, actions, and reactions. The course consists of 26 weekly sessions of 90 minutes each, held Monday through Thursday evenings. Classes, which are available in English and Spanish, are taught by two instructors. The class cycles are open-ended, so that clients can join at any time and there are no waiting lists. Only group counseling is used, not individual or couples counseling. Sixteen groups operate in Brooklyn, with about 15 to 18 clients per group, for a total of about 240 to 290 active clients at a given time. There is a \$35 intake fee and a \$25 per-class fee, which is reduced to \$10 for intake and \$5 for classes for those on public assistance. There are some limitations on whom ATV can serve; the program cannot serve those with obvious emotional disturbances or serious untreated substance abuse problems, nor can it serve those with multiple felony convictions or bench warrants. Three absences or two consecutive absences result in program termination and notifying the court and/or probation.

Key Staff

- Ted Bunch, Director
- Carol Morrison, Deputy Director
- Juan Ramos, Brooklyn Intake Supervisor

Treatment Alternatives to Street Crime

Mission

Treatment Alternatives to Street Crime (TASC) serves as an intermediary between the criminal justice system and substance abuse treatment programs. To provide an alternative to incarceration, TASC works with defendants who would otherwise be jail- or prison-bound. TASC assesses defendants for drug and alcohol abuse treatment needs; makes referrals to, and facilitates placement in, appropriate treatment programs; and monitors both the programs themselves and defendants' compliance with program requirements. TASC may also assess and refer for other service needs such as vocational training and anger management programs. TASC has not traditionally worked with violent offenders, but has made an exception for this Court's domestic violence defendants since the Court first opened. TASC's obligations are to provide linkage services and monitoring information to the Court and the District Attorney's Office, as well as to assist in meeting the defendant's treatment needs. TASC has recently added mental health services and now has a dedicated staff of mental health professionals, with a specific staff person dedicated to the FDVC.

Activities

TASC staff do intakes on Court-referred clients, assess their substance abuse treatment needs, and provide progress reports to the Court on defendants in treatment programs under TASC auspices, to assist the Court in its monitoring activities. The domestic violence case manager refers clients to programs, monitors their compliance, and monitors the programs. Defendants in non-residential programs must report to TASC offices once or twice a week for urine testing and a review of their treatment progress, employment status, and where and with whom they are living to ensure order of protection compliance. Defendants in residential treatment are closely monitored for treatment progress, who they visit if granted weekend passes, and abscondance (in these cases, TASC makes prompt notification to both the District Attorney's Office and the Court). TASC case managers also make regular contacts with treatment providers (both residential and non-residential) to assess defendants' treatment progress, and visit facilities about once a month to monitor the programs' operation and encourage compliance with reporting requirements (such as prompt abscondance notification). Also, TASC monitors graduates of residential treatment programs for about three to six months after they leave the program. TASC is generally involved in cases for a period of 18 to 24 months. The domestic violence case manager carries a caseload of about 35 to 40 cases.

TASC cites a high success rate among their participants; the regional director estimates 70% of predicate (repeat) felons and 62-65% of non-predicate felons successfully complete the program. This is attributed in part to the constant monitoring and a reminder of incarceration time defendants face if unsuccessful, and the Court's use of its "muscle," (by imposing intermediate sanctions such as a judicial scolding or a remand, for example) when needed.

Key Staff

- Kenneth Linn, Regional Director
- John Grant, Case Manager for Brooklyn Felony Domestic Violence Court
- Lauren D'Isselt, Mental Health Director

There is a critical focus on strengthening links between partner agencies and bringing new agencies into the network through coordination meetings, multidisciplinary trainings, expansion of programs to new agencies, and improved means of sharing information. The Director of Domestic Violence Court Programs plays a key role in facilitating cross-agency coordination. She is instrumental in organizing partner meetings, facilitating training opportunities, and identifying gaps in the system and facilitating efforts to address them.

Two types of regular meetings hosted by the judges, and a third, smaller meeting hosted by CCI, bring together the key staff of the FDVC and partner agencies. The largest “breakfast” meetings are held as needed, bringing together Court and partner staff with the staff of additional community-based groups and agencies who may not be partners of the FDVC but whose work relates to the Court’s efforts. These meetings serve to inform the other agencies about the Court, to allow Court and partner staff to learn about these agencies’ work, and to discuss how the agencies might become partners in the network. These meetings have been attended by representatives from battered women’s shelter providers, substance abuse and mental health treatment providers, police officers and victim service coordinators from Brooklyn police precincts, and hospital administrators and emergency room social workers. Monthly “lunch” meetings, which have grown to 50 attendees or more, are composed primarily of representatives of the Court and partner agencies, and provide a forum for sharing updates on ongoing projects, announcing upcoming events of general interest, introducing prospective or new partner agencies, and discussing implementation issues that have arisen. Finally, smaller monthly meetings hosted by CCI bring together key FDVC staff including the resource coordinators, victim advocate supervisors, District Attorney supervisors, and the Director. In these meetings very specific operational issues are discussed and problems are resolved.

The Court and CCI have also hosted a series of multidisciplinary trainings designed to inform current and potential partners about issues of interest to the Court’s and partner agencies’ operations. Expert speakers have discussed issues around the Welfare Reform Act, the impact of domestic violence on children, teen dating violence, immigration issues, the health care system, elder abuse, and recent research on batterer intervention.

THE SPECIALIZED CASELOAD

FDVC adjudicates nearly all¹ indicted domestic violence felonies in Kings County (the borough of Brooklyn), and only indicted domestic violence felonies, from the post-indictment arraignment through final disposition, and through post-disposition monitoring for offenders sentenced to probation and for parolees. Concentrating all these cases on one docket has several advantages.

These cases are often very volatile and involve serious harm and substantial risk of further injury to the victim. The cases handled in FDVC typically involve very severe charges, including homicide, attempted homicide, and aggravated assault, and often involve defendants with extensive histories of violence and contact with the criminal justice system. These emotionally charged cases can be extremely volatile, with violent defendants who may have or seek continued contact with their victims. Victims often require a great deal of support and assistance, as they have recently been subjected to a serious criminal act and are at risk of further abuse. Given the intensity and the breadth of case services that may be needed to deter repeat abuse and help victims recover, it can be much more feasible to marshal resources and bring them to bear on cases in a sufficiently focused way when all such cases are concentrated together in a few specialized dockets. For example, when intensive victim advocacy and counseling services are offered to promote victim safety and recovery from abuse, it is much more efficient if advocates have only a few points of referral for case intakes and points of contact for exchanging information on case events, such as court actions and threats or occurrences of repeat harm.

¹ FDVC and the District Attorney’s Office’s follow approximately the same definition of domestic violence, which includes all intimate partner abuse (current or former marital, common-law (live together), boyfriend/girlfriend (don’t live together), and same-sex relationships; and those with a child in common), elder abuse, and abuse of a parent by an adult child or grandchild. The definition excludes sibling abuse and child abuse. Domestic homicides were originally prosecuted by the Homicide Bureau, but have been handled mostly by the Domestic Violence Bureau for over two years now. Similarly, sexual assaults involving intimates, which used to be processed by the Sex Crimes Bureau, are now typically handled by the Domestic Violence Bureau. The court has, on occasion, granted applications from the defense bar to transfer cases from other parts into FDVC.

It is also much easier to identify and address gaps in the total system of services when all domestic violence felonies are concentrated together. As a hypothetical example, if a systemic problem were to arise in the intake process for defendants required to undergo batter intervention as a condition of pretrial release (such that many of these defendants never participated in this program), this gap could easily escape the notice of judges who handle only a few such cases out of a widely varied caseload. With judges who handle only domestic violence felonies, systemic gaps – which are likely to repeat themselves in case after case – quickly become apparent. The Court can then work with the concerned agencies to resolve the problem.

TRAINED AND DEDICATED PERSONNEL

The Court model features the use of a relatively small number of trained personnel dedicated to handling only domestic violence cases. There are two judges; a director; a resource coordinator for each judge; dedicated court officers and clerks; prosecutors who work exclusively in the Domestic Violence Bureau of the District Attorney's Office; representatives from agencies who work with defendants, such as batterer intervention, substance abuse treatment, and probation, who serve as special liaisons with the Court; and victim service providers, including both the private non-profit service provider (Safe Horizon) and advocates employed by the District Attorney's Office. In addition to their primary role of providing services to victims with cases pending in Court, the victim service providers also provide information from victims to the Court with victims' permission.

Serving in this specialized capacity may involve adjustments for each of these system actors. Some of them, such as court, prosecutorial, and probation personnel, may not be accustomed to working with only one type of case and may not have intensive training in the special dynamics and needs of domestic violence cases. Training opportunities have been offered through formal means such as attendance at conferences sponsored by national associations. CCI, a key court partner, has also coordinated formal training for a wide variety of partners in response to the specific needs of FDVC and its partner agencies. The most recent training, in June 2000, was a multi-day training by David Adams of the EMERGE batterer intervention program. CCI is also sponsoring a series of state-wide Judicial Roundtables on domestic violence courts. In addition to formal training opportunities, much on-the-job training and mentoring have been used to help actors adjust to their new roles. For example, the Director worked very closely with the original judge in the early days of the Court's operation, and with the second judge by coordinating meetings between him and all Court partners before the second part opened to make sure that he developed policies with all of the partners and that the two parts operated on consistent principles. The original judge also assisted the newer judge in adapting to working with these cases and within this model of case processing.

Other key players, such as victim advocates and defendant intervention and service providers, have long been accustomed to working with this population but may not have traditionally worked closely with justice agencies. They may have needed to adjust their work styles to function effectively in this coordinated partnership approach. For example, batterer intervention providers have long taken court-referred clients, but until the advent of specialized court dockets, they may not have been required to become involved in partner meetings, have in-court staff to serve as liaisons, or use regular and formalized reporting mechanisms.

The Judges' Role

The judges take a key leadership role in implementing this model. The model's success depends on them being able and willing to expand the traditional judicial role to include development and maintenance of working relationships with other community agencies, through convening regular partner meetings and special trouble-shooting meetings as needed. They also must be willing to accept certain modifications of traditional judicial practices and priorities in order to implement a model *per se*, particularly a model that uses innovative procedures.

For example, it is a policy of this approach that all pretrial defendants should be required to appear before the Court regularly for monitoring, to enhance the goals of defendant supervision and accountability. A judge not accustomed to working within the guidance of a model may tend to resist implementing any standard policy or procedure, viewing it as a restraint on his or her judicial independence. In particular, an unaccustomed judge may feel conflicted between the need to take special measures to achieve special goals, and the need to effectively

manage his or her caseload and reduce the demand on Court resources by processing cases as quickly and efficiently as possible. This is not an easy balance to strike in these difficult and complicated cases.

With its emphasis on defendant monitoring and accountability, the FDVC model requires a certain judicial style. The judges' tough stance on both the seriousness of the crime that brought the defendant to court and intolerance of further infractions is an important foundation of this model. This is very different from the judicial style of, for example, a drug court judge. While the drug court judge, with the intent to heal the defendant, is cast as a supporting force within the criminal justice system, the felony domestic violence judge is not.

Taking responsibility day after day for these very serious and potentially explosive cases also requires a personal commitment from a judge, as well as a deep understanding of the dynamics of domestic violence and how the legal system can best intervene. One way in which domestic violence cases have particularly frustrated police, prosecutors, and judges is when victims do not wish to participate in the system's efforts to protect them through legal intervention (arrest and prosecution of the case). A judge, and any other system actor for that matter, who understands the multitude of reasons a victim may not wish to participate or may even rally in support of her/his abuser (such as economic dependence on the abuser, fear of reprisal, or unhelpful experiences with the justice system in the past), and who understands that severing ties with the batterer and helping the system punish his/her crimes are often long-term goals which require many intermediate steps and "false starts" to be reached, is better fortified to deal with these complex and sometimes frustrating cases.

The judges have developed personal styles that express their understanding of domestic violence cases and their commitment to the primary goals of victim safety and defendant accountability. They take pains to make a personal connection with defendants by very carefully explaining to them the terms and meaning of Court orders (such as protection orders or orders to batterer intervention or treatment), and the consequences for violating them. Through vertical adjudication, the defendant appears before only one Supreme Court judge, and the defendant may make many appearances over the course of pretrial monitoring, and post-disposition monitoring for probationers. The defendant learns that he's not going to get lost in a fragmented system. One of the judges has even taken monitoring so far as to call defendants under curfew at home to ensure they're complying with the terms of the curfew order, or to direct defendants to call his answering machine to register curfew compliance.

The judges also take special care to convey the message that the state, not the victim, bears the responsibility for prosecuting the defendant, because the judges understand that if the victim is seen as responsible for the prosecution, s/he is more vulnerable to pressure and retaliation from the defendant. When issuing a protection order, the judges clearly explain to the defendant that it is the *Court's* order, not the victim's order, and that only the Court can modify its terms, so the defendant will be answerable directly to them for any violations. When a victim wishes to speak in Court, the judges take her/his input through a victim advocate in a private setting, to emphasize that the system is prosecuting the case and to protect the victim from pressure and retaliation by the defendant – or his friends or family – attending Court.

There are, however, certain rewards for working with these complex and difficult cases. The judges have had the opportunity to make rulings which extend case law in innovative directions. For example, Court rulings have extended the use of the "battered women's syndrome" defense to male victims of same-sex battering; have set new standards for assault in grand jury testimony, using a *prime facie* standard of evidence while awaiting assessment of the longer-term nature of the injuries; have ruled that a defendant cannot use evidence obtained through illegal wiretaps of the victim's phone in his defense, since the state and not the victim is the prosecuting party; and have established a legal basis for court orders to batterer intervention programs during the pre-disposition phase, which the defense bar has not challenged.

VERTICAL PROCESSING AND STANDARD PRACTICES

From the point of post-indictment arraignment, when a case first enters FDVC, it is handled by the same judge and a team of an assistant district attorney/victim advocate.² This helps ensure that cases will be handled

² The only exception occurs for some of the approximately 4% of cases which go to trial. In response to a rising caseload, in mid-1997 some trial cases were sent out to felony judges in other court parts to oversee the trial. The addition of the second FDVC part in April 1998 relieved this overload to a large degree, so that each Domestic Violence judge now usually handles his own trials. Cases that are convicted and sentenced to probation are then sent back to FDVC for post-disposition monitoring.

consistently over time and more efficiently than if new personnel frequently entered the case and needed time to become familiar with case file documents or have the victim tell her/his story again. Continuity of personnel also reinforces, for both the victim and the defendant, that they have name and face recognition and their case is not likely to “slip through the cracks.”

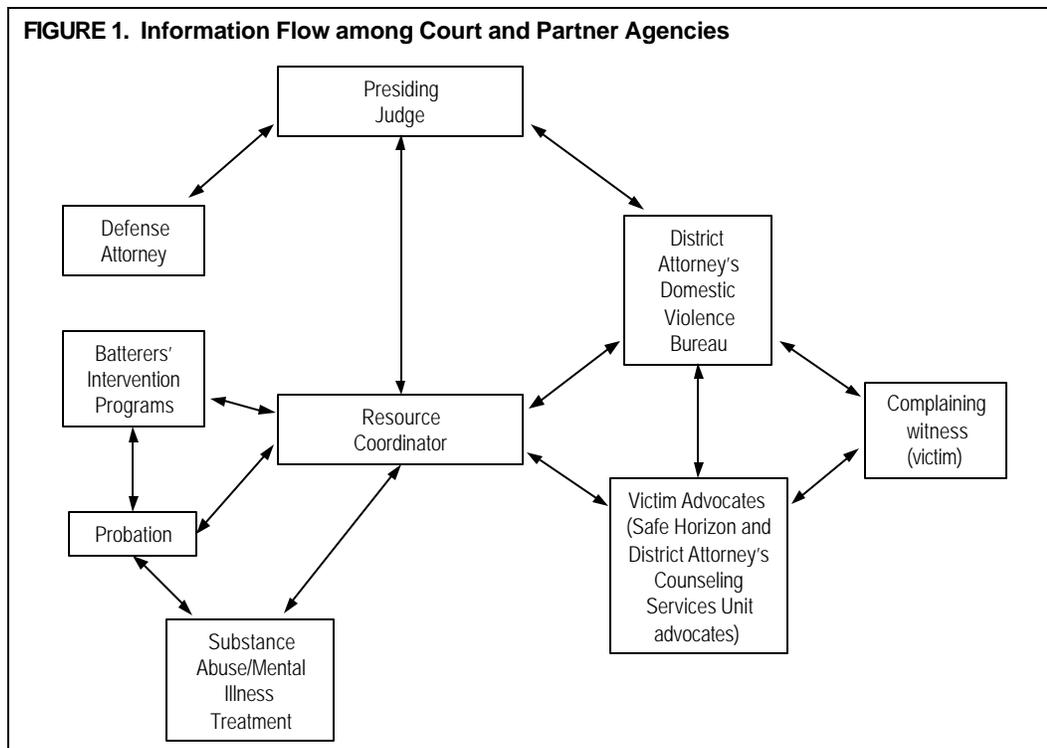
Another way of promoting case processing consistency is the use of common practices or policies across domestic violence cases. As with the pre-FDVC period, it is standard practice for the supreme court judges to issue an order of protection at the first point of contact (post-indictment arraignment), and to make sure there is a valid order throughout case processing. Also, the judges frequently order participation in batterer intervention as a condition of pretrial release unless special conditions make it inappropriate (e.g., mental health barriers), and those convicted of felony offenses and sentenced to probation are nearly always assigned to intensive supervision by a special domestic Violence unit. In addition, the District Attorney’s Office uses an evidence-based prosecution policy.

ENHANCED CASE INFORMATION FLOW

In order to achieve such goals as defendant accountability and victim safety, it is crucial that the Court and the partner agencies exchange accurate and up-to-date information about key case events. Service providers must know when a defendant has been ordered to participate in their programs, so they can intake and register new clients in a timely manner. The Court must know when a defendant has violated a Court order, so it can move swiftly to call him/her to account for the violation. Several mechanisms are used to facilitate the flow of information among the Court and partner agencies.

The central figure in information exchange is the resource coordinator, a Court employee who works exclusively for the domestic violence judge. Her role is to obtain, coordinate, and distribute case information among the partner agencies. She notifies the partner agencies of Court orders, changes in Court-ordered conditions, the status of orders of protection, and Court dispositions. She also routinely obtains information from the partner agencies before each Court date, with emergency updates as violations against victims or other special situations arise. She receives and reviews pre-sentence investigation reports and post-disposition violation reports from probation; compliance reports from the batterer intervention programs; notification from the District Attorney’s Office regarding rearrests and alleged violations of Court orders; and information from victim advocates about alleged violations of orders of protection. The resource coordinator is also responsible for accessing the Domestic Violence Registry³ at arraignment, so the judge can assess the history of violence and ascertain if a valid order of protection is in effect. At post-indictment arraignment, the judge obtains additional information from the assistant district attorney on the history of violence and the current family situation, including prior incidents, whether there is a gun in the home, the relationship between the victim and defendant, and whether there are children in common. Figure 1 illustrates how information flows among the Court and partner agencies.

³ An automated state-wide database registering all orders of protection issued by any court in cases meeting the Family Court’s definition of domestic relationships: parties related by blood, marriage, or former marriage; or having a child in common. All FDVC orders of protection are to be entered into the Registry regardless of the nature of the parties’ relationship.



Another mechanism to facilitate information flow is the judges' use of designated time periods for calendar activities. One judge sets aside mornings throughout the week and the other judge designates a full day once a week for calendaring. At these times, all arraignments and monitoring appearances for non-detained defendants and probationers (those who require the closest supervision) are held. These are the types of appearances which are most likely to benefit from the personal attendance of service providers, both defendant programs and victim advocates. The presence of program representatives for arraignments expedites the intake and placement of defendants into Court-ordered programs, and the availability of service providers to furnish up-to-the-minute case information enhances the judges' ability to monitor compliance and respond to violations. By concentrating all these appearances into a specified time period, service providers know when they are most likely to be called on and make can sure they are prepared and available.

The judges enhance both information flow and case processing efficiency by using expedited open file discovery. Under this policy, the District Attorney's Office must provide open file discovery on all cases to the defense at felony arraignment or soon thereafter, making available key documents such as police reports and medical records. This obviates delays caused by routine discovery motions and disputes, and avoids use of Court resources to hear these disputes. Certain information is initially withheld to protect victim safety. The victim's identifying information and the victim's testimony portion of the grand jury proceeding transcripts are held back until the day of jury selection, to protect the victim from intimidation and retaliation until the case goes to trial (which very few actually do), when the full transcript must be released.

The Technology Application

A special project to improve information flow among the Court and partner agencies involved developing an automated case-based system for reporting and accessing information on significant case developments. The core component of the Technology Application is funded by grants to OCA from the Violence Against Women Office of the U.S. Department of Justice (a Grants to Encourage Arrest Policies grant) and the New York State Department of Criminal Justice Services (a STOP Violence Against Women grant). The State Justice Institute made a grant to CCI to fund Resource Link, which uses Intranet technology to electronically link the Court's core application with key partner agencies, including the District Attorney's Office, defense attorneys, Safe Horizon, New York Forensics and ATV (batterer intervention programs), and Probation. This system allows each partner

to input information and access selected information provided by certain other partners (based on each agency's need to know and legal rights to access) for up-to-the-minute information on Court orders and disposition, batterers' compliance with Court mandates, family profile information, and alleged violations of orders of protection.

The Technology Application also provides for the creation and execution of protection orders electronically through an electronic signature pad used by the judges and defendants (for in-court service). Orders are then accessible at any time by all partners. The Application also allows an automated search of the state's Domestic Violence Registry, and will permit orders to be electronically uploaded to the Registry, eliminating a potential for delay and error caused by manual back entry. In addition, several other forms, such as sentencing orders, will also be available electronically. Appendix A presents documents that provide a schematic overview of the automated links between the Court and partner agencies; a summary of the modules and purposes of the system; and sample screens from the Court, the clerk's, and the service provider applications.

An Advisory Board, consisting of representatives from CCI, the Office of Court Administration, the District Attorney's Office, Safe Horizon, the New York City Police Department, NYCAAP (a batterer intervention program formerly connected with the Court), and the Department of Probation, has provided consultation and feedback to the Technology Application. The Board met three times – in August 1998, January 1999, and September 1999 – to preview drafts of the application and review issues such as security and access, implementation and training, hardware requirements, and data entry procedures. In addition, technology staff have regularly attended FDVC partners' meetings to answer questions, address issues, and get feedback on the application's use.

The Technology Application development began in late 1997, opened in the Courts in April 2000, expanded to partner agencies from the summer of 2000 to early 2001, and instituted components of the protection order function earlier this year (orders can be created and executed electronically, and the system can be used to search the Domestic Violence Registry, but the link to upload new orders directly to the Registry is not yet complete but is now under testing). The Application's development consisted of eight major tasks:

- *Needs assessment.* The technology team conducted extensive and repeated interviews throughout 1998 with many staff from all the major partners to develop a detailed understanding of current procedures for keeping records and exchanging information, to identify each partner's needs for additional information. They also identified and addressed the partners' security concerns.
- *Prototype Development.* The technology team continued to meet with staff from the partner agencies as they developed a prototype on which the working relational database is based. This was a key step in obtaining further feedback from potential users about needs, and the usability of the model, and gave users an opportunity to preview and provide input on draft screen designs and data entry procedures.
- *Application development.* The core application in conjunction with Resource Link has five key modules: compliance, case activities, Court functions, partner links, and reporting. As presented in Appendix A, these modules in the core application include a function to manage the daily Court calendar; summary history, Court action, and compliance information on cases; a clerk's worksheet for entering Court actions; a function to produce Court forms, including order of protection forms; and a link to query the state's Domestic Violence Registry. The Resource Link component links information from victim services, batterer intervention programs, defense attorneys, prosecutors, and Probation.
- *Expanding connections with the state's Domestic Violence Registry.* The link between this system and the Registry will allow two-way lines of communication, so that FDVC can make electronic queries of protection orders listed in the Registry to assess defendants' domestic violence history (this function is currently operational), and it can transmit protection orders it issues to the Registry (this function is now under testing). This will eliminate the need for clerks to enter protection order information by hand, thereby saving staff resources, time delays, and data entry errors.
- *User training.* Extensive training has been conducted with all on-site and off-site users of the Application. In addition, security procedures have been instituted to ensure that only authorized users have access to the Application. As the application is finalized, a user's manual is in the final stages of devel-

opment and will be distributed to all users, including those in the Unified Court System's Department of Technology.

- *Implementation.* The core application was implemented first in the Court from late 1999 to early 2000. The Resource Link component was added to incorporate the partner agencies, during the first half of 2000. The protection order component was rolled out from fall 2000 to early 2001. Partners are now entering and accessing information directly from the Application, ensuring comprehensive, up-to-date communication between the Court and other partner agencies (a few agencies don't yet have access so their information is entered by the Court's resource coordinators). Security issues are addressed at two levels. The first concern is to ensure that unauthorized users do not have access to the system. This is addressed through the use of a proprietary Intranet tool that is run using Microsoft's Internet Information Server, which is a closed system and completely unavailable to the public. The second layer of security safeguards imposes restrictions on access rights for authorized users. Since access is granted even to authorized users on the basis of need for each piece of information and legal rights to that information, various types of access are permitted. These types include the ability to create, update, delete, and/or read a record. A user may have more than one type of access to a record, or no access at all. Individual users have unique log-in passwords which are linked to their access rights and permit an audit trail to trace entries into the Application.
- *Dissemination.* The final application will be publicized through CCI's website; distribution of a handbook to Court administrators, planners, and libraries on request; the availability of technical assistance at CCI for those interested in using the application; and by making a version of the application available through the National Center for State Courts' Technology Lab.
- *Evaluation.* The Urban Institute served as the independent evaluator of this effort. The key technology application personnel were interviewed to understand the goals and methods of the project. Users were interviewed after the Application was fully implemented to assess their reactions to the system and its impact on how well information is exchanged among partners.

