THE MONTANA COALITION AGAINST DOMESTIC AND SEXUAL VIOLENCE

COURTWATCH TRAINING MANUAL

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Introduction

This is the manual was developed by the Montana Coalition Against Domestic and Sexual Violence (MCADSV) and is intended to serve as a resource and a guide for those communities in Montana that would like to implement their own Courtwatch program. Please keep in mind that the goal for these communities is to use this manual as a guideline to develop a program that not only meets their needs but is achievable according to available resources. It is in no way a requirement for a new Courtwatch program to adhere to every aspect of development found in this manual. The most important thing is to work with the community in the best manner possible in order to facilitate the change necessary to ensure victims’ safety in the courts.

This manual was developed specifically for Montana communities by using input from MCADSV member programs, community partners, and through research and technical assistance from court monitoring programs across the country. **All of the information included in this manual is information only and should never be construed as legal advice.**

The MCADSV Courtwatch manual has been divided up into the following sections:

- Background: Courtwatch Defined
- History of MCADSV Courtwatch Manual
- Developing a Courtwatch Program
- Implementing a Courtwatch Program
- Understanding the Law and the Courts
- Glossary
- Appendices

A Courtwatch program is an excellent opportunity to increase public awareness about the prevalence of domestic and sexual violence within your community. It provides an opportunity for increased community involvement in the struggle to end domestic and sexual violence. MCADSV staff are dedicated to helping member programs develop Courtwatch programs throughout Montana. They are ready and willing to support member programs by providing training and technical assistance as programs develop Courtwatch in their communities.

Thank you for your desire, drive, and hard work. Congratulations on developing a Courtwatch program! Again, please remember that MCADSV is always available for technical assistance, not only for startup programs, but for existing programs as well. Good luck!

Sincerely,

Jennifer Hill-Hart
Courtwatch VISTA Member
MCADSV
Acknowledgements

There are many people to thank for their contributions to the development of this Courtwatch manual. MCADSV would like to thank the following individuals and organizations for their technical support and assistance:

Courtwatch Advisory Council (Ellen Donahue, Marilynn Forman, Judge Wallace Jewell, Molly Korpela, Kim Lavender, Terese Matuska, Diana Meyers, Judy Wang, and Kelsen Young); WATCH (Hennepin County, MN); RSVP/DVIS Court Watch (Tulsa, OK); Courtwatch/Victims for Justice (Anchorage, AK); Montana Silent Witness; Lake County Community Coalition Courtwatch; Montana Legal Services (Christine Mandiloff, Tara Veazey, Michelle Hauer, Alison Paul, Peter Bovingdon); Matt Dale (Office of Consumer Protection and Victim Services); Beth McLaughlin (Court Services Director, Commission on Courts of Limited Jurisdiction); Judge Johnny Seiffert (Chairman, Commission on Courts of Limited Jurisdiction and Justice of the Peace); the DELTA project; and the staff and membership at MCADSV.
Background: Courtwatch Defined

What is Courtwatch?

Courtwatch is a court monitoring program comprised of volunteers who observe and evaluate the justice system and outcomes for victims of domestic and sexual violence. It can be a program that tracks offenders, monitors compliance with domestic violence and sexual assault statutes, monitors to ensure that the victim’s rights are not violated, tracks trends in sentencing, and provides a forum for feedback to facilitate systems advocacy change regarding domestic and sexual violence. This program serves as a reminder to courtroom personnel that the public is interested in what happens in the courtroom and will hold the justice system and themselves accountable for victim safety in their community.

A Courtwatch program can evaluate criminal and civil court cases. It has the capacity to monitor both felony and misdemeanor cases involving domestic abuse, sexual assault, child custody, as well as order of protection hearings. It can monitor all courtroom appearances or can be limited to trials. The extent of monitoring capabilities is set by the needs of the community as well as by available resources. A Courtwatch program can even be as simple as volunteers maintaining a public presence in the courtroom. This Courtwatch manual is designed to assist you in tailoring your program to meet the needs of your community.

