



# COURT WATCH PROJECT REPORT

**21<sup>st</sup> Circuit Court, St. Louis County  
July 1<sup>st</sup> – December 31<sup>st</sup>, 2018**

**The Hon. Mondonna L. Ghasedi, presiding Division 43  
The Hon. John N. Borbonus, presiding Division 6**

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## Introduction

For over 20 years, the Court Watch Project has been sending trained volunteers into the St. Louis Circuit Courts to observe and gather information when there has been an identified need for change. Over the past decade, it has been an effective way to make small collaborative changes. With continued partnership and a shared commitment to hold offenders accountable, we encourage stakeholders within the court and community to sit at the table as they have for years and discuss ways to improve the Adult Abuse Court.

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. The forms have also been recently revised to include more key elements of procedural justice: voice, respect, neutrality, understanding and helpfulness. Best practices are designed to create safeguards for victims of domestic violence during elevated risk, such as the order of protection process.

The St. Louis County Domestic Violence Court and Family Violence Council have been continuously supportive of the mission of the Court Watch Project. With the assistance from the Center for Court Innovation, the St. Louis County Domestic and Family Violence Council conducted a Needs Assessment in April 2018 specifically identifying the strengths, weakness and opportunities for the Court moving forward. From the final Needs Assessment report, priority areas were identified, and the Council has created subcommittees to address any needed action plans. The Council and members of the judicial leadership continue to be very supportive of the objectives of the Court Watch Project and engaged in ways the St. Louis County Domestic Violence Court may enhance their response to victims of intimate partner violence.

With the volume of adult abuse cases in the 21<sup>st</sup> Circuit Court, five different divisions hear order of protection intimate partner cases. As noted in previous reports, consistent implementation of the recommended protocols developed by the St. Louis County Domestic Violence Court has often been an issue. Focusing on consistency, the Court Watch Project monitored two divisions from July 1<sup>st</sup> to December 31<sup>st</sup> alternating weekly. The following report is the outcome of those observations.

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, and Carla Maley, Court Watch Project Coordinator.

# COURT WATCH PROJECT

## MISSION STATEMENT

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 Court Watch Project is a volunteer staffed project under the auspices of the St. Louis Ending Violence Against Women Network (SLEVAWN), in which court proceedings in the St. Louis Circuit Courts are monitored. That information is made available to the court, the Bar and the public to ensure transparency and to give victims a greater voice in how the court processes domestic violence cases. Volunteers attend court on specific days to observe Civil Protection Order cases and record case outcomes on a form.

## HISTORY OF COURT WATCH

In January of 1997, concerns were raised at a Missouri Coalition Against Domestic Violence, now known as Missouri Coalition Against Domestic and Sexual Violence (MCADSV), St. Louis Metropolitan Region meeting about whether victims of domestic violence were getting the Orders of Protection that they needed and whether these victims were being treated fairly by the Judges and court personnel. A suggestion was made to start a court watch program to address these concerns. A committee was formed to develop a court watch project.

In April of 1997, with a limited number of volunteers, the St. Louis Metropolitan Region of MCADSV began monitoring three (3) of the nine (9) courtrooms which hear Order of Protection cases in the Circuit Court of the State Missouri, Twenty-First Judicial Circuit in St. Louis County. An increase in volunteers allowed the program to expand to all nine (9) courtrooms in March of 1998. Plans began to be made to expand the Court Watch Project to the Twenty-Second Judicial Circuit Court of the State of Missouri in St. Louis City in both the civil divisions which hear Order of Protections cases, as well as the two criminal divisions, which hear misdemeanor and felony domestic violence cases.

There was then a change in staff at the lead agency for the Court Watch Project (St. Martha's Hall), and it slowly decreased in participation, and then ceased operations. In 2006 the Court Watch Project became a permanent program under MCADSV St. Louis Metropolitan Region and the Family Violence Council of St. Louis City as the two organizations joined efforts to expand this project. The Program remained active until 2008.

Recognizing again that victims of domestic violence were still experiencing problems in the courtroom in 2013, SLEVAWN reignited the Project. In 2014 the Advocacy and Action Committee of SLEVAWN sought and received funding for the Court Watch Project from SLEVAWN to buy supplies.

In September 2015 St. Martha's Hall, acting on behalf of the Court Watch Project received a three-year grant, *Justice for Families Grant*, from the Department of Justice, Office on Violence Against Women. The Project now has a paid coordinator, an independent contractor. Beginning January 2019, the Court Watch Project will be funded through private grants and not the Department of Justice.

### **NECESSITY OF A COURT WATCH PROJECT**

Victims of domestic violence enter courtrooms in St. Louis County and City everyday seeking help to escape the violence in their lives. Many victims experience frustrations with the process, which leads to a lack of trust in the judicial system when seeking Orders of Protection and/or testifying against their abusers in criminal domestic violence cases. Unlike someone being prosecuted for a crime, victims of domestic violence have very few rights.

To help support victims on a systemic level, volunteers are needed to monitor the courtrooms that hear the Adult Abuse Order of Protection Dockets, to work toward improved outcomes for victims. The feedback received through a court watch project can be used to change the policy and procedure in several ways. The results can be shared with the Presiding Judge with a request for changes. The results can be published to encourage change.

## **“Ensuring Justice for Victims of Domestic Violence”**

JULY 1<sup>ST</sup> – DECEMBER 31<sup>ST</sup>, 2018

21<sup>st</sup> Circuit St. Louis County, Division 43 and Division 6

## OBJECTIVES AND DEVELOPMENT OF COURT WATCH PROJECT

- Send trained volunteers into the courtroom to evaluate whether victims of domestic violence are being treated fairly by the judicial system.

*During this six-month period, the Court Watch Project monitored two separate divisions and alternated weekly between the two. For Division 43, 13 dockets were observed by 11 individual monitors. For Division 6, ten dockets were observed by eight individual monitors. Each docket typically had two monitors collecting and reporting observations. Several monitors attended on multiple dates providing a combination of experienced monitors as well as new monitors with new perspectives of their observations. Volunteers attend court dockets on specific days to observe Civil Protection Order cases and record case outcomes and evaluations on a standardized form. That information is made available to the court, the Missouri Coalition Against Domestic and Sexual Violence, the Missouri Bar Association and the public to ensure transparency and to give victims a greater voice in the court process.*

- Identify the problem patterns and issues within the court system.

