



COURT WATCH REPORT

22nd Circuit Court St. Louis City, Division 14
January 1st – June 30th, 2018
The Hon. Lynne Perkins, presiding

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INTRODUCTION

For over 20 years, the Court Watch Project has been sending trained volunteers into the St. Louis Circuit Courts to observe and collect data when there has been an identified need for change. Over the past decade, it has been an effective way to make small collaborative changes. Stakeholders within the court and community are continuing to sit at the table as they have for years and discuss ways to improve the Adult Abuse Court.

Court Watch uses a transparent process when monitoring the order of protection proceedings. The project shares all monitoring practices and areas of focus with judges and court administrators in advance. This provides all stakeholders with a clear understanding of the monitoring process. The forms were revised in December of 2017 to include more key elements of procedural justice: voice, respect, neutrality, understanding and helpfulness.

The Honorable Lynne Perkins was appointed Associated Circuit Judge and assigned to Division 14 beginning January 1st, 2018. Currently, it is common practice that the judge and their court personnel rotate annually creating a challenge for establishing consistency or long-term changes. The Court Watch Project will continue to work closely with the Court as an ally and resource while maintaining the forward momentum.

The Fall 2017 Court Watch Project Report recommended continued trainings for court staff and Sheriff deputies. In March 2018, members of the Court Watch Project Leadership Team provided a training to the clerks and court personnel on the dynamics of domestic violence. Because judges and court staff often rotate annually, on-going training is recommended to ensure individuals assigned to adult abuse dockets understand the dynamics and risk factors associated with domestic violence.

The Leadership team is comprised of advocates from the domestic violence community: Christina Holmes, RUNG, Susan Kidder, Safe Connections, Michelle Schiller-Baker, St. Martha's Hall, Jessica Woolbright, St. Martha's Hall, and Carla Maley, Court Watch Project Coordinator. The Center for Court Innovation provides technical assistance to the Court Watch Project under the Justice for Families Grant awarded by the Office of 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 THE COURT WATCH PROJECT

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, *Justice for Families Grant*, 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 change.

“Ensuring Justice for Victims of Domestic Violence”

JANUARY 1ST – JUNE 30TH, 2018

22nd Circuit Court City of St. Louis, Division 14
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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.

During this six-month period, 21 dockets were observed by 17 individual monitors. Each docket typically had two monitors collecting and reporting observations. Several monitors attended on multiple dates providing a combination of experienced monitors as well as new monitors with new perspectives of their observations. Volunteers attend court dockets on specific days to observe Civil Protection Order cases and record case outcomes and evaluations on a standardized form. That information is made available to the court, the Missouri Coalition Against Domestic and Sexual Violence, the Missouri Bar Association and the public to ensure transparency and to give victims a greater voice in the court process.

- Identify the problem patterns and issues within the court system.

During the six-month observation period from January 2018 through June 2018, monitors observed 36 default hearings and 53 full hearings. Narrative comments along with the quantitative information collected on the Court Watch Project forms were compiled by the Court Watch Project Coordinator. This report is the outcome mixed methods compilation of those observations.

- Promote victim safety and offender accountability.

The Fall 2017 Court Watch Report recommended the court consider developing a specialized domestic violence court for intimate partner order of protection cases. It was also recommended that a firearm retrieval protocols be developed in collaboration with local law enforcement. Both recommendations require lengthy planning and discussion and will continue to remain as recommendations in subsequent reports.

- Improve the administration of justice.

The Fall 2017 Court Watch Reports were provided to the previous presiding judge in Division 14, the Hon. Scott Millikan, as well as to the presiding judge of the 22nd Circuit Court, the Hon. Michael Mullen, and the Family Court Administrative judge, the Hon. Theresa Burke. The reports were well received, and the Court Watch

Project continues its efforts to further strengthen relationships with Judicial Leadership. A Dynamics of Domestic Violence training was held for the Adult Abuse clerks and Division 14 court personnel in March 2018 introducing topics related to intimate partner violence and power and control dynamics.

