



WATCH Report:

Impact of Court Monitoring on Hennepin County, Minnesota

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WATCH



Bringing a public eye to justice

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Introduction

To evaluate the impact of court monitoring on the justice system and the effectiveness of its programs, WATCH has conducted two surveys of Hennepin County criminal justice system personnel over the years, the first in 1999 and the second in 2007. Both surveys asked respondents about their impressions of WATCH and its impact. The 2007 survey used many of the same questions as the 1999 survey, but also included questions that could provide information relevant to WATCH's national expansion.

Both surveys provide useful information regarding effective advocacy methods, reactions to WATCH reports and written materials, and most importantly, how and if behaviors are changed by the presence of WATCH monitors in Hennepin County courtrooms. The data gathered from both surveys (along with the comparative data) provide concrete examples and quotes that are extremely useful as WATCH promotes court monitoring as a means of systems change in jurisdictions around the United States.

Methods

The 1999 survey was distributed to 477 members of Hennepin County's court system including district court judges, the criminal division of the county attorney's office, the public defender's office, victim/witness advocates, Domestic Abuse Service Center (DASC) advocates, probation officers and bailiffs. Two hundred and four people returned written surveys for an overall response rate of 43%.¹

In 2007, WATCH used Survey Monkey, an electronic survey tool, to distribute 341 surveys to members of the criminal justice system: district court judges, prosecutors in the Violent Crimes Division of the county attorney's office, defense attorneys in the public

¹ This percentage is different than in the chart below because the 1999 survey was distributed to 6 bailiffs, who were not included in the 2007 survey.

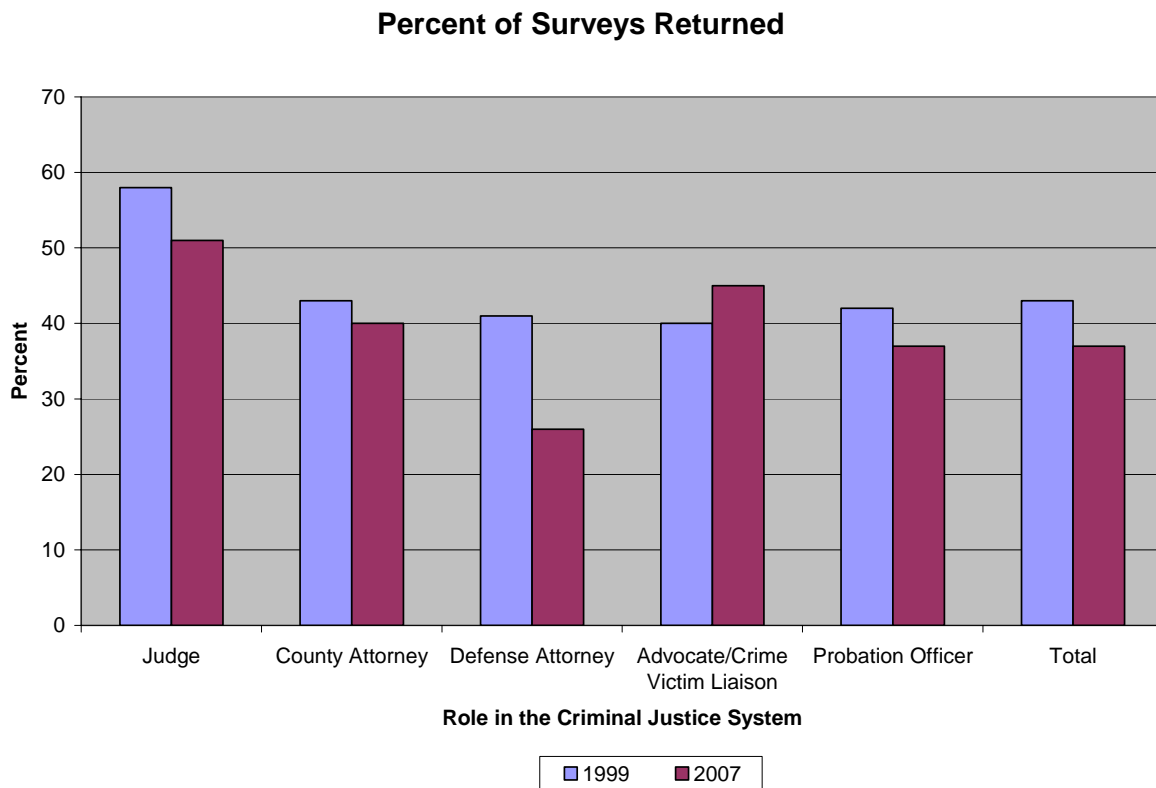
defender's office, advocates/crime victim liaisons in the county attorney's office, and probation officers². Electronic surveys were completed by 126 individuals for an overall response rate of 37%. The largest number of respondents was probation officers (49), followed by judges (33), defense attorneys (25), prosecutors (14), and advocates/crime victim liaisons (5).

Table 1 (1999 and 2007 responses):

Number of distributed and returned surveys by position in the criminal justice system

	1999			2007		
	Number distributed	Number returned	Percent	Number distributed	Number returned	Percent
Judge	57	33	58%	65	33	51%
County Attorney	40	17	43%	35	14	40%
Defense Attorney	134	55	41%	98	25	26%
Advocate/Crime Victim Liaison	40	16	40%	11	5	45%
Probation Officer	200	83	42%	132	49	37%
Total	471	204	43%	341	126	37%

²It was WATCH's intention to reach all justice system personnel; however, some individuals may have been missed due to inaccurate email addresses or similar malfunctions.



Results

Respondents

Respondents were asked to report their job title (in both surveys) and the length of time they had served in their current position (only in the 2007 survey). In both surveys, the majority of respondents were judges.³ In 2007, the majority of survey respondents (60.2%) had been in their current position for ten or more years. The fewest number of respondents (4.1%) had been in their positions less than one year.

³ This pattern is important to note as some questions will be broken down by individuals' positions within the criminal justice system.

Familiarity with WATCH

Survey participants were asked in both surveys, “Are you familiar with WATCH?”⁴ In 1999, 90% of respondents answered “yes.” In 2007, the number was 91.3%, showing a very slight increase of 1.3%.

**Table 2 (1999 and 2007 responses):
Familiarity with WATCH by position in the criminal justice system**

	1999				2007			
	YES		NO		YES		NO	
	N	Percent	N	Percent	N	Percent	N	Percent
Judge	33	100%	0	0%	33	100%	0	0%
County Attorney	17	100%	0	0%	14	100%	0	0%
Defense Attorney	48	89%	6	11%	22	88%	3	12%
Advocate/Crime Victim Liaison	13	81%	3	19%	5	100%	0	0%
Probation Officer	71	87%	11	13%	41	85%	8	15%

To gauge whether respondents had a clear idea about WATCH’s purpose, the 2007 survey asked them to describe in their own words what WATCH does. Seventy-eight percent of respondents accurately described WATCH as a volunteer organization that monitors court processes, reports on its observations, and offers feedback and recommendations to criminal justice personnel.

Responses ranged from the comprehensive (“*WATCH sends volunteers to court who are readily identified by the red clipboards they carry in the courtroom to monitor cases where women and children were crime victims in order to make the system more accountable and more victim-centered*”) to the abbreviated (“*observes or monitors*” court). Although abbreviated, many responses noted key features of WATCH’s work and its purpose. For example, 29 respondents identified WATCH’s focus on cases of violence against women and

⁴ In 2007, if respondents answered “no” to this question, they then exited the survey.

children. Three respondents commented on WATCH’s effort to promote system accountability and improvement, and four identified WATCH via its signature red clipboards.

Many respondents offered favorable opinions of WATCH’s work and its monitors. For example, one individual wrote, *“WATCH is the public conscience, the eyes and ears of the community. [They are] the intelligent, thoughtful, watchful guardians of a fair and responsive judiciary. When I see someone with a red clipboard in the courtroom, I appreciate that a volunteer took the time to monitor the quality of justice that day.”*

Both surveys asked respondents, *“Do you notice WATCH monitors in the courtroom on a regular basis?”* In 1999, 82% of respondents indicated “yes” while 18% indicated “no.” In 2007, the percentage of criminal justice professionals who regularly noticed WATCH monitors in the courtroom decreased to 73.3%. It may be that members of the justice system have become accustomed to WATCH’s presence in the courtroom and therefore do not “notice” monitors to the extent that they did in 1999 when the first survey was distributed.

