

Specialization in Criminal Courts: Decision Making, Recidivism, and Re-victimization in Domestic Violence Courts in Tennessee

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Abstract

Local governments increasingly rely on “specialized” or “problem solving” courts as a way to improve the provision of criminal justice. Using administrative data on misdemeanor DV cases between 2000 and 2006, we exploit the arbitrary courtroom assignment of low-income defendants to evaluate the social impact of specialized domestic violence courts in the General Sessions Court of Metropolitan Nashville and Davidson County, Tennessee. We find that, compared to traditional court, defendants assigned to specialized court are less likely to be convicted, but no more likely to be charged with a future crime 1 to 3 years later. This offender-focused measure of recidivism masks a potentially important increase in safety. Police records suggest that victims in cases assigned to specialized court are less likely to be involved in a future domestic incident. These same victims appear to be more willing to cooperate with police and prosecutors in subsequent domestic violence incidents.

Keywords: domestic violence, judicial specialization

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1 Introduction

Identifying the proper role of judicial specialization as a mechanism for promoting efficiency and equity in the criminal justice system is an increasingly relevant empirical question. In contrast to traditional court settings, specialized courts are dedicated to cases where defendants have specific needs, such as mental health conditions, or are accused of specific types of crimes, such as drug offenses or domestic violence (DV). In such cases, standard adjudication and punishment procedures are believed to be particularly unlikely to result in desirable social outcomes. Although what constitutes a specialized court varies by jurisdiction, these courts all have presiding judges who have selected to specialize in these particular types of cases, and the courts are served by that judge's specialized courtroom personnel (e.g. probation officers and courtroom officers). An important – yet often untested - assertion of the specialized court model is that this specialization will lead to “better” individual outcomes than traditional approaches.

As of 2012, over 3,000 specialized courts have been identified in the United States, with most created after 2001 (Strong, Rantala, and Kyckelhahn, 2016). Specialized courts in the US tend to be diversionary and focused on “therapeutic jurisprudence,” in that they seek a non-criminal resolution to the case. However, whether or not specialized courts are effective at reducing future criminal behavior relative to the status quo is an open question. As noted by the Bureau of Justice Statistics in 2016, only 41% of specialized courts track the subsequent criminal behavior of the people who move through them, let alone evaluate these outcomes in a rigorous way (Strong, Rantala, and Kyckelhahn, 2016).

The central purpose of this paper is to estimate the causal effect of a specialized DV Court (or “Division”²) in the Tennessee General Sessions (GS) Court of Metropolitan Nashville

² A Division is defined as having a specialized dedicated judge and judge specific courtroom personnel.

and Davidson County (hereafter, “Nashville”) on misdemeanor DV case outcomes and subsequent reoffending. In 1994, Nashville established one of the nation’s first specialized DV Divisions, which would form the basis of the DV Court (fully described in Section 2). The Nashville model is different from other specialized courts in the United States in that it is not diversionary – it is a criminal court –but the staffing of that court is unique. Nashville’s reform involved assigning two judges to adjudicate over all the domestic violence cases where the defendant was able to post bond (also known as bail). However, the operation of a parallel court, the misdemeanor jail docket, was unaltered by the reform. Pre- and post- reform, the misdemeanor jail docket handled cases where misdemeanor defendants were unable to post bond, and this docket is staffed by all Divisions – DV and non-DV alike – on a rotational basis. We evaluate Nashville’s DV Court system by exploiting judicial rotation on the misdemeanor jail docket.

Two institutional features affect the external and internal validity of our analysis. One might want to know the effect of DV Court on all DV misdemeanors – regardless of the defendant’s ability to post bond. In the Nashville, only cases on the jail docket experience arbitrary assignment to either a “DV Court/Division” or a more general misdemeanor Division.³ At the same time, this arbitrarily assignment to DV or general misdemeanor Division occurs for both DV and non-DV cases. Balance tests confirm that this arbitrary assignment closely mimics

³ “DV Court” is a somewhat ambiguous term, which we will use in this paper to refer to a commonly understood set of judicial and legal institutions that create an environment specifically designed for resolving criminal cases involving domestic violence. In this paper we observe arbitrary assignment to a DV Division, which is a judge and court staff assigned to the judge. As we will discuss, the Domestic Violence Docket, the “DV Court” in the General Sessions (GS) Court of Metropolitan Nashville and Davidson County, consists of a DV Division, specialized attorneys, and victim advocates. We note that people – rather than institutions – make decisions, but the institutional context or setting may facilitate different decisions. Divisions are a construct Nashville’s institutional setting, when we refer to specific decisions made within a Division, we will describe those decisions as being made by DV, general (i.e. non-DV), or GS (both DV and general) judges – as the judge will make the final judicial decision or ruling in all of the criminal cases in our data and institutional context.

a randomized controlled trial, where individual cases are randomly allocated to either a DV (treatment) or general (control) Division. Because the effective sample includes both DV and non-DV cases, we can separately identify the impact of specialization on DV outcomes over and above a more general judge fixed effect.

We find evidence that DV defendants assigned to specialized DV courts are 15% less likely to be convicted and, as a result, are unconditionally less likely to be incarcerated and have shorter expected sentences. The finding that DV judges are, on average, less likely to convict DV offenders is driven by a higher probability that cases set in DV Division are ultimately resolved in a bench trial, rather than a plea deal. Given that a plea resolves a case with a certain, pre-determined outcome, and a bench trial does not, this mechanical reduction in conviction is not surprising – and a reduction in the use of incarceration for misdemeanor offenses is not necessarily undesirable. We do note the increased use of trials, where judges can exert more influence in case outcomes, is consistent with legal critiques of specialized judges issuing wider ranging opinions in civil courts (e.g. Rachlinsky, Guthrie, and Wistrich 2006). We also present evidence that this “reduced plea” effect does not exist for DV-related cases where there is little scope for judicial discretion or fact finding.

We are then able to exploit a unique feature of our administrative data to estimate the impact of being assigned to a specialized court on two conceptually and practically distinct measures of recidivism. We fail to find evidence that specialized courts impact recidivism rates when “recidivism” is defined as the probability a defendant is charged with a misdemeanor or felony in the three years following adjudication. In contrast, using a victim-centered definition of “recidivism” we find that police are up to 25% less likely to respond to a domestic incident involving a victim whose case was assigned to a DV Division, a reduction that is driven by

victims whose cases were presented to the court (regardless of outcome), rather than being dismissed by the prosecutor prior to the involvement of a judge or court staff. We do not find evidence consistent with victims or witnesses allowing for increased escalation before calling 911, but conditional on police involvement, victims that go through a DV Division are 60% more likely to cooperate with the police than those initially heard in a general Division.

The paper proceeds as follows. In section 2, we provide a short summary of existing scholarly work on judicial specialization and policy interventions aimed at reducing DV. We provide an overview of how the Metropolitan Nashville and Davidson County Court handles misdemeanor cases, and the creation and operation of the specialized DV Court in section 3. In section 4, we then explain our data and provide a test of judge randomization, and we outline our estimation strategy. We present our estimates of how judicial specialization affects case outcomes in section 5, and how specialization affects future criminal charging and revictimization in section 6. Section 7 concludes with a discussion of the policy implications of our results.

2 Existing Evidence on Judicial Specialization and Domestic Violence Reduction

Our findings build on economic and legal scholarship on judicial specialization, as well as research evaluating the criminal justice interventions aimed at reducing the social harms associated with domestic violence. As noted by Baum (2009), legal scholarship on judicial specialization primarily focuses on non-criminal federal courts that make decisions about bankruptcy, taxes, or patents (e.g. Curry and Miller 2009, 2015, Baum 2011, Hansford 2011, Kesan and Ball 2011, Rachlinski, Guthrie, and Wistrich 2006, Howard 2005). The general finding that emerges from this literature is that judges with more experience or expertise are more consistent in their decision making, and may make better decisions in the sense that they

are slightly less likely to be overturned on appeal. Consistent with this, Coviello, Ichino, and Persico (2018), evaluate the impact of specialization in labor dispute courts in Italy and find that judges who have more experience with particular types of labor disputes resolve those cases quicker and are also less likely to have their decisions overturned. At the same time, Rachlinski, Guthrie, and Wistrich (2006) and Miller and Curry (2009) find that judges with more experience make more politically polarized decisions. Baum (2011) argues that specialized or expert judges are more likely to issue broad decisions that have the potential to influence public policy. In other words, specialization may increase the objective quality of a judge's decision, and a judge's confidence in their own decision-making ability.

The nature and underlying psychology of DV in particular lends itself toward specialized policy responses. The intimate connection between victims and offenders distinguishes it from many other types of criminal offenses (Dobash and Dobash 1992, Epstein 1999). Prior to 1970, many courts were reluctant to get involved in "family matters," as long as they did not involve permanent physical injury (Epstein 1999). Overtime, policymakers, law enforcement officers, and members of the judiciary have seemingly agreed that family violence is a criminal matter necessitating a criminal justice system response (Dobash and Dobash 1992).

Many DV-focused policy interventions involve hiring more female police officers, implicitly assuming that female officers have some specific expertise or experience that makes them better able to respond to DV victims than male officers; there is some empirical evidence that this may be the case in the US and Brazil (Perova and Reynolds 2017, Miller and Segal 2012). Other criminal justice strategies that have been found to reduce DV involve reducing the need for victim cooperation, including "no drop" policies that require district attorneys to prosecute DV cases even if the victim declines to cooperate (Aizer and Dal Bó 2009), and

mandatory reporting laws that require adults who work with vulnerable individuals to contact police if they suspect family violence (Bullinger, Carr, and Packham 2021, Fitzpatrick, Benson, and Bondurant 2020). All of these interventions involve increasing the contact that offenders have with the traditional criminal justice system.

A relatively small literature, primarily in criminology, has found mixed evidence on the effectiveness of specialized DV courts, particularly those that follow a therapeutic jurisprudence model. A recent review of 20 peer reviewed and non-peer reviewed articles found that, on average, defendants in DV court were less likely to recidivate, but studies with more credible research designs (e.g. using pre-post or matched comparison groups) tended to find small or null effects (Gutierrez, Blais, and Bourgon, 2016). Evaluations of victims' experiences in DV court have been primarily qualitative, but suggest that many, but not all, victims feel positively about their court experience (see Moore 2009 for a review).

We build on the research on DV policy interventions by providing the first evaluation of a criminal DV Court whose goal is traditional criminal, rather than therapeutic, jurisprudence. We also evaluate an established, rather than newly formed, DV Court with a specific and scalable structure, using an identification strategy that we will show closely mirrors random assignment, generating credibly causal effects.

3 How is Crime Prosecuted and Adjudicated in Davidson County, TN?

3.1 Crime Detection, Arrest, and Initial Processing

When a police officer responds to any crime scene, their main objectives are to secure the scene, ensure the safety of all parties, and investigate the potential crime. In Nashville, responding officers are required to complete an incident report which contains a complaint number and provides information on key demographic information (e.g. offender's name,

gender, date of birth, and race) and characteristics of each incident (e.g. precinct, incident location, date, and time of the day). These incident details are collected by the court clerk and become publicly available court records that are accessible on the court clerk's portal.

If there is probable cause to believe a crime occurred, then, under Tennessee law, the police officer is "strongly encouraged" to arrest the offender without a warrant.⁴ The officer must then take steps to secure a legal warrant for the offender's alleged crime, which usually involves the officer, offender, and oftentimes the victim appearing before a Night Court Commissioner.⁵ At Night Court, the police officer (independently or alongside the victim) presents the facts of the case under oath. If a warrant is issued by the Commissioner, then prosecutorial authority and discretion rests with the Davidson County District Attorney's Office. At this time, a crime victim may also request an *ex parte* or temporary "Order of Protection," which would require the offender to refrain from any and all, direct or indirect, contact with the victim. The Commissioner must then set a bond and bond conditions.⁶ Criminal cases are subsequently charged by the District Attorney's office as a felony, misdemeanor, or if applicable, a Violation of an Order of Protection (VOP).

⁴ This law is a form of pro-arrest law, more commonly referred to as a recommended arrest law. Officers are not required to make a mandatory warrantless arrest-they still retain discretion-but a warrantless arrest is the default and by far the most common outcome. For simplicity, we assume only one party is arrested, but some advocates have expressed concern that pro-arrest laws can lead to dual arrest in which both parties are arrested at the crime scene.

⁵ Night Court is open 24 hours, 365 days per year. One of its core functions is to determine if a criminal warrant should be issued, and warrants can only be requested by police officers (most common) or prosecutors (very rare). It is staffed by Commissioners who rotate shifts, are appointed by the General Sessions court, and possess the qualifications of a judge.

⁶ While our data set does not provide the bond amount, a typical bond is \$1,000 per warrant and a \$5,000 bond on the high end. The Commissioner may also set other bond conditions. The standard, default conditions in a DV crime include (1) a 12-hour hold, whereby the defendant must spend 12 hours in jail regardless of their ability to post bond, (2) a stay away order, which prevents the defendant from contacting the victim, (3) an order prohibiting the possession of firearms, (4) an order to refrain from committing other crimes, and (5) an order to attend all future court appearances. In the event an offender posts bond, failure to adhere to these conditions could lead to bond forfeiture, re-arrest, and the defendant would be held in jail while their charges are pending. The most common way a defendant posts bond in Nashville is through a "surety bond", where a co-signor hires a bail bonding agent and pays the agent 10-15% of the bond plus administrative costs and states fees. Most defendants, therefore, are able to post bond for approximately \$200.

3.2 Setting Cases on a Docket

The Tennessee General Sessions (GS) Court of Metropolitan Nashville and Davidson County serves as the entry point into Nashville/Davidson County’s judicial system for people charged by the District Attorney. It is a high-volume limited jurisdiction court that hears civil, misdemeanor, felony, traffic, environmental, and municipal ordinance violations. Eleven judges serve as GS Judges at any point in time (see Table A1 for basic demographic details of the eleven GS judges), and they are each elected to their own eight-year term.

