COURT WATCH PROJECT REPORT

21st Circuit Court, St. Louis County
January 1st – June 30th, 2019
The Honorable Victoria Mullen McKee, presiding
Division 64
Introduction

For over 20 years, the Court Watch Project has been sending trained volunteers into the St. Louis Circuit Courts to observe and gather information when there has been an identified need for change. Over the past decade, it has been an effective way to make small collaborative changes. With continued partnership and a shared commitment to hold offenders accountable, we encourage stakeholders within the court and community to sit at the table as they have for years and discuss ways to improve the Adult Abuse Court.

The St. Louis County Domestic Violence Court and Family Violence Council have been continuously supportive of the mission of the Court Watch Project. Since 2016, the Court Watch Project has monitored five separate divisions including three times in Division 64. Recognizing limitations of a third-party researcher with limited knowledge of the court processes and domestic violence, the Leadership Team of the Court Watch Project decided to begin publishing its own reports in 2017. Because of the low number of volunteers at the time and minimal information collected during the Fall of 2016 of Division 64, the Court Watch Project Leadership Team felt there was value in ensuring information was accurately obtained and agreed to monitor for another six-month period. In August of 2017, a Court Watch Project Report was published, and recommendations included increasing transparency for litigants during dockets and enhancing security practices. Since then, handouts were made available to litigants attending all adult abuse dockets with information regarding court proceedings, possible outcomes, and available resources.

During the last six months of 2018, the Court Watch Project monitored two separate divisions of the St. Louis County Domestic Violence Court for the purpose of identifying consistency within the divisions hearing intimate partner adult abuse protection order cases. The Fall 2018 Court Watch Project Report highlights the benefits of having specially trained judges hearing domestic violence cases and provided recommendations for improving safety and communication among staff during adult abuse dockets. Members of the Court Watch Project Leadership Team did meet with the Hon. Mondonna Ghasedi to discuss details of the report along with other recommendations that may enhance the St. Louis County Domestic Violence Court and how the Court Watch Project may progress in communicating information to the Court.

After the completion of a Needs Assessment conducted by the Center for Court Innovation in April 2018, priority areas were identified, and the Council has created subcommittees to address any needed action plans. Members of the St. Louis Ending Violence Against Women Network and Court Watch Project Leadership continue to participate in many of those subcommittees recognizing the value of partnership and collaboration with the St. Louis County Domestic Violence Court, law enforcement and other community members.
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 Project 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. In January 2019, the Court Watch Project began receiving funding through private grants and not the Department of Justice. The current funding sources are listed at the end of this report.

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 1<sup>st</sup> – JUNE 30<sup>th</sup>, 2019

21<sup>st</sup> Circuit St. Louis County, Division 64

OBJECTIVES AND DEVELOPMENT 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, 14 individual volunteers monitored 21 dockets. 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. Over the past three years, 78 individual monitors have observed five different divisions.

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

  During the six-month observation period, monitors observed 31 default hearings and 19 full hearings in Division 64. 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 of those observations. Over the past three years, the Court Watch Project has published five reports with 21 separate recommendations.

- Promote victim safety and offender accountability.

  The Spring 2018 Court Watch Project Report for St. Louis County Circuit Court, Division 6 and Division 43 were completed and provided to the presiding judges of each circuit, the respective sheriffs, the St. Louis Ending Violence Against Women Network (SLEVAWN), the Missouri Coalition Against Domestic and Sexual Violence (MCADSV), the Missouri Bar Association, key stakeholders and the broader community via various organizational website postings in March 2019. I don’t understand the 2018 reference and the City Circuit Court reference. Recommendations regarding safety and security, and other various protocols were provided within the reports along with updates of past recommendations.

  Members of the Court Watch Project Leadership Team attended Civil and Criminal Contempt dockets to observe the offender accountability practices in place in St. Louis County Domestic Violence Court. Members of the Leadership Team are currently participating in the Offender Accountability subcommittee of the St. Louis County Domestic and Family Violence Council exploring ways the court can improve or enhance compliance and judicial monitoring practices.
• Improve the administration of justice.