**Table 3 (1999 and 2007 responses):
Awareness of WATCH in the courtroom by position**

	1999				2007			
	YES		NO		YES		NO	
	N	Percent	N	Percent	N	Percent	N	Percent
Judge	32	97%	1	3%	19	73%	7	27%
County Attorney	17	100%	0	0%	13	100%	0	0%
Defense Attorney	47	89%	6	11%	12	86%	2	14%
Advocate/Crime Victim Liaison	13	81%	3	19%	5	100%	0	0%
Probation Officer	55	67%	27	33%	17	53%	15	47%

Effect on Courtroom Environment

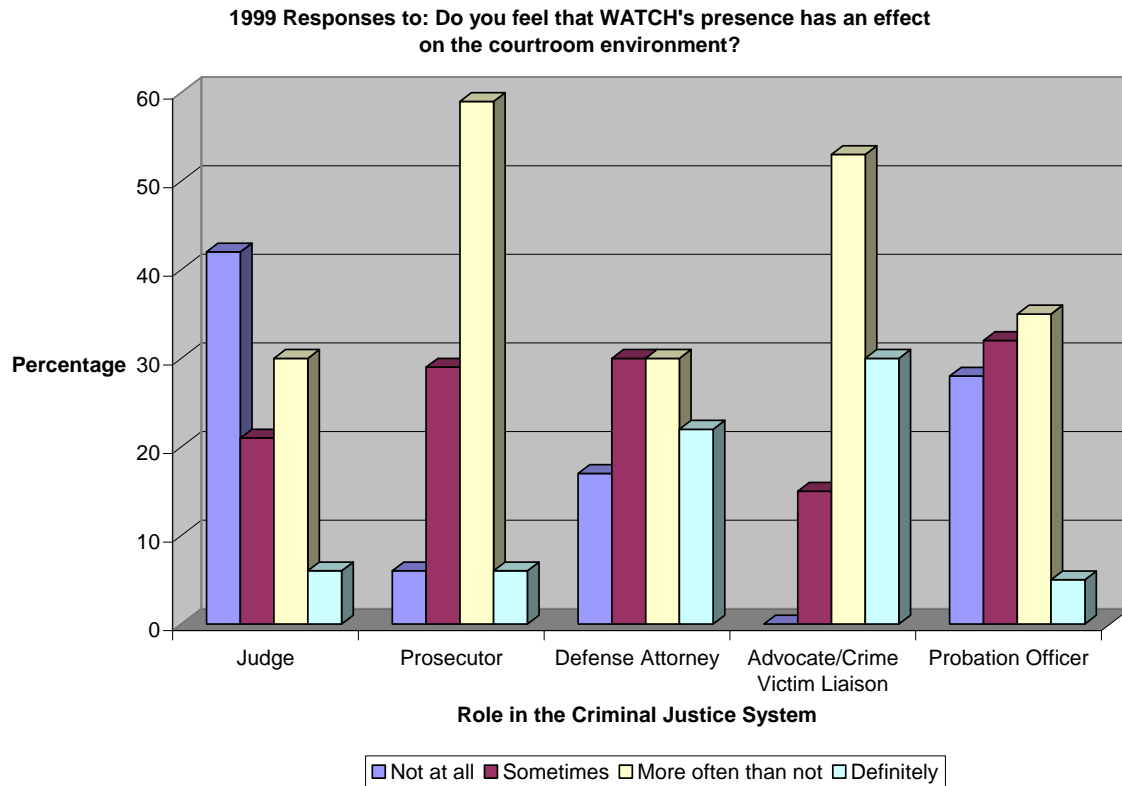
Respondents were asked, “*Do you feel that WATCH’s presence had an effect on the courtroom environment?*”⁵ In 1999, thirty-seven percent of the survey respondents indicated that “more often than not” WATCH’s presence affects the courtroom environment. The fewest number of respondents (11%) indicated WATCH “definitely” has an effect while 28% reported an affect “sometimes” and 24% “not at all.” When broken down by position, advocates (30%) and defense attorneys (22%) indicated that WATCH’s presence “definitely” has an effect on the courtroom environment, while only 6% of judges and 5% of probation officers felt similarly.

Table 4 (1999 responses):

Do you feel WATCH’s presence has an effect the courtroom environment?

	1999							
	Not at all		Sometimes		More often than not		Definitely	
	N	Percent	N	Percent	N	Percent	N	Percent
Judge	14	42%	7	21%	10	30%	2	6%
County Attorney	1	6%	5	29%	10	59%	1	6%
Defense Attorney	8	17%	14	30%	14	30%	10	22%
Advocate/Crime Victim Liaison	0	0%	2	15%	7	53%	4	30%
Probation Officer	18	28%	21	32%	23	35%	3	5%

⁵ Questions marked with a single asterisk (*) required responses on a 4-point scale (1-not at all, 2-sometimes, 3-more often than not, 4-definitely)

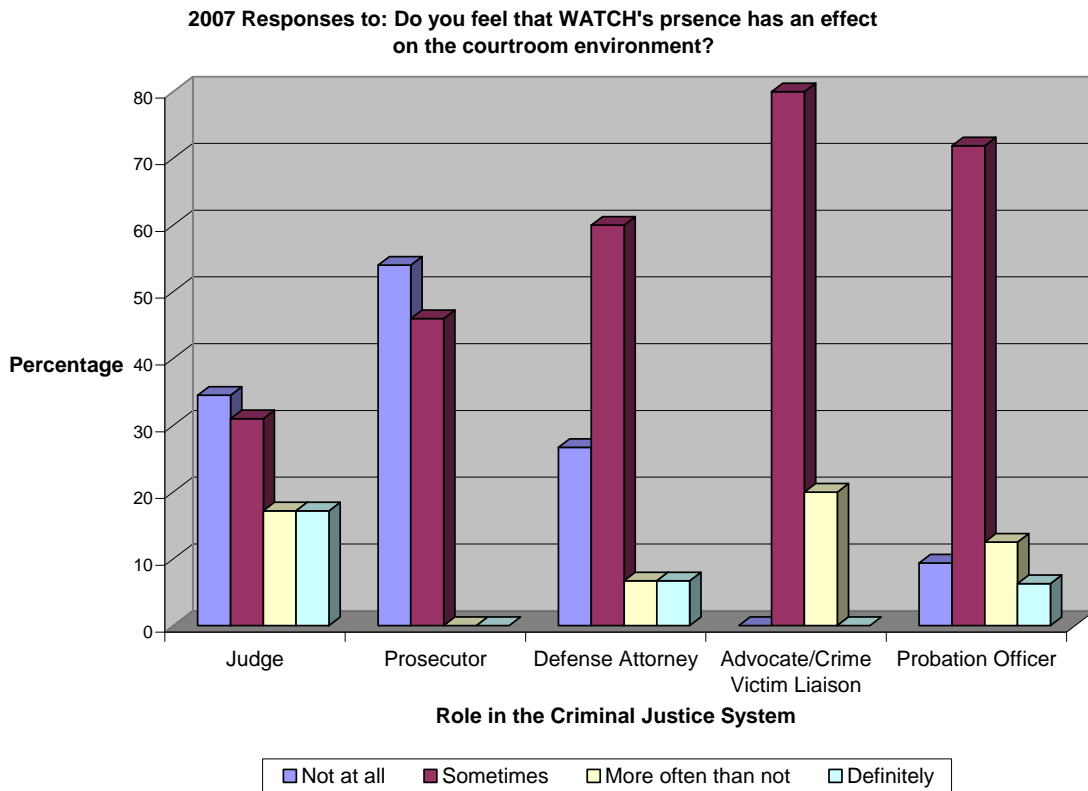


In 2007, forty-four percent of respondents indicated that WATCH's presence "sometimes" had an effect on the courtroom environment; the fewest respondents (7%) indicated that WATCH "definitely" had an effect on the courtroom environment and a nearly equal number of respondents (9%) indicated "more often than not." When broken down by position, judges (17.2%) most frequently indicated that WATCH's presence "definitely" had an effect on the courtroom environment, while county attorneys (54%) most frequently indicated that WATCH's presence had no effect on the courtroom environment.

