



Does Judicial Monitoring Deter Domestic Violence Recidivism?

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What is Judicial Monitoring?

- *Definition:* ongoing court appearances before a judge or judicial officer for the purpose of verifying offender compliance with court-imposed conditions.
- *Additional Details:*
 - *Role of program mandate:* usually done in tandem with a court order to a batterer program or other program
 - *Frequency:* typically weekly to monthly
 - *Case status:* most often post-conviction but can be pre-disposition as well
 - *Use of specialized compliance calendar:* often done as part of a special calendar for monitoring cases only



Content of Judicial Monitoring

- Review offender responsibilities (e.g., attend program, observe protection order, avoid re-arrest)
- Review consequences of noncompliance (e.g., jail)
- Verify program attendance and compliance to date
- Engage in conversational interaction regarding offender experiences in or outside the program
- Impose sanctions in response to noncompliance (e.g., more frequent monitoring, restart program, or jail time)
- Audience effect: allow others to see what happens with compliant or noncompliant offenders



Goals of Judicial Monitoring

- *Deterrence*: Change offender behavior and deter future violence (*focus of present study*)
 - Key performance indicators = reduced future abuse; reduced future abuse during the monitoring period
- *Accountability*: Verify offender compliance with program mandates and other conditions; and facilitate sanctioning noncompliant offenders
 - Key performance indicators = accurate compliance information; consistent use of jail or other sanctions in response to noncompliance



Goals of this Study

- Test impact of judicial monitoring on offender recidivism
- Stimulate further discussion of court responses to domestic violence



Review of the Literature

- *Domestic Violence Context:* Little evidence to date; several studies indirectly suggest that monitoring may be effective (Davis et al. 2000; Gondolf 1998; Peterson and Dixon 2005; San Diego Superior Court 2000)
- *Drug Court Context:*
 - *Washington, D.C.:* Monitoring and sanctions lead to better outcomes than drug testing only (Harrell et al. 1998)
 - *Multiple Northeastern Sites:* Biweekly monitoring leads to better outcomes for “high risk” participants (Marlowe et al. 2003)
- *General Supervision Literature:* Supervision is usually ineffective without clear explanations of responsibilities, consequences for noncompliance and individualized offender engagement (e.g., Petersilia 1999; Taxman 2002)



Study Design: Key Facts

- *Setting:* Bronx Misdemeanor Domestic Violence Court
- *Sampling Frame:* convicted and sentenced to a conditional discharge (CD) from July 2002-February 2004 (about half of all sentences)
- *Role of Co-occurring Randomized Trial:* In this period, cases that would ordinarily be sentenced to a CD and a batterer program were randomly assigned to a program or not; these cases were all monitored
 - *Monitoring Sample:* Cases involved in the randomized trial
 - *CD-Only Sample:* Sentenced to CD-only (ineligible for the randomized trial based on the standard sentencing process).



Quasi-Experimental Design (N=606)

Sample #1: Monitoring Offenders in the Randomized Trial

- Initial N = 420
- Final N = 387 (after removal of 33 offenders with missing data on key characteristics required for matching with sample #2).

Sample #2: CD-Only

Offenders Sentenced to a CD with
Neither Monitoring nor Program

- Initial N = 599
- Final N = 219 (after removal of 380 offenders whose background characteristics did not match those of sample #1)