Another component of the Technology project involves developing a video conferencing link between the Brooklyn District Attorney's Office and targeted police precincts in Brooklyn. All of the technology is ready and the hardware requirements specified and the Technology team is currently working out final details with police and District Attorney administrators. Police personnel have been trained and their access is scheduled to begin shortly. In addition, several police precincts will also gain access to the Technology Application.

Feedback on the Technology Application

In April 2001, evaluators met with project planners and users to discuss their assessments of the development, support for, use, and impact of the Technology Application. We also discussed areas for future development of the Application. Staff interviewed included CCI planners; judges, resource coordinators, and clerks of the Court; District Attorney's Office managers; victim advocates from Safe Horizons and the District Attorney's Office; and batterer intervention providers. They were generally quite pleased with the project, but suggested some areas they would like to see developed in the future.

- *The development process.* Most staff felt that they were consulted and their input utilized when the project was being developed. The Application was developed through a microscopic scrutiny of the information each agency obtains and each agency needs, and agencies' responsibilities for sharing information. This process helped to identify gaps in communication patterns prior to the implementation of the Application. The Application helped address these gaps and enhance accountability for information-sharing by making it very explicit who was to provide what information and when, and making it easy to provide and obtain information.
- *Use of the application.* While the introduction of any new technology requires an adjustment period, staff generally find the system easy to use. Some staff observed that a few operational challenges still remain. These include difficulty correcting previous data entry errors (users must contact technology staff to

authorize changes to entered data, to preserve data integrity and prevent erroneous changes); a short period of inactivity triggering automatic shutdown (stemming from a concern for privacy); printing glitches (for example, it can be cumbersome to print out several screens of narrative data); and rigidity of search mechanisms (for example, to locate a case by the indictment number, it must be entered into the search engine using the exact same format as it was entered into the database, so that a misplaced dash or slash results in a failed search).

- *Application support.* Users received a good deal of initial training when the Application was being rolled out, and CCI provides introductory training to new staff as needed. Users observed that ongoing support for the Application and trouble-shooting resources are generally available and helpful. Some problems require help from CCI's technology resources and others require assistance from the agency's internal technology support, and the users have by this time sorted out which types of problems to take to which source of support. The users' manual under development will likely be another valuable source of support.
- *Impact of the Application.* Most agencies make extensive use of the Application and find that it increases their efficiency a great deal. They are generally pleased with the information they provide and the information they receive through the Application. The Application makes it easier for agencies to fulfill responsibilities such as filling out protection order request forms. Some noted that the Application's ease of use encourages them to record more information than they had previously. The calendar function helps a great deal at keeping partners abreast of upcoming events on their cases, and the case-level information (such as protection orders issued) is also very useful. While communication links among partner agencies have certainly been enhanced by the Application, staff from several agencies noted that they would like to see future developments that would strengthen these links even more. A system of automatic e-mails, or very salient flags, would be helpful at notifying partner agencies when a new case has been initialized. Some agencies would like more details on court order conditions and victim advocate reports to help them fulfill their functions better (which would require a careful examination of legal rights to access information). Finally, some partner agency staff commented that they would like to be able to use the database to compile aggregate statistics, such as the number of defendants currently ordered to batterer intervention programs. Court research staff currently perform these functions to document Court and partner agencies' operations.

DEFENDANT MONITORING AND ACCOUNTABILITY

Defendants are kept under close scrutiny by both the Court and several partner agencies. This is central to the goals of protecting victim safety and holding offenders accountable for crimes they have committed. FDVC supervises defendants throughout the pendency of their case, and even beyond disposition for those sentenced to probation. Routine supervision procedures, such as regular monitoring appearances in Court and program participation, are used along with expedited case calendaring on an as-needed basis.

Cases first enter FDVC for the post-indictment arraignment. At this point the defendant is arraigned on the charges in the indictment, to which he/she must plead guilty or not guilty, and a renewed bail application may be made. An order of protection is always issued. There is always one in effect from the criminal court, but it by definition expires at the Supreme Court appearance. Defendants may be detained in jail for the pre-disposition period, released on bail, or occasionally released on their own recognizance. Released defendants are almost uniformly required to participate in batterer intervention as a condition of bail (and may also be referred to substance abuse or mental health treatment if warranted), and are required to make a status appearance in Court every two weeks to review their compliance with Court-ordered conditions. Detained defendants make a status appearance every month for compliance monitoring. Programs involved in the cases are expected to provide compliance data in time for these status appearances, typically through written reports to the resource coordinator, who shares them with the judge. Victim advocates and the District Attorney's Office also provide reports on alleged violations of Court-ordered conditions.

Batterer intervention programs are used by the court almost wholly as a tool for monitoring; rehabilitative effects are not the focus of the court. In that research on the effectiveness particularly of batterer intervention is both limited and inconclusive, any certainty that the intervention will lead to reduced battering is lacking. This perspective may differ from that of the programs themselves and from other domestic violence court models that have closer ties to the drug court movement or those that deal with misdemeanor-level offenses. The programs, however, do provide a unique opportunity for the FDVC to keep tabs on the defendants even between court appearances. On average, a defendant attends two batterer intervention sessions between appearances; if these missed the judge is notified and can act appropriately.

Court monitoring extends beyond case disposition for defendants who are convicted and sentenced to a period of probation, with or without having first served a jail sentence. For compliance monitoring, probationers appear in Court once every two to three months until the Court is satisfied, and information is shared between the Court and partner agencies involved in the case as in pre-disposition monitoring. This is a sharp contrast to standard case processing where a defendant only appears in the post-disposition period for an alleged violation of probation. In addition to the Court-based monitoring, most felony probationers are assigned to intensive supervised probation in Probation's Domestic Violence Unit, which requires more frequent visits and more intensive monitoring by their probation officers than traditional probation. Some probationers are assigned to the Start program, which uses electronic surveillance and victim alarms to enforce probation conditions. Further, probationers are almost always ordered to attend (or complete if they started as a condition of bail) batterers intervention in addition to probation monitoring – the judge explicitly makes this a condition of probation. He may add – in appropriate cases – substance abuse or mental illness treatment programs as probation deems appropriate. Again, the court uses the post-disposition programmatic interventions as an opportunity to further monitor the defendant, especially since court appearances are less frequent in this stage. The Court receives compliance information from probation officers and other batterer intervention and service providers as appropriate, as well as reports from victim advocates, so that defendants can be held accountable for violations in the post-disposition probationary period as during the pre-disposition period.

In addition to the regularly scheduled status appearances in Court, the judge has the option of advancing a case for an expedited appearance if conditions warrant. This might be done if an advocate reports an alleged violation of an order of protection, an assistant district attorney reports a rearrest, the batterer intervention program reports threats of imminent harm, or other indicators that swift action is needed to preserve victim safety. The judge might also bring the defendant in for a special appearance if he or she has violated orders to treatment programs or conditions of probation, to demonstrate that the Court is serious about compliance with its orders.

The Court extended its post-disposition monitoring in the fall of 2000 to include parolees. Offenders sentenced to state prisons are now required to report to the Court upon release on parole, in a cooperative effort with state prison and parole authorities.

VICTIM ADVOCACY AND SERVICES

Enhanced resources are available to ensure that all victims have access to advocacy and counseling services. Advocates from Safe Horizon and the Counseling Services Unit of the District Attorney's Office are stationed in the District Attorney's Office. When a victim comes in to meet with an assistant district attorney in preparation for the grand jury, she or he also meets with an advocate. Advocates also do outreach to victims who do not come into the office. These staffers are responsible for providing both emergency and long-term services to the victim, including safety planning, referrals for medical services, relocation assistance, and counseling as needed. The advocates maintain regular contact with their clients to see how they're doing and to check whether there have been any alleged violations of orders of protection prior to each Court appearance. This information is reported to the Court through the resource coordinator. The advocates also keep victims informed of progress in the Court case and any orders issued by the Court. The paired team – the assistant district attorney and the advocate – works with the victim throughout the Court case (vertical prosecution and assistance). Advocates continue to serve victims in the post-disposition period through direct contacts and coordination with probation officers.

The victim advocates' ability to serve victims beyond case disposition and provide information to the Court on cases assigned to probation is enhanced by formal links between the advocates and probation officers. A mechanism has been established for providing probation officers the names of advocates working with victims in cases assigned to them, and vice versa, enabling these staff to work together on cases as the need arises. In addition, advocates have provided training to probation officers in how to respond to victims who approach the officers for assistance. This relationship is a focus for future development by both parties.

Another method of protection offered to victims is the use of the order of protection. The judges ensure that a valid order of protection is in effect and will not expire before the next return date for every defendant, both detained and non-detained. An order of protection is issued at the first appearance in the FDVC, as the criminal court order of protection in effect always expires on this date. The Court has the authority to issue temporary orders of protection lasting several months, and does so.⁴ A final order of protection is routinely issued at the time of disposition (if a conviction occurs), and can be valid for many years. The assistant district attorney prepares the order and provides it to the judge for signature. The judge reads and explains the terms of the order to the defendant on the record and has the Court officer serve it. The order is entered into the Domestic Violence Registry, copies are distributed to the District Attorney, the court clerk (for entry into registry), the police, the judge (who keeps it in his file), the defendant, and a copy is mailed to the victim. An extra copy is now made for the victim advocate who maintains a file of all orders. If the victim never gets the mailed copy, this ensures that her/his advocate can provide a copy.

RECOGNITION FOR THE COURT

FDVC has received local, national, and international attention for its innovative approach to adjudication. Articles featuring the Court have appeared in the *New York Times* and numerous other newspapers and magazines, and segments on the Court have appeared on MSNBC and FOX. See Appendix B for a selection of these articles.

Visitors to the Court include judges, law enforcement, and victims' groups not only from across the state and over 20 other states, but also from Iceland, Germany, China, and Taiwan. The Director currently hosts one or two delegations of visitors every few weeks. This Court has increasingly become a state-wide model for other specialized domestic violence courts. In June 1998, the Bronx Domestic Violence Criminal Court, a high-volume misdemeanor court adapted from the Brooklyn model and planned with the help of CCI staff, opened. Similar approaches have also started for Buffalo City Court (started in March 1999 for misdemeanors), Westchester County (started in June 1999 to handle misdemeanors and felonies), Bronx Supreme Court (a felony court started in October 1999), and Suffolk County (opened in October 2000 for misdemeanors and felonies).

The Court has also obtained grant support and other recognition from the U.S. Department of Justice and other funders. The Technology Application is funded by a Grant to Encourage Arrest Policies from the Violence Against Women Office in the Justice Department, a STOP Violence Against Women Grant from the State of New York, and a grant from the State Justice Institute to support the Resource Link component. The Violence Against Women Office has also awarded a Grant to Encourage Arrest Policies to fund a children's coordinator position in the court who would act as a liaison and facilitate relations between FDVC, the Family Court, and the child welfare system. Another Grant to Encourage Arrest Policies, which will support defendant case management at the Court, has recently been awarded. This position will enhance the Court's ability to monitor defendants in the pre-disposition period and obtain referrals for hard-to-place defendants.

Another special project is the Domestic Violence Roundtable, supported by a Grant to Encourage Arrest Policies from the Violence Against Women Office. This is a series of three roundtables to bring together judges, court administrators, and others, from across New York and from other states, to exchange information and ideas on domestic violence courts. The goals are to build networks, and to further refine and publicize the specialized court approach. Two of the roundtables have now been held, and the third is being planned.

⁴ Supreme Court orders of protection are usually full orders (which include no-contact conditions), but can be limited at the victim's request (allowing contact but forbidding abuse), mediated through an advocate and conveyed privately to the judge. Advocates are involved in requests to limit an order, and these requests are not handled in open court, to assure the order of protection meets the victim's needs and wishes free from pressure or intimidation.

The Court was featured as a “Best Practice” model site at a nine-state regional conference on domestic violence interstate enforcement sponsored by the Department of Justice. Judge Leventhal received an “In-the-Trenches” award from the New York Lawyers’ Committee Against Domestic Violence. Both judges, the Director, and other Court staff have presented the Court model at a number of national conferences:

- National District Attorney’s Association Violence Against Women Leadership Summit;
- American Society of Criminology’s Annual Meeting;
- Office of Justice Program’s Executive Office of Weed and Seed’s Court-Linked Community Justice Innovations Workshop;
- National Association of Pretrial Services Agencies’ conference;
- National Association of Court Managers’ conference;
- National College of District Attorneys’ annual domestic violence conference;
- Senate and House Judiciary Committee staff briefing on accomplishments under the Violence Against Women Act; and
- American Probation and Parole Association conference.

CCI, which has been a key founding and guiding partner in developing the Court model, received an Innovations in American Government Award from the Kennedy School of Government at Harvard University and the Ford Foundation. The Center was honored for its unique role in creating new court prototypes, including the FDVC. The Center has also recently been honored by an advocacy group in New York, STEPS to End Family Violence, for its work developing domestic violence courts.

Germination, Implementation, and Evolution of the Court Model

The Court model has its roots in many factors, including a growing awareness of the need for an intensive and coordinated approach to these difficult and complicated cases; pioneering efforts with specialized dockets and other critical elements of the model in other jurisdictions; innovative approaches to case handling already used in Kings County; the support of administrative judges and other influential personnel; and the catalyst of a high-visibility domestic violence homicide.

ROOTS OF THE FELONY DOMESTIC VIOLENCE COURT MODEL

Defendants in domestic violence cases often pose a continuing risk to victims even after criminal prosecution has begun, since they may be released during the pretrial period and are certainly motivated to pressure the victim into refusing to participate with prosecution, often through threats, intimidation, or other forms of abuse. Responding to the growing recognition of this risk, court systems have recently begun to develop effective mechanisms for monitoring defendant compliance with court conditions, ensuring victim safety, and communicating and coordinating with other criminal justice and social service agencies active in these cases. The importance of these procedures is broadly recognized by both court personnel and victims themselves. In a series of round table discussions led by staff from CCI, judges handling domestic violence cases reported a pressing need for expanded information about the victim's medical condition, living conditions, and the defendant's substance abuse history and current treatment mandates. In a CCI focus group with victims of domestic violence, lack of information was again a common theme. Participants wanted judges to know more about a defendant's history of violence and continued threats. They also wanted more information about their cases, as one stated a need for "communication between victims and court personnel to keep victims aware of case progress."

To address these concerns, jurisdictions around the country have begun to experiment with specialized domestic violence courts to develop a consistent, unified response to domestic violence crime. A specialized court in Dade County, Florida has focused on developing mechanisms to respond to the often-linked problems of substance abuse and domestic violence (Goldkamp, 1997). Research on a misdemeanor domestic violence court in Milwaukee, which attempted to reduce high dismissal rates – caused by victim intimidation and resulting reluctance to participate with prosecution – by instituting aggressive measures to speed up case processing, found that faster case processing time was associated with less pretrial crime and higher conviction rates (Davis, Smith, and Nickles, 1997). Specialized domestic violence courts have been gaining in popularity in recent years; the National Center for State Courts has recently completed a National Institute of Justice-funded survey of all specialized domestic violence courts in the nation. This effort catalogued these courts, documented their goals and operations, and developed performance measures for use in future efforts to evaluate their success (National Center for State Courts, 2000).

Very little evaluation of specialized domestic violence courts has been done, since they are fairly new. However, research in related areas documents the potential of many of the critical elements of FDVC's model in improving case processing and outcomes. Many highly respected experts repeatedly stress the potential of a coordinated, systemic approach to domestic violence (e.g., Hofford, 1991; Hart, 1995; Littel et al. 1997). Although evaluation of coordinated approaches is very difficult and so not plentiful, early findings indicate that partnerships involving criminal justice, victim service, and other agencies can be effective. Tolman and Weisz (1995) found that advocacy services to encourage victim participation in the court process, coupled with aggressive prosecution practices, led to a reduction in recidivism. Gamache, Edleson, and Schock (1988) retrospectively studied three communities with coordinated community intervention projects and found increases in arrests, convictions, and court orders to participate in batterer intervention. Essential features for successful

implementation of a coordinated approach to domestic violence were identified by Hofford and Harrell (1993) in an 11-site evaluation. They include: 1) designated personnel in each agency, 2) written policies defining roles and responsibilities of partners, 3) strong leadership which needs to include strong support from the judges, 4) cross training of staff in multiple agencies, 5) vigorous prosecution, and 6) formal monitoring of partnership performance (Bureau of Justice Assistance, 1993).

Another critical strategy of FDVC involves referring defendants/offenders to batterer intervention or other treatment services and monitoring them through regular and frequent status appearances in Court, during both pre-disposition and after sentencing, to increase compliance with court orders. The Court routinely requires participation in batterer intervention. Research on batterer intervention shows some indicators of success at reducing recidivism when batterers complete the program (Gondolf, 1997). When compliance with program attendance and participation is not closely monitored, attrition is widespread and effectiveness suffers (Hamburger and Hastings, 1990; Harrell, 1991). Failure to appear for intervention constitutes a violation of the release order and can be used as a basis for sanctions. Sanctions may be effective in increasing program attendance, which has been shown to be related to program impact (Gondolf, 1997). With limited and inconclusive research on the effectiveness of batterer intervention, these programs are used by the FDVC primarily as a tool for monitoring.

The inclusion of substance abuse treatment programs as partner agencies is very important for ensuring that substance-involved defendants receive treatment. Without special coordination arrangements, it is not likely that batterers' substance abuse treatment needs would receive attention; research has found that fewer than one-third of substance abuse treatment programs have linkages with batterer intervention programs (Bennett and Lawson, 1994).

Treatment referrals coupled with intensive monitoring have been used extensively in specialized drug courts, including the Brooklyn Treatment Court developed by New York's Unified Court System and CCI, setting a precedent for the use of these techniques in this Court. Another key feature pioneered in the Midtown Community Court, another criminal justice initiative of CCI, is the resource coordinator position to enhance communication flow among the many public and private agencies involved in these cases.

Protection orders, which form another cornerstone of FDVC's approach, contribute to victim perceptions of safety and quality of life and are associated with reductions from the levels of violence that preceded the order (Keilitz, 1997). However, victims face many barriers to get protection orders enforced in jurisdictions that require them to file contempt charges and request the court to schedule a contempt hearing (Buzawa and Buzawa, 1990).

Building on this and additional research indicating that protection orders require enforcement and subsequent prosecution of violations to be effective (Harrell, Smith, and Newmark, 1993), FDVC takes proactive measures to identify and punish violations of orders of protection through advocates' outreach to victims.

Local Influences in the Development of the Model

When the FDVC model was under development, Brooklyn courts already had experience with such innovative practices as treatment referrals, defendant/offender monitoring, and, in the Brooklyn Treatment Court, a resource coordinator to enhance communication. The Brooklyn District Attorney's Office also had a number of progressive policies and practices in place, including a specialized domestic violence bureau, vertical prosecution,⁵ pro-prosecution policies, an expanded definition of domestic violence, and the use of prosecution-based advocates specializing in domestic violence (though referrals were at that time received on an ad hoc basis and the advocates provided more limited case services). Safe Horizon also had advocates in the courthouse, but they did not specialize in domestic violence cases. While not much research exists to document the effectiveness of special prosecution units, approximately half of medium and large prosecution offices now have special domestic violence units (Rebovich, 1996). These units encourage vigorous prosecution by lending status to domestic violence cases, providing resources for prosecution, and allowing screening criteria to broaden so that more cases can be charged and pursued (Garner and Fagan, 1997). Since its establishment, the Domestic Violence Bureau has

⁵ The vertical prosecution model begins when the case is presented to a grand jury for indictment. From that point on a single assistant district attorney/advocate team handles the case. Prior to that point, a case is typically handled by two different assistant district attorneys: one at the Early Case Assessment Bureau who makes the initial charging decision, and another for criminal court arraignment.

needed and obtained increased resources supported by the trend in recent years of decreased felony crime overall but a rise in domestic violence crime due to enhanced legislation, pro-arrest policies, and the Bureau's expanded definition of domestic violence.

Another recent innovation is the adoption of evidence-based and other pro-prosecution policies (Buzawa and Buzawa, 1990). While these policies are intended to relieve the victim of the burden of prosecution and thus protect her/him from retaliation, critics argue that too rigid a policy may be counterproductive to victim empowerment and safety concerns (Ford, 1991). The Brooklyn District Attorney's Office follows an evidence-based prosecution policy, carefully examining victims' requests to drop cases and pursuing prosecution when at all possible. Victim service providers, such as Safe Horizon advocates and the District Attorney's Office advocates, both of whom physically work in the Brooklyn District Attorney's space, can be invaluable in helping victims through the maze of criminal justice and social services, enhancing safety through lethality assessment and safety planning, and promoting victim input into the process and resulting empowerment (Hart, 1996).

The progressive policies of the District Attorney's Office Domestic Violence Bureau, an increasing public awareness about domestic violence and the need for intensification of services, and a look toward innovative criminal justice responses all led to discussions regarding a specialized domestic violence court part a year or more before the FDVC opened. Participants in these early discussions to develop the court model included the Honorable Judith Kaye, Chief Judge of the State of New York (the highest ranking judge in the state), the Honorable Jonathan Lippman, Chief Administrative Judge of the State of New York, the Honorable Michael Pesce, Chief Administrative Judge of the Second Judicial District (Brooklyn and Staten Island), Michael Magnani of the Office of Court Administration, Brooklyn District Attorney Charles Hynes and other District Attorney's Office administrators, and John Feinblatt, Director of the Center for Court Innovation.

While the Court model took root and was developed over a period of about one year before opening, a tragic case in early 1996 and the ensuing intensive media attention served as a catalyst to its implementation. Just three weeks after a judge lowered bail allowing for his release, a man who had been arrested for making threatening calls killed his estranged partner. Justice system failures to convey and respond to relevant information contributed to this tragedy. The case was handled by several different prosecutors and judges; the defendant's violent history, including a prior attempt to kidnap his partner and weapons possession, was not factored into the bail request; the police were not informed of the defendant's release status; and, as one media article put it, "at a final court date, no one seemed aware that [the defendant] could not be accounted for."

In the wake of this tragedy, and at the prompting of New York State Chief Judge Judith Kaye with the support of Kings County District Attorney Charles Hynes, the specialized felony court idea came to life within months. Chief Judge Kaye brought in CCI to help design and implement the Court model. Director Emily Sack, on the CCI staff, has worked very closely with FDVC and partner agency personnel since shortly before the Court opened. The Court has also received the support of the Chief Clerk of the Criminal Term of the Kings County Supreme Court, Jim Imperatrice, and his staff.

FDVC opened in June 1996 with a judge, a Director, and dedicated clerks and court officers. No outside funding was used to support this Court, though the court did fund the specialized position of resource coordinator. However, it was not until the end of 1996 that Court and other resources were in place to support full implementation of the model, with the resource coordinator and additional advocates from Safe Horizon. The original judge had a limited amount of experience with domestic violence cases; he was selected rather for his dedication, professionalism, intellectual interests, willingness to learn about new areas, and openness to implementing a new approach. He received training in domestic violence cases through formal opportunities such as a site visit to Quincy, Massachusetts' Misdemeanor Domestic Violence Court, and by working closely with the Director on a day-to-day basis in the early period. The judge built up his caseload by taking all new felony domestic violence cases (just indicted and entering the felony courts) from the time he assumed the bench, and by taking over selected pending cases from other judges, who tended to transfer the newer cases.

CONTEXT IN WHICH THE MODEL BEGAN IMPLEMENTATION

FDVC was implemented in the context of a variety of progressive policies and resources that underscored the seriousness of domestic violence cases and provided service options to the Court and other key actors, as

shown in Figure 2. The District Attorney's Office already had in place a specialized bureau, an expanded definition of domestic violence, a pro-prosecution policy, and advocacy resources to enhance victim assistance. Safe Horizon also had an advocacy presence in the courthouse. NYCAAP was offering batterer intervention to felony defendants, the only such program in the city to accept felons and those charged with felonies at that time.

Key legislation included the federal Violence Against Women Act of 1994 (P.L. 103-322, 18 U.S.C. 2265,2266), which addressed interstate enforcement of protection orders and prohibitions against firearms possession by those subject to protection orders. State legislation (the Family Protection and Domestic Violence Intervention Act of 1994, Laws of 1994, ch. 222, 224) effective in early 1995 established concurrent jurisdiction between criminal and family courts; allowed prosecutorial access to family court records; established a state-wide protection order registry; and provided felony charges for certain protection-order violations. Violations previously deemed a misdemeanor could be charged as criminal contempt in the first degree, a class E felony, if there were repeat violations (two or more criminal contempt convictions within five years), or if the violation involved intentional or reckless causation of physical injury or property damage in excess of \$250. Additional provisions of the Family Protection and Domestic Violence Intervention Act became effective in January 1996, mandating probable cause arrest for felony offenses and protection-order violations. The New York City Police Department implemented mandatory arrest policies for family offenses in 1994, when the Act was signed, but well before these provisions took effect legally. Sentencing guidelines, also in effect prior to FDVC's opening, specified indeterminate sentencing for felonies, as well as minimum and maximum terms based on the severity of the current offense and the offender's criminal history.

HOW IMPLEMENTATION OF THE MODEL CHANGED CASE PROCESSING

After the arrest, all cases are evaluated by the Early Case Assessment Bureau (ECAB) of the District Attorney's Office, which determines the nature of the case and the charges to be pursued. Those identified as domestic violence are stamped "DV" and referred to the Domestic Violence Bureau. Cases are arraigned in criminal court and those with felony-level charges are presented to the grand jury for indictment. Indicted cases are then adjourned to the Supreme Court, which has original jurisdiction over felony cases. These procedures for processing cases prior to indictment have not changed with the advent of the FDVC.

The creation of FDVC has, however, transformed the handling of indicted felony domestic violence cases in Brooklyn. Before the Court was established, domestic violence felonies were assigned to prosecutors from a special domestic violence bureau, who treated them, in most respects, like all other felonies. After indictment, the cases were arraigned in an all-purpose court part and then adjourned to one of the many Supreme Court parts that handle indicted felonies for subsequent adjudication. There were no special services or programs attached to these parts; bail conditions (other than protective orders) were rarely imposed; and sentence conditions were not imposed on an organized or consistent basis. Services for victims were available only on an emergency or ad hoc basis by DA advocates, and only specifically when a referral from an assistant district attorney was made. There was no special monitoring by a dedicated judge during either the pre-disposition or post-disposition periods.