Table 5 (2007 responses):

Do you feel WATCH's presence has an effect the courtroom environment?

	2007							
	Not at all		Sometimes		More often than not		Definitely	
	N	Percent	N	Percent	N	Percent	N	Percent
Judge	10	34.5%	9	31%	5	17.2%	5	17.2%
County Attorney	7	54%	6	46%	0	0%	0	0%
Defense Attorney	4	26.7%	9	60%	1	6.7%	1	6.7%
Advocate/Crime Victim Liaison	0	0%	4	80%	1	20%	0	0%
Probation Officer	3	9.4%	23	71.9%	4	12.5%	2	6.3%



2007 survey respondents were asked to provide examples of how they felt WATCH's presence affected the courtroom environment. Sixty-four individuals responded. The largest group of respondents (31) stated that WATCH's presence promotes accountability or makes the courtroom environment more professional. They described criminal justice professionals as being more respectful and diligent and more conscious of their actions and interactions when WATCH is present. This group felt people conduct themselves differently when they know they are being "watched." One individual noted, *"When you see WATCH in the courtroom, you know that the 'public' is watching; therefore, it's a nice reminder that you (the criminal justice personnel) are serving the public as a whole. I personally have observed courtrooms with and without WATCH present; there is a remarkable difference."*

Thirteen respondents (20%) indicated that when a WATCH monitor is present, court personnel are more likely to maintain appropriate behavior and to be courteous and respectful. Four individuals from this group specifically noted a decrease in casual and inappropriate conversations in the courtroom, and eight individuals indicated that WATCH's presence promotes a higher quality of work. One respondent noted, *"I think that attorneys, probation officers, court staff, etc., can sometimes be less than professional when not on the record, and having court observers reminds those participants of the need for a formal and respectful demeanor in the courtroom."* Another wrote, *"I have seen a decrease in people chatting away about a case or a client or other non-related issues while persons are sitting in the audience, not knowing if they are related to the case or not."* This group also noted that parties take more time to explain delays, continuances, rulings and decisions when monitors are present.

Five individuals discussed how WATCH's presence affects the court's awareness of victims and the impact of the court's decisions on victims and their families. One individual

wrote, *“I think that the presence of WATCH does make the participants in the courtroom more mindful of the effects of their decisions and is very helpful to us as prosecutors, particularly at sentencings. Criminal cases are about “State v. Defendant,” and quite often the victim can be missed in that process.”* Two individuals noted an increase in the court’s awareness of the public and increased communication between the public and court personnel, particularly regarding delays and continuances.

Twelve respondents indicated that WATCH’s presence is intimidating and somewhat negative. One respondent wrote, *“I do not think WATCH’s presence is always entirely positive. While it isn’t a stated part of their mission, some parts of the program have an unmistakable attempt to intimidate judges.”* This group felt criminal justice personnel were more guarded, irritated, defensive and nervous around WATCH monitors. One individual wrote, *“Judges are very aware of the presence of WATCH representatives, and I believe modify their behavior according to what they believe will result in the least criticism from WATCH.”* Another wrote, *“People keep their mouths closed before, during and after court, so they do not get any comments written up in the WATCH report.”*

Interestingly, seven respondents indicated they couldn’t gauge WATCH’s effect on the courtroom environment because they could not identify when/if WATCH monitors were present. In contrast, six respondents specifically cited the use of WATCH’s red clipboard as an identifier of WATCH’s presence.

Treatment of Victims

In both the 1999 and 2007 surveys, respondents were asked, *“Do you believe WATCH’s presence makes a difference in the way victims are treated in the courtroom?”** The 1999 report implies that this question was only asked of judges and advocates. Thirty-

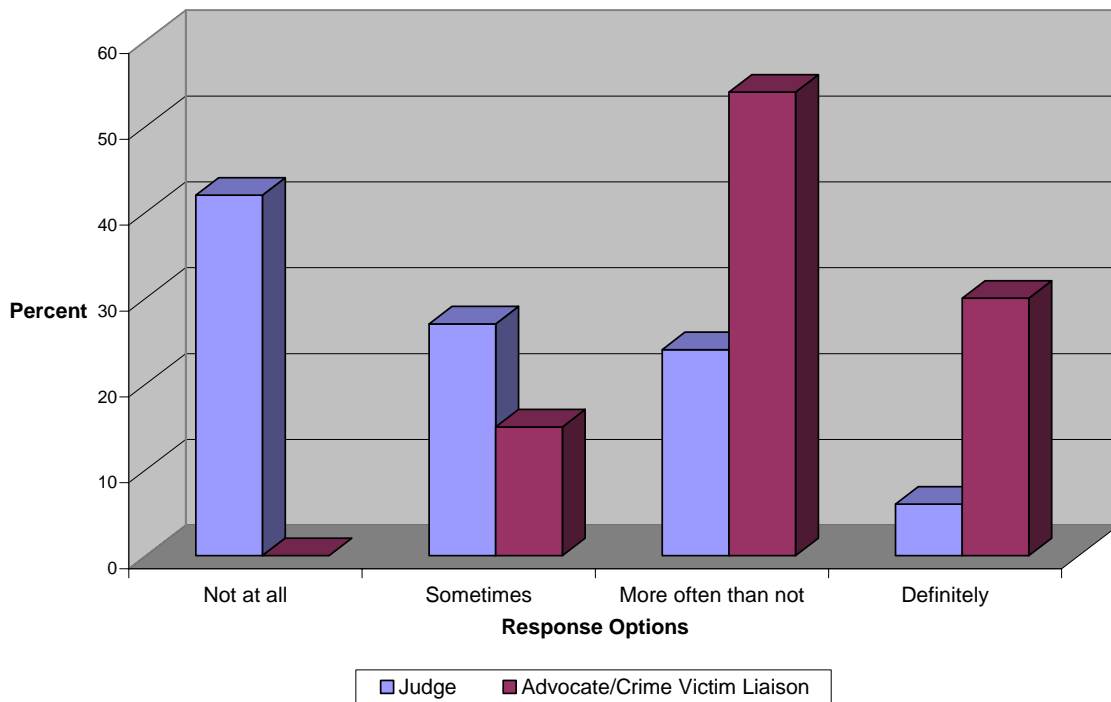
three percent of 1999 respondents felt that WATCH's presence makes a difference "more often than not." Advocates were more likely to respond "definitely," while judges were more likely to respond "not at all."

Table 6 (1999 responses):

Do you believe WATCH makes a difference in the way victims are treated in the courtroom?

	1999							
	Not at all		Sometimes		More often than not		Definitely	
	N	Percent	N	Percent	N	Percent	N	Percent
Judge	14	42%	9	27%	8	24%	2	6%
Advocate/Crime Victim Liaison	0	0%	2	15%	7	54%	4	31%