*During the six-month observation period from July 2018 through December 2018, monitors observed 18 default hearings and seven full hearings in Division 6. In Division 43, monitors observed 15 default hearings and 15 full hearings during that time. Narrative comments along with the quantitative information collected on the Court Watch Project forms were compiled by the Court Watch Project Coordinator. This report is the outcome of those observations.*

- Promote victim safety and offender accountability.

*The Spring 2018 Court Watch Project Reports for St. Louis City Circuit Court, Division 14 and St. Louis County Circuit Court, Division 33 were completed and provided to the presiding judges of each circuit, the respective sheriffs, the St. Louis Ending Violence Against Women Network (SLEVAWN), the Missouri Coalition Against Domestic and Sexual Violence (MCADSV), the Missouri Bar Association, key stakeholders and the broader community via various organizational website postings in August 2018. Recommendations regarding safety and security, and other various protocols were provided within the reports along with updates of past recommendations. Members of the Court Watch Project Leadership Team attended Civil and Criminal Contempt*

*dockets to observe the offender accountability practices in place in St. Louis County Domestic Violence Court.*

- Improve the administration of justice.

*In August 2018, a member of the Court Watch Project Leadership Team and the Court Watch Project Coordinator met with the Hon. Jason Dodson, presiding judge for Division 33 to review specifics of the Spring 2018 Court Watch Project Report and discuss various ways to enhance the St. Louis County Domestic Violence Court. A summary of the report was provided to members of the St. Louis County Domestic and Family Violence Council highlighting both the recommendations and commendations. The outcome of the Spring 2018 St. Louis County Court Watch Project Report highlighted the effectiveness of the protocols when implemented. Judge Dodson incorporated the St. Louis County Domestic Violence Court recommended judicial protocols and safety protocols in his adult abuse docket. The dockets not only ran efficiently and provided an atmosphere of safety for victims but also incorporated the elements of procedural justice for both Petitioners and Respondents.*

- Increase public awareness and public trust in the justice system.

*An additional seven volunteer courtroom monitors were trained during the last six months of 2018 for the Court Watch Project. As our current monitors, these individuals are prospective jurors and voters in our community who now possess an increased awareness and understanding of the justice system and domestic violence. These volunteers influence judicial retention and the community's response to domestic violence. The Court Watch Project Coordinator also presented findings from the Spring 2018 reports to both the St. Louis County Domestic and Family Violence Council and St. Louis Family Violence Council. Summaries were provided to member organizations of each report. The Spring 2018 Court Watch Project Report 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.*

## METHODOLOGY OF THE COURT WATCH PROJECT REPORT

There are two Court Watch 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” case 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.

The data is broken out into “default” cases and “full hearing” cases, notated as such within the report, and are separated out because some questions are only applicable to full hearings. 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. The questions below are the direct questions completed on the forms. Some questions are not used for external reporting at this time but are collected for internal record keeping.

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. There have been some questions identified in this six-month cycle that were revised to ensure the information collected is more objective and will decrease inconsistent or inaccurate results. Forms were revised in December of 2018 to reflect those changes. The following are the elements of Courtroom Protocol and Case Observations we aimed to measure, the questions we used to measure those elements, and the findings of those questions.

## Courtroom Protocol

Sample size Division 43 – 20 Forms collected from 11 individual monitors attending 13 separate dockets

Sample size Division 6 - 18 Forms collected from 8 individual monitors attending 10 separate dockets

*\*denotes monitors' comments for Division 43*

*\*denotes monitors' comments for Division 6*

### Timeliness of the Docket

**Question 1-2:** What time was the docket scheduled? What time was the docket called?

**Finding Division 43:** Because of the wording of the current question on the form, notations from the monitors were often staggered in times with some noting the time she physically came to the bench and others when she began to call the docket. Answers from monitors often varied by 20 minutes. Based on visual observations from the Project Coordinator and narratives from monitors, Judge Ghasedi was very timely in coming to the bench. She gave a detailed introduction before calling the docket. This question was revised in 2019.

*Judge is no nonsense and very clear with her instructions to the courtroom.*

**Finding Division 6:** Based on visual observations from the Project Coordinator and narratives from monitors, Judge Borbonus was also very timely in coming to the bench. Judge Borbonus consistently came to the bench around 9:15 a.m. and began calling the names on the docket. The judge gave a brief announcement about how the morning's cases will proceed.

### Efficiency of the Docket

**Question 4:** Were all the names on the docket called before individual cases were brought to the bench?

**Finding Division 43:** In 100% of the observed dockets, all of the names were called on the docket before moving forward.

**Finding Division 6:** In 89% of the observed dockets, all the names were called on the docket before addressing individual cases. Judge Borbonus often handled continuances announced by attorneys before proceeding with next name on the docket in order to allow them to leave.

*When Respondent told the Judge at docket call that the Petitioner was not going to appear, he quickly dismissed. Asked no further questions.*

**Question 8:** Were No service/No return cases either handled first (county) or handled on the side by the clerks/Advocates (city)?

**Finding Division 43:** In 100% of the observed dockets, no service cases were handled first. Judge Ghasedi utilized the advocates in handling no service cases. She did inform Petitioners at the time of docket call if there was no service on the case and that an advocate would meet with them to discuss options.

**Finding Division 6:** In 89% of the observed dockets, no service cases were handled first. Judge Borbonus did ensure no service cases were handled promptly and began utilizing the advocates to assist Petitioners. He called all the Petitioners with no service to the bench and had them sit in the front chairs so that an advocate could review options with them. Again, Judge Borbonus did handle some attorney matters as they arose, but he moved the cases through efficiently.

*He was helpful to a Petitioner by explaining alternate ways to serve the Respondent.*

**Question 9:** Did it appear that cases with one party were called up to the bench before cases with two parties?

**Finding Division 43:** In 85% of the observed dockets, cases with one party were called up before cases with two parties.