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

An additional 20 volunteer courtroom monitors were trained during the first six months of 2018 for the Court Watch Project. As our current monitors, these individuals 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 influence judicial retention and the community's response to domestic violence. Past reports are available to the public online via the SLEVAWN website, <https://slevawn.org> to educate other citizens and further informed civil engagement in the St. Louis community.

METHODOLOGY OF THE COURT WATCH PROJECT REPORT

There are two Court Watch monitor forms: 1. Courtroom Protocol and 2. Case Observations. Each monitor completes one Courtroom Protocol form for the entire docket. The Case Observation form is used for individual “default” or “full hearing” case only. Information regarding “consents”, “continuances” and “child orders” are not collected. However, all Courtroom Protocol narrative observations are collected for the entirety of the docket even incidents occurring during one of the types of hearings not formally being collected in a Case Observation form. The purpose of the narrative observations is to provide a more comprehensive perspective of the courtroom, the staff and the proceedings that perhaps the standardized questions cannot capture.

The data are broken out into “default” cases and “full hearing” cases, notated as such within the report and are separated out because some questions are only applicable to full hearings. Continuances and dismissals are not recorded. Narrative comments from monitors are noted in italic purple below. The Project Coordinator did review each form as it was turned in to ensure consistency between the monitors. The complete list of data outcomes is posted on the SLEVAWN.org website along with these completed reports. The questions below are the direct questions completed on the forms. Some questions are not used for external reporting at this time but are collected for internal record keeping. There may be questions that appear on the data outcome reports that are not reflected in the narrative report. Findings regarding Batterers Intervention Programs, firearms and volunteer lawyers are currently not reported in the report because this Division currently does not have any services or procedures in place.

The Leadership Team of the Court Watch Project meets annually to review forms and questions to ensure relevance and validity of the data collected and to identify ways to improve the instruments for the next cycle. There have been some questions identified in this six-month cycle that were revised to ensure the information collected is more objective and will decrease inconsistent or inaccurate results. Forms were revised in December of 2017 to reflect those changes. The following are the elements of Courtroom Protocol and Case Observations we aimed to measure, the questions we used to measure those elements, and the findings of those questions.

COURTROOM PROTOCOL –

SAMPLE SIZE –35 FORMS COLLECTED (ONE PER DOCKET WAS REQUESTED FROM EACH MONITOR OBSERVING; 17 MONITORS ATTENDED 21 SEPARATE DOCKETS

**denotes monitors' comments*

TIMELINESS OF THE DOCKET

Question 1-2: What time was the docket scheduled? What time was the docket called?

Finding: The Judge was very timely in coming to the bench between 9:05 and 9:15. He gave a brief introduction and began calling the docket shortly after. The docket was called within five to ten minutes of coming to the bench depending on the length of his introduction.

EFFICIENCY OF THE DOCKET

Question 3: Were parties separated to different sides of the courtroom as they entered? (either by Bailiff instructing them, during check in, sign posted, etc?)?

Finding: In 88% of the observed dockets, parties were separated to different sides of the courtroom prior to the docket being called. The Bailiff had parties check in with him before sitting down. Once the Judge took the bench, the Bailiff was often seen in the back of the courtroom by the door checking individuals in and out as needed.

He checked their paperwork and told them where to sit. He would also call the line # out loud so clerk could check service and begin to identify defaults, dismissals and full hearings.

The Judge's Bailiff was very adamant about check-in on a consistent basis. However, when that Bailiff was not available, monitors often noticed no care was taken to separate parties, especially after the Judge began speaking.

Several Petitioners were, and Respondents were on the same side; no response from Bailiff.

It was unclear that parties need to check-in prior to the start of the docket. Bailiff only talked once, 20 minutes before the docket was called if anyone needed to check in.