1999 Responses to: Does WATCH's presence make a difference in the way victims are treated in the courtroom?

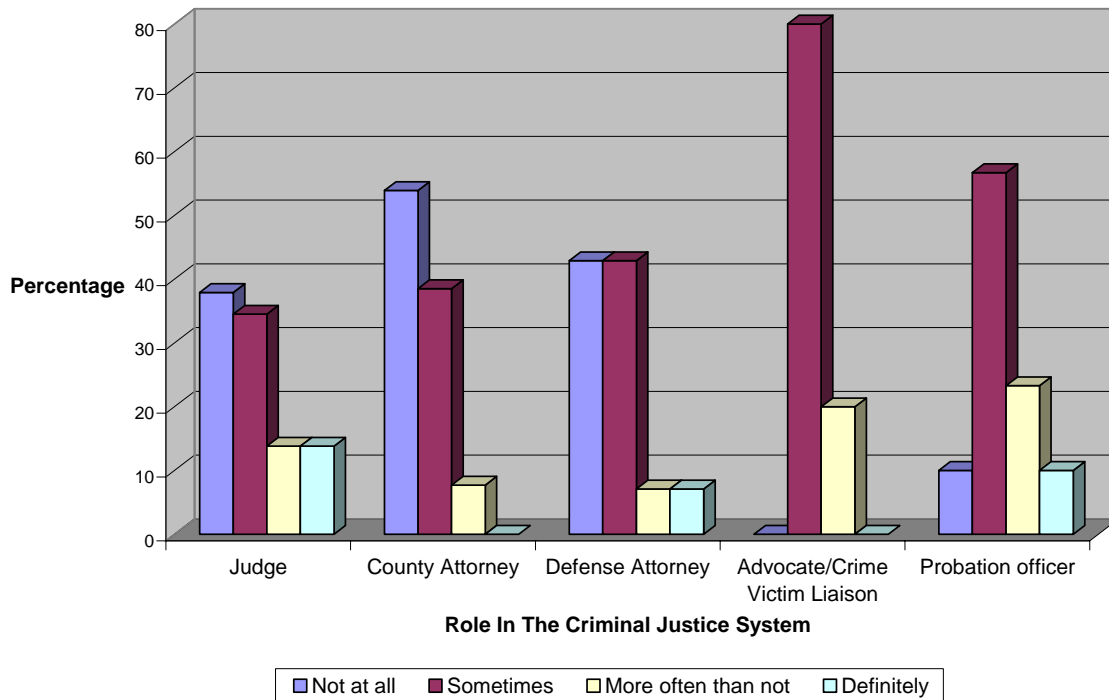


In the 2007 survey, 46% indicated that WATCH's presence "sometimes" makes a difference in the way victims are treated in the courtroom. Judges were the largest group (13.8%) of respondents to indicate "definitely," while county attorneys were the largest group (53.9%) to indicate "not at all."

Table 7: Do you believe WATCH makes a difference in the way victims are treated in the courtroom?

	2007							
	Not at all		Sometimes		More often than not		Definitely	
	N	Percent	N	Percent	N	Percent	N	Percent
Judge	11	37.9%	10	34.5%	4	13.8%	4	13.8%
County Attorney	7	53.9%	5	38.5%	1	7.7%	0	0%
Defense Attorney	6	42.9%	6	42.9%	1	7.1%	1	7.1%
Advocate/Crime Victim Liaison	0	0%	4	80%	1	20%	0	0%
Probation Officer	3	10%	17	56.7%	7	23.3%	3	10%

2007 Responses to: Does WATCH make a difference in the way victims are treated in the courtroom?



In the 2007 survey, 46 respondents provided examples of how WATCH's presence impacts how victims are treated in the courtroom. Twelve indicated that WATCH's presence makes no difference in how victims are treated. This group feels that victims' rights are always upheld and that victims are always treated with fairness and respect. One individual wrote, *"My guess is there really isn't much of a difference in the treatment of victims simply because WATCH is there. If that is true then the system is far more broken than I'd like to think. Judges come from a wide variety of life experiences including significant experiences with victims. The court's own analysis shows judges are well thought of by victims."* Others feel the effect of WATCH's presence is overshadowed by the presence of victim advocates, who are there to support and assist victims directly.

Of the respondents who feel WATCH does have an effect on how victims are treated in the courtroom, seven described the court as being more aware of victims. For example, *"My belief is that the people listed as victims, especially in domestic assaults, are treated with respect and compassion because of WATCH. In the old days domestic assaults were treated as a lesser version of assault and not worthy of serious attention by the criminal justice system."* Another individual wrote, *"Some judges...are more willing to ensure that the victim's position is adequately presented and addressed."* Three individuals provided examples of how WATCH increases the court's accountability when victims are involved. This group likened WATCH's presence to the presence of the media. One respondent pointed out, *"We are accountable for how we treat people, how we make decisions, how we balance the interests of the parties and the public. Judges are more likely to listen attentively and be courteous when someone is monitoring."*

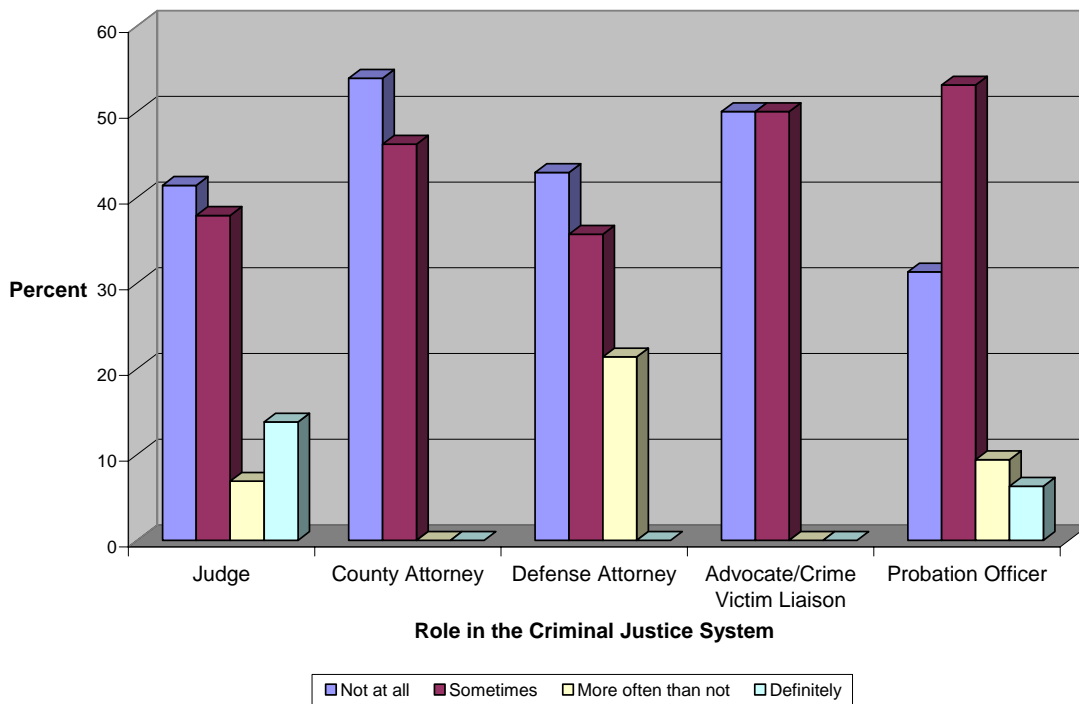
Treatment of Defendants

The 2007 survey asked respondents, “*Do you believe that WATCH’s presence makes a difference in the way defendants are treated in the courtroom?*”^{*} Responses were almost equal between individuals who indicated that WATCH’s presence makes no difference (40.2%) and “sometimes” makes a difference (44.6%). Judges were the largest group (13.8%) to indicate that WATCH “definitely” makes a difference in the way defendants are treated in the courtroom, while county attorneys (53.9%) and advocates (50%) indicated almost equally “not at all.”

Table 8: Do you believe WATCH’s presence makes a difference in the way defendants are treated in the courtroom?

	2007							
	Not at all		Sometimes		More often than not		Definitely	
	N	Percent	N	Percent	N	Percent	N	Percent
Judge	12	41.4%	11	37.9%	2	6.9%	4	13.8%
County Attorney	7	53.9%	6	46.2%	0	0%	0	0%
Defense Attorney	6	42.9%	5	35.7%	3	21.4%	0	0%
Advocate/Crime Victim Liaison	2	50%	2	50%	0	0%	0	0%
Probation Officer	10	31.3%	17	53.1%	3	9.4%	2	6.3%

2007 Responses to: Does WATCH make a difference in how defendants are treated in the courtroom?



For the 2007 survey, 36 respondents provided examples of how WATCH’s presence has an effect on the treatment of defendants in the courtroom. Eight individuals feel WATCH’s presence increases the accountability of all parties including defendants. One respondent wrote, *“Everyone behaves better when they are more accountable. Defendants are treated with respect, their questions are answered, and reasonable requests are honored.”* This group discussed how when WATCH is present everyone is treated with respect, more attention is paid to detail, and there is an overall higher quality of interaction between parties in the courtroom. A handful of respondents specifically noted that WATCH’s presence encourages the court to hold defendants accountable. One individual offered, *“I think the presence of WATCH may make the court more likely to address the defendant about his/her responsibility and be less likely to ‘blame the victim.’”*

Seven respondents noted that WATCH's presence has a negative or less than favorable impact on defendants. This group discussed how defendants are less likely to get "sweetheart deals" and that WATCH is out to "do in" defendants. Some in this group expressed concerns regarding the presumption of innocence when WATCH is present. One individual wrote, *"Defendants in domestic assaults are now more likely to be perceived as guilty from the start and instead of the State having the burden of proof, it has now switched to the defendant, especially in the imposition of bail. For a poor client a setting of any amount of bail is tantamount to a jail sentence before a finding of guilt. It makes a mockery of the concept of presumption of innocence."*

