Specialization in Criminal Courts: An Evaluation of the Impact of Domestic Violence Courts in Nashville and Davidson County, Tennessee

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Abstract

Local governments are increasingly relying on specialized criminal courts to address crimes involving victims or offenders with unique needs that render standard adjudication processes and incarceration ineffective. We evaluate the impact of specialized domestic violence courts on recidivism and re-victimization in the General Sessions (GS) Court of Metropolitan Nashville and Davidson County in Tennessee. Using administrative data on misdemeanor domestic violence cases between 2000 and 2006, we exploit the natural arbitrary assignment of low-income defendants to courtrooms. We find evidence that specialized courtroom working groups make different decisions than non-specialized courts; defendants assigned to specialized judges are less likely to be convicted, for charges that are unlikely to be associated with incarceration. We find evidence that defendants are more likely to reappear in court, for domestic violence in particular, during the three years following their case, which reflects a combination of reductions in both incapacitation and deterrence.

Keywords: domestic violence, judicial specialization
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1 Introduction

Two decades of declining crime rates, along with increased attention to the collateral consequences of criminal justice involvement, has led to far reaching demands for criminal justice reform. One focus of many criminal justice advocacy groups is court reform, with the specific goal of ensuring that crime victims are treated fairly and with dignity, and that punishments are designed to reduce the social cost associated with crime, rather than simply punishing an offender. Specialized courts, or "Problem Solving Courts", which are run by courtroom working groups that focus on one specific type of issue, are an increasingly popular way to achieve both ends. As of 2012, over 3,000 specialized courts operated in the United States, with most beginning after 2001 (Strong and Kyckelhahn, 2016). Specialized courts are dedicated to cases involving specific types of people, like those with mental health needs, younger offenders, and veterans, or specific types of crimes, such as drug offenses and domestic violence.

Whether or not specialized courts are effective at reducing future criminal behavior is an open question. Some drug courts, particularly when they incorporate swift and certain, but minor sanctions for continued drug tests, have been shown to reduce intoxicated driving (Kilmer et al 2013, Hawken and Kleiman 2009, Hawken et al 2016), but not all promising programs have been replicated (Davidson et al 2019, Lattimore et. al. 2016, O'Connell et al 2016). There are very few evaluations of specialty courts that do not involve substance abuse; as noted by the Bureau of Justice Statistics in 2016, only 41% of specialized courts themselves track the future criminal behavior of the people who move through them (Strong and Kyckelhahn, 2016).

In this paper, we examine specialized courts in the context of the Domestic Violence (DV) Court in the General Sessions (GS) Court of Metropolitan Nashville and Davidson County,

whose most prominent city is Nashville, Tennessee. In general, the DV court seeks to improve outcomes for DV victims and offenders by assigning DV cases to courtrooms that are dedicated to only hearing DV crimes. Due to unique institutional features of the Nashville and Davidson County court, despite the existence of these specialized courts, DV cases were not always exclusively tried in DV courts, and DV courts did not exclusively hear DV cases.[2] Instead, in order to ensure that all cases were adjudicated promptly, defendants who did not post bond were placed on an expedited jail docket.

The GS Court has always been comprised of 11 Divisions, and in 1994, two Divisions took over hearing DV cases where defendants were able to post bond. A GS Judge is elected to a Division and the Division in presided over by a Judge. During our analysis timeframe, the 11 Judges rotated on a pre-determined schedule through the misdemeanor jail docket on a weekly basis. Misdemeanor defendants who were unable to post their bond were assigned to a jail docket based on their arrest date and time. As jail docket assignment did not take the presence of DV into account, whether DV cases on the jail docket were tried before a DV Judge (presiding over a DV Court) was effectively random (or arbitrary). We exploit this natural variation to evaluate whether DV court specialization adjudication led to different case outcomes, and then whether or not defendants assigned to DV courts were less likely to offend in the future.

When analyzing the misdemeanor jail docket, we find evidence that specialized courtroom working groups made different decisions than general courts; defendants assigned to specialized judges were less likely to be convicted but conditional on conviction, were more likely to be incarcerated and receive the maximum jail sentence length. We find that these differences are driven by the type of charges, with different decisions being made for DV Assault

[2] In the latter part of 2006, DV cases began being exclusively heard by DV Courts. Thus our analysis stops in 2006 – just prior to this shift.

charges versus Violation of Orders of Protection (VOP). In particular DV Judges are less likely to convict on DV Assault charges but equally likely to convict on VOP charges. There is an inclination to incarcerate those found guilty of either type of charge, but only the VOP coefficient is statistically, and substantively, significant. We also find clear evidence that DV courts change recidivism outcomes for defendants; specifically, in a difference-in-differences framework, we find that DV offenders heard in DV courts are more likely to be re-accused of domestic violence. The statistical precision, but not magnitude, of this point estimate is driven by non-DV cases in our sample.

The paper proceeds as follows. We provide an historical overview of how the courts handle domestic violence cases, as well as an overview of various courtroom interventions to improve domestic violence outcomes. We then detail Metropolitan Nashville and Davidson County's model, with particular attention to the courtroom features that serve as our identification strategy. We then explain our data, provide a test of judge randomization, explain our estimation strategy, and main results. We include several robustness checks and offer a policy discussion, followed by a conclusion.

2 Background and Institutional Setting

2.1 Domestic Violence and the Criminal Justice System

The nature and underlying psychology of domestic violence, and the intimate connection between victims and offenders, distinguishes it from many other types of criminal offenses. An offender may use intimidation, physical assault, battery, sexual assault, physical violence, sexual violence, threats, and emotional abuse to establish power and control over their victim (NCADV). Domestic violence can also be deadly. In 2017, more than 90 percent of women

killed by men were murdered by someone they knew, and the most common murder weapon was a gun (cite). Victims of domestic violence span the socioeconomic spectrum and age distribution, but victims are disproportionately mothers of color who experience poverty (Staggs and Riger, 2005). Female victims are significantly more likely than male victims to experience on-going fear, concern for safety, injury - and injuries requiring medical care, a need for housing services, and missing at least one day of work or school (Breiding and Black 2014).

In addition to the complex relationship between the victim and batterer, the court's jurisdiction and involvement in DV cases has evolved overtime. Historically, it was acceptable - even proper - for a man to physically "discipline" his wife so long as he did not maim her. Courts were reluctant to get involved in "family matters" (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.

Yet classifying DV as a crime has not been without prosecutorial challenges. The dynamic of family violence is distinct from other crimes (R. E. Dobash and R. P. Dobash 2003, Epstein 1999). Aizer and Dal Bó (2009) describe the cyclical nature of family violence. Domestic violence often starts with verbal abuse, escalating to physical assault over time. A victim, and in particular female victims, may involve the police in a domestic crime for a myriad of reasons, but later (even immediately after a reported incident), may request that the police or court drop criminal charges. Women may not pursue charges for multiple reasons, including living with her batterer, having children with her batterer, believing promises of her batterer to stop the abuse, loving the batterer, or other reasons. Conversely, while women may be willing to testify, doing so can present unique challenges. To testify against her partner, she may need safe

shelter, economic assistance, and emotional support. Such needs are unique from victims of non-domestic violent crimes.

DV crimes also often occur within private residences, creating for a “he said – she said” case, whose successful prosecution requires corroborating evidence. Women face gender-based discrimination in many domains of their lives. Gender-based credibility discounting and experiential trivializing are serious concerns when it comes to prosecuting a domestic violence case (Epstein 2018). The tendency to doubt DV victims’ testimonies impedes the court’s responsibility to protect victims and it hampers victims’ trust in the system. Intensive training and exposure to DV cases can help judges and other actors in the criminal justice system to better understand the psychological and neurological aspects of violence- based trauma. Better understanding the issue can reduce the role of gender-based stereotypes that shape judicial decision-making (Pollard 1992).

Intimate partner crimes have historically been prosecuted with greater leniency – if at all. According to the United States Department of Justice (USDOJ DATE), 75% of those incarcerated for stranger assault receive sentences longer than two years. In comparison, among acquaintances, less than half receive a comparable sentence. Given the pervasiveness and prosecutorial challenges of DV cases, many communities have developed measures to both prevent and respond to family violence. “No drop” policies, which require prosecutors to pursue prosecution even when a victim requests criminal charges be dropped, are one such measure. Aizer and Dal Bó (2009) show that no-drop policies in family violence cases reduce domestic homicides among male victims They finding that women are willing to substitute prosecution for homicide, specifically, following no-drop policies, women called 911 more frequently and did not murder their partners in self-defense or to prevent future violence. Understanding how policy

interventions reduce victimization and prevent offenders from imposing future costs on others is central to increasing safety and economic self-sufficiency among this population.

Another strategy used by local governments is to recognize the distinct nature of domestic violence crimes. Local jurisdictions may provide additional, specialized DV training, certification to courtroom agents as well as physical separation, so that the Courts are better equipped to respond to and properly adjudicate domestic violence crimes. This paper focuses on understanding the efficacy of this intervention.