**Finding Division 6:** In 67% of the observed dockets, cases with one party were called up before cases with two parties. Overall, the docket did run efficiently. Judge Borbonus reviewed every consent brought in front of him by private attorneys thoroughly especially the section regarding firearms.

**Note:** Both judges routinely heard default hearings before hearing full hearings. Monitors responded “no” when consents or conversations with two parties were handled before defaults and caused a lengthy delay. Prior to hearing any testimony, the judges in both divisions would go through the docket again to see if cases where both parties were present were wanting to consent. If the Respondent agreed to a consent, the judges completed paperwork and reviewed the agreement with the parties. Depending on the case, this could sometimes be a bit time consuming. Default hearings would then begin after all cases were identified as either consent, continued or hearing. Towards the end of the reporting period, Judge Ghasedi began utilizing the volunteer lawyers to assist with the discussion and paperwork of consents for cases even if children were not in common. This reduced the time default hearings had to wait before their cases were heard.

### **Transparency of the Process**

**Question 5:** Did the judge explain the court process to the parties, either verbally or through a handout, before the hearing?

**Finding Division 43:** In 100% of the observed dockets, Judge Ghasedi explained the process prior to the start of hearings. Judge Ghasedi gave a very descriptive introduction prior to calling the docket that mirrored the information explained in the handout provided by the Bailiff. She was transparent in her expectations of behavior from the parties during testimony, consequences of violating the order, and that Respondents will be held in the courtroom an additional 15 minutes after Petitioner leaves. Below are comments from monitors describing the introduction.

*Judge is very clear and specific with her explanation of the process and her expectations.*

*The Judge gave a very thorough explanation of court proceedings and the consequences of violating the court order of protection. She made it very clear that this is a court of personal safety and that children are the primary consideration. She described what it means to "consent". She sets the tone very serious, controlled and orderly behavior.*

There were some comments from monitors that offered a contrasting observation.

*Judge's demeanor during explanation felt vaguely sinister/threatening. I understand wanting to establish decorum but telling someone they may go to jail for rolling their eyes is extreme.*

*Judge is brisk and to the point, but it often comes off as clipped, frustrated and annoyed.*

**Finding Division 6:** In 61% of the observed dockets, Judge Borbonus explained the process prior to the start of hearings. The monitors noted limited verbal information was provided to litigants prior to the start of the docket. However, Judge Borbonus provided information to the litigants individually when they approached the bench about consent. The bailiff was very adamant about providing individuals with the handout.

*Judge explained how order will proceed.*

*The judge speaks clearly and loudly so that everyone can hear.*

*Did not explain presence of advocates or anyone in jury box.*

*Long "down time" with no explanation.*

*Bailiff sat inside front of courtroom and addressed parties as they came in. Inquired if parties have read court rules.*

### **Litigant Support**

**Question 6:** Did you see advocates speaking to Petitioners prior to court starting or their cases being heard?

**Finding Division 43:** In 70% of the observed dockets, monitors observed advocates speaking to Petitioners before their cases were heard.

*Advocates talked with Petitioners after they spoke to judge.*

*No advocate spoke beforehand with Petitioner to organize her story. Her testimony was all over the place.*

**Finding Division 6:** In 61% of the observed dockets, monitors observed advocates speaking to Petitioners before their cases were heard.

*Toward end of docket an advocate approached Petitioner who had been sitting for a while.*

**Note:** Advocates typically did not appear in court until shortly before the docket was called. As stated in the Spring 2018 Court Watch Project Report, the current practice for advocates is to meet with Petitioners after the Judge has spoken to them or their hearing is complete. When time permits and if the Petitioner is not represented, the advocates were observed meeting with Petitioners prior to full hearings. From conversations with the St. Louis County Domestic Violence Coordinator, the process by which advocates meet with Petitioners is at times based on each division's judicial preference or the number of advocates readily available. Because of the new practice of advocates handling no service cases, advocates are having more opportunities to engage with victims earlier, providing an opportunity for victims to receive information about the court process prior to meeting with the judge. Any opportunities for advocates to meet with Petitioners prior to testifying should be encouraged.

**Question 7:** Were advocates accessible throughout the court proceedings?

**Finding Division 43:** Advocates were noted as being accessible throughout the court proceedings in 100% of the observed dockets.

*Judge took a break so Petitioner could speak to an advocate before proceeding.*

**Finding Division 6:** Advocates were noted as being accessible throughout the court proceedings in 100% of the observed dockets. Judge Borbonus utilized the advocates when needed and appropriate.

### **Safety and Security**

**Question 3:** Were parties separated to different sides of the courtroom as they entered? (either by bailiff instructing them, during check in, sign posted, etc?)?

**Finding Division 43:** In 95% of the observed dockets, parties were separated to different sides of the courtroom prior to the docket being called. The bailiff stood at the entrance to the courtroom and checked individuals in as they arrived. After the judge took the bench, the bailiff was diligent in getting information from latecomers and ensured they were seated on the correct side.

**Finding Division 6:** In 72% of the observed dockets, parties were separated to different sides of the courtroom prior to the docket being called. The bailiff sat at this desk to check individuals in and often showed visible signs of frustration when litigants arrived but did not come to his desk. After the judge took the bench, if the bailiff noticed a latecomer, he would either wave them over to him or approach them in their seat. Based on his visible frustration, there seemed to be an assumption from the bailiff that individuals entering the courtroom should just know what to do.

*People walk in uncertain where to sit. Bailiff calls for anyone who has not checked in to come up to his desk. He then directs them where to sit.*

*Bailiff sat at front of courtroom yelling at people to come to him to register.*

*Respondent allowed too close, giving threatening stares to Petitioner. Both parties allowed to enter courtroom side by side.*

**Question 11:** Was there a bailiff in the courtroom at all times?

**Finding Division 43:** In 100% of the observed dockets, the bailiff was present in the courtroom at all times.

**Finding Division 6:** In 94% of the observed dockets, the bailiff was present in the courtroom at all times.

*A substitute came in to take over when bailiff left.*

*People were in courtroom as early as 8:40am and Bailiff left for about 5 minutes.*

**Note:** In both Division 43 and Division 6, the judges' bailiffs utilized and communicated regularly with the Court Officer stationed in the hallway and available as backup when needed.