Since the implementation of FDVC, all indicted domestic violence felonies have been adjourned directly to the Court for felony arraignment and all subsequent adjudication. The dedicated judges and teams of prosecutor/advocate handle cases using vertical models of prosecution and adjudication. The Court features enhanced monitoring and services. These include the addition of Safe Horizon advocates to provide additional victim advocacy and their integration with the District Attorney's Office advocates, the implementation of a systemic link between all victims and an advocate, the expansion of case services to cover the duration of the felony case, batterers' intervention services, substance abuse and mental health services for defendants as needed, intensive supervised probation, and both regular and emergency Court appearances to monitor compliance with Court orders. Figures 3 and 4 illustrate how case processing has changed with the advent of this specialized Court.

FIGURE 2. Timeline of Key Events Prior to the Court's Opening

CONTEXTUAL CHANGES SINCE THE MODEL WAS IMPLEMENTED

Since FDVC opened in June 1996, additional key events in the Court's environment have occurred to influence how it and its partner agencies have functioned (see Figure 5, *Timeline of Key Events Since June 1996*).

Service resources, including additional legal defense services and TASC services for substance-abusing defendants, were put into place about the time the Court opened. Additional victim service providers from Safe Horizon were brought on board, and the Court had hired a resource coordinator to work with the original judge within six months of FDVC's opening. By mid-1997, grant funding was available for the development of technology to enhance communication among the court and partner agencies. In 1998, the Federation of Employment and Guidance Services' (FEGS) Link program was available to assist mentally ill jail and prison inmates with their transition back into the community. All these developments supported the operation of a Court model that seeks to integrate treatment services with case adjudication in a coordinated network of community agencies.

Additional provisions of the Family Protection and Domestic Violence Intervention Act of 1994 took effect in September 1996, profoundly influencing the Court and partner agencies. Protection-order violations previously chargeable as a class E felony, criminal contempt in the first degree, were upgraded to aggravated criminal contempt, a class D felony. New provisions for the class E criminal contempt charge expanded its scope to include conduct that involves a display of a deadly weapon or dangerous instrument; stalking that causes reasonable fear of injury or death; telephone, electronic, or mail harassment that causes reasonable fear of injury or death; and repeat phone calls to harass, annoy, threaten, or alarm. This meant that FDVC began receiving more protection-order violations that would otherwise have been charged as misdemeanors, and that conduct previously chargeable as the lowest-grade felony was now upgraded to be a more serious felony, giving the prosecutor more bargaining room in plea negotiations. Additional state legislation effective in December 1998 (The Interstate Enforcement of Protection Orders, Laws of 1998, ch. 597; S 7589-a/A 11051-a; OCA bill) extended mandatory arrest provisions and offenses related to protection-order violations to out-of-state orders. State legislation enacted in the fall of 1999 addressed stalking by providing a definition based on behavior rather than intentions, and including emotional and financial harm, and stalking through a third party. The law also specified misdemeanor and felony levels and established penalties. Legislation on identifying primary aggressors to reduce dual arrests has also been implemented.

By mid-1997, the first modification to the Court model, in response to the increasing caseload, was in effect. FDVC began channeling trials out to felony judges in other Supreme Court parts to expedite case processing and reduce backlog. In April 1998, a second FDVC part opened with full resources and staffing to help manage the growing caseload. This evaluation effort, a partnership of CCI and the Urban Institute, also began in April 1998.

A number of new initiatives and partnerships have begun since 1999, several new programs have been added to the partnership, and one program is no longer a partner. CCI received a grant and filled the Court Coordinator for Children of Domestic Violence position to strengthen ties between this Court, the family courts, and the city's child protection agency. The Court also forged a link with the State Department of Corrections and the State Division of Parole whereby orders of protection are included with prison remands, and parolees from the Court return for a post-release supervision appearance when their parole begins. The District Attorney's Office consolidated all its advocacy services into the Counseling Services Unit, rather than having teams of advocates work within bureaus. However, the advocates who work with domestic violence cases still specialize in these cases. The DA's Office also initiated the Central Brooklyn Task Force to strengthen relations with the police and reach out to identified underserved populations, and the Barrier-Free Justice Project to improve services to people with disabilities. Probation formed a Domestic Violence Unit and implemented the Start program, an electronic surveillance system and use of victim alarms for enforcing conditions of probation. Finally, two new batterer intervention programs are now providing services to the Court, New York Forensics and Alternatives to Violence. NYCAAP is no longer receiving referrals from the Court because of problems in reporting and concerns about how services were provided.

FIGURE 3. Processing of Felony Domestic Violence Cases in Brooklyn Before the Court's Opening

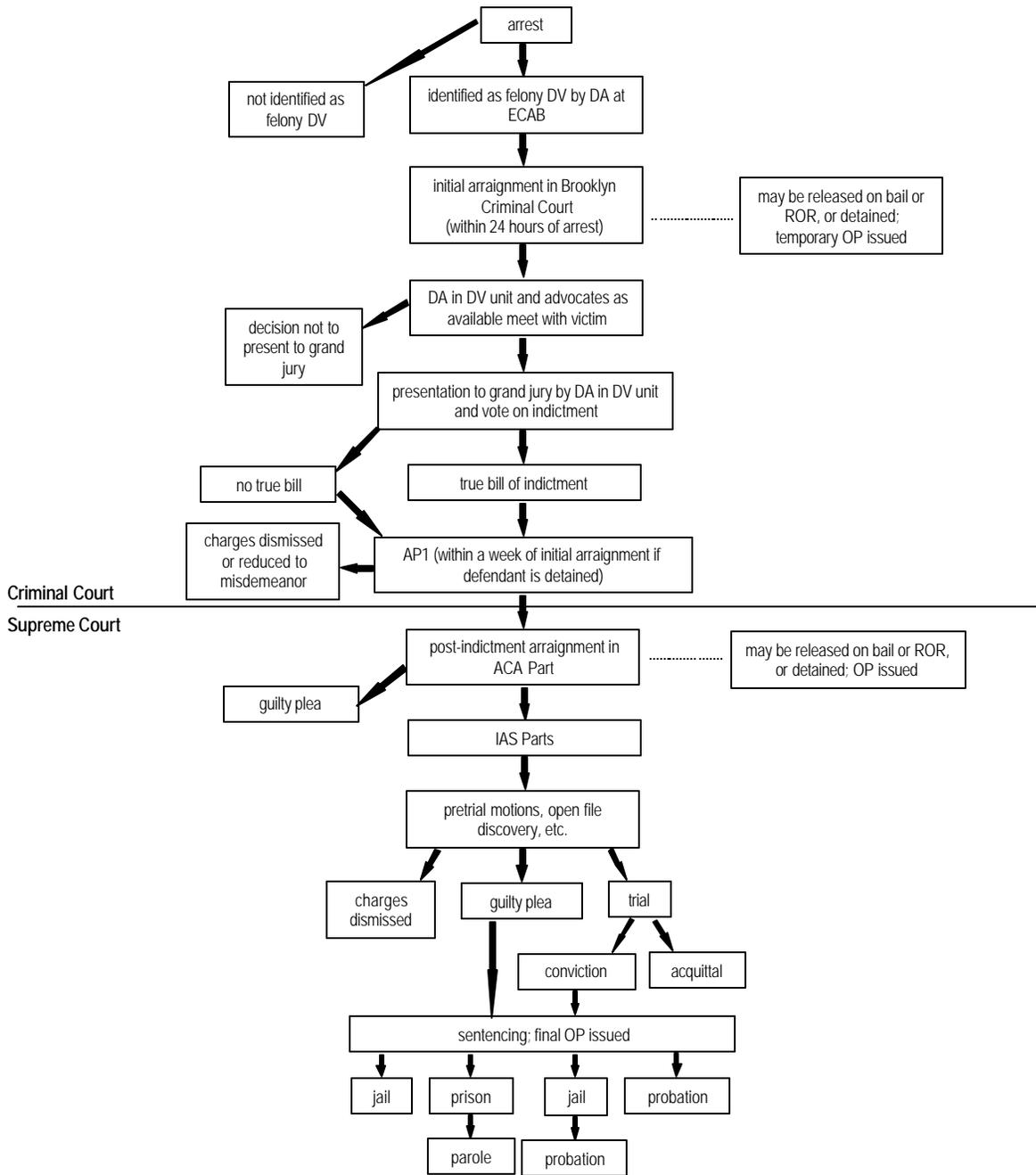
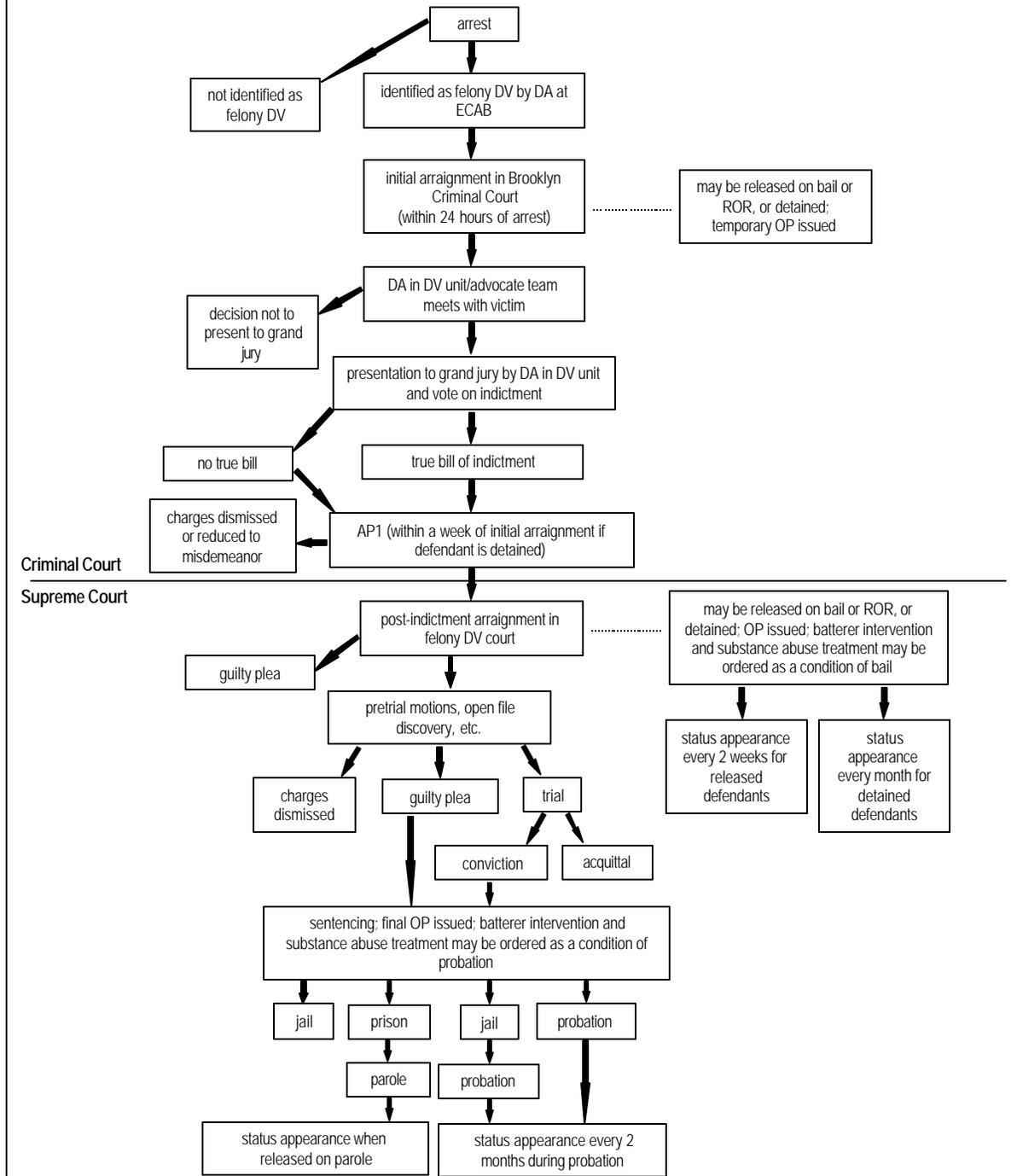


FIGURE 4. Processing of Felony Domestic Violence Cases in Brooklyn Since the Court's Opening



CASELOAD CHANGES AND CASE PROCESSING TRENDS

The establishment of the specialized Court has meant an increased demand for Court resources. These demands have stemmed from intrinsic elements of the model itself, from caseload growth due to prosecutorial reactions to the availability of FDVC, and from legislative and policy changes that have channeled more cases into the Court. Thus, there is not only more work to do on felony cases under this model, but also a broader range of cases to work on.

Pre-disposition monitoring of all cases, and post-disposition monitoring of probation cases, requires a considerable amount of the Court's resources. Defendants (and some offenders) appear regularly in Court for monitoring purposes, in addition to all the usual events which require the Court's time, such as arraignment, motions, hearings, perhaps a trial, and so on. One judge noted that there are likely to be more pretrial evidentiary disputes in domestic violence cases, particularly when victims refuse to testify.

Responding to the availability of a specialized court, senior district attorneys also report changes which have occurred in how the District Attorney's Office approaches prosecution. Prosecutors are much more likely to indict a case now even if incarceration from a felony conviction does not seem likely, because the monitoring, batterer intervention services, and victim services available through FDVC are likely to enhance case outcomes for the victim. Domestic homicides, previously prosecuted by the Homicide Bureau of the District Attorney's Office, are now prosecuted by the Domestic Violence Bureau, further elevating the caseload. The Court also facilitates application of the District Attorney's pro-prosecution policy, since the judges will not dismiss a case solely on the victim's lack of participation.

In addition, legislation and policy changes have affected the Court's caseload. While legislation effective in 1995 made protection-order violations chargeable as felonies under certain conditions (e.g., repeat violations and violations that cause injury), additional legislation effective in September 1996 provided an upgraded felony charge for protection-order violations involving injury and expanded the conditions under which other violations were chargeable as felonies (e.g., the display of a deadly weapon, stalking, and harassment). This resulted in many cases, which would otherwise have gone to criminal court (where cases with only misdemeanor charges are adjudicated), being sent to the supreme court as felonies. Prosecutors have discretion over whether to bring an indictment in these cases, and typically indict cases in which the incident involved more serious behavior, there is a more extensive history of domestic violence, and the defendant has a more serious criminal history. Other cases tend to be prosecuted as misdemeanors.

FIGURE 5. Timeline of Key Events Since the Court's Opening (*extended to next page*)

FIGURE 5. *continued*

Caseload and Case Processing Statistics

Data were obtained from the Office of Court Administration and analyzed to illustrate how FDVC acquired its caseload, how the caseload has changed over time, and several key indicators of case processing practices. Data are presented on a quarterly basis for the first four years of the Court's operation, beginning with the third quarter of 1996 (July to September) – when the Office of Court Administration began keeping statistics on the FDVC and domestic violence cases – which closely corresponds to the Court's opening date in June 1996, and going through the third quarter of 2000. All cases adjudicated in FDVC are included in these data.

Figures 6 and 7 illustrate how the felony domestic violence caseload shifted from all-purpose court parts to FDVC. As shown in Figure 6, there were around 90 open domestic violence cases in other court parts prior to FDVC's opening. By the end of the third quarter of 1996, when the Court had been in operation for just over three months, the caseload had shifted from fewer than 20 open cases in other court parts to about 70 open cases in FDVC. Then the number of open domestic violence cases in other parts steadily declined, while FDVC's caseload steadily rose. This is to be expected, since FDVC began taking all new felonies from its opening date, so the other parts had to dispose only those cases they did not transfer.

Figure 7 illustrates how FDVC's establishment channeled cases from a number of felony parts to only one. Just before the Court opened, the open cases were scattered across about 20 different felony court parts. The number of courts handling these cases rapidly declined throughout 1996 and until the middle of 1997, when FDVC was virtually the only court adjudicating domestic violence felonies.

FIGURE 6. Shift in Open Domestic Violence Cases from other Felony Court Parts to FDVC

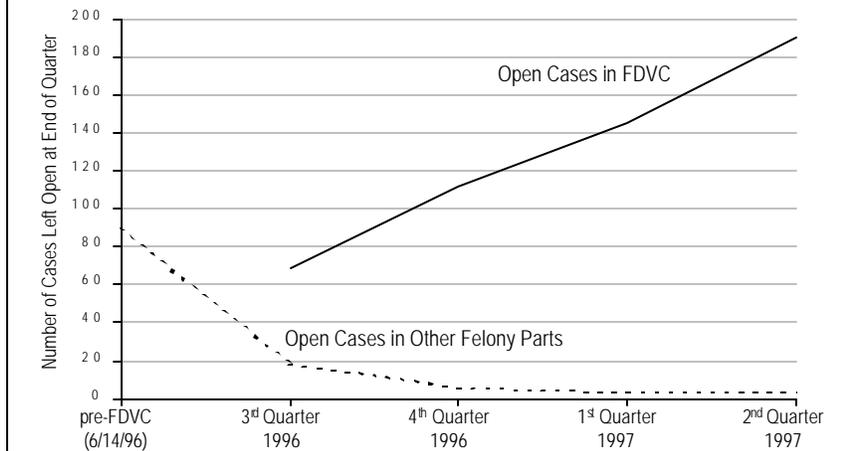


FIGURE 7. Number of Felony Court Parts other than FDVC that Handled Domestic Violence Cases

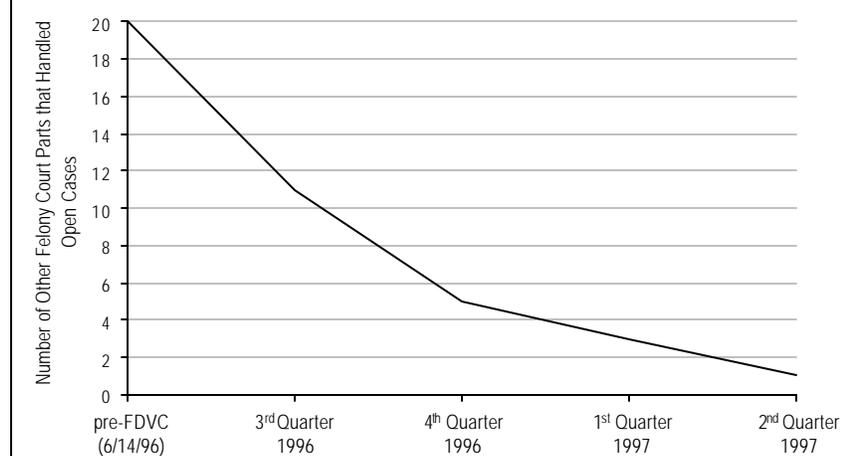


Figure 8 further illustrates trends in FDVC’s caseload. These numbers represent all active cases during each quarter from the Court’s opening through the third quarter of 2000, including those which remained open at the end of the quarter and those which were disposed during the quarter. The Court handled about 100 cases during its first quarter, with the caseload rapidly rising until it reached a peak of well over 300 cases by the end of 1997. The number of active cases began to level off at that point, but was still close to 300 by the end of 1998. These figures include both Courts since the second quarter of 1998, when the second part opened.

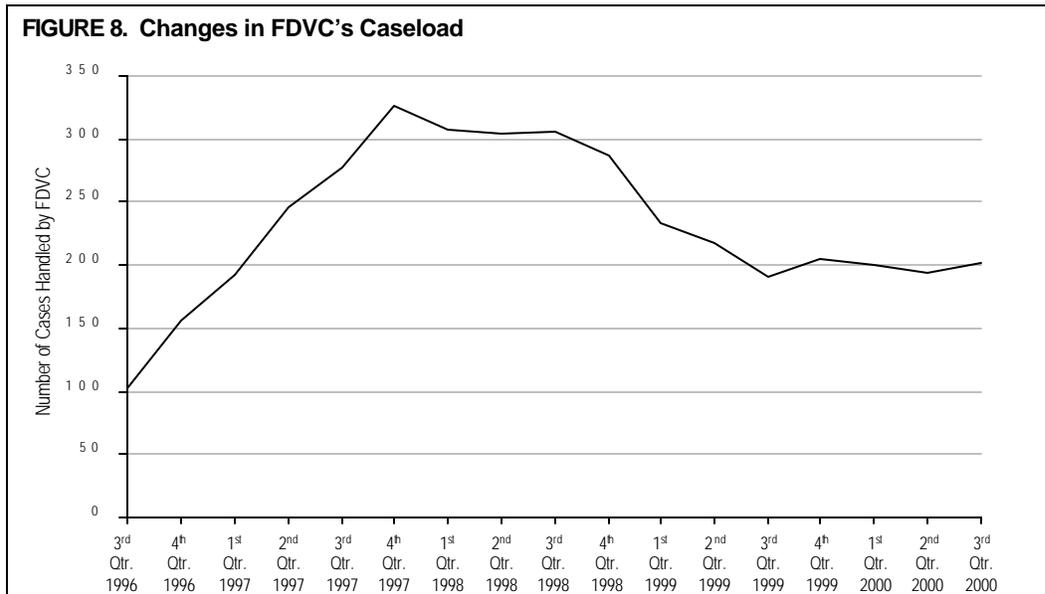
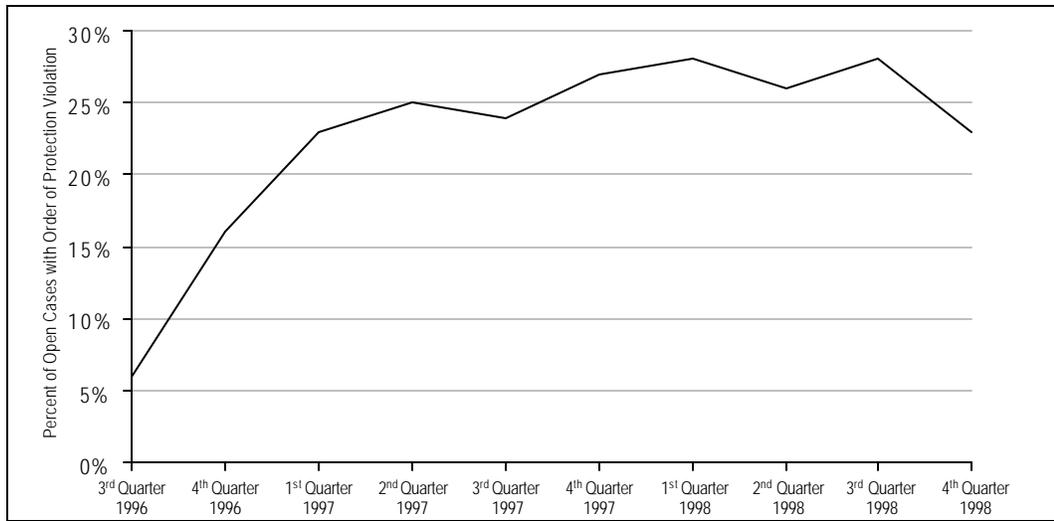


Figure 9 shows one of the reasons for the caseload increase in the first several years of the Court’s operation (these data are only available through 1998). At the end of September 1996, cases with a felony-level protection-order violation charge as the top indictment charge were a very small percentage of the Court’s open caseload (around 6%). After new legislation that expanded and enhanced felony charges for protection-order violations took effect in September 1996, these cases represented a rapidly rising percentage of the Court’s caseload, leveling off between 25% and 30% by the end of 1997. Many of these cases would probably not have been in felony court without the felony protection-order violation charge, since such charges are class D and E felonies (the two lowest levels), and the figures presented here are on open cases in which the protection order charge is the *top* indictment charge.

