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# EVALUATION OF THE MONTGOMERY COUNTY EXPEDITED DOMESTIC VIOLENCE COURT Final Report

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## EXECUTIVE SUMMARY

Specialized domestic violence courts began with the goal of creating an effective and coordinated response to domestic violence cases within the criminal justice system and victim service agencies. The courts were designed to concentrate domestic violence cases within a single, specialized docket. There is a great deal of variety in the specific structure, policies, and practices among domestic violence courts, but some commonalities exist, especially in terms of the goals of these courts. In particular, surveys of domestic violence courts have identified the following common goals (Moore, 2009): (1) efficient case processing; (2) coordinated response; (3) informed decision-making; (4) offender accountability; (5) reduced recidivism among domestic violence offenders; and (6) victim safety and access to services.

This report presents results from an evaluation of the Montgomery County Expedited Domestic Violence Court (MCEdVC) conducted by the Crime Victims' Institute at Sam Houston State University in August 2014. The MCEdVC was established in the fall of 2011 to expedite processing of misdemeanor domestic violence cases. The evaluation plan was to observe case processing, analyze recidivism among defendants, and interview victims. Results are presented for the court observations and recidivism analysis, but no victims volunteered to participate before the end of the project.

Observations were conducted in nine hearings and three trials, covering 114 cases. Highlighted results include:

- There was consistent respect and concern for the defendants' individual situations displayed by judges and prosecutors.
- The majority of cases reached a plea deal, and conditions were similar across cases.
- Victims rarely participated in or attended court.

Recidivism analysis was conducted with a total of 708 defendants whose cases were processed by the MCEdVC. Highlighted results include:

- Female defendants were less likely to be rearrested for a domestic violence offense, but there was no relationship between age, race, and subsequent rearrest.
- Previous criminal history significantly impacted the likelihood of domestic violence recidivism. Those with more prior arrests, and especially more prior domestic violence arrests, were substantially more likely to be rearrested for a domestic violence offense.
- While case processing time did not significantly impact recidivism, domestic violence rearrest differed significantly by disposition.

Based on the results provided, the following recommendations are discussed:

- Consider risk in case selection and processing.
- Enhance victim inclusion in the court process.
- Clarify the goals of the MCEdVC.

## 1. Overview

### 1.1. A Brief History of Domestic Violence and Specialized Domestic Violence Courts

Traditionally, domestic violence has been considered a family matter, and the criminal justice system as a formal intervention was a last resort. The first court case to set a precedent that a husband could not beat his wife was *Fulgham v. State* in 1871 (Fulgham, 1871). However, the ruling only applied when there was serious, permanent damage done to the wife and had little impact on perceptions or practice. During the 1960's and 1970's, the feminist movement brought renewed interest to the problem of domestic violence (Anderson, 1997; Arnold & Ake, 2013; Johnson & Ferraro, 2000; Tsai, 2000). In the 1980's, legislative changes increased the legal response to domestic violence (Abrar, Lovenduski, & Margetts, 2000; Coker, 2001; Tsai, 2000), and research identifying a deterrent effect of arrest for domestic violence led to the implementation of mandatory/preferred arrest policies, which brought more domestic violence offenders into the system (Hirschel & Buzawa, 2002; Sherman, 1992; Sherman & Berk, 1984). While legislative, procedural, and policy changes attempted to strengthen the criminal justice response to domestic violence (Coker, 2001; Tsai, 2000), concerns about victim rights and safety remained (Tsai, 2000).

Processing of domestic violence cases is also complicated by the nature of the offense(s) and the relationship between the parties. Domestic violence cases are more likely to include criminal and civil charges, can involve issues beyond the violence (e.g., divorce, paternity, child support, etc.), and may also involve juvenile court if a child is involved (Epstein, 1999). In traditional court settings, personnel, including judges, may not be familiar with the context of domestic violence. The combination of these and other factors laid a foundation for examining the utility of specialized case processing for domestic violence.

The movement toward specialized or problem-solving courts began in the 1990's (Labriola et al., 2010; Mirchandani, 2005). The first domestic violence court was established in Brooklyn, New York in 1996. This court only handled felony domestic violence cases (Maytal, 2008; Mazur & Aldrich, 2003) and included one judge, one prosecutorial team, and trained staff to help victims and monitor compliance of defendants. After only five years, the Urban Institute of Justice Policy Center conducted an evaluation study and determined that the court was promising (Newmark, Rempel, Diffily, & Kane, 2001). As such, the New York court became the model that most jurisdictions followed when they wanted to establish domestic violence courts (Maytal, 2008).

When specialized domestic violence courts based on the New York model began to spread across the country, the courts took a different approach referred to as therapeutic jurisprudence, with the goal of increasing coordination among agencies, holding defendants accountable, and addressing the needs of victims (Gover, MacDonald, & Alpert, 2003). The purpose of a therapeutic, specialized court is to rehabilitate the offender, provide needed services, and monitor treatment of the offender. Therapeutic jurisprudence can also be used in sentencing; these courts consider alternatives to incarceration. This changes the traditional approach by allowing for a comprehensive and integrated court that can provide a variety of resources to offenders and victims (Fritzler & Simon, 2000; Tsai, 2000). An additional benefit of domestic violence courts is that they are less expensive than incarceration because they often require an offender to pay court costs, programs costs, and restitution (Shaffer, 2004).

In 2010, there were 129 criminal domestic violence courts identified in the United States (Labriola et al., 2010). Despite the popularity of these courts, little research has been conducted to evaluate their effectiveness. The evaluation research that exists has shown mixed results for the impact of domestic violence courts; however, there has been widespread agreement in the research that domestic violence courts lead to increased use of batterer programs, substance abuse treatment, specialized bail conditions, drug testing, and other programs (Labriola et al., 2010). Specialized domestic violence courts may also send a strong message to the community that the criminal justice system takes domestic violence seriously as a problem and will apply appropriate consequences (Karan, Keilitz, & Denaro, 1999; Keilitz, 2000; Maytal, 2008).