2.2. Specialization in the Courts

While there is an intuitive logic model underlying the idea of using specialized courtrooms in DV cases, there is mixed empirical evidence on the impact of specialization on social and legal outcomes. A large body of legal literature has examined the consequences of judicial specialization. As noted by Baum (2009), this scholarship primarily focuses on non-criminal, federal courts that make decisions about bankruptcy, taxes, or patents (e.g. Miller and Curry 2009, Miller and Curry 2013, Baum 2013, 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 as they are less likely to be overturned on appeal. However, the magnitudes of the differences are substantively small. There is also evidence of potential costs to specialization. Specifically, 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 overall public policy.

There is also evidence that the case-specific experience that comes with specialization can make the adjudication process more efficient. Coviello, Ichino, and Persico (2018) examine specialization in labor dispute courts in Italy. Using an identification random case assignment strategy, similar to the strategy employed for this research, they find that judges who have more experience with similar types of labor disputes resolve subsequent cases quicker and are less likely to have their decisions overturned on appeal. In criminal cases, courts focused on supervising high risk drug offenders have shown mixed evidence of effectiveness; initial findings that the intensive supervision provided by these courts reduced substantially recidivism have been inconsistently replicated in other venues (Hawken and Kleiman 2009, Hawken et al. 2016, Davidson et al 2019, Lattimore et. al. 2016, O'Connell et al 2016). Evidence on the effectiveness of DV courts is also mixed, with quasi-experimental evidence of both increases and reductions in recidivism in different jurisdictions and contexts (see Moore 2009 for a review).

The most recent census of problem-solving courts in the US, summarized in Strong and Kyckelhahn (2016), demonstrates that the institutional structure of many specialized courts generally does not lend itself to credible causal analysis. While most specialty courts are located in large jurisdictions, many of these courts handle a small number of cases, typically fewer than 50 cases a year, although DV courts tend to be the largest type of specialty court; in 2012, 40% of DV courts handled between 100 and 500 cases a year, and 20% handled 500 or more. Selection into these types of courts is also, for the most part, highly endogenous to defendant outcomes; in 2012, 65% of courts accepted cases after a defendant pleaded guilty, and over half of those courts did not become involved in a case until the defendant was serving parole or probation. One way to avoid the endogeneity problem associated with comparing contemporaneous case outcomes routed through general, rather than specialty, court is to

examine cases heard just before and just after the introduction of specialty courts (e.g. Grover et al. 2003). However, generalizing treatment effects identified by the introduction of courts to the impact of specialty courts in general requires assuming that newly created courtroom working groups operate in the same way as those with several years of experience.

A growing body of economic research on judicial decision making in criminal court has implicitly exploited variation in judicial experience to examine the impact of punishment on various outcomes. In many jurisdictions, like Metropolitan Nashville and Davidson County, the adjudication process includes some dimension of random – or arbitrary - assignment of judges to cases. Researchers have used the average propensity of judges to make certain types of decisions, including pre-trial detention (Di Tella and Schargrodsky 2013, Dobbie, Goldin, and Yang 2018, Leslie and Pope 2017, Gupta, Hansman, and Frenchman 2016, Stevenson 2018), or incarceration (Aizer and Doyle 2015, Mueller-Smith 2016, Depew, Eren, and Mocan 2017, Arteaga 2019, Norris et al. 2018, Bhuller et al. 2018, Nix et al 2019, Kling, Liebman, and Katz 2007) to estimate the causal impact of the decision on subsequent outcomes. With the exception of Arnold, Dobbie, and Yang (2018), which use the judicial decisions to estimate the extent to which judges are racially biased, judges are generally treated as black boxes. Why two judges might come to different conclusions in otherwise identical cases is generally not the question of interest.

In this paper, we also use arbitrary judge assignment to identify the causal impact of a policy decision. Rather than exploiting variation in judicial "taste" for a policy lever as a means of evaluating incarceration or pre-trial detention, our focus is on how a particular criminal justice strategy, assigning certain types of cases to specialized courtrooms, affects case outcomes and subsequent recidivism. Mathematically, our estimate of the impact of specialized courts is

equivalent to the grouped judge fixed effect (really a courtroom fixed effect) for the set of judges specialized in domestic violence (henceforth, DV judges), relative to the non-DV judges. Unlike the existing literature on judicial fixed effects, we will interpret this as the impact of a specific, and malleable, policy.

2.3 How was Domestic Violence Prosecuted in Metropolitan Nashville and Davidson County?

Identifying variation in this paper is based on how Metropolitan Nashville and Davidson County prosecuted a subset of DV cases, as the legally mandated timing of events created arbitrary assignment of some cases to specialized courts. Figure 1 summarizes citizens' interactions with the Davidson County criminal justice system. Most DV cases begin at the crime scene, which is usually a private residence that may or may not be shared by the victim and offender. When a police officer responds to a crime scene, their main objectives are to secure the crime scene, ensure the safety of all parties, and investigate whether a crime occurred. Arresting 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 can be accessed on the court clerk's portal. We use these records to populate our analytic data set.

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. [3] The officer

[3] This law is a form of pro-arrest laws, more commonly referred to a 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

must then take steps to secure a legal warrant for the offender's alleged crime, which usually involves the officer, offender, and often times, the victim appearing before a Night Court Commissioner.[4] At Night Court, the police officer 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 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. Most DV crimes in Nashville and Davidson County, and all of the DV crimes in our analysis, are misdemeanors. [5] When a defendant cannot post bond, which happens in about 48% of DV cases, their case is handled on the "jail docket." The jail docket runs Monday through Friday, and it is only closed for Thanksgiving, Christmas, and New Year's Day. Barring extenuating circumstances, [6]defendants must have their case adjudicated within 10 days of their arrest.

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have expressed concern that these kinds of pro-arrest laws can lead to dual arrest, that is both parties being arrested at the crime scene.

[4] 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 each possess the qualifications of a judge.

[5] While our data set does not provide the bond amount, a typical bond would be $1,000 per warrant and a $5,000 bond would be high. 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.

[6] Extenuating circumstances might include a fugitive warrant, immigration hold, or the defendant being medically or mentally unable to aid in their own defense.

During our analysis time frame, each case was first set before a General Sessions (GS) Judge about 5 days after arrest, with slight timing variations due to weekends. The Metropolitan General Sessions Court of Nashville Davidson County is a high-volume limited jurisdiction Court that hears civil, misdemeanor, felony, traffic, environmental, and municipal ordinance violations. This court is served by 11 judges that are elected to an eight-year term. Any trials in these courts are "bench trials," (i.e., the judge hears the facts of the case and makes a determination- there is no jury present).

Table A2 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.[7] In 2016, DV cases on the jail docket took an average of 8.3 days from arrest to disposition.
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. The rotation for part of 2004 can be seen in Table A.4. As can be seen, 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.

[7] Cases can be set beyond the 10th Day but this would typically be 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 10 days.

Criminal cases can either be charged as a felony, misdemeanor, or a Violation of an Order of Protection. If a defendant is charged with a felony crime, then a GS Judge does not have the authority to adjudicate the case, but rather has the authority to conduct a probable cause hearing. If after a preliminary hearing the Judge found probable cause that the defendant committed the alleged felony, then the case is "bound over" to criminal court, and GS Court no longer has jurisdiction over the case.[8]

Misdemeanor crimes, in contrast, can be resolved at the GS Court level. If the defendant waives their right to a jury trial, a GS Judge can conduct a bench trial, take plea agreements, or dismiss charges.[9] The maximum sentence for a Class A misdemeanor is 11 months and 29 days to serve, but judges can apply this sentence at varying lengths of time. 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 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

[8] Felony charges are not part of our analysis. Those cases would be heard on the "felony jail docket", and our analysis is limited to the "misdemeanor jail docket."

[9] It is also possible that a defendant or the prosecutor could 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 takes months is not years, 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.

days for Class A misdemeanors and 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.).

2.4 What are Specialized DV Courts in Metropolitan Nashville and Davidson County, and When were they Arbitrarily Assigned?

In response to Nashville judges hearing domestic dispute cases across various dockets types, in 1994 judges and advocates pulled together a coordinated system that pointedly addressed DV cases. This system necessitated that defendants who were able to post their bonds return to the same courtroom for continuity and familiarity with their case and history.[10] As a result, from 2000 to 2006, there were two dedicated courtrooms for DV cases.

This specialization streamlined court bond dockets, but it is also intended to improve court outcomes. A DV Court can be thought of as having three components: a dedicated DV Judge, probation officers, and court officers. The DV Court is presided over by a DV Judge. While there is no statute requiring certain standards or judicial certification, there is judicial selection into serving a DV Court. Both DV Judges in our sample specifically sought election to the DV specialized court. 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 ending domestic violence. Judge Gale B. Robinson, for example, received the Nashville Coalition Against Domestic Violence's "Award of Excellence" and The Tennessee Task Force Against Domestic Violence's "Judge Wheatcraft Award."

All judges, DV Court Judges included, have two probation officers that are assigned to their Division. The DV probation officers receive training at probation officer conferences about

[10] Nashville.gov portal – History of DV Docket.

how to manage a DV defendant's probation, and in particular, how to be aware of particular dangers that DV victims face. 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. Finally, the DV Judge has two court officers that are uniquely assigned to their Court. The court officer's primary functions are to ensure the safety of the judge, ensure the safety of 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.