Courtwatch volunteers are trained in the dynamics of domestic violence, the relevant statutes, what to monitor, and how to respectfully observe while making notes on specific forms created for court monitoring. Courtwatch staff will review these forms and subsequent volunteer notes made during courtroom observation. It is then up to the Courtwatch program to follow up with the appropriate personnel in an effort to fill in the gaps found in the system as a result of repeated observations in court. Courtwatch highlights the courtroom dynamics that affect victim safety and offender accountability. These observations can be made public or can be addressed through a roundtable discussion or other forum in an effort to bring about positive change in courtroom accountability. What to do with the information and how to report back to the courts is dependent upon the development stages of the program and the relationships the program has with courtroom personnel. The strength of those relationships will determine the means by which this information is disseminated. A Courtwatch program is designed to help keep victims safe, hold offenders accountable for their actions, and facilitate a coordinated community response toward the greater goal of ending domestic and sexual violence.

Why Courtwatch?

Courtwatch exists for the purpose of promoting accountability in a justice system whose sole function is to protect and serve the community. Public presence in the courts offers a different perspective on courtroom proceedings by assessing and reporting on how domestic and sexual violence cases are handled within the justice system and as well as highlight community issues that may be routinely overlooked. An educated, involved public can highlight potential
problems and evaluate the effectiveness of the law. Community involvement can increase public awareness of the domestic and sexual violence epidemic, ultimately enhancing victim safety and confidence in the justice system. Many communities have created court monitoring programs because they feel too many domestic and/or sexual violence cases are being pled down or dropped. They seek to discover how to strengthen the justice system to better hold offenders accountable and stop the violent cycle of abuse. Courtroom observations are not designed to “get anyone in trouble” but exist to help create steps to remedy problems and promote the best efforts of the justice system. A set of fresh eyes in the courtroom may identify something that courtroom personnel fail to notice or see the relevance of due to years of the same routine in court.

Domestic and sexual violence cases need greater attention from the public. Proper steps cannot be taken to prevent and end the cycle of abuse without community education and a solid understanding of the dynamics involved. Judges, attorneys, advocates, and victims—everyone involved—feel a sense of hopelessness and frustration when the same offenders keep coming back to court for the same crimes.

Courtwatch is part of the bigger picture of ending domestic and sexual violence. It is a call for public awareness and greater community involvement in finding ways to eliminate these crimes. Only if the community works together to hold one another accountable can this social change happen and prevent further violence in families and communities.

Who is Courtwatch?

Courtwatch is the community. Although the foundation of a Courtwatch program consists of volunteers, community input is essential to its success. Every successful court monitoring program began by working with those who would be affected by its efforts to improve the justice system for survivors of domestic and sexual violence: judges, attorneys, victim advocates, victims; all of those who are involved in domestic and sexual violence cases, including the general public.

It is recommended that a Courtwatch program become an organization separate from a domestic and/or sexual violence advocacy group. However, MCADSV realizes that this may not be a feasible option for some Montana communities. Some Courtwatch programs across the country function as a separate organization but are supported by domestic violence service providers as well as other interested community organizations. They work closely with community partners to build relationships and emphasize the importance of maintaining impartiality.
History of the MCADSV Courtwatch Manual

Creation of the MCADSV Courtwatch Manual

In 2005, the MCADSV membership requested that a Courtwatch manual be created as a resource for the MCADSV membership and Montana Coordinated Community Response Teams (CCRs) who were interested in starting up a court monitoring program in their communities. In an effort to support its member programs MCADSV, in January 2006, was successful in recruiting an Americorps*VISTA member to begin developing a Courtwatch manual that would be specific to Montana communities and be accessible to MCADSV members across the state. The creation of a Courtwatch manual by MCADSV will not only assist member programs in developing and sustaining a court monitoring program but also increases community involvement in the struggle to end domestic and sexual violence.
Objectives

Mission Statement: The Courtwatch program empowers local communities to have an active volunteer presence in their local courts through evaluating and monitoring the justice system and outcomes for victims of domestic and sexual violence, providing a forum for feedback to facilitate systems advocacy change.