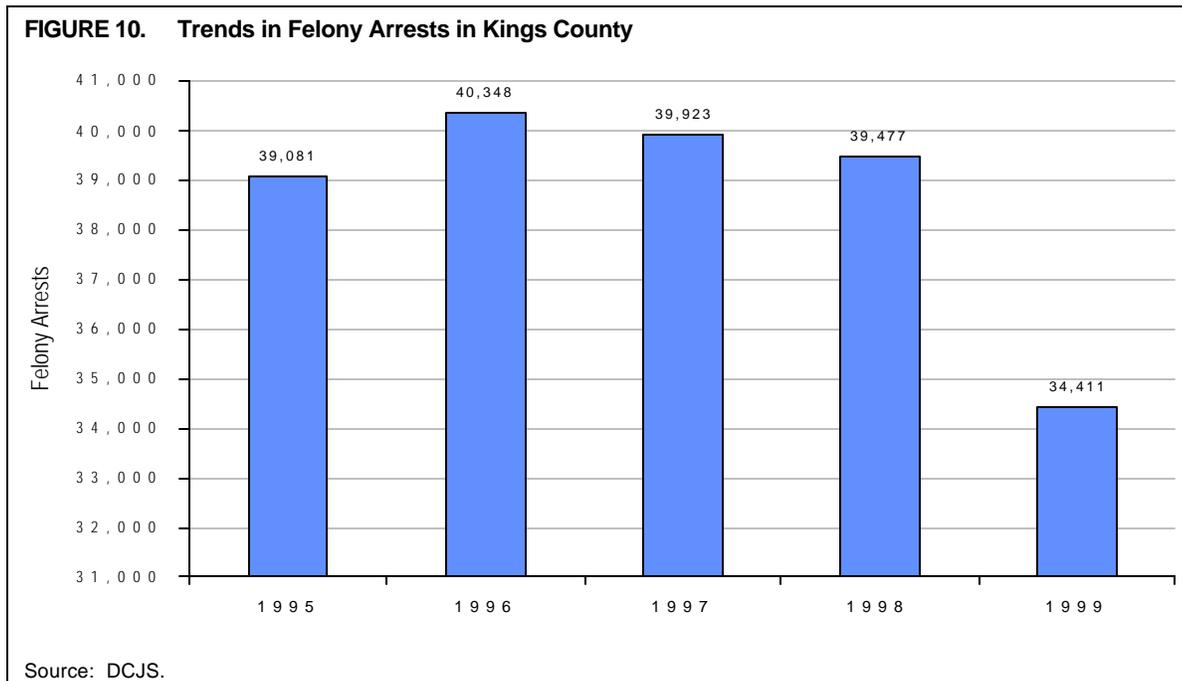
FIGURE 9. Percent of Open Domestic Violence Cases which Had Felony Order of Protection Violation as Top Indictment Charge



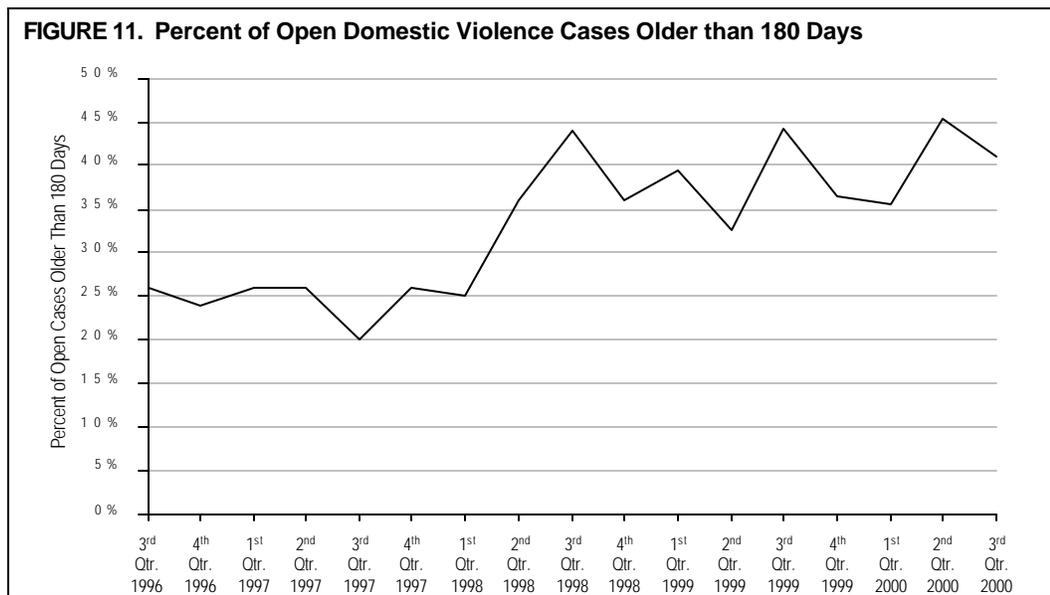
While the caseload peaked at around 300 cases between late 1997 and late 1998, the years since then have seen a drop in the specialized court parts' caseload. From early 1999 through the third quarter of 2000, the caseload has fallen off to around 200 cases, or about 100 cases per judge. The District Attorney's Office reports no changes in indictment policies or practices that would explain this decrease. Rather, it may be explained by changes in the numbers of arrests made by the police, as illustrated in Figure 10. Felony arrests were fairly constant from 1995 through 1998, but then dropped precipitously in 1999 (data are not yet available for 2000). Assuming felony arrests in domestic violence cases followed this general trend (data on domestic violence felonies only are not available), this would of course mean fewer cases for the District Attorney's Office to indict and fewer cases for the Court to adjudicate. The decline in arrests may be explained by several hypotheses:

- Felony domestic violence crime in Kings County may have gone down, due to tougher approaches to these cases by the police, prosecutors, and/or the Court. Or other influential factors may be at work. If so, this would not be in keeping with national statistics on domestic violence rates, although crime rates in general have dropped.
- Reports of domestic violence incidents to the police may have declined. Opponents of mandatory arrest policies, such as those used by the New York Police Department, have argued that such policies may tend to decrease reporting, especially by victims who do not want or fear to have their abuser arrested. Similarly, prosecution and Court practices, such as evidence-based prosecution and close supervision of defendants, may have had, for various reasons, a chilling effect on reports of domestic violence. Or reporting rates could have dropped for other reasons external to changes in the justice system.
- While laws and police policies have certainly not changed in the direction of decreasing arrest rates, actual practices of line officers may have. Possible reasons for any such change are unknown. Arrests for misdemeanor domestic violence offenses have not dropped in recent years.

All these hypotheses must remain speculative in the absence of data on incidence of domestic violence and calls for service.



As the caseload has changed, how has this affected the Court’s ability to dispose of cases in a timely manner? The Office of Court Administration has established a standard of disposing cases within 180 calendar days of grand jury filing. As Figure 11 shows, the percentage of all cases still open at the end of each quarter that were more than 180 days old stayed steady at around 25% into early 1998 – about the same percentage as for other felony court parts. This is remarkable, given the rapid caseload increases seen over this time period and the intensity of services provided in these cases. The proportion of cases older than 180 days began to rise sharply by mid-1998, and has since varied between about 35% and 45%. Since the overall caseload has declined since early 1999, these data may indicate that cases are remaining open longer not because the Court’s dockets are overcrowded, but because the Court is keeping cases open longer to allow for the implementation of meaningful defendant monitoring and victim assistance activities. More recent cases may be more difficult to resolve quickly because homicides are now prosecuted by the DA’s Domestic Violence Unit in the FDVC parts, and these cases require extensive preparation.



Data are also available on how cases reached disposition, as shown in Figure 12. Throughout the time period, but especially in the first several years, trials have been a rare event, while guilty pleas are quite common at an average across this time period of about 75-80% of all dispositions. An average of only about 5-10% of the cases were not pursued because they were dismissed (dropped altogether) or abated (which typically means the defendant died during case processing and is quite rare). This is extremely low for domestic violence cases. Another small fraction of the cases were still prosecuted but were superseded (the original indictment is dropped in favor of a newer indictment reflecting additional information or changes in circumstances) or consolidated (the original indictment is combined into another indictment arising from a separate incident and prosecuted under the other indictment number).

FIGURE 12. Trends in Types of Disposition

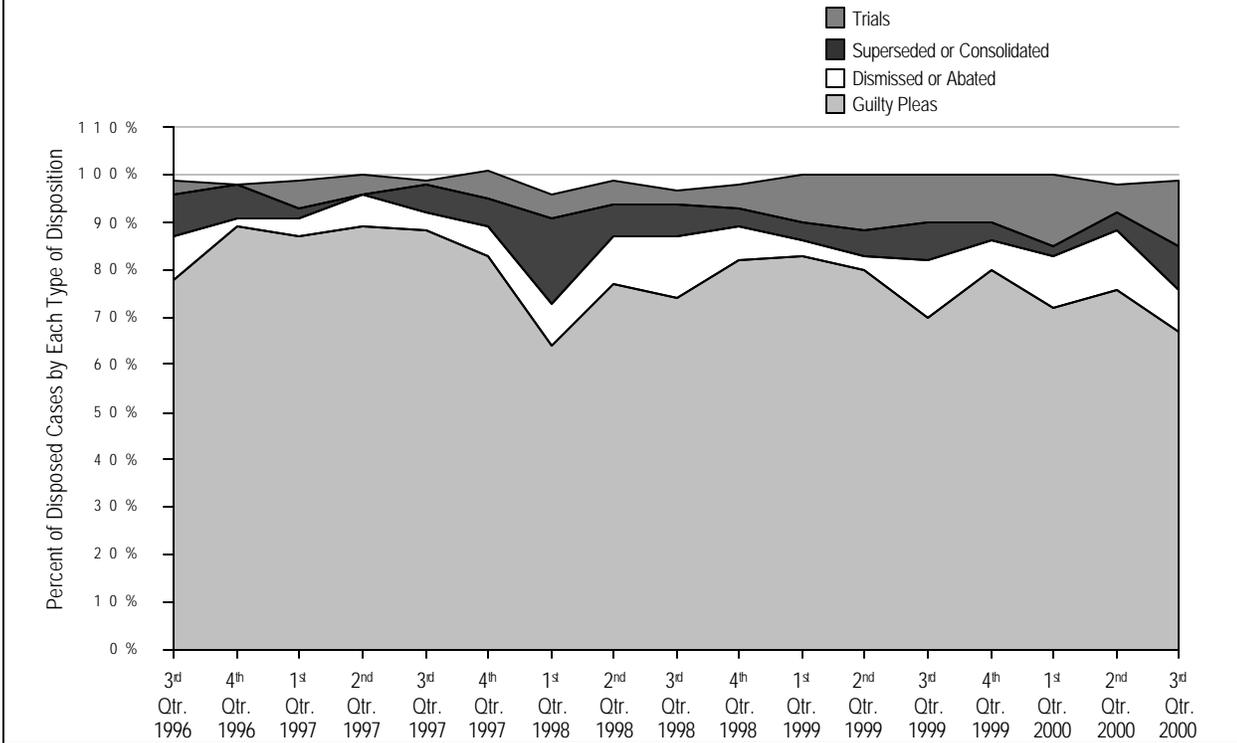
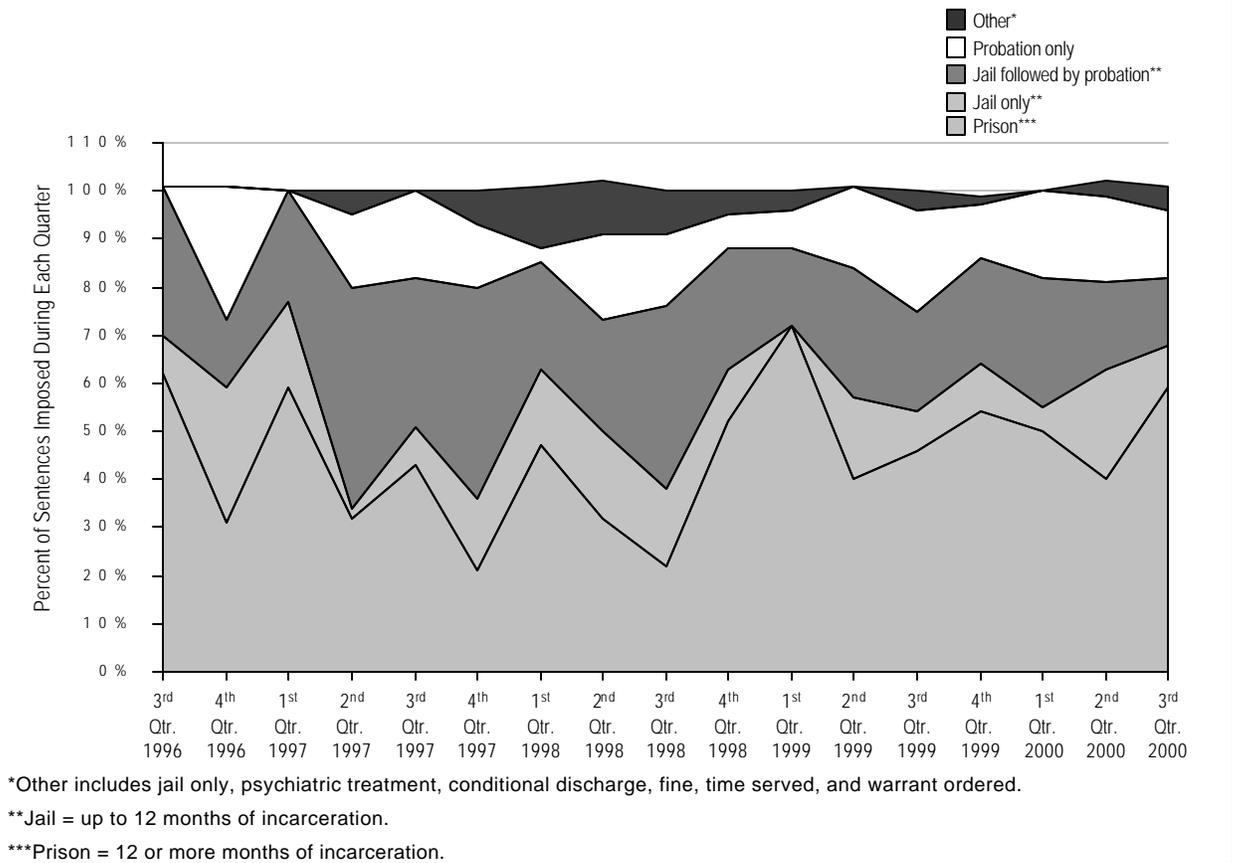


Figure 13 shows sentencing patterns over time for convictions from guilty pleas and trials. While the imposition of a particular type of sentence tends to vary a great deal from quarter to quarter, we see by combining the rates for prison, jail, and jail/probation split sentences (a period of incarceration in jail followed by a period of probation) that an average of about 80-85% of all convicted offenders have been sentenced to some sort of incarceration, and this has been relatively constant over time. Sentences involving probation – either straight probation or a jail/probation split sentence – have varied somewhat in frequency over time, and rates have fallen off a bit since late 1998 to early 1999. But taken together, probation and jail/probation split sentences average about 20% of all sentences to date. This is a significant percentage because these are cases that receive Court supervision through regular monitoring activities during the probationary period, adding to the Court’s workload.

FIGURE 13. Trends in Sentencing on Guilty Pleas and Convictions



THE COURT'S RESPONSE TO CASELOAD CHANGES

Responding to pressures from the increased caseload in the first several years, the model was modified by getting additional judges involved in these cases to help manage the workload. One method involved sending cases out to judges in other felony parts for trial. Trials take a considerable amount of Court time, so, as the caseload increased, it became more difficult for the judges to set a trial date for aging cases that had not reached a plea agreement. Cases were sent to trial in two ways. They were either funneled through a judge who either disposed the case through a plea agreement or else assigned cases which did not plead out to a trial part (a fair number of defendants pled guilty here under the threat of immediate trial), or cases were sent directly to a trial part. Five judges were recruited to help try cases that were not reaching a negotiated plea but were approaching the court system's time limit for speedy processing of 180 days.

A total of 79 cases were disposed by trial in FDVC's first 17 quarters, which is only 7% of the total of 1210 cases disposed in that time period. About two-thirds of these (54) were tried by FDVC judges, and the other one-third (25) by other felony part judges. Although the back-up judges tried 25 cases, this represents only about one-third of the 78 cases which were sent to them for trial. The other 53 cases were disposed by some other method before going to trial, typically a guilty plea or sometimes a dismissal. When cases did go to trial, they resulted in a conviction 84% of the time (66 of the 79 trials), with acquittals only 14% (13 trials) of the time, whether the judge was a FDVC judge or not. These figures show that the use of auxiliary judges for trials actually represents a rather minor modification to the principle of vertical adjudication, since very few cases are sent out for trial; cases sent out for trial are relatively unlikely to actually go to trial; cases which are tried are more likely to be tried by a FDVC judge than by an auxiliary judge; and convictions are by far the more likely outcome regardless of who tries the case.

Another response to the heavy caseload was the opening of a second FDVC part in April 1998. During the fall of 1997, the original judge's caseload grew to over 300 cases, even though he disposed of an unusually large number of cases during that quarter. It was apparent that one judge could not handle the entire caseload alone anymore, so plans to open a second FDVC part were underway.

The second part was opened in April 1998 with a full complement of court resources, including the additional judge, his legal and administrative staff, court officers, and a resource coordinator. This part is also run entirely on Office of Court Administration resources, rather than external funding. Like the original judge, the newer judge was also selected for his dedication, professionalism, intellectual interests, willingness to learn about new areas, openness to implementing a new approach, and efficiency, rather than for a background in domestic violence cases. He received training in these cases by attending court-sponsored training sessions, taking the original judge's cases during his absences prior to the opening of the second part, and conferring with the original judge on cases as needed.

When the second judge first assumed the bench, he took all new felony arraignments and was transferred a number of the original judge's cases, primarily those not requiring intensive monitoring because the defendant is detained, and those ready for trial. After the two judges' caseloads were about equal the vertical adjudication model was re-implemented, with each judge handling his own cases from felony arraignment to post-disposition monitoring. The only exception is when a case is ready for trial and the judge is unavailable, in which case it is sent for trial by the other domestic violence judge or by one of the auxiliary judges in another felony part.

While the caseload peaked at about 300 cases between late 1997 and late 1998, the years since then have seen a drop in the specialized court parts' caseload. This smaller caseload has resulted in fewer cases being sent out for trial (the judges have tried almost all their own cases since early 1999), a less frenetic pace for Court proceedings, and the opportunity to implement the model more faithfully by holding Court monitoring appearances according to the scheduled bi-monthly for released defendants and semi-monthly for detained defendants and probationers.

EXPANSIONS OF THE COURT MODEL AND PLANS FOR THE FUTURE

Several new partner agencies have been brought into the network since the court opened. The Federation of Employment and Guidance Services (FEES), a large private non-profit social service organization, runs a program in conjunction with the Health and Hospital Corporation, a city agency, and state social workers, called New York City-Link. The goal of the Link program is to provide short-term case management to severely and persistently mentally ill jail and prison inmates being released and returning to live in New York City. The Link program helps arrange housing, provides temporary funds to ensure clients have continuous access to needed psychiatric medications, conducts peer support groups, and makes referrals to other community services. Though Link is one of the few programs which accepts both mentally ill and substance abusing clients, they do not accept clients convicted of A, B, or C (the most severe) felonies or weapons-related charges; they will only accept D and E felons. The Link program's pilot period began in 1996, and it became more widely available to felony domestic violence offenders in early 1998.

Other service programs have also come into the network, and one is no longer an active partner. A new batterers' intervention provider, New York Forensics, began accepting defendants on a pilot basis in mid-1999. Batterers' intervention and substance abuse treatment programs also began operation at Rikers Island, the New York City jail, around the same time period. This allows detained defendants (pre-disposition) and convicted offenders sentenced to jail time to participate in needed services. Another new batterers' program, Alternatives to Violence, began providing services in FDVC cases in March 2000. Shortly afterwards, the Court stopped referring cases to NYCAAP because of problems in receiving reports and concerns about how services were provided.

The Court has been very responsive to batter intervention providers' need to collect payment from court-ordered clients, since this may be their only source of revenue, and began ordering payment as a condition of probation. Providers report payment status to the Court so the Court can impose sanctions on those who fail to pay; this has been very helpful in maintaining program stability.

The Probation Department has responded to the needs of the Court and these cases by opening a specialized Domestic Violence Unit. This unit provides intensive supervision, similar to the Intensive Supervised Probation approach, including the use of electronic surveillance and a voice-recognition telephone system where appropriate.

An important link is being forged with the Brooklyn Family Court. Many FDVC victims and defendants also have cases in the Family Court that involve custody and visitation issues, child neglect charges, or concurrent family offense cases. Moreover, violations of family court orders of protection can be charged criminally and so may be pending in FDVC. Since early 1999 FDVC has been sending copies of all indictments to family court for return notification of whether there is also a case pending in that court, and has notified the family court of all indictments charging violations of family court protection orders to improve that court's knowledge of significant events in cases pending before it. FDVC also requests information on the terms of custody or visitation orders issued by the Family Court for defendants with cases pending in both courts. The Court Coordinator for Children of Domestic Violence facilitates the flow of information between this Court and the family court on cases involved in both courts with access to the family court's MIS; helps victim advocates obtain services for children; and works on efforts to strengthen links with the Administration for Children's Services, which provides protective services to children at risk.

Progress has also been made in establishing links with state correctional authorities to enhance victim safety. The State Department of Corrections now allows a final protection order, extending three years beyond the maximum range of the sentence imposed, to be attached to the order of commitment for prison-bound offenders. Corrections authorities can enforce these orders to prohibit unwanted contact with the victim by the incarcerated offender. Victims who wish to visit incarcerated offenders can work with advocates to have the FDVC judge change full orders to limited orders (allowing contact), where necessary. The Court regularly sends letters to the state parole authority's domestic violence unit informing them of the existence of a protection order, so that they could take this into account when deciding whether to grant parole and under what conditions. The Court has recently begun post-release supervision of parolees by requiring a monitoring appearance in the Court upon release.

Recently awarded grant support for CCI to fund a case management unit will assist with efforts to strengthen defendant assessment, referrals, and placement in needed service programs.

The Technology Application also assists in improving communication links among the core partners, streamlining the process of issuing an order of protection, and improving access to the state's Domestic Violence Registry.

Policy and Implementation Challenges

The Court model has been in operation for over four years, and has not only survived by meeting and addressing obstacles as they have arisen, but has thrived by expanding into additional program areas and incorporating new agencies into the partnership network while gathering much acclaim at local, state, and national levels. This is clearly a very strong and innovative approach to felony domestic violence cases. There are, however, still a number of issues which remain troubling to at least some of the actors in the system. Some of these are policy issues, some center around resources or procedures or other implementation issues, some affect primarily one or a few of the partner agencies, and some raise questions on a system-wide basis. These issues, steps which have been taken to address them, and other potential solutions are presented here for consideration by the Court and partner agencies.

DEMANDS ON THE COURT'S RESOURCES

This approach to adjudication is very resource-intensive, given the intense services cases receive (e.g., pre- and post-disposition monitoring), the additional staff the Court employs to apply the model (i.e., the resource coordinators), and the extra-judicial responsibilities the judges are called on to fulfill (e.g., hosting regular partner meetings). Thus, adjudicating these cases is very expensive and time consuming, in terms of both staff time and the real time it takes to reach case disposition. One of the chief challenges facing FDVC is the conflict between the need to comply with the Office of Court Administration's goal of reaching a case disposition within 180 days, to ensure speedy processing, and the need to take the necessary time to ensure these cases receive the attention and services their complexities demand. It is crucial that Court personnel carefully consider where to strike a balance between efficiency and caseload management concerns on the one hand, and on the other, the importance of preserving the integrity of the Court model, including fostering the network of partner agencies through meetings, facilitating communications among partners on a case-by-case basis (such as the use of regular calendar days to permit more efficient participation by partner agencies), and providing the intensive defendant supervision (pre- and post-disposition monitoring) and victim services that are critical components of this approach.

THE NEED TO SUSTAIN THE DIRECTOR ROLE

The Director has been instrumental in developing, implementing, and evolving the Court model since the Court's inception. She has played a critical role in training personnel, facilitating networking activities, identifying and resolving problem areas, expanding the model and bringing in new partners, and publicizing the Court's approach. However, as her responsibilities have broadened, she is no longer able to serve as Director in a full-time capacity. Future replications of this model would be well-served by having a full-time on-site Director not only in the early implementation stages but over time as well. Her close working relationship with the original judge in the early days of the Court's operation was an invaluable training experience in both domestic violence issues and implementing the Court model; this function is needed again as the model expands or staff rotate to other positions. It is also critical to make sure that the Director has adequate time available to work on the very important tasks of enhancing the partnership networks (through meetings and individual agency contacts) and identifying and troubleshooting problem areas while they are still emerging. While the Director's role in publicizing the Court and hosting visitors is a very important one, it takes up a great deal of the time she has to devote to this project, leaving less time for ongoing oversight of the model's implementation and expansion efforts.

POLICY AND RESOURCE ISSUES FACING THE DISTRICT ATTORNEY'S OFFICE AND SAFE HORIZON

While the District Attorney's Office implements many progressive policies and structures (including a specialized domestic violence bureau, a Counseling Services Unit, an expanded definition of domestic violence, a prosecution policy, and vertical prosecution from the point of post-indictment arraignment), some operational problems remain. These obstacles center around policies, resource limitations, and gaps in linkage mechanisms.

The first problem arises before a case is adjourned to FDVC and assigned to felony prosecutors and advocates. State law requires an indictment to be filed within roughly five days of the arrest for detained defendants, or else the defendant must be released. Because of the Court's high caseload, it is a constant challenge to meet this requirement, and detained defendants are always the priority cases. For released defendants, weeks may pass before their cases are presented to the grand jury. Newer and more serious cases may have come along in the meantime and taken priority for a speedy indictment, to avoid having to release these defendants.

Since the advocates typically first meet and intake victims at the point of grand jury presentation, between four or five days and several weeks can pass between the crime and the first contact with a service provider, depending on whether the defendant was detained. A long time lag is damaging both prosecutorially, in that victims may lose the resolve to participate with prosecution, and therapeutically, since a valuable window of opportunity for obtaining services urgently needed in the immediate crisis period after the felony has been lost. Efforts have been made to fill this gap, including a "riding" system, in which felony prosecutors and advocates are beeped and requested to respond immediately to some cases; they meet the victim at the precinct, hospital, or wherever she is.

Another problem with using grand jury presentation as the advocates' client intake mechanism occurs when victims do not come into the District Attorney's Office to prepare for the grand jury. They may, for example, be hospitalized and unable to come in, or they may have decided not to participate with prosecution, or their case may have been transferred to the Domestic Violence Bureau after indictment. Advocates make efforts to do outreach in these cases, but many of these victims may still never receive services, or receive delayed services. Recent efforts have been made to address this problem by developing additional intake mechanisms.

While it is certainly desirable and an integral part of the FDVC model that all victims receive the services of an advocate, even current caseloads place serious strains on existing resources. This is particularly true for the advocates employed by the DA's Office. Each of these advocates carries a caseload of about 40 to 60 felony cases, plus hundreds of misdemeanor cases. Safe Horizon advocates typically carry 20 to 50 felony cases. With these caseloads, regular outreach to all victims prior to each court appearance as called for under the Court model becomes impossible, which means that the Court may not be receiving current information on the victim's status at each monitoring appearance. The advocates have responded to their caseload demands by prioritizing those victims most at risk – those with non-detained batterers – for frequent and regular contact, but it would be best to have the resources to maintain regular contact with all victims.

Efforts of the advocates on behalf of their clients have also been limited by the initial difficulties in integrating these positions into the District Attorney's Office and establishing a teamwork approach with prosecutors. Special efforts have been needed to enhance information sharing on cases between prosecutors and advocates. For example, each day an advocate visits the attorneys' offices to get information on new cases.

Another factor limiting services to victims is the scarcity of service availability in community agencies to which the advocates refer clients. Shelter space is extremely limited, waiting lists for permanent housing can be months long, and changes in legislation, regulations, or funding for public assistance and immigration can be punitive to victims in need of help.

GAPS IN DEFENDANT SERVICES

There is a dire shortage of community resources to treat defendants with both substance abuse and mental health treatment needs. Most programs address only one or the other issue, and many of these have restrictions on accepting clients with a history of violence, particularly when violent felony-level charges are involved. For example, FECS-Link, the primary agency providing mental health services to the FDVC, only serves those convicted of lower-level felonies (D and E felonies). Other agencies have similar policies. These restrictions

represent serious challenges to the placement of mentally ill defendants who commit more serious offenses, yet for whom incarceration would not be an appropriate sentence. In addition, programs which accept FDVC's defendants sometimes have intake procedures which clash with Court security requirements,⁶ making assessment and program placement very difficult. All these problems combine to present a significant challenge to the Court and partner agencies trying to blend criminal justice and treatment services to address the wide range of problems these cases present.