**Question 12:** How closely was the bailiff monitoring the courtroom? (*responses from monitors were reported out on a Likert scale ranging from strongly disagreed to strongly agreed.*)

**Finding Division 43:** 95% of monitors agreed or strongly agreed that the bailiff or deputy was closely monitoring the courtroom. There were only a few comments that indicated a need for increased monitoring.

*He did check everyone in beforehand but didn't pay much attention after that. At one point, Judge asked about Respondent and realized he'd left the room and bailiff had no idea that the person was here to begin with.*

**Finding Division 6:** Only 61% of monitors agreed or strongly agreed that the bailiff was closely monitoring the courtroom; 34% disagreed and 5% strongly disagreed that the bailiff closely monitored the courtroom. There were many comments from monitors regarding the bailiff's monitoring of the courtroom and overall demeanor.

*Bailiff paying more attention to papers on his desk than to what is going on in courtroom.*

*Parties approached bench together without bailiff.*

*Staring seemed permissible.*

*Bailiff shook his head at someone and noticeably said "Idiot" as he walked away.*

## Case Observation

Division 43 Sample Size – 15 default observations and 15 full hearing observations (individual cases) collected from monitors attending 13 separate dockets.

Division 6 Sample Size – 18 default observations and 7 full hearing observations (individual cases) collected from monitors attending 10 separate dockets.

## Litigant Support

**Question 1-2:** Was the Petitioner represented by an attorney? Was the Respondent represented by an attorney?

**Finding Division 43:** In 94% of the observed default cases, Petitioners were self-represented. In 87% of the full hearings, Petitioners were self-represented compared to 94% for Respondents. In one full hearing where a Petitioner was

represented, the Respondent was not. In the one hearing where a Respondent was represented, the Petitioner was also represented.

**Finding Division 6:** In 100% of the observed default cases, Petitioners were self-represented. In 67% of the full hearings, Petitioners were self-represented and 83% of Respondents were self-represented. In the two full hearings where a Petitioner was represented, the Respondent was not. In the one hearing where a Respondent was represented, the Petitioner was not.

**Note:** Many of the cases where parties are represented are often either continued due to other domestic relation cases pending or there is a consent entered. While there are attorneys present for litigants, the information collected by monitors is only for cases that have a hearing.

**Question 3-4:** If the Petitioner needed a language interpreter was one provided? If the Respondent needed a language interpreter was one provided?

**Finding Division 43:** There was one observed full hearing where language interpreters were needed and provided to both the Petitioner and Respondent. There was one case that was continued because interpreters were not ordered in advance.

**Finding Division 6:** There were no observed cases where either Petitioner or Respondent needed a language interpreter for the hearing. There was one case continued to schedule an interpreter.

*Respondent's attorney asked bailiff for interpreter and bailiff told him he had to schedule one in advance. Judge scheduled interpreter.*

### **Judicial Manner**

**Question 7 & 9:** Did the Judge treat the Petitioner with respect? Did the Judge treat the Respondent with respect?

**Finding Division 43:** The monitors noted in 91% of the observed full hearings cases that Judge Ghasedi did treat the Petitioner; 95% for Respondents. In 100% of default cases Judge Ghasedi did treat the Petitioner with respect.

*Petitioner had development disability and judge encouraged Petitioner to not be nervous and judge was patient in determining addresses of work/home.*

*Judge seemed to give both parties respect and was very thorough with story.*

There were several contrasting comments from monitors regarding Judge Ghasedi's demeanor with Petitioners at times.

*There's a difference between being matter of fact and being harsh and dismissive.*

*She became combative in tone with Petitioner stating, "that's a custody issue". Petitioner stated multiple times "I am afraid for my life" and discussed history of physical abuse. Respondent admitted he ripped necklace from her neck. Judge responded, "sounds like a bad break-up and custody issue". Judge later told Petitioner to start texting Respondent pictures of their kid because "he doesn't see him very often".*

**Finding Division 6:** The monitors noted in 100% of the observed full hearings that Judge Borbonus did treat the Petitioner with respect; 83% for Respondents. In 100% of default cases the judge did treat the Petitioner with respect.

*Very kind to her. She was emotional.*

**Question 8:** Did it appear that the Petitioner was given a chance to provide testimony and be heard?

**Finding Division 43:** In 100% of the observed default and full hearings cases, it was noted that the Petitioner was provided an opportunity for their testimony to be heard.

*Judge asked a lot of detailed questions to develop the story and pattern of behavior.*

**Finding Division 6:** In 100% of the observed default and full hearings cases, it was noted that the Petitioner was provided an opportunity for their testimony to be heard.

*The judge listened attentively.*

*Judge Borbonus encouraged more testimony by asking questions.*

**Question 10 (full hearings only):** Did it appear that the Respondent was given a chance to provide testimony and be heard?

**Finding Division 43:** In 91% of the observed full hearings cases, it was noted that the Respondent was also provided an opportunity for their testimony to be heard.

*Seemed annoyed with Respondent, possibly it was just her way of showing she didn't believe him.*

*At one point, the judge asked a Respondent if they were interested in a consent. Respondent replied, "actually I want a continuance so I can get an*

*attorney." Judge responded in an annoyed tone of voice "I was asking about the consent so I guess that's a no".*

**Finding Division 6:** In 83% of the observed full hearings cases, it was noted that the Respondent was also provided an opportunity for their testimony to be heard.

*Judge Borbonus guided the Respondent to focus on the points.*

*More than enough time.*

**Question 11:** Was a full order of protection granted?

**Finding Division 43:** In 95% of the observed default cases, the full order was granted. There was one default hearing where a Petitioner was ordered to attend substance abuse treatment. In 50% of full hearings observed, full orders were granted to Petitioners. In 41% of the full hearings observed, Ex Partes were continued for a various number of reasons. Judge Ghasedi often continued cases after hearing testimony, ordering parties to attend co-parenting classes or file for custody. She then requested the litigants provide an update at a status meeting and determine if a full order was ultimately needed. On several occasions, Judge Ghasedi suggested both parties attend individual counseling and come back with a status update before deciding if full order will be granted. While this practice may assist Petitioners where there are low risk factors present and lean more towards issues of custody, it was observed on some occasions to be used for cases with children in common where the Petitioner testified to high risk factors.