During the time period of our analysis, DV defendants who posted bond were exclusively assigned to the DV bond docket, meaning plausible counterfactuals for DV cases heard in DV Court would have to be heard prior to 1994. However, when either DV judge is serving their predetermined GS Court assignment, the misdemeanor jail docket is, effectively, a DV Court. Misdemeanor DV defendants who were unable to post bail, and therefore were on the jail docket, would sometimes be heard in front of a DV judge, along with the probation and court officers assigned to that division. Due to the rotation nature of the jail docket, twice every 11 weeks the DV Court cycles through the jail docket, thereby providing arbitrary treatment of the DV Court to both DV and non-DV cases.

As a result, people accused of DV offenses, and are unable to post bail, are assigned to DV courts based on the rotation of the jail docket, rather than any case or defendant characteristics, and we are able to observe DV cases heard in general and specialized courts at roughly the same time. We are therefore able to use this institutional feature of the Metropolitan

Nashville and Davidson County Court to estimate the causal effect of specialized DV courtrooms – specifically the Judge and judge's officers, on case, and defendant, outcomes.

We are unable to identify the impact of other dimensions of DV adjudication that may be formally included in specialized courts in other jurisdictions. For example, all DV cases in Metropolitan Nashville and Davidson County, regardless of docket, are handled by specially trained employees from the District Attorney's office, including prosecutors and victim witness coordinators. The Office of the Public Defender also has lawyers who specialize in DV cases. Finally, community DV advocates, including professionals from shelters and Legal Aid, and the representatives from the Batterer's Intervention Programs (BIPs) can be involved in any DV case. In addition to seeking justice for the victims and defendants they represent, these professionals also provide a unique source of continuous education and perspective to the GS court. In the context of this paper, these resources are available to jail docket defendants in both specialized and non-specialized courts. Stated differently, the only difference between a misdemeanor jail docket presided over by a DV Judge and a misdemeanor jail docket presided over by a non-DV Judge is the DV Judge and their courtroom staff. All other elements – prosecutors, public defenders, and advocates, remain the same.

3 Data

The data is web-scraped from the Metropolitan Nashville and Davidson County Criminal Court system and structured as one observation per charge filed in Nashville from 2000 to 2018. The focus of this analysis is on DV, though 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.

Data include information on the defendant, the case, appearance details, and the case outcome. The defendant data include information on name, date of birth, and race. Appearance data include court date, judge, courtroom, attorney; the case outcome include convicted offense, disposition, disposition date, incarceration and/or probation length and location, court costs, restitution cost, and notes containing special/extra conditions. Figure 2 provides an example screenshot of data prior to web scraping.

The court data does not directly identify whether or not cases are heard on the jail or bond docket. However, it does identify which building the case was heard in. Between 2000 and 2006 (when a new building was constructed, leading to a reassignment of space), jail docket cases were exclusively heard in the Criminal Justice Center. Any case heard in the Criminal Justice Center, where the sitting judge was Judge Gale B. Robinson or Judge Gloria A. Dumas was effectively heard in a DV court.

We identify cases as DV cases based on the charges. Any case that includes a charge for a domestic assault or a violation of an order of protection is considered a case that, if on the bond docket, would have been heard in a specialized court. Figure 3 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 11 different courts. Consistent with jail docket cases being assigned to DV court arbitrarily, on average, the two DV courts hear about 18% of jail docket DV cases in any given month. In the next section, we provide descriptive statistics of our sample, along with additional support for the validity of our research design.

4 Empirical Implementation

4.1 Testing Judge Randomization

To make a causal claim of judge specialization on case outcome and future defendant behavior, a critical assumption must be made: defendants seen by a specialized, DV judges are not systematically different from defendants seen by a general, or non-DV, judge. For example, if low-risk defendants sort to DV judges and high-risk defendants sort to non-DV judges, we would improperly estimate a sizeable difference between the judges' conviction and defendants' re-offending rates. This would mistakenly be interpreted as follows: DV judges are more lenient, but they effectively prevent future domestic violence offenses. However, in reality, this would be a function of sorting across courtrooms.

Defendants on the jail docket in General Sessions court are assigned to a courtroom based solely on their arrest date and time. Jail dockets can be any length. They do not "fill-up", a defendant is entitled to a speedy trial no matter the docket length. In this section, we formally investigate whether defendants are, in fact, randomly assigned to judges. Following DiTella and Schargrodsy (2013), we test whether observable characteristics of defendants are correlated with whether a judge is dedicated to a DV Court or not. We estimate a regression of a particular defendant attribute, such as race or age, on an indicator for a DV judge, controlling for any variables on which the randomization is conditioned upon, i.e., year fixed effects.

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

In equation 1, x_{it} represents a defendant characteristic or a case, $(\text{DV Court})_{jt}$ is an indicator taking the value of one if judge j who hears a DV case in year t is a specialized DV judge. λ_t are year-of-assignment and week fixed effects, and μ_{it} is the unobserved component of that outcome. We provide various specifications: an indicator for the black defendant, an indicator for the male defendant, an indicator for being previously arrested for any crime, an indicator for being

previously arrested for domestic violence, and the number of previous court appearances for any crime and for domestic violence. Because of the small number of female defendants, we limit our sample to only male defendants[11].

Table 2 presents the observable characteristics of defendants in our sample across DV and non-DV courts. In column 1, we present the unconditional mean of the covariates for non-DV judges, 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 year fixed effects. The p-values are the significance of the indicator variable (i.e., π_1 in Equation 1). The goal is to make comparisons between defendants' characteristics seen by judges taking into account year fixed effects, which are the level at which the randomization takes place.

The sample contains approximately 1.5 times more black defendants compared to white defendants and $\sim$ 75% of defendants have previously appeared in court for a crime. More than 12% of individuals in our sample have been charged with DV before the current case, and the average age of defendants is around 35 years. Table 2 is consistent with assumption of randomization to DV versus non-DV judge. We conclude defendant and case characteristics are not correlated with judge specialization; not only is there not statistically identifiable difference in defendants across specialized and non-specialized judges, the means of the characteristics of the people and cases seen by judges are substantively similar. These results indicate that case and defendant characteristics are orthogonal to judge DV specialization and are consistent with the institutional knowledge that assignment of cases to judges are effectively random, conditional on assignment year.

[11] Including female defendants does not substantively change our results.

5. Estimation Strategy

Under the assumption of arbitrary assignment to courts in our sample, we can use basic multivariate regression to evaluate first whether judges specializing in DV make different case decisions than non-DV judges, and second whether defendants who are seen by DV judges are any more or less likely to reoffend. We focus on three main categories of outcome: (i) case processing outcome (case length, diversion, fees, and conviction), (ii) punishment outcomes conditional on being convicted (incarceration and incarceration length, probation, and fine amount), and (iii) post-case outcomes (whether the defendant is re-arrested for DV or any other offense and days to re-arrest). When we are evaluating judicial decisions, our unit of analysis is a charge. When examining post-case outcomes, the unit of analysis is a case. In either case, the main specification is of the form

$$Y_{icjt} = \beta_0 + \beta_1(\text{DV Court})_{ij} + \lambda_t + u_{icjt} \qquad (2)$$

Where Yijt is the outcome of interest for defendant i's charge c, facing judge j (who is either specialized or not) in year t. $(\text{DV Court})_{ij}$ is an indicator variable for whether judge j is specialized in domestic violence, as opposed to a general judge. λ_t are year-of-assignment fixed effects, and u_{icjt} is an unobserved error term, which we adjust for arbitrary correlation in outcomes within defendant and case date.[12] Under our identifying assumptions or arbitrary assignment, the estimated β_1 provides an unbiased estimate of the effect of a DV offender being disposed by a specialized judge relative to a DV offender being disposed by a judge who is not specialized on the outcomes of interest mentioned above. We will also show that the inclusion of

[12] Note that the random assignment of cases to judges, confirmed by out balance tests, implies that there is no correlation in case of defendant characteristics within judge. While there is surely correlation in judicial decision making with a judge, the absence of correlation in regressors within randomly assigned judge means that clustering at the judge level will not reduce any bias in our standard error estimates (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, it is unclear how reliable these estimated standard errors are.

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.

6 Results

6.1 Main Results

Table 4 presents our estimates of how specialization affects judicial decision making, based on Equation 2.[13] Columns labeled (1) contain only year fixed effects, and columns labeled (2) include additional controls. In Panel A we focus on only charges brought in DV cases. DV specialized judges are about 9% less likely to convicted defendants on any given charge than non-DV judges, an estimate with an associated p value of 9%. Conditional on conviction, specialized judges are just over 4% more likely to assign incarceration sentences (p=0.8%). We do not find any evidence that, in expectation, the maximum sentence length chosen by a specialized judge is different from a general one. Figure 4 plots the distribution of observed sentences for charges in our sample, conditional on conviction. DV judges do frequently assign short sentences, but the distribution is overall quite similar across courtroom types.

The pattern of these results, specifically a reduction in conviction, but an increased use of incarceration for those convicted, is consistent with specialized judges being less likely to convict people accused of charges for which jail time is a likely outcome. It is perhaps unexpected to find that defendants in DV courts are more likely to be acquitted, given the focus

[13] We explore additional outcomes in appendix tables A5 through A7.

on promoting and supporting victims in these courts. However, it is possible that the judges who work in these courts are simply less punitive than other judges in general.

