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 Spring 2019, a trainer from 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

The Court Watch Project 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.

Since 2016, the Court Watch Project has published six reports highlighting the observations of 105 volunteer monitors in 133 individual adult abuse dockets in St. Louis City 22nd Circuit Court.

Division 14A, Commissioner Michael L. Walton, presiding
July 1st – December 31st, 2019

Eight individual monitors attended 19 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.
In 100% of the observed dockets, Commissioner Walton explained the process prior to the start of hearings. The Commissioner began each docket with opening remarks outlining the morning’s events in easily understood terms. He provided explanations for no service and any delays that may occur. When individuals approached the bench for their hearings, the Commissioner gave instructions on expectations of behavior and what information they needed to provide during their testimony.

*Commissioner Walton gave a very thorough explanation of court process before starting docket.*

Commissioner Walton is kind and treats the parties with respect. He displays knowledge of DV/Stalking and asks appropriate follow-up questions to obtain relevant information. He runs an efficient docket by hearing cases in an order that makes sense. He is very transparent.

An order of protection is more effective when both petitioner and respondent understand the requirements in the order and the consequences that could affect their daily lives. ¹ In all 12 full hearings observed that resulted in orders being granted, 100% of the responses indicated conditions of the order were explained to the parties. However, of those 12 full orders granted, there were only four responses of “yes” regarding whether consequences of violating the order was explained to the respondent.

In 92% of the monitors responses for all full hearings monitored, the Commissioner explained why the order was or wasn’t granted. Many cases observed by the monitors were landlord or neighbor cases which often did not fall within the parameters of the Adult Abuse statute, or solutions needed to be pursued in other types of courts. There were two default cases observed where monitors noted the Commissioner did not explain why the order was denied in plain terms. However, narrative remarks indicated these were situations where the petitioner was represented by an attorney and in the other case the petitioner was permitted the opportunity to provide additional evidence to a previously denied order but it was judged to not be relevant. Separate from those two cases, monitors’ narratives suggested the Commissioner took time to explain why the situation did not allow him to grant an order of protection.

*Very clear rulings and addressed respondent on further behavior when order was not granted.*

*He gave a detailed and clear explanation of why he could not issue the order.*

When cases were continued, the Commissioner called the parties to the bench and provided an explanation as to why their case was being continued and ensured the parties understood what the next steps were.

*Case was taken under advisement. The Commissioner indicated there would be a ruling in seven days and the ex-parte was still in effect.*

“*My experience makes me worried about the safety the day of court for a survivor. I wonder what type of support they have before, during and after which may or may not be supported by the court. It’s potentially a life altering legal decision which can seem confusing from the point of a survivor who is currently in crisis.*” – Court Watch Project Volunteer Monitor

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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.

The clerks in Division 14A were observed to be accessible and helpful throughout the proceedings. When approached, the clerks politely answered questions and directed individuals on what the next steps were. Alias cases were promptly handled in the hallway and continuances or dismissals were addressed in a very timely manner. The Commissioner’s court clerk was aware of all happenings and often alerted bailiffs to individuals who came into the courtroom late or may need security assistance. The court clerk handled paperwork efficiently and was prepared with additional case information for the Commissioner as needed.

**Alias cases were called out to hallway. This really made things less chaotic.**

**The Commissioner addressed special circumstance cases very quickly before calling docket.**

One of the most remarked comments the Coordinator received from monitors was regarding Commissioner Walton’s individual greeting he gave to each person present when he called their name from the docket. When a petitioner or respondent acknowledged they were in the courtroom, the Commissioner greeted them with a “good morning”. This simple gesture provided a sense of openness and decreased the power differential that can make addressing the court very intimidating and overwhelming.

**Called names three times while reading docket and greeted everyone with "good morning".**

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 street level lobby area. In discussions with the Court Manager for the Adult Abuse Office and past family court judges, the Court Watch Project
Coordinator offered ways to improve signage with examples of posters or language other courts across the country are using. Cost for signage is minimal, would decrease the frustration of trying to locate the clerk’s office for filing for orders of protection and enhance accessibility to those who need it.

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. In 91% of the observed default cases, petitioners were self-represented. In 96% of the full hearings, petitioners were self-represented compared to 89% for respondents. In the two full hearings where a petitioner had an attorney, the respondent also had an attorney. In two hearings where the respondent had an attorney, the petitioner did not.

