



COURT WATCH PROJECT REPORT

22nd Circuit St. Louis City Division 14
July 1-December 31, 2016

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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

22nd Circuit City of St. Louis, Division 14
The Honorable Thomas C. Clark, II, 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.

During this 6-month cycle, ten monitors attended 15 dockets. Data was collected on a total of 154 individual hearings.

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.

- Promote victim safety and offender accountability.

Because of past recommendations from the Court Watch Project, the Presiding Judge in Division 14 of the St. Louis City Court has an additional bailiff in the courtroom to support and enhance victim safety. The Judge and sheriffs' deputies are very alert to activities in the courtroom and make every effort to separate the parties and defuse escalated situations.

- Improve the administration of justice.

Past recommendations to the Presiding Judge in Division 14 referred to the Judge's demeanor to litigants in the courtroom.

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

While it is noted the Judge is incredibly fair regarding his judgements and issues orders that are in the best interest of the victim, his demeaning behavior towards the parties can be perceived as very intimidating to victims. This perception can make it hard for victims to later want to rely on the judicial system for protection.

- 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 ST. LOUIS CITY, THERE WERE A 3,307
PETITIONS FOR ORDERS OF PROTECTION
FILED IN 2016.

St. Louis City Circuit Clerk's Office

FINDINGS OF COURT WATCH PROJECT

COURTROOM PROTOCOL

SAMPLE SIZE – 28 OBSERVATIONS (ONE PER DOCKET OBSERVED) COLLECTED FROM 10 MONITORS ATTENDING 15 SEPARATE DOCKETS

**denotes monitors' comments*

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

Finding: In 96% of the dockets observed, the whole docket was called before proceeding to hear cases. It should be noted that in the other 4%, data was left blank on the forms by the monitors.

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

Finding: In 75% of the dockets, No Service cases, meaning the respondent was not served with official notice of the judicial hearing, were handled first. It should be noted that in Division 14, the clerk handles all No Service cases. Monitors noted in 11% of cases it was Unknown if these cases were handled first, 4% of the forms this question was left blank.

The Judge does make announcements prior to the beginning of the docket to help explain how no service cases will be handled.

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

Finding: 64% of the observations reported yes and 21% reported no. This question was left blank or Unknown in 14% of the observations.

Default case heard after all other cases because Petitioner was late to court.

Question: Was the Bailiff alert to courtroom activity?

Finding: 86% of the observations reported the bailiffs were alert to courtroom activity. In 7% of the observations was it reported that the bailiff did not seem alert and 7% did not respond to this question.

The sheriff deputies in Division 14 are often very alert and bring in extra deputies as needed. The Presiding Judge has two deputies in the court room

when the docket begins and they are often instructing parties as the docket progresses, maintaining and enhancing victim safety.

Bailiff left to speak to someone in the hallway at Judge's request before 2nd bailiff arrived.

Bailiff left to see about noise in hallway briefly

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

Finding: 89% of the observations reported yes, the parties were separated. 7% of the forms it was noted Unknown.

Bailiff and sheriff were between them during hearing.

CASE OBSERVATION

SAMPLE SIZE – 154 OBSERVATIONS (INDIVIDUAL CASES) COLLECTED FROM 10 MONITORS ATTENDING 15 SEPARATE DOCKETS

Question: Was the Petitioner represented by an attorney?

Finding: 85% of observed cases, petitioner was not represented by an attorney.

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

Finding: In 94% of the cases observed, the petitioner appeared to explain the situation. It was only noted one time that the Judge did not have the petitioner speak first. Remaining cases were either Unknown or the question was left blank.

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

Finding: In 54% 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, said order was granted.

Absolutely no explanation by the judge for ruling.

OP not granted due to no evidence.

Question: Did the Judge treat the petitioner with respect?

Finding: The monitors noted in 84% of the observed cases that the Judge did treat the petitioner with respect.

Offered to put Respondent out of house even though Petitioner did not ask; judge apologized for her experience.

Question: Did the Judge blame the petitioner?

Finding: In 85% of the observed cases, the monitors reported the Judge did not blame the victim.

COMMENDATIONS FROM THE COURT WATCH PROJECT

Safety and Security

In previous reports, safety and security of victims had been a continuing recommendation. It should be noted that safety in Division 14 has been greatly enhanced since Judge Clark was assigned to this Adult Abuse docket most notably an additional deputy/bailiff in the courtroom. Other notable observations include the bailiff physically standing in between the two parties and often holding respondents for five minutes after the petitioner leaves, etc.

Bailiff noted names of those in hallway with children to make sure judge knows person is present.

Proficient and Productive Dockets

Judge Clark and the court personnel continue to handle no service cases and defaults before proceeding with full hearings. Often the petitioner/victim has missed work to attend the hearing to petition for an order of protection. If the petitioner/victim's case is not going to proceed due to lack of service or the respondent not appearing, then the petitioner may leave quickly allowing her/him to return to work. Additionally childcare is often difficult for petitioners/victims to afford or procure and therefore their children are present in the courtroom so the sooner the case is heard the less the burden on the children. 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.

