



Court Monitoring: WATCH's First Look at Ramsey County Criminal Courts

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Executive Summary

WATCH's method of conducting this study was to observe the behavior and decision-making of all major system players in Ramsey County criminal courtrooms. The recommendations in this report are based on the information gathered from those observations. In its 25 years of existence, WATCH has published reports with the intent that its findings and recommendations would spark a broader discussion about systematic changes within our court system. The same holds true with today's report. This report is meant to lay the groundwork for further research in Ramsey County about the appropriate handling of cases of violence against women and children.

WATCH's primary focus for this study was on judicial demeanor in the following areas: (1) Respect and Courtroom Decorum, (2) Efficiency and Timeliness, (3) Impartiality, (4) Accountability, and (5) Communication. This report also addresses attorney behavior and the need for childcare services within the court system.

Based on WATCH's research and evaluation of volunteer observations, WATCH believes there is a strong commitment by participants in the Ramsey County court system to assure appropriate responses in cases involving violence against women and children. WATCH volunteers noted that there were judges in Ramsey County consistently and effectively explaining their rulings, the court process, and the restrictions and guidelines of a Domestic Abuse No Contact Order. Volunteers praised certain judges for their passion for ensuring victim safety and expressing concern for the defendants' actions and the impact of their behavior on victims.

The overall positive observations provided by WATCH volunteers offers a sense of encouragement that the following recommendations in this report will assure consistency across all courts within Ramsey County in an effort to promote victim safety, defendant accountability and respect for the public. WATCH believes that although there are many examples of positive observations from volunteers there is room for improvement in terms of Ramsey County's adherence to best practices and its overall responses involving violence against women and children.

Looking forward, WATCH has confidence this report will encourage Ramsey County court officials to work toward best practices by adopting many of WATCH's specific recommendations related to criminal prosecution of cases of violence against women and children.

Recommendations:

The overall recommendation in this report is that participants in the Ramsey County criminal justice system initiate the development of a Steering Committee consisting of all stakeholders that will review and address incorporation of this report's observations and recommendations into a written document of Ramsey County Best Practices for Domestic Violence Criminal Cases.

WATCH makes the following specific recommendations:

Judicial Performance and Communication

- Establishment of an environment in which criminal justice systems players hold each other accountable for behavior in the courtroom, both while formal court proceedings are occurring on the record and during times when formal proceedings are not being held in order to enhance respect for the judicial system.
- Creation of a best practices document that includes standard protocols and guidelines on judicial communication and performance.
- Development of a tool to document judicial behavior that is particularly beneficial or harmful to the handling of domestic violence cases in a way that promotes safety and accountability.
- Develop and make available to each judge to have on the bench the description and the elements of a Domestic Abuse No Contact Order so that judges issue rulings in these matters that are consistent with the law.

Courtroom Decorum

- Development of protocols for standard judicial announcements at the beginning of each court calendar, outlining the rules of the court.
- Creation of an environment in which court personnel should hold each other accountable for minimizing disruptive behavior in courtrooms.
- Standards regarding attorneys conversation with their clients, preferably outside of the courtroom, when talking about their case in order to avoid interference with courtroom decorum as well as to respect the privacy of each defendant.
- Establishment of expectations about when court personnel can use in-courtroom printers while court is in session in order to prevent printing noise from distracting court proceedings.
- Establishment of expectations that all courtroom personnel use courtroom microphones at all times when hearings are taking place on the record to assure that both courtroom participants and observers are able to understand the court proceedings.

Concern for Victim Safety

- County and City Attorneys and/or victim advocates should state on the record at every hearing whether the victim has been notified of that day's hearing, whether the victim is present in the courtroom, and whether the victim would like to provide input.
- Develop standard protocol on how to handle violations of DANCOS, No Contact Orders and Orders for Protection in the courtroom.

- Develop standard protocol in which court personnel ensure they interact with the gallery to learn whether people sitting in their courtrooms are there for a particular case so that court personnel can be sensitive to those interests.

Attorney Performance

- Attorneys should hold each other accountable when an individual speaks negatively about any courtroom participant in open court.
- Establishment of expectations that attorneys should refrain from negative comments about any participant in the courtroom unless the comment directly bears on the adjudication of the case.

Efficiency and Timeliness

- Establish a protocol on who provides the courts and members of the gallery with updates on wait times or delays in the court proceedings when there is a break in the schedule.
- Creation of expectations that court personnel, including attorneys, should make every attempt to appear on time for their hearings, or otherwise communicate with the court about their whereabouts.

Defendant Accountability

- Hold the defendant accountable at the sentencing hearing by addressing in open court how his or her actions have impacted the victim and/or community.
- Develop standard protocol for the enforcement of Minnesota Statute Section 518B.02, Subdivision 1 which requires defendants convicted of a domestic-related offense be ordered to complete domestic abuse treatment/counseling.

Childcare Services

- Implement free child care services for both the defendants' and victims' direct family members.