Question 4: Were all the names on the docket called before individual cases were brought to the bench

Finding: In 100% of the observed dockets, the Judge called all names three times during the initial docket call. The Judge also allowed some leeway for latecomers.

Question 8: Were No service/No return cases either handled first (county) or handled on the side by the clerks/advocates (city)?

Finding: In 100% of the observed dockets, no service cases were handled by the clerks and immediately after initial docket call.

Handling of no service and dismissals took over an hour despite the efficiency of the clerks. This is more an issue of the fullness of the docket rather an issue with staff. Judge Perkins did apologize for the wait and thanked those still waiting.

Question 9: Did it appear that cases with one party were called up to the bench before cases with two parties?

Finding: In 85% of the observed dockets, default cases were handled before full hearings. The Judge was very consistent in addressing defaults before full hearings. It should be noted that on several occasions defaults were handled by the Commissioner in a different division due to lengthy dockets so this number is a bit lower due to this reason. Also, parties that were represented and needed to discuss some details with the Judge were handled first. The Judge informed those in attendance of the order he would address cases for efficiency purposes.

Defaults sent to Div. 14a

Explained that no service, continuance and defaults and that these cases would be heard first. Also asked anyone whose name was not called to see clerk or Bailiff.

TRANSPARENCY OF THE PROCESS

Question 5: Did the Judge explain the court process to the parties, either verbally or through a handout, before the hearing?

Finding: In 98% of the observed dockets, the Judge explained the process prior to the start of hearings.

Explained the order of cases and procedures before the docket.

Judge Perkins gave a thorough explanation of the vocabulary, procedures, justifications and consequences of the process.

Judge spent a lot of time with each Petitioner that requested dismissal. Made sure They understood they could refile, asked if they had been threatened or harassed.

Question 10: Did the judge call the Respondent's name before proceeding as a default?

Finding: In 94% of the observed dockets, monitors noted that the Judge did call the Respondent's name before proceeding. When it was indicated that the Respondent was incarcerated, the Judge often did not call the Respondent's name as noted by the 6% of N/A responses.

LITIGANT SUPPORT

Question 6: Did you see advocates speaking to Petitioners prior to court starting or their cases being heard?

Finding: in 78% of the observed dockets, monitors observed advocates speaking to Petitioners before their cases were heard. There is currently one full-time advocate employed by Crime Victim's Center that covers both the dockets and daily applicants in the Adult Abuse Office. There was one intern with the advocate present during some dockets.

Two advocates spoke with Petitioners after hearings.

Spoke to some before their case and all after they got paperwork.

Question 7: Were advocates accessible throughout the court proceedings?

Finding: Advocates were noted as being accessible throughout the court proceedings in 88% of the observed dockets.

SAFETY AND SECURITY

Question 11: Was there a Bailiff in the courtroom at all times?

Finding: In 78% of the observed dockets, Bailiffs were present in the courtroom at all times. During a handful of dockets, the Judge's Bailiff was the only deputy in the courtroom and was often handling multiple tasks at one time.

He stepped out a few times to handle paperwork.

He left after docket was called and gone a few minutes. People were coming and going in courtroom while he was gone.

Bailiff did his best to overview all activity in the courtroom, but it was too much for just one person.

Question 12: How closely was the Bailiff monitoring the courtroom?

Finding: Approximately, 80% of monitors agreed or strongly agreed that the Bailiff was closely monitoring the courtroom. Most comments were consistent with this finding.

Constantly monitored those coming in.

Bailiff was diligent about cell phone usage.

Bailiff asked women with child to step out because baby was disruptive.

On phone but seemed to notice when people would walk in or out, would tell them to sit, etc. However, he left during a full hearing, when he returned he stood between the two parties.

In addition to the Judge's Bailiff, there were several familiar Bailiffs throughout the six-month observation period. There were other times that Bailiffs seemed to be assigned to the docket at random. This was especially true when the Judge's Bailiff was not present.