## *1.2 Components of Domestic Violence Courts*

Specialized domestic violence courts began with the goal of creating an effective and coordinated response to domestic violence cases within the criminal justice system and victim service agencies. The courts were designed to concentrate domestic violence cases within a single, specialized docket. There is a great deal of variety in the specific structure, policies, and practices among domestic violence courts, but some commonalities exist, especially in terms of the goals of these courts. In particular, surveys of domestic violence courts have identified the following common goals (Moore, 2009): (1) efficient case processing; (2) coordinated response; (3) informed decision-making; (4) offender accountability; (5) reduced recidivism among domestic violence offenders; and (6) victim safety and access to services.

***Efficient Case Processing*** – With the increasing number of domestic violence cases being referred into the criminal justice system, along with policies requiring criminal justice system involvement (e.g., mandatory arrest, “no-drop” prosecution policies, etc.), courts became overwhelmed. Part of the rationale for a specialized approach was to consolidate all cases into one court in order to improve processing time and standardize case processing and outcomes (Labriola et al., 2010).

***Coordinated Response to Domestic Violence*** – A specialized court process enhances awareness of the unique nature of domestic violence and the individual and contextual factors surrounding the offender, the victims, and the family relationships (Moore, 2009). One aspect of this involves the coordination of multiple community agencies, beyond the criminal justice system, to respond to cases. A coordinated community response encourages the creation of strong relationships with a variety of partners and services, holds regular meetings with criminal justice and social service providers, and makes sure that personnel who work in the domestic violence court have training and education in domestic violence (Mazur & Aldrich, 2003). A network of criminal justice and social service providers working collaboratively facilitates a better outcome for victims (Newmark et al., 2001).

***Informed Decision-Making*** – Many domestic violence courts have judges and staff who have been trained in domestic violence (Keilitz, 2000; Newmark et al., 2001), but research has not clearly demonstrated the effects of having specially trained staff (Moore, 2009). An argument can be made that court personnel with specific training handle cases and victims with more sensitivity and attention to their rights and needs (Sack & Anderson, 2002), have a greater understanding of the nature of domestic violence (Keilitz, 2000), and are able to work together in the court to be more in tune with the unique issues of this type of offense (Moore, 2009; Tsai, 2000). Specialized domestic violence courts are able to consolidate personnel, including judges, attor-

neys, and other court staff, to create a more effective response to these cases (Tsai, 2000). Specially trained staff, plus community support workers (victim advocates), also help the victim understand the process and hopefully expedite the process while also allowing the victim to feel safe and supported by the court (Thompson, 2004).

***Offender Accountability*** – The benefits of focusing on offenders include increased accountability and ensuring that offenders are compliant with court orders (Keilitz, 2000), improvements in consistency of sentencing (Thompson, 2004; Walsh, 2001), and support for specific programs for batterers (Walsh, 2001). Mechanisms to hold offenders accountable and encourage offender compliance through monitoring are crucial (Keilitz, 2000; Newmark, et al., 2001). This can be done through systematic prosecution and defense processes, standardized treatment programs, and monitoring and judicial review (Karan et. al, 1999; Sack & Anderson, 2002). Defendants who fail to enroll in court specified programs by their first accountability meeting with a judge are more likely not to comply at all, so success in meeting conditions may also be monitored, including maintaining updated records and data about the victims and offenders (Mazur & Aldrich, 2003).

***Reduced Recidivism*** – While research is mixed as to whether specialized courts themselves reduce recidivism, these courts do reduce disposition time which can lead to reduced recidivism (Moore, 2009). Criminal history, particularly convictions for contempt, has been shown to be a consistent predictor of an offender's performance during follow-up periods (Newmark et al., 2001). Many courts also mandate batterer intervention programs for offenders, but research on these programs is mixed. For example, the overall conclusions of a study of men assigned to a mandatory batterer intervention program showed that the program had no clear or demonstrable positive effects on offender attitudes, beliefs, or behaviors (Feder & Dugan, 2002).

***Victim Safety and Services*** – Finally, specialized courts generally prioritize victim rights, safety, and services. In a specialized court, victims often have immediate access to victim advocates who can refer families to available resources, keep victims informed about case processing, schedule cases in a timely manner, and create places within the courthouse that victims can go to feel safe (Hartman & Belknap, 2003; Labriola et al., 2010; Mazur & Aldrich, 2003; Moore, 2009; Newmark et al., 2001; Sack & Anderson, 2002). There is some research to support that victim services are important. For example, Dawson and Dinovitzer (2001) analyzed data from a specialized domestic violence court in Canada and demonstrated that victims who met with victim/witness workers were more likely to cooperate with the prosecution than those who did not. Other studies have found that victims feel that they receive more individualized attention which may lead to increased satisfaction with the domestic violence court (Gover, Brank & MacDonald, 2007; Maytal, 2008; Moore, 2009). Specialized courts are more likely to connect victims to services than non-specialized courts, and victims tend to have more positive perceptions of the court process (Moore, 2009).

## **2. Montgomery County Expedited Domestic Violence Court (MCEDVC)**

The Montgomery County Expedited Domestic Violence Court (MCEDVC) was established in the fall of 2011 after Montgomery County received grant funding through the Violence Against Women Act. The Montgomery County District Attorney's office had sought this funding to create a specialized misdemeanor domestic violence court with the goal of increasing conviction rates and improving relationships with the local law enforcement community.



When the court was first initiated, it processed about half of the Class C assault-family violence cases in the county with one dedicated prosecutor. Around the one year anniversary of the court, all of the Class C assault-family violence cases were moved to MCEVDC, and in late 2012, a second prosecutor was added to the court. In 2013, the court processed over 500 cases, and initial results from the court showed an 85% conviction rate, compared to 50% prior to the creation of MCEVDC (E. Coleman, personal communication, December 4, 2012).

The court began as an expedited court, also known as a “rocket docket” because of the speed in which cases were processed. In this system, defendants were generally arraigned within two weeks and then had a pretrial hearing within the next two weeks. At this point, defendants had the option to agree to a plea or set for trial. Once the case was set for trial, the court would no longer accept pleas. The docket was initially scheduled biweekly, and almost all cases were closed within 60 days. This type of system forced cases to move through the system quickly, and resets were not generally granted without extenuating circumstances. Prosecutors in MCEVDC believed that victims were less likely to recant when the cases were quickly processed, resulting in a greater likelihood of conviction.