Goals:

- To increase public awareness of issues surrounding domestic and sexual violence in Montana as part of the greater goal of eliminating its occurrence nationwide.
- Recruit and train a successful volunteer base that will observe the justice system, track offenders, and analyze trends/outcomes of domestic and sexual violence cases.
- To increase the understanding of the dynamics of domestic and sexual violence within the community, including but not limited to citizens, Judges, prosecutors, probation officers, law enforcement, and other justice system personnel.
- To improve the effectiveness of the judicial system in domestic and sexual violence cases by observing law enforcement response, Judges, prosecutors, and other civil and criminal case personnel in an effort to support safety and justice in the community.
- To provide feedback to the justice system and local communities regarding the civil and criminal justice system’s abilities to keep victims safe.
- To change the current belief system that continues to allow domestic and sexual violence to occur in our communities.

Methods to Achieve Goals:

- Report back to Judges, prosecutors, and other justice system personnel regarding evaluation of court preparedness, treatment of victims, and the manner of court proceedings.
- Track offenders’ current and previous charges, convictions, and resulting punishment as well as behavior in court.
- Develop a database which includes information such as accepted plea bargains and consistency with offense, role of victim in plea bargain, admission of victim impact statement, and/or punishments of offenders.
Advisory Council

The Courtwatch Advisory Council consists of members of MCADSV who dedicated time to be involved in the development of this manual. Each member was actively involved in the progression of the project as a valued resource in the domestic and sexual violence movement in Montana. Their input and feedback were vital to the completion of the Courtwatch manual, and the MCADSV staff and membership are extremely grateful for their commitment to this initiative.

COURTWATCH ADVISORY COUNCIL

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Developing a Courtwatch Program

This section of the Courtwatch Training Manual will walk your program through the steps needed to establish the foundation of the court monitoring program. It is divided into the following categories:

Creating the Program

This section outlines the steps necessary in order to build the foundation of the program before introducing it to the community. This is the “getting started” section that will introduce a new Courtwatch program to the “who”, “what”, “where”, “when”, “why”, and “how” of beginning a court monitoring program.

Strategic Planning

This section introduces the new program to Courtwatch Steering Committee (or staff) development. It also discusses the first steps that will need to be taken after the Courtwatch staff is established and before outreach is done and outside support sought for the program.

Fundraising Opportunities

This section refers the Courtwatch program to potential funding sources for a new or current program. Although funding is not necessary for the establishment of Courtwatch, it can help support its success if obtained.
Creating the Program

This Courtwatch manual provides the resources to make your program as big or as small as you desire. It is important to understand criminal and civil law, the court system and how cases are assigned, domestic and sexual violence dynamics, as well as the state and federal laws that apply to domestic and sexual violence. All of this information will be provided in this manual, but it is important to have an understanding of how the legal system manages domestic and sexual violence cases before presenting Courtwatch to the community. Any questions not answered by this manual can be directed to MCADSV or to the city or county attorney’s office.

All across the country, court monitoring programs have been established with differing degrees of success. Although the public is allowed to observe most cases in court, several successful initiatives across the country have emphasized the importance of creating a court monitoring program that is autonomous of advocacy organizations. This independence increases the community’s faith in the objectivity of the program. This can prove to be the key to constructive cooperation from community groups. Other court monitoring programs have been set up in communities with the support of a local domestic violence advocacy organization. In these instances, the domestic violence organization acts in an advisory capacity, providing assistance to the autonomous group, or Steering Committee, in charge of the Courtwatch program. The sponsoring group establishes a staff member to provide the technical assistance necessary to support the court monitoring program. He or she can be a resource for training on the dynamics of domestic and sexual violence to Courtwatch volunteers; they are also well-known in the domestic and sexual violence community and perhaps the courts as well.