Propensity Score Matching

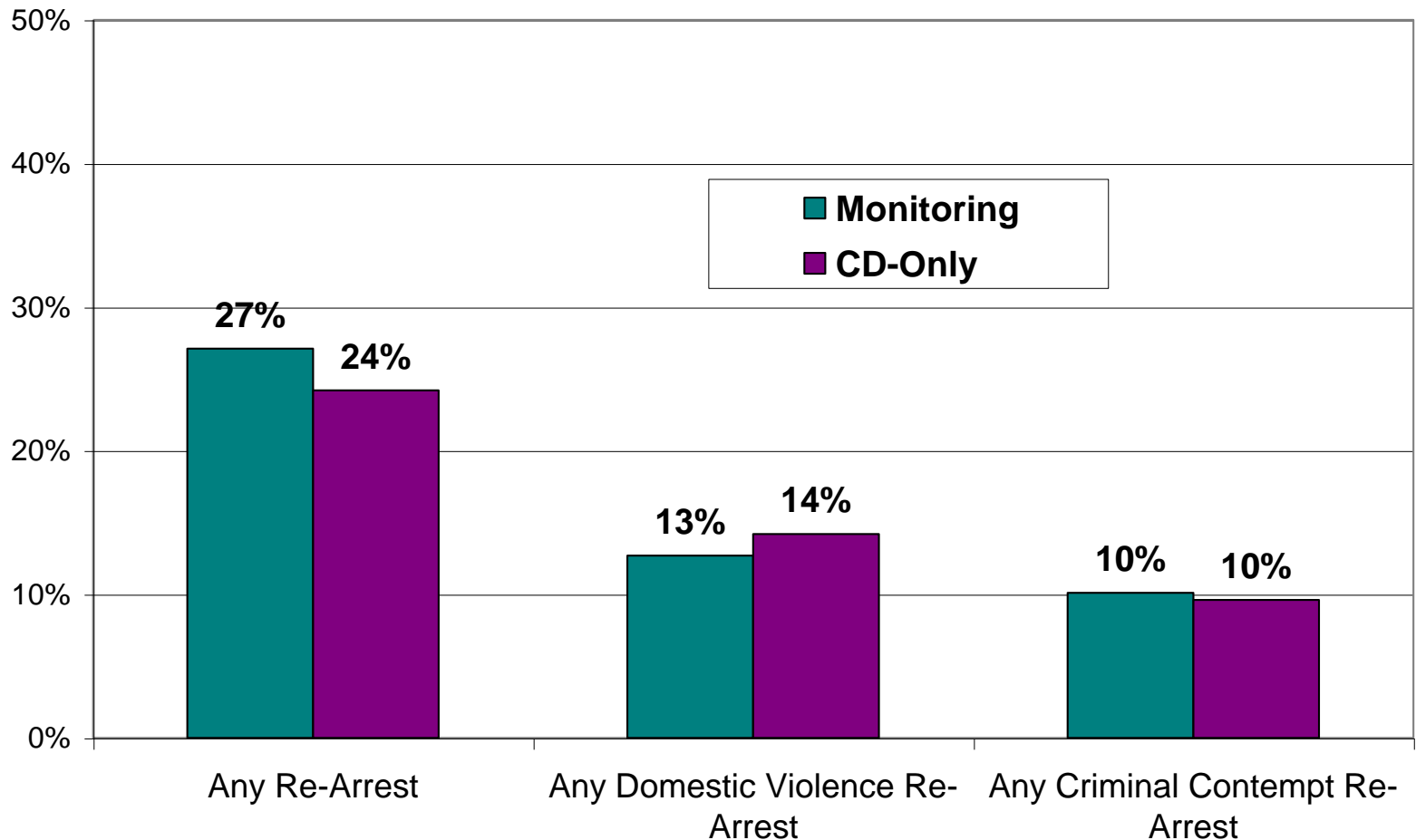
- *Step #1:* Comparison of Monitoring and CD-only samples on all offender and case characteristics
- *Step #2:* Logistic regression predicting each offender's propensity score (probability of receiving a sentence with monitoring)
- *Step #3:* Each offender in the monitoring sample matched to “nearest neighbor” in CD-only sample
- *Step #4:* Unmatched CD-only candidates removed from final sample



Definition of the Intervention

- *Monitoring Agent:* A judicial hearing officer (JHO)
- *Location of Monitoring:* Specialized DV compliance part
- *Typical Content of Judicial Interaction:*
 - JHO reiterates key responsibilities (e.g., follow monitoring schedule, obey order of protection, avoid re-arrest, and pay court surcharge)
 - JHO reviews batterer program attendance results if applicable (# sessions attended, absent, and remaining)
 - JHO states the results of pre-appearance NYSID and DV registry checks
 - JHO invites questions (“Do you have any questions?”)
- *Definition of Noncompliance:* usually involves termination from the batterer program or re-arrest for domestic violence
- *Response to Noncompliance:*
 - JHO sends case back to sentencing judge without discussion
 - Sentencing judge can impose sanctions during normal court session

One Year Post-Sentence Recidivism: Percentage Re-Arrested for Any Offense, Any DV Offense, and Any Criminal Contempt (N=606)



Note: All differences non-significant.



Review of Key Findings

- Monitoring did *not* reduce the probability of (a) any re-arrest, (b) any DV re-arrest, or (c) any DV re-arrest with the same victim after one year (see previous slide)
- Monitoring reduced the total *number* of DV re-arrests after one year ($p < .05$); such an effect did not appear for DV re-arrests with the same victim
- Monitoring did not have any detectable positive effects on any outcome measure after 18 months



Study Limitations

- *Site*: a single large urban jurisdiction (the Bronx)
- *Sample Size*: Insufficient sample to fully investigate subgroup effects
- *Measures*: Reliance on official re-arrest reports
- ❖ *Nature of the Intervention = Simple Surveillance*
 - Frequency of Monitoring: averaged close to monthly (e.g., whereas biweekly is more common in drug courts)
 - Quality of Judicial Feedback: brief, matter-of-fact, often in legal terms, and with little time for interaction or Q&A.
 - Court Responses to Noncompliance: formal sanctions schedule not in use; and responses administered in courtroom outside the view of other offenders reporting for monitoring



Conclusions

- *Impact on Recidivism:* In this study, judicial monitoring did not reduce recidivism
- *Implication:* Unanswered questions persist concerning whether, how, and for whom judicial monitoring can be effective with domestic violence offenders.



For Additional Information

- Article version: “Does Judicial Monitoring Deter Domestic Violence Recidivism,” *Violence Against Women* 14: 2 (February 2008).
- Complete report: *Testing the Effectiveness of Batterer Programs and Judicial Monitoring*, New York: Center for Court Innovation (available at www.courtinnovation.org/research)