Similar to other specialized courts, MCEVDC has emphasized specific treatment for offenders. Most offenders who accept a plea or are found guilty at trial are required to attend a Batterer Intervention and Prevention Program (BIPP), and when applicable, some are required to participate in substance abuse programming. The court has also emphasized contact with victims throughout the process. When the court was initiated, the prosecutor prioritized communication with victims by making personal phone calls to them prior to filing and by maintaining contact with them throughout the case.

In January of 2014, several changes were made to MCEVDC. The docket was moved to another court, and a new judge began overseeing cases processed through this court. Simultaneously, two new prosecutors and a new victim advocate were moved to MCEVDC from other courts in the Montgomery County District Attorney’s office. As a part of this transition, the court moved from being an expedited court to a “faster track docket.” With this change, the initial system of moving cases through processing within a structured, fast paced system was revised. This change occurred midway through the research project detailed here. After restructuring, the docket was held every three weeks (as opposed to every two weeks previously), and defendants did not have the time constraints pushing their cases through the system with resets commonly granted.

### 3. Evaluation Plan

The Crime Victims’ Institute at Sam Houston State University conducted a research project to evaluate the Montgomery County Expedited Domestic Violence Court (MCEVDC), located in Conroe, Texas. The project was conducted between October 2013 and August 2014, with funding provided by the Criminal Justice Division of the Texas Office of the Governor. The project had three goals: (1) to conduct structured observations of the court dockets and trials, (2) to analyze recidivism of offenders whose cases were processed by MCEVDC, and (3) to interview victims identified in cases processed by MCEVDC. The research design for this study is a mixed methods approach, using both qualitative and quantitative methods. A mixed methods approach provides the benefit of looking at the MCEVDC from several different angles in order to provide the most comprehensive picture possible.



The first part of the design included court observations, and the evaluation plan was to observe a total of 15 regular and trial dockets of the MCEdVC. The second component assessed official records about the cases heard by the MCEdVC and the defendants associated with those cases. Data were analyzed to examine the likelihood of recidivism and the factors related to recidivism among these defendants. The final component of this research design involved conducting semi-structured interviews with victims involved in the cases heard in the MCEdVC, and the original plan was to interview at least 25 victims.

## **4. Court Observations**

### ***4.1 Observation Methods***

The research team began conducting observations of the MCEdVC docket and trials in October of 2013, with formalized observations beginning in December, following approval from the Sam Houston State University Institutional Review Board. The evaluation plan was to observe a total of 15 regular and trial dockets of the MCEdVC and to make notes according to an observation instrument (see Appendix A) designed to record important characteristics of the case process, including communication between criminal justice actors and the defendant. Researchers also recorded information about defendant's gender, victim's presence and participation, victim's gender, case outcome, and interactions among defendant, judge, prosecutor, and defense attorney. The instrument was used by all observers in order to maintain consistency and validity. Observations were concluded in June 2014. During this time period, researchers observed 114 cases over nine dockets and three trials. The number of cases observed only includes those in which the case was heard by the judge and not those at the arraignment phase that do not go in front of the judge during the MCEdVC dockets.

### ***4.2 Observation Findings – Regular Docket***

The MCEdVC operates differently than other courts, mostly due to the fast pace of case processing. Details about the criminal offenses are not discussed during the dockets, and neither defendants nor victims are asked to provide testimony about the incident. The discussions that occurred during the docket between the prosecutors, defendants, and judge all centered around moving the case forward, conditions of release, and negotiating plea bargains.

Throughout the observations, there was consistent respect displayed from judges and prosecutors and also overall concern for the defendants' individual situations. When defendants had unique circumstances in which they requested accommodations, particularly for the terms of their release, the court personnel took the concerns under consideration and made accommodations when appropriate. For example, in one situation a defendant tested positive for drugs after being released on bond. This person cared for a disabled parent and requested their jail time resulting from the drug use be completed over the weekends when another person was able to care for the parent. The judge and prosecutor agreed to this arrangement.

Victims rarely participated in or attended the court. In fact, very few people other than the defendants and attorneys were in attendance. A handful of defendants had another individual with them. It is presumed that a portion of these people were victims in the cases; however it is unknown how many. Because of the number of cases assigned to each docket, it was common for the bailiff to make an announcement at the beginning that only defendants were allowed in the courtroom due to a lack of space. During the dockets observed, there were approximately three indi-

viduals who were presumed to be victims who attended separate from the defendant. In these few situations, the individuals spoke with the advocate or one of the prosecutors and left, not staying to hear any cases. As there is no testimony of the events during the docket, victims did not have an opportunity to participate in the dockets beyond simply being present.

The majority of cases reached a plea deal during the dockets. The sanctions agreed to in the pleas were similar and generally included: attending a local Batterer Intervention and Prevention Program (BIPP), community supervision for at least 12 months, a fine ranging from \$1000-\$1500, no offensive contact with the victim, and a fine paid to the Montgomery County Women's Center. Participation in substance abuse programming was also common among defendants who had positive drug tests.

During the observations, it was noted that defendants who tested positive for drug use after being placed on release frequently accepted plea deals for the family violence charge on the same day as a way of avoiding jail time for their drug use. Often, these defendants were overheard discussing their concerns for missing work and in turn losing their job while serving jail time.

The changes to court personnel and structure that occurred in January 2014 also brought about some differences in the operation of the court that were noted during the observations. After the changes, there was no longer a sense of urgency coming from the defendants to either reach a plea deal or set for trial. Defendants were granted resets more commonly for a variety of reasons after the January change. Also, the judge who oversaw the cases after the January change seemed to pay closer attention to defendants' compliance with the terms of their release, and failed drug tests became a more common occurrence. Lastly, after January, defendants were able to make plea agreements until their trial began, in contrast to how the process had been structured previously.

#### ***4.3 Observation Findings – Trial Docket***

The research team observed three trials as part of this project. The purpose of this project was not to evaluate the prosecutorial methods in the trials, but rather to observe the process by which cases were handled in this specialized court. In two of the trials observed, the victim recanted and testified on behalf of the defendant, and the other case observed was a case of violence between family members, not intimate partner violence. Only one of the three trials resulted in a guilty verdict.