The Courtwatch program will need an office, preferably in a neutral location, but work with the resources in your community and do the best you can. This office will need to have the use of a computer and a spreadsheet program, like Excel, for offender tracking. Depending on the scope of the Courtwatch program, there will need to be at least on person in the office who collects the daily court schedule and case/charge information. He or she will also be responsible for compiling the daily Courtwatch schedule and assigning volunteers to their cases. This same individual or another Courtwatch staff member will also meet with the volunteer(s) before and after they observe in court. There will also need to be some sort of filing capacity in place so that your Courtwatch program can keep track of the monitoring forms and case information.

Facilitating the development of an independent Courtwatch program may seem overwhelming for some rural Montana communities. Do not despair. It is still entirely possible to start up a successful court monitoring program. The key to Courtwatch sustainability lies in commitment from the community.
**Strategic Planning**

Courtwatch is the community. The foundation of a Courtwatch program consists of the volunteers. Every successful court monitoring program began by working with those who would be affected by its efforts: Judges, attorneys, victim advocates, victims; all who are involved in domestic and sexual violence cases, including the public. It is important to accomplish the following tasks before implementing the program locally in order to ensure the sustainability of Courtwatch in the community.

**Steering Committee**

Before a court monitoring program can get off the ground, it is important to develop a Steering Committee. The Steering Committee is fundamentally the “staff” of Courtwatch, considering how it will probably be difficult for most Courtwatch programs to either organize full-time volunteers to start up Courtwatch or create a separately funded organization with full-time staff.

Ideally, this group would consist of 5-8 members who reflect various local interests and are motivated by a desire to improve their community. In the early stages of the Courtwatch program development, the role of the Steering Committee is to bring Courtwatch to the community and to the justice system personnel. Members of the Steering Committee must be trained in the dynamics of domestic and sexual violence and to understand how the justice system works. They are responsible for ultimately creating a mission statement, goals, and methods for achieving these goals for their Courtwatch program.

It is then the responsibility of the Steering Committee to determine each member’s role in the program: Program Coordinator(s), Volunteer Coordinator(s), Communication Coordinator(s), Data Analyst(s), and Administrative Coordinator¹. Also, it is up to the Steering Committee, perhaps in conjunction with an Advisory Council, to establish policies and procedures, or guidelines, for the volunteers. Sample policies and procedures are located in the “Managing & Sustaining Volunteers: Volunteer Management” section of this manual. Also, they are responsible for creating the volunteer application, volunteer position description(s), and volunteer agreements. Samples of these are included in the “Application Process” section of this manual.

The Steering Committee should also determine who is responsible for compiling court monitoring results and creating the final reports. We recommend that the Steering Committee meet at least twice a month, if not once a week, for the first year of development of the Courtwatch program. As the program becomes sustainable, meetings should be held once a month. A strong Steering Committee of dedicated individuals creates a solid foundation for a Courtwatch program.

¹ These position descriptions are explained in detail in the Implementing a Courtwatch Program section of this manual.
Learn about the Justice System

Before a Courtwatch program can truly identify if gaps exist in the current justice system or what changes need to take place to better serve victims of domestic and sexual violence, it is important that the Courtwatch Steering Committee and ultimately its volunteers understand how the system works. The Steering Committee should refer to the Understanding the Law and the Courts section of this manual as a resource for understanding the justice system in Montana. Local domestic and sexual violence advocacy programs, as well as MCADSV, can provide further technical assistance regarding the workings of the legal system in relation to domestic and sexual violence cases. The Training Curriculum section of this manual includes materials to assist with training Courtwatch volunteers about the courts and domestic violence and sexual assault statutes. The city and county attorneys’ offices can also provide further information or answer any questions about the courts and the laws.

Determine Objectives

Creating Mission Statement, Goals, and Methods to Achieve Goals

It is important for individuals involved in a new Courtwatch program to have a solid understanding, not only of the courts, but of what their particular program will be monitoring as well. There is virtually no limit to what Courtwatch can monitor. Your particular program will need to assess available resources in order to determine to what extent their program will monitor within the justice system. Will your program monitor both criminal and civil cases? Will it only monitor felony cases? Are you only monitoring Order of Protection hearings? It is important to be realistic in terms of available resources in the community. It is better for a program to start small and be successful than to take on too much and have the program collapse. Even seemingly small accomplishments can yield vast improvements in victims’ lives.