There is also some confusion over who is responsible for finding program placements for Court-ordered defendants. Some see it as the responsibility of the defense attorneys, and at least one of the contracted public defense providers, Brooklyn Defenders Service, has access to program referral services. Others see it as the responsibility of FDVC resource coordinators; they do make referrals and provide information on options but are less likely to facilitate actual program placements. A recently-awarded grant to CCI to fund a defendant case management unit at the Court should help address at least some of these problems.

Other obstacles were mentioned by those who work with defendants. Many defendants need vocational and educational assistance as well as batterer intervention, substance abuse, and mental health treatment. It would be very helpful to forge links with community agencies offering vocational and educational services, just as connections have been established with other services.

The frequent Court appearances required of non-detained defendants in the pre-disposition period, while very important for monitoring purposes and encouraging defendants to comply with court orders, make it difficult for some defendants to keep jobs during this period. Even though many defendants end up serving a period of incarceration once convicted, it would be helpful if they could retain employment in the pre-disposition period, especially since at least some of their program obligations (such as batterer intervention services) require them to pay fees. One alternative is to schedule their appearances so they could appear in Court when they're not scheduled to work.

CONCERNS FROM THE DEFENSE BAR

Some members of the defense bar have raised questions about several fundamental goals and practices of the FDVC model, as well as the policy and legal context within which the model operates. Some members of the defense bar see the model as inherently biased toward prosecution, too dependent on the DA's Office's policies for identifying domestic violence cases, and too closely aligned with victim advocates to retain impartiality. For example, defense attorneys have complained of lack of access to the Domestic Violence Registry to substantiate past abuse by the victim or victimization of the defendant. While the prosecutor does not have access to the Registry either (only the Court has access), the Registry is routinely checked for orders involving the defendant as the protected or the enjoined party.

While most of the criminal justice and social service personnel involved in domestic violence cases enthusiastically support having a specialized docket for processing all these cases together, others maintain that this kind of specialization produces a sort of tunnel vision, in that the Court and other agencies lose perspective on where these cases fit into the broader range of felonies and exaggerate their seriousness. This is a particular concern with protection-order violation cases, which are charged as felonies under state law but involve underlying behavior which would not otherwise constitute a felony. In fact, the law permitting felony charges for protection-order violations is itself seen by some as imbalanced and unfair.

Another fundamental goal of the Court model is to try to deter future offenses. Defense attorneys have questioned the constitutionality of this goal, maintaining that the court system should only punish for the current offenses of which he or she is convicted, and not preemptively punish for what he or she *might* do. They are also concerned about practices that seem to assume guilt and impose penalties before a conviction is reached, and see these practices as an infringement on defendants' rights. The use of batterer intervention and other program requirements during the pre-disposition period is cited as an example of a practice that assumes the defendant is

⁶ Many programs do not send representatives to Court or to Rikers Island, where detained defendants are held. Detective investigators are available to transport defendants to the program site, but they cannot leave the defendant alone with the intake person since he/she is in custody, and the intake person cannot ask confidential questions in front of the detective investigators. These conflicting policies can significantly hinder program placement.

guilty of battering, and is punitive because defendants have to pay for these services. This is particularly problematic for defendants who are ultimately exonerated of the charges or if their case is ultimately dismissed. Some in the court system reply that program requirements are rehabilitative rather than punitive, while being held in jail, clearly an appropriate pre-disposition practice, is punitive. One of the FDVC judges has recently ruled that there are legal grounds for this practice, and the defense bar has not challenged this ruling.

Defense attorneys also object to laws and policies that constrain the exercise of discretion, specifically police mandatory arrest policies and the District Attorney's evidence-based prosecution policy of proceeding even without the victim's participation. Their concern is that these practices represent an exercise of power and control over the victim, and they cite cases in which victims have come to them for help in getting charges dropped. Prosecuting attorneys acknowledge that victims are often angry when their wishes to have cases dismissed are not followed, but they also cite examples in which victims are coerced into expressing that they want to drop the charges, or have later come back to them expressing appreciation that the case was prosecuted anyway, and saying they were able to use the time away from the batterer to leave or obtain services they needed.

Other prosecutorial practices also cause concern among defense attorneys. Some defense attorneys have requested input into which cases are identified as domestic violence and routed to FDVC. Objecting to the state's routine request for full orders of protection (forbidding contact with the victim), defense attorneys maintain that, in some cases, limited orders (allowing contact) are more appropriate and desirable. There have been efforts by the Office of Court Administration to explore the use of limited orders where appropriate. Defense also feels that certain exceptions which have been made to evidence exclusion rules are unfair, such as the Molineaux exception allowing prior "bad acts" to be admitted as evidence, the use of 911 tapes which does not allow for cross-examination, and the "excited utterance" exception to the hearsay rule.

While defense attorneys have been invited to network meetings they do not feel that these forums are an effective venue for voicing defense concerns; rather, they feel that these meetings are "pep rallies" for those who support the model and may be antagonistic to the defense viewpoint. Defense attorneys have attended trainings which they perceived as very victim-oriented, ignoring the defendant's perspective.

The Impact of the FDVC Model on Case Processing and Outcomes in Early Cases (1997)

The outcome evaluation used a mix of qualitative and quantitative data collection methods. Qualitative methods included interviews with practitioners, observations of courtroom operations, and attendance at network meetings. This information is very useful for generating hypotheses and informing statistical analyses and interpretations of results. The quantitative evaluation involved selecting samples of FDVC and comparison cases and obtaining detailed information on case characteristics, processing, and outcomes. Data on these cases were collected through in-depth reviews of Court and District Attorney's Office files. Data on criminal history and recidivism for these cases and additional 1997 cases were also obtained from the state's Division of Criminal Justice Services. Statistical analyses were conducted to address a number of questions around what impact FDVC has had on how cases are handled, on how the partner agencies function at a systemic level, and what outcomes are achieved for victims and batterers.

THE SAMPLES

Three samples of cases were selected for collection of detailed data and comparisons on case characteristics, processing, and outcomes. These samples were:⁷

- *“Pre” cases:* A total of 93 felony domestic violence cases indicted from 1995 to early 1996 (before the FDVC was established) and adjudicated by various Supreme Court parts were studied. These cases provide a comparison group for assessing differences associated with the FDVC model. Very few of these cases had felony protection order violations as the sole or top indictment charge, since they pre-dated the implementation of the expanded criminal contempt law in September, 1996.
- *“FDVC” cases:* A sample of 109 cases adjudicated by FDVC in its early period (the first half of 1997, after the model was fully implemented) and similar on indictment charges to the “pre” cases was selected. These were cases which had indictment charges other than, or in addition to, felony criminal contempt charges for protection order violations. In other words, these are cases which would have been indicted and adjudicated in the Supreme Court even without application of the September, 1996 law. This selection criterion was used so that the “pre” cases would provide a similar comparison group.
- *“CC-only” cases:* Because the September 1996 law felonizing many protection order violations (under criminal contempt statutes) broadened the types of cases handled by the Supreme Court, compared with those handled in Supreme Court prior to this law, an additional sample of cases adjudicated by the FDVC (beginning in the first half of 1997) was selected. This is a small sample (27 cases) in which felony protection-order violations were the only indicted felony charge; these cases would not have been indicted on felonies during the pre-FDVC period, and so would have remained in the criminal courts as misdemeanors. The inclusion of this sample allows us to assess how the protection order violation cases are different from the general population of FDVC cases, and how they may be handled differently by the Court and partner agencies. These cases are designated “CC-only” because their only felony indictment was for criminal contempt, the law under which felony protection order violations are charged.

⁷ Please see Appendix C for detailed information on how the entire population of cases was identified and the samples selected, and for analyses of possible sample selection biases.

CHARACTERISTICS OF FELONY DOMESTIC VIOLENCE CASES IN BROOKLYN

Data were obtained to describe the people involved in domestic violence cases, their relationships and histories, the incidents that led to the felony cases included in our samples, police and prosecutors' responses to these incidents, and changes in any of these factors over time.

Section Summary

Most felony domestic violence cases in Brooklyn involve young, minority, lower-socioeconomic status men as defendants and women as victims. Changes in state law and the District Attorney's indictment practices since the FDVC began seem to have broadened the range of cases adjudicated as felonies in the Supreme Court, at least in its early period. Many of the cases processed by the FDVC involved very serious offenses between people with involved relationships and histories of abuse, and defendants with substantial criminal histories. However, many cases charged at lower levels of severity also entered the felony court. This is likely due both to the law felonizing protection order violations, and to more aggressive indictment practices in the DA's Office. Even putting aside the criminal contempt-only sample, the DA's Office seemed more likely to indict cases with less severe police charges since the FDVC began, as witnessed by prosecutors' reports and data comparing charge severity levels and upgrading from arrest to indictment across the samples.

Characteristics of Defendants, Victims, Relationships, and Histories

Table 1 presents demographic, socioeconomic, relationship, and abuse history data for all three samples: pre-FDVC, FDVC, and criminal contempt-only (CC-only) cases. These data provide a profile of the felony domestic violence cases in Brooklyn near the point of arrest, and they indicate whether these characteristics have changed since FDVC implementation. It should be noted that indirect sources, such as police, District Attorney, and other justice system agencies' records, were used for these data, and such records may be prone to missing or inaccurate data in some cases.

	<i>Pre-Sample (N = 93)</i>	<i>FDVC Sample (N = 109)</i>	<i>CC-only Sample (N = 27)</i>
A) Defendant Characteristics^a			
1. Demographics			
Male sex	96%	96%	93%
Age (mean)	34	34	32
Race / ethnicity			
Hispanic / Latino	18%	21%	26%
Black / African-American	67%	67%	59%
Caucasian or other ^b	15%	12%	15%
Translator needed ^c	12%	10%	11%
2. Socioeconomic Characteristics			
High school graduate	58%	56%	62%
Employed part-time or full-time	57%	52%	46%
Annual income if employed (mean)	\$13,625	\$12,665	\$13,065
Residential status			
Currently homeless	2%	2%	7%
N.Y.C. Housing Authority project	6%*	18%	7%
Table 1. continued.			
	<i>Pre-Sample (N = 93)</i>	<i>FDVC Sample (N = 109)</i>	<i>CC-only Sample (N = 27)</i>

B) Victim Characteristics^d

1. Demographics

Female sex	93%	95%	93%
Age (mean)	31	31	30
Race / ethnicity			
Hispanic / Latina	18%	22%	26%
Black / African-American	67%	64%	52%
Caucasian or other ^e	18%	14%	22%

2. Socioeconomic Characteristics

Employed part-time or full-time	43%	38%	50%
Residential status			
Currently homeless	1%	0%	0%
N.Y.C. Housing Authority project	6% ⁺	24%	15%

C) Relationship and Abuse History^f

1. Relationship Status

Victim lived with the defendant at incident	53% ⁺	41%	33%
Married or intimate partner (versus blood relative)	90%	96%	89%
Children in common	56%	54%	59%
Months victim knew defendant (mean)	86	87	69

2. Prior Abuse by Defendant Against Same Victim

Any prior abuse	87%	90%	96%
Months of prior abuse (if prior abuse)	74 ^{***}	31	35
Prior physical assault	73%	72%	74%
Prior use of weapon	54% [*]	35%	29%
Prior sexual abuse	16% [*]	7%	4%
Medical attention previously needed	40%	33%	39%
Prior order of protection	52%	61%	93% ^{**}

⁺ p < .10 ^{*} p < .05 ^{**} p < .01 ^{***} p < .001 (2-tailed t-test / Comparison is always with the post-FDVC sample (middle column))

Sources: (A) Defendant characteristics: defendant interview by the N.Y.C. Criminal Justice Agency (CJA).

(B) Victim Characteristics: victim interviews conducted by the police and the DA's office.

(C) Relationship and Abuse History: both of the above two sources. In cases of a discrepancy between defendant and victim responses, the onsite Research Associate evaluated each source and made an educated guess as to which was correct, generally using information from the victim interview if in doubt.

^a Total n = 193-229 depending on the number of missing cases. Exception: For annual income of those employed, n = 82 (out of 118 employed defendants).

^b Of 31 defendants in the Caucasian or other category (in both samples), 27 were Caucasian and 4 were Indian.

^c Of 25 defendants needing a translator (in both samples), 17 needed Spanish, 5 needed Russian, 2 needed Polish, and 1 needed Creole.

^d Total n = 203-229 depending on the number of missing cases.

^e Of 35 victims in the Caucasian or other category (in both samples), 32 were Caucasian and 3 were Indian.

^f Total n = 189-229 depending on the number of missing cases. Exception: N = 158 for months of prior abuse (out of 198 victims indicating any prior abuse by the defendant).

Defendant Characteristics. Most defendants in all three samples were young Black or Hispanic men. Slightly over half were high school graduates, and about the same proportion were employed. Those who worked made about \$13,000 per year. Nearly one-fifth of the FDVC sample lived in public housing, more than the 6% to 7% of the pre and CC-only samples. This was the only statistically significant difference among the three samples.

Victim Characteristics. The majority of the victims were young Black or Hispanic women, indicating a predominant pattern of male-on-female violence. Under half were employed, and between 6% and 24% lived in public housing. The marginally significant difference on this factor, in which fewer pre sample victims than FDVC victims lived in public housing, was the only significant difference among the three samples.

Victim/Defendant Relationships. Victims and defendants in the three samples had more than casual relationships. They were nearly always married or intimate partners, and had known each other five years or more on average. Over half had children in common, and from one-third to one-half lived together, with pre cases slightly more likely to co-habitate.

Victim/Defendant Abuse Histories. All three samples had significant histories of abuse in the relationships, with the pre sample's history often the most severe. Nearly all the victims had experienced abuse prior to this incident, about three-fourths had prior physical assaults, and over one-third had needed medical attention. In addition, the pre sample had experienced abuse over a longer period of time (over five years on average vs. under three years); were more likely to have experienced the use of a weapon (over half the pre cases vs. one-third the FDVC and CC-only cases), and were more likely to have suffered sexual abuse (16% vs. 4% to 7%). Virtually all the CC-only sample had a prior order of protection (OP), but over half the pre and FDVC samples had OP's as well. It is not surprising that the CC-only sample had the highest rate of OP's, since violation of a prior OP is a definitional requirement for sample inclusion. The other 7% of the CC-only sample had some other type of court order prohibiting contact with the victim by the defendant.

Defendants' Criminal Histories. Table 2 presents data on defendants' criminal histories. For all three samples, indicted domestic violence defendants have extensive criminal histories. One-third or more had prior felony convictions, upwards of one-fourth had prior violent felony convictions, and half or more had prior misdemeanor convictions.

There were no significant differences in the criminal histories of defendants from the pre and FDVC samples. But there were many differences between the FDVC and CC-only samples, with the CC-only sample generally revealing a more extensive history. Compared with the FDVC sample, the CC-only sample had higher rates of prior domestic violence arrests, previous OP's, prior criminal convictions, and prior criminal contempt convictions. They also had marginally higher rates of felony and drug convictions. This result surfaced partly by definition, since criminal behavior can usually be expected to precede the issuance of an OP in the first place and these cases were more likely to have prior OP's. These differences may also be due to a practice by which prosecutors report they are more likely to indict criminal contempt cases in the first place if the defendant has a prior criminal history. By contrast, criminal contempt defendants lacking a serious criminal history will often have their cases resolved in criminal court, as misdemeanors, even if the cases began as felony arrests.

TABLE 2. Prior Criminal History of the Defendant

	<i>Pre Sample (N = 93)</i>	<i>FDVC Sample (N = 109)</i>	<i>CC-only Sample (N = 27)</i>
1. Prior Domestic Violence			
Prior domestic violence arrest ^a			
Any victim	45%	48%	78%**
Same victim as in the current case	44%	45%	77%**
Other victim than in the current case	11%	6%	5%
Previous order of protection (any victim)	66%	72%	96%***
2. Prior Criminal Convictions			
<i>Any criminal conviction</i>	56%	66%	85%*
Of those with at least one conviction:			
One (1)	23%	29%	13%
Two (2) to Three (3)	30%	28%	48%
Four (4) or more	47%	43%	39%
Mean criminal convictions	5.12	3.82	4.00
3. Prior Felony Convictions			
<i>Any felony conviction</i>	33%	41%	59% ⁺
Of those with at least one conviction:			
One (1)	58%	62%	38%
Two (2) to Three (3)	36%	34%	62%
Four (4) or more	6%	4%	0%
Mean felony convictions	1.65	1.58	1.81
4. Prior Misdemeanor Convictions			
<i>Any misdemeanor conviction</i>	52%	51%	67%
Of those with at least one conviction:			
One (1)	35%	30%	28%
Two (2) to Three (3)	25%	32%	44%
Four (4) or more	40%	38%	28%
Mean misdemeanor convictions	4.48	3.64	3.50
5. Prior Violent Felony Offense Convictions			
<i>Any violent felony offense conviction</i>	22%	25%	37%
Mean violent felony convictions (if ≥ 1)	1.20	1.33	1.40
6. Prior Criminal Contempt Convictions			
<i>Any criminal contempt conviction</i>	26%	30%	56%*
Mean crim. contempt convictions (if ≥ 1)	2.21	1.67	2.13
7. Prior Drug Convictions			
<i>Any drug conviction</i>	20%	28%	48% ⁺
Mean drug convictions (if ≥ 1)	2.37	1.65	1.31

⁺ p < .10 * p < .05 ** p < .01 *** p < .001 (2-tailed t-test / Comparison is always with the post-FDVC sample (middle column))

Source: Unless otherwise noted (footnote a), the source is official New York State rap sheets, provided by the New York State Division of Criminal Justice Services (DCJS).

Note: N = 229, except where otherwise noted (see footnote a).

^a The sources for information regarding prior domestic violence arrests are victim interviews by the DA's Office and the state's Order of Protection Registry.

The Criminal Incident and System Responses

Table 3 provides information on the felony offense and police and prosecutors' actions. These data indicate that the pre and FDVC samples consisted of cases with serious criminal offenses which were treated seriously by the authorities, especially since the specialized court was established. The DA was more likely to upgrade charges from arrest to indictment for the FDVC and CC-only cases, in keeping with prosecutors' reports that having the specialized court influenced prosecutors to try to channel cases there whenever possible.

Description of the Incident. For the pre and FDVC samples, the majority of cases involved physical contact and related physical injuries, and the use of a weapon. Despite the apparent seriousness of these incidents, 40% or more of these victims expressed a desire to have the criminal charges dropped after the felony indictment. Unfortunately, data were not available concerning subsequent victim involvement with the case and whether the victim's position on dropping charges remained unchanged.

As expected, CC-only cases, which can be triggered by any form of defendant/victim contact, showed a lower prevalence of physical contact, injuries, and use of a weapon. However, these victims were somewhat less likely to want charges dropped, perhaps because more of them had already obtained OP's, showing a commitment to using justice system interventions to stop the violence. Unexpected and somewhat inexplicable was that medical attention was reportedly more often sought in cases from the CC-only sample (cases with protection-order violations only, no assault charges), although many pre and FDVC victims sought medical attention as well.

Arrest Charges. Two-thirds or more of the pre and FDVC samples were arrested on charges of assault or robbery/burglary. For the CC-only sample, the top charge at arrest was nearly always criminal contempt, as expected. Nearly all the pre cases were arrested on B or C felony charges (felony severity ranges from A, the most severe, to E, the least severe). Arrest charges were less severe on average in the FDVC sample, with two-thirds of the cases arrested on B or C felonies but also many cases arrested for lower-level felonies. This indicates a broader range of charge severity in the FDVC period. CC-only cases were predominantly E felonies and A misdemeanors at arrest.

Regression analyses found that the factors which best predicted severity of the top arrest charges were (see Table 4 for detailed statistical information):

- Cases in the CC-only sample had less severe arrest charges than cases in the pre sample (to be expected due to the fact that the CC-only sample was defined as cases with felony protection order violations, D and E felonies, as the highest indictment charge);
- Cases which did not have a prior order of protection were likely to have more severe arrest charges than those that did have prior orders (again this is likely due to the effects of the laws felonizing protection order violations, and how the CC-only sample was defined); and
- Cases with physical injury or use of weapons had more severe arrest charges.

Defendants' criminal history, history of abuse against the victim, whether the victim and defendant lived together, and whether the victim wanted to have the charges dropped did not influence the severity of the top arrest charge. This suggests that when police officers make an arrest (at least for cases which later get indicted), their charging decisions are based on the facts of the current incident rather than these extraneous factors, in line with the Department's policy of mandatory arrest for domestic violence based on probable cause (implemented in 1994 and thus applying to all these cases).

TABLE 3. Current Criminal Offense

<i>Description of the Incident</i>	<i>Pre Sample (N = 93)</i>	<i>FDVC Sample (N = 109)</i>	<i>CC-only Sample (N = 27)</i>
1. Information Reported in the Police Report^a			
Physical contact during incident	80%	85%	41%***
Injury sustained due to the incident	80%	85%	41%***
Weapon used during incident	76%	73%	19%***
Medical attention sought due to incident	39% ⁺	52%	78%**
Victim expressed a desire to drop charges	46%	40%	21% ⁺
2. Top Charge at Arrest^b			
Attempted murder and murder	10%	4%	0%
Assault	50%	42%	9%**
Criminal contempt	7%	16%	83%***
Robbery or burglary	19%	25%	4%*
Possession or use of a weapon or firearm	8%	4%	0%
Arson	4%	3%	0%
Sex offense (rape, sodomy, sexual abuse)	2%	1%	0%
Other (kidnapping, drug offense)	1%	4%	4%
3. Severity of Top Charge at Arrest			
A Felony	0%	4%	4%
B Felony	36%*	21%	4%*
C Felony	47%	45%	7%***
D Felony	9%	10%	0% ⁺
E Felony	1%	6%	48%***
A Misdemeanor	8%	15%	37%**
<i>Mean severity of top charge (A felony = 5, E felony = 1)</i>	3.02*	2.63	1.04***
4. Top Charge at Grand Jury Indictment^b			
Attempted murder and murder	9%	5%	0%
Assault	46%	39%	0%***
Criminal contempt	2%**	11% ^d	100%***
Robbery or burglary	24%	32%	0%***
Possession or use of a weapon or firearm	9%	5%	0%
Arson	5%	3%	0%
Sex offense (rape, sodomy, sexual abuse)	3%	3%	0%
Kidnapping	2%	2%	0%
5. Severity of Top Charge at Indictment			
A Felony	0%	1%	0%
B Felony	43%	35%	0%***
C Felony	40%	49%	0%***
D Felony	9%	9%	7%
E Felony	9%	6%	93%***
<i>Mean severity of top charge (A felony = 5, E felony = 1)</i>	3.17	3.15	1.07***
6. Charges Reduced, Arrest to Indictment^c			
	16%	16%	15%
7. Charges Upgraded, Arrest to Indictment^c			
	27%*	41%	41%

⁺ p < .10 * p < .05 ** p < .01 *** p < .001 (2-tailed t-test / Comparison is always with the post-FDVC sample (middle column))

Note: N = 229. Unless otherwise noted (footnote a), the source is the official case record.

^a The source for information under point (1), description of the incident, is the police report filed after the incident.

^b Includes attempted charges.

^c A case is defined as having charges reduced or upgraded if the top indictment charge is respectively less or more severe than the top arrest charge.

^d These cases also had other felony indictment charges at an equal or lower level of severity.

TABLE 4. Predictors of Arrest Charge Severity from OLS Regressions

<i>Predictors</i>	<i>Coefficient</i>	<i>Standard Error</i>	<i>Significance Level</i>
Sample			
FDVC (versus pre)	-.262	.168	.120
Criminal contempt only (versus pre)	-1.232***	.290	.001
Prior criminal history			
Any prior criminal conviction	.026	.182	.888
Any prior violent felony conviction	.114	.192	.555
Any prior criminal contempt conviction	-.306	.185	.101
Prior relationship history			
Victim lives with defendant	.161	.166	.334
Prior physical assault	-.066	.204	.749
Prior sexual abuse	.124	.257	.631
Prior order of protection	-.417*	.201	.040
Current incident information			
Physical injury sustained due to the incident	.608**	.207	.004
Weapon used	.625***	.193	.001
Victim expressed a desire to drop charges	.001	.169	.995
<i>Constant</i>	2.243***	.301	.001
Adjusted R square	.381		
F statistic	10.010***		
Degrees of freedom	12		
<i>Note:</i> N = 204 of 229 possible cases (due to missing data on one or more independent variables for 25 cases).			
* p < .10 * p < .05 ** p < .01 *** p < .001			

Indictment Charges. As with arrest charges, the most frequent charges at indictment were assault and robbery/burglary for the pre and FDVC cases, and criminal contempt for the CC-only sample (by definition). The severity of indictment charges was similar for pre and FDVC cases, with most cases in both samples indicted as B or C felonies. Nearly all the CC-only cases were indicted as E felonies, a significantly lower level of severity. See Table 3 for these statistics.

Table 5 shows the results of regression analyses to identify significant predictors of indictment charge severity. These findings indicate that the DA’s evidence-based prosecution policy (established in 1995 and thus in effect for all three samples of cases) has been implemented, at least for indictment charges. Prosecutors’ indictment charging decisions are determined by the severity of the arrest charge (which is influenced by the facts of the incident) and whether there was a physical injury from the incident, rather than the victims’ wishes around charging, the defendants’ criminal history, or features of the relationship or the history of abuse between the victim and defendant. Cases in the pre sample were indicted on more severe charges than cases in the CC-only sample, but this is due to how the CC-only sample was defined.