After the substantial changes that occurred in January 2014, it was frequently undecided as to whether cases would proceed to trial until a few days before the trial, and sometimes the same morning as the trial was scheduled to begin. On some trial weeks, there were two or three cases that could go to trial, but which case, if any, wouldn't be determined with much advance notice. Some of these cases reached a plea agreement the morning the trial was expected to begin. Also, during one of the trial observations the start time of the trial was moved up approximately 90 minutes earlier than it had previously been scheduled to begin. The victim advocate was not made aware of this change until just before the start time. It is presumed that this type of last minute scheduling change may present difficulties for victims and witnesses.

## 5. Case Processing and Recidivism Analysis

The second part of the research plan involved assessing recidivism among those defendants processed through the MCEDVC. Since the court is a full coverage program, there is no comparison group of misdemeanor assault-family violence cases processed in another way. Thus, analyses examined the likelihood of recidivism among these defendants and the individual and case characteristics that are predictive of recidivism among this sample. In order to conduct recidivism analyses, a list of cases processed through MCEDVC between 2010 and 2014 was provided by the court to the research team. Identifying information was submitted to Texas Department of Public Safety (DPS) Criminal Justice Information System for a criminal records search to obtain complete criminal histories. A total of 838 cases were submitted to DPS, and successful matches were obtained for 732 individuals (for a match rate of 87.4%).

### 5.1 Cases Filed in MCEDVC

Figure 1 provides a graph of the number of cases filed per month during the observation period of this study. Based on the data provided by the court, the number of monthly cases filed in the MCEDVC increased gradually during 2011. The increase continued during 2012, and then case numbers declined mid-year in 2013. It is unclear whether this represents an actual decline in cases filed in the court or a decline in cases identified to the research team.

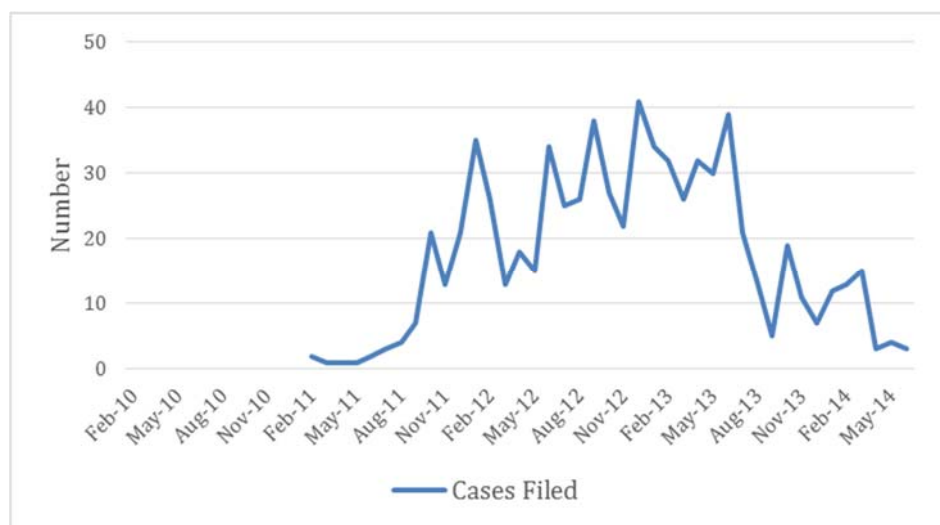


Figure 1: Number of Cases Filed in MCEDVC

### 5.2 Case Characteristics

Identification numbers for all defendants were submitted to the Texas Department of Public Safety Criminal Justice Information System to obtain information about their full criminal histories. Of the 732 defendants with complete criminal histories, twenty-four cases were identified as “Felony Transfer” cases and were not included in subsequent analyses since they were not processed by the court. After the “Felony Transfer” cases were removed, a total of 708 cases remained that had been processed by the court and had complete criminal histories. Table 1 presents the descriptive characteristics for these 708 cases. Of these, the majority of defendants

were male (78.4%), White (89.4%), and non-Hispanic (82.6%). The age of these defendants range from 17 to 71, with an average age of about 34. A majority of defendants in the MCEDVC (70.8%) had at least one arrest prior to the filing of the current family violence case, and the number of prior arrests ranged from 0 to 24 with an average of about three. Additionally, more than 11% of defendants had at least one prior domestic violence arrest.

Table 1. Descriptive Characteristics of Cases Processed by MCEDVC			
Variables	Percent	Mean (s.d.)	Range
<b>Sex</b>			
Male	78.4%		
Female	21.6%		
<b>Race</b>			
White	89.4%		
African-American	10.3%		
Asian	0.3%		
<b>Ethnicity</b>			
Non-Hispanic	82.6%		
Hispanic	17.4%		
<b>Age</b>		34.12 (11.81)	17 – 71
<b>Number of Prior Arrests</b>		3.10 (3.86)	0 – 24
<b>Prior DV Arrest</b>			
None	88.4%		
One	8.9%		
Two or more	2.7%		

Table 2 presents information about case processing and recidivism among those cases filed in the MCEDVC during this time period. Case processing time in the MCEDVC ranged from 0 to 871 days, with an average of about 105 days. About half of the cases (50.4%) reached a final disposition within 60 days. Based on the information provided by the court, nearly one-fourth of cases (23.7%) received deferred adjudication, more than 20% were dismissed, and more than 20% resulted in jail time. Jury trials were very uncommon, with only four cases resulting in a guilty verdict at trial and another eight cases resulting in a not guilty verdict at trial. The remaining cases were classified as “other/unclear.”

<b>Table 2. Case Processing and Recidivism among Cases Processed by MCEDVC</b>			
<b>Variables</b>	<b>Percent</b>	<b>Mean (s.d.)</b>	<b>Range</b>
<b>Processing Time in Days (from Filing Date to Disposition Date)</b>		104.80 (117.92)	0 – 871
<b>Case Disposition</b>			
Deferred Adjudication	23.7% (n = 168)		
Dismissed	21.5% (n = 152)		
Jury Trial – Guilty	0.05% (n = 4)		
Jury Trial – Not Guilty	0.1% (n = 8)		
Jail	22.3% (n = 158)		
Other/Unclear	30.8% (n = 218)		
<b>Number of Subsequent Arrests</b>		0.53 (0.96)	0 – 7
<b>Subsequent DV Arrest</b>	11.3% (n = 80)		
Strangulation	10.0% (n = 8)		
Violation of Protection Order	26.2% (n = 21)		
<b>Time to First Subsequent Arrest in Days</b>		248.70 (206.60)	1 – 837

Following the case filing in the MCEDVC, nearly one-third (31.8%) of defendants had at least one subsequent arrest, with the number of rearrests ranging from 0 to 7 with an average of 0.53. More than 11% had a subsequent arrest for a family violence related offense (e.g., assault on a family member, terrorizing a family member, violation of protection order). Of those, 21 defendants had at least one subsequent arrest for violating a protection order, and eight defendants had a subsequent arrest for family violence that involved strangulation or impeding breathing. Overall, recidivism tended to occur within one year following the MCEDVC case filing, with time to rearrest ranging from 1 to 837 days and an average of about 250 days to rearrest.

