

WATCH Accomplishments Fiscal Year 2011
July 1, 2010 to June 30, 2011

DAILY MONITORING

During the grant period, WATCH held three volunteer training sessions and trained 50 volunteers. Together with WATCH staff, 118 volunteers donated 4472 hours monitoring 5651 hearings in the criminal and family courts in downtown Minneapolis and three suburban Hennepin County courts.

In addition to the initial training and orientation, WATCH provided volunteers with three learning opportunities—a tour of the county jail, a discussion with an agent from Goldberg Bonds and a presentation by a former probation officer. Volunteers monitor court, assist with office tasks and provide additional staffing at WATCH events. Five participated in a focus group to give input to WATCH communications, and 29 completed a survey about the effect of their experience on their careers/attitudes about the justice system. Thirty four (about one third) of WATCH volunteers also made a financial contribution to the organization.

MONITORING/RESEARCH PROJECT

WATCH concluded a special monitoring project on misdemeanor domestic violence cases which is described below.

SUBURBAN COURT PROJECT

On April 6, 2011, WATCH released *Promoting Victim Safety and Offender Accountability: Improving the Response to Misdemeanor Domestic Violence Cases* summarizing the findings and recommendations of our 21-month project. We have presented our findings and recommendations at meetings of the Hennepin County Family Violence Coordinating Council, its Criminal Court Subcommittee, the Suburban Prosecutors annual CLE, the Brookdale Court Work Group, and the Edina Rotary Club. The report received media coverage from the Minneapolis Star Tribune, Fox 9 News, MinnPost online, and Minnesota Public Radio.

Bob Olsen, retired police sergeant working to improve domestic violence case outcomes in St. Louis Park, Edina, Eden Prairie, Bloomington, and Richfield, credited WATCH's work with fostering new momentum among the cities' police and prosecutors. Edina is taking a lead in this effort, propelled by a City Council member who attended WATCH's presentation to the Edina Rotary Club.

To inform our report and the resulting recommendations, WATCH staff and 34 volunteers spent more than 2,000 hours monitoring nearly 1,500 suburban court appearances. In conjunction with daily monitoring, WATCH conducted quarterly meetings with volunteer monitors to address concerns and offer feedback; facilitated two meetings with stakeholders representing criminal justice system personnel and community advocates; held informal interviews with advocates, probation officers, and court administrators to gather input; and conducted a wrap-up focus group with monitors.

WATCH evaluated both the *process* – courtroom environment and efficiency, and the *substance* – individual case outcomes. With few exceptions, the primary causes of the issues described in the report are system-wide and not the result of individual behavior. The key findings identified in the report are:

- A lack of accountability for repeat offenders
- A lack of emphasis on victim safety
- A need for improvements in courtroom environment

Highlights from the full report include:

- In Minnesota, domestic violence offenses are enhanceable, meaning that subsequent domestic violence offenses can be charged as a gross misdemeanor or felony.¹ In the suburban courts, less than half (49%) of the domestic assault cases that resulted in a conviction were resolved with an enhanceable offense. Resolving cases with non-enhanceable offenses eliminates the opportunity to use increased penalties to hold repeat offenders accountable.
- Of all suburban cases with a conviction, 25% resulted in the defendant being ordered to probation to the court rather than supervised probation. When defendants are placed on probation to the court, they are not required to report to a probation officer, and no mechanism is in place for the victim to report safety concerns or violations.
- In the suburban courts, judges failed to explain the no contact order to defendants in one third of domestic violence cases. Failing to explain these orders is a disservice to both defendants and victims. Violations of the order may result in additional criminal charges for the defendant, and victim safety can be compromised if the defendant engages in ongoing abuse, harassment, or threats.
- WATCH monitors documented that it was difficult or impossible to hear proceedings 54% of the time due to noise in the courtroom and called attention to the lack of weapons screening or other safety measures in place to protect victims, community members, and court personnel at the three suburban courts.

Changes currently in effect

WATCH has observed many positive and encouraging steps already taken to improve the functioning of the suburban courts. In January 2010, Hennepin County District Court launched a pilot project at Ridgedale that blocked cases to one judge from the initial appearance through the sentencing and created a four-judge team. Southdale and Brookdale followed suit in May 2010. Block teams and court personnel are meeting regularly to address concerns and discuss possible improvements, and District Court has plans to conduct its own evaluation of the efficacy of these changes and the overall efficiency of the suburban courts.

In November 2010, WATCH joined a best practices committee established to review the current best practices document, created in 2005 for Minneapolis' designated domestic violence court, for export to the suburbs, a crucial step in addressing specifically how domestic violence cases

¹ Once a defendant is convicted of one of the domestic-violence related offenses listed in Minn. Stat. § 609.02, subd. 16, future domestic violence-related charges may be enhanced to a gross misdemeanor or felony if occurring within the same 10-year period.

should be handled. The suburban courts continue to be a work in progress, and District Court demonstrates an on-going commitment to making improvements.

