COURT WATCH PROJECT REPORT FALL 2019
St. Louis City 22nd Circuit Court – Division 14
The Honorable Barbara T. Peebles, Presiding

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 and build partnerships between the courts and community agencies. 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.

Since 2016, the Court Watch Project has published six reports highlighting the observations of 105 volunteer monitors in 133 individual dockets. Recommendations focused on increasing court room safety and security practices for victims and others in the court room, enhancing the accessibility of the courts, improving language access for non-English speaking litigants and transparency of the process especially for pro-se (without an attorney) litigants. The reports have been shared with the individual judges presiding in the observed divisions, the St. Louis City Family Violence Council, other Family Court judicial officers and the community at large.

The Court Watch Project Coordinator operates as a liaison between the member agencies of the St. Louis Ending Violence Against Women Network and the courts. The intent is to work as a partner in building a more coordinated community response to domestic and sexual violence in adult abuse cases. In doing so, the Project has coordinated several trainings for judicial officers and court staff. In the Spring of 2019, the National Council of Family Court and Juvenile Judges came to St. Louis and presented to several family court judges on enhancing judicial response in domestic violence cases. There were also several trainings for the clerks provided by a local domestic violence agency on topics related to trauma and effects of witnessing domestic violence on children.

With the current practice of annual rotation of judicial officers through divisions in St. Louis City 21st Circuit Court, it remains an obstacle for long-standing changes to transpire. The Court Watch Project will continue to work closely with the Court as an ally and resource while maintaining the forward momentum of building a more collaborative community network.

“I have been revitalized to pay much closer attention to the election, and to the bills, propositions and codes up for a vote at the ward, municipality and city level that can affect domestic violence laws, gun laws, violent crime charges, domestic disturbance laws, landlord/tenant laws, etc. I have learned that the biggest effect on the outcomes and experiences of the petitioners lies in the hands of the people working at the courts....The power really rests in the hands of community members outside of the courtroom to fully shape and improve the experiences for petitioners inside the courtroom.”

– Court Watch Project Volunteer Monitor
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.

There are two Court Watch Project 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” cases 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.

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.

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.

DIVISION 14, HON. BARBARA T. PEEBLES, PRESIDING
July 1st – December 31st, 2019

11 individual monitors attended 14 separate dockets. Most dockets only had one monitor observing, however there were a few with two monitors present. Monitors’ narrative comments are notated in italic purple.

TRANSPARENCY

Families dealing with domestic violence are often in crisis, are self-represented, and have limited information regarding the court process or how to present their case. The court experience itself can be overwhelming, causing victims to not pursue the process especially when they are unaware of what the next steps or options may be. When the petitioners (those filing for the order of protection) and
respondents (those whom the order of protection is filed against) understand the process, it increases the likelihood of them utilizing the court in the future or abiding by the order.

Monitors noted that in only 32% of the observed dockets the judge provided instructions and information to the litigants regarding the court process before proceeding with the docket. However, this was limited to information about no service cases (sheriff had not served the respondent with notice of the hearing) and how cases would be called on the docket. Judge Peebles did explain to individual parties as they approached the bench how the hearing was going to be addressed but there was very little information beforehand on the court process, behavior expectations or how to provide testimony.

*No introduction only explained how the docket order works.*

In 85% of default (respondent didn’t show) cases observed, the Judge explained the ruling to the petitioner. In 61% of full hearings (both parties present) observed, it was noted that the Judge explained the ruling in a language that seemed clear and in recognizable legal terms. Consequences of breaking the order were explained in only 21% of the observed full hearings when an order was granted. Judge Peebles read from the order about what the respondent can or cannot do. At times, Judge Peebles did warn respondents that police could be called but mostly just read the parameters of the order from the paperwork.

*Limited explanation. Went into no detail.*

**Division 14 Courtroom Protocol Outcomes**

<table>
<thead>
<tr>
<th>Question</th>
<th>No (%)</th>
<th>Yes (%)</th>
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<tbody>
<tr>
<td>Were parties separated to different sides of the courtroom as they entered?</td>
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<tr>
<td>Were all the names on the docket called before individual cases were brought to the bench?</td>
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<tr>
<td>Did the Judge explain the court process to the parties, either verbally or through a handout, before the hearing or what to expect?</td>
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<tr>
<td>Did you see advocates approach or speak to Petitioners prior to court starting or their cases being heard?</td>
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<tr>
<td>Were advocates accessible throughout the court proceedings?</td>
<td></td>
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<tr>
<td>Was there a Bailiff in the courtroom at all times?</td>
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*Sample size – 18 Courtroom Protocol forms collected (one per docket was requested from each monitor observing; 11 individual monitors attended 14 separate dockets*

**EFFICIENCY AND ACCESSIBILITY**

Pro-se individuals are often confused by court procedures and how to access information about the process. Their experience with this process often determines if they will utilize other aspects of the court for custody or child support. Lengthy court dockets and multiple continuances often add to the frustration of navigating this process alone. Because of this, the availability of information and efficiency of the proceedings is essential.
Litigants are told court starts at 9:30am. In eight out of the 14 dockets observed, Judge Peebles did take the bench between 9:30am and 9:45am. There were six dockets where monitors noted the judge did not take the bench until sometime between 10:00am and 10:30am.