### ***5.3 Correlates of Recidivism***

Table 3 presents information about the relationship between various defendant characteristics and subsequent recidivism. In terms of demographic characteristics, female defendants were significantly less likely to have a subsequent arrest for any offense and also less likely to have a subsequent domestic violence arrest. There was no relationship between race and recidivism. The likelihood of having a subsequent arrest for either any offense or specifically a domestic violence offense was similar across racial categories. While there was no relationship between ethnicity and any rearrest, Hispanic defendants were significantly less likely to have a subsequent domestic violence arrest. There appears to be no relationship between age and subsequent rearrests overall or specifically for domestic violence.

Table 3. Relationships between Defendant Characteristics and Recidivism among Cases Processed by MCEDVC				
Variables	Any Subsequent Arrest		Subsequent DV Arrest	
	Yes	No	Yes	No
<b>Sex</b>				
Male	33.9%	66.1%	12.4%	87.6%
Female	24.2%	75.8%	7.2%	92.8%
	$\chi^2 = 5.195^*$		$\chi^2 = 3.289^\dagger$	
<b>Race</b>				
White	32.2%	67.8%	11.5%	88.5%
African-American	28.8%	71.2%	9.6%	90.4%
Asian	0.0%	100.0%	0.0%	100.0%
	$\chi^2 = 1.296$		$\chi^2 = 0.502$	
<b>Ethnicity</b>				
Non-Hispanic	31.4%	68.6%	12.5%	87.5%
Hispanic	34.1%	65.9%	5.7%	94.3%
	$\chi^2 = 0.341$		$\chi^2 = 4.739^*$	
<b>Age</b>	32.02 (10.87)	35.10 (12.11)	34.32 (11.30)	34.10 (11.88)
	$t = 3.372^{**}$		$t = -0.155$	
<b>Number of Prior Arrests</b>	4.39 (4.37)	2.49 (3.45)	4.98 (4.42)	2.86 (3.72)
	$t = -5.733^{**}$		$t = -4.104^{**}$	
<b>Prior DV Arrest</b>				
None	31.0%	69.0%	9.9%	90.1%
One	33.3%	66.7%	19.0%	81.0%
Two or more	52.6%	47.4%	31.6%	68.4%
	$\chi^2 = 4.061$		$\chi^2 = 12.786^{**}$	

Prior criminal history does appear to have a significant, and sometimes substantial, relationship with the likelihood of a subsequent rearrest. Defendants who were rearrested for any offense had significantly more prior arrests, but there was no significant difference with respect to prior DV arrests. By contrast, defendants who were subsequently rearrested for a DV offense had significantly more prior arrests overall and prior DV arrests more specifically. In particular, while only 10% of those with no prior DV arrests had a subsequent DV arrest, nearly one-third of those with two or more prior DV arrests (31.6%) had a subsequent DV arrest.

Table 4 presents information about the relationship between characteristics of case processing in the MCEDVC and subsequent offending. Some case processing characteristics are also related to the likelihood of rearrest among these defendants. It does not appear that case processing time influences recidivism, either generally or specifically for a DV offense. Disposition, however, was significantly related to recidivism. Those defendants who received jail time were significant-

ly more likely to be rearrested generally and were more than twice as likely to have a subsequent DV rearrest. In contrast, those defendants who received deferred adjudication were significantly less likely to be rearrested generally and specifically for a domestic violence offense.

Table 4. Relationships between Case Processing and Recidivism among Cases Processed by MCEDVC					
Variables		Any Subsequent Arrest		Subsequent DV Arrest	
		Yes	No	Yes	No
Case Processing Time					
	Less than 60 Days	30.9%	69.1%	9.3%	90.7%
	60 Days or Longer	32.8%	67.2%	12.9%	87.1%
		$\chi^2 = 0.286$		$\chi^2 = 2.274$	
Disposition – Jail					
	No	28.2%	71.8%	8.5%	91.5%
	Yes	44.3%	55.7%	20.9%	79.1%
		$\chi^2 = 14.715^{**}$		$\chi^2 = 18.650^{**}$	
Disposition – DADJ					
	No	34.4%	65.6%	13.5%	86.5%
	Yes	23.2%	76.8%	4.2%	95.8%
		$\chi^2 = 7.454^{**}$		$\chi^2 = 11.181^{**}$	

## 6. Victim Interviews

The third piece of the evaluation plan involved interviewing victims identified in cases processed by MCEDVC. The goals of the interviews were to (1) understand more about victims' satisfaction with the court, (2) understand more about the victims' safety needs and if they were addressed by the court, (3) understand victims' perceptions of fairness in how the cases were handled by the court, and (4) identify ways in which victims believed the court could be improved.

### 6.1 Victim Interview Methodology

Interviews were to be conducted in-person using qualitative research methods. The Assistant District Attorney (ADA) and the victim advocate assigned to the court agreed to inform victims by letter about the research project. The recruitment letter was prepared by the research team and approved by the Sam Houston State University Institutional Review Board. The contact letter was included in a standard packet of information mailed to victims by the Montgomery County District Attorney's Office after MCEDVC cases are filed. The recruitment letter described the nature of the study and provided contact information so that individuals who were interested in participating could contact the researchers to set up a time to complete the interview. This method of contact was selected in collaboration with MCEDVC to avoid increasing safety risks for victims. For those who agreed to be interviewed, a meeting would be scheduled with a member of the research team. The semi-structured interviews were to be conducted in the courthouse to ensure safety of the victim (See Appendix B for interview instrument).