We explore this possibility by examining the decisions made by DV judges versus general judges in DV and non-DV charges on the jail docket – a difference in differences version of our main specification. As we will discuss in detail later, we exclude cases involving potentially DV related charges (assault, stalking, harassment, vandalism, and cruelty to animals) from this sample. Panel B presents these estimates. Relative to their decisions in other types of cases, DV judges are particularly less likely to convict DV offenders they see on the jail docket. Being seen in a DV court, as opposed to general court, leads to a 10%-13% reduction in the probability of conviction, a slightly larger, but not statistically distinguishable effect than found in panel A. Comparing the propensity of DV judges to recommend incarceration, and set sentence length, to their relative performance in other types of cases, in contrast, suggests that DV judges do not, in fact, choose different punishments for convicted DV offenders than general judges. Our DID results imply that the observed increased use of incarceration in DV cases by DV judges reflected a more general difference in their style, which may or may not be the result of their experience as specialized judges.

We now turn to whether the observed reduced propensity to convict leads to different defendant outcomes. Here, our unit of observation is a case, rather than a charge. Failing to convict someone charged with a DV offense does not appear to increase the likelihood that they show up in court, for any reason, within 3 years of their sentencing. However, we find some suggestive evidence that defendants are more likely to be recharged with a domestic violence offense. Specifically, panel A of table 5 shows that there is a 3.7 percentage point increase in the probability that a defendant heard in DV court is recharged with a new DV offense within a year,

an effect which falls by 25% in magnitude, and is statistically imprecise, when we add covariates. This could be driven by incapacitation, as some of these defendants are not incarcerated as a result of their court assignment. When we extend our analysis to measure recidivism 3 years after sentencing, mitigating the role of incapacitation, we observe a similarly size, statistically imprecise, increase in recidivism.

Panel B, which again replicates of difference in differences analysis, tells a different story. Comparing the relative probability of court reappearance for DV defendants heard by DV judges to other types of defendants heard in DV courts does not change our point estimates but increases statistical precision substantially. This is at least in part driven by the increase in sample size, of course, but given the magnitude of the effects (essentially doubling the recidivism rate), is striking. Of course, one year recidivism rates are driven by a combination of reduced incapacitation (as defendants are less likely to be convicted) and behavioral change. Given the short sentence length associated with misdemeanors (less than one year), the fact that we observe a 4.6 percentage point increase in three year recidivism suggests, at minimum, that there is no compensating post-sentence reduction in DV offending for those who are convicted in DV court.

Charges of domestic assault, and violations of orders of protection (VOP), are both charges that are functionally unique to DV cases. However, the nature of judicial discretion in both fact finding and punishment in VOP versus domestic assault charges are quite different. Further, there are many other types of charges that are commonly associated with domestic violence, and may be routed to DV court if they were on the bond docket. Misdemeanor assault in particular is likely to potentially include domestic violence.

Like many states, Tennessee had one generic simple "Assault" statute, which made assaulting anyone – regardless of relationship - a Class A Misdemeanor. However, in the year 2000 (and effective September 1, 2000), Tennessee adopted a "Domestic Violence (DV) Assault" statute, which specifically declared it was 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, and the DV Assault statute was adopted with the intention of making clear domestic violence and non-domestic assault were equally serious crimes. Figure 5 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. Further, some domestic relationships, like dating, are not statutorily included in domestic relationships. Therefore, an assault occurring within a dating couple would rightly be charged as Assault, but would be considered a DV case in Nashville (that is heard on the bond docket if the defendant posted bond). In table 6, we re-estimate our analysis in different sets of charges and cases; first, domestic assault charges only, VOP charges only, then a combination of domestic assault, VOP and general misdemeanor assaults.[14] We include controls in all reported specifications. Notably, we find that specialized judges are less likely to convict defendants of assault charges, but equally likely to find that the defendant violated an order of protection as a non-specialized judge. Conditional on conviction, we do not find evidence that specialized judges are more or less likely to use an incarceration sentence in cases of domestic assault, although the maximum announced sentences are longer.

[14] We exclude assault on a police officer, which is common in DV cases, but treated very differently by the court.

There is little discretion in the sentence length for VOP (10 days per violation, with the possibility of multiple violations per charge), and consistent with this, while we observe an increased propensity to incarcerate, DV and non-DV judges assign the same sentences conditional on conviction. Note that this is, again, perhaps surprising, given the history of DV court in Nashville- one difference between a VOP and an assault is that violating a VOP is defying a court order, rather than the presumed preference of a victim to not be assaulted. Adding general assault charges to our sample substantially increases our sample size, and statistical precision; again we find evidence consistent with DV judges being less likely to convict people for charges for which they would be less likely to assign incarceration sentences.

7 Conclusion

Specialized criminal courts are gaining popularity with local governments to address crimes involving victims or offenders with unique needs, rendering "standard" adjudication and incarceration ineffective. In Nashville and Davidson County, DV defendants who have not posted bail (i.e., those on the "jail docket"), were arbitrarily assigned to one of eleven judges. Two of these eleven judges have special training in the area of domestic violence, and moreover, so do their probation and court officers. This effectively creates a domestic violence court, where some domestic violence defendant-victim pairs are arbitrarily treated, while other defendant-victim pair are not treated.

This unique feature of the jail docket in Nashville creates a situation where otherwise identical DV cases are arbitrarily adjudicated in specialized, DV vs non-DV specialized courts, allowing for credible identification of the casual impact of judicial specialization on court and crime outcomes. Our results suggest that DV specialized judges do make different decisions in

DV cases relative to general judges, although their decision making varies by the specific type of alleged offense: assault versus increased prohibited contact between the defendant and victim. We find that DV judges are less likely to convict defendants of domestic assault, and equally likely to incarcerate convicted offenders as non-specialized judges. In contrast, specialized judges are equally likely to convict a defendant of violating an order of protection, but more likely to incarcerate offenders for these violations.

It is not obvious that the diminished propensity of DV judges to formally convict someone represents a socially efficient reduction in the use of jail. Our DID analysis, which compares the recidivism rates of DV offenders heard in DV court to non-DV offenders heard in the same courts finds that these defendants are more likely to be accused of domestic violence in the future. While we are limited in our ability to disentangle incapacitation from reduced deterrence associated with reduced conviction, this particular finding requires increased empirical scrutiny.

References

Coviello, D., A. Ichino, and N. Persico. 2018 “Measuring the gains from labor specialization: theory and evidence” NYU working paper

Baum, Lawrence (2009). “Probing the Effects of Judicial Specialization.” Duke Law Journal, vol. 58, no. 7, 2009, pp. 16671684.

Rachlinski, Jeffrey J.; Guthrie, Chris; and Wistrich, Andrew J., "Inside the Bankruptcy Judge's Mind" (2006).Boston University Law Review (86) 1227-1265.

Baum, Lawrence (2011).Specializing the Courts. University of Chicago Press, 2011.

Miller, B., and B. Curry. 2009. Expertise, Experience, and Ideology on Specialized Courts: The Case of the Court of Appeals for the Federal Circuit. Law & Society Review43:839–64.

Miller, B., and B. Curry. 2013. Experts Judging Experts: The Role of Expertise in Reviewing Agency Decision Making. Law & Social Inquiry38:55–71.

Pollard, P. (1992), Judgements about victims and attackers in depicted rapes: A review. British Journal of Social Psychology, 31: 307-326.

Curry, B. and B. Miller. 2015 “Judicial Specialization and Ideological Decision Making in the US Courts of Appeals” *Law and Social Inquiry* 40(1): 29-50.

Hansford, E. 2011 “Measuring the Effects of Specialization with Circuit Split Resolutions” Stanford Law Review 63: 1145- 1176.

Howard, Robert M. 2005. Comparing the Decision Making of Specialized Courts and General Courts: An Exploration of Tax Decisions. Justice System Journal 26:135–148

Kesan, J.P. and G. G. Ball. 2011 “Judicial Experience and the Efficiency and Accuracy of Patent Adjudication: An Empirical Analysis of the Case for a Specialized Patent Trial Court.” Harvard Journal of Law and Technology 24(2): 393-467.

Dobbie, W., J. Goldin, and C. Yang (2018). The Effects of Pre-Trial Detention on Conviction, Future Crime, and Employment: Evidence from Randomly Assigned Judges. American Economic Review 108(2): 201-240

Gupta, Arpit, Christopher Hansman, and Ethan Frenchman. 2016. “The Heavy Costs of High Bail: Evidence from Judge Randomization.” Journal of Legal Studies

Leslie, Emily, and Nolan G. Pope. 2016. “The Unintended Impact of Pretrial Detention on Case Outcomes: Evidence from NYC Arraignments.” Journal of Law and Economics.

Arnold, David, Will Dobbie and Crystal Yang 2018. Racial Bias in Bail Decisions.

The Quarterly Journal of Economics, Volume 133, Issue 4, Pages 1885–1932,

Di Tella, Rapheal and Ernesto Schargrodsky 2013. Criminal Recidivism after Prison and Electronic Monitoring. Journal of Political Economy 121 (1), 28–73.