There are two main types of dockets that a case may be set on in the GS Court: (1) the jail docket, which is where defendants who have *not* been able to post “bail” or “bond” have their cases adjudicated and (2) a bond docket, which is where defendants who have been able to post “bail” or “bond” have their cases adjudicated. The jail docket is further split into two dockets: the misdemeanor jail docket (which is the focus of our analysis) and the felony jail docket (which we do not examine, because most DV cases are not felonies and GS judges are not tasked with ultimately adjudicating guilt in felony cases – see Footnote 9). Defendants who cannot post bond, and are charged solely with misdemeanors or VOPs, will have their cases set on the misdemeanor jail docket. Defendants who cannot post bond and have one or more felony charges have their cases set on the felony docket.

3.2.1 The Bond Docket

If a defendant is able to post bond, then their case, which could include felony, misdemeanor, and/or VOP charges is set on a GS bond docket.⁷ Upon posting bond, a defendant’s case is set on a “Settlement” bond docket in order to provide the DA and defense the

⁷ Of course, felony charges on the bond docket are less common because felonies occur less frequently and because bond amounts tend to positively correlate with the severity of the charge (which makes posting bond more prohibitive for felony charges).

opportunity to resolve the case before trial. If a plea agreement is not reached, the case is then sent for a “Trial” bond docket. Depending on the time of year, number of other pending charges, and requests for continuance, charges on the bond docket can easily take months to resolve.

3.2.2 The Jail Docket

The jail docket adjudicates cases when a defendant fails to posted bond. In Davidson County, the jail docket runs Monday through Friday, only closing on Thanksgiving, Christmas, and New Year’s Day. Barring extenuating circumstances, defendants must have their case adjudicated within 10 days of their arrest.⁸ All GS judges rotate through the jail dockets-any given judge will rotate through the misdemeanor jail docket on one week and the felony jail docket on another week-on a pre-determined schedule. When a judge is serving on a jail docket, the probation and court officers who work with them also work the jail docket. In Nashville, this specific courtroom working group of a GS judge, two dedicated probation officers and two dedicated court officers, is known as a GS Division.

The rotation of GS Divisions through the jail docket effectively means that low income defendants are assigned to a judge based solely on their arrest day and time. Table A2 shows how arrest days and times correspond to a defendant’s first jail docket setting during our sample period- no history of the judge or defendant, or nature of the misdemeanor offense, is accounted for. During our analysis time frame, each case was first set before the GS Judge on the jail docket five days after arrest, with slight timing variations due to weekends. Selection into a particular judge on the jail docket would have only been possible if a defendant timed their offenses and/ or if police officers timed arrests with a particular judge’s schedule. Jail dockets

⁸ Cases can theoretically be set beyond the tenth day at the request of the defense or due to another extenuating circumstance. For example, a pending mental health evaluation, which would determine if the defendant is competent to stand trial, could delay a case beyond ten days. If the 10th day falls on a weekend, the next court date would typically be the following Monday.

can be any length; they do not “fill-up,” as a defendant is entitled to a speedy trial no matter how many other cases are being heard that day.

3.3 Case Adjudication

GS judges have the authority to adjudicate misdemeanor crimes, and they commonly do so by either accepting plea agreements, presiding over bench trials (i.e., the judge hears the facts of the case and makes a determination without a jury), or dismissing cases prior to a trial (this typically occurs in instances where the DA’s Office cannot produce evidence to substantiate the allegations put forth in the warrant). In felony cases, GS judges have the authority to conduct a preliminary hearing. If, after the preliminary hearing, the judge finds probable cause that the defendant committed the alleged felony, then the case is “bound over” to criminal court, which transfers jurisdiction of the case from the GS Court to the Criminal Court.⁹ As in most of the criminal justice system, the majority of cases in the GS Court are misdemeanors that are resolved via plea agreement, which is negotiated by the DA and defendant and submitted for approval to a GS judge.

The maximum sentence for a Class A misdemeanor is 11 months and 29 days to serve, and judges can apply sentences at varying lengths of time below that. For example, if sentenced to serve jail time, the defendant can be ordered to serve any fraction of their official sentence. In DV cases, jail time can also be commuted if a defendant attends and successfully completes an

⁹ It is also possible for a defendant or prosecutor to request a probable cause hearing for a misdemeanor crime, and bind the case over to criminal court. This would be rare on the jail docket because the defendant would need to remain in jail until they are able to post bond or the case is resolved in criminal court. The criminal court process typically takes much longer than the maximum sentence for a misdemeanor crime. A defendant might adopt this strategy to delay their case if they expected to post bond soon. A prosecutor might adopt this strategy if the defendant already had charges pending in criminal court and they wanted to consolidate the charges. This is a common outcome on the bond docket, which is not the focus of our paper. Our sample does not include bound over cases because they are rare and because the burden of proof for a probable cause hearing is very low, which substantially reduces variation in judicial decision making.

in-jail “Batterers Intervention Program” (BIP). Judges can also choose between various conditions. Such conditions include but are not limited to: (i) supervised probation, (ii) stay of execution (SOE), (iii) court ordered DV treatment program, (iv) stay-away and no-contact orders, (v) community service, (vi) weapons forfeit orders, and (vii) restitution to the victim. Probation and SOE orders cannot exceed the maximum jail time, for example, 11 months and 29 days for Class A misdemeanors or 6 months for Class B misdemeanors. Should probation or a SOE order be revoked, the defendant would serve their time at a predetermined percentage (30%, 40%, etc.).

3.4 The “DV Court”

In 1994, judges and victim’s advocates in Nashville changed the GS judicial system by creating a *specialized DV bond docket* that exclusively heard DV related cases. There were two intended goals of creating a dedicated DV bond docket: (1) to produce a courtroom atmosphere that better responded to the dynamics of DV cases and (2) to ensure defendants returned to the same courtroom to enhance continuity and judicial familiarity with their case and case history.¹⁰ Due to resource constraints, and the legal requirement to hear jail docket cases within 10 days, the DV docket initially included only two dedicated judges, and was available only to defendants who could post bond. While beyond the scope of this paper, in 2006, a 3rd “DV bond docket” was created, as well as a DV court dedicated to cases on the jail docket. This 2006 court expansion brings an end to our identification strategy, and thus our analysis stops in 2006.

Following the specifics of the 1994 reform, a DV Court is presided over by a DV judge who, along with their dedicated probation and court officers, form a DV Division. While there is no statute requiring adherence to certain standards or judicial certification in DV issues, there is

¹⁰ For a history of the DV docket, visit the Nashville.gov portal.

judicial selection into serving in a DV Court; both DV judges in our sample, Judge Gale B. Robinson and Judge Gloria A. Dumas, specifically sought election to the DV specialized court.¹¹ They were or are (as one judge still works in this capacity at the time of this paper's writing) held in high-esteem for their commitment to learning about and curbing DV.¹²

DV Court judges, like all GS judges, have two probation officers assigned to their Division. The DV probation officers receive training at probation officer conferences about managing a DV defendant's probation, and in particular, awareness of the specific dangers that DV victims face.¹³ Given that defendants meet regularly with probation officers and that any violations of probation would be filed by the probation officer, this feature of the court has implications for enhanced accountability, recidivism, and victim support. The DV Court has two court officers that are also uniquely assigned to the Division. The court officer's primary functions are to ensure the safety of the judge and those in the courtroom, and ensure order when court is in session. An observant court officer can help to minimize courtroom witness intimidation or tampering, which if unchecked, could lead to a victim or witness recanting their testimony.

Finally, all DV cases in Davidson County obtain special resources. As in many jurisdictions, the District Attorney's Office has a set of attorneys and victim witness coordinators dedicated to DV cases. The Office of the Public Defender also makes consistent assignments to

¹¹ Two additional judges, Judge Aaron Holt and Judge Casey Moreland, were not elected DV judges but heard requests for protection orders. In our main empirical specification, we treat these judges as general GS judges, but we do explore how our estimates change if we examine each judge's decision making separately.

¹² Judge Gale B. Robinson, for example, has received the Nashville Coalition Against Domestic Violence's "Award of Excellence" and The Tennessee Task Force Against Domestic Violence's "Judge Wheatcraft Award," in honor of Justice Jane Wheatcraft, who spearheaded many Tennessee state laws concerning DV.

¹³ Domestic Violence Probation Officers attended trainings at the local level (which were conducted by the YWCA Domestic Violence Shelter, District Attorney's Office, and Domestic Violence Division of the Police Department). They also attended national trainings and conferences such as those offered by the American Probation and Parole Association Conference and National College of District Attorney's National Conference (email correspondence with GS Court probation officers Maria Schaffner, 2021).

defendants in DV involved cases. Community DV advocates, including professionals from shelters and Legal Aid, and the representatives from BIPs may be involved in any DV case. In addition to seeking justice for the victims and defendants, these professionals also provide a unique source of continuous education and perspective to the DV Court.

All of these institutional features change the way in which a DV case in DV Court may proceed in two distinct ways. First, due to any specific training they choose to receive, experience, and the fact that they selected into the position, DV judges may convict at different rates than non-DV judges in DV cases – either on average or in specific types of cases. Second, the number and types of cases where a plea deal is reached may change, because of strategic behavior on the part of the DA and defense (in response to the DV judge’s taste for conviction) and/or if, as argued in the legal literature, specialized judges simply prefer to have more control over the cases in which they have specialized knowledge (Baum 2011).

Importantly, as the later factor affects how often a case goes to trial versus a plea agreement, and this can influence average conviction rates through its impact on plea bargaining. Mechanically, conviction rates in plea deals are higher than conviction rates in bench trials. DV defendants may be willing to accept harsher plea conditions in order to avoid a bench trial in front of the DV Division, if DV judges are thought to be relatively harsh. However, if a DV judge prefers to hear, rather than simply approve of, DV cases, or if a DA prefers to try DV cases in front of DV judges, this will increase the fraction of bench trials, which will almost inevitably lower conviction rates.

Whether or not these differences affect social outcomes depends on the quality of the DV judge’s decision – are they convicting offenders whose future behavior will be changed by conviction? While DV judges do not have the authority to impose different sanctions than non-

DV judges can, their experience may enable them to select the criminal justice response that is best suited to reducing further victimization and offending, in the specific and varying circumstances of each DV offense.

3.5 Identifying the Impact of Court Specialization using the Jail Docket

Figure 1 summarizes the case setting process created by the 1994 reform, which was intended to only change case setting on the bond docket. However, during the time period of our analysis, 2000-2006, 48% of defendants charged with DV assault did not post bond, and their cases were therefore heard on the jail docket. Due to the rotation nature of the jail docket, twice every 11 weeks one of the DV Divisions – the judge and their courtroom working group who operated one of the two DV Courts - cycled through the jail docket, like all other GS Divisions. For 12 years, this rotation effectively brought the DV specialized bond docket to the “regular” jail docket, but only for a few weeks interspersed throughout the year. Conditional on being unable to post bond, case assignment on the jail docket was based entirely on the time and date of offense and uncorrelated with other case characteristics, or the sitting jail docket judge’s degree of specialization.

This assignment of cases to judges based on date of arrest and pre-determined rotation allows us to estimate the causal effect of one component of specialized DV courtrooms – specifically the judge and judge’s officers - on case and defendant outcomes. Further, we also observe non-DV jail docket cases arbitrarily heard by the DV Division, allowing us to compare DV and non-DV Division outcomes in DV and non-DV cases and disentangle the impact of specialization from a judge (or Division) fixed effect.

While DV Divisions rotate through the jail docket, other dimensions of DV-specific adjudication, which may or may not be formally included in other specialized courts, remain

constant in our context. For example, DV judges on the jail or bond docket are not able to assign different punishments (like mandating some sort of outside program participation) than non-DV judges. While the DV judges may be more likely to choose a particular type of sanction for a convicted defendant, they have the same “menu of punishment choices” as all other GS judges. They do not engage in therapeutic jurisprudence-this remains a criminal court. Second, non-judicial agents involved in DV Court cases, specifically the specialized district attorneys, public defenders, and victim advocates, are assigned to or appear in all cases on the jail docket. These specialized resources, DV district attorney, victim advocates, and public defenders, staff all misdemeanor jail docket cases regardless of whether the case involves domestic violence. Stated differently, the only feature of the jail docket that varies over time is the Division adjudicating the case, with two out of eleven weeks having a DV Division and nine out of eleven weeks having a non-DV Division.

Because of these non-court-based differences in how DV and non-DV cases are handled, our “treatment” is the collective specialized knowledge of the DV Divisions, rather than a specific type of DV advocacy or defense strategy. One implication of this is that our findings are likely more generalizable to other plausible types of judicial specialization (i.e. where judges select to specialize in specific legal areas, like Veteran’s Court or Drug Court) where victim advocates or specialized legal representation may be less likely to be involved.¹⁴ To make this clear, from this point on we will refer to cases on the jail docket as being assigned to or heard by the DV Division, rather than the DV Court. Figure 1 summarizes the case setting process.

¹⁴ While judges may develop expertise in a particular area due to presiding over certain types of common cases over the course of their career, we are unaware of any jurisdiction, where as a matter of policy, judges are randomly compelled to preside over specialized courts in certain legal areas against their will. That said, our results would not generalize to such a situation.

4 Data and Identification Strategy

4.1 Data

We obtained data on all criminal charges filed in the Metropolitan Nashville and Davidson County Criminal Court system, up to 2018, by web scraping publicly available records posted on the county clerks' web portal. Our analysis will focus on warrants adjudicated on the misdemeanor jail docket from 2000-2006. We begin in 2000 because that is when Nashville shifted to electronic warrants, which made the data on cases filed in 2000 and later much more complete, and sufficient for the purposes of our analysis. We do not analyze cases adjudicated after 2006 because in 2006, Nashville's jail docket was restructured to allow for DV cases to be uniformly assigned to DV Divisions. Finally, while the focus of this analysis is DV cases adjudicated in the GS Court's misdemeanor jail docket, we use the entire dataset to construct measures for the criminal history of defendants and their future interaction with the criminal justice system; i.e. whether a defendant was previously arrested or was subsequently arrested for a new crime before or/and after case disposition, including felonies and misdemeanors.