## 6.2 Victim Interview Results

The researchers were unable to conduct interviews with victims during the duration of this project. Unfortunately, there were a number of delays experienced over several months that prevented this portion of the project from moving forward. As a result of these delays, recruitment of participants began in August 2014; however, there were no individuals who signed up for interviews before the project ended.

## 7. Summary and Conclusions

It is important to recognize that the MCEDVC is not, and was not necessarily intended to be, a domestic violence court. Rather, the court was designed specifically to expedite processing of misdemeanor domestic violence cases. The MCEDVC does seem to have many of the same goals as those ascribed to more formal domestic violence courts, including more efficient processing of cases, some coordination of response, offender accountability, and a focus on victim services. The original intention of the MCEDVC was primarily to reduce case processing time as well as increasing convictions, but the court also provides some access to victim services in the form of a dedicated victim advocate, and penalties for defendants almost always include assignment to a BIPP. However, some other elements of specialized domestic violence courts were not apparent during the course of this study, and it is unclear how effective the court is in reducing recidivism among misdemeanor domestic violence offenders. Recognizing this distinction, the following summary highlights lessons learned from the study, recommendations for moving forward, and questions that remain.

### 7.1 Recommendation 1 – Consider Risk in Case Selection and Processing

Results presented in this report focus solely on cases processed through the MCEDVC. Since this is a full coverage court, no comparison group was available, so it is unclear whether the court impacts recidivism as compared to some other method of processing misdemeanor domestic violence cases. Instead, these results focused on identifying factors within these cases that are related to subsequent recidivism, especially subsequent arrests for domestic violence. These analyses identified a number of factors that are correlated with recidivism, including gender, number of prior arrests, and especially prior arrests for domestic violence. In particular, and perhaps not surprising, those defendants with more prior domestic violence arrests were significantly and substantially more likely to have a subsequent domestic violence arrest. Additionally, although case processing time did not impact recidivism, disposition of cases was significantly related to the outcome. Defendants who received a jail sentence were significantly more likely to be rearrested, and those who received deferred adjudication were significantly less likely to be rearrested. It is difficult to say at this point whether the sentence impacted behavior or whether the sentence reflects some assessment of risk on the part of the court. It may be that defendants seen as a greater risk receive more serious sentences, whereas those viewed as less risky are viable candidates for deferred adjudication.

The question of risk is important both for understanding likelihood of recidivism as well as for considerations of victim safety. The researchers are not aware of any explicit risk assessment conducted during processing in the MCEDVC, but the results are suggestive that at least some consideration of risk may be occurring. Given the implications of risk for defendant compliance and subsequent offending, especially considering potential subsequent injury to the victim, re-

searchers recommend an additional focus on risk assessment among misdemeanor domestic violence offenders, perhaps incorporating a more explicit risk assessment process (for example see Campbell et al., 2009). This might assist the court in determining the appropriateness of the expedited process for certain types of defendants as well as the appropriateness of specific sentencing and treatment approaches depending on risk.

### ***7.2 Recommendation 2 – Enhance Victim Inclusion in the Court Process***

Based on the observations conducted during the course of this study, researchers recommend focusing more attention on victim inclusion in the court process and also on victims' rights. During observations, victims did not seem engaged in the court process. Since researchers were not privy to victims' interactions with the prosecutors and advocates outside of the courtroom, it is unknown how much information victims were provided about the process regarding plea bargains and other facets of the case. Research has indicated that victims who are able to participate in the criminal justice system and feel they are treated fairly have increased mental and physical well-being (Garvin and LeClair, 2013). Given that the majority of the courts' activity occurs solely within the docket, it may be helpful to consider ways in which victims can participate in the docket if they choose.

During the observations, it was common for the bailiff to make an announcement at the beginning of the docket that only defendants were allowed in the courtroom due to the lack of space. Texas statute provides victims the right to attend hearings pertaining to their case; however, victims may not be aware of this right. The bailiff's announcement may discourage victims from attending. It is recommended that MCEDVC consider ways to address the space issues in the courtroom, enabling victims to attend the docket if they choose.

A victim of a crime, as defined by Chapter 56 of the Code of Criminal Procedure, is provided the right to notification of plea bargains when requested and also the right to submit a victim impact statement. Texas statute specifies that the victim impact statement should be considered by the state's attorney and judge before sentencing or prior to a plea bargain agreement being accepted. During conversations with court personnel and observations, neither of these victims' rights issues was discussed or brought up in court. None of the observations involved victim impact statements. It is unknown whether the prosecutors or advocates are communicating with victims about their rights. It is recommended that MCEDVC consider how to best communicate these two specific rights, as well as other applicable rights, with victims and how to implement them during dockets and trials.

The circumstances surrounding the late decisions to move cases to trial and changes in trial start times, as previously discussed, may be difficult for witnesses and victims. Both parties may need to make arrangements to attend. This may also pose additional challenges to victims who may need time to prepare to testify and be in the same room as the defendant, particularly with the responses to trauma that some victims experience.

### ***7.3 Recommendation 3 – Clarify the Intended Goals of MCEDVC***

While initially conceived as an expedited processing court and structured accordingly, changes in court personnel resulted in changes in the perceived focus of the court, as well as its structure and the processing of cases. Based on the observations, researchers suggest clarifying the current goals of the court and assessing whether the current court organization and process are meeting those goals or whether changes are necessary for either the goals or the court structure and process.

In particular, though not designed explicitly as a specialized domestic violence court, a number of characteristics of the MCEDVC seem to match the goals of that type of model. As originally implemented, the MCEDVC was organized to encourage case resolution within 60 days and has some connection to other agencies, although the researchers are not aware of the degree of coordination. Plea bargains typically include a fairly standardized set of conditions to encourage offender accountability, including treatment programs and monitoring for compliance. In considering these various goals and their applicability to the MCEDVC, the court could choose to expand or focus in certain areas.

#### ***7.4 Questions Remaining about the Processing of Misdemeanor Domestic Violence Cases and Effectiveness in Reducing Recidivism***

As a full coverage court with no comparison group, the question of whether the court reduces recidivism more than other types of processing remains open. The current project did provide interesting information regarding predictors of recidivism among those cases processed through the MCEDVC and some recommendations for the future development of the court. Other questions should also be considered in addressing these recommendations and any directions in which the court proceeds.