In March 2019, members of the Court Watch Project Leadership Team and the Court Watch Project Coordinator met with the Honorable Mondonna Ghasedi, presiding judge for Division 43 to review specifics of the Fall 2018 Court Watch Project Report and discuss various ways to enhance the St. Louis County Domestic Violence Court and ways to improve feedback from the Court Watch Project itself. A summary of the report was provided to members of the St. Louis County Domestic and Family Violence Council highlighting both the recommendations and commendations. The outcome of the Fall 2018 St. Louis County Court Watch Project Report highlighted ways to enhance communication between court staff and improve consistency among divisions of the St. Louis County Domestic Violence Court that hear adult abuse cases. These areas are also being addressed in subcommittees of the St. Louis County Domestic and Family Violence Council.

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

An additional nine volunteer courtroom monitors were trained in April 2019 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. The Court Watch Project Coordinator also presented findings from the Fall 2018 reports to both the St. Louis County Domestic and Family Violence Council and St. Louis Family Violence Council in March 2019. Summaries were provided to member organizations of each report. The Fall 2018 Court Watch Project Reports and all 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

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 have also been recently revised to include more key elements of procedural justice: voice, respect, neutrality, understanding and helpfulness. Best practices are designed to create safeguards for victims of domestic violence during elevated risk, such as the order of protection process.

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 and fill in any gaps the standardized questions cannot capture.

The data is 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 for the same reasons. Narrative comments from monitors are noted in italic purple below. The Project Coordinator reviewed 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 this and earlier 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.

Annually, the Leadership Team and Project Coordinator of the Court Watch Project 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 2018 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 Form

Sample size Division 64 - 35 Forms collected from monitors attending 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: Based on visual observations from the Project Coordinator and narratives from monitors, Commissioner McKee was very timely in coming to the bench. Commissioner McKee consistently came to the bench between 1:30 pm and 1:35 pm and began calling the names on the docket.

Efficiency of the Docket

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

Finding: Commissioner McKee routinely called all the names on the docket before proceeding with individual cases.

Called all names, then cases where no one showed, then cases with attorneys, then assessed for consents.

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 first. Commissioner McKee did bring up each Petitioner of no service cases individually and explained that their case could not be heard until proper service was established. Comm. McKee then handed the case over to an advocate to continue review options with the Petitioner. It was noted on several occasions that the Commissioner assigned all the advocates to no service cases leaving no other advocates in the courtroom to handle other issues as they arise.

Judge called no services one by one to speak to an advocate, leaving no advocates to assist with anything else.

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

Finding: In 80% of the observed dockets, cases with one party were called up before cases with two parties. While the Commissioner heard testimony from default cases before full hearings, it was common practice to first have all cases...
come before the bench to ask if they would like to proceed, consent, or have a hearing. This process was very time consuming and repetitive in nature.

A default was one of the last cases heard. Four consents and one dismissal before default was called.

The order in which cases were addressed seemed very random. No show names called two or three times before defaults.

**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:** Monitors noted that in only 22% of the observed dockets there were instructions regarding the court process by the Commissioner before proceeding with the docket. It should be noted that the bailiff did routinely provide the laminated informational handouts to litigants as they checked in. Monitors that marked “yes” to this question also noted that any instructions were limited to how the docket was going to proceed and that more instructions were provided when the individuals came to bench. At that time, there was limited information regarding consent agreements versus full hearing judgements and that the Commissioner often used legal jargon when explaining this information.

*No explanation at the beginning, just started calling docket, then no service cases.*

*Yes, but seemed minimal and confusing.*

*There was some information about docket order but that was it.*

*A Respondent seemed very unclear about the process and asking Commissioner many questions. Commissioner kept saying “I can’t give you legal advice, you can either consent or have a hearing”.*

**Litigant Support**

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

**Finding:** In 71% of the observed dockets, monitors observed advocates speaking to Petitioners before their cases were heard.

*Not prior but after conclusion of case or when judge called an advocate over.*

*Advocates appeared to approach Petitioners very late in the proceedings or only after the conclusion of the hearing.*
Petitioner was emotional after default (wiping away tears). Once paperwork was returned to clerk after getting a signature, an advocate approached her. Took awhile.

Petitioner did not ever state she was fearful for her safety. Did she know this was needed? Does anyone talk with her beforehand?