Judge Clark does a brief explanation in the beginning of each docket regarding the court process.

Gave statement for those who hadn't heard name called.

Judge got frustrated with respondent's attitude and threatened to jail him. Put him in jury box.

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).

There were noted observations by monitors that the Judge addressed other issues regarding custody, visitation, property retrieval, and even firearm possession. 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.

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).

Time to retrieve property was arranged.

Judge is blunt and direct however it seems to be with goal of maintaining order.

It should also be noted that the Judge heavily utilizes other court personnel, specifically the Victim Advocate to assist him, especially in cases where the petitioner is requesting a dismissal. The Judge takes considerable amount of time asking questions of the petitioner to ensure they are making the decision to dismiss under no duress.

Judge Clark graciously accepted an invitation from the Court Watch Project and attended a Project sponsored training for judges on September 9, 2016. Judge Clark was also very welcoming in meeting with representatives from the Center for Court Innovation and the Department of Justice, Office on Violence Against Women prior to the training.



IN 2016, THERE WERE 4,618 CALLS TO THE
REGION'S 24-HOUR CRISIS HELPLINE.

Safe Connections, 2016 Community VAW Statistics

RECOMMENDATIONS FROM THE COURT WATCH PROJECT

Recommendation 1: Victims need a more transparent process, specifically around a more detailed explanation of the court process.

Judge used legalize/legal terms to "explain" alias cases. I wouldn't have known what it meant if I had not heard it in context after doing this for several years.

While there have been some improvements in this area from past reports, 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 from the clerks detailing the court process, the meaning of commonly used legal terms and court vernacular, as well as information about the safety of the petitioners. Additionally because the court experience may be a safety concern to some petitioners, petitioners should routinely be told they may request a safe escort off the court house property.

Many domestic violence litigants are self-represented and lack basic understanding about the court process, how to present their case, or what information is admissible. It is not uncommon for those without an attorney 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 2: Safety and Security

The Bailiff met people as they came in to separate petitioner and respondent; stragglers and latecomers did not hear announcement or anything.

It has been observed that the bailiffs do a good job separating petitioners and respondents while in the courtroom. However, the hallway outside the courtroom seemed to be a place where petitioners and respondents were often located and had potential contact without the presence of a bailiff. Placing a bailiff in the hallway could help protect the safety of the petitioners as well as prevent any altercations. Since abusers sometimes use the court hearings to confront, harass, or threaten their victims, courthouse security should try to better police hallways to ensure petitioners' safety (Sack 2002). Although significant improvements have been made, courtroom personnel should continue to remain vigilant in making sure that petitioners and respondents are always separated and that the petitioner's safety is respected and cared for.

Recommendation 3: Advancing Judicial Leadership

The court experience can be anxiety provoking for anyone, but victims of domestic violence experience high rates of trauma and can be easily triggered by disrespectful

court staff or feelings of hopelessness over the process. If the courts are perceived as respectful and not intimidating, victims are more likely to access help and intervention services. Likewise perpetrators who are treated respectfully but forcefully with no tolerance for their battering promotes accountability and that the court is watching.

Therefore litigants need to feel respected and not intimidated by judicial demeanor. Judicial demeanor refers to the manner in which judges 'do authority' in the courtroom.

Told petitioner her communication skills have not improved since the last Order of Protection.

Judge blamed the Petitioner for her current partner's behaviors and threats.

Asked petitioner why she didn't call the hotline.

Asked why "did you stay in room" or "defend yourself."

He apologized to respondent for entering order.

The judge called the docket and was extremely rude to people who did not answer loudly enough ie. there was a definite edge to his voice.

Continued training for all court staff and the Judge on procedural justice and domestic violence.

Recommendation 4: Continue questioning Respondents about possession of firearms.

Judge was cognizant of guns being in the household and asked about it.

Ordered that respondent surrender gun, he said his dad had it, and judge said he may need to surrender it.

In past reports, a major area of concern was in regards to addressing the issue of firearms. We encourage the Judge to continue this line of questioning in every case, especially if the respondent poses a significant threat to the petitioner.

Recommendation 5: Consideration of a separate Contempt docket.

While all courts strive to hold litigants accountable, it is especially important in domestic violence cases to protect victims by encouraging litigants to comply with orders of protection, respect court outcomes, and understand what is expected of them (Center for Court Innovation 2016). A separate Contempt Docket would

provide an outlet for petitioners to hold offenders accountable when orders of the court are violated.

Judicial monitoring is one of the cornerstones of the domestic violence court model and can help courts work toward victim safety and offender accountability, including compliance with court orders. Research indicates that on-going judicial supervision, in conjunction with specialized probation supervision of offenders in the community, can positively affect the behavior of batterers and keep them from reoffending, at least during the pendency of the case.¹

References

1. Taylor, B.G., Davis, R.C., & Maxwell, C.D.(2001). The effects of a group batterer treatment program in Brooklyn. *Justice Quarterly*, 18, 170-201.



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

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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.