Once the Steering Committee has decided what they want to accomplish from this program, they should create a mission statement, goals, and methods for achieving these goals. These will be an important resource to present to community partners and will be crucial to helping the community understand the objectives of the Courtwatch program and how the program will go about meeting those objectives.

Planning the Data Collection Process

As indicated earlier in this manual, part of the initial community assessment involves recognizing and using available resources. Courtwatch is meant to bring the community together, and community awareness means understanding what resources are available so that nobody has to reinvent the wheel or frustrate those individuals who are already providing similar information to another group in a similar way. The following are guidelines to have in place prior to monitoring and data collection based upon suggestions by WATCH in Minnesota:
Community Involvement

When developing a Courtwatch program for your community, it is extremely important to involve all parties who are potentially affected by its existence and outcomes. Not only is it a good political move, but it is essential to the program's success. When a beginning Courtwatch program is upfront about its purpose, methods, and goals, it helps alleviate possible fears justice system personnel may have about court monitoring as well as provides an excellent opportunity for stakeholder feedback. Without the support of the community, sustainability is at risk. It is unrealistic to assume that your Courtwatch program will meet the needs of all involved, but by receiving community input throughout the development process, whether it is through surveys or focus groups, concerns and questions can be addressed. By working with the community as openly as possible, there is a better chance that they will understand that Courtwatch is a coordinated community response aimed at protecting the rights of citizens, and that the primary goal of Courtwatch is to secure victims' rights and safety.

Community input is invaluable as a means to understand what exactly the community wants and needs, possibly beyond what those who are creating Courtwatch can initially envision. By getting the public actively involved in the judicial process, not only are elected officials being held accountable, but community members are holding each other accountable as well.

A beginning Courtwatch program can elicit feedback from the community in several ways. MCADSV recommends using all four means of community assessment if possible, but even utilizing one option will assist in creating a solid foundation for a court monitoring program.

1) Advisory Council

An advisory council can be a valuable asset to a developing Courtwatch program. The Courtwatch Steering Committee will need to identify key community stakeholders as potential advisory council members, perhaps with the help of local domestic and sexual violence advocacy programs, as well as with the assistance of MCADSV staff and members. The advisory council would serve as a planning and guidance group consisting of individuals who are involved in domestic and sexual violence cases on various levels. The difference between the Steering Committee and the Advisory Council is that the Steering Committee is the group of volunteers who initiate and “steer” the Courtwatch program, whereas the Advisory Council provides
guidance to the Steering Committee as the program develops. The Advisory Council exists to assist the Courtwatch Steering Committee throughout the development of the program by making available their knowledge and experiences in an effort to enhance the Courtwatch program as well as help guide the future of the program. The Steering Committee works with the Advisory Council to establish program objectives along with the policies and procedures of the Courtwatch program. They serve to help assess what the community seeks to achieve from Courtwatch, identify and develop resources for sustainability, and provide feedback as the Courtwatch program progresses.

Once the key individuals are identified, the Courtwatch Steering Committee should send out an invitation letter asking potential Advisory Council members for their involvement in this process. This letter should outline several points including:

♦ Definition of Courtwatch and Program Design
♦ The Mission Statement, Methods, and Goals of the Community’s Courtwatch Program
♦ Purpose of Advisory Council
♦ Time Commitment

Upon affirmation of Courtwatch Advisory Council members, the Courtwatch Steering Committee should contact them to set up the inaugural meeting and provide them with the following supplements prior to their first convening.

