



COURT WATCH PROJECT REPORT

21st Circuit St. Louis County Division 64
July 1- December 31, 2016

This project was supported by Grant #2015-FJ-AX-0009 awarded by the Office On Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence against Women.

COURT WATCH PROJECT

MISSION STATEMENT

The mission of the Court Watch Project is to make the justice system more effective and responsive in handling cases of domestic violence perpetrated against women and children and to create a more informed and involved public.

The Court Watch Project is a volunteer staffed project under the auspices of the St. Louis Ending Violence Against Women Network (SLEVAWN), in which court proceedings in the St. Louis Circuit Courts are monitored. That information is made available to the court, the Bar and the public to ensure transparency and to give victims a greater voice in how the court processes domestic violence cases. Volunteers attend court on specific days to observe Civil Protection Order cases and record case outcomes on a form.

HISTORY OF COURT WATCH

In January of 1997, concerns were raised at a Missouri Coalition Against Domestic Violence, now known as Missouri Coalition Against Domestic and Sexual Violence (MCADSV), St. Louis Metropolitan Region meeting about whether victims of domestic violence were getting the Orders of Protection that they needed and whether these victims were being treated fairly by the Judges and court personnel. A suggestion was made to start a court watch program to address these concerns. A committee was formed to develop a court watch project.

In April of 1997, with a limited number of volunteers, the St. Louis Metropolitan Region of MCADSV began monitoring three (3) of the nine (9) courtrooms which hear Order of Protection cases in the Circuit Court of the State Missouri, Twenty-First Judicial Circuit in St. Louis County. An increase in volunteers allowed the program to expand to all nine (9) courtrooms in March of 1998. Plans began to be made to expand the Court Watch program to the Twenty-Second Judicial Circuit Court of the State of Missouri in St. Louis City in both the civil divisions which hear Order of Protections cases, as well as the two criminal divisions, which hear misdemeanor and felony domestic violence cases.

There was then a change in staff at the lead agency for the Court Watch Project (St. Martha's Hall), and it slowly decreased in participation, and then ceased operations.

In 2006 the Court Watch Project became a permanent program under MCADSV St. Louis Metropolitan Region and the Family Violence Council of St. Louis City as the two organizations joined efforts to expand this project. The Program remained active until 2008.

Recognizing again that victims of domestic violence were still experiencing problems in the courtroom in 2013, SLEVAWN reignited the Project. In 2014 The Advocacy and Action Committee of SLEVAWN sought and received funding for the Court Watch Project from SLEVAWN to buy supplies.

In September 2015 St. Martha's Hall, acting on behalf of the Court Watch Project received a three-year grant, *Support of Families in the Justice System*, from the Department of Justice, Office on Violence Against Women. The Project now has a paid coordinator, an independent contractor.

NECESSITY OF A COURT WATCH PROJECT

Victims of domestic violence enter courtrooms in St. Louis County and City everyday seeking help to escape the violence in their lives. Many victims experience frustrations with the process, which leads to a lack of trust in the judicial system when seeking Orders of Protection and/or testifying against their abusers in criminal domestic violence cases. Unlike someone being prosecuted for a crime, victims of domestic violence have very few rights.

To help support victims on a systemic level, volunteers are needed to monitor the courtrooms that hear the Adult Abuse Order of Protection Dockets, to work toward improved outcomes for victims. The feedback received through a court watch project can be used to change the policy and procedure in several ways. The results can be shared with the Presiding Judge with a request for changes. The results can be published to encourage the Judges to change their demeanor or procedures and, they can be used as a basis for changing the law.

“Ensuring Justice for Victims of Domestic Violence”

COURT WATCH PROJECT REPORT

JULY 1ST – DECEMBER 31, 2016

21st Circuit St. Louis County, Division 64

The Honorable Victoria Mullen McKee, presiding

OBJECTIVES AND PROGRESS OF COURT WATCH PROJECT

- Send trained volunteers into the courtroom to evaluate whether victims of domestic violence are being treated fairly by the judicial system.

To date, there are 47 trained volunteer monitors including students, interns, organizational representatives, community volunteers and advocates. Volunteer monitors attend a 4-hour training prior to collecting data.

- Conduct research to identify the problem patterns and issues within the court system.