The clerk's records include information on the defendant, court appearance and case details, and the case outcome. Defendant data include information on name, date of birth, and race. Appearance data include court date, judge, courtroom, and attorney. The case outcomes include convicted offense, disposition, disposition date, incarceration and/or probation length and location, court costs, restitution cost, and notes containing special/extra conditions.

The court data does not directly identify whether cases are heard on the jail or bond docket. However, it does identify which building and room the case was heard in. Between 2000 and 2006 (2006 being the year a new building was constructed, leading to a reassignment of space), jail docket cases were exclusively heard in the Criminal Justice Center Room 132. Any

case heard in the Criminal Justice Center Room 132, where the sitting judge was Judge Gale B. Robinson or Judge Gloria A. Dumas was therefore a misdemeanor jail docket case heard in a DV Division, and was “treated” with a DV Court.

We identify DV cases based on the charges filed in court. In our primary specification, our set of DV cases are any case that includes a charge for a “domestic assault.”¹⁵ Tennessee defines domestic assault as a misdemeanor assault (as defined by Tennessee statute) where, in relation to the defendant, the adult or minor victim is (1) a current or former spouse (2) a current or former cohabiter, (3) a current or former sexual partner (4) a relative by blood or adoption (5) a current or former relation by marriage or (6) the child of someone whose relationship with the defendant is described in (1)-(5). Figure 2 presents the number of DV cases heard in Nashville between 2000 and 2006, as well as the number of the cases heard by the specialized judges. During our sample, a total of 12 judges ran the 11 different judicial Divisions. Consistent with jail docket cases being assigned to a DV Division arbitrarily, on average, the two DV Divisions heard about 18% of jail docket DV cases in our analytic sample.¹⁶

4.2 Testing for Random Assignment to Division

In this section, we more formally investigate whether jail docket defendants are, empirically, assigned to Divisions arbitrarily. Following DiTella and Schargrodsy (2013), we estimate a regression of a particular defendant attribute, such as race or age, on an indicator for a

¹⁵ Prior to 2000, domestic assault was charged as “assault.” As we will show in table 6, our main results are robust to defining “DV cases” as all misdemeanor assault charges. All results presented in this paper are robust to using varying definitions of DV, as well as conducting the analysis at the charge, rather than case, level. These tables and figures are available on request.

¹⁶ Technically, judges are supposed to decide on charges, rather than cases. However, charge bargaining during the adjudication process means that case level conviction and sentencing rates are strongly correlated within a case. In addition, examining recidivism makes much more sense at the case level. That said, estimating our results at the charge level, allowing for arbitrary correlation in outcomes within defendant (and thus also case), yields identical conclusions.

DV Division, controlling for the variables on which the randomization is conditioned, i.e., year (2000-2006) and week of the year (1-52 or 53) fixed effects.

$$x_{it} = \pi_0 + \pi_1(DV\ Division)_j + \lambda_t + \mu_{it} \quad (1)$$

In equation 1, x_{it} represents a defendant characteristic or a case, $(DV\ Division)_j$ is an indicator taking the value of one if judge j who hears a DV case at time t is in a specialized DV Division. The matrix λ_t contains year-of-assignment and week fixed effects, and μ_{it} is the unobserved component of that outcome. We examine the following characteristics: an indicator for the defendant being White, age of the defendant, time from arrest to court (in days), number of charges per case, an indicator for being previously arrested for any crime, an indicator for being previously arrested for DV, an indicator for being previously arrested for simple assault, and the number of previous court appearances for any crime. Because of the small number of female defendants, we limit our sample to only male defendants¹⁷.

Table 1 presents the observable characteristics of cases and defendants in our sample across DV and non-DV (or General), Divisions. In column 1, we present the unconditional mean of the covariates for non-DV Divisions, and the second column contains the predicted value from an OLS regression of the characteristics on the indicator that the judge specializes in DV, controlling for time fixed effects. The p-values reflect the statistical significance of coefficient on the indicator for DV Division (i.e., π_1 in Equation 1).

The sample contains approximately 1.5 times more Black defendants than White defendants, and ~ 85% of 1,045 defendants have previous court appearances. More than 22% of individuals in our sample have been charged with DV before their current case, and the average

¹⁷ Including the 178 female defendants that we observe does not substantively change our results.

age of defendants is around 35 years.¹⁸ Two (out of 16) p-values associated with the differences in defendants across specialized and non-specialized judges are smaller than 10%, and the means of the characteristics of the people and cases seen by judges are substantively similar. Thus, we conclude that defendant and case characteristics are not correlated with judge specialization, consistent with our institutional knowledge of how jail docket cases are assigned to GS Divisions.

4.3 Estimation Strategy

The arbitrary assignment of cases to Divisions on the jail docket means we can use basic multivariate regression to evaluate whether judges specializing in DV make different case decisions than non-DV judges.¹⁹ We focus on four main categories of outcome: (i) any conviction, (ii) number of convictions, (iii) incarceration, and (iv) maximum sentence length. Our initial specification takes the following form:

$$Y_{icjt} = \beta_0 + \beta_1(DV\ Division)_j + \lambda_t + u_{icjt} \quad (2)$$

Where Y_{icjt} is the outcome of interest for defendant i 's case c , facing judge in Division j (who is either specialized or not) in year t . $(DV\ Division)_j$ is an indicator variable for whether the judge in Division j is specialized in DV, as opposed to a General Division. λ_t are year-of-assignment and week fixed effects, and u_{icjt} is an unobserved error term, which we adjust for arbitrary correlation in outcomes within defendant and week²⁰ Under our identifying assumptions of

¹⁸ See Figure A3 for the full distribution of defendant age in specialized and non-specialized courts. The 1.5 year mean age difference is driven by a small cluster of younger defendants heard in General Divisions, creating a more pronounced bimodal age distribution in those Divisions relative to the DV Division. Otherwise, the age distributions are essentially identical.

¹⁹ A case is inclusive of all the defendant's charges set on the docket at any given time- that is all charges are consolidated into one case for adjudication on a docket. A case may involve one singular charge or multiple charges. We also re-run our analyses at the charge level and our results are robust to the unit of analysis.

²⁰ Note that the random assignment of cases to judges, confirmed for observable characteristics by our balance tests, means that there is no correlation in case or defendant characteristics within judge. While there is surely correlation

arbitrary assignment, the estimated β_1 provides an unbiased estimate of the effect of a DV offender being disposed by a specialized Division relative to a DV offender being disposed by a judge who is not specialized. We will also show that the inclusion of judge, defendant, and case characteristics, including the judge's gender and tenure, the total number of charges, the month of the case, the race and age of the defendant, and the defendant's previously number of DV and non-DV charges, does not substantively affect our estimates.

5 Results

5.1 Main Results

Table 2 presents estimates of how specialization affects judicial decision making in DV cases based on Equation 2.²¹ Columns labeled (1) contain only time effects and columns labeled (2) add controls for defendant's characteristics (race, age, and age squared), defendant's criminal history (whether defendant is previously charged and the number of previous charges), and the Division judge's characteristics (gender and years of judicial service). In Panel A we focus on cases that include at least one charge for DV assault. Judges in DV Divisions are about 6-8 percentage points (11.6%-13.3%) less likely to convict defendants than judges in non-DV Divisions in DV cases. On average, defendants in DV cases heard in specialized Divisions are convicted of 20% fewer charges. Specialized judges are also about 3-5 percentage points (7% - 10%) less likely to incarcerate DV defendants, although this is not precisely estimated. We also

in judicial decision making with a judge, the absence of correlation in regressors within randomly assigned judge means that not clustering at the judge level does not introduce bias in our estimated standard errors (Cameron and Miller 2005). Consistent with this, our estimates of robust standard errors are qualitatively identical to standard errors clustered at the judge level. Of course, with only 12 judges in our sample (11 judges are on the GS bench at any given time, but one non-DV judicial seat experienced turnover during our sample), the reliability of these estimated standard errors are unclear.

²¹ Results for incarceration and max sentence length unconditional on conviction are presented in Table A3. These reveal that the reduction in conviction is driving a lower expected punishment overall.

do not find strong evidence that the maximum sentence length chosen by a specialized judge is different from sentences imposed by non-specialized judges, although consistent with the reduction in conviction rate the expected maximum sentence is roughly 10 days shorter.

Do these null results suggest that DV judges are systematically dismissing cases against the least culpable defendants? We present results conditional on conviction in appendix tables A3 and A4 **XX**, and Figure 3 plots the distribution of observed sentences for charges in our sample, conditional on conviction. It is not obvious that DV judges simply decline to convict defendants charged with the least serious offenses, as DV judges frequently assign short sentences after conviction. Overall, the distribution of assigned sentences is overall quite similar across courtroom types.

It is perhaps unexpected – surprising even - to find that defendants in DV Divisions are more likely to be acquitted, given the victim-centered focus of the DV court. It is possible, however, that DV judges are less punitive than judges in general. We explore this possibility by examining the decisions made by DV judges versus non-DV judges in DV and non-DV cases on the jail docket – a difference-in-differences version of our main specification²² in Panel B of Table 2. Cases involving potentially DV related charges (assault, stalking, harassment, vandalism, and cruelty to animals) and cases where the only charges are for violations of orders of protection (VOP) are excluded from this sample. Even when we account for how DV judges adjudicated non-DV cases, they remain particularly less likely to convict DV offenders on the jail docket, and we find stronger statistical evidence that a DV defendant assigned to DV Court can expect to receive a less punitive sentence. Being seen in a DV court, as opposed to general

²² We estimate the difference-in-differences model from the following equation:

$$Y_{icjt} = \alpha_0 + \alpha_1(DV\ Division)_j + \alpha_2(DV\ Case)_c + \delta^{dd}(DV\ Division \times DV\ Case)_{cj} + \lambda_t + u_{icjt} \quad (3)$$

court, leads to a 9%-12% reduction in the probability of conviction, a slightly larger, but not statistically distinguishable effect than found in panel A. We also find qualitatively similar, but now more precisely estimated, reductions in the number of convicted charges- a 15% reduction in incarceration for DV cases heard in specialized court and a two week shorter expected sentence. Stated differently, DV judges and non-DV judges make similar conviction decisions on non-DV cases, but DV judges are less likely to convict in DV cases.

5.2 Robustness Tests and Mechanisms

Our finding that DV cases are, on average, less likely to end in a conviction and incarceration when heard by a DV Division is not obviously consistent with the historical motivation for creating the specialized court, and the general view of one specialized judge (Judge Robinson) in particular as an advocate for DV victims. In this section, we examine other court outcomes and various subsamples of cases in order to better understand the estimates reported in Table 2.

5.2.1 Low Discretion Cases

Violations of an Order of Protection (VOP) are a special type of contempt of court charge that are unique to DV cases, where the nature of judicial discretion, in terms of both fact finding and sentencing, is quite different. Similar to DUI cases, which require evidence of a specific blood alcohol content, the defendant in a VOP case either did or did not have contact with an individual in violation of the court order; context and intent does not affect legal culpability as it does in a DV assault case. In addition, the penalty for a VOP is statutorily defined as 10 days to serve, day-for-day (i.e., the sentence cannot be shortened for “good behavior” time or other forms of sentence manipulation). In this analysis, we focus on jail docket cases that include only VOP charges, as there is less scope for judicial “judgement” in these situations.

As shown in panels A and B of Table 3, we find that in this type of DV case, where judges have little discretion, specialized and non-specialized judges make substantively identical decisions. Compared to VOP cases heard in General Divisions, VOP cases in DV Divisions may result in slightly more convictions and greater carceral outcomes. However, as in domestic assault cases, this appears to be more of a difference in judicial taste rather than specialization—our difference-in-difference models attenuate the estimated coefficient to be effectively zero. Taken as a whole, this suggests that judicial discretion is playing a role in the finding that DV judges make different choices in their area of specialty; when that discretion is limited, court outcomes are similar across GS Divisions.

5.2.2 Pleading and Trials

Legal critiques of specialization focus on judges issuing broad and far reaching decisions in their areas of expertise. One way to explain lower conviction rates and the perception that DV judges are advocates for victims could be a version of Simpson’s paradox - if DV cases are more likely to go to trial when set before a DV Division, then even if cases heard at trial were more likely to result in a conviction, a reduced plea rate could lower conviction rates overall. A reduction in pleas could be because DV judges prefer to personally resolve charges in which they have particular expertise, because prosecutors prefer to take cases to trial with DV judges, or both.²³

A case has several potential outcomes. The most likely outcome in our sample is that a case is dismissed or retired prior to a trial (this happens in 44% of all DV cases). These outcomes

²³ In addition to DV judges being more willing to hear cases, the converse could also be true. A Davidson County Probation officer shared with us that non-DV judges specifically wanted to avoid hearing DV cases because they “did not understand the underlying dynamics of these cases.” Both DV judges’ willingness to and non-DV judges’ reluctance to hear DV cases could be simultaneously contribute to the difference in bench trials between the Divisions.

occur when the State is unable to prosecute the case. This would happen if a victim did not appear in court, if the victim recanted the statements they made at the alleged crime scene, or if upon review, the prosecutor determined the facts of the case did not rise to the level of a crime. Judges do not have the authority to force a case to trial when all charges are dropped by the prosecutor.

The remaining non-dismissed cases are either pled or adjudicated by a bench trial. A plea agreement must first be agreed upon by the prosecutor and defense attorney. However, both parties know that this plea must also be accepted by the presiding judge, who has the option of rejecting a plea deal and then hear the case. Trials may also be more likely if, when a DV Division is presiding, prosecutors may seek a harsher verdict, which could subsequently be rejected by the defense. We think of both of these paths to a verdict as a “trial mechanism,” and recognize that by construction, the outcome of a trial is less certain than a plea agreement, and more specifically, in our sample a conviction is almost 15 percentage points less likely to occur.