The inattentive Bailiff creates a feeling that the security is lax.

Three Bailiffs but one was on his phone the whole time.

One Bailiff was a model of attentiveness and professionalism. The other spent most of the time looking on the floor, closing his eyes and messing with his fingers. Brought in two more Bailiffs to provide coverage but they left when default cases were transferred to another division.

One Bailiff was sleeping, another one was talking loudly with other parties and the third leaned into advocate and loudly whispered about the mental challenge of Petitioner. Everyone in jury box heard his comment.

There were a lot more conversations going on than previous times and cellphones were going off. It didn't feel like the courtroom was well composed as in the past.

CASE OBSERVATION –

SAMPLE SIZE – 36 DEFAULT OBSERVATIONS AND 53 FULL HEARING OBSERVATIONS (INDIVIDUAL CASES) COLLECTED FROM 17 MONITORS ATTENDING 21 SEPARATE DOCKETS.

LITIGANT SUPPORT

Question 1-2: Was the Petitioner represented by an attorney? Was the Respondent represented by an attorney?

Finding: In 89% of the observed default cases, Petitioners were self-represented. In 96% of the full hearings, either the Respondent or Petitioner were self-represented. There were two full hearings with Respondents represented by an attorney, yet the Petitioner was not. There were no full hearings observed where both parties were represented.

Question 3-4: If the Petitioner needed a language interpreter was one provided? If the Respondent needed a language interpreter was one provided?

Finding: The Court was consistent in having interpreters available when needed however there were no observed hearings with interpreters. There was no observed case continued due to no interpreters available.

He used English as a second language, so the Judge asked the lawyer if he needed an interpreter. The attorney said he did not. The Judge spoke with the Petitioner before beginning the hearing to ensure his speech was clear enough to proceed. Also, the clerk used the Muslim affirmation to swear him in.

JUDICIAL MANNER

Question 7 & 9: Did the Judge treat the Petitioner with respect? Did the Judge treat the Respondent with respect?

Finding: The monitors noted in 99% of the observed cases that the Judge did treat the Petitioner and Respondent with respect. In 100% of default cases the Judge did treat the Petitioner with respect.

Very kind, clear with direction, patient and engaged.

Judge went off record to help Petitioner emotionally figure out what she wanted from the proceeding. He was understanding of her conflicted feelings regarding the Respondent.

Judge had a very non-judgmental tone, made eye contact, asked questions to clarify.

Judge thanked both parties for their patience because they were last hearing after a five-hour docket.

Question 8: Did it appear that the Petitioner was given a chance to provide testimony and be heard? Monitors comments often noted about the calm and patient demeanor of the Judge throughout testimonies.

Finding: In 100% of the observed default and full hearings cases, it was noted that the Petitioner was provided an opportunity for their testimony to be heard.

The Judge was very patient with the Petitioner who appeared to be mentally impaired or chemically impaired.

He let her tell her story and flush out details.

Judge was very patient, so sincere, warm even to the combative people. Leaned into listen.

Judge Perkins let her read a long litany of threats that Respondent sent her on Facebook. Asked her to clarify questions about threats.

Judge asked, "is there anything else you need to tell me?"

Question 10 (full hearings only): Did it appear that the Respondent was given a chance to provide testimony and be heard?

Finding: In 100% of the observed full hearings cases, it was noted that the Respondent was also provided an opportunity for their testimony to be heard.

Let Respondent talk about his missed doctors' appointments because of long docket. Remained calm and apologized to Respondent. Very sincere.

Explained what would happen today versus divorce hearings reminded him to use verbal response not nod.

Question 11: Was a full order of protection granted?