Table 3 presents an analysis of charge reduction and upgrading practices by comparing the severity of arrest and indictment charges. This indicates that while charges were reduced at similar low levels across the three samples, upgrading is significantly more likely since the specialized court started. About 40% of FDVC and CC-only cases had charges upgraded, compared with about one-fourth of pre cases. Taken together with information on the offenses and police actions, it seems that the nature of felony offenses and the types of arrest charges (excluding CC-only cases) didn’t change much from pre to FDVC cases, but that those arrested for less severe offenses, including misdemeanors, are more likely to have charges upgraded to obtain a felony indictment and adjudication by the FDVC. This bolsters prosecutors’ reports of using stronger indictment practices since the court began, so that the court is handling a broader range of cases, including some that might previously have been handled in the criminal courts as misdemeanors.

TABLE 5. Predictors of Indictment Charge Severity from OLS Regressions

<i>Predictors</i>	<i>Coefficient</i>	<i>Standard Error</i>	<i>Significance Level</i>
Sample			
FDVC (versus pre)	.043	.118	.714
CC-only (versus pre)	-1.468***	.211	.001
Prior criminal history			
Any prior criminal conviction	.017	.127	.894
Any prior violent felony conviction	.012	.134	.929
Any prior criminal contempt conviction	-.043	.130	.739
Prior relationship history			
Victim lives with defendant	.060	.116	.609
Prior physical assault	-.081	.143	.573
Prior sexual abuse	.090	.180	.616
Prior order of protection	-.047	.142	.740
Current incident information			
Physical injury sustained due to the incident	.367*	.148	.014
Weapon used	.100	.138	.468
Victim expressed a desire to drop charges	-.166	.118	.161
Arrest charge severity	.205***	.050	.001
<i>Constant</i>	2.301***	.238	.001
Adjusted R square	.475		
F statistic	15.391***		
Degrees of freedom	13		

Note: N = 204 of 229 possible cases (due to missing data on one or more independent variables for 25 cases).

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

THE IMPACT OF THE FDVC MODEL ON CASE PROCESSING

The FDVC model includes some substantial changes in how felony cases are handled during the adjudication process from Supreme Court arraignment to disposition. These include the assignment of a victim advocate in all cases, and the use of mechanisms to enhance defendant monitoring and accountability (including protection orders, program requirements, and in-court status appearances as conditions of pre-disposition release, and sanctions for non-compliance with court-ordered conditions). Our research documented the use of these measures and assessed the impact of FDVC on case processing time. This is a standard performance measure used by court administrators, although it was not a substantive program goal.

Section Summary

Our findings indicate that under the FDVC model advocacy was significantly increased, such that all victims were assigned an advocate. Orders of protection were also used at a higher rate, for virtually all FDVC-processed cases. Most defendants adjudicated since the Court began were released prior to disposition, and this rate was marginally higher than the release rate for cases processed prior to the FDVC. Release seems more likely to be related to severity of the current charges and prior history, rather than to Court policies encouraging release. Those who were released by the FDVC were much more likely to be ordered to attend a batterers' intervention program and somewhat more likely to be required to receive substance abuse treatment, compared with the pre-FDVC cases. Many cases were re-jailed for re-arrests or infractions of release conditions, especially those with prior criminal contempt convictions (indicating a general tendency to ignore court orders). The time from felony arraignment to disposition was somewhat higher for the FDVC cases than the pre cases, but case processing time was better predicted by severity of charges and factors around pre-disposition release. There were no differences in the total number of pre-disposition appearances for pre and FDVC cases when controlling for total time of adjudication. Since we were unable to distinguish monitoring appearances from other types of appearances, it is not clear how the FDVC model's

| monitoring component was implemented, and whether types of appearances differed over time.

TABLE 6. Supreme Court Case Processing in the Pre-Disposition Phase

	<i>Pre Sample (N = 93)</i>	<i>FDVC Sample (N = 109)</i>	<i>CC-only Sample (N = 27)</i>
1. Victim Services			
Victim Advocate assigned to victim (FDVC)	55%***	100%	100%
2. Orders of Protection			
Order of protection issued by S.C. judge	87%**	98%	96%
3. Pre-Disposition Defendant Release Status			
Released during case (vs. jailed throughout)	58% ⁺	70%	73%
Rejailed for infraction (of those released) ^a	39%	39%	63% ⁺
Of those rejailed at least once:			
Rejailed once	79%	74%	58%
Rejailed twice or more	15%	25%	17%
Rejailed three times or more	6%	1%	25%
4. Release Conditions (only if released during case)^b			
Condition: batterers' intervention ^d	0%***	70%	53%
Condition: substance abuse treatment ^b	4% ⁺	12%	16%
Other release condition ^c	2%	5%	5%
5. Case Processing Statistics			
Days from arrest to Supreme Ct. arraignment	41.6	52.3	49.8
Days from S.C. arraignment to disposition	168.6*	216.4	200.0
S.C. pre-disp. appearances/year (mean)	18.37	18.70	19.11
Appearance warrant issued (arrest to disposition)	23%	26%	40%
Of those incurring at least 1 warrant:			
One warrant issued	74%	73%	83%
Two or more warrants issued	26%	27%	17%
Mean number of warrants issued	1.36	1.38	1.18

⁺ p < .10 * p < .05 ** p < .01 *** p < .001 (2-tailed t-test / Comparison is always with the post-FDVC sample (middle column))
 Note: N = 221 to 227 depending on the number of cases with missing data.
^a N = 149, based on 149 total cases released at some point during the pre-disposition period.
^b For the FDVC sample, 5% of those released during the case were mandated to *both* batterers' and substance abuse programs.
^c Other release conditions might include remaining outside Kings County, a curfew, or having to call the judge's chambers every night.

Victim Advocacy

Before the Court began, several victim advocate positions were established within the Domestic Violence Bureau of the Brooklyn District Attorney's office and Safe Horizon had advocates in the courthouse. However, clear policies were not established as to when a victim advocate would be assigned to a victim. The assignment was sporadic, dependent on factors such as whether the assistant district attorney happened to see the victim in court and make a referral. Under the FDVC model, a victim advocate from the District Attorney's office or from the nonprofit, Safe Horizon (formerly Victim Services), should be assigned to all victims. The data in Table 6 confirm that whereas an advocate was assigned in about half the pre cases, an advocate was assigned in all the cases handled by the specialized court (FDVC and CC-only samples). Data were not available on the number or nature of the contacts between victims and their advocates, or on the advocacy's impact on perceptions of safety or overall well-being.

Orders of Protection

Under the FDVC model, the judge should issue an order of protection at the defendant's first appearance in Supreme Court. Results in Table 6 show that an order of protection was virtually always imposed on FDVC and

CC-only defendants. Although a large majority of defendants from the pre sample also had an order of protection imposed by the Supreme Court judge, the difference *was* statistically significant. That is, FDVC cases were more likely to have orders of protection in effect during Supreme Court adjudication.

Pre-Disposition Release Status

Release rates were high across all three samples (over half to nearly three-fourths of the cases), but FDVC and CC-only defendants were somewhat more likely than were pre defendants to be released in the pre-disposition period (Table 6). Since the FDVC model involves more intensive monitoring for released defendants, it is possible that the FDVC judge was more willing to release defendants. Also, as discussed above, it is possible that prosecutors' tendency to indict less serious cases (lower severity of charges, less serious abuse history, less serious criminal history of defendant, etc.) meant that cases in the post sample included more defendants with a low *flight risk* (the legal release criterion).

A logistic regression analysis was conducted to clarify the key predictors of release status. The following factors were associated with an increased probability of pre-disposition release (see Table 7 for detailed information on the statistical analysis):

- *Less* serious top arrest charge on a scale from A felony to A misdemeanor;
- No order of protection issued prior to the current incident regarding defendant contact with the victim;
- No prior criminal conviction of the defendant for any offense; and
- Victim expressed a desire to drop the charges after the indictment.

There was a marginal effect for sample status, such that FDVC cases were more likely to be released pre-disposition than were pre cases even when controlling for the other factors in the statistical model. However, CC-only cases, which were also adjudicated by the specialized court, were not more likely than pre cases to be released, so this is not strong evidence that the FDVC model includes a policy of releasing defendants prior to disposition. Rather it would seem that the greater likelihood of FDVC sample cases being released was due to the greater variety of cases in this sample, including less serious cases than those processed by the Supreme Court prior to the implementation of the specialized court. Cases in which the victim expressed a desire to have the charges dropped may have been more likely to be released in response to the victim's wish that the defendant not be incarcerated (which could spring from many reasons), or this variable could be serving as a proxy for some other variable that would influence release decisions.

Of defendants released in the pre-disposition period, 39% from both the pre and FDVC samples, and a somewhat higher 63% from the CC-only sample, were subsequently *rejailed* for a new arrest or a violation of one or more bail conditions. Since bail conditions were imposed for very few of the pre-cases (as opposed to many of the FDVC and CC-only cases, especially in regard to batterer intervention programs), it seems quite likely that re-jailing of released pre-cases was nearly always due to a new arrest. The FDVC and CC-only cases may also have been rejailed for violations of bail conditions (in addition to new arrests), especially since monitoring and sanctions are an important component of the Court model. The higher percentage for the CC-only cases confirms reasonable expectations, since the existence of criminal contempt charges suggests a tendency to violate court orders. Indeed, a logistic regression analysis revealed that having a *prior* conviction for criminal contempt was the single statistically significant factor predicting rejailing for defendants on release (Table 8). That is, sample status is no longer important when considered in conjunction with prior criminal contempt convictions. This finding indicates that defendants entering FDVC with a serious criminal history, especially stemming from prior violations of court orders, may require particularly close monitoring.

TABLE 7. Predictors of Pre-Disposition Release from Logistic Regressions

<i>Predictors</i>	<i>Coefficient</i>	<i>Standard Error</i>	<i>Sig. Level</i>	<i>Odds Ratio</i>
Sample			.166	
FDVC (versus pre)	.662 ⁺	.357	.064	1.938
Criminal contempt only (versus pre)	.640	.641	.317	1.897
Prior criminal history				
Any prior conviction	-.843*	.375	.025	.430
Arrest charge severity	-.462**	.152	.002	.630
Prior order of protection issued with same victim	-1.459***	.443	.001	.232
Prior physical assault	.653	.457	.153	1.922
Victim expressed a desire to drop charges	.936**	.360	.009	2.550
<i>Constant</i>	2.801***	.748	.001	8.677
Defendant employed				
Victim lives with defendant				
Any prior violent felony offense conviction				
Prior criminal contempt conviction				
Prior sexual abuse				
Physical injury sustained due to the incident				
Weapon used during incident				
Nagelkerke R square	.235			
Chi-Square	36.811***			
Degrees of freedom	7			

Note: N = 198 of 229 possible cases (due to missing data on one or more independent variables for 33 cases). Variables were initially entered using a backward stepwise method (variables removed if p-value exceeds .200). This generated a final model including the variables listed above the dashed line. Due to their insignificance in earlier models, variables listed below the dashed line were subsequently dropped from the analysis.

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

TABLE 8. Predictors of Rejailing from Logistic Regressions

<i>Predictors</i>	<i>Coefficient</i>	<i>Standard Error</i>	<i>Sig. Level</i>	<i>Odds Ratio</i>
Prior criminal history				
Any prior conviction	.682	.532	.200	1.979
Any prior violent felony offense conviction	.850	.582	.145	2.339
Any prior criminal contempt conviction	2.211***	.518	.001	9.125
Victim lives with defendant	-.601	.466	.190	.543
Prior order of protection issued with same victim	.759	.475	.110	2.136
Physical injury sustained due to incident	.763	.579	.188	2.144
<i>Constant</i>	2.489***	.752	.001	.083
Sample type (pre, FDVC, or CC-only)				
Defendant employed				
Arrest charge severity				
Prior physical assault				
Prior sexual abuse				
Weapon used during incident				
Victim expressed a desire to drop charges				
Nagelkerke R square	.420			
Chi-Square	48.557***			
Degrees of freedom	6			

Note: N = 198 of 229 possible cases (due to missing data on one or more independent variables for 33 cases). Variables were initially entered using a backward stepwise method (variables removed if p-value exceeds .200). This generated a final model including the variables listed above the dashed line. Due to their insignificance in earlier models, variables listed below the dashed line were subsequently dropped from the analysis.

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

Release Conditions

One of the most significant components of the FDVC model involves mandating defendants to programs, particularly batterers' intervention, as a release condition. The Court does this primarily to monitor defendants, while taking an officially agnostic view on the rehabilitative effects of the intervention. Table 6 shows that, in addition to orders of protection, many cases processed since the FDVC started (FDVC and CC-only samples) were ordered to batterers' intervention as a condition of pre-disposition release, whereas this condition was not used prior to the FDVC. All these defendants were ordered to NYCAAP for batterer intervention, as it was the only program working with felony cases during the timeframe of the FDVC sample (1997-98). The Court is no longer referring cases to NYCAAP because of problems in reporting and concerns about service provision. Although not many defendants have been ordered to substance abuse treatment as a release condition, treatment was more frequently required after the Court started than before. These findings document that the principle of enhanced defendant monitoring through referrals to intervention programs has been implemented by the specialized court.

Case Processing Statistics

Data were obtained on Supreme Court case processing time before and after implementation of the specialized court (Table 6). The data indicate that time from Supreme Court arraignment to disposition was *longer* for cases processed by the Court, averaging six-and-a-half to seven months vs. five-and-a-half months for the pre cases. Although these results may be of interest to court administrators, project staff made clear that increasing the speed of case processing was never an important goal. In fact, a more hands-on approach may require a longer period of involvement because of the complexity of these cases. The results of regression analyses indicate that, when controlling for other factors, the FDVC sample took only marginally longer to dispose than the pre sample, although the CC-only sample took significantly longer than the pre sample.⁸ Other factors which tended to increase adjudication time, regardless of sample status, included (see Table 9 for details):

- More severe indictment charges;
- Defendants released prior to disposition;
- Defendants who were not ordered to substance abuse treatment as a condition of pre-disposition release;
- Released defendants who were rejailed for infractions; and
- No appearance warrants issued for released defendants.

It's not clear how the finding on appearance warrants fits in, but it seems that one way to reduce processing time might be to reduce pre-disposition release and increase treatment requirements for those who are released, both of which should logically reduce the rate of remands for infractions. Of course, these practices would have implications beyond processing time which would need to be carefully examined and weighed.

Data were also collected on the number of pre-disposition Supreme Court appearances made by defendants in the three samples (Table 6). When controlling for the length of the adjudication process (by computing the average number of appearances per year), defendants in all three samples made an average of 18 to 19 such appearances per year; this did not vary by sample. Unfortunately it was not possible to distinguish different types of appearances in the case file reviews, so these data cannot be used to assess how faithfully the monitoring schedule was implemented by the specialized court. However, since the Court used certain practices to reduce the number of appearances for evidentiary purposes (such as expedited open file discovery), it is possible that the types of appearances differed over time such that more of the appearances for the FDVC and CC-only samples were for monitoring purposes. It is also possible that monitoring was addressed during appearances for other purposes.

⁸ Since the mean time for the CC-only sample was actually lower than the mean time for the FDVC sample, the fact that the difference from the pre sample's time was more significant for the CC-only sample may be due to how the variance is distributed, or the power of statistical analyses when one group (the CC-only) is rather small.

Finally, the rate at which warrants had to be issued for a failure to appear for court dates was investigated (Table 6).⁹ These rates ranged from 17% to 33%, but there were no statistically significant differences across the samples. Nearly all defendants who disappeared eventually returned on a warrant, voluntarily or involuntarily. As of this analysis, only one case from the pre sample and none from either the post or CC-only samples were still listed as out on a pre-disposition warrant.

TABLE 9. Predictors of Time from Supreme Court Arraignment to Disposition from OLS Regressions

<i>Predictors</i>	<i>Coefficient</i>	<i>Standard Error</i>	<i>Significance Level</i>
Sample			
FDVC (versus pre)	44.076 ⁺	23.736	.065
Criminal contempt only (versus pre)	122.202**	40.181	.003
Indictment charge severity	43.554***	11.357	.001
Defendant released during case (vs. jailed throughout)	98.794***	25.206	.001
Defendant rejailed for infraction (following release)	60.218*	24.647	.015
Conditions of release	.124	.257	.631
Batterers' intervention	-7.989	27.781	.774
Substance abuse treatment	-108.939*	42.607	.011
Appearance warrant issued while case was pending	-51.329*	23.321	.029
<i>Constant</i>	-124.813*	56.499	.028
Adjusted R square	.176		
F statistic	7.025***		
Degrees of freedom	8		

Note: N = 227 of 229 possible cases (due to missing data on one or more independent variables for 2 cases).
⁺ p < .10 * p < .05 ** p < .01 *** p < .001

IMPACT OF FDVC ON CASE DISPOSITION AND SENTENCING PRACTICES

One of the most fundamental questions to address when evaluating this specialized court model is, what difference did it make in how cases were resolved? In other words, how did the FDVC dispose of cases, and how did this differ from practices before implementation of the Court?

Section Summary

The rate of convictions rose somewhat under the FDVC model, but the difference from the pre sample did not reach statistical significance, nor was changing the conviction rate a goal of the specialized Court. There was a significant difference, however, in methods of disposition: compared with the pre cases, the FDVC cases were more likely to be resolved by guilty plea, rather than going to trial. Analyses indicate that the Court itself, along with factors related to evidence and case processing, may have led to more plea negotiations. While plea bargaining is also not a goal of the model, it does represent a less resource-intensive and therefore less costly method of disposition for the court system. Conviction charges in the FDVC sample were less severe, more likely to be of a lower severity level than indictment charges, and less likely to be violent felony offenses, compared with the pre sample. This is not surprising given the higher rates of plea bargaining in the FDVC sample. Factors related to abuse history, characteristics of the criminal incidents, and how the system processed the case (in terms of charging, release, and processing time) were related to the “toughness” of conviction charges; type of court per se was not. Sentencing for convicted cases was neither more punitive nor more treatment-oriented, on the whole, than sentencing practices before the Court began. Given that charges in the FDVC sample were less severe and plea bargaining more

⁹ These data apply to the entire period between arrest and disposition, as it was not possible to distinguish between warrants issued prior to indictment and those issued by the Supreme Court after indictment. However, about 80% of the time between arrest and disposition was spent in Supreme Court for all samples, so these are likely to be Supreme Court warrants in most cases.

likely, it is not surprising that sentencing practices were not harsher for these cases.

	<i>Pre Sample</i>	<i>FDVC Sample</i>	<i>CC-only Sample</i>
1. Type of Disposition	(N=93)	(N=109)	(N=27)
Convicted	87%	94%	93%
Guilty plea	73%**	88%	89%
Tried and found guilty	14%*	6%	4%
Dismissed	8%	4%	7%
Acquitted at trial	4%	2%	0%
For convicted cases only:	(N=81)	(N=102)	(N=25)
2. Top Charge at Disposition			
Murder or attempted murder	3%	2%	0%
Assault	52%	36%	8%**
Criminal contempt	11%*	22%	88%***
Robbery or burglary	15%	16%	0% ⁺
Possession or use of a weapon or firearm	10%	9%	0%
Arson	5%	2%	0%
Sex offense or child endangerment	2%	0%	0%
Other (menacing, harrasment, unlawful impris., bail jumping, crim. mischief)	2%	13%	4%
3. Top Charge=Violent Fel. Offense	45%*	31%	0%
4. Severity of Top Charge at Disposition			
A Felony	0%	0%	0%
B Felony	17%**	4%	0%
C Felony	28%	23%	0%*
D Felony	12%	19%	8%
E Felony	15%	21%	75%***
A Misdemeanor ^a	27%	34%	17%*
Mean severity of top charge (A felony=5, E felony=1)	1.94*	1.41	.91***
5. Charges Reduced, Indictment to Disposition^d	54%***	78%	17%***

⁺ p < .10 * p < .05 ** p < .01 *** p < .001 (2-tailed t-test / Comparison is always with the post-FDVC sample (middle column))

^a Includes one case disposed as a violation.

^b A case is defined as having charges reduced if the top disposition charge is less severe than the top indictment charge (e.g., C felony instead of B felony, A misdemeanor instead of E felony, etc.).

Case Dispositions

Conviction Rates. Table 10 presents descriptive information on case disposition factors for our three samples. Cases in the pre sample had a conviction rate of 87%, which was not statistically lower than the rates of 94% and 93% for cases adjudicated by the FDVC. The goal of this Court – like any court – is not to obtain convictions *per se* (it is the role of the police to arrest the guilty parties and the role of prosecution to prove their guilt) but to provide due process and justice. It is therefore not surprising that conviction rates did not change signifi-

cantly under the model, since more aggressive police and prosecution practices were implemented prior to the start of the Court and applied for the pre cases as well. Regression analyses showed that conviction was predicted not by the type of court processing the case but by factors related to the quality of the evidence: when there was a physical injury from the incident, when the victim did not wish to drop charges (which may be related to increased willingness to testify or otherwise participate with prosecution), and when the defendant had a prior conviction for criminal contempt (showing a pattern of illegal behavior or prior “bad acts,” which have been admitted into evidence). See Table 11 for these results.

TABLE 11. Predictors of Conviction from Logistic Regressions

<i>Predictors</i>	<i>Coefficient</i>	<i>Standard Error</i>	<i>Sig. Level</i>	<i>Odds Ratio</i>
Defendant employed	.809	.544	.137	2.245
Prior criminal history				
Any prior violent felony offense conviction	-.755	.580	.193	.470
Any prior criminal contempt conviction	1.656*	.804	.039	5.240
Physical injury sustained due to the incident	1.039 ⁺	3.059	.080	2.827
Victim expressed a desire to drop charges**	-1.715**	.583	.003	.180
<i>Constant</i>	1.977**	.652	.002	7.221
Sample type (pre, FDVC, or CC-only)				
Any prior conviction				
Prior order of protection issued with same victim				
Weapon used during incident				
Nagelkerke R square	.206			
Chi-Square	19.566**			
Degrees of freedom	5			

Note: N = 198 of 229 possible cases (due to missing data on one or more independent variables for 33 cases). Variables were initially entered using a backward stepwise method (variables removed if p-value exceeds .200). This generated a final model including the variables listed above the dashed line. Due to their insignificance in earlier models, variables listed below the dashed line were subsequently dropped from the analysis.

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

Method of Disposition. Although conviction rates remained stable, method of disposition changed under the FDVC (Table 10). More cases pled guilty under the specialized Court (although many cases pled guilty before the Court as well), whereas cases were more likely to go to trial and be found guilty in the pre-Court period. It was not a goal of the Court to affect disposition methods, but this finding is not surprising in light of reports that having a court that was designed to take these cases very seriously may have made the defense less likely to gamble on a favorable outcome at trial. Increased defendant monitoring and contact with victims may have also improved the quality of evidence for the prosecution. While not a goal of the Court, resolving more cases by guilty plea is less resource-intensive and thus less expensive for the court system. Regression analyses support both interpretations: the significant or nearly significant predictors for disposition by guilty plea were:

- processing by the FDVC;
- victims who did not wish charges dropped (and may have participated more extensively with prosecution);
- when there was a physical injury (stronger evidence);
- shorter Supreme Court case processing time (this actually seems more of an effect of pleading than a cause, since cases that go to trial can be expected to take longer because of the length of the trial process); and
- when defendants were released prior to disposition (these cases received more intensive monitoring and victim services). See Table 12 for these analyses.

TABLE 12. Predictors of Guilty Plea Disposition from Logistic Regressions

<i>Predictors</i>	<i>Coefficient</i>	<i>Standard Error</i>	<i>Sig. Level</i>	<i>Odds Ratio</i>
Sample				
FDVC (versus pre)	1.140*	.458	.013	3.126
Criminal contempt only (versus pre)	1.105	.805	.170	3.019
Prior criminal history				
Any prior violent felony conviction	-.954	.460	.038	.385
Prior order of protection issued with same victim	.587	.443	.185	1.798
Physical injury sustained due to the incident	.961 ⁺	.524	.067	2.613
Victim expressed a desire to drop charges	-1.269**	.458	.006	.281
Days from Supreme Court indictment to disposition	-.005***	.001	.001	.995
Defendant released during case	.966 ⁺	.497	.052	2.627
<i>Constant</i>	.441	.966	.648	1.555
Any prior conviction				
Prior criminal contempt conviction				
Weapon used during incident				
Indictment charge severity				
Condition of release: batterers' intervention				
Nagelkerke R square	.248			
Chi-Square	32.934***			
Degrees of freedom	8			

Note: N = 204 of 227 possible cases (due to missing data on one or more independent variables for 23 cases). Note that 2 additional cases were excluded from this analysis because the defendant were respectively out on a warrant and abated. Variables were initially entered using a backward stepwise method (variables removed if p-value exceeds .200). This generated a final model including the variables listed above the dashed line. Due to their insignificance in earlier models, variables listed below the dashed line were subsequently dropped from the analysis.

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

Disposition Charges. In keeping with the types of charges brought at arrest and indictment, the convictions in the pre and FDVC samples were most often for assault, criminal contempt, or robbery/burglary, and the CC-only sample was nearly always convicted on contempt (Table 10). The samples differed significantly in that the pre sample was less likely to be convicted on criminal contempt than the FDVC sample (not surprising since the implementation of the felony provisions went into effect shortly after the Court started), and the CC-only sample was more likely to be convicted on contempt (again unsurprising because of how this sample was defined).

Nearly half the pre sample was convicted on violent felony offenses, defined under New York state laws to include various charges and severity levels of murder, manslaughter, assault, sexual offenses, kidnapping, arson, burglary, robbery, intimidating victims or witnesses, and firearms and other weapons charges (Table 10). This was significantly more than the nearly one-third of the FDVC sample convicted on such charges, and is likely due to the higher rate of criminal contempt (not a violent felony) convictions in the FDVC sample.

Top conviction charges were significantly more severe for the pre sample than the FDVC sample, and for the FDVC sample than the CC-only sample (Table 10). For the pre sample, three-quarters of the cases were convicted on felonies ranging from B to E, and the other one-quarter was convicted on misdemeanors. Two-thirds of the FDVC sample was convicted on B to E felonies, and the other one-third on misdemeanors. Less than one-fifth of the CC-only sample was convicted on misdemeanors, but nearly all the felony convictions were on E felonies.