<table>
<thead>
<tr>
<th>Petitioner Represented by Attorney</th>
<th>Respondant Represented by Attorney</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>95.56%</td>
<td>88.89%</td>
<td>No</td>
</tr>
</tbody>
</table>

In 50% of the observed dockets, monitors observed advocates speaking to petitioners before their cases were heard. During the six-month period, there was only one full-time advocate and a few student volunteers available for the dockets provided 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. 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 current advocacy services specifically during court dockets.

*Advocate resources were limited as there were several cases that needed an advocate, but she was busy with another case.*

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.2

In default cases, 100% of the monitors’ responses indicated the Commissioner treated petitioners with respect and afforded them an opportunity to be heard. This was also true in full hearings were monitors’ responses indicated the Commissioner consistently provided both petitioners and respondents ample time to offer testimony and be heard. The Commissioner’s demeanor was calm and understanding yet commanding when control in the courtroom needed to be re-established. The questions he asked petitioners indicated a strong understanding of the dynamics of domestic violence and effects of trauma.

Commissioner Walton was incredibly attentive with petitioner even when testimony was not making sense.

Petitioner seemed very confused about what she wants she's seeing him still and unsure if she wants to have him stay away, etc. Commissioner was very patient and nonjudgmental while trying to clarify.

Maintained eye contact and was kind in his communication.

When cases were asked to be continued the Commissioner worked with both parties on a mutually agreed upon time, often considering other days and times so that a litigant’s work schedule was taken into consideration.

SAFETY AND SECURITY
As indicated in past reports, consistency in security practices in the courtroom is dependent on the individual bailiff overseeing security that docket. While the Commissioner does have two consistent bailiffs assigned to his courtroom who follow established protocols there were multiple occasions when other bailiffs who did not follow established protocols would substitute. Because of this, responses and observations from the monitors are indicative of the inconsistencies of established best practices by the Sheriff’s Office.

Not normal bailiff. Commissioner set expectations for behavior.

Deputies were not the normal deputies, and both were on their phones. Both covered their eyes or looked at the walls not the courtroom. There was a third one who did watch the courtroom and was visible. Both original bailiffs napped.

“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 Volunteer Monitor

In 100% of the observed dockets, the bailiff or deputies were always present in the courtroom. In 95% of the observed dockets, litigants were separated to different sides of the courtroom prior to the docket being called. However, when litigants came in late this practice was not as consistent. There were four observed full hearings where the respondent or petitioner were sitting in close proximity.

*In the beginning with 1st deputy but he left, and the other deputies did not check or separate parties.*

*Told them which side to sit on but didn’t explain the difference between petitioner and respondent.*

*Judge called out the woman in the courtroom who was making noises. Bailiff did not intervene, but Judge did.*

In 100% of the observed dockets, the bailiff or deputies were present in the courtroom at all times. This courtroom often had multiple deputies coming in and out all morning.

In 98% of the full hearings observed, the litigants were separated **during** the proceedings. In 89% of the full hearings observed, the litigants were separated **after** the proceedings as they waited for paperwork.

*Respondent sat immediately behind petitioner after hearing.*

*Respondent left courtroom immediately following without waiting for paperwork and was visibly angry and complaining. He returned and the bailiff took him into the hall to give him the paperwork.*

In 89% of the observed full hearings, monitors noted that the petitioner was given time to leave the courtroom. When the order was not granted or there were attorneys involved this was a not a common practice however this was also dependent on the bailiff working the docket.

One consistent element regarding safety practices was the Commissioner’s clerk working with the bailiffs and directing them to either hold the respondent back for a few minutes to allow time for petitioner to leave, or in some situations, the most agitated party. This validates the importance of training around security best practices for not just the bailiffs overseeing adult abuse dockets, but the court staff assigned to those divisions as well. The clerk seemed aware of potential dangers.

*Bailiff monitored room by sending one deputy to stand by woman being noisy and using their phone. Seemed to help but in general the courtroom had too much noise and too many “moving parts”.*

*Bailiff witnessed respondent make a gesture to petitioner as she entered. After docket he had her escorted out.*
Division 14A 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 – 35 adult abuse default hearings monitored.

Division 14A 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?

Sample Size – 45 adult abuse default hearings monitored.
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”