Lastly, three respondents indicated that WATCH's presence affects the outcome of cases, particularly at sentencing and revocation hearings, but did not indicate whether they believe this to be a positive or negative effect. For example, one person noted, *"I believe WATCH has had an impact on the ultimate revocation and sentences that defendants receive as a direct result of the work WATCH does or has done in the past."* Another wrote, *"I say 'sometimes' because I have to acknowledge that in a close case the presence of a victim's advocate may tip the balance. Of course, this is also true when supporters of a defendant are in court. These are subtle pressures which I hope do not have a substantial influence on a judge's decision."*

Behavioral impacts

Both the 1999 and 2007 surveys asked respondents, *"Do you notice a change in the behavior of judges, prosecutors or defense attorneys when a WATCH monitor is present?"** In 1999, most respondents expressed belief that the presence of a WATCH monitor in the courtroom *does* cause changes in the behavior of these participants, particularly that of the judges and

prosecutors. The following statement is excerpted from the 1999 WATCH report: “The perceptions relating to the judges are particularly striking. The judges’ responses about changes in the behavior of judges can really be considered to be self-reports since judges do not often observe other judges in the courtroom. Two-thirds of them say their behavior is unchanged by the presence of a court monitor. Yet, in contrast, about three-fourths of the defense and prosecuting attorneys say that, indeed, judges do behave differently in the presence of a court monitor.” Overall, judges noticed the least change, prosecutors the most. Few respondents believed the behavior of defense attorneys was affected.

**Table 9 (1999 and 2007 responses):
Behavior changes noticed by justice system personnel**

These Respondents	Say they notice changes in behavior of the following when a WATCH representative is present:		
	1999		
	Judge/Referee	Prosecutor	Defense Attorney
Judge	33%	49%	22%
Prosecutor	81%	53%	29%
Defense Attorney	73%	64%	14%
	2007		
	Judge/Referee	Prosecutor	Defense Attorney
Judge	37.5%	42.9%	24%
Prosecutor	61.5%	61.5%	41.7%
Defense Attorney	58.3%	41.7%	0.0 %

In 2007, the majority of respondents indicated they *do not* notice a change in the behavior of judges, prosecutors or defense attorneys when a WATCH monitor is present. Eighty-nine individuals responded to this question indicating that they were most likely to observe changes in the behavior of judges and least likely to observe changes in the behavior of defense attorneys. Prosecutors noticed the most change in the behavior of others, defense attorneys the least. Most notably, no defense attorneys noticed behavioral changes in one another, though many did notice changes in the behavior of prosecutors and judges. Both

judges and prosecutors indicated that they observe changes in the behavior of all parties when WATCH is present.

The 2007 survey asked respondents to describe the type of behavioral change they observed and whether they felt it was positive or negative. Fifty-five individuals answered this question. Thirteen of the responses to this question were from individuals who felt WATCH's presence did not change the behavior of professionals in the courtroom. These respondents were either unaware of WATCH's presence or felt that parties are always professional regardless of whether or not they are being observed. For example, one individual wrote, *"I don't notice a monitor in the courtroom until they stand up to leave, and I see the red clipboard."*

Equal numbers of individuals (6) felt WATCH's presence made individuals more "professional," more "conscious of the public" and more "respectful of victims." Respondents wrote, *"People tend to clean up their act a little when they are being watched. They are more professional."* And, *"[There is] less inappropriate joking; more formality; more focus on the matter at hand. People are less likely to compromise the roles and interests they are assigned to represent."* Six respondents could not identify a specific behavior change but felt criminal justice personnel were more aware of what was going on in the courtroom. One individual noted, *"If someone is there to watch your actions, and you know this, you change to some extent, and it is probably more positive than negative overall. I am not sure what changes, and it is not that the persons listed above would be any different if the WATCH person was not there, but sure, you may conduct yourself a bit differently...because of their presence."* Some respondents noted specific examples of behavioral changes. Three individuals discussed being more careful of side conversations and making an effort to reduce or not participate in

“casual” or more “humorous” conversations while in court. One individual said, *“When it is known, for instance, that a time study is being conducted by WATCH, attorneys are more apt to show up on time.”*

While the majority of respondents who identified changes in the behavior of others when WATCH is present felt the changes were positive, six individuals noted negative impacts. These individuals indicated that the presence of WATCH causes apprehension in the courtroom and that key players make decisions out of fear of a bad review in the WATCH newsletter. One such respondent wrote, *“I think cowardly judges and prosecutors are sometimes afraid to do the right thing when there is a terrible (meaning difficult to prove) case because of the pressure of WATCH. WATCH oversimplifies the issues, doesn’t understand the criminal justice system and doesn’t understand the alleged victims of domestic abuse.”* Another wrote, *“The WATCH person is not privy to a lot of relevant information regarding the case; but the judge might get nervous that something bad is going to get written up about him or her.”*

Responses to both surveys show that criminal justice professionals are more likely to acknowledge changes in the behavior of others, than in their own. The 2007 survey asked, *“Do you notice a change in your own behavior when you observe a WATCH monitor in the courtroom?”* Forty-seven respondents said the presence of WATCH does not affect their own behavior in the courtroom. Some in this group described themselves as professionals who always aspire to do their best, regardless of who is present or “watching.” One individual said, *“I am confident that I have weighed community safety issues, the defendants’ needs and circumstances and have made recommendations to the best of my ability.”* Four people indicated that WATCH’s presence attempts to intimidate or control their behavior.

These individuals explicitly stated their behavior does not change in an effort to pander to WATCH. For example, one individual wrote, *“I should not have to tiptoe around WATCH. Sometimes things get heated in the courtroom, that’s the nature of litigation. I don’t need WATCH reporting my every move.”*

Twenty respondents indicated there is a change in their own behavior when WATCH is present, describing how being monitored makes them more accountable. Specifically, they wrote that they take extra time to explain court terminology and procedures to the public and to WATCH monitors, while being more professional while in the courtroom. One individual reflected, *“Yes. It reminds me to explain terminology and the reasons for certain procedures. It reminds me to explain what has been going on while people were waiting and why that was.”* Another noted, *“I may be a little more careful in my interactions with defense counselors who are friends to make sure that my interactions are not misinterpreted.”*

The smallest group, four individuals, said they either do not pay attention to other people in the courtroom or they do not recognize WATCH monitors. One respondent said, *“I don’t generally pay attention to people in the courtroom unless I have been talking to one of them.”*

Objectivity

Both the 1999 and 2007 surveys asked respondents, *“Do you believe WATCH is objective (accurately reports what monitors observe) in its observations and evaluation of the criminal justice system?”** The largest group (30%) of respondents to this question in 1999 indicated that criminal justice professionals felt WATCH was objective “more often than not.” A nearly equal number of respondents (25%) responded “definitely” and “not at all.” The smallest group of respondents (20%) indicated WATCH was “sometimes” objective. Defense