In Table 4, we summarize characteristics of defendants and cases where all charges are dismissed, based on whether the case involved a DV assault charge and if it was assigned to a DV or General Division. In spite of the potential for strategic behavior on the part of prosecutors, we do not find strong evidence that the probability that all charges in a case are dropped varies by Division assignment. Conditional on at least one charge being retained by the prosecutor, we are also not able to predict the types of cases that are heard by a specialized versus non-specialized judge; following the DiTella and Schargrodsky (2013), only one (out of 16

differences) has a p-value of less than 10%, which is the fraction of non-DV cases where the defendant is White.²⁴

In order to further probe the trial mechanism generation the observed reduction in convictions, we estimate the probability of various case outcomes occurring when a DV case on the jail docket is assigned to a DV Division: all charges being dismissed or retired, a bench trial occurring, conviction in a bench trial, and the maximum sentence assigned at a bench trial. These results are presented in Table 5. We estimate that there is a statistically insignificant 3.8 percentage point increase in the probability that all charges are dismissed in DV cases assigned to a DV Division. However, there is a there is a 6.6 percentage point increase in the probability that a DV case will be heard in a bench trial in a DV Division relative to one assigned to a General Division, essentially doubling the probability of a bench trial in DV cases. While DV cases are less likely to end in conviction overall in DV, they are actually 63% more likely to end in a conviction in a bench trial than cases arbitrarily assigned to a DV Division, and defendants can expect one additional seek of jail time assigned by a judge. This finding also confirms how DV judges could have reputations as victim's advocates while overall conviction rates fall – the reduction in conviction is due to a shift from plea deals to bench trials.

Our differences-in-difference models imply that about half of this increased propensity to go to trial, and receive a longer sentence in expectation, can be thought of as a judge fixed effect; DV judges are about 2.7 percentage points more likely to hear a DV case than they are to hear another misdemeanor case off the jail docket relative to judges in non-specialized Divisions.

While smaller in absolute terms than panel A and imprecisely estimated, relative to the

²⁴ We describe the characteristics of cases heard in a bench trial, rather than be entirely resolved by plea, in Table A4. This does not reveal strong evidence of a taste for hearing specific types of cases among DV judges, at least along observable dimensions

frequency with which bench trials occur on the misdemeanor jail docket, this corresponds with a 100% increase in the probability of a bench trial and expected sentence severity.

5.2.3 Judge Specific Fixed Effects

Our estimate of the impact of specialization is essentially the difference in average judge fixed effects across the general and specialized groups. In Figure 4, we present corollary estimates of Table 2, Panel B, Column 2, where in each equation we (1) allow one judge to have their own fixed effect, and a separate average conviction rate in DV cases or (2) exclude a judge from the sample. In addition to the specialized DV judges, two additional judges, Judge Moreland and Judge Holt, presided over the Order of Protection (OP) docket. The OP Docket oversees civil proceedings, whereby a petitioner (victim) asks the Court to prohibit a particular respondent (aggressor) from contacting them. By having the OP Docket as part of their judicial responsibilities, these two Divisions may have gained expertise about DV cases that their other non-DV judicial peers did not possess.²⁵ Such experience might make these Divisions more similar to a DV Division. Relative to all other judges, and non-DV misdemeanor cases, the two judges in specialized DV Divisions are notably (weakly) less likely to convict in DV cases than all other judges, save one: Judge Moreland. When we sequentially exclude one judge from the sample at a time, our estimates range from a 7 to 11 percentage point reduction in the probability of conviction, and are always statistically distinguishable from zero.

²⁵ Nashville and Davidson County assigned the two additional GS Divisions to hear protection order petitions due to both the urgency of the hearing and the volume of the petitions. When a petitioner seeks a protection order, the “Night Court” Commissioner grants them an “ex-parte” or temporary order. During this time the respondent cannot have contact with the petitioner, and this could preclude the respondent from residing in their residence and may also have child custody implications. The ex-parte order does not (in most circumstances) prevent a respondent from having a firearm. However, if the ex-parte order is a *full* protection order, the respondent can no longer have a firearm. Therefore, there is an urgency to hear protection order petitions. To make sure protection order hearings were heard every weekday, 4 Divisions rather than only 2 DV Divisions, were assigned to the protection order docket. As of 2006, DV Divisions began hearing all OP dockets, misdemeanor DV criminal charges, and the initial probable cause hearing/ evaluation for felony DV criminal charges.

5.2.4 Broader Definition of DV Cases

As a final robustness test, we broaden our definition of DV to include other types of charges that are commonly associated with DV, and based on case facts that are not observable to researchers might be routed to DV court if set on the bond docket. Misdemeanor assault in particular is likely to include DV. Like many states, Tennessee had one generic simple “Assault” statute, which made assaulting anyone – regardless of relationship - a Class A Misdemeanor. However, effective September 1, 2000, Tennessee adopted a “Domestic Violence (DV) Assault” statute, which specifically declared it a crime to assault someone with whom the offender shared a domestic relationship. The elements of the crime do not vary between the two statutes; the DV Assault statute was adopted with the intention of making clear that DV and non-domestic assault were equally serious crimes.

Some contexts in which DV can occur, like dating relationships, are not statutorily included in “domestic relationships.” For example, an assault occurring between a dating couple would be formally charged as “assault,” but would be routed and staffed as a DV case in Nashville – either ending up in DV court on the bond docket, or having specialized prosecutors and victim advocates in the arbitrarily assigned Division on the jail docket. Figure 5 shows the frequency with which general assault and domestic assault charges are filed in court, and shows striking evidence that these two charges may be used to describe the same criminal act and may be used interchangeably or substituted for one another – though this practice declines overtime as the legal change is normalized in the criminal justice system.²⁶

²⁶ Note that the gradual increase in use of DV assault implies that new DV courts may function differently than established ones, complicating the external validity of identification strategies based on the introduction of these courts.

As shown in Table 6, we find qualitatively similar estimates of the impact of court specialization in this larger sample, although as expected the results are somewhat attenuated. “Possibly DV” cases heard in DV Divisions are less likely to result in a conviction, particularly relative to other misdemeanors heard in DV Divisions. DV judges are also more likely to impose sentencing involving incarceration in DV and assault cases, conditional on conviction, but this appears to be a judge fixed effect, rather than a decision that is specific to DV (or potentially DV) cases.

5.2.5 Who is Convicted in DV Divisions?

Our finding that DV defendants assigned to DV Divisions are, on average, less likely to be convicted does not imply that all defendants are equally less likely to be convicted in DV court. In Table 7, we characterize defendants on the jail docket who are convicted and not convicted by DV and General judges. As in Table 1, we present unconditional mean values for defendants assigned to General Divisions, and then the predicted means for defendants assigned to DV Divisions, taking into account time (year and week of the year) fixed effects. Cases that take longer and involve more charges are more likely to end in conviction in both courts, and people with previous records of assault are more likely to be convicted (although this is a marginally significant predictor of being convicted in DV Divisions). Defendants who are convicted by DV judges are almost 2.5 years older than people convicted by General Divisions, and have appeared in court two additional times – in particular the existence of any criminal history appears to matter less than how extensive that history is. In contrast, people who are not convicted in either Division appear to be more similar to each other on demographics and criminal history.

Overall, DV judges appear to be less willing to convict defendants who, perhaps entirely because of their age, have had less criminal justice contact. In Figure 5, we confirm this result by re-estimating our baseline model for defendants in four different age categories; youngest defendants assigned to a DV versus General Division are driving our lower conviction rate.

6 Specialized Court and Future Domestic Violence

DV judges appear to be less likely to convict younger defendants than general judges, and therefore are less likely to convict overall. We now examine the consequence of these decisions for recidivism, which we measure in two ways. First, we define recidivism based on whether the defendant had any future criminal charges, felony or misdemeanor, on either docket, filed against him during a fixed period of time after initial adjudication. While we found evidence that DV judges were more likely to incarcerate conditional on conviction, recall that these misdemeanor offenses are generally associated with sentences that are no more than three months long. In practice, this measure of recidivism is both standard in the literature and easy to observe in the court records that make up our sample. Second, we take advantage of a specific feature of how DV assault cases are recorded in Davidson County. Specifically, for DV assault cases only, we observe the first and last name of the victim. Using this victim information, we are able to link the court records to criminal incident reports from the Nashville Police Department. Thus, for DV cases, we are able to measure not just whether the offender behaves differently after court, but whether the victim is differentially likely to contact the police in the future, regardless of whether charges are ultimately filed or involve the same offender.

In Table 8, we present our estimates of the impact of court specialization on recidivism, where we define recidivism as an offender showing up in court again within three years for a DV assault charge (felony or misdemeanor), any assault (felony or misdemeanor), any criminal

charge (felony or misdemeanor), and any DV-related felony offense. For the sake of space, we only present results that include case and defendant controls. When we look just at people originally charged with DV, we find a negative relationship between being assigned to a DV Division and recidivism for DV. We are unable to draw any substantive conclusions about future assault or how broader charges may be impacted by initial court specialization. Notably, we also find a negative, albeit imprecise, reduction in the probability of a future DV-related felony charge, which is not clearly consistent with acquitted defendants escalating their criminal behavior. When we compare DV defendants heard in DV versus General Divisions to other misdemeanor defendants assigned to DV versus General Divisions, we find similarly imprecise estimates. Overall, the court data do not reveal strong evidence one way or another about the impact of specialization on the likelihood that a defendant is charged with a future crime.²⁷

In Table 9, we use our victim-centered approach to recidivism, based on whether the victim in the initial case contacts the police in the future. Though we cannot distinguish between a judge fixed effect and the impact of specialization, we find noticeably different results when we use revictimization, rather than recharging, as an outcome. DV victims whose cases are assigned to a DV Division are 8 to 10 percentage points (or 16 to 20%) less likely to contact the Nashville police in the year following adjudication, for any reason. When we look at the probability of the victim filing a police report for an assault, specifically, we estimate an even larger 11 to 12 percentage point reduction, just over 20% of the mean of 46%.

²⁷ We also examine the differences in recidivism of DV offenders who were not convicted in a bench trial, but still had to appear before the judge- either in an acquittal or to have their plea bargain accepted. The sample size is too small for formal regression analysis (20 defendants acquitted in a bench trial, and 44 who plead guilty on all charges), but reveals that, in general, defendants who appear before a specialized judge, may be less likely to recidivate.

Of course, the observed reduced propensity to contact the police could be due to increased victim safety, or a “gag effect” where victims are less trusting of the court, potentially due to their original assailant not being convicted. We find no strong evidence for substantive changes whether or not the victim is involved in a case where a warrant is issued (recall that this occurs when the police believe a crime has occurred), although the point estimates are negative and correspond with a roughly 5%-10% reduction. Finally, we analyze the likelihood that a victim refuses to cooperate with police in the new incident report. If a victim’s case was previously assigned to a DV Division, they are 4.5 to 5.6 percentage points (or 69 to 82%) less likely to be recorded as refusing to cooperate with police at a crime scene. Conditioning the sample to victims who are involved with an incident does not change this negative result. This is important for two reasons: (1) successful prosecution of DV crimes often relies heavily on victim cooperation and (2) it signals that – even though the overall conviction rates are lower – DV Divisions may increase victim participation with the criminal justice system in future events. Taken together, our findings that victims are less likely to contact the police, defendants are not obviously less likely to end up in court (but perhaps the least likely to receive felony charges), and that victims are more likely to cooperate, is arguably more consistent with increased victim buy-in to the court system, conditional on filing a report, or victims severing the relationship and the defendant assaulting a different person.

Is this difference in victim behavior actually driven by Division assignment, or is it a spurious finding? Recall that cases that are entirely dismissed by the prosecutor never appear before a judge, and we found little evidence that, in spite of the strategic opportunity, that prosecutors were differentially likely to drop all charges in DV cases assigned to DV Divisions. If exposure to a DV Division matters, we would expect the differences in victim-oriented

recidivism should be largest for victims who actually encountered a DV judge. In Table 10, we compare our victim-centered (Panel A) and offender-centered (Panel B) recidivism outcomes for cases assigned to General and DV Divisions, distinguishing between cases that never went before any judge, and cases that appear before a judge-if only to accept a plea. Because of small sample size, we only report unconditional means.

Table 10 makes clear that the observed differences in outcomes are driven by victims whose cases were prosecuted. Given the nature of DV crimes, which often take place in private settings with few if any non-familial witnesses, the vast majority of cases can only be prosecuted if in fact the victim showed up in court. We note that “showing up in court” likely matters regardless of case outcome because the victim may hear the Judge instruct the defendant about his past or future behavior and the Judge may use the opportunity to address the victim.

In cases that were prosecuted (perhaps a proxy for the victim being physically in a courtroom), 54% of victims in cases assigned to General Divisions contact the police in the future, regardless of how the case was handled. When assigned to a DV Division, 57% of victims contact the police again when cases are dismissed by prosecutors, versus 35% of victims whose cases appeared in front of the DV judge, and were less than half as likely to be involved in an incident where the police believe a crime occurred. Unconditionally, victims who actually interact with the DV division are one percentage point (3% versus 2%) less likely to refuse to cooperate with the police in the future, and conditional on contacting the police, victims whose cases involved a courtroom visit overseen by a DV Division were 2 percentage points (33%) less likely to refuse to cooperate than victims whose cases were dismissed. We observe no such difference in General Division cases. We also find that both DV and General Divisions have the same offender-centered recidivism measures regardless of whether the defendant

interacts with the judge, even though DV judges are less likely to convict, or incarcerate, the defendants they speak with.

7 Conclusion

Specialized criminal courts are gaining popularity with local governments to address crimes involving victims or offenders with unique needs that are believed to render traditional adjudication and incarceration ineffective. In Nashville and Davidson County, DV defendants who have not posted bond (i.e., those on the “jail docket”), were arbitrarily assigned to one of eleven judges. Two of these eleven judges had special training and as a result of their DV dockets, increased exposure to the area of DV, as did their probation and court officers.