More detailed information about the cases processed through the MCEDVC could address whether there are differences in case outcomes and recidivism for intimate partner versus family violence and what characteristics determine the cases that proceed to trial versus those resolved by plea. Further attention to defendants who violate their conditions, especially in relation to drug use, is warranted. Additionally, the role of protective orders has received little attention in existing research. The current study was not able to assess the impact of the victim obtaining a protective order on the court process or outcome.

In considering these questions and the recommendations presented here, the court could gather additional information to assist in decision-making. For example, one aspect of this research study that could not be conducted was interviews with the victims involved in these cases. The court could develop a brief survey for the victims during a follow-up contact after the case is closed to assess victim satisfaction with the process, perceptions of fair treatment, and assessments of safety. The court could also request input from Montgomery County Women's Center staff or from other organizations that might interact with victims and defendants to assess their perceptions of the court process, victim safety, defendant compliance, and other relevant factors.

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## Appendix A: Court Observation Instrument

### Assessment of Montgomery County Expedited Domestic Violence Court Court Observation Instrument

Date: \_\_\_\_\_

Observer: \_\_\_\_\_

**Court Hearing Type:**

☐ DV Docket

☐ Trial Docket

### Overall Court Observation

#### Session Length

Start Time: \_\_\_\_\_

End Time: \_\_\_\_\_

Total Hrs/Mins: \_\_\_\_\_

#### Total Number of Court Appearances

Number of Cases on Docket: Arraignment \_\_\_\_\_ Pre-Trial \_\_\_\_\_

Number of No-Shows: \_\_\_\_\_

Number of Pleas: \_\_\_\_\_ Number of Cases Assigned to Trial: \_\_\_\_\_

#### Individuals Present in Courtroom

Dedicated ADA (# \_\_\_\_\_)

- ☐ Public Defender (# \_\_\_\_\_)
- ☐ Private defense attorneys (# \_\_\_\_\_)
- ☐ Victim Advocate
- ☐ Probation Officer
- ☐ Drug Testing Coordinator
- ☐ Other \_\_\_\_\_
- ☐ Other \_\_\_\_\_

Were “on the record” comments audible?

- ☐ Entirely
- ☐ Mostly
- ☐ Barely (e.g., front row or loud remarks only)
- ☐ Not at all

## Individual Case Observation

Case Number	#	#
<b>Purpose of Court Appearance</b> A = Arraignment, PT = Pre-Trial, PL = Plea, T = Trial, O = Other (make note)		
<b>Case Outcome</b> R = Reset, PL = Plea, T = Trial, O = Other (make note), NG = Not Guilty, C = Conviction		
<b>Type of Sentence</b> J = Jail, P = Probation, F = Fine, R = Restitution, MCWS = MC Women's Shelter, BIPP = Batterer Intervention and Prevention Program, O = Other (make note)		
<b>Defendant Sex (M/F)</b>		
<b>General: (Y/N/NA)</b>		
Defendant requested reset.		
Defendant requested an interpreter.		
Defendant was provided an interpreter.		
Defendant explicitly waived right to attorney.		
<b>Trial Cases:</b>		
Was victim in the courtroom? (Y/N)		
Was victim accompanied? (D = with defendant, VA = with advocate, F = with family/friends, O = with other/make note, A = alone)		
Was testimony given? (D = by defendant, V = by victim, P = by police, W = by witness, C = by child, O = by other/make note)		
Did advocate stand with victim when she/he was speaking? (Y/N/NA)		
What was the overall tone of the judge when talking to victim? (e.g., stern, intimidating, distracted, caring, respectful, impatient, etc.)		
Was the defendant convicted? (Y/N)		



<b>Case Number</b>	<b>#</b>	<b>#</b>
<b>The Judge: (Y/N/NA)</b>		
Explained purpose of today's court appearance		
Explained right to be represented by an attorney		
Made eye contact with defendant		
Greeted defendant by name		
Engaged in direct conversation with defendant		
Read a script to defendant		
Explained the legal terms used		
Asked defendant if he/she or attorney had anything else to say before decision		
Made eye contact when speaking to defense attorney		
Appeared impatient with defendant		
Appeared impatient with defense attorney		
Appeared impatient with ADA		
Was intimidating to defendant		
Gave the defendant a moral lecture		
Raised voice at defendant		
Was caring to defendant		
Asked defendant about other social problems		
<b>With the following scale (1-5): 1 = Very disrespectful, 2 = Disrespectful, 3 = Neutral, 4 = Respectful, 5 = Very Respectful</b>		
How respectful was the judge to the defendant?		
How respectful was the defendant to the judge?		
<b>Additional Notes:</b>		

## Appendix B: Semi-Structured Victim Interview

### Montgomery County Domestic Violence Court Interview Questions

1. What is your gender?
  - ☐ Male
  - ☐ Female
  - ☐ Transgender
  
2. What is your age? \_\_\_\_\_
  
3. What is your race?
  - ☐ African American
  - ☐ Asian
  - ☐ Caucasian
  - ☐ Hispanic
  - ☐ Native American or Alaskan Native
  - ☐ Other
  
4. What is your marital status?
  - ☐ Married
  - ☐ Divorced
  - ☐ Separated
  - ☐ Widowed
  - ☐ Never married
  
5. What is your household income level?
  - ☐ Less than \$10,000
  - ☐ \$10,000-19,999
  - ☐ \$20,000-29,999
  - ☐ \$30,000-39,999
  - ☐ \$40,000-49,999
  - ☐ \$50,000-59,999
  - ☐ \$60,000 or more
  
6. What is the highest degree or level of school you have completed?
  - ☐ No schooling completed
  - ☐ Nursery school to 8<sup>th</sup> grade
  - ☐ Some high school, no diploma
  - ☐ High school graduate, diploma or the equivalent (for example: GED)
  - ☐ Some college, no degree
  - ☐ Trade/technical/vocational training
  - ☐ Associate degree
  - ☐ Bachelor's degree
  - ☐ Master's degree
  - ☐ Professional or doctorate degree

7. How long were you involved in a relationship with the defendant?
- ☐ Less than six months
  - ☐ 6-12 months
  - ☐ 1-2 years
  - ☐ 2-5 years
  - ☐ 5-10 years
  - ☐ 10 or more years
8. Do you plan to continue your relationship with the defendant?
- ☐ Yes
  - ☐ No
  - ☐ Unsure
9. Within the past three months did you get assistance from an outside victim service agency (i.e., Montgomery County Women's Center, SAAFE House, etc.)?
- ☐ Yes
  - ☐ No
10. Did you ask the court to drop the charges?
- ☐ Yes
  - ☐ No
- a. If yes, why did you want to drop the charges?