Bhuller, Manudeep, Gordon B Dahl, Katrine Loken, and Magne Mogstad 2019 “Incarceration, Recidivism, and Employment” Journal of Political Economy, forthcoming

Mueller-Smith, Michael. 2016. “The Criminal and Labor Market Impacts of Incarceration” University of Michigan Working Paper.

Stevenson, M. 2018. “Distortion of Justice: How the Inability to Pay Bail Affects Case Outcomes” Journal of Law, Economics, and Organization. (34):511-542.

Aizer, A. & J. J. Doyle, 2015. "Juvenile Incarceration, Human Capital, and Future Crime: Evidence from Randomly Assigned Judges," The Quarterly Journal of Economics, 130(2): 759-803.

Artega, C. 2019. “The Cost of Bad Parents: Evidence from the Effect of Parental Incarceration on Children's Education” UCLA working paper.

Depew, B., Eren, O., and Mocan, H. Naci (2017). Judges, Juveniles, and In-Group Bias. *Journal of Law and Economics*, *60*(2), 209-239.

Strong, S. and Tracey Kyckelhahn. 2016. “Census of Problem-Solving Courts, 2012” U.S. Department of Justice Bulletin, NCJ 249803.

Graphs/Figures

Figure 1: Case Process

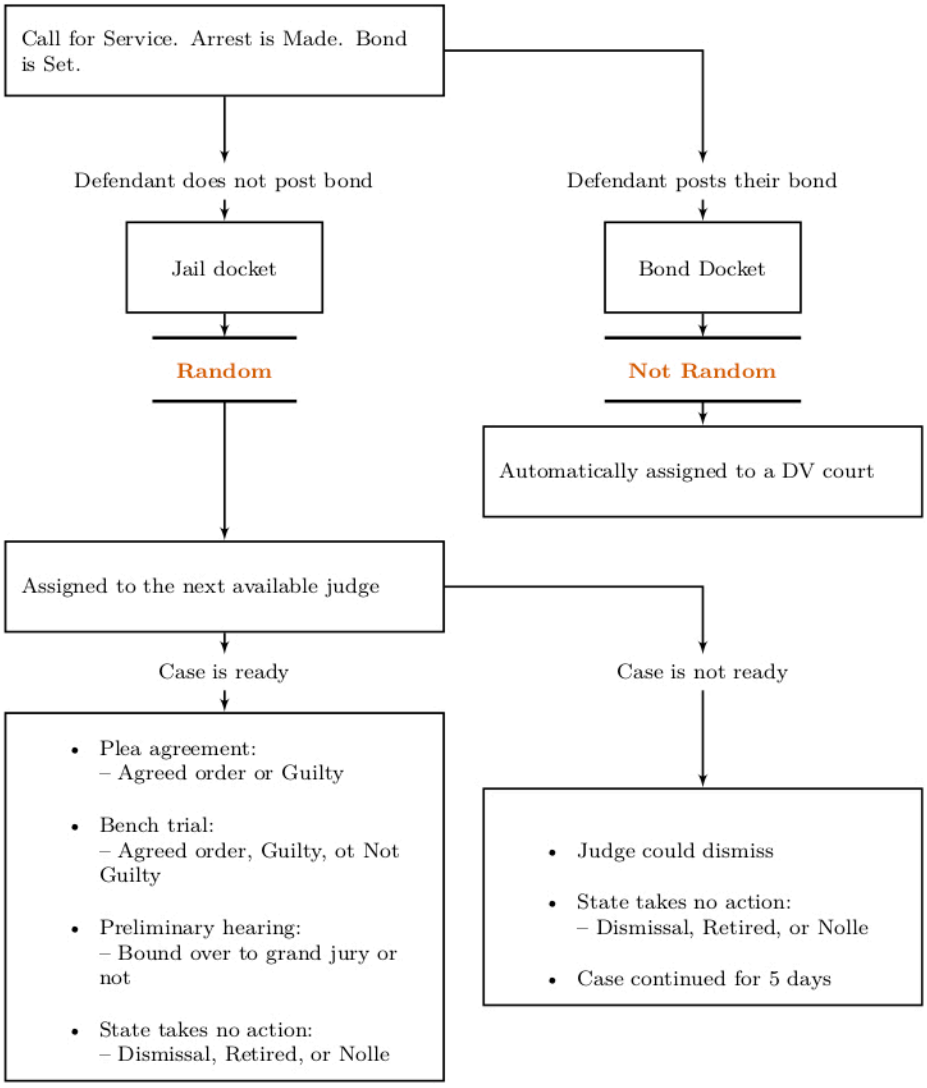


Figure 2: Screenshot of the web-scraped data

Case Details:
Name: [redacted] Date of Birth: [redacted]
Disposition: **Guilty** Disposition Date: **15-MAY-03**
Case Number: [redacted] Case Type: **GS** Offense Date: **5/11/2003** Citation/Arrest Date: **5/11/2003** 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: **5/15/2003** Judge: [redacted] Court Room: **Court Room 132 - Criminal Justice Center**
Attorney: Reason: **Settlement**

Incarceration:
Location: Years: Months: Days: **4** Percentage:
Suspended All But: 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: **Time Served**

Court Costs:
Court Costs: **$407.30** Court Fines: **$.00** Total Owed: **$407.30** Fines Special Condition:

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

Restitution:
$.00
Notes:

Figure 3: Number of DV cases heard in GS court by Court Specialization

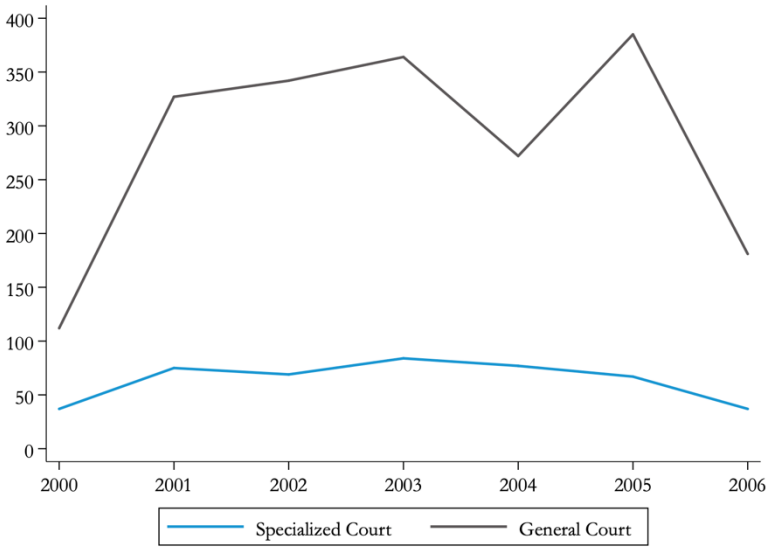
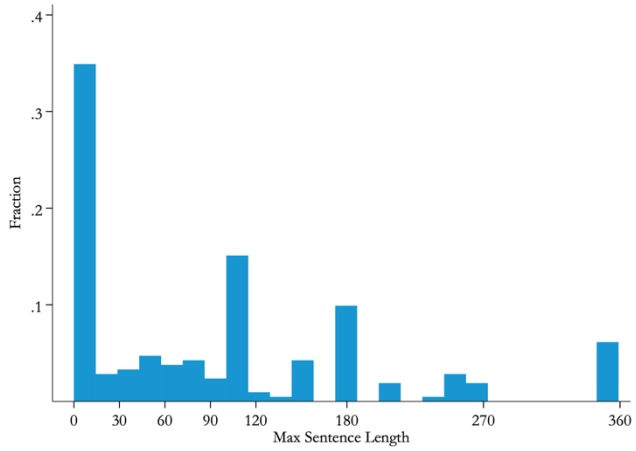