This unique feature of the jail docket in Nashville allows for credible identification of the casual impact of judicial (and court staff) specialization on court and crime outcomes. Our results suggest that judges specialized in DV make different decisions in DV cases relative to general judges. However, their decision making varies by the specific alleged offense: decision in assault cases change, while decisions in less discretionary decisions (violations of orders of protection) do not. We find that DV judges are less likely to convict and incarcerate defendants of domestic assault than non-specialized judges, but equally likely to convict a defendant of less discretionary VOP.

Examining how cases are adjudicated suggests that this reduction in conviction is driven by an increase in bench trials. In particular, the composition of cases resolved outside the courtroom suggests that specialized judges are less willing to accept guilty pleas. While the trial conviction rate for cases set before specialized judges is higher than for non-specialized judges, the fact that fewer plea bargains are reached leads to an overall reduction in conviction. This is

driven by DV judges being less likely to convict younger defendants with shorter criminal histories.

The unique data collection procedure in Davidson County allows us to then examine both recidivism and revictimization outcomes. We find that there is little evidence that defendants assigned to a DV Division are any more or less likely to be charged with a future criminal offense, DV related or otherwise. However, after linking court records to police incident reports, we find that the victims in DV cases assigned to a DV Division are 16 to 20% less likely to contact the police than victims in DV cases heard in General Divisions, and substantially less likely to refuse to cooperate with the police. Our failure to find strong evidence of recidivism and potential reductions in revictimization, suggests that DV courts may reduce “type 1” errors in misdemeanor court by declining to convict, without increasing “type 2 error”- the rate at which dangerous offenders are not punished.

Future work examining why victims contact the police can shed light on whether these the observed impacts of DV court on future behavior are the result of increased victim cooperation with the police and prosecutors, consistent with the intent of the DV Division, or a reluctance to contact the police in more marginal domestic incidents, which is less obviously a desired outcome on the part of the Court.

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Figures

Figure 1: DV Case Assignment to Docket and Division Variation, 2000-2006

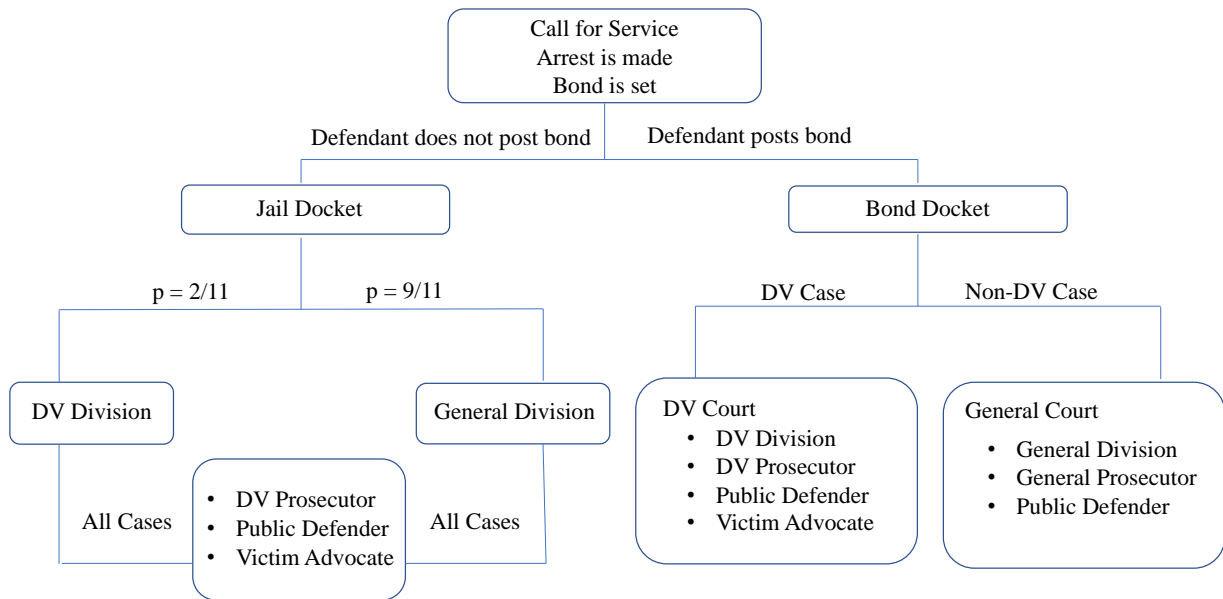
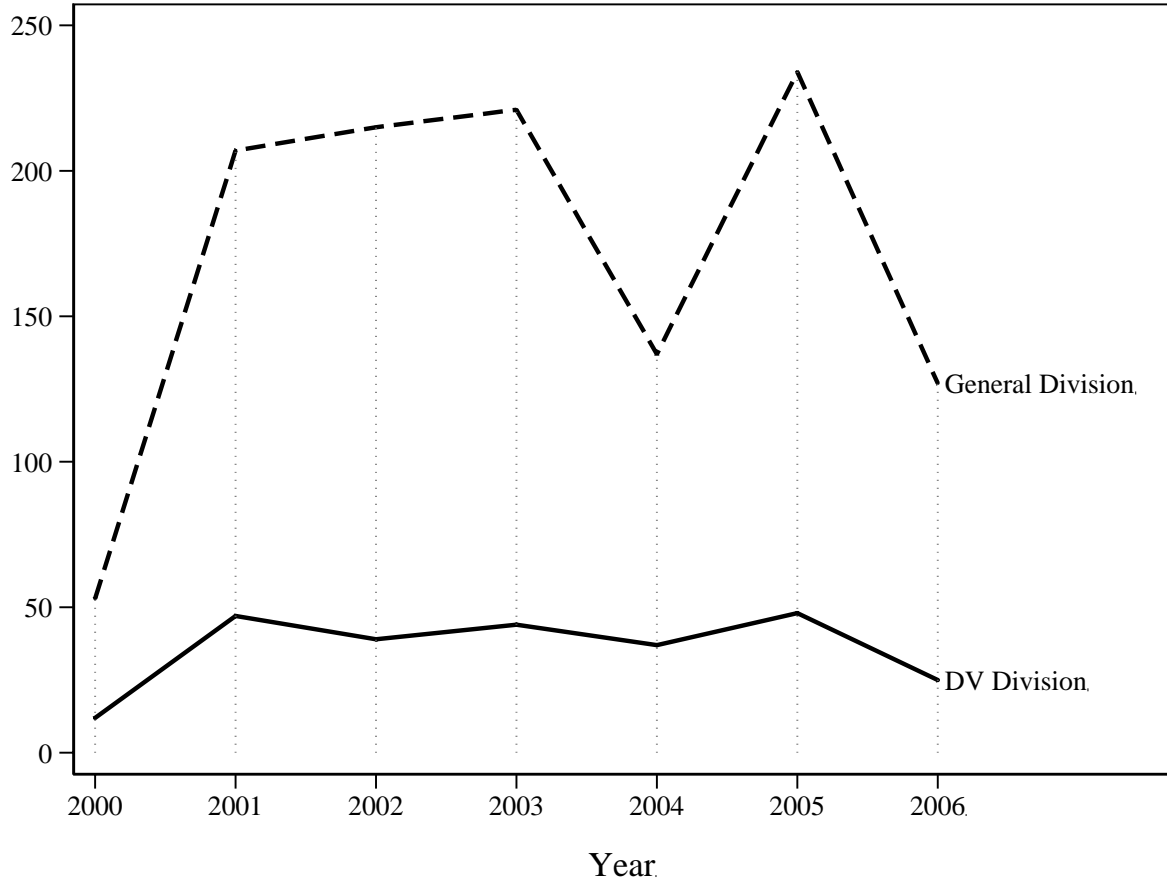


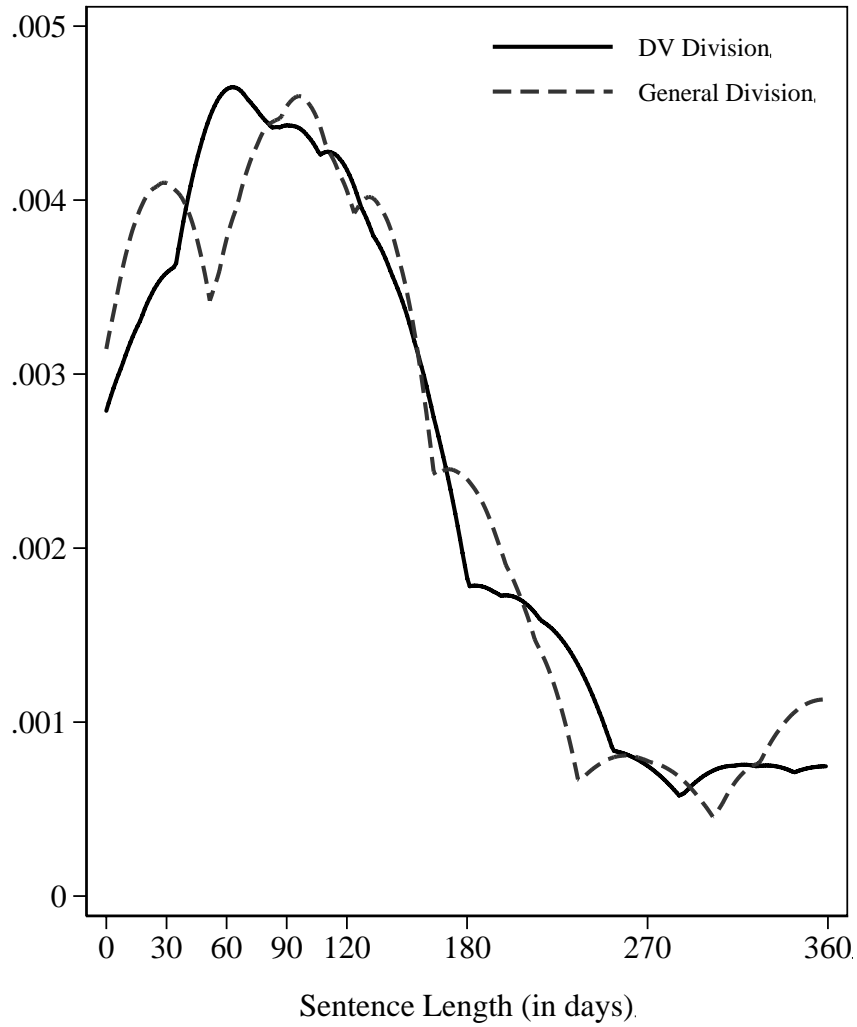
Figure 2: Total Number of Cases Heard



On average, 17.7% of DV cases in the jail docket are heard by DV Divisions..

Note: This figure presents the number of DV cases heard in Nashville between 2000 and 2006, as well as the number of the cases heard by DV Divisions. During our sample, a total of 12 judges ran 11 different courts. Consistent with jail docket cases being assigned to DV Divisions arbitrarily, on average, the two DV Divisions hear about 18% of jail docket DV cases in any given month.

Figure 3: Distribution of Incarceration Time



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

Note: This figure plots the distribution of observed sentences for charges in our sample, conditional on conviction. DV Divisions frequently assign short sentences, but the overall distribution is similar across courtroom types.

Figure 4:

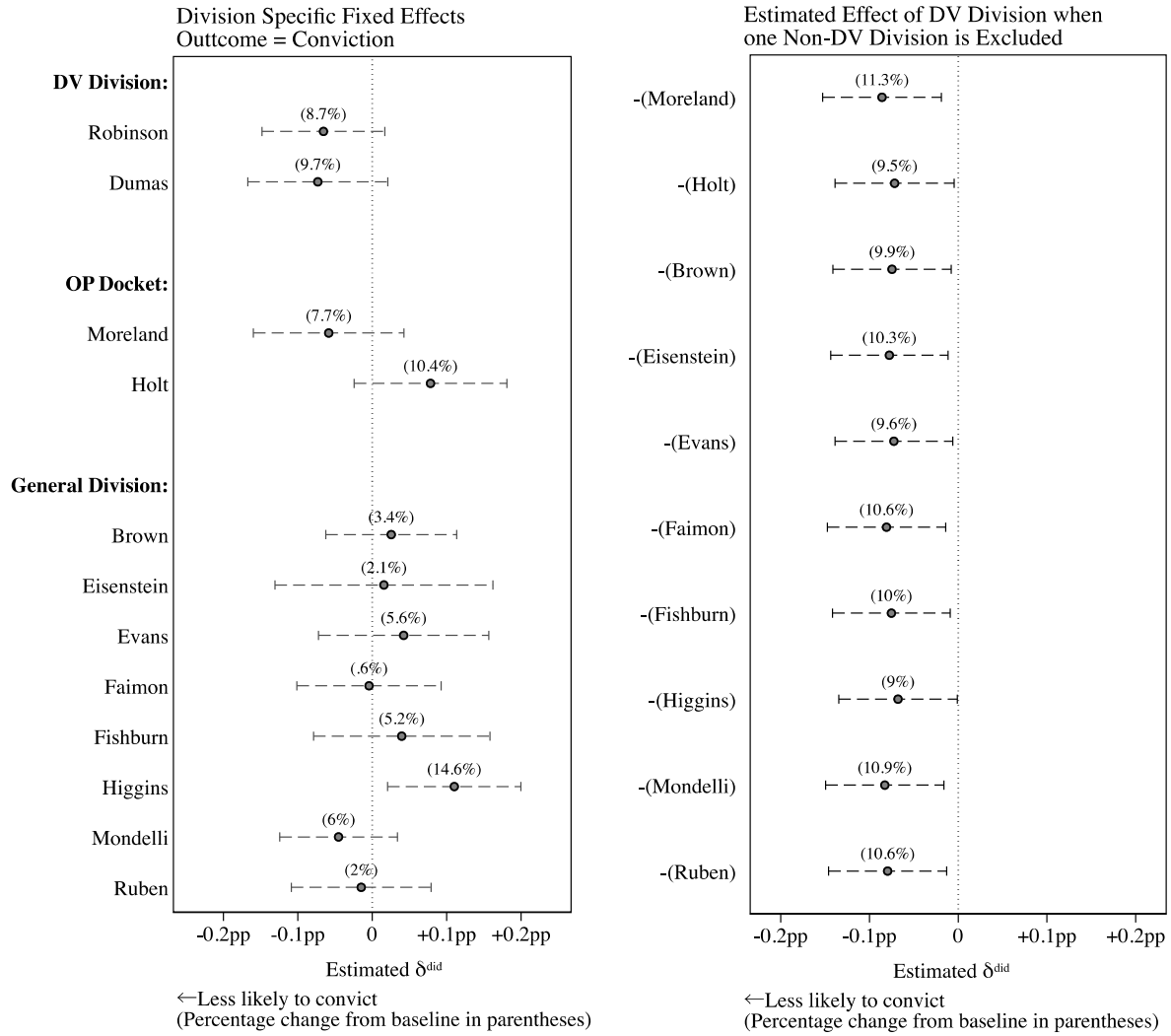


Fig 4.A

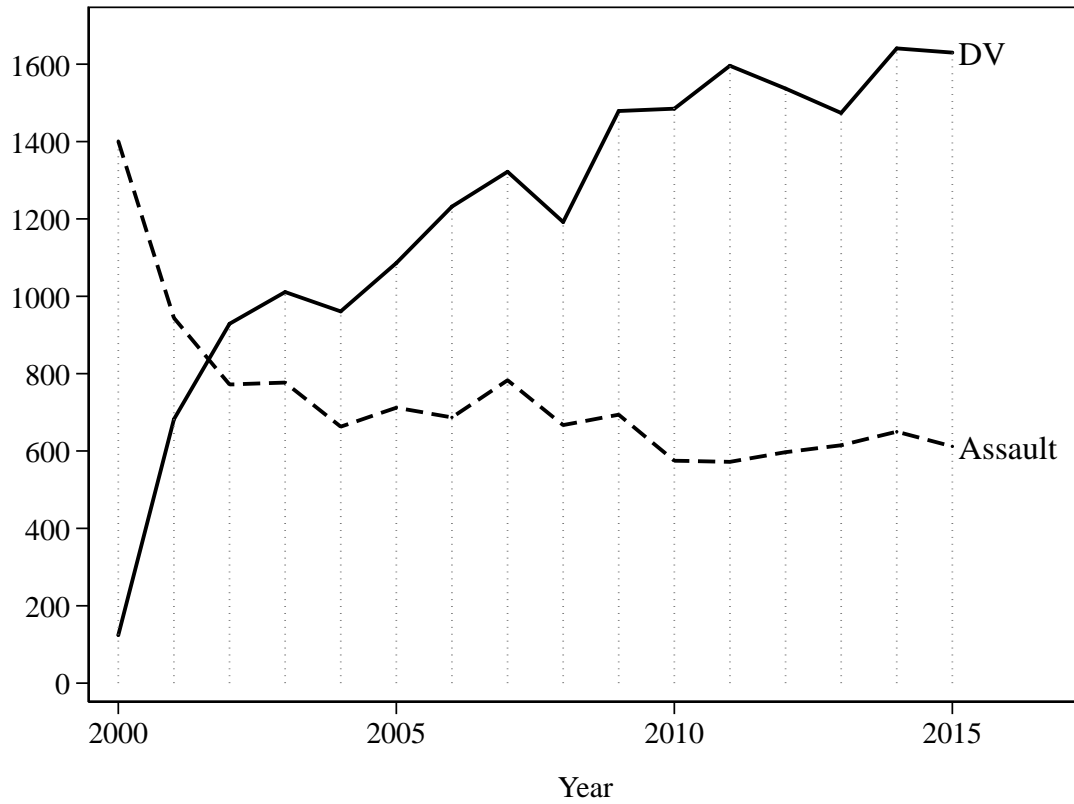
Fig 4.B

Note: Fig 3.A shows conviction rates in DV courts by estimating a separate fixed effect for each Division. We indicate both the estimated fixed effect with a circle, and 95% confidence interval with dashed line. For each Divisions, we estimate the difference-in-differences model (δ^{dd}) from the following equation:

$$Conviction_{icjt} = \alpha_0 + \alpha_1(Division)_j + \alpha_2(DV Case)_c + \delta^{dd}(Division \times DV Case)_{cj} + \lambda_t + u_{icjt}$$

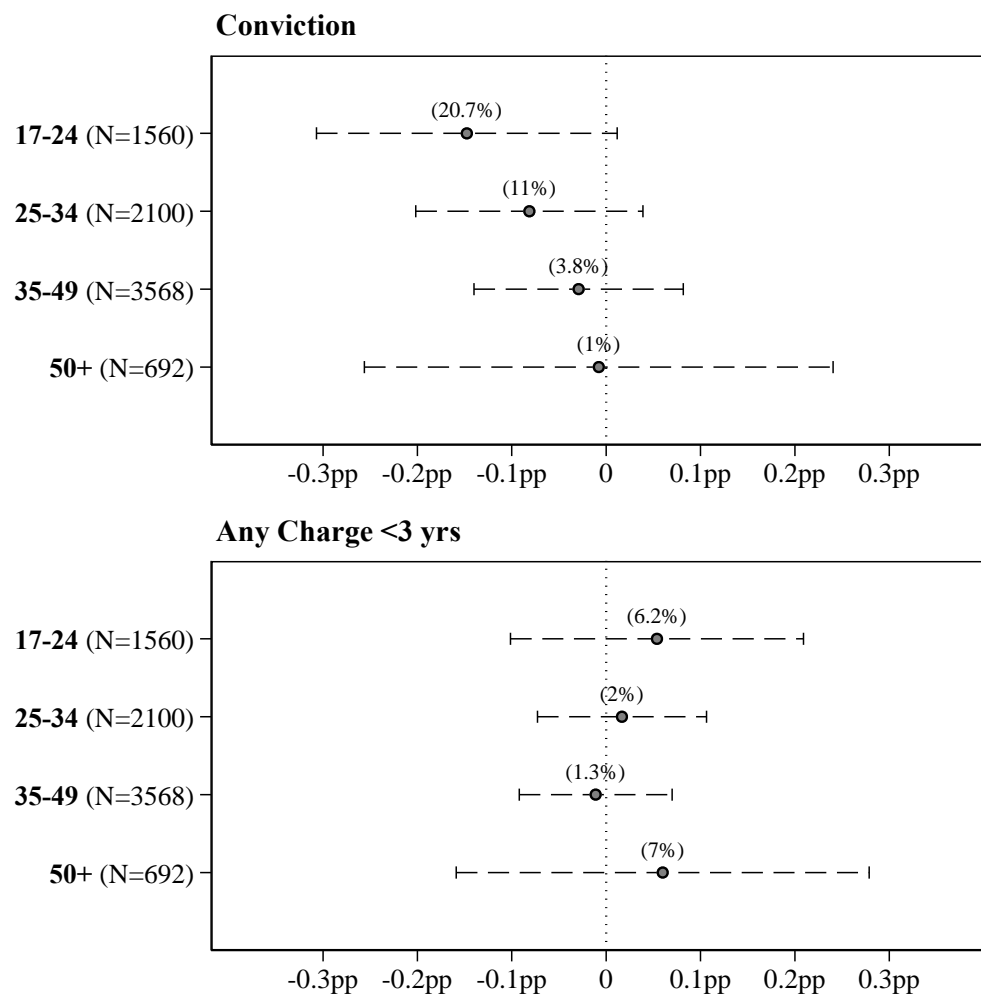
Fig 3.B plots the estimated coefficient on the effects of DV courts when one non-DV judge (i.e., court) is excluded. Each reported coefficient (δ^{dd}) is estimated using Equation (3): $Y_{icjt} = \alpha_0 + \alpha_1(DV Division)_j + \alpha_2(DV Case)_c + \delta^{dd}(DV Division \times DV Case)_{cj} + \lambda_t + u_{icjt}$. Percentage changes from the baseline are in parentheses.

Figure 5: Total Number of DV and Assault Cases Filed in the GS Court



Note: This figure shows the frequency with general assault and domestic assault charges are filed in court and shows striking evidence that these two charges may be used to describe the same criminal act and may be used interchangeably or substituted for one another – though this practice declines overtime as the legal change is normalized in the criminal justice system.

Figure 6: Estimated Effect of DV Division by Defendants' Age



Note: Figure 5 plots the estimated coefficient on the effects of DV Divisions for defendants from different age. Each reported coefficient (δ^{dd}) is estimated using Equation (3). Percentage changes from the baseline are in parentheses

Tables

Table 1: Testing Randomness of Assignment for DV Cases and All Other Cases

Panel A: *DV Cases (N = 1,445)*

Defendant Characteristics	General Division Unconditional Mean	DV Division Predicted Value	p-value
White Defendant	0.428	0.434	(0.86)
Age at Arrest	34.611	36.094	(0.03)
Days from Arrest to Court	6.227	6.251	(0.89)
# of Charges for Current Case	1.391	1.433	(0.38)
=1 if Ever Appeared in Court Previously	0.839	0.873	(0.18)
# of Previous Court Appearances	7.058	8.129	(0.07)
=1 if Appeared in Court Previously for DV	0.245	0.226	(0.49)
=1 if Appeared in Court Previously for Assault	0.558	0.603	(0.16)
N	1,193	252	
F-test of joint significance (p-value)			1.25 (0.27)

Panel B: *All Other Cases (N = 6,474)*

Defendant Characteristics	General Division Unconditional Mean	DV Division Predicted Value	p-value
White Defendant	0.404	0.397	(0.63)
Age at Arrest	36.006	36.435	(0.26)
Days from Arrest to Court	5.383	5.398	(0.86)
# of Charges for Current Case	1.607	1.594	(0.67)
=1 if Ever Appeared in Court Previously	0.847	0.865	(0.16)
# of Previous Court Appearances	10.695	11.215	(0.34)
=1 if Appeared in Court Previously for DV	0.024	0.017	(0.11)
=1 if Appeared in Court Previously for Assault	0.266	0.270	(0.81)
N	5,325	1,149	
F-test of joint significance (p-value)			0.84 (0.57)

Note: The coefficients are estimated using equation (1):

$$x_{it} = \pi_0 + \pi_1(DV\ Division)_j + \lambda_t + \mu_{it}$$

The first column reports unconditional mean of covariates (x_{it}) for the defendants in front of General Divisions. 2nd column is the predicted value from a regression of the characteristics on the indicator that the court is specialized, controlling for year and week fixed effects ($x_{it} + \pi_1$). The p-values, the significance of the indicator variable, are in parentheses. Standard errors are clustered to adjust for arbitrary correlation in outcomes within defendant and case week.

Table 2: Do DV Divisions Make Different Decisions in DV Cases?

Panel A: DV Cases

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
	Convicted		# of Convictions		Incarcerated		Max Sentence Length	
DV Division	-0.063+	-0.079*	-0.090+	-0.137**	-0.033	-0.050	-8.854	-10.741+
	(0.034)	(0.035)	(0.054)	(0.046)	(0.034)	(0.035)	(5.879)	(6.071)
N	1445	1445	1445	1445	1445	1445	1445	1445
R ²	0.056	0.160	0.057	0.469	0.060	0.150	0.060	0.103
Controls		X		X		X		X
Y Mean	0.516		0.683		0.483		62.80	

Panel B: DV Cases vs All Other Cases

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
	Convicted		# of Convictions		Incarcerated		Max Sentence Length	
DV Case × DV Division	-0.076*	-0.077*	-0.135*	-0.133**	-0.101*	-0.102*	-14.373*	-14.288*
	(0.035)	(0.033)	(0.057)	(0.044)	(0.043)	(0.041)	(6.612)	(6.563)
DV Case	-0.281***	-0.253***	-0.463***	-0.307***	-0.152***	-0.116***	41.290***	42.006***
	(0.016)	(0.016)	(0.029)	(0.022)	(0.017)	(0.017)	(3.151)	(3.192)
DV Division	-0.009	-0.015	-0.005	-0.005	0.042+	0.044+	2.416	1.490
	(0.019)	(0.018)	(0.039)	(0.031)	(0.025)	(0.025)	(2.577)	(2.770)
N	7920	7920	7920	7920	7920	7920	7920	7920
R ²	0.082	0.127	0.062	0.464	0.046	0.110	0.064	0.083
Controls		X		X		X		X
Y Mean	0.756		1.079		0.625		31.68	

Note: Panel A uses DV cases, a sample that consists of all charges that were filed with a DV charge for a defendant in a given court hearing. Panel A reports β_1 from Equation (2): $Y_{icjt} = \beta_0 + \beta_1(DV\ Division)_j + \lambda_t + u_{icjt}$. Panel B uses compares DV cases with all other cases that are not DV. Panel B reports δ^{dd} , α_2 , and α_1 from Equation (3): $Y_{icjt} = \alpha_0 + \alpha_1(DV\ Division)_j + \alpha_2(DV\ Case)_c + \delta^{dd}(DV\ Division \times DV\ Case)_{cj} + \lambda_t + u_{icjt}$. Even-numbered columns include controls for individual characteristic (race and age) criminal history (whether defendant is previously charged and the number of previous charges) and judge characteristics (gender and experience). Standard errors are clustered to adjust for arbitrary correlation in outcomes within defendant and case week. Estimated coefficients for conditional incarceration and sentence length are reported in Table A4. Significant at + 10%, * 5%, ** 1%, and *** 0.1% level

Table 3: Do DV Divisions Make Different Decisions in Violations of an Order of Protection (VOP) Cases?