Suggested supplements to attach to the agenda are:

♦ Program Design
♦ Comparison to other models
♦ Discussion Questions
♦ Focus Group Results

The agenda of the first meeting should discuss the following issues:

♦ Introductions
♦ Purpose of Advisory Council
♦ Program Design:
  o Review of resources in community
  o Review program design
  o Policies and procedures of Courtwatch program
  o Opinions on discussion questions
♦ Future Goals and Timeline
♦ Schedule Next Meeting
2) **Surveys**

Surveys are a way to collect information about the community you are interested in assessing. They ask the same question of each participant and can be conducted via direct mail, interviews, phone surveys, drop boxes, media distribution (i.e., newspaper insert), a booth in a public place, and at large group gatherings (i.e., health fair).

They can be designed in three ways:

- **Case study surveys** collect information solely about the specific community studied. Each survey collects information from part of a community rather than a larger representation of the population as a whole; several case studies may need to be conducted in order to reflect the entire community accurately.
- **Sampled surveys** collect information from a sample portion of a group that is carefully chosen so as to represent the population as a whole.
- **Census surveys** are given to every member of the population in question. This will give the most accurate information of any survey, but may not be appropriate for large groups (like cities).

Again, surveys are not the only way to gather information about the community, and they may not be the best option for all communities. For more information about conducting surveys, see “Conducting Surveys” in the Appendix.

**Examples of whom to survey about Courtwatch:**

The Courtwatch Steering Committee should decide who to include in the survey. A survey of the community can be used to assess the public’s understanding of domestic and sexual violence dynamics and statutes, identify perceived gaps in the justice system, or gather information regarding potential volunteers for Courtwatch and what kind of commitment they can give. A Courtwatch program could also conduct case study surveys with victim advocate programs or shelters to obtain an understanding of what advocates and victims would like to see the Courtwatch program address.

3) **Focus Group**

A focus group refers to a small group of people who meet for discussion on a specific topic. A focus group also requires a designated leader to facilitate the discussion. The facilitator is a neutral party who keeps the group on task as they discuss the designated topic and is responsible for maintaining a non-threatening environment so that everyone can speak openly, ask questions, and respond to the facilitator’s questions. Focus groups are another way to assist programs in learning more about the community need. Focus groups differ from surveys in that surveys elicit individual responses, whereas the group dynamic can spark new ideas in participants and give the assessment more depth. Because focus groups are open-ended and can often have a broader focus than a survey, programs can learn information about the community through not only the verbal responses but also groups’ nonverbal communications.
Obtaining results from at least one focus group in the community can be a valuable asset to a Courtwatch program in terms of assessing community needs and resources. It can also assist the program in determining to what extent the community stands understands how domestic and sexual violence cases are handled within their local judicial system. (For more information about creating and conducting focus groups, see “Conducting Focus Groups” in the Appendix.)

Examples of whom to include in a Courtwatch focus group:

The Courtwatch program should first decide what information it wants to gain by utilizing a focus group. It may take several focus groups to gain the necessary information for some Courtwatch programs. Working with community programs, some focus groups could involve advocates, survivors, courtroom personnel, and general citizens of the community. These could be focus groups specific to each interest group (i.e., Judges, law enforcement officers, survivors of domestic and/or sexual violence, etc), or could include a representative sample from each of the interest groups. The Steering Committee should make these decisions in conjunction with the Advisory Council (if one exists) on order to take advantage of their knowledge and expertise of the community.

4) Preliminary Feedback from Justice System Personnel

The public has a right to sit in on most court cases (the exception being certain cases involving children - this is discussed in the Understanding the Law and the Courts section of this manual). Once the Courtwatch Steering Committee has familiarized themselves with the workings of the justice system, domestic and sexual violence statutes and dynamics, and has established specific goals and desired outcomes for their program, they should approach the justice system personnel and get feedback about their Courtwatch program.

It is important to treat justice system personnel respectfully as Courtwatch develops and is implemented in the community. A Courtwatch program should work within the boundaries of the court so that the justice system personnel truly understand what the program intends to accomplish. If the program is independent of a local shelter or domestic violence program, this will reiterate the program’s autonomy to courtroom personnel. Most courtroom personnel are more responsive to court monitoring programs if they are developed through a Coordinated Community Response Team (CCR) or some other independent entity.