*Ex Parte was continued for 3 months to give time to plan separation and file divorce.*

*Petitioner was filing an order against her ex-husband after he sent her threatening emails and was harassing her at work. Text messages stated he was looking forward to watching the Petitioner "die a slow death". When Judge Ghasedi questioned the Respondent on how he spoke to the mother of his children he began to cry and stated he missed his son. The divorce was final 6 years ago and Petitioner had sole legal custody. Judge Ghasedi stated she felt sorry for Respondent and did not believe his actions were an act of violence but that he simply missed his son. Petitioner stated that she was afraid several times but Judge Ghasedi did not acknowledge her fear and even asked if mom was willing to allow dad more time with the child. Judge made a referral to Kids in the Middle and stated it was a co-parenting issue.*

**Finding Division 6:** In 100% of the observed default cases, the full order was granted. In 75% of full hearings observed, full orders were granted to Petitioners. There were no cases observed that a decision was delayed.

\*Denials may be based on factors outside of the control of the Judge, including not meeting the requirements of the statute as defined by the Missouri Adult Abuse Act in Chapter RSMo 455 or the Petitioner not meeting the burden of proof.<sup>1</sup> The monitors reported insufficient evidence to meet the statute as the reason for most of the denials.

**Question 12:** Did the judge explain the ruling and elements of the order in plain language to the Petitioner and/or Respondent?

**Finding Division 43:** In 100% of default cases, Judge Ghasedi explained the order to the Petitioner. In 86% of full hearings, it was noted that she explained the ruling in a language that seemed clear and in recognizable legal terms. When continuing an ex parte after hearing testimony, Judge Ghasedi gave lengthy explanations on what both Petitioner and Respondent need to do before coming back with a status update.

*Judge clearly explained the order and even did some safety planning.*

*Judge was very thorough about what Petitioner should do if she sees Respondent.*

*Told Petitioner she wanted to order Al-Anon for her to support her.*

Additional comments from monitors included in contradiction to the above:

*Judge asked if she "knows better now" and is prepared to call 911 if she sees him.*

*Lots of monologues. In her statements, she obviously cares about the impact of violence on children, but she used language that insinuates the victim plays a part in the abuse, "every time you guys fight, your children are affected" or "you both need to learn to separate yourselves and just co-parent".*

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<sup>1</sup> Chapter RSMo 455 Pursuant to the Missouri Domestic Violence Act, a person may seek an order of protection from acts, attempts or threats to him or her from a family or household member or intimate partner; or from acts of stalking or sexual assault. "Stalking" is when any person purposely engages in an unwanted course of conduct that causes alarm to another person, or a person who resides together in the same household with the person seeking the order of protection when it is reasonable in that person's situation to have been alarmed by the conduct.

**Finding Division 6:** In 67% of default cases, the Judge explained the order to the Petitioner. In 42% of full hearings, it was noted that the Judge explained the ruling in a language that seemed clear and in recognizable legal terms.

*He clearly stated the Petition was granted but did not state what that meant.*

*No elements of the order were discussed with Petitioner.*

*Talked about duration of order but no other specifics.*

**Question 13:** Was there a discussion about firearms or firearm retrieval?

**Finding Division 43:** In 45% of the default hearings, there was a discussion or question about firearms with Petitioners; monitors noted 18% were “not applicable”. In 31% of observed full hearings, there was a question or discussion about firearms.

**Finding Division 6:** In 94% of the default hearings, there was a discussion or question about firearms with Petitioners. In 34% of observed full hearings, there was a question or discussion about firearms.

**Note:** As stated previously, the Court Watch Project monitors only note when they verbally hear a discussion about firearms. This does not consider times when the judges check the boxes without a discussion with the parties. In a discussion with one of the Compliance Coordinator it was stated that judges often do not ask about firearms if it was not mentioned in testimony. Firearm surrender would also not be discussed if the order was not granted.

**Question 14:** Were consequences of breaking the order explained to the Respondent?

**Finding Division 43:** Consequences of breaking the order were only explained in 59% of the full hearings observed, 32% “not applicable”. Judge Ghasedi discussed in length consequences of breaking the order in her introductions. If the ex partes were continued, Judge Ghasedi often readdressed elements of the order with Respondents.

*The Judge spent more time explaining consequences to the Petitioner about contacting the Respondent then she did explain consequences of violating the order to the Respondent.*

**Finding Division 6:** Consequences of breaking the order were only explained in only one of the seven full hearings observed. Judge Borbonus read from the order about what the Respondent can or cannot do.

*In a consent agreement, the judge did not explain consequences of breaking the agreement. This instance appeared very unsettled between the Respondent and Petitioner.*

### **Courtroom Safety**

*(The following questions are specific only to full-hearings observed)*

**Question 15:** Was precaution taken to ensure the separation of this Petitioner and Respondent **before** the proceedings?

**Finding Division 43:** In 100% of the cases observed, the parties were separated **before** the proceedings. This observation was noted as the parties stood up to come to the bench.

**Finding Division 6:** In 75% of the cases observed, the parties were separated **before** the proceedings. This observation was noted as the parties stood up to come to the bench.

*There were three cases today where both Petitioner and Respondent were asked to approach the bench. Bailiff never stood in between parties or moved from his desk.*

**Question 16:** Did the bailiff stand near the parties **during** testimony (City)? Or were the parties seated at tables (County)?

**Finding Division 43:** In 100% of the cases observed, the parties were separated **during** the proceedings.

*Stood between them at the Judge's bench.*

**Finding Division 6:** In 58% of the cases observed, the parties were separated **during** the proceedings.

*There were several cases where both parties were present and called in front of the Judge. The bailiff did not stand close to the parties or even get up from chair.*

*Ex-husband was allowed to stand shoulder to shoulder with Petitioner with no bailiff nearby.*

**Question 17:** Was precaution taken to ensure the separation of Petitioner and Respondent immediately **after** testimony as they waited for paperwork?