Note: Advocates typically did not appear in court until shortly before the docket was called. As stated in the Spring 2018 and Fall 2018 Court Watch Project Reports, the current practice for advocates is to meet with Petitioners after the Judge has spoken to them or when hearing is complete. When time permits and if the Petitioner is not represented, the advocates were observed meeting with Petitioners prior to full hearings. The Domestic Violence Court Coordinator may want to consider having a few advocates assigned to work with the bailiffs before the docket at check-in and have brief introductions with Petitioners prior to the judge taking the bench.

Question 7: Were advocates accessible throughout the court proceedings?
Finding: Advocates were noted as being accessible throughout the court proceedings in 98% of the observed dockets. As noted previously, there were times due to the process by which the Commissioner utilizes the advocates for no service cases that advocates were not available.

Both during court, before cases were called and after case was heard.

Safety and Security
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 100% of the observed dockets, parties were separated to different sides of the courtroom prior to the docket being called. The bailiff was stationed at the entrance of the courtroom checking each litigant in, providing informational handouts, and instructions on which side of the courtroom to sit. After the judge took the bench, if the bailiff noticed a latecomer, he would often approach them to check them in and ensure they were seated correctly.

Bailiff stood out front in beginning checking individuals in. Sign was posted.

Question 11: Was there a bailiff in the courtroom at all times?
Finding: In 82% of the observed dockets, the bailiff was present in the courtroom at all times.

Left only to call people in waiting rooms. Kept things moving.
Court Watch Project REPORT

Bailiff not in room during defaults.

Note: The bailiff communicated regularly with the Court Officer but there were several noted times that the Commissioner had to yell out of the courtroom for her bailiff’s attention.

Question 12: How closely was the bailiff monitoring the courtroom? (responses from monitors were reported out on a Likert scale ranging from strongly disagreed to strongly agreed.)

Finding: In 98% of the observed dockets monitors agreed or strongly agreed that the bailiff or deputy was closely monitoring the courtroom. There were only a few comments that indicated a need for increased monitoring.

He moved around the room.

Bailiff seemed to pay attention and stood by Petitioners and Respondents directing them to turn off cell phones.

Seemed very authoritative but then fell asleep during hearing.

Bailiff seemed very attentive in the beginning of court and less attentive towards end of court.

Case Observation Form
Sample Size – 31 default observations and 19 full hearing observations (individual cases) collected from 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 98% of the observed default cases, Petitioners were self-represented. In 95% of the full hearings, Petitioners were self-represented while 32% of the Respondents had representation for full hearings. There were two full hearings where a Petitioner was represented, yet the Respondent was not. In comparison, there were five full hearings hearing where Respondents were represented, but the Petitioners were not.

Petitioner did not have attorney and did not seem to understand what was going on. Respondent did have an attorney.

Respondent’s attorney requested Petitioner get a drug test because she alludes to Respondent’s drug abuse in Petition. Petitioner had no attorney. Judge asked her if she would agree to drug test. She agreed.
Note: It should be noted that many of the cases on the dockets where parties are represented are often either continued due to other pending domestic relation cases or there is a consent entered. While there are attorneys present for litigants, the information collected by monitors is only for cases that have a hearing.

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

Finding: There were one observed case where either Petitioner or Respondent needed a language interpreter for the hearing and interpreters were available. There was one case continued to schedule an interpreter and one case where monitors noted that an interpreter was needed, however the Petitioner declined.

Communication with Petitioner was difficult on several occasions. An interpreter would have been a good idea but was only offered by his attorney once if Petitioner thought he needed one.

Judge called a Respondent up and asked, "Do you have an interpreter with you? Do you speak English at all?"

Judicial Manner

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

Finding: In 86% of default cases monitors noted it appeared Commissioner McKee did treat the Petitioner with respect. The monitors noted in 49% of the observed full hearings cases that Commissioner McKee did treat the Petitioner with respect; 58% for Respondents.

Commissioner's body language (head propped on hand, rubbing head) made the appearance she was disinterested.

Comm. McKee’s questions were confusing as if she wasn’t listening to the Petitioner's timeline of violence.

Very monotone, read from computer screen and absolutely no eye contact with anyone.