In 100% of the observed dockets, no service cases were handled first. In Division 14, the clerks handled all no service cases and had petitioners sit in the hallway outside of the court to gather more information to attempt service again and provide continuance paperwork. This practice cleared the courtroom quickly leaving only litigants waiting for their individual hearings. Judge Peebles typically began hearing cases shortly after docket call and there was little down time between hearings.

*Lots of dismissals and no service.*

Judge Peebles handled cases in the order they were listed on the docket. While this at times had some defaults waiting while full hearings and more complicated cases were being heard, the Judge quickly moved through testimony and dockets were not noticeably lengthy.

As in past Court Watch Project reports, it is recommended that more information be readily available to parties either as they arrive or through a detailed introduction by the judge. One recommendation that would assist the Family Court’s efforts in providing a more accessible process would be simple signage around the courthouse, especially in the lobby area. Cost would be minimal, would decrease the frustration of trying to locate the clerk’s office for filing for orders of protection, and enhance the view that the process is accessible to those that need it.

*Judge Peebles randomly decides to continue when respondents’ request.*

**LITIGANT SUPPORT**

It should be noted that many of the cases where parties are represented by an attorney are often continued due to other pending domestic relation cases involving the petitioner and respondent or there is a consent order (both parties agree to stay away from each other) entered. The information collected by monitors regarding representation is only for cases that continue to a full hearing. Except for one, all of the observed default cases petitioners were self-represented. In 89% of the observed full hearings the petitioner did not have an attorney and 93% of the time the respondent was not represented. In all the full hearings where a petitioner was represented, the respondent was not. In the two hearings where a respondent was represented, the petitioner was not.
In only 33% of the observed dockets, monitors observed advocates speaking to petitioners before their cases were heard. In 50% of the observed dockets, monitors observed no advocates were readily accessible during the court proceedings. During the six-month period, there was only one full-time advocate and a few student volunteers available to the court during that time by the Crime Victim’s Center (CVC). Information regarding observations were provided directly to the director and program manager of CVC. Advocacy resources continue to be sparse, often due to capacity and funding levels and interventions during dockets are limited when the advocates are pulled out of the courtroom or are unavailable. It is imperative that other agencies look at ways to support the advocacy services specifically during court dockets.

*Petitioner would have benefited from speaking with an advocate because she had a hard time telling relevant information and was talking a lot about mutual combat.*

While there are limited community services such as Batterer Intervention Programs (BIPs) offered and/or available to the court, the Family Court Mediation Services are readily available, and representatives are present during the dockets. There were noted instances where Judge Peebles asked for assistance or additional information from these case workers. This is one option that could be more consistently used to set up a temporary parental visitation plan until further custody actions are in place.

*Judge went extra step by arranging for mediation today for custody, which was a major part of the problem.*

“*As a shelter advocate, I know the process for getting an OP, but Court Watch has really given me insight into how the process works. It allows me to bring information to our residents about what to expect from a firsthand perspective. I know how a certain judge may respond to things and can prepare residents in advance. In general, it has given me a new perspective on the uses and misuses of the adult abuse system, and how much work goes into the system from the many people involved.”* – Court Watch Project Monitor

**JUDICIAL MANNER**

Victims may not trust the court system due to past experiences with the court and concerns that the court will not understand their responses to the abuse. Factors that contribute to a negative experience include: multiple continuances, proceedings that are not explained or difficult to understand, discourteous court staff, vague court orders, and court orders that require the victim to cooperate with the abuser or to have regular personal contact with the abuser. For pro-se litigants in domestic violence cases, having a voice and being acknowledged by the judicial officer is especially important. For victims who may have had other professionals ignore or minimize their experiences, it increases the likelihood that they will perceive the court as a place that could provide help. For perpetrators, research shows that a feeling of being heard
during the proceeding increases their perception of fairness and the likelihood they will ultimately comply with the order.¹

In 82% of the observed default hearings, monitors noted that the Judge treated the Petitioner with respect. Remarks such as minimal eye contact and engagement were often the reason for noting “no” in response to this question. However, 100% of the responses indicated the Judge afforded them an opportunity to be heard. In only two out of the 28 full hearings observed, monitors noted the Judge did not treat the petitioner with respect, however all responses indicated she did provide time and opportunity for the petitioner to be heard; respectively the outcomes were the same for respondents.

Judge indicated she wouldn’t normally issue on a family case but will because mom has exhausted all other resources.

Judge “I think there's something going on there but not enough to issue right now”. Judge to respondent, "You need to stay away from her home because if she returns, I will issue the Order".