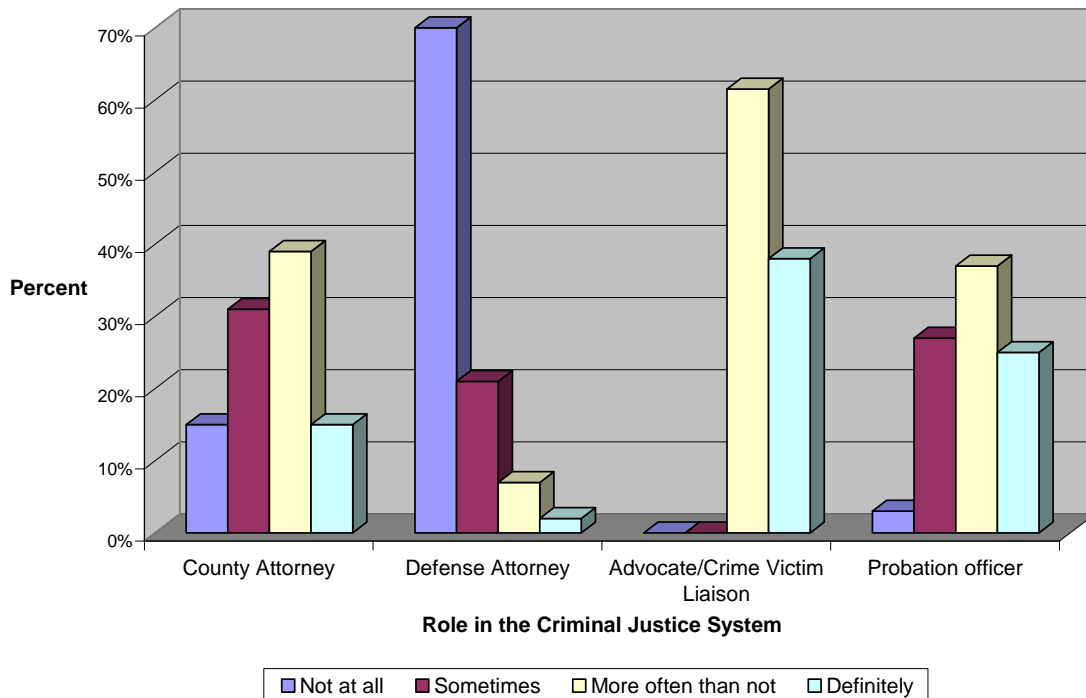
attorneys were more likely to find WATCH “not at all” objective (70%), while advocates were most likely to believe that WATCH was “definitely” objective (38%) or “more often than not (61%).⁶

Table 10 (1999 responses):

Do you believe WATCH is objective (accurately reports what monitors observe) in its observations and evaluation of the criminal justice system?

	1999							
	Not at all		Sometimes		More often than not		Definitely	
	N	Percent	N	Percent	N	Percent	N	Percent
County Attorney	2	15%	4	31%	5	39%	2	15%
Defense Attorney	30	70%	9	21%	3	7%	1	2%
Advocate/Crime Victim Liaison	0	0%	0	0%	8	62%	5	38%
Probation Officer	2	3%	14	22%	24	37%	25	38%

1999 Responses to: Do you believe that WATCH is objective in its observations and evaluation of the criminal justice system



⁶ The 1999 report does not include responses from judges for this question.

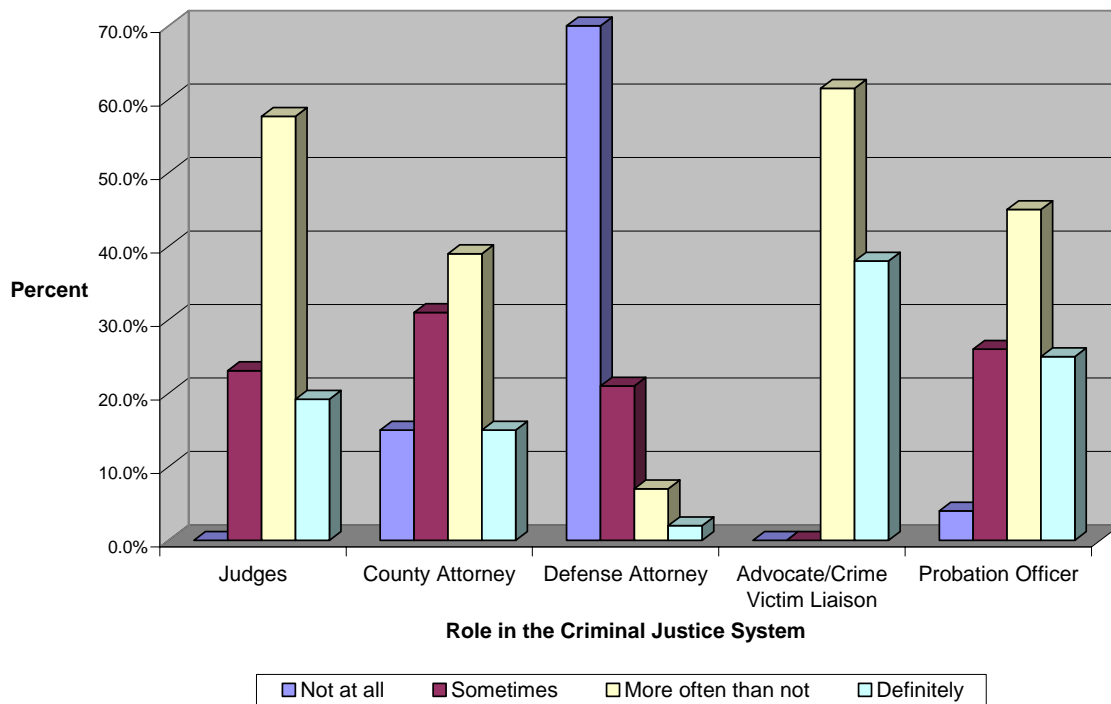
In 2007, the largest group (37.7%) of survey respondents indicated that WATCH was “more often than not” objective in its observations and evaluation of the criminal justice system, while the smallest group (14.1%) indicated WATCH was “not at all” objective. A nearly equal number (25%) responded “sometimes” and “definitely.” Similar to the 1999 survey, defense attorneys were the most likely to say WATCH is “not at all” objective (69.2%), while advocates were the most likely to respond “definitely” when describing WATCH’s level of objectivity (80%).

Table 11 (2007 responses):

Do you believe WATCH is objective (accurately reports what monitors observe) in its observations and evaluation of the criminal justice system?

	2007							
	Not at all		Sometimes		More often than not		Definitely	
	N	Percent	N	Percent	N	Percent	N	Percent
Judge	0	0%	6	23.1%	15	57.7%	5	19.2%
County Attorney	2	16.7%	3	25%	5	41.7%	2	16.7%
Defense Attorney	9	69.2%	3	23.1%	0	0%	1	7.7%
Advocate/Crime Victim Liaison	0	0%	0	0%	1	20%	4	80%
Probation Officer	1	3.5%	8	27.6%	11	37.9%	9	31.0%

2007 Responses to: Do you believe that WATCH is objective in its observations and evaluation of the criminal justice system?



2007 survey respondents offered further input regarding their perception of WATCH's objectivity. The majority of respondents recognize WATCH's objectivity stating, *"I read the newsletter and I really believe the case analyses are valuable and important. I wish these exposés were more widely available to the general public."* Another wrote, *"I think they have to be, or they would lose credibility...Most of what I have come across from WATCH has been objective, which is why I read it."* Six respondents stated WATCH often does not include the perspectives of, or take into account the responsibilities of, all parties. They encouraged WATCH to communicate more with all criminal justice professionals. One respondent wrote, *"I don't think every WATCH monitor fully understands everyone's role in the courtroom. They make uninformed decisions and assumptions about what is happening."* Another included, *"Sometimes, in its [WATCH's] advocacy, I think opposing views and other explanations get short-changed."*

Six respondents felt WATCH does not have enough information about case specifics to be objective. One respondent stated, *“While I think WATCH is very objective, reporting the facts as they appear on record or from observation, I do not think WATCH always has the complete story. Because some records are confidential (e.g. the Pre-Sentencing Investigation) WATCH does not have sufficient access to always track exactly why a case was handled as it was. On occasion, I have after-the-fact reviewed a case and noted that the Court made a decision which might be viewed as problematic, but in fact a confidential recommendation or discussion between probation, defense counsel and/or prosecutor informed and directed that decision. The court may take the heat, when in fact they may be operating on the poor recommendation of someone in the probation office, a fact which is not readily apparent in the record for a certain case if it is not stated in open court.”* Another respondent commented, *“I have read articles written by members of WATCH and observed them in the courtroom. In each instance where I have seen someone from WATCH, that person did not have information other than the charge and maybe the complaint — hardly enough to give them valid input on any outcome.”*