Panel A: VOP Cases

	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)
	Convicted		# of Convictions		Incarcerated		Max Sentence Length	
DV Division	0.080 (0.050)	0.063 (0.056)	0.128+ (0.076)	0.104 (0.077)	0.129* (0.053)	0.107+ (0.059)	20.726* (9.440)	15.167+ (9.124)
N	550	550	550	550	550	550	550	550
R ²	0.117	0.129	0.127	0.404	0.149	0.166	0.138	0.203
Controls		X		X		X		X
Y Mean	0.769		0.909		0.695		23.01	

Panel B: VOP Cases vs All Other Cases

	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)
	Convicted		# of Convictions		Incarcerated		Max Sentence Length	
DV Case × DV Division	0.079 (0.049)	0.080 (0.050)	0.126+ (0.074)	0.090 (0.069)	0.055 (0.054)	0.058 (0.055)	13.062+ (7.873)	12.396 (7.882)
DV Case	-0.048* (0.024)	-0.011 (0.024)	-0.280*** (0.038)	-0.068* (0.033)	0.027 (0.025)	0.072** (0.026)	-3.868 (2.665)	-1.753 (2.723)
DV Division	-0.012 (0.019)	-0.016 (0.019)	-0.013 (0.039)	-0.001 (0.032)	0.039 (0.025)	0.043+ (0.025)	1.485 (2.355)	0.483 (2.612)
N	7064	7064	7064	7064	7064	7064	7064	7064
R ²	0.013	0.042	0.020	0.392	0.030	0.080	0.016	0.032
Controls		X		X		X		X
Y Mean	0.802		1.141		0.655		24.44	

Note: This table replicates Table 2 using VOP sample. Panel A uses VOP cases, a sample that consists of all charges that were filed with a VOP charge for a defendant in a given court hearing. Panel A reports β_1 from Equation (2): $Y_{icjt} = \beta_0 + \beta_1(DV\ Division)_j + \lambda_t + u_{icjt}$. Panel B compares VOP cases with all other cases that are not DV or VOP. Panel B reports δ^{dd} , α_2 , and α_1 from Equation (3): $Y_{icjt} = \alpha_0 + \alpha_1(DV\ Division)_j + \alpha_2(VOP\ Case)_c + \delta^{dd}(DV\ Division \times VOP\ Case)_{cj} + \lambda_t + u_{icjt}$. Even-numbered columns include controls for individual characteristic (race and age) criminal history (whether defendant is previously charged and the number of previous charges) and judge characteristics (gender and experience). Standard errors are clustered to adjust for arbitrary correlation in outcomes within defendant and case week. Significant at + 10%, * 5%, ** 1%, and *** 0.1% level

Table 4: Testing Randomness of Dismissed DV Cases

Panel A: DV Cases (N = 637)

Defendant Characteristics	General Division Unconditional Mean	DV Division Predicted Value	p-value
White Defendant	0.419	0.42	(0.98)
Age at Arrest	34.949	35.556	(0.57)
Days from Arrest to Court	6.749	6.650	(0.73)
# of Charges for Current Case	1.119	1.172	(0.21)
=1 if Ever Appeared in Court Previously	0.809	0.854	(0.26)
# of Previous Court Appearances	6.869	7.154	(0.71)
=1 if Appeared in Court Previously for DV	0.228	0.205	(0.61)
=1 if Appeared in Court Previously for Assault	0.509	0.571	(0.25)
N	513	124	
F-test of joint significance (p-value)			0.87 (0.54)

Panel B: All Other Cases (N = 1,156)

Defendant Characteristics	General Division Unconditional Mean	DV Division Predicted Value	p-value
White Defendant	0.461	0.360	(0.01)
Age at Arrest	34.785	35.012	(0.80)
Days from Arrest to Court	5.714	5.881	(0.41)
# of Charges for Current Case	1.353	1.337	(0.72)
=1 if Ever Appeared in Court Previously	0.760	0.793	(0.31)
# of Previous Court Appearances	7.269	8.015	(0.35)
=1 if Appeared in Court Previously for DV	0.028	0.020	(0.52)
=1 if Appeared in Court Previously for Assault	0.224	0.229	(0.88)
N	926	229	
F-test of joint significance (p-value)			1.27 (0.26)

Note: In this table, we compare the characteristics of cases and defendants whose cases are entirely dismissed, based on whether the case involved a DV assault charge and if were assigned to a DV or Generalized Division. The coefficients are estimated using equation (1): $x_{it} = \pi_0 + \pi_1(DV\ Division)_j + \lambda_t + \mu_{it}$. First column reports unconditional mean of covariates for the defendants in front of General Divisions. Second column is the predicted value from a regression of the characteristics on the indicator that the court is specialized, controlling for year and week fixed effects. The p-values, the significance of the indicator variable, are in parentheses Standard errors are clustered to adjust for arbitrary correlation in outcomes within defendant and case week.

Table 5: How are Misdemeanor Cases Processed in DV Division?

	(1) All Charges Dismissed	(2) Bench Trial	(3) Conviction at Bench Trial	(4) Sentence in Bench trial
Panel A: DV Cases				
DV Division	0.038 (0.036)	0.066*** (0.017)	0.032* (0.014)	7.414* (3.025)
N	1445	1445	1445	1445
R ²	0.145	0.078	0.067	0.068
Y Mean	0.441	0.0637	0.0498	8.119
Panel B: DV Cases vs All Other Cases				
DV Division × DV Case	0.041 (0.035)	0.027 (0.021)	0.0002 (0.016)	3.683 (3.584)
DV Case	0.228*** (0.017)	0.047*** (0.008)	0.039*** (0.007)	6.365*** (1.559)
DV Division	0.014 (0.018)	0.019*** (0.005)	0.017*** (0.005)	1.796** (0.643)
N	7920	7920	7920	7920
R ²	0.112	0.039	0.031	0.030
Y Mean	0.226	0.0220	0.0183	2.367

Note: Panel A uses a sample that consists of all charges that were filed with a domestic violence charge for a defendant in a given court hearing. Panel A reports β_1 from: $Y_{icjt} = \beta_0 + \beta_1(DV Court)_j + \lambda_t + u_{icjt}$. Panel B uses compares DV cases with all other cases that are not DV. Panel B reports δ^{dd} , α_2 , and α_1 from Equation 3: $Y_{icjt} = \alpha_0 + \alpha_1(DV Court)_j + \alpha_2(DV Case)_c + \delta^{dd}(DV Court \times DV Case)_{cj} + \lambda_t + u_{icjt}$. All models include week and year fixed effects, controls for individual characteristic (race and age) and criminal history (whether defendant is previously charged and the number of previous charges) and judge characteristics (gender and experience). Standard errors are clustered to adjust for arbitrary correlation in outcomes within defendant and case week. Significant at + 10%, * 5%, ** 1%, and *** 0.1% levels.

Table 6: Do DV Divisions Make Different Decisions in DV and Assault Cases?

Panel A: DV and Assault Cases

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
	Guilty		# of Convictions		Incarcerated		Max Sentence Length	
DV Division	-0.036 (0.024)	-0.048* (0.024)	-0.041 (0.058)	-0.109** (0.040)	-0.012 (0.025)	-0.025 (0.026)	-0.383 (4.324)	-1.395 (4.604)
N	2863	2863	2863	2863	2863	2863	2863	2863
R ²	0.025	0.161	0.033	0.531	0.031	0.152	0.035	0.049
Controls		X		X		X		X
Y Mean	0.605		0.983		0.569		56.67	

Panel B: DV and Assault Cases vs All Other

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
	Guilty		# of Convictions		Incarcerated		Max Sentence Length	
Assault Case × DV Division	-0.037 (0.025)	-0.037 (0.023)	-0.080 (0.062)	-0.088* (0.041)	-0.065* (0.031)	-0.064* (0.029)	-5.504 (5.009)	-5.547 (5.032)
Assault Case	-0.194*** (0.012)	-0.195*** (0.012)	-0.167*** (0.026)	-0.218*** (0.018)	-0.079*** (0.013)	-0.078*** (0.013)	33.970*** (2.297)	32.781*** (2.292)
DV Division	-0.010 (0.019)	-0.014 (0.018)	0.000 (0.040)	-0.005 (0.032)	0.042+ (0.025)	0.044+ (0.025)	2.502 (2.578)	1.614 (2.719)
N	9375	9375	9375	9375	9375	9375	9375	9375
R ²	0.054	0.110	0.021	0.446	0.028	0.098	0.060	0.071
Controls		X		X		X		X
Y Mean	0.744		1.106		0.627		34.37	

Note: This table replicates Table 2 using DV and assault sample. Panel A uses a sample that consists of all charges that were filed with a DV or assault charge for a defendant in a given court hearing. Panel A reports β_1 from Equation (2). Panel B uses compares DV and assault cases with all other cases that are not DV or assault. Panel B reports δ^{dd} , α_2 , and α_1 from Equation (3) Even columns include controls for individual characteristic (race, age, and age squared) and criminal history (whether defendant is previously charged and the number of previous charges) and judge characteristics (gender and experience). Standard errors are clustered to adjust for arbitrary correlation in outcomes within defendant and case week. Significant at + 10%, * 5%, ** 1%, and *** 0.1% level

Table 7: Characteristics of Defendant by Court Assignment and Adjudication Outcome

Panel A: DV Cases

Defendant Characteristics	Convicted (N = 745)			Not Convicted (N = 700)		
	General Division. Mean	DV Division Predicted Value	P value	General Division. Mean	DV Division Predicted Value	P value
White defendant	0.435	0.447	(0.81)	0.421	0.429	(0.88)
Age at arrest	34.366	36.866	(0.02)	34.89	35.437	(0.57)
Days from Arrest to Court	5.787	5.927	(0.58)	6.719	6.659	(0.82)
# of charges for current case	1.625	1.749	(0.19)	1.125	1.161	(0.37)
=1 if appeared in court previously	0.866	0.913	(0.18)	0.808	0.839	(0.41)
# of prior court appearances	7.272	9.543	(0.00)	6.814	7.149	(0.63)
=1 if appeared in court previously for DV	0.26	0.281	(0.62)	0.228	0.185	(0.25)
=1 if appeared in court previously for assault	0.602	0.666	(0.19)	0.509	0.556	(0.34)
N	635	110		929	228	
F-test of joint significance (p-value)	1.60 (0.12)			0.66 (0.72)		

Panel B: All Other Cases

Defendant Characteristics	Convicted (N = 5,241)			Not Convicted (N = 1,232)		
	General Division. Mean	DV Division Predicted Value	P value	General Division. Mean	DV Division Predicted Value	P value
White defendant	0.391	0.405	(0.46)	0.46	0.358	(0.01)
Age at arrest	36.325	36.832	(0.21)	34.618	34.759	(0.88)
Days from Arrest to Court	5.282	5.297	(0.87)	5.805	5.911	(0.57)
# of charges for current case	1.666	1.665	(0.98)	1.348	1.334	(0.74)
=1 if appeared in court previously	0.867	0.879	(0.39)	0.762	0.803	(0.20)
# of prior court appearances	11.432	12.081	(0.28)	7.47	8.145	(0.38)
=1 if appeared in court previously for DV	0.023	0.017	(0.25)	0.029	0.02	(0.44)
=1 if appeared in court previously for assault	0.275	0.281	(0.73)	0.227	0.228	(0.98)
N	4334	907		990	242	
F-test of joint significance (p-value)	0.48 (0.87)			1.34 (0.22)		

Note: The regressions are estimated on the sample as described in the notes to Table 1. See Table 1 for notes.

Table 8: Does DV Division Reduce Future Court Appearances?

Panel A: DV Cases

	(1)	(2)	(3)	(4)
	Any DV Charge <3 yrs	Any Assault Charge <3 yrs	Any Charge <3 yrs	DV-Related Felony <3 yrs
DV Division	-0.021 (0.036)	-0.052 (0.035)	0.004 (0.027)	-0.013 (0.035)
Observations	1445	1445	1445	1445
R ²	0.062	0.060	0.123	0.086
Y Mean	0.345	0.475	0.803	0.349

Panel B: DV Cases vs All Other

	(1)	(2)	(3)	(4)
	Any DV Charge <3 yrs	Any Assault Charge <3 yrs	Any Charge <3 yrs	DV-Related Felony <3 yrs
DV Case × DV Division	0.015 (0.033)	-0.030 (0.037)	0.015 (0.027)	-0.037 (0.035)
DV Case	0.181*** (0.016)	0.148*** (0.018)	-0.077*** (0.012)	0.026 (0.017)
DV Division	-0.012 (0.012)	0.008 (0.017)	-0.006 (0.012)	0.019 (0.017)
Observations	7920	7920	7920	7920
R ²	0.084	0.039	0.087	0.053
Y Mean	0.158	0.344	0.865	0.328

Note: Outcome = 1 if a person is subsequently appeared in court for a new crime, defined in column headings, within 3 years of initial case disposition. DV-related felony includes aggravated assault, sex offender registration violation, burglary, reckless endangerment, murder, firearm violation, and child abuse/neglect. Panel A uses a sample that consists of all initial charges that were filed with a DV charge for a defendant in a given court hearing. Panel A reports β_1 from Equation (2). Panel B uses compares DV cases with all other cases that are not DV. Panel B reports δ^{dd} , α_2 , and α_1 from Equation (3). All models include controls for individual characteristic (race and age) and criminal history (whether defendant is previously charged and the number of previous charges) and judge characteristics (gender and experience). Standard errors are clustered to adjust for arbitrary correlation in outcomes within defendant and case week. Significant at + 10%, * 5%, ** 1%, and *** 0.1% level

Table 9: Does DV Division Reduce Re-Victimization?

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
	Incident <3 yrs		Assault Incident <3 yrs		Warrant < 3 yrs		Refused to Coop < 3 yrs		Refused to Coop < 3 yrs Incident	
DV Division	-0.118** (0.043)	-0.098* (0.043)	-0.125** (0.044)	-0.113* (0.044)	-0.010 (0.040)	-0.018 (0.045)	-0.047* (0.019)	-0.056** (0.021)	-0.058+ (0.032)	-0.077* (0.038)
Observations	836	836	836	836	836	836	836	836	446	446
R ²	0.094	0.246	0.090	0.215	0.068	0.108	0.115	0.141	0.255	0.266
Controls		X		X		X		X		X
Y Mean	0.530		0.462		0.179		0.068		0.128	

Note: The outcome in columns 1 and 2 is an indicator taking the value of one if a person is subsequently victimized, officers have been called, and an incident report has been filled for a new crime after case disposition. The outcome in columns 3 and 4 is an indicator taking the value of one if a person is subsequently victimized, officers have been called, and an incident report has been filled for a new assault after case disposition. The outcome in column 5 and 6 is an indicator taking the value of one if a victim is involved in an incident for which a warrant is issued. The outcome in columns 7 and 8 is an indicator taking value of one if a person is refused to cooperate in an incident report, and columns 9 and 10 limit the sample to victims with at least one incident. Even numbered columns include controls for victim's age, whether victim previously filed a report with warrant, and judge characteristics (gender and experience). Standard errors are clustered to adjust for arbitrary correlation in outcomes within victim and case week. Significant at + 10%, * 5%, ** 1%, and *** 0.1% levels.