**Finding Division 43:** In 100% of the cases observed, the parties were separated **after** the proceedings.

**Finding Division 6:** In 83% of the cases observed, the parties were separated **after** the proceedings. On a consistent basis, the bailiff did have the Petitioner and Respondent sit in designated places between his desk after the hearings. However, litigants represented by attorneys were often brought out into the hallway or attorney rooms and weren't as closely monitored.

*Parties were both were represented and left the courtroom at the same time.*

**Question 18:** Was the Respondent held in the courtroom to allow the Petitioner time to safely leave the courtroom and courthouse?

**Finding Division 43:** In 100% of the observed cases, monitors noted that the Petitioner was given time to leave the courtroom.

**Finding Division 6:** In 92% of the observed cases, monitors noted that the Petitioner was given time to leave the courtroom. Judge Borbonus was very adamant about ordering Respondents to wait 15 minutes before leaving courtroom. However, communication between attorneys, the bailiff, and the advocates at times was not present.

*In one of the cases, the advocate was in one of the meeting rooms with the Petitioner while the volunteer lawyer was getting paperwork. The attorney gave paperwork to the Respondent and told him he could go. The advocate returned to the courtroom minutes later and inquired about the Respondent's whereabouts. Apparently, the advocate had also told the Petitioner to go. The bailiff was not monitoring the situation. He was still sitting at his desk.*

**Question 19:** Overall, was the bailiff attentive during this hearing?

**Finding Division 43:** In 91% of the observed cases, monitors agreed or strongly agreed the Bailiff was attentive during the individual hearings. *(responses from monitors were reported out on a Likert scale ranging from strongly disagreed to strongly agreed.)*

*Called in another bailiff when the Respondent became agitated.*

**Finding Division 6:** In 91% of the observed cases, monitors agreed or strongly agreed the Bailiff was attentive during the individual hearings. While the Bailiff remained seated at his desk during most full hearings, he was attentive to the hearings. Comments from the monitors reflected on the Bailiff's demeanor during hearings.

*Bailiff made many dismissive movements. Very expressive when he disapproved of someone.*

*Bailiff showed visible signs of disgust/impatience/disagreement during hearings toward people speaking.*

**Question 20:** In your opinion, did the proceedings seem controlled, efficient and serious in nature? *(responses from monitors were reported out on a Likert scale ranging from strongly disagreed to strongly agreed.)*

**Finding Division 43:** 100% of the responses from monitors indicated they agreed or strongly agreed that the proceedings seemed controlled and serious in nature.

*Before dismissing the case due to nonappearance by Petitioner, Judge talked to Respondent to emphasize the seriousness of the situation.*

*(During a recess) The judge invited a young child to sit in her chair and play judge (her mom's hearing was the last one and the courtroom was empty). Judge also explained to mom that another hearing could get graphic and the daughter should be brought into hallway.*

**Finding Division 6:** 36% of the responses from monitors indicated they strongly disagreed or disagreed that the proceedings seemed controlled and serious in nature; 9% agreed; and 55% strongly agreed.

*The judge maintained order with clear and concise directions.*

*At times during check in bailiff seemed to have challenges maintaining order with talking lawyers in area and parties becoming too loud. No one seemed to listen.*

*Respondent stared down Petitioner for a long time while standing at bench (Petitioner in witness seat) no one intervened. Clenched his jaw several times.*

## OVERVIEW

The purpose of monitoring two courtrooms this 6-month period was to observe consistency of two adult abuse dockets in the St. Louis County Domestic Violence Court. Division 6 and Division 43 had their own separate judge, bailiff, and court clerks and the Domestic Violence Court Coordinator, Compliance Coordinators, and volunteer advocates were the same individuals at both dockets. Guardians Ad Litem and volunteer lawyers often rotated with some individuals appearing consistently.

Overall, both dockets ran in a timely and efficient manner despite sometimes lengthy dockets. There were differences on how the two Judges addressed consent agreements for self-represented individuals. The use of the volunteer lawyers to review and prepare consent paperwork for parties despite no children in common allowed Judge Ghasedi to begin hearing defaults and full hearings sooner.

The transparency of the process was an area that was noticeably different in both divisions. While the information was provided through a handout in both divisions, only one division provided a clear and detailed introduction outlining the process, how to prepare testimony and consequences of the orders of protection. This additional information provided more support to self-represented litigants and increased timeliness of the docket through less questions and individual discussions to parties at the bench.

Both dockets had advocates assisting with no service cases and both Judges had Petitioners speak to an advocate before dismissing. On some occasions, this spread the advocate staff very thin, but the Coordinator worked closely with the Judges to ensure needs were met. The communication between the advocates, court clerks and bailiffs in each division appeared strained and disjointed on multiple occasions. It appeared practices of the advocates changed depending on the Division especially timing of talking with Petitioners and how paperwork was handled with the clerk. There did not appear to be any consistency or coordination between the court staff.

Security practices of the two Divisions seemed to be an area where there was the least amount of consistency. The judges made verbal announcements and were both vigilant about Respondents leaving after Petitioners, however cases that ended in continuances by attorneys were often not monitored as closely by the bailiff depending on the division. Both bailiffs utilized the Court Officer when needed and there was always a noticeable presence of a security officer in both divisions. There were dramatic inconsistencies around how closely the bailiffs monitored the courtroom, the separation of individual parties throughout the

proceedings, and monitors' observations of the overall demeanor of one of the bailiffs.

While each judge had her and his own personal demeanor and nuances in handling defaults and full hearings, both had a strong foundation of the dynamics of domestic violence. One judge was very thorough in questions and details, while the other confirmed the information written on the application itself to assist Petitioners in their testimony. However, there was no consistency between the divisions in making the process transparent by providing a detailed explanation at the beginning of the docket to the litigants on how the court proceeding works. There was also no consistency in explaining the details of the issued order nor the consequences for violating the orders.