Finding: In 92% of the observed default cases, the full order was granted. In 42% of full hearings observed, full orders were granted to Petitioners. Denials may be based on factors outside of the control of the Judge, including not meeting the requirements of the statute as defined by the Missouri Adult Abuse Act in Chapter RSMo 455 or the Petitioner not meeting the burden of proof.¹ The monitors reported insufficient evidence to meet the statute as the reason for most of the denials.

Abuse was over 3 months ago, she has not seen Respondent since. Judge explained if abuse began again she could refile or consider child order if abuse is directed at child.

Teenager got into fight and not enough evidence for a full order.

¹ Chapter RSMo 455 Pursuant to the Missouri Domestic Violence Act, a person may seek an order of protection from acts, attempts or threats to him or her from a family or household member or intimate partner; or from acts of stalking or sexual assault. "Stalking" is when any person purposely engages in an unwanted course of conduct that causes alarm to another person, or a person who resides together in the same household with the person seeking the order of protection when it is reasonable in that person's situation to have been alarmed by the conduct.

He explained very clearly why he did not grant order because of the statute.

Judge asked Petitioner if she wanted him to address custody issues.

Petitioner stated no, she would wait for divorce.

There were a few comments from monitors regarding the denial of an Order of Protection.

Petitioner had pictures of injuries and police report. Judge said it was a “violent” relationship, but it is over now, and he believed some of both parties' story.

Judge seemed to know Respondent was a threat, but that Petitioner didn't give enough evidence under the law.

Question 12: Did the judge explain the ruling and elements of the order in plain language to the Petitioner and/or Respondent?

Finding: In 88% of default cases, the Judge explained the order to the Petitioner. In 66% of full hearings, it was noted that the Judge explained the ruling in a language that seemed clear and in recognizable legal terms. Monitors noted “n/a” when an order was not granted. In 15% of the observed full hearings, monitors noted elements of the order was not explained. Comments from monitors indicated there may be room for more plain language information regarding the ruling and elements of the order to litigants.

Judge explained order was granted but not restrictions.

He did explain his decision.

Judge Perkins was very thorough in explaining what contact was prohibited under the order.

I wish the judge would discuss multiple year orders or that an extension can be given and when to file for it.

Question 14: Were consequences of breaking the order explained to the Respondent?

Finding: While the Judge did explain the ruling and elements of the order, monitors noted that consequences of the breaking the order were only explained in 6% of the observed full hearings. It should be noted the Judge does make an announcement in his introduction about the seriousness of the orders if granted. However, providing Respondents with a clear understanding of possible sanctions for violating the order is an effective deterrence. It provides another

opportunity to address the seriousness of the proceedings to the parties and validates to the victim that there are ways to hold the offender accountable.

Nothing was said about the consequences - the gravity of the ruling was not implied nor explicitly stated.

COURTROOM SAFETY

(The following questions are specific only to the 53 full-hearing cases observed)

Question 15: Was precaution taken to ensure the separation of this Petitioner and Respondent **before** the proceedings?

Finding: In 96% of the cases observed, the parties were separated **before** the proceedings. This observation was noted as the parties stood up to come to the bench.

They naturally sat on opposite sides, Bailiff did not address this today.

One guy slipped in late when the Bailiff was looking down on his phone and sat on wrong side of the court. When his name was called, the Bailiff was in the hallway, so it was not corrected.

Question 16: Did the Bailiff stand near the parties **during** testimony (City)? Or were the parties seated at tables (County)?

Finding: In 91% of the cases observed, the parties were separated **during** the proceedings. Parties were given specific places to stand in front of the Judge. Monitors noted “yes” when a Bailiff was present between the parties.

No Bailiff during the hearing was present.

Bailiff had to leave post between current Respondent and Petitioner to give paperwork to prior parties.

The clerk asked the Bailiff to hand out paperwork to other Petitioners who were waiting. When the Bailiff left the bench, the other Bailiff was still sitting there without approaching the bench.

Question 17: Was precaution taken to ensure the separation of Petitioner and Respondent immediately **after** testimony as they waited for paperwork?