Figure 4: Distribution of Sentence Length Imposed by Court

(a) Specialized Court



(b) General Court

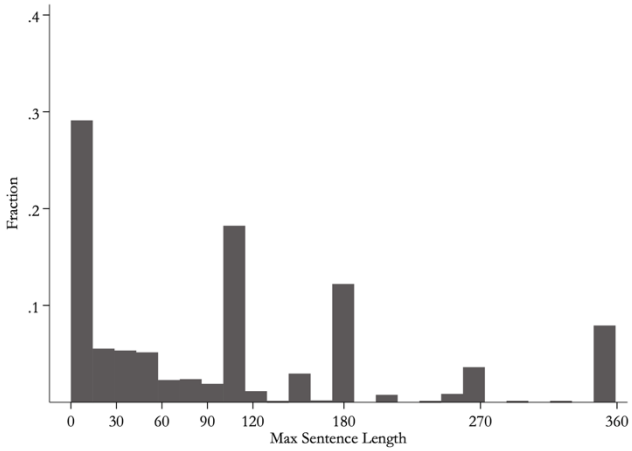
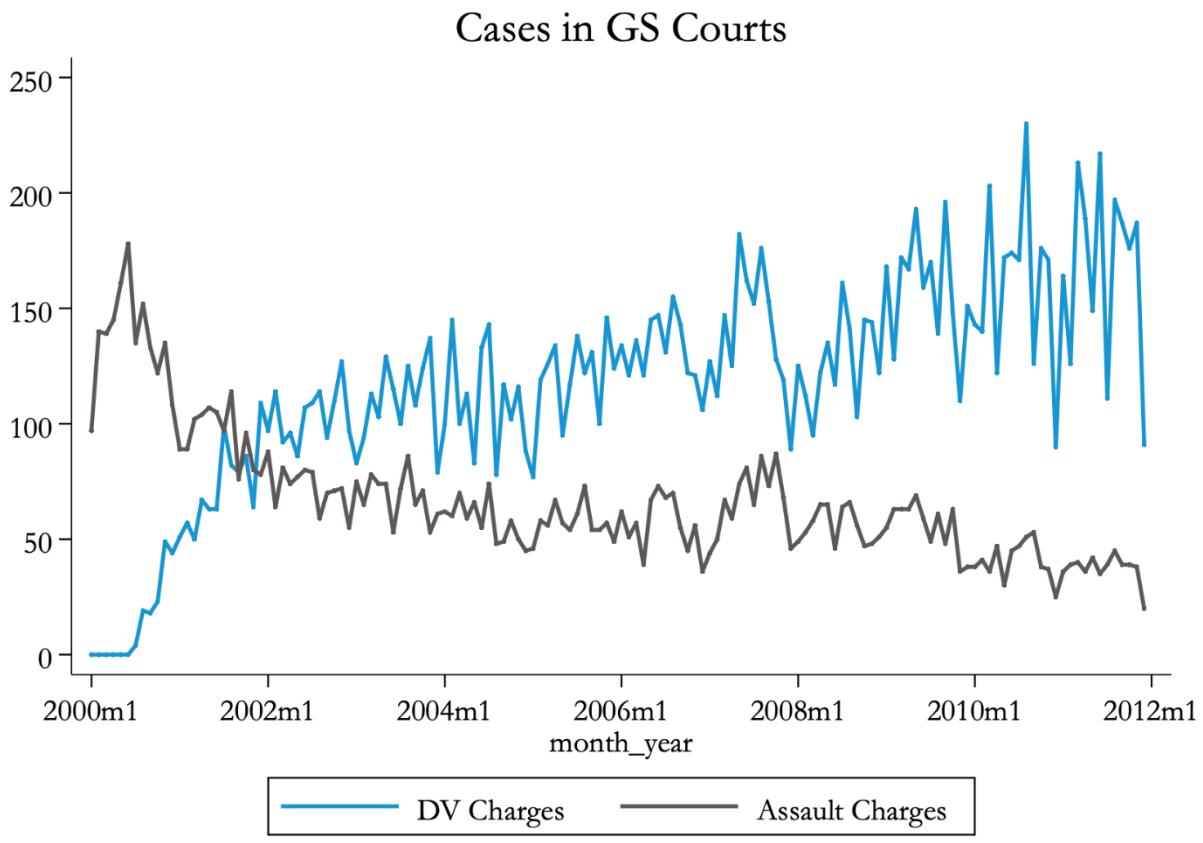


Figure 5: Total Number of DV charges vs Assault charges



Tables

Table 1: Graduation of Assaultive Offenses Under §39-13-101 to -103

		Offense Level	Punishment	Fine
	ASSAULT			
1	— *bodily injury*	Class A misdemeanor	<365 Days	<$15,000
2	— *fear imminent bodily injury*	Class A misdemeanor	<365 Days	
3	— *offensive or provocative physical contact*	Class B misdemeanor	<180 Days	
	AGGRAVATED ASSAULT			
4	— *Intentional*	Class C felony	3-15 Years	<$15,000
5	— *Reckless*	Class D felony	2-12 Years	<$15,000
	ENDANGERMENT			
6	— *Reckless*	Class A misdemeanor	<365 Days	
7	— *With a deadly weapon*	Class E felony		

Note: In addition to any other punishment scheduled above, in domestic violence cases, $200 fine can be added.

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

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

Panel A: DV Cases

Defendant Characteristics	Uncod. Mean General Judge (xit)	Predicted Value Specialized Judge (xit + π1)	p-value
White Defendant	0.447	0.415	0.63
Age at Arrest	33.980	36.819	0.03
Days from Arrest/Citation to Court	6.151	6.272	0.57
=1 if Ever Appeared in Court Previously	0.775	0.747	0.98
# of Charges for Current Case	3.271	3.054	0.86
=1 if Appeared in Court Previously For DV	0.193	0.207	0.60
# of Previous Court Appearances For DV	0.272	0.337	0.32
N	2,812	662	Total: 3,474
F-test of joint significance (p-value)			0.451

Panel B: All Other Cases

Defendant Characteristics	Uncod. Mean General Judge (xit)	Predicted Value Specialized Judge (xit + π1)	p-value
White Defendant	0.397	0.410	0.51
Age at Arrest	35.775	36.254	0.23
Days from Arrest/Citation to Court	5.53	5.473	0.25
=1 if Ever Appeared in Court Previously	0.782	0.776	0.88
# of Charges for Current Case	5.835	6.255	0.8
=1 if Appeared in Court Previously For DV	0.008	0.011	0.83
N	16,716	3,575	Total: 20,291
F-test of joint significance (p-value)			0.849

Note: 1st column reports unconditional mean of covariates for the defendants in front of general courts. 2nd column is the predicted value from an OLS regression of the characteristics on the indicator that the court is specialized, controlling for year and week fixed effects. The p-values are the significance of the indicator variable. Standard errors are clustered to adjust for arbitrary correlation in outcomes within defendant and case week.

Table 3: Definitions of Parameters of Interest & Dependent Variables

Parameter of Interest	
DV Court	Whether the judge is specialized and trained in *domestic violence* and resides over a dedicated dv bond docket. (see Table A.2)
Pseudo DV Court	In addition to dedicated dv judges, two other judges in our sample reside over dv court if necessary.
Outcome	
Guilty	Whether defendant is adjudicated guilty for a particular charge. In our sample guilty = 1 if the defendant is either found guilty or they plead nolo contendere [1]. Guilty = 0 if the charge is (i) dismissed (by the judge or the request of state), (ii) retired [2], or (iii) disposed by nolle prosequi [3].
Sentence Length	Sentence length in days if convicted. TN's sentencing statute specifies a range of sentence for each offense but allows the Court to deviate from the range if certain mitigating or enhancement factors are present.
Max Sentence Length	If multiple charges filed in a given hearing, this outcome captures the maximum sentence length for a case, since sentences are typically concurrent.
Re-Offend	Whether the defendant appears in the data after the current case for another charge/case.
DV Re-Offend	Same as above – but = 1 if the defendant is charged again in the future for a DV offense
Probation-SOE	Judge may sentence a defendant to a period of probation
Agreed Order	Judge orders the defendant to complete any appropriate treatment program or programs, including, but not limited to, a sanctioned batterer's intervention program, an anger management program or any court-ordered drug or alcohol treatment program [Save & New Avenue]
SAB	This sentence is a mix of jail and probation. For example, if a person receives 11 months and 29 days of incarceration SAB 10 days, that person will serve 10 days (less what they have already served while awaiting trial) and then have 11 months and 19 days of probation.

[1] Nolo contendere has a similar legal effect as pleading guilty but does not require the defendant to admit his guilt. A defendant may plead nolo contendere only with the consent of the court.
[2] Retired is type of dismissal of a criminal charge; can be reactivated under certain circumstances. The difference between a dismissal and a retirement are what happens in the short term during the first six months to a year after your court date. Under a dismissal, there is no immediate actions that you need to take. Under a retirement, a defendant may be required to perform certain tasks or conditions. If a case is retired, then the case is not over. In the long term, like a dismissal, the case is dismissed and can be expunged from defendant's record.
[3] In nolle prosequi the case is dismissed but the state reserves the right to bring charges back.