Suggestions for Improvement

The 2007 survey asked respondents, *“What suggestions do you have for WATCH to increase its objectivity?”* Among the fifty-one responses, two dominant themes emerged: 1) learn about and listen to the perspectives and experiences of all parties; and 2) broaden the definition of victim. Eight individuals responded under each theme. One group discussed how more interaction with criminal justice personnel would increase WATCH’s understanding of other perspectives. They suggested WATCH shadow attorneys and probation officers to better understand their work and the unique pressures they face. Comments include: *“Work for a*

day or two with public defenders. Visit with defendants in custody.” “Interact more with lawyers and judges rather than just sitting and watching. Not interfering but maybe asking questions, rather than jumping to a negative conclusion.” The second group felt WATCH’s definition of a domestic abuse victim is too narrow. They discussed how there are two sides to every story and expressed the belief that many allegations of domestic abuse and sexual assault are false. One individual wrote, *“Stop using the word ‘victim.’ Consider that many of the cases you ‘watch’ arise in complex situations and that neither party may be completely innocent. Stop with the patriarchal (yes patriarchal) attitude that female ‘victims’ are too stupid to make intelligent decisions and that condescending white saviors know what is best for ‘those people.’”*

Six individuals suggested that more training for staff and volunteers would help WATCH increase its objectivity. One noted, *“Educate your volunteers about timing issues. The hearing time is not the start time of a hearing unless it’s a trial. Also, explain what types of hearing they are attending and why. For example, a person on probation for a domestic or sex offense who is appearing on a new non-violent felony may or may not discuss the probation issue at the hearing.”* Five individuals suggested that WATCH monitors communicate more with criminal justice personnel to reduce the amount of time monitors sit in the courtroom waiting for cases that have been delayed or continued and to provide monitors with a better understanding of cases and why decisions were made. A sample of responses include: *“Introduce themselves to all parties. Ask before the hearing what is going to happen. There is too much down time for the WATCH personnel. I feel bad that they do unnecessary waiting without inquiring of the others present to know that the case will be continued.” “Ask more questions of attorneys to make sure you have all the facts.”*

“Understand and recognize that WATCH’s strength (being a system outsider) is its weakness too. Sometimes, results that are not the best are the only option and no one is at fault.

WATCH’s lack of insider knowledge sometimes prevents it from realizing this.”

Overall impact

Both surveys asked respondents, *“Please rate your opinion regarding the overall impact of WATCH on the criminal justice system in Hennepin County.”*⁷ According to the 1999 report:

A fourth of all respondents believed that WATCH had no impact on the system, over half believed its impact had been positive and a fifth believed WATCH has had a negative impact. Almost three-fourths of prosecutors felt WATCH had a positive impact on the system, whereas well over half of the defense attorneys believed WATCH’s impact to be negative. Probation personnel reported very positive opinions about WATCH’s impact and advocates even more positive. A third of all judges believe WATCH has no impact on the system. Thirteen percent believe its impact has been negative and 55 percent believed the impact on the system has been positive.

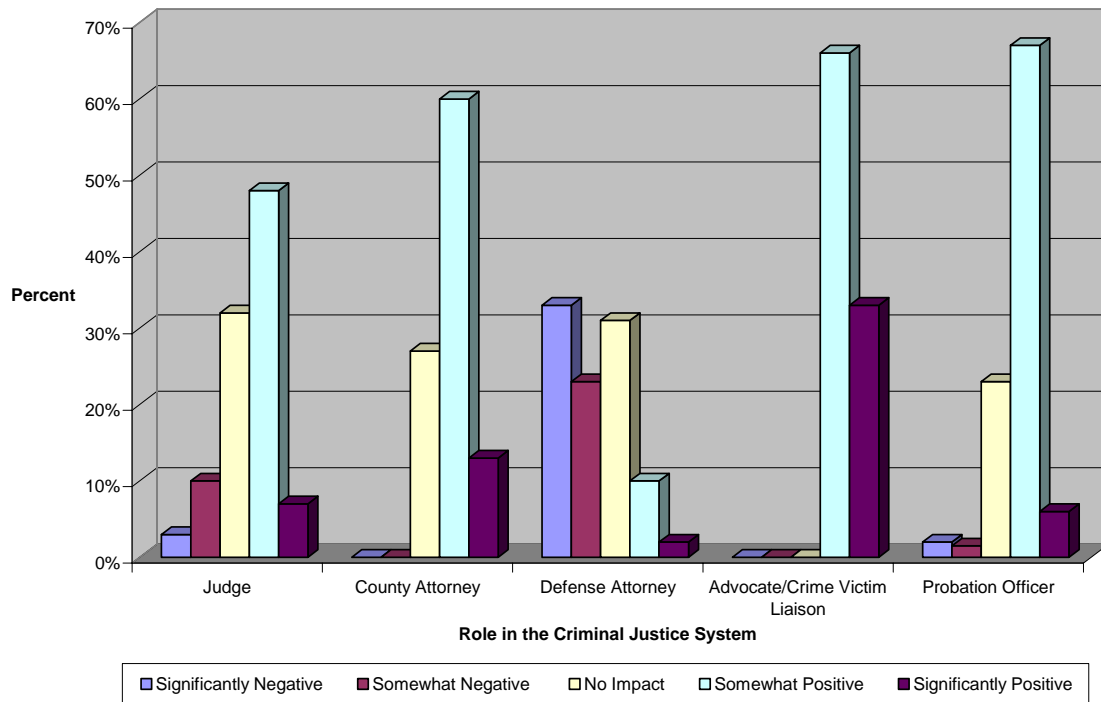
Table 12 (1999 responses):

Please rate your opinion regarding the overall impact o WATCH on the criminal justice system in Hennepin County.

	1999									
	Significantly Negative		Somewhat Negative		No Impact		Somewhat Positive		Significantly Positive	
	N	Percent	N	Percent	N	Percent	N	Percent	N	Percent
Judge	1	3%	3	10%	10	32%	15	48%	2	7%
County Attorney	0	0%	0	0%	4	27%	9	60%	2	13%
Defense Attorney	16	33%	11	23%	15	31%	5	10%	1	2%
Advocate/Crime Victim Liaison	0	0%	0	0%	0	0%	8	66%	4	33%
Probation Officer	1	1.5%	1	1.5%	14	23%	41	67%	4	7%

⁷ This question required responses on a 5-point scale (1-significantly negative, 2- somewhat negative, 3- no impact, 4- somewhat positive, 5- significantly positive)

1999 Responses to: Rate your opinion regarding the overall impact of WATCH on the criminal justice system.



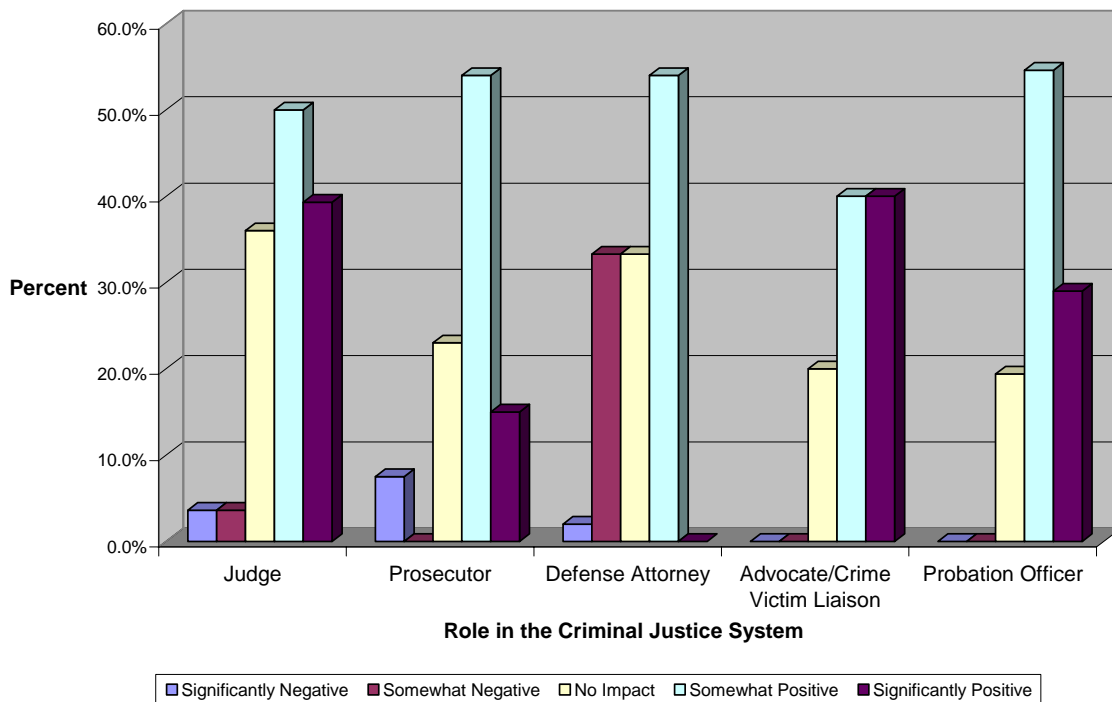
Responses to the 2007 survey indicate a significant increase in respondents' assessment of WATCH's positive impact on the system. The majority (70.7%) of respondents believe that the overall impact of WATCH on the criminal justice system is positive and less than 20% indicated that WATCH had "no impact." Fewer still (11.9%) indicated that WATCH's overall impact was negative. All of the advocates, three quarters of probation officers and one half of judges responding perceive WATCH's impact as positive.