While charges were more likely to be upgraded from arrest to indictment for the FDVC and CC-only samples (as shown in Table 3), charges were more likely to be reduced from indictment to disposition for the FDVC sample than for the pre or CC-only samples (Table 10). Indeed, top charges are least severe on average at conviction, but the severity of these charges is more similar to the severity levels at arrest than the indictment charges. This confirms prosecution reports that indictment has been more vigorously pursued since the Court began, since prosecutors will try to get cases into the Court for the defendant supervision and victim services even if they know they're unlikely to obtain convictions on the upgraded charges.

Regression analyses examined the role of various factors in explaining three indicators of seriousness of conviction charges: charge severity (A felony to A misdemeanor), no reduction in charge severity from indictment, and conviction on a violent felony offense. Analyses found that (see Table 13 for details):

- Prior sexual abuse of the victim by the offender was associated with more severe conviction charges, no reduction in severity from indictment, and conviction on a violent felony offense;
- Defendants who were not released prior to disposition had more severe conviction charges, no reduction in severity from indictment, and more convictions on a violent felony offense (it seems likely that a third, unmeasured factor influences both pre-disposition release and conviction charges obtained);
- More severe arrest charges were associated with more severe disposition charges and conviction on a violent felony offense;
- Cases which were processed more quickly through the felony courts were less likely to have charges reduced from indictment to disposition, and more likely to be convicted on a violent felony offense (perhaps these are cases in which the prosecution had an extremely strong position for negotiating a plea because it had very good evidence) ;
- No reduction in charge severity from indictment to disposition was also associated with cases in the CC-only (vs. the pre) sample, incidents in which a weapon was used, incidents when no medical attention was required, and no upgrading of charges from arrest to indictment.

Except for the finding that cases in the CC-only sample were unlikely to have charges reduced from indictment to disposition, there were no significant differences based on the type of court adjudicating the case. Rather, the “toughness” of the disposition was related to abuse history, characteristics of the criminal incident, and how the system processed the case (in terms of charging, release, and processing time).

TABLE 13. Analyses of Disposition Charges			
13a. Predictors of Top Disposition Charge Severity from OLS Regressions			
<i>Predictors</i>	<i>Coefficient</i>	<i>Standard Error</i>	<i>Sig. Level</i>
Sample type			
FDVC (versus pre)	-.263	.189	.166
Criminal contempt only (versus pre)	-.106	.330	.749
Prior abuse history			
Prior physical assault	.172	.195	.377
Prior sexual abuse	.510 ⁺	.282	.073
Initial Incident and Charge Characteristics			
Physical injury sustained due to incident	-.049	.256	.846
Weapon used during incident	.253	.202	.212
Medical attention required due to incident	-.266	.209	.205
Arrest charge severity	.214*	.094	.024
Charges upgraded between arrest and indictment	.228	.239	.343
Key case processing variables			
Defendant released during case	-1.064***	.181	.001
Days, Supreme Court arraignment to disposition	-.000	.001	.984
<i>Constant</i>	2.872***	.668	.001
Adjusted R Square	.270		
F statistic	7.532***		
Degrees of freedom	11		
<i>Note:</i> N = 195 of 208 possible cases with a conviction (due to missing data on one or more independent variables for 13 cases).			
⁺ p < .10 * p < .05 ** p < .01 *** p < .001			

13B. Predictors of Top Charge Reduction from Indictment to Disposition from Logistic Regressions

<i>Predictors</i>	<i>Coefficient</i>	<i>Standard Error</i>	<i>Sig. Level</i>	<i>Odds Ratio</i>
Sample type			.000	
FDVC (versus pre)	.636	.406	.117	1.889
Criminal contempt only (versus pre)	-3.012***	.799	.001	.049
Prior abuse history				
Prior physical assault	-.062	.426	.884	.940
Prior sexual abuse	-1.491*	.642	.020	.225
Initial Incident and Charge Characteristics				
Physical injury sustained due to incident	.861	.586	.142	2.365
Weapon used during incident	-.909 ⁺	.491	.064	.403
Medical attention required due to incident	.949 ⁺	.502	.059	2.582
Arrest charge severity	.274	.227	.227	1.315
Charges upgraded between arrest and indictment	1.153*	.589	.050	3.168
Key case processing variables				
Defendant released during case	1.330***	.389	.001	3.780
Days, Supreme Court arraignment to disposition	.003 ⁺	.002	.056	1.003
<i>Constant</i>	-4.213**	1.598	.007	.013
Nagelkerke R square	.433			
Chi-Square	74.428***			
Degrees of freedom	11			

Note: N = 195 of 208 possible cases with a conviction (due to missing data on one or more independent variables for 13 cases).

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

13C. Predictors of Violent Felony Offense Conviction from Logistic Regressions

<i>Predictors</i>	<i>Coefficient</i>	<i>Standard Error</i>	<i>Sig. Level</i>	<i>Odds Ratio</i>
Sample type			.298	
FDVC (versus pre)	-.546	.364	.133	.579
Criminal contempt only (versus pre)	-8.177	19.316	.672	.000
Prior abuse history				
Prior physical assault	.080	.402	.842	1.083
Prior sexual abuse	1.288*	.585	.028	3.626
Initial Incident and Charge Characteristics				
Physical injury sustained due to incident	.134	.578	.817	1.143
Weapon used during incident	.105	.428	.807	1.110
Medical attention required due to incident	-.566	.432	.190	.568
Arrest charge severity	.392 ⁺	.218	.072	1.480
Charges upgraded between arrest and indictment	.662	.517	.200	1.939
Key case processing variables				
Defendant released during case	-.799*	.362	.028	.450
Days, Supreme Court arraignment to disposition	-.003 ⁺	.001	.092	.997
<i>Constant</i>	.697	1.410	.621	2.007
Nagelkerke R square	.347			
Chi-Square	57.103***			
Degrees of freedom	11			

Note: N = 196 of 208 possible cases with a conviction (due to missing data on one or more independent variables for 12 cases).

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

Sentencing Practices for Convictions

In keeping with previous findings on conviction rates, charges, and methods, sentencing practices did not appear harsher for FDVC cases than for pre-cases. This is not surprising since charges against the FDVC cases were not more severe than charges against the pre-cases, and convictions in FDVC cases were more likely to be by guilty plea (in which sentencing is typically negotiated).

Across the three samples, the majority of cases were sentenced to incarceration (prison, jail, or jail/probation split) – 73% of pre-cases, 63% of FDVC cases, and 76% of CC-only cases. This is quite noteworthy for the CC-only cases, as these cases would never have gotten prison time, and infrequently jail time, prior to legal changes allowing felony-level charges.

Table 14 shows that there was a marginally higher likelihood of being sentenced to prison for cases in the pre sample, and that significantly more imprisoned offenders in the pre sample were sentenced to longer terms and served more time. In contrast, FDVC cases were more likely than pre cases to get a conditional discharge, which involves neither incarceration nor probation.

TABLE 14. Sentencing Practices

	<i>Pre Sample</i>	<i>FDVC Sample</i>	<i>CC-only Sample</i>
1. Type of Sentence (if convicted)	<i>(N = 81)</i>	<i>(N = 98)^a</i>	<i>(N = 25)</i>
Prison	45% ⁺	33%	32%
Maximum prison sentence up to 4 years	15%	21%	24%
Maximum prison sentence exceeds 4 years	30%**	12%	8%
Jail (sentence of up to 1 year)	7%	9%	0%
Jail/probation split	21%	21%	44%*
No jail or prison	27%	36%	24%
Probation only	18%	13%	8%
Conditional discharge	1%**	12%	0%
TASC-like sentence ^b	7%	11%	16%
2. Estimated number of months incarcerated^c	26.1*	12.6	8.1
3. Treatment Mandate (only of defendants sentenced to jail/probation split, probation, conditional discharge, or TASC-like sentence)	<i>(N = 38)</i>	<i>(N = 57)</i>	<i>(N = 17)</i>
Sentenced to any intervention program	74%	60%	82% ⁺
Sentenced to batterers' intervention	34%	42%	47%
Sentenced to substance abuse treatment	53%*	30%	59%*
Sentenced to mental health treatment	16%*	2%	6%

⁺ p < .10 * p < .05 ** p < .01 *** p < .001 (2-tailed t-test / Comparison is always with the post-FDVC sample (middle column))

^a Four convicted offenders in the FDVC sample are missing sentence information.

^b A "TASC-like sentence" indicates that the defendant pled guilty to a felony offense with the understanding that the defendant would enter an intervention program (most often substance abuse or mental health). If the defendant successfully completed the program, the defendant would have typically been able to re-plead to a misdemeanor offense.

^c For defendants arrested after October 1995, convicted of a repeat violent felony offense, and sentenced to prison, estimated time incarcerated is 6/7 of their determinate sentence, which is the minimum time that must be served. For defendants arrested before October 1995, convicted of a repeat violent felony offense, and sentenced to prison, or for defendants arrested at any point within the sampled period, convicted of a first violent felony offense, and sentenced to prison, estimated time incarcerated is 63% of the maximum prison time. This is based on data for actual time served for 866 defendants convicted of violent felony offenses in 1996 and 1997 and sentenced to indeterminate sentences (with both a minimum and a maximum length). For defendants not convicted of a violent felony offense and sentenced to prison, estimated time incarcerated is the minimum prison sentence. For defendants sentenced to jail or to a jail/probation split, estimated time incarcerated is 2/3 of the jail sentence, which is a standard release point for "good time" served.

Regression analyses showed that the difference between the types of court (general Supreme Court part vs. the specialized FDVC) in imposing prison time disappeared when considered in conjunction with other factors. The factors which were significant (see Table 15) in producing a prison sentence were:

- When the victim and defendant did not live together at the time of the offense;
- When the defendant was not released prior to disposition;
- When processing in the Supreme Court took longer (prison time is the strongest punishment and so is not an attractive inducement for the defense to reach a plea negotiation); and
- Marginally significant, when conviction was on a violent felony offense.

TABLE 15. Predictors of Receiving a Prison Sentence from Logistic Regressions

<i>Predictors</i>	<i>Coefficient</i>	<i>Standard Error</i>	<i>Sig. Level</i>	<i>Odds Ratio</i>
Sample type			.107	.107
FDVC (versus pre)	-.719	.464	.121	.487
Criminal contempt only (versus pre)	.549	.741	.458	1.732
Victim lives with defendant	-1.386***	.435	.001	.250
Prior violent felony offense conviction	.747	.459	.103	2.111
Weapon used during incident	.733	.488	.133	2.080
Released during case	-2.808***	.490	.001	.060
Days, Supreme Court arraignment to disposition	.005***	.001	.001	1.005
Convicted of violent felony offense on current case	.786 ⁺	.464	.090	1.196
<i>Constant</i>	2.595**	.882	.003	13.391
Defendant employed				
Any prior conviction				
Prior criminal contempt conviction				
Prior physical assault				
Prior sexual abuse				
Arrest charge severity				
Physical injury sustained due to incident				
Prior order of protection issued with same victim				
Victim expressed a desire to drop charges				
Nagelkerke R square	.473			
Chi-Square	73.746***			
Degrees of freedom	8			

Note: N = 175 of 208 possible cases with a conviction (due to missing data on one or more independent variables for 33 cases). Variables were initially entered using a backward stepwise method (variables removed if p-value exceeds .200). This generated a final model including the variables listed above the dashed line. Due to their insignificance in earlier models, variables listed below the dashed line were subsequently dropped from the analysis.

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

As shown in Table 14, for the cases not sentenced to imprisonment or straight jail time (straight means without a follow-up period of probation), CC-only cases were marginally more likely than FDVC cases to be ordered to an intervention program as a condition of sentence. Both pre and CC-only cases were significantly more likely than FDVC cases to be sentenced to substance abuse treatment, and pre cases were statistically more often sentenced to mental health treatment, compared with FDVC cases. The factors which best predicted a program mandate as part of the sentence for these cases were (see Table 16):

- When the criminal incident produced a physical injury;
- Shorter case processing time in the Supreme Court (sentences involving treatment may be more palatable to the defense and/or state, and lead to a shorter plea negotiation process); and
- More severe disposition charges (among this set of cases).

Again, whether the court was a general felony part or the FDVC did not in itself predict treatment requirements as part of sentencing. It is possible that the FDVC did not order more convicted offenders to batterers' intervention because many of them had already attended such programs as a condition of pre-disposition release.

Another aspect of defendant monitoring and accountability is the principle of post-disposition monitoring for probationers and those sentenced to conditional discharge or TASC-like sentences through in-court appearances every two months. Unfortunately, data to document that these court appearances were held, and on what schedule, were not available.

TABLE 16. Predictors of Program Mandate as Part of Sentence from Logistic Regressions

<i>Predictors</i>	<i>Coefficient</i>	<i>Standard Error</i>	<i>Sig. Level</i>	<i>Odds Ratio</i>
Physical injury sustained due to the incident	1.155*	.584	.048	3.176
Victim expressed a desire to drop charges	-.760	.499	.128	.468
Days, Supreme Court indictment to disposition	-.003*	.002	.034	.997
Disposition charge severity	.496*	.229	.030	1.642
<i>Constant</i>	.384	.559	.493	1.468
Arrest charge severity				
Any prior conviction				
Prior criminal contempt conviction				
Prior violent felony offense conviction				
Prior physical assault				
Prior sexual abuse				
Prior order of protection issued with same victim				
Weapon used during incident				
Defendant released during case				
Condition of release: batterers' intervention				
Nagelkerke R square	.187			
Chi-Square	14.233**			
Degrees of freedom	4			

Note: N = 99 of 113 possible cases (due to missing data on one or more independent variables for 14 cases). Variables were initially entered using a backward stepwise method (variables removed if p-value exceeds .200). This generated a final model including the variables listed above the dashed line. Due to their insignificance in earlier models, variables listed below the dashed line were subsequently dropped from the analysis.

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

IMPACTS OF FDVC ON PROBATION COMPLIANCE AND REPORTED RECIDIVISM

The final set of questions addressed in our impact analyses concern what is perhaps the most important but difficult issue to address: Is the FDVC model associated with any changes in compliance with probation and the repeat occurrence of abuse? The Court model's strong emphasis on monitoring and accountability may promote compliance with probation conditions. Stopping a notoriously chronic crime like domestic violence is far too ambitious a goal for any single approach, but it is possible that early indicators of effects on repeat abuse by defendants in Court cases might be seen. We examined data on post-sentence probation violations and re-arrests to address questions around compliance and official recidivism.

Section Summary

Our findings on compliance and recidivism are very difficult to interpret because we had to rely on official records of probation violations and repeat arrests (and we could not distinguish domestic violence from other crimes), and because the pre/post design used in this evaluation does not allow unequivocal causal attributions for differences across groups. With this warning in mind, we found that over one-third of probationers were charged with probation violations regardless of whether they were adjudicated by the specialized Court or by a general felony court. Those processed by the FDVC tended to violate probation more quickly, which may reflect a greater likelihood of detection and

response to FDVC cases. Nearly half of all defendants released prior to disposition were arrested again during their period of release, regardless of what kind of court adjudicated their case. Pre-disposition repeat arrests were more likely when the defendant had a criminal conviction on his record, and when the victim did not want charges pressed. Arrests during the first 12 and 18 months of the post-disposition period (or post-release for incarcerated offenders) were higher for the samples processed by the specialized Court (about half of all cases were re-arrested) than for the pre sample (about one-quarter of the cases), but the effect for type of court all but disappeared in multivariate analyses which also considered other factors. The strongest and most consistent effect was for prior criminal convictions, especially for contempt, such that those with such convictions were more likely to be arrested again and to be arrested more quickly. Only limited data were available on the types of crimes for which defendants were again arrested, but it seems that cases from the pre sample are most often arrested on non-violent felony offenses, cases from the FDVC sample are most often arrested on misdemeanors, and CC-only cases are most often arrested for criminal contempt again.

Probation Violations

Probation violations can be technical in nature (such as a failure to report for an appointment with the probation officer) or due to illegal behavior related to domestic violence (such as a protection order violation or a new assault) or other crimes not related to domestic violence. Before presenting these data it is important to bear in mind that they pertain to *reported* violations only, and several hypotheses about the effects of the FDVC model are equally likely.

One possibility is that, because of the emphasis on defendant accountability through close monitoring and supervision, and on victim safety by keeping in touch with victims and reporting incidents to probation or the court, offenders adjudicated by the FDVC should be encouraged to comply with probation conditions. Under this scenario we would expect to see lower rates of violations for the two FDVC samples.

Another hypothesis is that the closer post-disposition monitoring, through intensive supervised probation and court appearances, as well as the victim services emphasis, may actually lead to higher rates of reported violations because violations are more likely to be detected and acted upon. In this case, higher reported rates for FDVC cases may mean higher rates of *actual* violations (non-compliant or illegal behaviors whether reported or not), lower rates of actual violations, or no changes from the pre-FDVC period. These two hypotheses are therefore not incompatible, but cannot be definitively tested with data on reported violations only, which was the only type available in this research.

Table 17 shows that probation violation rates seem to vary across the three samples, such that CC-only cases have the highest rate and FDVC cases the lowest, but the differences did not reach statistical significance. The combined rate for FDVC and CC-only cases (both were adjudicated by the specialized Court) of 34% probation violations is quite similar to the pre sample's rate of 38%, indicating that over one-third of probationers have reported violations no matter what type of court adjudicated their case.

While the number of violators was very small, the times from case disposition to violation report, and from disposition to arrest, were shorter for cases processed by the specialized Court (FDVC and CC-only cases combined). These very tentative findings may suggest that increased surveillance under FDVC produces more detection of violations and quicker responses. Another explanation is that, for whatever reasons related or unrelated to the Court, FDVC probationers violate their probation more quickly.

TABLE 17. Post-Sentence Violations by Probationers

	<i>Pre Sample</i>	<i>FDVC Sample</i>	<i>CC-only Sample</i>
1. Probation Violations (only of defendants sentenced to jail/prob. split or probation)			
	(N = 32)	(N = 34)	(N = 13)
No probation violation	20 (62%)	24 (71%)	7 (54%)
Probation violation	12 (38%)	10 (29%)	6 (46%)
2. Reason for Probation Violation (only of defendants with a probation violation)			
	(N = 12)	(N = 10)	(N = 6)
Re-arrest: domestic violence-related	4	4	2
Re-arrest: not domestic violence-related	3	2	2
Technical violation	3	3	1
	(2 cases missing)	(1 case missing)	(1 case missing)
3. Probation Violation due to Victim Contact (only of defendants with probation violation)			
	(N = 12)	(N = 10)	(N = 6)
Violation involved the victim	4	4	3
Physical assault	3	2	1
Verbal threat	0	0	2
Contact with victim but no threat	1	2	0
4. Time to Probation Violation and Court Response (only of defendants with probation violation)			
	(N = 12)	(N = 10)	(N = 6)
Days, disposition to probation violation report ^a	285.3	143.6	135.4
Days, disposition to arrest for violation ^b	399.1	134.8	215.3
Time lag, probation violation to arrest	72.4	28.2	82.3

⁺ p < .10 ^{*} p < .05 ^{**} p < .01 ^{***} p < .001 (2-tailed t-test / Comparison is always with the post-FDVC sample (middle column))

^a When comparing the pre sample to a combination of the FDVC and CC-only samples, the time from disposition to violation is significantly lower for the combined FDVC-processed sample. Note that for this analysis, data were missing for 1 pre case, 2 FDVC cases, and 1 CC-only case.

^b When comparing the pre sample to a combination of the FDVC and CC-only samples, the time from disposition to arrest was significantly lower for the combined FDVC-adjudicated sample. This analysis does not include cases whose probation violation was technical in nature and hence did not result in an arrest (see results under point 2a).

The Probation Department recently compiled statistics on felony and misdemeanor cases supervised by the ISP Unit in Kings County during 2000. These data indicate that 20% of the cases violated probation. About half were technical violations and half re-arrests (more often for domestic violence-related incidents than other types of offenses). This is a lower percentage of violations than found for our 1997 cases and may indicate a decline in violation rates, but it should be noted that the Probation Department statistics include misdemeanor cases from criminal court (about 20%), whereas our sample is all Supreme Court felony cases. It's also likely that some of the cases in the Probation Department statistics had only been on probation for a short time.

Repeat Arrests

The New York State Division of Criminal Justice Services provided us with data on arrests over the last several decades for defendants in our samples, as well as defendants in FDVC and CC-only cases which were not subject to complete file reviews (see Appendix C for a description of how the population was defined, how the file review sample was selected, and analyses of selection biases). These data allowed us to construct criminal history variables already reported in this chapter, and to examine additional arrests during and after processing of the cases targeted for study here. Unfortunately these data did not differentiate arrests for domestic violence offenses from arrests for other offenses. While further acknowledging that arrests are not foolproof indicators of recidivism, since not all arrested parties are guilty and not all crimes lead to arrests, it is the best indicator we have from the data available.

The same hypotheses about the meaning of any changes across samples that applied to probation violations also apply to re-arrests. That is, we might expect FDVC-processed cases to have lower re-arrest rates because of the deterrent effects of specialized procedures used by the Court. Or we might expect FDVC-processed cases to have higher rates because of the greater likelihood of detection and response resulting from the specialized procedures. In the absence of reliable data on actual crimes committed by these defendants, we must depend on reported crimes for which these defendants were arrested, and these data do not allow us to definitively test which of these hypotheses is more likely to be true.

Another limitation on interpretation of findings is imposed by the pre/post design used in this evaluation. Even if it could be reliably inferred that changes in arrest rates reflect changes in repeat criminal behavior, the pre/post design does not allow us to unequivocally attribute those changes to the Court itself. Statistical analyses control for the effects of other factors which may have changed along with Court procedures, but not all such factors could be measured. This means that other, unspecified variables besides the Court and other variables used in our analyses could account for any pre/post changes.

Pre-Disposition Arrests. Table 18 shows that, for cases subject to file reviews, there were no differences across samples in rates of additional arrests prior to disposition for those released in the pre-disposition period. These rates were very high, with an average of around 45% to 50% of released defendants being arrested again while on release. CC-only defendants released in the pre-disposition period were somewhat less likely to be arrested for a violent felony offense but more likely to be arrested for criminal contempt, compared with FDVC cases. There were no differences between the pre and FDVC samples in rate or types of additional pre-disposition arrests.

TABLE 18. Prevalence of Criminal Recidivism

	<i>Pre Sample</i>	<i>FDVC Sample</i>	<i>CC-only Sample</i>
1. Pre-Disposition Recidivism Only^a	(N = 54)	(N = 76)	(N = 19)
Any arrest	43%	51%	47%
Arrest for a violent felony offense	9%	14%	0% ⁺
Arrest for criminal contempt	7%	16%	37%*
2. Recidivism within 1 Year Post-Disposition^{b,c}	(N = 71)	(N = 167)	(N = 69)
Any arrest	21% ⁺	33%	38%
Arrest for a violent felony offense	7%	5%	3%
Arrest for criminal contempt	6%	8%	25%**
3. Recidivism within 18 Months Post-Disposition^{b,c}	(N = 68)	(N = 138)	(N = 57)
Any new arrest	26%*	41%	53%
Arrest for a violent felony offense	9%	8%	4%
Arrest for criminal contempt	9%	11%	33%**

⁺ p < .10 * p < .05 ** p < .01 *** p < .001 (2-tailed t-test / Comparison is always with the post-FDVC sample (middle column))

Source: New York State Division of Criminal Justice Services.

^a This recidivism statistic was only calculated for cases released at some point during the pre-disposition period. Since release status was only known for cases receiving a complete case review, only 149 cases (those which were reviewed and were released prior to disposition) could be used in this analysis. This is 65% of the total sample of 229 cases.

^b For defendants who are not incarcerated, the recidivism time begins immediately post-disposition. For defendants sentenced to jail or prison, post-disposition time is calculated to begin at their estimated release from incarceration. This is to avoid understating recidivism among incarcerated defendants. See Table 14, footnote c for the methodology used to estimate the time that defendants with different types of sentences were incarcerated. Note that these recidivism statistics are only calculated for cases released for the full recidivism period under study (i.e., 1 year or 18 months respectively). The cases with defendants still incarcerated as of the analysis are defined as missing. For the 1-year post-disposition arrest analysis, 70% of all cases (307 of 438) had been released from incarceration for at least a year, and so were included in this analysis. For the 18-month post-disposition arrest analysis, 60% of all cases (263 of 438) were included in the analysis.

^c These analyses include cases not receiving a complete case review, using criminal history and recidivism data from DCJS. See Appendix C for a discussion of methods of sampling cases for file review and analyses of sample selection biases.

To identify factors that best explained pre-disposition repeat arrests, we conducted a number of bivariate correlations and used the significant variables in those analyses as predictors in regression analyses. Table 19

shows that additional arrests prior to disposition were more likely when the defendant had any prior criminal convictions, which is certainly in keeping with the generally-accepted fact that past criminal behavior strongly predicts additional criminal behavior, or at least criminal behavior detected by the justice system. Another strong predictor was when the victim wanted charges dropped after the indictment. This may suggest that when victims do not want charges brought it is because they anticipate additional criminal acts, since we do see evidence of repeat criminal behavior when charges are pressed against the victims' wishes. Pre-disposition re-arrests were also marginally more likely for CC-only cases (relative to pre cases), and for defendants with prior violent felony or criminal contempt convictions.

TABLE 19. Predictors of Pre-Disposition Re-Arrests from Logistic Regressions

<i>Predictors</i>	<i>Coefficient</i>	<i>Standard Error</i>	<i>Sig. Level</i>	<i>Odds Ratio</i>
Sample			.171	
FDVC (versus pre)	.664	.693	.338	1.943
Criminal contempt only (versus pre)	1.124 [†]	.651	.084	3.078
Prior criminal history				
Any prior criminal conviction	.861*	.423	.042	2.365
Any prior violent felony offense conviction	.939 [†]	.528	.075	2.558
Any prior criminal contempt conviction	.779 [†]	.426	.067	2.179
Victim attempted to drop charges	.884*	.396	.026	2.420
<i>Constant</i>	-2.325***	.746	.002	.098
Nagelkerke R square	.215			
Degrees of freedom	6			
Chi-square	23.572***			

Dependent Variable: New arrest between the initial arrest and the case disposition (yes/no)?