*For the sake of transparency, it should be noted that there was an insufficient number of **available** monitors to collect the amount of data needed for a full report. The Court Watch Project Coordinator was asked by an outside stakeholder to continue observing and collecting data when possible. Only questions with enough consistent data are reported below. Due to multiple additional trainings, the Court Watch Project will have consistent volunteer monitors to collect more accurate data beginning in January 2017. The decision was made to re-observe Division 64 in St. Louis County Courts to ensure a fair and evidence-based assessment. Commissioner Victoria McKee is currently presiding.*

The Leadership Team made the decision to no longer use the third-party researchers to give the Project more control over language and recommendations within the report. It also provides more consistent access to the data to catch discrepancies or missing data on forms.

“It is a good experience to see what the victims of domestic violence have to do to protect themselves.” –
Court Watch Monitor

- Promote victim safety and offender accountability.

Based on a recommendation by the Court Watch Project, clerks in St. Louis County Circuit Court continue to obtain judge's signatures for the commissioners allowing bailiffs to stay in the courtroom for safety purposes. A memorandum dated August 2, 2016 regarding safety protocols for bailiffs in St. Louis County Circuit Court was given to Judge Michael Burton, presiding judge over the Domestic Violence Court by the Court Watch Project Coordinator to aide in the development of a new safety protocol.

- Improve the administration of justice.

In September of 2016, the Court Watch Project in collaboration with the Center for Court Innovation, provided a training to 12 judges in the region. The training focused on high risk assessments in family court cases. Commissioner McKee was extended an invitation but did not attend.

Representatives from the Center for Court Innovation and Department of Justice met with representatives from the divisions that were monitored by the Court Watch Project. Commissioner McKee did not meet with the representatives as planned.

- Increase public awareness and public trust in the justice system.

In November 2016, an additional 23 volunteer courtroom monitors who in addition to our current monitors are prospective jurors and voters in our community who now possess an increased awareness and understanding of the justice system and domestic violence. These volunteers can influence judicial retention and the community's response to domestic violence. The reports will now be available to the public on-line via the SLEVAWN website.

In September 2016, the Court Watch Project provided training to 12 judges and 75 professionals including some court room monitors from multi-disciplines, on high risk assessment in domestic violence cases. The training was funded through this project and the presenters, retired Judge Jerry Bowles from Louisville, Kentucky and Rebecca Thomforde Hauser with the Center for Court Innovation presented to the judges in the morning and Doug Gadette with the Family Safety Project presented to the cross-section of professionals in the afternoon.



IN 2016, THE ST. LOUIS REGION'S 24-HOUR
HOTLINE RECEIVED 4,618 CALLS.

Safe Connections, 2016 Community VAW Statistics

FINDINGS OF COURT WATCH PROJECT

COURTROOM PROTOCOL

SAMPLE SIZE – 16 FORMS COLLECTED (ONE PER DOCKET OBSERVED) COLLECTED FROM 3 MONITORS ATTENDING 16 SEPARATE DOCKETS

**denotes monitors' comments*

Question: Was the whole docket called to see who was present?

Finding: In 100% of the dockets observed, the whole docket was called before proceeding to hear cases.

Question: Were *No Service* cases handled before Defaults, Dismissals & Full Orders?

Finding: In 100% of the dockets, No Service cases, meaning the respondent was not served with official notice of the judicial hearing, were handled first.

Question: Did the Judge hear Defaults before hearing Full Orders with the petitioner & respondent present?

Finding: 88% of the observations reported yes.

Question: Was the Bailiff alert to courtroom activity?

Finding: 63% of the observations reported the bailiffs did not seem alert to the proceedings. 34% of the observations indicated the bailiff was sleeping.

Bailiff was sleeping through much of the proceedings.

Bailiff did not hold the respondent back and didn't know he had left the courtroom, an advocate told him.

Question: Was precaution taken to ensure the separation of petitioner and respondent throughout the proceedings?

Finding: 88% of the observations reported yes, the parties were separated.

Parties were separated after everyone was already in the courtroom.

Bailiff didn't stand between the parties.

Respondent left without being held, while petitioner was still there.

CASE OBSERVATION

SAMPLE SIZE – 72 OBSERVATIONS (INDIVIDUAL CASES) COLLECTED FROM 3 MONITORS ATTENDING 18 SEPARATE DOCKETS

Question: Was the Petitioner represented by an attorney?