“Show her the phone records maybe that would refresh her memory.” - tone was flippant.

While attorney was questioning Petitioner, the commissioner made no eye contact, was looking at computer and signing paperwork. Ripped a piece of paper right into microphone.
**Question 8:** Did it appear that the Petitioner was given a chance to provide testimony and be heard?

**Finding:** In 100% of the observed default and in 94% of the full hearing cases, it was noted that the Petitioner was provided an opportunity for their testimony to be heard.

*Allowed Petitioner to provide other information to support her case.*

"Is there anything else you would like to share".

*Commissioner McKee read from petition and asked Petitioner to confirm with Yes or No.*

*Asked questions but interrupted at times to get an understanding of the situation. Commissioner offered to have the Petitioner's case go later when the courtroom was less crowded because the Petitioner acknowledged it was "emotional" for her to describe what the Respondent did.*

*Commissioner would ask the Petitioner a question, then interrupt before Petitioner could finish answer.*

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

**Finding:** In 97% of the observed full hearings cases, it was noted that the Respondent was also provided an opportunity for their testimony to be heard.

*Respondent gave long statements that didn’t result in questions to the witness. The statements were designed to evoke sentiment without questions "did it occur to you that your actions could mean my mother was without ever seeing or speaking to her only child?"

*The commissioner was extremely lenient during the proceedings. There were many instances where a question was asked and answered multiple times. The Respondent was not held accountable for speaking over the commissioner.*

*Both Petitioner and Respondent were allowed to talk for over 30 minutes each. All testimony was about child support and not getting along.*

**Question 11:** Was a full order of protection granted?

**Finding:** In 100% of the observed default cases, the full order was granted. In 39% of full hearings observed, full orders were granted to Petitioner. There was one case observed that a decision was delayed because a Guardian Ad Litem needed to be appointed.
There were two separate and recent threats of "I'm going to kill you" yet the petition was not granted. Petitioner clearly stated she was scared.

Order of protection was granted but Commissioner didn’t show interest in the details of the acts of violence. Seemed to hear what she needed to and gave everyone a chance to share their side.

I didn’t fully understand why the petition was granted. The Petitioner didn’t say he felt in danger or threatened.

*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.

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

**Finding:** In 82% of default cases, the Commissioner explained the order to the Petitioner. In 39% of full hearings, it was noted that the Commissioner explained the ruling in a language that seemed clear and in recognizable legal terms.

Gave a two-year order. Very kind language. Carefully explained to Petitioner. Referred her to advocate.

Detailed what two-year orders covered.

When Petitioner asked questions, Commissioner McKee asked and clarified. Used language from the petition but did not explain anything.

Comm. McKee did stop the Petitioner from saying her address. Let the Petitioner know she can request child support in the future.

Comm. McKee did not explain why she did not grant the order.

Used language on the paper but there was no clarification.

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.
Question 13: Was there a discussion about firearms or firearm retrieval?

Finding: In 73% of the default hearings, there was a discussion or question about firearms with Petitioners. In 70% of observed full hearings where an order was granted, there was a question or discussion about firearms.

Note: As stated previously, the Court Watch Project monitors only note when they verbally hear a discussion about firearms. This does not consider times when the judges check the boxes without a discussion with the parties.

Petitioner stated he had two guns, but there was no open discussion about firearm retrieval. This could be in the final order, but it was not openly discussed.

Judge asked Petitioner if she wanted an order to remove firearms.

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

Finding: Consequences of breaking the order were only explained in 23% of the observed full hearings where an order was granted. Commissioner McKee read from the order about what the Respondent can or cannot do.

Told Respondent to return to court to show compliance but nothing else.

She asked the Respondent sort of to confirm that he would not go to her home or work but didn’t explain anything else.

Courtroom Safety
(The following questions are specific only to full hearings observed)

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

Finding: In 99% 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.

Last case the bailiff was cleaning up and did not step between or anywhere near the Petitioner or Respondent as they swore in.

Directed a late arrival to the correct side.

At one point, the Petitioner and Respondent stepped out of court at the same time, bailiff was not aware however there was a bailiff in hallway.
**Question 16:** Did the bailiff stand near the parties **during** testimony (City)? Or were the parties seated at tables (County)?