Table 4: Do DV Judges make Different Decisions?
DV/VOP Cases (multiple charge per court appearance is allowed)

Panel A: DV/VOP Cases

$$Y_{ijt} = \beta_0 + \beta_1(DV\ Court)_{ij} + \lambda_t + X_{it}\Omega + J_{jt}\Pi + u_{ijt} \quad \text{(eq. 2)}$$

	(1)	(2)	(1)	(2)	(1)	(2)
	Guilty		**Whether Incarcerated**		**Max Sentence Length**	
DV Court	-0.053*	-0.049	0.040***	0.047***	-1.971	4.959
	(0.030)	(0.031)	(0.015)	(0.016)	(9.173)	(9.326)
Observations	3474	3474	1895	1895	1895	1895
R^2	0.027	0.036	0.090	0.095	0.131	0.171
Controls		X		X		X
Y Mean	0.545	0.545	0.918	0.918	103.6	103.6

Panel B: Diff-in-Diff: DV/VOP Cases vs All Other Cases

$$Y_{ijt} = \alpha_0 + \alpha_1(Specialized)_{ij} + \alpha_2(DV\ Case)_{ij} + \delta^{dd}(DV\ Court \times DV\ Case)_{ij} + \lambda_t + X_{it}\Omega + J_{jt}\Pi + u_{ijt} \quad \text{(eq. 3)}$$

	(1)	(2)	(1)	(2)	(1)	(2)
	Guilty		**Whether Incarcerated**		**Max Sentence Length**	
DV Case X DV Court	-0.070**	-0.091***	-0.031	-0.006	-6.176	-2.653
	(0.030)	(0.029)	(0.024)	(0.024)	(9.988)	(9.550)
DV Case	-0.113***	-0.128***	0.122***	0.127***	61.737***	64.644***
	(0.013)	(0.014)	(0.010)	(0.010)	(4.071)	(4.106)
DV Court	0.009	0.188**	0.073***	0.017	-2.662	-11.372
	(0.022)	(0.087)	(0.018)	(0.082)	(3.227)	(19.975)
Observations	23765	23765	15521	15521	15521	15521
R^2	0.015	0.052	0.064	0.095	0.076	0.129
Controls		X		X		X
Y Mean	0.653	0.653	0.816	0.816	51.24	51.24

Note: Columns labeled (1) contain only week and year fixed effects, and columns labeled (2) 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). In *Panel A*, using a sample that consists of all charges that were filed with a domestic violence (or violation of order of protection) charge for a defendant in a given court hearing. *Panel 2* uses compares dv-related charges with all other charges that are not dv. Outcomes are defined in Table 3: *Guilty* is an indicator taking value one if a defendant is adjudicated guilty. *Whether Incarcerated* equals to one if, conditional on being found guilty, a defendant is sentenced to jail. *Max Sentence Length* takes the maximum sentence length for a case, since sentences are typically concurrent. Y Mean is the mean of the outcome. Standard errors are clustered to adjust for arbitrary correlation in outcomes within defendant and case week. Regressions that are conditioned on being found guilty include fewer observations.

Table 5: Does DV Court Reduce Reoffending?
DV Charges (one charge per court appearance is allowed)

Panel A: DV Charges

$$Y_{ijt} = \beta_0 + \beta_1(DV\ Court)_{ij} + \lambda_t + X_{it}\Omega + J_{jt}\Pi + u_{ijt} \quad \text{(eq. 2)}$$

	(3)	(4)	(5)	(6)	(7)	(8)
	Re-Offend <3 yrs		DV Re-Offend <1 yr		DV Re-Offend <3 yrs	
DV Court	0.008	0.004	0.037**	0.028	0.031	0.015
	(0.023)	(0.022)	(0.018)	(0.021)	(0.020)	(0.023)
Observations	1719	1719	1719	1719	1719	1719
R^2	0.032	0.097	0.048	0.065	0.066	0.088
Controls		X		X		X
Y Mean	0.842	0.842	0.0721	0.0721	0.118	0.118

Panel B: Diff-in-Diff: DV Charge vs All Other Cases

$$Y_{ijt} = \alpha_0 + \alpha_1(DV\ Court)_{ij} + \alpha_2(DV\ Case)_{ij} + \delta^{dd}(DV\ Court \times DV\ Case)_{ij} + \lambda_t + X_{it}\Omega + J_{jt}\Pi + u_{ijt} \quad \text{(eq. 3)}$$

	(3)	(4)	(5)	(6)	(7)	(8)
	Re-Offend <3 yrs		DV Re-Offend <1 yr		DV Re-Offend <3 yrs	
DV Charge X DV Court	0.034	0.032	0.040**	0.039**	0.047**	0.046**
	(0.025)	(0.026)	(0.018)	(0.019)	(0.023)	(0.023)
DV Charges	-0.076***	-0.077***	0.052***	0.043***	0.079***	0.067***
	(0.010)	(0.010)	(0.008)	(0.007)	(0.010)	(0.009)
DV Court	-0.022**	0.011	-0.004	-0.002	-0.008*	-0.032
	(0.009)	(0.064)	(0.003)	(0.011)	(0.004)	(0.022)
Observations	22010	22010	22010	22010	22010	22010
R^2	0.011	0.046	0.022	0.029	0.029	0.038
Controls						
Y Mean	0.905	0.905	0.0177	0.0177	0.0365	0.0365

Note: Columns labeled (1) contain only week and year fixed effects, and columns labeled (2) 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). In *Panel A*, using a sample that consists of one dv charge for a defendant in a given court hearing. *Panel 2* uses compares dv charges with all other charges that are not dv. Sample is collapsed into one observation per court hearing. Outcomes are defined in Table 3. Y Mean is the mean of the outcome. Standard errors are clustered to adjust for arbitrary correlation in outcomes within defendant and case week.

Table 6: Regressions of Outcomes on DV Court: *Different Samples*

$Yijt = \beta 0 + \beta 1(DV\ Court)ij + \lambda t + Xit\Omega + JjtI\Pi + uijt$ *(eq. 2)*

	(1) **Guilty**	(2) **Whether Incarcerated**	(3) **Max Sentence Length**	(4) **Re-Offend <3 yrs**	(5) **DV Re-Offend <1 yr**	(6) **DV Re-Offend <3 yrs**
DV/VOP Cases	-0.049	0.047***	4.959	0.010	0.025	0.024
	(0.031)	(0.016)	(9.326)	(0.019)	(0.021)	(0.023)
Observations	3474	1895	1895	2429	2429	2429
Y Mean	0.545	0.918	103.6	0.851	0.128	0.181
DV Charge	-0.096***	0.024	27.078**	0.004	0.028	0.015
	(0.036)	(0.016)	(10.962)	(0.022)	(0.021)	(0.023)
Observations	1719	750	750	1719	1719	1719
Y Mean	0.437	0.967	141.3	0.842	0.0721	0.118
VOP Charge	0.003	0.061**	11.249	-0.006	0.013	0.025
	(0.054)	(0.028)	(8.723)	(0.031)	(0.046)	(0.045)
Observations	660	478	478	660	660	660
Y Mean	0.724	0.927	36.48	0.868	0.174	0.202
DV, VOP, and Assault	-0.042**	0.053***	9.941*	0.004	0.015	0.016
	(0.021)	(0.013)	(5.983)	(0.014)	(0.014)	(0.016)
Observations	8168	4719	4719	4832	4832	4832
Y Mean	0.578	0.913	89.23	0.853	0.136	0.203

Note: Y Mean is the mean of the outcome. Standard errors are clustered to adjust for arbitrary correlation in outcomes within defendant and case week. Regressions that are conditioned on being found guilty (column 2 and 3) include fewer observations. For Re-offend (Column 4 to 6) sample is collapsed into one observation per court hearing.
Panel DV/VOP Cases: Sample is same as *Panel A of Table 4 and 5*; using a sample that consists of all charges that were filed with a domestic violence (or violation of order of protection) charge for a defendant in a given court hearing.
Panel DV charge: Sample consists of one dv charge for a defendant in a given court hearing.
Panel VOP charge: Considers violation of order of protection charges
Panel DV/VOP, and Assault: Considers all DV, VOP, and assault charges.

Appendix

Table A.1: List of Acronyms & Abbreviations and Glossary of Terms

Acronyms & Abbreviations	
DA	District Attorney
DV	Domestic Violence
GS Court	General Sessions Court
IPV	Intimate Partner Violence
MNPD	Metro Nashville Police Department
OP	Order of Protection
VOP	Violating Order of Protection
SAB	Suspended All But

Glossary of Terms	
Domestic Violence	A case is considered a DV case when the victim is the former or current spouse of the abuser, lives with or has lived with the abuser, is dating or has dated the abuser, is or has been in a sexual relationship with the abuser, or is an adult or minor related by blood or adoption, or the child of anyone in any of the above named relationships.
Bond	allows a defendant to be released from jail until the conclusion of the criminal case. A bond (eg cash or property) is posted to help ensure that the defendant will attend all court appearances.
Incident Report	A form used to document incidents where officers have been called. The incident report form, along with specialized supplemental forms, contains questions that officers need to fill in regarding the incident and the people involved
Arrest Warrant	A legal document issued by a Night Court Commissioner on behalf of the state that authorizes the arrest and detention of an individual.
Order of Protection	An order issued by a court prohibiting the offender from doing or attempting to do any of the following behaviors for up to one year: Abusing, hurting, frightening, contacting, stalking, coming about or contacting the victim and any children covered in the order of protection. The Order can also require offender to vacate the home, provide housing, financial support and prevent disconnection of utilities.
12-hours Hold	Under TN Law, a commissioner *can hold* a domestic assault or stalking defendant for a period of 12 hours. During that time period, the defendant is not permitted to post bond.
Docket	A docket is a group of cases set for court on a given date. Defendants witnesses, and victims are scheduled to appear on each day's docket. Cases set on the General Sessions docket are "*dismissed, pled, tried, bound over, or otherwise disposed*" by the end of the docket.
Bond Docket	Defendants that make bond will be scheduled on the bond docket.
Jail Docket	Defendants who do not make bond will be scheduled on the jail docket.
SAB (Suspended All But)	This sentence is a mix of jail and probation. For example, if a person receives 11 months and 29 days of incarceration SAB 10 days, that person will serve 10 days (less what they have already served while awaiting trial) and then have 11 months and 19 days of probation.