Finding: In 92% of the cases observed, the parties were separated **after** the proceedings. On a consistent basis, the Bailiff did have the Petitioner and Respondent sit in designated places after the hearings. There were some comments from monitors indicating there were times this did not occur.

Respondent was represented but was escorted out after harassing the Petitioner in the courtroom.

Petitioner walked out so Respondent was not held.

Question 18: Was the Respondent held in the courtroom to allow the Petitioner time to safely leave the courtroom and courthouse?

Finding: In only 64% of the observed cases, monitors noted that the Petitioner was given time to leave the courtroom.

The Petitioner was escorted out by two deputies because the Respondent left and could not be located.

The Respondent was clearly agitated and repeatedly speaking profanity. The Bailiff stared but didn't ask him to stop. Respondent left before Petitioner and the Bailiff decided to have Petitioner escorted out.

Question 19: Overall, was the Bailiff attentive during this hearing?

Finding: In 87% of the observed cases, monitors agreed or strongly agreed the Bailiff was attentive during the individual hearings.

With only one Bailiff it did not feel safe at times.

Seems as though Bailiff was trying to maintain safety protocol but simply had too much to do.

Question 20: In your opinion, did the proceedings seem controlled, efficient and serious in nature?

Finding: 93% of the responses from monitors indicated they agreed or strongly agreed that the proceedings seemed controlled and serious in nature.

The mother and sister of Respondent yelled from back of courtroom and Bailiff and Judge shut them down quickly.

Judge explained what was going to happen thoroughly to parties.

COMMENDATIONS

Though dockets were lengthy, the Judge and court staff moved the cases through efficiently and maintained a calm demeanor despite the long mornings.

Monitors noticed several key factors that seemed to attribute to an efficient docket. First, the Judge's clerk and additional court staff were organized and prepared for the docket. Multiple clerks were on hand to assist with organizing the cases for the Judge. Even though several were new to Division 14 in January 2018, they quickly worked through the initial challenging dockets and found a good symmetry to increase efficiency. Second, the clerks also handled no service cases themselves and began to address those cases in the hallway so that the courtroom cleared out for the Judge to begin hearing defaults more quickly. The Judge also referred cases to Division 14A to move cases through lengthy dockets. The Judge's clerk seemed to be a key element in the proficiency of the proceedings and was always professional and courteous to all individuals who approached her.

Clerks and Bailiff were working on paperwork and other court related tasks before docket officially started. Appeared that efficiency was priority.

The Judge's demeanor should also be commended, especially during the lengthy dockets. One reoccurring statement from monitors was the consistency of the Judge's calmness and patience throughout the long mornings. He provided the parties of the last hearing with as much time and consideration as the first. He showed respect to both the Petitioner and Respondent, often defusing situations before they escalated and asking clarifying questions to ensure he understood the testimonies. Judge Perkins provided an environment that demonstrated the seriousness of these cases.

He showed tremendous patience with a man who was extremely difficult to keep on point.

Petitioner gave a very long testimony and Judge was very patient and let her speak to tell her full story.

Some confusion about cross filing and child involved. Even after five-hour docket, Judge Perkins took the time to pull up research to get everything straight before starting. He was patient and thorough.

Judge Perkin's opening remarks and transparency throughout the docket provided self-litigants with information regarding the proceedings.

Much of what occurs in the courtroom may seem confusing and intimidating to someone not familiar with its process. Ensuring understanding is a key component of integrating procedural justice elements into domestic violence courts. After taking the bench, Judge Perkins provided an introduction with a synopsis of what will be occurring throughout the morning's proceedings. In all the observed hearings, monitors observed the Judge taking time to explain the process individually to the parties at the bench and what the expectations were. He would then refer to those expectations if the parties were not abiding by the

guidelines. If there were lengthy delays, Judge Perkins often informed the parties in the courtroom of the delay and what order he would be hearing cases. While there are more areas the Court can improve in providing information to self-represented litigants, the information provided by the Judge was helpful for parties to navigate through those specific proceedings.