### Court Overview

11. What was the outcome of your case?
- ☐ Plea bargain
  - ☐ Trial
  - ☐ Case dismissed
  - ☐ Case moved to other court
  - ☐ Other: \_\_\_\_\_
- a. If there was a trial, what was the outcome?
- ☐ Guilty
  - ☐ Innocent
  - ☐ Other: \_\_\_\_\_
12. Did you attend the following?
- |                             | Yes                      | No                       | NA                       |
|-----------------------------|--------------------------|--------------------------|--------------------------|
| Arraignment (First Hearing) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Pre-trial (Second Hearing)  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Trial                       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Other hearings              | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

13. Have you been involved in one or more previous court cases in which you were a victim of domestic violence?

- ☐ Yes  
☐ No

a. If yes, was your case(s) processed by the Montgomery County Domestic Violence Court?

- ☐ Yes  
☐ No

14. What were your goals for the current court case?

15. For the following statements we would like to know if you agree or disagree. You can respond strongly disagree, disagree, agree, and strongly agree.

Statement	Strongly Disagree	Disagree	Agree	Strongly Agree
I regret being involved in the court process.	1	2	3	4
I am disappointed in the court system.	1	2	3	4
The court process cost me too much money.	1	2	3	4
I am confused about what happened in court.	1	2	3	4
I am upset.	1	2	3	4
I was pleased with the timely manner of the court process.	1	2	3	4
I have time to focus on other things now.	1	2	3	4
I got what I needed.	1	2	3	4
I got all the resources I wanted from the court.	1	2	3	4
My self-esteem increased because I spoke up for myself.	1	2	3	4
I got everything I wanted in the court process.	1	2	3	4
I am worried about what the respondent will do next.	1	2	3	4
As a result of this process, I am more afraid.	1	2	3	4
Telling people in court about what happened was like reliving what happened.	1	2	3	4
I believe that the respondent learned his/her lesson.	1	2	3	4
I feel like a victim.	1	2	3	4
I feel safe.	1	2	3	4
I felt like my case was not all that important to the court workers.	1	2	3	4
I felt more like a number than a person during the court process.	1	2	3	4
I believe the court took me seriously.	1	2	3	4
I feel like the workers at the court heard me.	1	2	3	4
The court process caused problems for me at home.	1	2	3	4
The court process caused problems for me at work.	1	2	3	4

## Communication with Court Officials

16. Who made initial contact with you about your court case?

- ☐ District Attorney
- ☐ Court Advocate at MCDVC
- ☐ Advocate at Montgomery County Women's Center
- ☐ Other: \_\_\_\_\_

17. How many times did you have contact with a district attorney or court advocate?

- ☐ None
- ☐ 1-3
- ☐ 4-8
- ☐ 9-12
- ☐ 13+

18. Did the district attorney or court advocate explain the court process to you before the arraignment?

- ☐ Yes
- ☐ No

19. Did you feel comfortable asking questions about the court process?

- ☐ Yes
- ☐ No

20. Did the judge, district attorney, and/or advocate explain the outcome of your court case?

- ☐ Yes
- ☐ No

21. Did the judge, district attorney, and/or advocate explain the conditions placed on the offender?

- ☐ Yes
- ☐ No
- ☐ Not Applicable

22. If you experience another incident of domestic violence, would you feel comfortable returning to the Montgomery County Domestic Violence Court?

- ☐ Yes
- ☐ No

23. Would experiences in this court influence your decision to call the police in a future incident of domestic violence?
- ☐ Yes
  - ☐ No
- a. If yes, please explain how your experiences with this court would influence your decision to call the police in a future incident of domestic violence?
24. Do you feel that the court gave you adequate time to explain your side of the story?
- ☐ Yes
  - ☐ No
25. Do you think the outcome of your case was fair and just?
- ☐ Yes
  - ☐ No
- a. If no, why do you think the outcome was unfair or unjust?
26. Do you think the Montgomery County Domestic Violence Court's response to domestic violence cases is too easy, too harsh, or just right?
- ☐ Too easy
  - ☐ Too harsh
  - ☐ Just right
27. Do you feel that the following individuals were concerned with your side of the story?
- |                   | Yes                      | No                       |
|-------------------|--------------------------|--------------------------|
| Judge             | <input type="checkbox"/> | <input type="checkbox"/> |
| District Attorney | <input type="checkbox"/> | <input type="checkbox"/> |
| Court Advocate    | <input type="checkbox"/> | <input type="checkbox"/> |
28. Were you satisfied with your level of participation with the court case?
- ☐ Yes
  - ☐ No
- a. If no, why were you unsatisfied?

## Safety

29. Do you agree or disagree with the following statement? I feel that the court was concerned with my safety. Do you strongly disagree, disagree, neutral, agree, or strongly agree?

- ☐ Strongly Disagree
- ☐ Disagree
- ☐ Neutral
- ☐ Agree
- ☐ Strongly Agree

30. Were you concerned that the results of the hearing would impact your safety?

- ☐ Yes
- ☐ No

If yes, what were your concerns?

31. Did you mention any safety concerns to the following?

- |                      | Yes                      | No                       |
|----------------------|--------------------------|--------------------------|
| a. MCDVC Advocate    | <input type="checkbox"/> | <input type="checkbox"/> |
| b. District Attorney | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Judge             | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Other: _____      | <input type="checkbox"/> | <input type="checkbox"/> |
- e. If yes, do you feel like they took your safety concerns seriously?
- ☐ Yes
  - ☐ No
- f. Did they address your safety concerns during the court hearing?
- ☐ Yes
  - ☐ No

## Overall Thoughts on Court

32. How do you think the Montgomery County Domestic Violence Court could be improved?

33. Are there any things the court could do differently to help you to feel safer?

34. Are there any things the court could do differently for you to feel more supported?

35. Overall, do you think the Montgomery County Domestic Violence Court helped you in your situation? Please explain how it was or was not helpful.







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