Finding: 88% of observed cases, petitioner was not represented by an attorney.

Question: Did the Judge allow the petitioner to explain the situation?

Finding: In 89% of the cases observed, the petitioner appeared to explain the situation. Monitors noted that other cases it was either Not Known or data was left blank.

Question: Did the Judge explain the ruling to the petitioner?

Finding: In 67% of the cases, the Judge explained the order to the petitioner. In 31% of the cases, monitors noted that there was no explanation provided.

No explanation given on why order was denied.


Question: Did the Judge treat the petitioner with respect?

Finding: The monitors noted in 81% of the observed cases that the Judge did treat the petitioner with respect.

Question: Did the Judge blame the petitioner?

Finding: In 81% of the observed cases, the monitors reported the Judge did not blame the victim.

Commissioner asked why she kept seeing him after he threatened her.



IN 2016, THERE WERE 3098 DV RELATED
ADULT ABUSE PETITIONS AND 1036 CHILD
ORDERS OF PROTECTION PETITIONS FILED IN
THE ST. LOUIS COUNTY ADULT ABUSE
OFFICE.

St. Louis County Circuit Clerk's Office

COMMENDATIONS FROM THE COURT WATCH PROJECT

Safety and Security

The St. Louis County Family Courts consistently stations a Bailiff in the hallway outside the courtroom. The hallway outside the courtroom is a place where petitioners and respondents often wait before the beginning of court. Stationing a Bailiff in the hallway enhances the safety of the petitioners and helps in the prevention of altercations. Abusers often use court hearings to confront, harass, or threaten their victims. It is crucial that courthouse security patrol hallways to ensure victims' (Sack 2002).

Proficient and Productive Dockets

Commissioner McKee is consistent in beginning on time and handles no service and defaults cases before proceeding with full hearings. The Commissioner announces the docket several times to clear the courtroom for parties who do not need to be waiting. Often victims are missing work or have no childcare. The timely dockets allow parties to not be locked in court for extended periods of time when their cases are simply continued or the other party is not present.

Victim Advocates and Court Personnel

This court is unique in that it has dedicated staff and volunteers who assist victims in a multitude of areas, including but not limited to assisting with no service cases, safety planning, resource and referral information and general support. The Commissioner and other court personnel rely heavily on victim advocates to assist with individual victims and their needs.

St. Louis County Adult Abuse and Family Courts also utilize Guardians ad Litem and a special compliance advocate to assist the Judges and Commissioners. Additionally there is a dedicated Batterer Compliance Coordinator who works to ensure Respondents are in compliance with the court order and are held accountable through a dedicated Compliance Docket.

Given the risk of future violence and lethality for victims of domestic violence, it is crucial that victims see the courts as an access point for protection. Addressing other issues such as custody, substance abuse or batterers intervention counseling at the time of the full hearing, can be an additional source of protection for the families. Research shows that when defendants perceive the justice system to be

fair, they are more likely to comply with court orders and engage in future law-abiding behavior (Center for Court Innovation, 2016).

Custody ordered with supervised visits, Batterers Intervention Program ordered.

RECOMMENDATIONS FROM THE COURT WATCH PROJECT

Recommendation 1: Safety and Security

One of the major trends seen from the limited data was in regards to the Bailiffs' alertness and overall safety and security while in the courtrooms. In August 2016, a memorandum was sent to Judge Michael Burton regarding a recommended safety protocol during court proceedings. It is recommended that the courts remain vigilant in addressing additional areas to enhance victim safety and security while in the court. Suggestions from this protocol included:

1. Bailiff arrive in the courtroom at least 15 minutes before the docket is called to request that the petitioners sit on one side of the seating area and the respondents on the other. No security in the courtroom when litigants are present provides opportunity for the respondents to threaten the petitioners.
2. Bailiff stands between the parties as they approach the bench and during the entire hearing of the petition. Stay alert to the activity in the courtroom at all times. It is further recommended that the bailiffs not check email, play games or otherwise use their cell phones during this time. Bailiffs must be especially alert to the manner in which respondents may be trying to communicate with the petitioners.
3. Bailiff should detain the respondent in each case for 20 minutes to allow the petitioner time to safely leave the courthouse. If the petitioner is speaking with an advocate, it is recommended that the bailiff hold the respondent for 20 minutes after the petitioner leaves.
4. No court personnel should ever suggest that the parties go into the hall together for any reason.
5. The Court should have a protocol in place for the handling of disruptive or threatening litigants in the courtroom.
6. Bailiff or court house security should escort any petitioner requesting an escort to their car.