**Finding:** In 99% of the cases observed, the parties were separated **during** the proceedings.

*Sat behind Respondent and stood between parties when they were facing the judge.*

*Bailiff stood between parties at bench. He did this consistently.*

*Stood between the Respondent and Petitioner as soon as they got up and watched as they left.*

*Court Officer did a good job of monitoring behavior during testimony. Respondent was staring at Petitioner during testimony and he brought a stop to it.*

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

**Finding:** In 91% of the cases observed, the parties were separated **after** the proceedings. The bailiff consistently instructed the parties on where to sit after the hearing. There were some instances where a party left courtroom with their attorney before paperwork was complete.

*In one case the Commissioner arranged for escort to Petitioner’s car.*

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

**Finding:** In 91% of the observed cases, monitors noted that the Petitioner was given time to leave the courtroom. The bailiff was often seen following up with Respondents about how much time is left before they could leave or status of delay. Again, there were some notations that parties left the courtroom with their attorney.

*Commissioner McKee did explain to Respondents they needed to stay 15 minutes after Petitioner leaves.*

*Respondent left with his attorney while Petitioner was still with advocate.*

It should be noted that Question 18 only reflects full order hearings. Respondents on cases where there was a continuance, or they had a private attorney with them were not officially monitored. The Court Watch Project Coordinator did observe occasions where Respondents were not held consistently when cases were continued, especially when the Respondent was represented by an attorney.
**Question 19:** Overall, was the bailiff attentive during this hearing? *(responses from monitors were reported out on a Likert scale ranging from strongly disagreed to strongly agreed.)*

**Finding:** In 82% of the observed cases, monitors agreed or strongly agreed the Bailiff was attentive during the individual hearings. While the bailiff remained seated at his desk during most default hearings, he did sit in a chair between the parties. There were comments from monitors that provided descriptions of his attentiveness.

- Bailiffs eyes were closed several times. Looked like he was sleeping.
- Bailiff spent a lot of time talking to the woman behind him.
- Bailiff in courtroom some of the time.

**Question 20:** In your opinion, did the proceedings seem controlled, efficient and serious in nature? *(responses from monitors were reported out on a Likert scale ranging from strongly disagreed to strongly agreed.)*

**Finding:** 91% of the responses from monitors indicated they agreed or strongly agreed that the proceedings seemed controlled and serious in nature.

- The courtroom seemed to have lack of control. The Respondent was asked by the Commissioner to approach Petitioner to show her the video on his phone.
- Petitioner was very emotional and angry. She kept coming back into courtroom and screaming. The situation should have been deescalated. Bailiff did finally move Respondent to separate room. Advocate did work to calm Petitioner.
- Advocates were constantly checking cell phones.
- Advocates seemed to talk a lot during testimony of Petitioner.
- Could not hear judge very well. Was confused on what was going on. There was a lot going on in the courtroom.
- Court was very unstructured. The bailiff at times seemed busy with other matter and unaware that Petitioners and Respondents were at the bench. Very busy docket could have used another bailiff in the courtroom.

**COMMENDATIONS**

Commissioner McKee provided a grace period of a few minutes, to late arriving litigants before proceeding with the dismissal of the cases.
One common practice that was observed by monitors included a small grace period before dismissing cases due to no appearance. Commissioner McKee consistently did not dismiss cases until 2:00 pm despite a 1:30 pm docket call to ensure that any latecomers had time to appear. The Commissioner could often be heard telling Respondents or their attorneys that she waits till 2:00 pm to sign off on dismissals. She called names of “no appearances” multiple times throughout the docket ensuring the information from the initial docket call did not change.

Called cases where both parties didn’t show at least twice to ensure they hadn’t arrived while she was hearing other cases.

Held cases that Petitioner didn’t show until 2pm before dismissing.

RECOMMENDATIONS

Recommendation 1: Provide litigants with a more transparent process, specifically regarding the parameters of orders of protection, consequences of violating the order, and expectations of behavior while at court.