Conclusion

To effectively decrease domestic violence, every stage of a domestic violence case in the justice system must be considered through the lens of victim and community safety and offender accountability. Former New York chief judge Judith S. Kaye wrote,

*If domestic violence defendants present a particular risk of future violence, then why not enhance monitoring efforts to deter such actions? If victims remain in abusive situations due to fear for their own and their children's well being, then why not provide links to services and safety planning that may expand the choices available to them? If cases are slipping between the cracks of a fragmented criminal justice system, then why not work together to improve coordination and consistency?*²

WATCH supports increased communication and coordination as a primary means of addressing the areas in need of improvement. An effective response to domestic violence is a shared responsibility and requires that each part of the judicial system considers the impact it will have on victim safety and offender accountability. It is easy to focus on individual jurisdictions and disregard the bigger picture. Interconnectedness among the suburban municipalities, and with Minneapolis and Hennepin County, would help ensure that the response to these cases is consistent, regardless of where the offense occurs.

WATCH will work with its court and community partners to promote the development and implementation of more effective policies and protocols toward the following results:

- Municipalities take a stronger and more active stance against domestic violence, in part by resolving cases and setting supervised probationary conditions that would prevent future violence;
- Judges consistently explain no contact orders and other conditions of release in detail and, by doing so, increase victim safety and offender compliance, sending a message that domestic violence is a serious matter that will be treated as such by the court;
- District Court gives appropriate attention to environmental and safety concerns in the suburban courts, including the need for weapons screening, in order to create safer and more accessible courts; and
- A multi-disciplinary domestic violence steering committee is formed to address the specific recommendations in WATCH's report, oversee case outcomes, and monitor progress towards improvements.

The complete list of recommendations and a more detailed look at our findings can be found in the full report, available at www.watchmn.org/reports.

² Judith S. Kaye and Susan K. Knipps. "Judicial Responses to Domestic Violence: The Case for a Problem Solving Approach." *Western State University Law Review* 27:3 (1999-2000).

NATIONAL TRAINING AND TECHNICAL ASSISTANCE

Last year we began the practice of incorporating guest speakers and co-presenters into our webinars including individuals from other court monitoring programs as well as Hennepin County justice system members. We received excellent feedback on the addition of these speakers and will continue to utilize them whenever possible. WATCH offered seven webinars with 127 individuals from 34 organizations participating. Topics included Providing Feedback to Your Courts, Managing Court Monitor Volunteers, Monitoring Order for Protection Cases, Creating Defendant Chronologies, System Accountability for Sexual Assault Cases, and Developing a Court Monitoring Program. We continue to receive very positive feedback on our webinars, including:

- *I think it was wonderful to have a judge come in to discuss these issues. I think we sometimes forget to take into account the judge's perspective of court monitoring. Thank you so much.*
- *The information about who is primarily better at volunteering for court monitoring was very helpful and provided information not yet considered in our program. The entire webinar was insightful and educational.*
- *The webinar was great and provided helpful information to get us started on creating these chronologies. Thank you. You always do a wonderful job.*

We distributed four issues of the *Court WATCH Connection* e-bulletin to over 1000 people, providing information, resources and opportunities for collaboration for people looking to create or expand their court monitoring programs.

Finally, we were excited to learn that King County Sexual Assault Resource Center in Washington received grant funding to develop a court monitoring program. With training and technical assistance from WATCH, they began monitoring their sexual assault protection order process in late 2009. Over the course of 2010, we provided them a range of services including one-on-one webinars, phone, and e-mail support, and training materials. In July 2010, they presented on their work during our *System Accountability for Sexual Assault Cases* webinar (and will do so again this year). Two months ago they released their first court monitoring report, crediting WATCH with assisting them. This has been an excellent collaboration which will serve as a model for our future work.

PUBLIC EDUCATION/INFORMATION

WATCH staff made classroom presentations to 63 students enrolled in courses at the U of M. We hosted the UN Rapporteur on Violence Against Women, several international visitors from Tajikistan touring the U.S. to learn about our system of justice; and conducted a court tour and discussion for 21 Leadership students from the Middle Eastern countries of Bahrain, Yemen and the United Arab Emirates. We held training with five groups of pediatric residents, presented at the orientation for new Hennepin County judges, and presented findings of our suburban court project at meetings of the Edina Rotary Club, the Suburban Prosecutors annual CLE and the Brookdale Court Work Group.

The Minneapolis Star Tribune, Fox 9 News, MinnPost online, and Minnesota Public Radio covered release of our suburban court report and recommendations. Other media included: 1) a MinnPost article by WATCH founder Susan Lenfesty on WATCH's role with the courts; 2) A Star Tribune editorial by executive director Marna Anderson on the need for greater enforcement of state and federal gun laws; and 3) WATCH staff appeared on VoiceAmerica radio as well as SPNN local cable TV to talk about WATCH and how court monitoring can help promote greater safety for crime victims.