Recommendation 2: Procedural Justice - refers to the perceived fairness of the procedures and interpersonal communications that litigants experience in the courtroom as distinguished from distributive justice, which refers to impressions derived from case outcomes, who won/lost. (Numerous studies have linked

procedural justice to increased compliance with court orders and reduced recidivism.

The court experience can be anxiety provoking especially for domestic violence victims and the accompanying trauma is easily triggered by disrespectful court staff, lack of understanding of the court proceedings and feelings of hopelessness over the process. Continued training for all court staff and the Commissioner on procedural justice and domestic violence is recommended. If the courts are perceived as legitimate and trustworthy, victims are more likely to access help and request protective orders.

While we recognize the right of litigants to question each other, it is difficult for victims to confront their abusers often resulting in re-traumatization as well as the victim's future trepidation in accessing the courts for relief. Traditionally courts hearing Orders of Protection have not offered the litigants to question each other. Should the Court continue this practice it is recommended that a bailiff stand between the litigants and that the petitioner be given the opportunity to prepare for this questioning by first speaking with an advocate.

Additionally, the right of litigants to question each other is particularly upsetting for petitioners who are intimidated by the respondent.

Trying to give the respondent an out for his behaviors ie. a lot of pressure with new baby.

Commissioner allowed Petitioner and Respondent to question one another.

Recommendation 3: Victims need a transparent process, specifically around a more detailed explanation of the court process.

Much of what occurs in the courtroom may seem confusing and intimidating to someone not familiar with its process. It would be helpful to provide a handout or pamphlet available with the clerks detailing the court process, the meaning of commonly used legal terms involved during the dockets, as well as information about the safety of the petitioners and general FAQs. In addition, the court experience may be a safety concern to some petitioners. For example, it would be useful for petitioners to know that if they felt unsafe getting to their mode of transportation after a hearing, they can request a bailiff to escort them. Many domestic violence litigants are self-represented and lack information about the court process, how to present their case, or what information is admissible. It is not uncommon for those without counsel to leave court without understanding how to access resources to ensure their safety — such as obtaining a protective order — or, for litigants, what is expected of them to ensure compliance with a court order.

Recommendation 4: Question Respondents about possession of firearms.

Past recommendations and memorandums to both the St. Louis City and St. Louis County Courts were in regards to the importance of addressing firearms at the time of the full hearing. We encourage the Commissioner to continue this line of questioning, especially if the Respondent poses as significant threat to the petitioner. In the United States, 30 percent of female homicide victims are killed by their intimate partners. Shootings are the most common method by which an intimate partner kills his wife or girlfriend. (Elizabeth R. Vigor & James A. Mercy, *Evaluating Gun Policy: Effects on Crime and Violence* at 157 (Jens Ludwig & Philip M. Cook eds. 2003).

Although firearms were mentioned, Commissioner didn't order surrender of guns.

Checked box for firearms prohibition to apply.

Respondent has firearms, but no further discussion by judge.

COURT WATCH IS A SPONSORED PROJECT OF THE ST LOUIS ENDING VIOLENCE AGAINST WOMEN'S NETWORK, SLEVAWN.

SLEVAWN is an association of individuals, agencies and organizations who serve in the interest of victims of domestic and sexual violence and whose priorities are providing networking opportunities for all professionals and community organizations working with women and families; promoting awareness of public, private and community organizations as well as resources in the area of violence against women and providing education focusing on the prevention, advocacy and treatment of women who experience violence in their lives. There are currently twenty-one member organizations.

COURT WATCH LEADERSHIP TEAM

Christina Holmes, Program Director, Access Program MERS Goodwill

Susan Kidder, Executive Director, Safe Connections

Michelle Schiller-Baker, Executive Director, St. Martha's Hall

Jessica Woolbright, Children's Program Coordinator, St. Martha's Hall

Carla Maley, Court Watch Project Coordinator

Court Watch is grateful for its many dedicated volunteers who choose to devote their time and energy to the Court Watch Project to improve how our justice system responds to those harmed by domestic violence. Without their steadfast commitment, this project would not be possible.