RECOMMENDATIONS FROM THE COURT WATCH PROJECT

Recommendation 1: Provide ongoing specialized training to judges, bailiffs and personnel that work in Division 14 around the dynamics of domestic violence and best practices around safety and security.

Assessing risk can be difficult in domestic violence cases for a multitude of reasons and because situations tend to fluctuate. First, victims of domestic violence often minimize the abuse, especially in front of their abuser. In many situations, the abuse and control tactics can be so normal for them throughout their lives that the victims themselves have difficulty providing details or have the language to represent a true picture of what is happening. Trauma from abuse can also make remembering specific details even more difficult.

Asked her to be specific about her fear - "I need dates and specific incidents." seemed patronizing. "people put their hands on each other all the time, be specific".

A victim's focus at court may be on protecting their children or property, despite the original assault that brought them to file an order in the first place. Because, for them, that immediate crisis is over. This can make testimony difficult and details needed for the Judge to decide are often too watered down or not disclosed unless the Judge is familiar with specific risk factors or questions to assist in capturing more information specific to the abuse. Ethically or safely gather information regarding risks can also be challenging for judges. Monitors noted in 100% of the cases observed that Judge Perkins provided time for Petitioners to be heard. Despite the Judge's clear instructions on what he would like Petitioners to tell them, there was still times that only after specific questions did details of physical abuse or fear begin to emerge. It is important for all new judges hearing intimate partner cases attend trauma informed trainings regarding the dynamics of domestic violence and risk factors.

The Center for Court Innovation designed a guide to help courts better understand how to respond to domestic violence cases risk factors in civil protection order cases. The *Implementation Manual: Domestic Violence Risk Factor Guide for Civil Court Project (2017)* has several tools to assist judges, advocates and civil attorneys with articulating and assessing risks in matters of

adult abuse. Information regarding this guide is included in the “Resources” section at the end of this report.

Second, coming to court can often be an increased risk for victims and provide an opportunity for abusers to further manipulate or intimidate. Bailiffs and court staff should be trained on the techniques abusers often use and any possible safety risks for victims. As noted above, Bailiffs were only noted to be in the courtroom at all times in 78% of dockets observed. When Bailiffs are not present or attentive, abusers are provided opportunities to intimidate the victim simply through stares, sitting directly behind her, or attempting to talk with them. Several comments from monitors noted behaviors consistent with victim intimidation.

Respondent left prior to Petitioner and no attempt was made to separate Petitioner or Respondent.

Respondent kept making facial expressions in response to Petitioner’s testimony and his friends sitting the in the gallery were laughing while she spoke.

Respondent left the courtroom first and stated "I love you" to the Petitioner as he left.

As in past reports, it is recommended that judges, security staff and court personnel working dockets addressing intimate partner violence receive training, ensuring all staff assigned to the dedicated dockets are sensitive to the unique needs and dynamics surrounding domestic violence. In March of 2018, a training was held for the clerks in Division 14 and information was provided to Judge Perkins on conferences offered to judges by the National Council of Juvenile and Family Court Judges. Because the Division 14 Judge and staff are rotated annually, it is recommended that there be on-going annual training as well.

Recommendation 2: The Sheriff’s Department and Judicial Leadership should establish recommended safety protocols specific to adult abuse dockets.

Below are a few suggestions for recommended safety protocols for any Bailiff attending to adult abuse dockets.

1. Staggered exits for Petitioners and Respondents.

As noted above, only 64% of the Respondents were held in the courtroom after hearings allowing little time for victims to get to their cars safely. Because of the safety concerns associated with adult abuse cases, holding Respondents an additional 15 minutes is recommended for all cases on the docket where both parties appear including continuances or after full hearings. It is essential that victims feel safe not only in the courtroom

but as well as coming and going from court. For transparency purposes, the Judge could announce this procedure during his introduction so that everyone has clear expectations of how parties will be released.