Much of what occurs in the courtroom is confusing and intimidating to someone not familiar with its process. In only 22% of the observed dockets monitors noted that the Commissioner explained the process prior to the start of hearings. Additionally, the information provided was limited to the order in which cases would be called up to the bench. Once litigants were called to the bench, information regarding the options of consent or full hearing were presented to the Respondents. The language used was often in legal terms and both Respondents and Petitioners often looked confused as to what was happening.

When parties approached her individually, she minimally explained options of consent, hearing or continuance.

While a handout was consistently provided to the parties as they checked in with the bailiff, the importance of a detailed introduction provided by Commissioner McKee should not be overlooked. As stated previously, as high as 98% of Petitioners in default hearings are self-represented and lack information about the court process, how to present their case, or what information is admissible.

The whole afternoon seemed very disorganized but that could be because nothing was explained in the beginning.

Other recommendations to provide a more transparent process include:

- In addition to the handouts provided, explain verbally in plain language how decisions are made and provide information on what is expected of litigants, including conditions of court orders.
• Commissioner McKee should consider more consistently reading the provisions of the order in plain language, and identifying consequences if violations occur. Reminding the Respondent of the consequences of violating an order of protection emphasizes the seriousness of Court’s order as well the validation of the victim and the accountability of the Court.  

• With the final orders needing a signature from a judge, there is a delay in paperwork getting to Petitioners and Respondents. Information regarding this delay should be discussed in the introduction to avoid frustration over possible extended wait times.

Very confused on what was going on. Could not hear judge and there were no directions given to anyone in courtroom.

No explanation of consent was given.

**Recommendation 2:** Increase efficiency of the docket by utilizing the volunteer attorneys to discuss consent orders and provide the Domestic Violence Court Coordinator with the no service cases to assign to individual advocates.

Monitors noted that in 100% of the observed dockets, Commissioner McKee did handle all no service cases first. After a brief conversation, she hands the file to available advocates. However, on multiple occasions this quickly depleted the available advocates especially on days where the number of volunteer advocates was limited. The Domestic Violence Court Coordinator should be the one responsible for assigning these cases to individual advocates so that advocacy resources are available for other cases as needed.

One of the overarching themes observed by monitors was the amount of unproductive time and confusion that occurs during the docket. After no service cases, the commissioner then called the docket again addressing each party to determine if they wanted to move forward on their case, were requesting a continuance, agreeing to a consent or ready for hearing. Cases where Respondents wanted to move forward with a consent, Commissioner McKee would complete all paperwork. Cases that were defaults would be called and asked if they wanted to proceed. If so, she asked them to be seated again until she finished going through the docket. This process occurred before any cases were heard. When there were multiple unrepresented (no lawyer) parties on the docket, Petitioners on default cases had lengthy waits while Commissioner McKee handled the consent paperwork of the other cases.

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St. Louis County Domestic Violence Court is unique in having several volunteer attorneys available to judges to assist with consents during adult abuse dockets. In the past, judges have utilized them for cases where both parties are not represented by an attorney and have children in common. However, some divisions have begun to use the volunteer attorneys to assist with discussing and completing the consent paperwork even on cases that do not have children in common to increase efficiency of the docket. When this practice was observed in other divisions, the dockets seemed to move more efficiently and with little downtime.

*There are long periods with no clear activity or hearings. This felt unclear on what was happening. It was slow and confusing. If I was the Petitioner or Respondent, I would feel confused and shuffled around. No explanation for long pauses.*

**Recommendation 3:** Judges and court staff assigned to the adult abuse divisions should apply trauma focused practices specific to each of their roles and have a foundation of understanding of the dynamics of domestic and sexual violence.

An understanding of the dynamics of domestic violence and the impacts of trauma reduces victim blaming and changes practices that may be re-traumatizing or validates reasons survivors may not want to seek assistance from the courts. There were several instances where monitors quoted statements from Commissioner McKee that were alarming and an obvious form of victim-blaming.

"Why was he over at your house to begin with?"

"What did you do to make him angry?"

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. 3

"You still lived with him after he beat you up?"

*Judge asked Petitioner several "why didn’t you?" questions which seemed to blame the Petitioner. Petitioner looked very nervous.*

Trauma from abuse can also make remembering specific details even more difficult. 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

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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.