Judge used the requested pronoun “them”.

While the quantitative responses were marked “yes”, the narrative comments provided some alternate views.

She treated the petitioner and respondent in the same manner. Not overtly rude but little to no eye contact and tone was flat and curt. Mostly looking at paperwork.

Mother with her daughter requested a dismissal but had a question. Judge looked through her paperwork, eventually requesting clerk provide pertinent papers. Judge directed clerk to deal with woman without ever speaking to woman after initial question of "so you want a dismissal?"

Controlled, but Judge (Peebles) didn’t really listen to petitioner's wishes and concerns.

Judge (Peebles) gave permission to communicate for purposes of the child, against Petitioner’s wishes.

SAFETY AND SECURITY

Judge Peebles’ regularly assigned bailiff was noted to be very attentive and often moved around the courtroom to reposition when necessary. Individuals were instructed to check-in with him before the docket, then he positioned himself at the door during docket call to catch latecomers. In only one out of the 14 dockets observed, parties were not separated to different sides of the courtroom prior to the docket being called. However, monitors noted that in 100% of the observed full hearings, parties were seated on opposite sides. This indicates that parties would be instructed to move to the correct side of the courtroom when identified.

In 100% of the cases observed, the parties were separated during the proceedings. In 100% of the cases observed, the parties were separated after the proceedings as they waited for paperwork, often having one party sit towards the back of the courtroom closer to the door.

In 100% of the observed dockets, the bailiff or deputies were always present in the courtroom.

In 92% of full hearings observed, monitors noted that the petitioners were given time to safely leave the courtroom/house by having the respondents held back in the courtroom. When the order was not granted or there were attorneys involved this was not a common practice, however this was also dependent on the bailiff working the docket. The Judge’s regular bailiff was seen following up with respondents about holding them back as well as giving the respondents updates on when they could leave. The Judge’s bailiff also had petitioners sit towards the back of the courtroom after the hearing while asking respondent to sit up in front. This seemed to help with staring or words being exchanged between the parties when the petitioner was leaving.

As indicated in past reports, consistency in security practices in the courtroom is dependent on the individual bailiff. While the Judge does have one consistent bailiff assigned to the courtroom, on a few occasions other bailiffs would substitute. Because of this, responses and observations from the monitors are at times indicative of the inconsistencies of established best practices within the Sheriff’s Office for these bailiffs specific to adult abuse dockets.

While multiple bailiffs were present, they all seemed to be focused on different things, so at one point, a woman with a child checked in with the bailiff and was told to wait in the hall, and that bailiff ended up stepping out while the docket was being called, so when the woman’s name came up, another petitioner had to announce that she was present, instead of one of the bailiffs keeping track.
**Sample size – 38 adult abuse default hearings monitored.**

**Division 14 Default Outcomes**

- Petitioner Represented by Attorney?
- Did the Judge treat the Petitioner with respect?
- Did it appear that the Petitioner was given a chance to provide testimony and be heard?
- Was a full order granted?
- Insufficient Evidence? Or N/A?
- Did the Judge explain the ruling and elements of the order in plain language to the Petitioner and/or Respondent?

**Sample size – 27 adult abuse full hearings monitored.**

**Division 14 Full Hearing Outcomes**

- Petitioner Represented by Attorney
- Respondent Represented by Attorney
- Did the Judge treat the Petitioner with respect?
- Did it appear that the Petitioner was given a chance to provide testimony and be heard?
- Did the Judge treat the Respondent with respect?
- Did it appear that the Respondent was given a chance to provide testimony and be heard?
- Was a full order granted?
- Insufficient Evidence? Or N/A?
- Did the Judge explain the ruling and elements of the order in plain language to the Petitioner and/or Respondent?
- Were consequences of breaking the Order explained to the Respondent?
- Was precaution taken to ensure the separation of this Petitioner and Respondent before the hearing?
- Did the Bailiff stand near the parties DURING testimony (City) or were the parties seated at the tables (County)?
- Was precaution taken to ensure separation of the parties AFTER testimony as they waited for paperwork?
- Was the Respondent held in the courtroom to allow the Petitioner time to safely leave the courtroom?
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 Fall 2019 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.

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 feedback received through a court watch project can be used to change the policy and procedure in a number of ways. The results can be shared with the Presiding Judge with a request for changes. The results can be published to encourage the Judges to change their demeanor or procedures and they can be used as a basis for changing the law. We will continue to explore ways to improve the administration of justice, increase public awareness and trust in the courts and work collaboratively to enhance the accessibility and safety for victims.

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, Janee Johnson, Family Forward, and Carla Maley, Court Watch Project Coordinator.

Current Funding Sources for the Court Watch Project:

- Catholic Charities of St. Louis
- Incarnate Word Foundation
- Department of Justice – Office of Violence Against Women Justice for Families Grant
- St. Louis Ending Violence Against Women Network

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.

“Ensuring Justice for Victims of Domestic Violence”