Another notable difference was how each judge addressed compliance cases on the dockets. As stated in the Spring 2018 Court Watch Project Report, the Case Observation and Courtroom Protocol forms used by the monitors do not ask questions regarding compliance hearings. However the Court Watch Project Coordinator did discuss these cases with monitors when they appeared on the docket. Overall, very few Respondents with cases appearing on the docket for Batterer's Intervention Program compliance appeared in court and those that did appear in-person seldom had face to face interaction with the judges. Instead the usual occurrence was that the Respondent met with the Compliance Coordinator.

*Judge Borbonus seemed to be compassionate, giving a Respondent another month to complete BIP and firearm compliance.*

With the rotation of judges in and out of the St. Louis County Domestic Violence Court it is essential to have a plan in place for those transitions ensuring consistency in best practices and protocols. Plans should include providing written policies and procedures to the new court staff and judge, mandatory trainings, observing adult abuse dockets and introduction to the key staff and community agencies. This report includes a link to a factsheet designed by the Center for Court Innovation to assist specialized courts in navigating judicial transition.

## COMMENDATIONS

**Judge Ghasedi was prepared for every docket and knowledgeable about the area's community resources. Judge Ghasedi was thorough and sought to address the needs of individual cases.**

It was apparent on multiple occasions the level of preparation that Judge Ghasedi had done prior to the start of the docket. She was familiar with each case's service status, continuances filed, and additional details needed before proceeding. There was very little lag time during the dockets. Coupled with her steady implementation of the recommended protocols it further validated the seriousness of the issues before her.

Judge Ghasedi was also familiar with area resources including victim service providers, mental health services and substance abuse treatments. She often made recommendations and encouraged Petitioners to speak to Advocates for more information about the effects of violence and trauma. When appropriate, it provided her an opportunity to engage Petitioners and Respondents on a personal level addressing concerns as they arose.

*There was a case being continued but the Judge took 30 minutes to explain the OP docket may not be the best docket to handle the case and offered suggestions to help the family. No details were disclosed but there had been a tragedy and both parties obviously grieving and all were trying to cope. Judge was very patient, empathetic and kind even offered resources. It was very clear the Judge cared about the well-being of the entire family.*

**Judge Borbonus has a strong foundation of the dynamics of domestic violence and assessed risk factors quickly without any additional burden on the Petitioner.**

It is imperative that judges hearing adult abuse cases have a solid understanding of the dynamics surrounding intimate partner abuse and trauma as well as the effects violence has on children. Judge Borbonus exhibited a strong knowledge of those dynamics through his assessment of risk factors during hearings and additional protections he provided to Petitioners. On several occasions he spoke with Petitioners about any concerns they might have before ordering a Batterers Intervention Program or firearm relinquishment.

For individuals who have experienced trauma or violence incident, the recall of details can be difficult and re-traumatizing. Judge Borbonus' preferred method of guiding Petitioners through the narratives of their original application and asking questions specific to identifying risk factors, minimizes any further trauma. With Respondents, Judge Borbonus was fair yet obviously familiar with

tactics abusers often use against their victims, especially stalking behaviors which are often difficult to access.

*Cross filed but Respondent did not show up. Asked about kids and asked if she wanted full custody of kids if granted full OP. She hasn't seen her kids since last incident. Given full OP and custody. Respondent walked in 3 minutes after hearing and Judge advised him to contact a lawyer.*

## RECOMMENDATIONS

**Recommendation 1:** Judicial leadership and stakeholders of the St. Louis County Domestic Violence Court should review, enhance and formally approve protocols addressing their objectives and goals for adult abuse dockets, compliance reviews and contempt hearings.

The St. Louis County Domestic Violence Court has been established for over ten years and there have been tremendous strides in their efforts to improve the response to domestic violence. While there are recommended protocols that have been written, there continues to be ambiguity around consistent implementation. For example, the utilization of volunteer lawyers and advocates are different from each division despite identified roles of each. Compliance reviews and face to face meetings with judges and respondents also vary. It is recommended that the stakeholders of the St. Louis County Domestic Violence Court evaluate the effectiveness of their current policies and procedures of the order of protection process including compliance reviews and contempt hearings.

In 2010, the National Council of Juvenile and Family Court Judges published “Civil Protection Orders: A Guide for Improving Practice” (CPO Guide) in which they identified values and practices that are essential to an effective order of protection process:

1. **Safety:** Victim safety requires an ongoing evaluation of risk, orders that address custody, visitation and support, and consistent enforcement of orders.
2. **Autonomy:** Victims should be able to decide when to access the system, what relief will best serve their needs and when to exit the system.
3. **Accessibility:** A process that is open, has 24-hour access and linked services enhances victim safety. Physical and language barriers should be identified and removed.
4. **Competence:** Practitioners should have available on-going training to maintain and update knowledge about the protection order process and a broad range of information in order to provide appropriate assistance.

5. **Reliability:** Standardized policies should guide the protection order process so that intervention and enforcement is consistent and predictable. Practitioners need to be linked to each other so that the system is effective.
6. **Collaboration:** Policies should promote collaborative relationships that include review and evaluation of the system.
7. **Culture and Diversity:** Practitioners should recognize their own assumptions and beliefs, and work with diverse community groups to ensure a system response that accounts for culture and diversity.
8. **Community Engagement:** Engage with community members to create opportunities for discussion to facilitate an understanding of domestic violence and the protection order process.<sup>2</sup>

While a Needs Assessment was conducted by the Center for Court Innovation in 2018, it is recommended that the stakeholders within the St. Louis County Domestic Violence Court complete one specific to the order of protection process. The St. Louis County Domestic and Family Violence Council has several working subcommittees that may provide further direction and recommendations to the Court around best practices and offender accountability. The National Center of Orders of Protection and Full Faith and Credit published a guidebook to assist jurisdictions in their own personal assessment. “Engaging in a Best Practice Assessment of the Civil Protection Order System” (2012) encourages a small group of stakeholders to identify what is actually happening in comparison to intended outcome and develop recommendations for change.<sup>3</sup>

**Recommendation 2:** Improve communication and coordination between the bailiffs, advocates, and court clerks assigned to divisions hearing adult abuse cases.