Table 13 (2007 responses):

Please rate your opinion regarding the overall impact of WATCH on the criminal justice system in Hennepin County.

	2007									
	Significantly Negative		Somewhat Negative		No Impact		Somewhat Positive		Significantly Positive	
	N	Percent	N	Percent	N	Percent	N	Percent	N	Percent
Judge	1	3.6%	1	3.6%	1	3.6%	14	50%	11	39.3%
County Attorney	1	7.5%	0	0%	3	23%	7	54%	2	15%
Defense Attorney	3	20%	5	33.3%	5	33.3%	2	13.3%	0	0%
Advocate/Crime Victim Liaison	0	0%	0	0%	1	20%	2	40%	2	40%
Probation Officer	0	0%	0	0%	6	19%	16	52%	9	29%

2007 Responses to: Rate your opinion regarding the overall impact of WATCH on the criminal justice system



Interactions

2007 survey respondents were asked, “Please describe the interactions you have had with WATCH” and “Were those interactions positive or negative?” One hundred and two people responded, with levels of interaction ranging from extensive (assisting on WATCH projects,

serving as a former volunteer) to having no interactions. Twenty-two court personnel have only had contact with WATCH when informing WATCH monitors that cases had been continued or delayed. The smallest groups of respondents, those either assisting with a WATCH project (nine individuals) or serving on a committee (five individuals) with a WATCH staff member, had the most interaction with WATCH. Twenty-one respondents had observed WATCH's presence in court or during cases they were handling, but had no direct contact with anyone from the organization. A smaller group (12 individuals) had interactions of more substance such as responding to case-specific questions or requesting WATCH's presence at a particular hearing. One individual noted, *"I've spoken with staff about specific cases and given them a 'heads up' when I thought it was important that a proceeding be observed. My interactions have been very positive."* Another wrote, *"WATCH has contacted me on a couple of cases to express their interest or share their 'case study' or investigation of a particular defendant. My interactions have always been positive and I appreciate WATCH's courtroom presence."*

Forty-nine respondents described the quality of their interaction with WATCH and it was overwhelmingly positive. Thirty-one respondents described their interactions with as "positive" or "valuable." One individual wrote, *"I have had numerous interactions with WATCH, too many to count or recollect. All my interactions with WATCH and all its employees/volunteers have been positive. WATCH is a very professional organization. The work WATCH does is vital to public safety and in holding the criminal justice system accountable to the community."*

Eight respondents described their interactions with WATCH as being neutral. Ten individuals cited negative experiences, most of whom described specific events. A handful of

these individuals cited WATCH for not being adequately informed about case specifics, while others felt WATCH lacked objectivity. One individual described the following, *“I was chastised for a conversation the WATCH advocate was eavesdropping on — no one else was present in the courtroom at the time.”* Another respondent indicated *“nasty”* things were written about her in the newsletter. A third wrote, *“When WATCH appeared, and without full knowledge of the case, determined that what I recommended was unreasonable and without regard for the victim. This (uninformed) opinion, not fact, was then published in your newsletter. WATCH’s involvement in the case, in the long run, further hurt the victim.”*

Communication with WATCH

The 2007 survey asked respondents, *“Would you like to increase your communication with WATCH, and in what ways?”* Forty-four individuals answered this question, the majority (57%) of whom responded “no.” Seventeen individuals indicated they would like to increase their communication with WATCH. Several in this group felt more people need to know about WATCH and encouraged WATCH to do presentations for their coworkers or at meetings. Others said they would like to receive the *WATCHPost* newsletters and reports. Five individuals said they would like to receive more feedback from WATCH including criticism, complaints, and compliments.

Effective Organization

The last question of the 2007 survey asked criminal justice personnel, *“What suggestions do you have for WATCH as it seeks to become a more effective organization?”* Thirty-five individuals responded to this question. The majority (17%) of respondents believe WATCH needs to increase its presence in court, specifically in non-felony cases, and to begin monitoring domestic violence cases in the suburban courts. The next largest group (14%)

encouraged WATCH to be more visible. They suggested WATCH have a stronger media presence and conduct more community presentations. Some in this group suggested that WATCH increase its communication with criminal justice personnel and encouraged WATCH to include the perspectives of all parties, particularly those of the defense, in its publications. The latter group discussed how WATCH's strength has been to promote change, rather than to attack. Another individual advised, *"Stay away from blame and hostility. WATCH's strength over the years has been that it came at issues from an approach of wanting to make positive changes and wanting to work with the system for improvement."*

Conclusion

Much of what the survey showed was positive. We found most respondents to be aware of WATCH and understand what we are trying to accomplish. Most also believe WATCH makes a difference in the courts. While some criticize our presence as having the effect of intimidating judges, many more believe that our monitors have a positive effect, reminding members of the justice system to speak clearly and respectfully to all parties and to behave in a serious, professional manner in court.

A significant number of respondents expressed interest in having more interactions with WATCH and receiving more feedback, something we appreciate and plan to follow-up on. Respondents encouraged us to expand distribution of our newsletter and reports and to make more regular contact with justice system personnel. Some respondents pointed out the limits of our knowledge of specific cases, since it is confined to what we see in court and to public case records. We will take more steps to understand the background of cases before reporting on them, while acknowledging that what we see is also what the public sees and we believe there is value in the courts hearing that perspective.

WATCH appreciates the time respondents took to complete the survey and intends to use the results to continue to carry out its mission and to promote court monitoring and the WATCH model around the country. The thoughtful comments from respondents serve as a strong indicator that public scrutiny of the courts results in an improved justice system. WATCH credits any success to date to the fact that many people working in the Hennepin County courts are open to hearing and acting on WATCH's feedback and building collaborations with community organizations to make lasting changes.

Below are some of the suggestions WATCH received.

- **Provide more feedback to criminal justice personnel.** Respondents, particularly judges, want specific feedback on the things WATCH monitors feel they are doing well/poorly.
- **Increase communication with criminal justice personnel.** Respondents indicated a desire for more open communication with WATCH to respond to questions, educate monitors on the inner workings of the criminal justice system, provide insight into case specifics, and prevent waits for cases that have been rescheduled.
- **Increase presence of WATCH monitors.** Respondents would like to see WATCH monitors present at more non-felony cases, non-domestic cases, and family court matters. Requests were also made for WATCH's presence in the suburbs.
- **Focus on the positive.** Respondents encouraged WATCH to acknowledge the many positive things that go on in court.
- **Be more active/do more.** Respondents indicated that WATCH needs to be specific about behaviors and practices of court personnel that it feels should change. Requests were made for WATCH to increase its media presence while taking more of a stance on egregious cases and addressing judicial misconduct.
- **Focus/highlight different issues in the criminal justice system.** Respondents suggested WATCH take an interest in studies on poverty and inequality in sentencings in addition to its focus on victim issues and outcomes.
- **Include all perspectives.** Respondents felt that WATCH should incorporate opposing views in its articles and reports before they are published.
- **Increase distribution of the *WATCH Post* and WATCH reports.** Respondents suggested that WATCH include all criminal justice personnel on its mailing list and make publications available in break rooms and at the courthouse. They also suggested sending copies of newly released reports to the media and marketing its website.
- **Increase follow-up with criminal justice personnel.** Respondents felt WATCH should request meetings with attorneys, judges, and probation officers to get commitments from them on what steps they intend to take to respond to WATCH's recommendations.

- **Increase objectivity.** Respondents advised WATCH to be careful of political and ideological bents and to use less pejorative language.