2. Consistent separation of Petitioners and Respondents before, during and after hearings.

The Court should consider posting signs on what side of the courtroom Petitioners and Respondents must sit as well as verbal reminders before court. All persons entering the courtroom should be checked in by Bailiff consistently. If it is recognized during docket call that parties are sitting in proximity to one another, the Respondent or Petitioner should be instructed to move to the correct side. Judges should individually call Petitioner up to the bench, with brief pause before calling Respondent to avoid confrontation as they approach. After hearings, Petitioner or Respondent should be held briefly at bench until the other party has taken their seat in lieu of releasing both at the same time.

3. Monitoring of courtroom for any signs of intimidation or harassment.

Parties should be instructed either by Bailiff or Judge of the behavioral expectations while in the courtroom. No talking between parties either in the court or hallway, no staring, etc. The Judge instructs parties to look only at the Judge during testimony. Similar instructions regarding behavior while waiting for case to be heard should be given.

Recommendation 3: Convene a discussion committee focused on the development of a specialized domestic violence court for the 22nd Circuit Court.

There are many strengths of the 22nd Circuit Court, Division 14 that Judicial Leadership should strongly consider developing a specialized domestic violence court. A specialized Domestic Violence Court would focus specifically on victim safety and offender accountability by providing a more accessible court to self-represented litigants, specialized training to judicial and court staff, a compliance docket, resources for both victims and offenders, and community involvement. A committee should consist of stakeholders within the Court and community who would be invested in the development of a specialized domestic violence docket. Stakeholders should include representatives from Judicial Leadership, Sheriff's Department, law enforcement, Circuit Attorney's Office, Public Defenders Office, family court mediators and GALs, batterer intervention programs, domestic violence victim advocates, and St. Louis Family Violence Council representatives.

Recommendation 4: The Court should review ways to enhance and support self-represented litigants.

With 96% of litigants in full hearings and 89% of litigants in default hearings self-represented, the Court can play a vital role in providing resources and information to litigants to make the process more accessible and supportive.

When victims enter into the courts seeking orders of protection or custody arrangements, the process can seem overwhelming and complicated. By providing resources such as self-help centers, a user-friendly website with available forms and legal information, or on-site community partnerships the Court can support self-represented litigants through the complex processes.

Because many litigants obtain information regarding the legal system before ever going to court, providing readily available information via a user-friendly website could be a first step in enhancing services for self-represented litigants. The website should include information about the processes of custody, divorce and orders of protection. Forms should be accessible with easy to follow instructions, relief available through the courts, and how if at all, domestic violence may impact a case. Contact information for community resources such as domestic violence agencies, Father Support Center and free legal assistance programs should be listed.

The Center for Court Innovation recently published a guidebook outlining ways courts can assist self-represented litigants throughout the court process. From simple multi-lingual signage in the courthouse to collaboration with community legal resources to establish a self-help center for litigants, *Assisting Self-Represented Litigants in Domestic Violence Cases (2018)* provides many examples of what other jurisdictions from across the country have developed.

Resources

Implementation Manual: Domestic Violence Risk Factor Guide for Civil Courts Project. Center for Court Innovation, 2017. - This manual provides tools for judges, advocates and self-litigants to respond to domestic violence risk factors in order of protection cases.

[https://www.courtinnovation.org/sites/default/files/documents/Risk Factor Guide.pdf](https://www.courtinnovation.org/sites/default/files/documents/Risk%20Factor%20Guide.pdf)

Assisting Self-Represented Litigants in Domestic Violence Cases. Center for Court Innovation, 2018. - A guide for civil courts to use when evaluating and improving ways to assist self-represented litigants through the system.

<https://www.courtinnovation.org/publications/assisting-srl-dv-cases-recommended-strategies>