Note: N = 134 of 149 possible cases (due to missing data on one or more independent variables for 15 cases). Cases were available for the analysis only if the defendant was released at some point during the pre-disposition period. The following variables were entered using a backward stepwise method (variables removed if p-value exceeds .200): (1) sample type (post versus pre and criminal contempt only versus pre), (2) any prior criminal conviction, (3) any prior violent felony offense conviction, (4) any prior criminal contempt conviction, and (5) victim expressed desire to drop charges during initial police interview. Of these variables, sample type and the three criminal history variables were entered to test hypotheses regarding the impact of these variables. The other two variables were added based on significant bivariate correlations. Results are shown for the last step of the regression model.

[†] p < .10 * p < .05 ** p < .01 *** p < .001

Post-Disposition Arrests. We used the DCJS data to assess post-disposition re-arrests at 12 months and 18 months. Since some offenders were incarcerated and would not have had the same opportunity to recidivate as those not incarcerated, at least while they were in prison or jail, we adjusted the post-disposition period to the first 12 and 18 months “on the street.” For those not incarcerated, this was the first 12 and 18 months post-disposition. For those incarcerated after disposition, this was the first 12 and 18 months after their estimated release date. It is important to note that only those assumed to be at liberty for the full 12 and 18 months were included in these analyses. At 12 months, we included 70% of the full population of 438 cases, and at 18 months we included 60% of the full population. This means that these analyses are restricted to those who were not incarcerated or were incarcerated for shorter periods, and may very well not be generalizable to those incarcerated for longer terms. The pre-sample may include more cases that were incarcerated for longer periods, since they had more time to have served their sentence and then be released for the requisite period.

With this caution in mind, Table 18 shows that post-disposition arrest rates were higher for FDVC-processed cases than for pre cases, and CC-only cases were particularly likely to be re-arrested for criminal contempt. By 18 months post-disposition or post-release, about one-quarter of the pre sample but nearly half the FDVC-processed samples had been arrested again. One-third of the CC-only sample was again arrested for criminal contempt, compared with about 10% of the pre and FDVC samples. These findings may suggest that defendants adjudicated by the FDVC were more likely to commit additional crimes and be arrested for them, or that they

were simply more likely to be arrested, since we do not have reliable data on crimes actually committed. If their actual rate of committing crimes increased, the pre/post design used in this study does not allow us to determine whether this change would be due to the Court or to any of a number of other factors which may have changed in Kings County over the period of time under study.

We again conducted regression analyses, guided by results from bivariate correlations, to identify what factors predict additional arrests and the amount of time that elapsed from case disposition/release to first new arrest (see Table 20). We conducted analyses separately for the sample of cases subject to file reviews (to include predictors only available from file reviews), and for the full population of eligible cases (which is restricted to data obtained from DCJS but includes many more cases). Each analysis was further performed separately for the first year after disposition or release, and for the first 18 months after disposition or release. Across all four analyses, the strongest predictor was prior convictions for criminal contempt, such that those with such convictions were more likely to have a new arrest within the time frame, and have it more quickly. Other significant predictors were defendant's age (such that younger defendants were more likely to have repeat arrests and have them more quickly) and prior violent felony offense convictions (such that those with such convictions were more likely to have a re-arrest within 18 months, and for the arrest to occur sooner). Marginally significant predictors included conviction for a violent felony offense in the case under study (in which those cases were less likely to be re-arrested, and the repeat arrest occurs later), and adjudication by the specialized Court (when not restricting analyses to the sample of reviewed cases, these cases were more likely to be re-arrested and to be arrested again more quickly, within an 18-month timeframe) than the pre sample cases). Except for the last marginally significant result, type of court did not predict repeat arrests within the first 18 months after disposition or release from incarceration.

TABLE 20. Cox Regressions on Post-Disposition Repeat Arrests				
20A. Cox Regression Predicting Days To First New Arrest Within One Year Post-Disposition Or Post-Release^a				
<i>(Time variable: days to first arrest within one year; Status variable: new arrest within one year?)</i>				
<i>Predictors</i>	<i>Coefficient</i>	<i>Std. Error</i>	<i>Sig. Level</i>	<i>Odds Ratio</i>
Model (1) Cases with complete case review (N = 163)^b				
Prior criminal history				
Any prior criminal contempt conviction	1.058***	.317	.001	2.881
Defendant age	-.040*	.019	.038	.961
Defendant employed at time of initial arrest	-.476	.317	.134	.622
Current conviction for a violent felony offense	-.562	.417	.177	.570
Degrees of freedom	4			
Chi-square	25.395***			
Model (2) All cases (independent variables only entered if available for cases without case review) (N = 304)^b				
Prior criminal history				
Any prior criminal contempt conviction	1.230***	.213	.000	3.421
Defendant age	-.030*	.012	.014	.970
Current conviction for a violent felony offense	-.661 ⁺	.353	.061	.516
Degrees of freedom	3			
Chi-square	49.817***			

20B. Cox Regression Predicting Days to First New Arrest within Eighteen Months Post-Disposition or Post-Release^a

(Time variable: days to first arrest within 18 months; Status variable: new arrest within 18 months?)

<i>Predictors</i>	<i>Coefficient</i>	<i>Std. Error</i>	<i>Sig. Level</i>	<i>Odds Ratio</i>
Model (1) Cases with complete case review (N = 146)^d				
Prior criminal history				
Any prior violent felony offense conviction	.540 ⁺	.325	.096	1.717
Any prior criminal contempt conviction	1.127 ^{***}	.301	.000	3.088
Defendant employed at time of initial arrest	-.451	.301	.134	.637
Current conviction for a violent felony offense	-.509	.391	.193	.601
Degrees of freedom	4			
Chi-square	28.395 ^{***}			
Model (2) All cases (independent variables only entered if available for cases without case review) (N = 260)^d				
Sample			.146	
FDVC (versus pre)	.513 ⁺	.280	.066	1.671
Criminal contempt only (versus pre)	.556 ⁺	.318	.081	1.743
Prior criminal history				
Any prior conviction	-.337	.247	.173	.714
Any prior violent felony offense conviction	.684 ^{**}	.244	.005	1.982
Any prior criminal contempt conviction	1.251 ^{***}	.213	.000	3.504
Defendant age	-.020 ⁺	.012	.087	.980
Current conviction for a violent felony offense	-.433	.320	.177	.649
Degrees of freedom	7			
Chi-square	65.942 ^{***}			

Note: The following independent variables were initially entered using a backward stepwise method (variables removed if p-value exceeds .200): (1) sample type (post versus pre and criminal contempt only versus pre), (2) any prior criminal conviction, (3) any prior violent felony offense, (4) defendant age, (5) defendant employment status at time of initial arrest, (6) prior history of physical assault with same victim, and (7) defendant convicted of a violent felony offense on the initial case. Of these variables, sample type and the three criminal history variables were entered to test hypotheses on their impact. The other variables were added based on significant bivariate correlations, with either (a) new arrest within one year post-disposition or (b) new arrest within eighteen months post-disposition. An exception is that for the models including all cases (with and without complete case review), variables (5) and (6) from the above list were excluded, since they were not available for any cases without case review. Results are shown for the last step of the regression model.

^a For defendants who are not incarcerated following disposition of the target case, the recidivism time begins immediately post-disposition. For incarcerated defendants, post-disposition time is calculated to begin after their estimated release from incarceration. This is to avoid underestimating recidivism among incarcerated defendants. See Table 14, footnote c for the methodology used to estimate the time that defendants with different types of sentences were incarcerated. Note that these recidivism statistics are only calculated for cases released for the full recidivism period under study (e.g., 1 year or 18 months respectively).

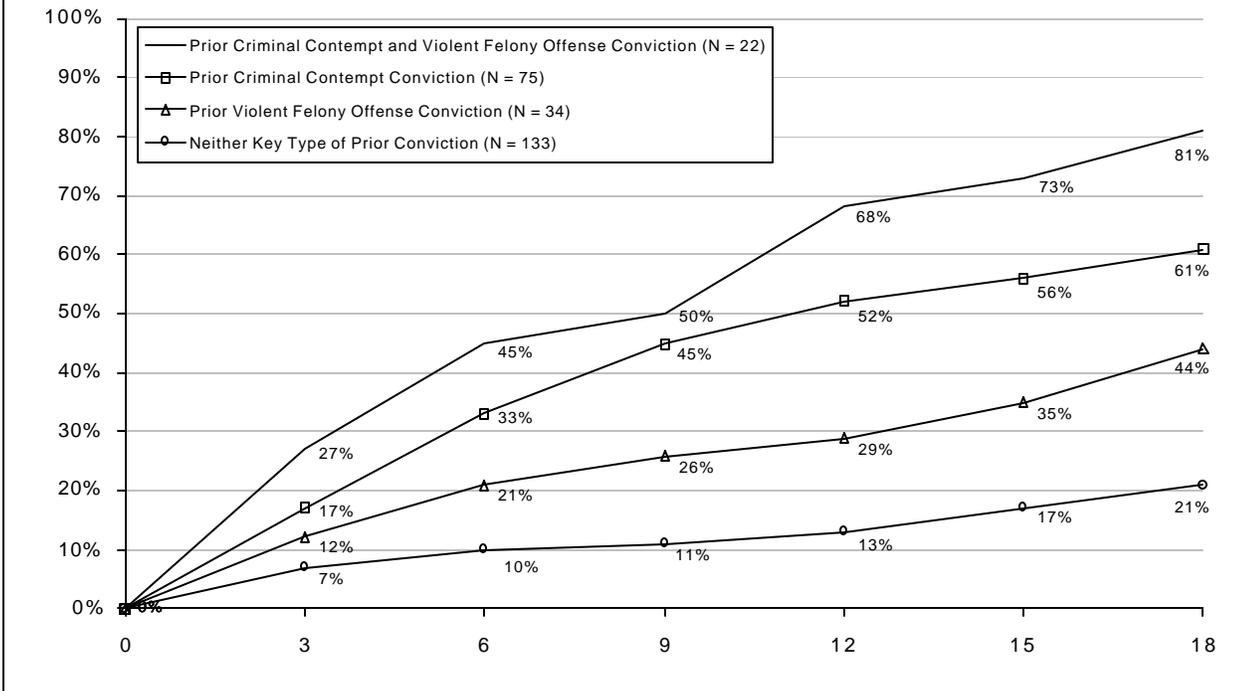
^b There are 229 total cases with case review, and 438 total cases with or without case review, but fewer cases are available for these analyses. First, some cases are missing data on one or more predictor variables. Second, some cases do not have enough "at risk" time in the post-disposition period (e.g., due to receiving a long jail or prison sentence on the initial case).

For the analyses of re-arrests in the first year, the sample was reduced from 438 to 307 cases, or 70% of the population. For the analyses of re-arrests in the first 18 months, the sample was reduced from 438 to 263 cases, or 60% of the population.

⁺ p < .10 ^{*} p < .05 ^{**} p < .01 ^{***} p < .001

We conducted survival analyses to predict patterns in time to first new arrest using groups formed from criminal history data, since criminal history was the strongest predictor of repeat arrests. Figure 14 shows that the pattern of repeat arrests over time was similar across groups, but arrest rates for those with more serious criminal histories rose more rapidly over time than those with less serious histories. Interestingly, those with criminal contempt convictions were re-arrested at higher rates than those with violent felony offense convictions in their past.

FIGURE 14. The Impact of Criminal History on Time to First New Arrest: Percentage with One or More New Arrests up to 18 Months after Disposition or Release



Types of Charges in Additional Arrests

To get a reading of the types of crime for which defendants were re-arrested at any point, we looked at the top charge of the first new arrest any time within 30 months of the arrest targeted in our study, for sampled as well as non-sampled cases (Table 21). From 40% to 66% of these cases had at least one additional arrest. For the re-arrested cases, the pre cases were most likely to be re-arrested for a non-violent felony offense, the FDVC cases were most likely to be arrested again for a misdemeanor offense, and the CC-only cases were most likely to have a repeat arrest for criminal contempt. There were few differences across samples when comparing within types of charges, except that CC-only defendants were less likely than FDVC cases to be arrested again for a violent felony offense and more likely to be re-arrested for criminal contempt.

TABLE 21. Top Charge of First New Arrest for Defendants Arrested at any Time within 30 Months of the Target Domestic Violence Arrest^a

<i>Recidivism Measure</i>	<i>Pre Sample (N = 93)</i>	<i>FDVC Sample (N = 253)</i>	<i>CC-only Sample (N = 92)</i>
A) Sampled Defendants Re-Arrested within 30 Months of their Initial Arrest	37 defendants (40% of sample)	139 defendants (55% of sample)	61 defendants (66% of sample)
B) Top Charge on First New Arrest	<i>(N = 37)</i>	<i>(N = 139)</i>	<i>(N = 61)</i>
1. Violent Felony Offense	4 (11.4%)	28 (20.4%)	4 (6.8%)**
Murder	---	1 (0.7%)	---
Assault	1 (2.9%)	15 (10.9%)*	2 (3.4%)*
Rape or sexual abuse	---	4 (2.9%)	---
Robbery	2 (5.7%)	6 (4.4%)	---
Criminal possession of a weapon	1 (2.9%)	2 (1.5%)	2 (3.4%)
Witness tampering or intimidation	1 (2.9%)	4 (2.9%)	1 (1.7%)
2. Criminal Contempt	5 (14.3%)	31 (22.6%)	28 (47.5%)***
3. Other Felony Offenses	14 (40.0%)	35 (25.5%)	11 (18.6%)
Property (burglary, robbery, larceny, or theft)	6 (17.1%)	13 (9.5%)	4 (6.8%)
Drug sales or possession	3 (8.6%)	13 (9.5%)	2 (3.4%)
Reckless endangerment / child endangerment	---	1 (0.7%)	2 (3.4%)
Other (criminal mischief, criminal impersonation, bail jumping, or escape)	4 (11.4%)	4 (2.9%)	2 (3.4%)
4. Misdemeanor Offenses	12 (34.3%)	43 (31.4%)	16 (27.1%)
Drug possession	1 (2.9%)	12 (8.8%)	2 (3.4%)
Assault	5 (14.3%)	7 (5.1%)	2 (3.4%)
Property (petit larceny or criminal possession)	2 (5.7%)	5 (3.6%)	2 (3.4%)
Aggravated harassment	---	9 (6.6%)+	2 (3.4%)
Criminal mischief, trespass, or loitering	2 (5.7%)	5 (3.6%)	2 (3.4%)
Menacing / Hazing	1 (2.9%)	2 (1.5%)	1 (1.7%)
Resisting arrest	1 (2.9%)	3 (2.2%)	3 (5.1%)
Misdemeanor (type unknown)	---	---	2 (3.4%)
Total	35	137	59
<i>Unknown / Missing Top Charge Data</i>	<i>2 cases</i>	<i>2 cases</i>	<i>2 cases</i>

+ p < .10 * p < .05 ** p < .01 *** p < .001 (2-tailed t-test / Comparison is always with the post-FDVC sample (middle column))

Source: New York State Division of Criminal Justice Services.

^a These analyses include cases not receiving a complete case review.

CONCLUSIONS AND RECOMMENDATIONS FROM THE IMPACT ANALYSIS

A total of 136 cases (including 27 cases in which a felony protection-order violation was the only felony indictment charge) adjudicated by the FDVC in an early period was compared with a sample of 93 cases handled by general felony court parts in the 18 months before the specialized Court was established. Our findings indicate that the use of this court model has made a difference in several key areas:

- The District Attorney’s Office is more likely to indict cases with less severe police charges in order to bring the enhanced defendant monitoring and victim services resources to these cases. In addition, a new state law implemented shortly after the start of the Court resulted in many protection order violation cases

being prosecuted as felonies, which would previously have been misdemeanors. These changes in law and practice mean that cases processed by the FDVC were as a group more heterogeneous than the pre-Court cases on severity of the criminal incident (even when the protection order violations were considered separately).

- Victim services are clearly expanded under the specialized Court, in that all victims are assigned an advocate and receive a protection order during case processing (and often afterwards as well). Unfortunately data describing the nature or impact of advocacy services received were not available.
- Judicial monitoring of defendant compliance could not be documented because information differentiating status appearances from other types of court appearances was not available from file reviews, either pre-disposition or post-disposition. Pre-disposition release was used somewhat more often in FDVC cases, and released FDVC defendants were more likely to be ordered to batterers' intervention programs while on release. Many defendants were re-jailed for infractions of release conditions, no matter which court handled their case.
- The specialized Court spent slightly more time, on average, processing cases from felony arraignment to disposition. However, the severity of indictment charges and defendants who were released and re-manded for infractions better predicted increased processing time. It is very difficult but important to strike a balance between the need to give these complex and intractable cases the time and attention they require, the need to provide speedy justice, and the various pros and cons of pre-disposition release.
- Conviction rates did not change under the specialized Court, but methods of reaching disposition did. Convictions by guilty pleas were more common and trials were less common in FDVC cases. Even when accounting for other relevant factors (such as factors related to evidence), plea bargaining is more likely to result from use of the Court model itself. This represents a cost-savings to the court system. Conviction charges were, on the whole, less severe for FDVC cases than cases processed by general felony courts. This may be a product of the greater use of plea bargaining, and/or the fact that less serious cases (based on arrest and indictment charges) are more likely to enter the FDVC than were entering felony courts before.
- Sentencing practices under the FDVC model were neither more punitive (in terms of incarceration) nor more treatment-oriented (with treatment mandates as a condition of the sentence), on the whole, than sentencing practices before the Court began. It seems likely that sentencing did not become more punitive because of the broader mix of cases (on arrest charge severity) entering the Court, and/or because of the greater use of plea bargaining. Orders to batterer intervention may not have increased in FDVC sentences because these programs were used so much more widely in the pre-disposition period.
- Data on probation violations and arrests for additional incidents were analyzed. Interpretation of these findings is extremely equivocal because of limitations imposed by the reliability of these indicators as measures of compliance and recidivism (we were limited to official records of reported allegations, which may underestimate or overestimate actual behaviors, and we could not differentiate domestic violence from other types of crimes), and because of the pre/post research design. With these warnings in mind, our results tentatively suggest that probation violations were reported for about one-third of all probationers, and did not change under the new court model. Additional arrests for those released prior to disposition were even higher, at nearly half of all released defendants. Rates of pre-disposition repeat arrests did not vary by type of court, but post-disposition arrest rates were double for FDVC-processed cases (about half vs. one-quarter). Higher arrest rates for the FDVC sample may reflect higher rates of repeat criminal behavior, or they may be due to the greater likelihood of detection under the FDVC model, which enhances monitoring by the Court and uses ISP probation. Very limited data were available on the nature of the additional arrest charges, and it was not possible to distinguish domestic violence from other types of criminal incidents. However, cases in the pre sample were most often arrested again for non-violent felony offenses, cases in the FDVC sample were most often re-arrested for misdemeanors, and criminal contempt (protection-order violation) cases were most often arrested again for criminal contempt.

- Criminal history, especially prior convictions for criminal contempt, emerged as one of the most consistent indicators of how well defendants performed both pre-disposition and in the post-disposition follow-up period. Those with prior criminal convictions, especially for contempt, were less likely to be granted pre-disposition release, more likely to be re-jailed for violations when they were released, more likely to be convicted in the current case, and more likely to be arrested on new charges in the pre-disposition and post-disposition follow-up periods. These findings suggest that those with prior convictions, especially for criminal contempt, may need the closest monitoring and supervision by the system.

As the popularity of specialized domestic violence courts grows, additional research should be conducted to document how the approach grows and evaluate its impact. Further research could benefit from several lessons learned in this study:

- This study began two years after the specialized Court started. An evaluation component should be planned when a new court is being planned, so that evaluation can occur proactively rather than retroactively. This would allow evaluators to develop research materials with which to evaluate the model more thoroughly. In this study, for example, it was not possible to fully document the implementation of defendant monitoring techniques because sufficiently detailed information was not contained in case files, and our samples consisted of cases already processed and closed.
- Since domestic violence is such a notoriously chronic crime and victim safety is a critical concern, evaluators must address the question of recidivism. It is important to use the most reliable measures of recidivism, going beyond incidents which were reported to and acted upon by the authorities. Interviews with victims are the best way to measure repeat domestic violence (at least against that identified victim), both reported and unreported, for which arrests were and were not made. Resources for this critical step were not available here, but should be prioritized for future research efforts.

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Appendix A:

**Technology Application Documents:
Court-Partner Link Schematic, Summary
of Modules, and Sample Screens**

Appendix A is only available in the hard copy.

Appendix B:

Media Articles on the Court

Appendix B is only available in the hard copy.

Appendix C: Population Identification, Sample Selection, and Analyses of Possible Selection Biases

We had to use several different sources to obtain a reliable listing of the population of cases eligible for inclusion in our study, since none of the sources was completely reliable in itself. The population of cases was identified by compiling four sources:

- The District Attorney's Office's Management Information System, which catalogued cases identified as felony domestic violence in the Early Case Assessment Bureau from 1994 through 1997. Early explorations of this database showed that it included a number of cases which were not in fact domestic violence. This raised the troubling possibility that reliance on this as the sole source could exclude many domestic violence cases, if cases were also mistakenly excluded from the database. Reasons for possible exclusion were unknown, but we feared that any systematic exclusion factors would lead to biased sampling on our part.
- The District Attorney's Office's Domestic Violence Bureau's log book of pending felonies, a chronological record of felony cases recorded as victims came in to speak with an ADA about testifying before a grand jury. This source had the drawback of excluding cases in which the victim did not come in to prepare for the grand jury. In addition, upkeep of the book ceased part way through 1995.
- The DA's Domestic Violence Bureau's trial list of open felony cases. This list was updated two to three times per week and ran from early 1995 through the end of 1996.
- Office of Court Administration records of cases flagged as domestic violence at arrest, from 1995 through 1997. However, identification of cases as domestic violence may have been incomplete in the early period.

Our compilation of cases from these sources identified 854 possibly eligible cases. Application of the following selection criteria reduced this number to a final population of 438 eligible cases:

- All cases must be indicted on felony charges from 1995 through 1997;
- All cases must be prosecuted by the DA's Domestic Violence Bureau;
- No cases which were consolidated with a non-domestic violence case were eligible;
- All cases must be adjudicated in the Supreme Court;
- Cases during the first six months of the FDVC's operation (June to December, 1996) were ineligible because the Court model was not yet fully in place;
- Cases which began in another Supreme Court part but were transferred to the FDVC were ineligible (pre/post crossover);
- Cases determined not to involve domestic violence were ineligible;
- Cases listed in only one of the four above sources were not pursued because of a low likelihood that they would prove eligible;
- Cases in which the files were repeatedly unavailable were dropped from the samples; and

- Cases which were superceded by or consolidated with another felony domestic violence case were not included in the sample as separate cases, because the case with which they were associated often was included in our sample.

Of the final population of 438 cases, we selected into our sample and completed in-depth case file reviews for 229. All cases identified as eligible for the pre sample were selected into the sample and reviewed (all of the 93 eligible cases during 1995 and early 1996). Resource limitations prevented us from completing file reviews on all the eligible FDVC cases. Instead, we reviewed all the non-CC-only cases which were indicted during approximately the first half of 1997 (N=109 of a possible 253 such cases in 1997, or 43%). For the CC-only cases, we reviewed all those indicted during the first four months or so of 1997 (N=27 of a possible 92 such cases in 1997, or about 30%).

Some data are available for assessing possible selection biases in the FDVC and CC-only samples. The only meaningful data available on all cases, both reviewed and not, are criminal history and recidivism data from the state Division of Criminal Justice Services (DCJS). Analyses of these data indicate that there are very few differences between cases selected into the sample for full review and those not sampled and reviewed. Criminal contempt-only defendants who were sampled and reviewed were marginally more likely to have a felony conviction and a drug conviction in their criminal history than CC-only cases that were not reviewed, but no other statistically significant differences on criminal history or recidivism up to 18 months after sentencing (or release) were found. Please see Table 22 for a summary of these findings.

TABLE 22. Analyses for Possible Sample Selection Biases: Criminal History and Recidivism Comparisons of FDVC and Criminal Contempt Only Cases: Sampled vs. Unsampled Eligible Cases

	FDVC		CC-only Cases	
	No Case Review	Case Review	No Case Review	Case Review
A) Prior Criminal History	(N = 144)	(N = 109)	(N = 65)	(N = 27)
Any criminal conviction	58%	66%	80%	85%
Any felony conviction	44%	41%	40% ⁺	59%
Any misdemeanor conviction	42%	51%	74%	67%
Any violent felony offense conviction	27%	25%	26%	37%
Any criminal contempt conviction	26%	30%	63%	56%
Any drug conviction	28%	28%	28% ⁺	45%
B) Criminal Recidivism				
1. Recidivism within 1 Year Post-Sentence^D	(N = 88)	(N = 79)	(N = 49)	(N = 20)
Any arrest	36%	29%	39%	35%
Arrest for a violent felony offense	7%	4%	0%	10%
Arrest for criminal contempt	9%	6%	29%	15%
2. Recidivism within 1 1/2 Years Post-Sentence^D	(N = 70)	(N = 68)	(N = 41)	(N = 16)
Any arrest	46%	37%	54%	50%
Arrest for a violent felony offense	10%	6%	0%	13%
Arrest for criminal contempt	11%	10%	39%	19%

⁺ p < .10 * p < .05 ** p < .01 *** p < .001 (2-tailed t-test / Comparison is always with the post-FDVC sample (middle column))

Source: New York State Division of Criminal Justice Services (DCJS).

State Division of Criminal Justice Services (DCJS).

^D For defendants whose current domestic violence cases are dismissed, the recidivism time begins immediately post-disposition. For defendants sentenced to jail or prison, post-disposition time is calculated to begin after their estimated release from incarceration. This is so as not to under-state the propensity for recidivism among defendants incarcerated in the immediate post-sentence period. See Table 6, footnote c for the methodology used to estimate the time that defendants with different types of sentences were incarcerated. Note that these recidivism statistics are only calculated for cases released for the full recidivism period under study (e.g., 1 year or 18 months respectively). E.g., The cases of defendants still incarcerated as of the analysis are defined as missing.