*There was no protocol given about how the hearing should go. The Commissioner asked many questions about where the Petitioner was living for long periods of time but never extensively about what made her feel unsafe around the Respondent. There were no direct questions on why she was seeking an OP.*

The stress of the courtroom environment may affect the ability of trauma survivors to communicate effectively with the judge and court personnel. There were observations of Respondents being allowed to laugh and stare during Petitioners’ testimonies and no clear parameters set for the expectations of behavior. As stated in Recommendation #1, expectations of behavior during the docket and hearings should be addressed either by Commissioner McKee or by the bailiffs before she takes the stand.

*Respondent started talking directly to Petitioner and no one stopped him or corrected him.*

*The Respondent appeared to engage in combative language and demeanor with the Petitioner’s witness. His voice was often very loud and looming. Respondent was laughing and making faces during Petitioner’s testimony. Nothing was said.*

**Recommendation 4:** The bailiffs, clerks and advocates should explore ways to adjust current practices and work as a coordinated team to improve communication, enhance security practices and ensure efficiency of the docket.

Another narrative observation expressed by monitors over the past six months through verbal statements and written observations was a lack of teamwork and at times overt hostility between the court staff. It was noted in 91% of the observed full hearings that Respondents were held in the courtroom to allow time for the Petitioner to safely leave. However, one of the major identified issues stemmed from the timing of holding Respondents while Petitioners met with advocates. In one docket, the bailiff was overheard telling a Respondent, “It’s not me that makes you wait, it’s the advocates.”

*Didn't feel like the court staff worked together as a team - especially for a specialized court.*

*People waiting for paperwork for a very long time. One Respondent waited over an hour for a dismissal.*
Below are suggestions on ways to support a more coordinated response and improve the collective responsibility towards the mission of the St. Louis County Domestic Violence Court.

- At least one or two advocates are working with the bailiff at the time of check-in to provide quick updates to Petitioners on their cases such as a no service/no return status or that a Guardian ad Litem (attorney for any children involved in the case) will be meeting with them to discuss case. This practice would be most important in dockets where judges provide little to no opening remarks or transparency. It also provides an opportunity for the advocates to remind the bailiffs of potentially high security risk cases they have identified.
- Quarterly team meetings with advocates, clerks and bailiffs addressing any perceived gaps or opportunities to improve practices.
- On-boarding for all new judges, bailiffs, clerks and advocates rotating into the adult abuse dockets that specifically addresses the mission and purpose of the Domestic Violence Court roles of each individual.\(^4\) **Note:** This is something currently being developed by the St. Louis County Domestic and Family Violence Council Best Practices Committee with tentative roll out in December 2019.

**Recommendation 5:** Conduct a smaller internal needs assessment of the entire adult abuse protection order process from application to full hearing.

Because of the nature and methodology of the Project, there are recognized limitations in obtaining a full assessment of the Order of Protection process for victims. As stated above, volunteers only observe adult abuse dockets and collect information on reasonably attainable data. Information on the accessibility of the adult abuse office, process of filing an Order of Protection and subsequent orders is not available outside of the victims’ experiences shared with individual victim service providers. The St. Louis County Domestic Violence Court and St. Louis County Domestic and Family Violence Council are working diligently to improve and enhance the court’s response to domestic violence. As part of this work, it is recommended that a committee of community stakeholders along with members of the DV Court assess the accessibility of the entire order of protection process for both Petitioners and Respondents. The Battered Women’s Justice Project published an assessment tool titled “Engaging in a Best Practice Assessment of the Civil Protection Order System” (2012) that may assist communities in conducting assessments in different areas of their court’s protection order process. Representatives from victim service providers, Batterer Intervention Programs, court personnel and law enforcement would have an opportunity to explore the process from all points of entry into the

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Domestic Violence Court and ensure the objectives of victim safety, accessibility and offender accountability are being met.

The Court Watch Project is a Sponsored Project of the St. Louis Ending Violence Against Women Network

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.

The Leadership team is comprised of Advocates from the domestic violence community: Christina Holmes, RUNG for Women, Susan Kidder, Safe Connections, Michelle Schiller-Baker, St. Martha’s Hall, Jessica Woolbright, St. Martha’s Hall, and Carla Maley, Court Watch Project Coordinator.

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

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