St. Louis County Domestic Violence Court is made up of individual members of a multi-disciplinary team each playing an integral part. As stated previously, there are some roles consistent throughout such as the Domestic Violence Court Coordinator, GAL’s, volunteer lawyers and Compliance Coordinator but each division operates as a “team” differently, if at all.

Since 2016, the Court Watch Project has observed six separate divisions in St. Louis County 21<sup>st</sup> Circuit Court each with their own judges, bailiffs and court clerks. Monitoring two dockets simultaneously highlighted the lack of coordination between the different multi-disciplines that has been observed over the past three years. For example, advocates are not part of the check-in

<sup>2</sup> *Civil Protection Orders: A Guide for Improving Practice.* (2010). National Council of Juvenile & Family Court Judges. pp.1-25.

<sup>3</sup> *Engaging in a Best Practice Assessment of the Civil Protection Order System.* (2012) National Center of Orders of Protection and Full Faith and Credit. Balos, B., Henry, S., Player, M., Phipps, M.

process and wait for docket calls to determine who is present. The bailiff often does not communicate the arrival of latecomers to the DV Coordinator or advocates, unless specifically asked. Periodically, respondents have been released from the courtroom by the bailiffs before advocates were finished speaking to petitioners. Petitioners and respondents wait for their paperwork because the clerks may not have alerted anyone that it was ready.

There is an underlying issue of communication that, if addressed, could promote coordination. For example, bailiffs should consider including advocates in the check-in process so they may address questions or no service with petitioners in advance of the hearing when possible. Information begins to flow from the onset of the docket promoting a more efficient multi-disciplinary approach. Other ways of increasing communication may be identified with regular team meetings that include the bailiffs, clerks, volunteer lawyers and coordinators.

**Recommendation 3:** Implement mandatory training for all bailiffs and court personnel that serve in adult abuse court divisions regarding dynamics of domestic violence.

As in past reports, it is recommended that all security and court personnel working specialized domestic violence dockets receive training specific to the nature and dynamics of domestic violence and the unique issues that are involved in these intimate relationships. The trainings should be mandatory for current and new personnel as part of their basic orientation. Trainings should consist of basic knowledge of the dynamics of domestic violence and a review and understanding of safety protocols for adult abuse dockets.

Coming to court has increased risks for victims and provides opportunity for abusers to further manipulate or intimidate the victim. A bailiff's presence must provide a safe environment and assure victims they will be protected from unwanted contact with their abuser or his family and friends. Bailiffs and court staff should be trained on the intimidating and manipulative techniques abusers often use and any possible safety risks for victims. When bailiffs are not present or attentive, abusers are provided opportunities to intimidate the victim simply through stares, sitting directly behind them, using cell phone to text or record them, or attempting to talk to manipulate them. Several comments from monitors noted behaviors consistent with victim intimidation.

*Petitioner noted that in the previous court date, Respondent approached her after court.*

*Nothing was done when Respondent was staring Petitioner down.*

**Recommendation 4:** St. Louis County Domestic Violence Court should consider a separate docket for compliance hearings and review the timeframe for respondents ordered to surrender firearms.

Specialized domestic violence courts have common components which include judicial monitoring, sanctions for non-compliance and a coordinated community response. Effective deterrence and offender accountability require courts to engage with Respondents through regular judicial monitoring, imposition of swift consequences for non-compliance with orders and positive reinforcement for compliance. Evidence-based deterrence practices should include clarity of expectations and consequences, swiftness of sanctions, and progression in severity. Similar courts in Winnebago County, Illinois and Hennepin County, Minnesota have moved all compliance cases to a separate docket and require mandatory court appearances with updates from court partnered Batterer Intervention Programs.

Regarding Batterer's Intervention Program or Substance Abuse Treatment compliance, the current protocol observed over the past three years in St. Louis County Domestic Violence Court involves little to no ongoing judicial monitoring of Respondent compliance with the order. A respondent communicates with the Compliance Coordinator and if enrolled in a program the respondent is not required to appear before the judge. If not compliant, the respondent is ordered to appear before the judge who issued the original order. Thereafter if the Respondent falls out of compliance the case is referred to either civil or indirect criminal contempt court depending on the infraction. It is recommended that Judicial Leadership consider re-evaluating the current compliance practices to determine its effectiveness and objective.

With diligence and ongoing collaboration with the St. Louis County Police Department, the St. Louis County Domestic Violence Court implemented a firearm surrender protocol when an order of protection has been issued. Missouri ranks 7<sup>th</sup> in the nation of men murdering their female partners and firearm removal is critical in domestic violence cases to not only protect the victim but the victim's family and those with whom the victim associates.<sup>4</sup> Prompt removal and surrender of fire arms should be implemented quickly and emphatically. Continuing cases to give the respondent more time to comply may further endanger victims. As with any other new protocol, it is recommended that the Court review the current procedure in practice to ensure it is working effectively and with its original intent of enhancing the safety of victims.

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<sup>4</sup> Stat from *When Men Murder Women: Analysis of 2016 Homicide Data*. 2018. Violence Policy Center.

## Additional Resources

*Navigating Transitions in Judicial Leadership – Guidance for Domestic Violence Court*

[https://www.courtinnovation.org/sites/default/files/media/documents/2019-01/cci\\_factsheet\\_dv\\_navigatingtransitions\\_01172019.pdf](https://www.courtinnovation.org/sites/default/files/media/documents/2019-01/cci_factsheet_dv_navigatingtransitions_01172019.pdf)

*Civil Protection Orders: A Guide for Improving Practice -*

[http://www.ncjfcj.org/images/stories/dept/fvd/pdf/cpo\\_guide.pdf](http://www.ncjfcj.org/images/stories/dept/fvd/pdf/cpo_guide.pdf)

*Engaging in a Best Practice Assessment of the Civil Protection Order System -*

<https://www.bwjp.org/assets/documents/engaging-in-a-best-practice-assessment-of-the-civilp.pdf>

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