Table 10: Post Case Outcomes by Court Assignment and Prosecutorial Dismissal

	Dismissed by Prosecutor	Prosecuted	P value
Panel A: Victims			
General Division			
Incident <3 yrs	0.55	0.54	(0.72)
Warrant <3 yrs	0.19	0.17	(0.46)
Refused to Coop <3 yrs	0.08	0.08	(0.98)
Refused to Coop Incident <3 yrs	0.14	0.14	(0.83)
DV Division			
Incident <3 yrs	0.57	0.35	(0.01)
Warrant <3 yrs	0.25	0.11	(0.04)
Refused to Coop <3 yrs	0.03	0.02	(0.57)
Refused to Coop Incident <3 yrs	0.06	0.04	(0.79)
Panel B: Defendants			
General Division			
Any DV Charge <3 yrs	0.21	0.15	(0.00)
Any Assault Charge <3 yrs	0.41	0.32	(0.00)
Any Charge <3 yrs	0.85	0.87	(0.13)
DV Division			
Any DV Charge <3 yrs	0.21	0.13	(0.00)
Any Assault Charge <3 yrs	0.39	0.34	(0.09)
Any Charge <3 yrs	0.87	0.88	(0.59)

Note: In Panel A, Incident <3 yrs is an indicator taking the value of one if a person is subsequently victimized, officers have been called, and an incident report has been filled for a new crime after case disposition. Warrant < 3 yrs is an indicator taking the value of one if there is a subsequent police record for which a warrant is issued. Refused to Coop <3 yrs is an indicator taking value of one if a person is refused to cooperate with the law enforcement in the next time a person is victimized. In Panel B, Outcome = 1 if a person is subsequently appeared in court for a new crime, defined in column headings, within 3 years of initial case disposition. Table 10 reports the mean of each outcome in a case that is entirely dismissed vs a case that is not dismissed.

Appendix

Figure A1: Screenshot of web-scraped data

Case Details:

Name: [REDACTED] Date of Birth: [REDACTED]
Disposition: **Guilty - After Trial** Disposition Date: **29-NOV-05**
Case Number: **GS [REDACTED]** Case Type: **GS** Offense Date: **11/20/2005** Citation/Arrest Date: **11/20/2005** Case Status: **CLOSED**
Charged Offense: **Asl, Dom Bod Inju** Charge Type (F/M): **MISD** Amended Offense: Convicted Offense: **Asl, Dom Bod Inju** Convicted
Type(F/M): **MISD**
Concurrent With: Consecutive to:

Appearance Details:

Date: **11/29/2005** Judge: **Dumas, Gloria** Court Room: **Court Room 132 - Criminal Justice Center**
Attorney: **Eggleston, Autumn A** Reason: **Trial**

Incarceration:

Location: Years: Months: **6** Days: Percentage:
Suspended All But: **20 DAYS** SAB%: Day for Day?: **N** Hour for Hour?: **N** Report Date:
Suspended?: **N** No Work Default?: **N** Work Release?: **N** Work Release %: No Early Release?: **N**
Incarceration Special Conditions:

Court Costs:

Court Costs: **\$701.90** Court Fines: **\$00** Total Owed: **\$701.90** Fines Special Condition:

Probation:

Type: Years: Months: Days:
Probation Special Condition:

Restitution:

\$00
Notes:

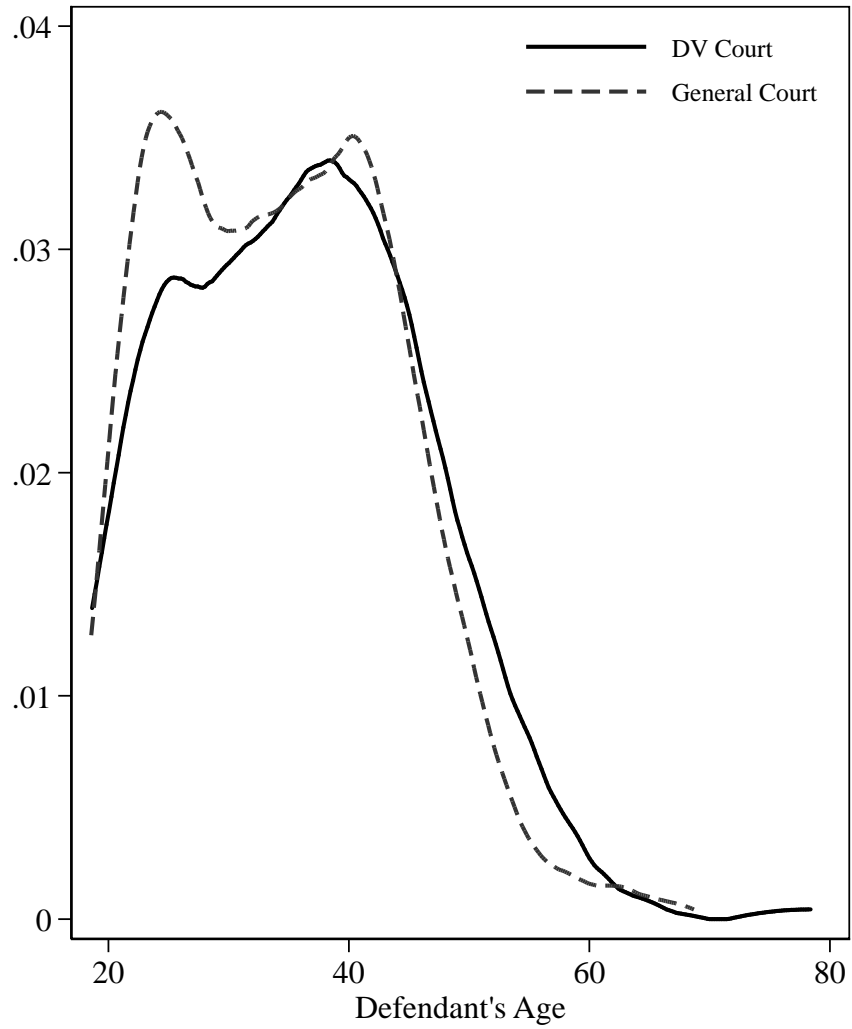
Note: This figure provides an example screenshot of data prior to web scraping. The data is web-scraped from the Metropolitan Nashville and Davidson County Criminal Court system and structured as one observation per case (or charge, depending on specification) filed in Nashville from 2000 to 2018.

Figure A2: Example of Judge Rotation in Year 2004

Judge	Week of Year (2004)															
	10	11	12	13	14	15	16	17	18	19	20	21	22	23	25	26
Brown	Yellow								Yellow			Yellow				
Faimon		Yellow											Yellow			
Dumas			Dark Blue											Dark Blue		
Moreland				Yellow			Yellow									
Robinson					Dark Blue											Dark Blue
Ruben						Yellow										
Higgins							Yellow			Yellow						
Evans								Yellow								Yellow
Mondelli											Yellow					
Ruben									Yellow							
Holt																Yellow

Note: This figure shows the rotation for part of 2004. The GS Judges rotate through the jail docket on a pre-determined schedule, and they each preside over the jail docket for a one week period. Defendants will be assigned to a Judge based solely on their arrest day and time; not on the Judge’s specialization, or any court history they may have with the defendant. Selection into a particular judge would have only be possible if a defendant timed their offenses and/ or if police officers timed arrests with a particular judge’s schedule. The incentive to doing this is also reduced due to the high probability of a continuance, and if continued, there is a strong possibility the case would simply be placed on the next week’s (or next judge’s) docket.

Figure A3: Distribution of Defendants' Age



Kernel Density Estimates
Avg age for defendants in DV Division = 36.3 and in General Division = 35.8.

Note: This figure shows the full distribution of defendant age in specialized and non-specialized Divisions.

Table A1: Davidson County General Sessions Judges

Judge	Division	Specialized?	Gender	Race	Number of Cases (Avg Conviction Rate in parentheses)			
					Total	DV	VOP	DV & Assault
Judge Brown	5		Male	White	730 (78%)	130 (56%)	53 (79%)	251 (58%)
Judge Dumas	4	DV	Female	White	690 (76%)	119 (47%)	56 (86%)	269 (58%)
Judge Eisenstein	2		Male	White	291 (77%)	45 (53%)	9 (44%)	80 (65%)
Judge Evans	9		Female	White	720 (76%)	110 (55%)	49 (78%)	230 (63%)
Judge Faimon	3		Male	White	703 (73%)	149 (48%)	45 (67%)	299 (57%)
Judge Fishburn	2		Male	White	386 (77%)	86 (55%)	30 (67%)	158 (62%)
Judge Higgins	7		Male	White	684 (77%)	111 (62%)	48 (83%)	224 (67%)
Judge Holt	11	OP	Male	White	747 (75%)	119 (56%)	56 (79%)	249 (63%)
Judge Mondelli	6		Male	White	755 (74%)	169 (47%)	47 (72%)	330 (59%)
Judge Moreland	10	OP	Male	White	715 (75%)	124 (48%)	49 (84%)	228 (59%)
Judge Robinson	1	DV	Male	White	711 (69%)	133 (41%)	57 (77%)	256 (54%)
Judge Ruben	8		Male	White	788 (81%)	150 (57%)	51 (75%)	289 (66%)
Total					7920 (76%)	1445 (52%)	550 (77%)	2864 (61%)

Note: This table provides basic demographic details of the 11 General Sessions judges. Each judge is elected to an eight-year term in a division. The DV Divisions preside over DV Divisions. OP refers to two additional judges, Judge Aaron Holt and Judge Casey Moreland, were not elected DV Divisions but heard requests for protection orders. In our main empirical specification, we treat these judges as general GS judges, but we do explore how our estimates change if we examine each judge’s decision making separately. Number of cases hear by each judge

Table A2: Date and Time of Defendant’s Arrest and Corresponding Jail Docket Date (1st Setting)

Day and Time of Arrest	Misdemeanor Jail Docket (First Setting)
Friday 4:01am – Saturday 4:00am	Wednesday
Saturday 4:01am – Monday 4:00am	Thursday
Monday 4:01am – Tuesday 4:00am	Friday
Tuesday 4:01am – Wednesday 4:00am	Monday
Wednesday 4:01am – Thursday 4:00am	Tuesday
Thursday 4:01am – Friday 4:00am	Wednesday

Note: This table shows how arrest days and times correspond to a defendant’s first jail docket setting. If the case cannot be resolved at the first court date, the Judge may continue the case, but the case may not be set beyond the “10th Day”, which is 10 days from the time of arrest. If the 10th Day falls on a weekend, the next court date would typically be the following Monday.

Table A3: Do DV Divisions Make Different Decisions?
Incarceration and Sentence Length Conditional on Conviction

Panel A: DV Cases

	(1)	(2)	(3)	(4)
	Whether Incarcerated		Max Sentence Length	
DV Division	0.063** (0.020)	0.055* (0.023)	1.190 (10.468)	-0.903 (10.649)
Observations	745	745	745	745
R ²	0.106	0.143	0.141	0.158
Controls		X		X
Y Mean		0.932		120.7

Panel B: DV Cases vs All Other

	(1)	(2)	(3)	(4)
	Whether Incarcerated		Max Sentence Length	
DV Case × DV Division	-0.005 (0.028)	-0.011 (0.029)	-4.505 (11.487)	-5.147 (11.487)
DV Case	0.125*** (0.013)	0.134*** (0.014)	92.261*** (4.846)	91.040*** (5.004)
DV Division	0.062** (0.023)	0.072** (0.022)	2.578 (3.278)	1.740 (3.522)
Observations	5987	5987	5987	5987
R ²	0.061	0.090	0.183	0.188
Controls		X		X
Y Mean		0.825		41.77

Note: This table replicates the results from Table 2. In Table 2, the unconditional effects for incarceration. In this table, we report the estimates conditional on conviction. The regressions are estimated on the sample as described in the notes to Table 2. See Table 2 for notes. Significant at + 10%, * 5%, ** 1%, and *** 0.1% level

Table A4: Does DV Division Reduce Future Court Appearances?
Re-Offending Conditional on Conviction

Panel A: DV Cases

	(1)	(2)	(3)	(4)
	Any DV Charge <3 yrs	Any Assault Charge <3 yrs	Any Charge <3 yrs	DV-Related Felony <3 yrs
DV Division	-0.031 (0.048)	-0.049 (0.048)	0.052 (0.047)	0.005 (0.055)
Observations	745	745	745	745
R ²	0.115	0.082	0.145	0.126
Y Mean	0.349	0.460	0.824	0.340

Panel B: DV Cases vs All Other

	(1)	(2)	(3)	(4)
	Any DV Charge <3 yrs	Any Assault Charge <3 yrs	Any Charge <3 yrs	DV-Related Felony <3 yrs
DV Case × DV Division	0.004 (0.052)	-0.040 (0.057)	0.040 (0.040)	-0.032 (0.052)
DV Case	0.186*** (0.022)	0.141*** (0.024)	-0.057*** (0.017)	0.019 (0.021)
DV Division	-0.014 (0.012)	0.022 (0.019)	-0.001 (0.014)	0.035+ (0.019)
Observations	5987	5987	5987	5987
R ²	0.081	0.037	0.087	0.056
Y Mean	0.141	0.325	0.869	0.323

Note This table replicates the results from Table 8. In Table 8, the effects for future court appearances are estimated regardless of conviction. In this table, we report the conditional estimates. The regressions are estimated on the sample as described in the notes to Table 8. Significant at + 10%, * 5%, ** 1%, and *** 0.1% level