Typically, the biggest concern of Judges, attorneys, and law enforcement is what will be done with the information gathered by court monitors. This is an important conversation for the Courtwatch program to have before obtaining feedback from the courts. There are several ways in which this can be done and they are discussed further in the Implementing a Courtwatch Program: Monitoring section of this manual.

By approaching courtroom personnel and getting feedback about Courtwatch, the program will have a better chance of developing a working relationship with the justice system. A
relationship based upon mutual respect will better ensure a successful Courtwatch program and will continue to move the community forward, facilitating positive change for victims of domestic and sexual violence.

Members of the justice system who should be approached and consulted about the court monitoring program include: Judges (probably limited jurisdiction court Judges since that is where a majority of the cases observed will take place), victim advocates, law enforcement, court clerks, city and county attorneys, public defenders, court services staff, probation officers, state legislators, local council leaders, social workers, bail bondsmen, and any other relevant justice system personnel in the community. It is not essential that every community stakeholder be contacted, but by reaching out to the community as much as possible, a Courtwatch program can build constructive relationships with key community stakeholders.

Approach courtroom personnel by sending each relevant individual a letter explaining what the Courtwatch program is and why you would like to meet with this individual. (A sample letter is provided in the Appendix under Developing a Courtwatch Program: Supplements Sample Letter to Courtroom Personnel.) Ideally, a meeting could be set up as a focus group, bringing multiple justice system personnel to the table, but try to keep it to a meeting of only Judges, or only prosecutors, etc. Once the meeting is set up and pleasantries are made, ask the individual if they have any questions regarding the letter and program description and if they would like a brief overview of what Courtwatch entails. Start this dialogue with a brief description of what Courtwatch is and what it seeks to accomplish. The goal of these meetings is to address and alleviate concerns about Courtwatch.

Be prepared to tackle questions like:

- **What are you going to do with the information gathered from Courtwatch?**
  - **Answer:** It is important to the community that the role of Courtwatch is to strengthen the justice system and support victim safety. Part of this meeting’s purpose is to find out what your preferences are for this program. Courtwatch can do a variety of things with the results gathered. The information can be communicated directly to the individual, as part of a roundtable of relevant courtroom personnel, compiled in a newsletter available to the public, compiled in a document highlighting individual performances over time or general performances over time, or through a press release. What would you prefer to see done with the information?

- **I don’t need to be monitored or to have people tell me how to do my job.**
  - **Johnson County Courtwatch is not here to do that. We want citizens of this community to be more aware of domestic and sexual violence so that we can all hold each other accountable for the behaviors that continue to allow violence to occur. Because the public is not involved in the day-to-day activities of Courtwatch, it can be very helpful to have fresh eyes watching how these cases are handled.**
Courtwatch Survey/Focus Group Guidelines:

Because it is important to work closely with the community as Courtwatch is implemented, it is helpful to reach as much of the community as possible. It is recommended that when approaching community members via interview, survey, and/or focus group, that the Courtwatch program is well-prepared.

Explain what Courtwatch is and be prepared to be patient and answer any questions about the program. It is important to be tactful and reassure individuals, especially courtroom personnel, that Courtwatch is not a “grading” or “blaming” system, but a means to support the justice system and victims as well. Talk to these individuals and attempt to gain an understanding of their perceptions of the issues surrounding domestic and sexual violence in your community and gaps they have identified in the justice system. With patience and good listening and/or objective language, it is possible to have a constructive dialogue with community partners and to build stronger relationships within the community.
Fundraising Opportunities

More than likely, a beginning Courtwatch program will consist of unpaid volunteers. However, every Courtwatch program has the potential to grow into something more, like a fully-funded, independent non-profit organization dedicated to observing the justice system.

As most domestic and sexual violence advocacy groups know, there are several options for fundraising to support non-profit programs. These options range from individual donors, direct mail, community fundraising events, grants, government funding, etc. A bibliographic reference for fundraising opportunities and strategies can be found in the Bibliography.
Implementing a Courtwatch Program

Once the foundation for the new Courtwatch program is established, it is time to put the hard work to good use! This section discusses how to get the Courtwatch program up and running.