Table A.2: Judges (Davidson County General Sessions)

Judges	Specialized	Gender	Race	Term Began
# 1	DV	M	W	1990
# 2	DV	F	W	1998
# 3	Pseudo DV	M	W	1998
# 4	Pseudo DV	M	W	1995
# 5		M	W	1990
# 6		M	W	1980
# 7		M	W	2004
# 8		F	W	1996
# 9		M	W	1981
# 10		M	W	1983
# 11		M	W	1982
# 12		M	W	1998

Table A.3: 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

Table A.4: Example of Judge Rotation in year 2004:

Week of Year	Judge
2004w10	Judge Brown
2004w11	Judge Faimon
2004w12	Judge Dumas
2004w13	Judge Moreland
2004w14	Judge Robinson
2004w15	Judge Ruben
2004w16	Judge Higgins/Moreland
2004w17	Judge Evans
2004w18	Judge Brown/Ruben
2004w19	Judge Higgins
2004w20	Judge Mondelli
2004w21	Judge Brown
2004w22	Judge Faimon
2004w23	Judge Dumas
2004w25	Judge Robinson/Evans
2004w26	Judge Holt

Table A.5: DV/VOP Case Level Analysis: All outcomes

(Panel A) DV/VOP Case level: Decisions

	(1)	(2)	(1)	(2)	(1)	(2)
	Guilty		Guilty of any Charge		SAB (lenient jail)	
DV Court	-0.053*	-0.049	-0.060*	-0.062*	-0.080**	-0.092***
	(0.030)	(0.031)	(0.031)	(0.034)	(0.032)	(0.034)
Observations	3474	3474	3474	3474	1895	1895
R^2	0.027	0.036	0.039	0.088	0.280	0.311
Controls		X		X		X
Y Mean	0.545	0.545	0.669	0.669	0.423	0.423

(Panel B) DV/VOP Case level: Sentence

	(1)	(2)	(1)	(2)	(1)	(2)
	Whether Incarcerated		Sentence Length		Max Sentence Length	
DV Court	0.040***	0.047***	-1.223	1.374	-1.971	4.959
	(0.015)	(0.016)	(7.936)	(8.587)	(9.173)	(9.326)
Observations	1895	1895	1895	1895	1895	1895
R^2	0.090	0.095	0.125	0.131	0.131	0.171
Controls		X		X		X
Y Mean	0.918	0.918	81.66	81.66	103.6	103.6

(Panel C) DV/VOP Case level: Order/Cost

	(1)	(2)	(1)	(2)	(1)	(2)
	Probation-SOE		Agreed Order		Court Cost ($)	
DV Court	-0.035**	-0.021	-0.014	-0.038	-30.239***	-30.106**
	(0.014)	(0.014)	(0.024)	(0.028)	(11.581)	(11.735)
Observations	1895	1895	1895	1895	3474	3474
R^2	0.043	0.064	0.044	0.055	0.023	0.031
Controls		X		X		X
Y Mean	0.0538	0.0538	0.125	0.125	168.0	168.0

(Panel D) DV/VOP Case level: Re-Offending

	(1)	(2)	(1)	(2)
	Re-Offend <3 yrs		DV Re-Offend <3 yrs	
DV Court	0.012	0.010	0.029	0.024
	(0.018)	(0.019)	(0.021)	(0.023)
Observations	2429	2429	2429	2429
R^2	0.026	0.086	0.052	0.082
Controls		X		X
Y Mean	0.851	0.851	0.181	0.181

Note: Columns labeled (1) contain only week and year fixed effects, and columns labeled (2) 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). Sample consists of all charges that were filed with a domestic violence (or violation of order of protection) charge for a defendant in a given court hearing. Outcomes are defined in Table 3. Y Mean is the mean of the outcome. Standard errors are clustered to adjust for arbitrary correlation in outcomes within defendant and case week. Regressions that are conditioned on being found guilty include fewer observations. For re-offend, we collapse the sample into one observation per court hearing.

Table A.6: DV Charge Level Analysis: All outcomes

(Panel A) DV Charge level: Decisions

	(1)	(2)	(1)	(2)	(1)	(2)
	Guilty		Guilty of any Charge		SAB (lenient jail)	
DV Court	-0.083**	-0.096***	-0.079**	-0.076**	-0.005	-0.013
	(0.033)	(0.036)	(0.036)	(0.037)	(0.027)	(0.030)
Observations	1719	1719	1719	1719	750	750
R^2	0.048	0.057	0.050	0.118	0.652	0.654
Controls		X		X		X
Y Mean	0.437	0.437	0.549	0.549	0.643	0.643

(Panel B) DV Charge level: Sentence

	(1)	(2)	(1)	(2)	(1)	(2)
	Whether Incarcerated		Sentence Length		Max Sentence Length	
DV Court	0.028*	0.024	17.931*	17.227	24.761**	27.078**
	(0.015)	(0.016)	(9.988)	(10.509)	(10.727)	(10.962)
Observations	750	750	750	750	750	750
R^2	0.081	0.099	0.202	0.213	0.197	0.217
Controls		X		X		X
Y Mean	0.967	0.967	136.2	136.2	141.3	141.3

(Panel C) DV Charge level: Order/Cost

	(1)	(2)	(1)	(2)	(1)	(2)
	Probation-SOE		Agreed Order		Court Cost ($)	
DV Court	-0.039	-0.017	0.030	-0.004	-50.360***	-55.138***
	(0.030)	(0.029)	(0.050)	(0.052)	(16.282)	(17.585)
Observations	750	750	750	750	1719	1719
R^2	0.070	0.113	0.089	0.109	0.038	0.041
Controls		X		X		X
Y Mean	0.100	0.100	0.253	0.253	153.1	153.1

(Panel D) DV Charge level: Re-Offend

	(1)	(2)	(1)	(2)
	Re-Offend <3 yrs		DV Re-Offend <3 yrs	
DV Court	0.008	0.004	0.031	0.015
	(0.023)	(0.022)	(0.020)	(0.023)
Observations	1719	1719	1719	1719
R^2	0.032	0.097	0.066	0.088
Controls		X		X
Y Mean	0.842	0.842	0.118	0.118

Note: Columns labeled (1) contain only week and year fixed effects, and columns labeled (2) 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). Sample consists of one DV charge for a defendant in a given court hearing. Outcomes are defined in Table 3. Y Mean is the mean of the outcome. Standard errors are clustered to adjust for arbitrary correlation in outcomes within defendant and case week. Regressions that are conditioned on being found guilty include fewer observations. For re-offend, we collapse the sample into one observation per court hearing.

Table A.7: All Other Charges: All outcomes

(Panel A) All Other Cases: Decisions

	(1)	(2)	(1)	(2)	(1)	(2)
	Guilty		Guilty of any Charge		SAB (lenient jail)	
DV Court	0.006	0.007	-0.001	-0.005	-0.016	-0.009
	(0.022)	(0.022)	(0.019)	(0.019)	(0.022)	(0.022)
Observations	20291	20291	20291	20291	13626	13626
R^2	0.007	0.046	0.007	0.025	0.364	0.370
Controls		X		X		X
Y Mean	0.672	0.672	0.820	0.820	0.443	0.443

(Panel B) All Other Cases: Sentence

	(1)	(2)	(1)	(2)	(1)	(2)
	Whether Incarcerated		Sentence Length		Max Sentence Length	
DV Court	0.072***	0.088***	-0.699	-1.935	-3.034	-5.446*
	(0.018)	(0.018)	(2.183)	(2.260)	(3.079)	(2.998)
Observations	13626	13626	13626	13626	13626	13626
R^2	0.057	0.077	0.014	0.024	0.016	0.068
Controls		X		X		X
Y Mean	0.802	0.802	28.60	28.60	43.95	43.95

(Panel C) All Other Cases: Order/Cost

	(1)	(2)	(1)	(2)	(1)	(2)
	Probation-SOE		Agreed Order		Court Cost ($)	
DV Court	-0.004	-0.002	-0.004	-0.007	0.451	0.685
	(0.003)	(0.004)	(0.004)	(0.004)	(7.078)	(6.970)
Observations	13626	13626	13626	13626	20291	20291
R^2	0.008	0.014	0.019	0.020	0.023	0.045
Controls		X		X		X
Y Mean	0.0148	0.0148	0.0148	0.0148	196.7	196.7

(Panel D) All Other Cases: Re-Offend

	(1)	(2)	(2)	(1)
	Re-Offend <3 yrs		DV Re-Offend <3 yrs	
DV Court	-0.016**	-0.014*	-0.005	-0.003
	(0.008)	(0.008)	(0.005)	(0.005)
Observations	11552	11552	11552	11552
R^2	0.006	0.033	0.014	0.020
Controls		X		X
Y Mean	0.910	0.910	0.0390	0.0390

Columns labeled (1) contain only week and year fixed effects, and columns labeled (2) 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). we exclude cases involving potentially DV related charges (assault, stalking, harassment, vandalism, and cruelty to animals) from this sample. Outcomes are defined in Table 3. Y Mean is the mean of the outcome. Standard errors are clustered to adjust for arbitrary correlation in outcomes within defendant and case week. Regressions that are conditioned on being found guilty include fewer observations. For re-offend, we collapse the sample into one observation per court hearing.