Role of Steering Committee and Advisory Council

This section defines the Steering Committee’s and Advisory Council’s roles as the court monitoring program starts moving forward. It breaks down the individual staff roles of the Steering Committee and what is expected of the Advisory Council as the program becomes active. This section should be reviewed and roles understood before the program recruits any volunteers.

Volunteers

This section initially highlights a program’s readiness for volunteers. A strong, focused foundation of a program is one of the most important success factors of any volunteer organization. This section also discusses volunteer recruitment, the application process, position descriptions, volunteer orientation, and volunteer management, and program sustainability.

Monitoring

This section outlines the steps needed to begin observing the justice system. It explains how to obtain information, how to work with the courtroom personnel, how to determine which cases to observe and establish preferences, organization of monitoring, and what/how to observe per type of hearing. It also offers options for the results of courtroom observation: how to collect data, enter and file the data, and how to compile the results and give feedback to the community, which includes the justice system.
Role of Steering Committee and Advisory Council

Remember that the Steering Committee and the Advisory Council have differing roles within Courtwatch. The difference between the Steering Committee and the Advisory Council is that the Steering Committee is essentially a group of individuals who start up and run the Courtwatch program, whereas the Advisory Council is comprised of key individuals in the community who are able to provide guidance to the Steering Committee as the program develops. The Steering Committee is fundamentally the “staff” of Courtwatch given that it will probably be difficult for most Courtwatch programs to create a separately funded organization for court monitoring with full-time staff.

Steering Committee

The Steering Committee remains a key player in any Courtwatch program, no matter how big or small. All members of the Steering Committee will interact with the volunteers and are jointly responsible for briefing and debriefing the volunteers before and after their assigned cases.

Keeping in mind that the Courtwatch program is implemented as a group effort, the Steering Committee should delegate roles within the group. However, it is very likely that some Courtwatch programs will be developed with only one person acting as the coordinator. The important thing is to recognize the scope of work that is typically covered by a Courtwatch program.

Volunteer Coordinator: The Volunteer Coordinator position description is listed first because this is probably the most important position if a community can only commit one person to implement and manage a Courtwatch program. This position requires organizing the recruitment, training, and sustainability of volunteers and is probably the most demanding of all these roles, at least in terms of time commitment. Plan on committing at least 15 hours a week for this position and recognize that more time may need to be set aside as volunteers are trained and during the program’s startup phase. Over time, perhaps a couple volunteers can be recruited to fill the other roles of Courtwatch to assist those communities that initially cannot recruit enough people for the Courtwatch Steering Committee.

In communities that have more than one person on the Courtwatch Steering Committee, the Volunteer Coordinator is not necessarily the sole contact with the volunteers. He or she is responsible for the organization, cooperation, and smooth operation of the court monitors not only in the courts, but with the Courtwatch Steering Committee as well. This person assigns volunteers to cases based upon their availability whether it is a recurring day monthly or next best available day as indicated in the volunteer’s debriefing session. This person is also responsible for making sure that each volunteer has the opportunity to meet with a Steering Committee member during the assigned briefing and debriefing session around courtroom observation shifts. Depending on how the Courtwatch program wants to assign shifts, the volunteers should come to the office before monitoring to see where they are assigned and to check in, or brief, with staff. After the case, the volunteer will come back to the office to return materials and turn in observation forms. He or she will then meet with a Courtwatch staff
member to “debrief” the case and ask any questions he/she may have about the case or how certain things occurred in court. Debriefing provides an opportunity for a volunteer to examine aspects of a difficult case, as well as ask for clarification about courtroom dynamics, etc. The Program Coordinator (see description below) and the Volunteer Coordinator should work together to make sure that a Courtwatch staff member is available to provide this important time to each volunteer.

Ideally, there would be at least one Courtwatch volunteer observing each case, without assigning volunteers to the same cases when they are needed in others. Even the “boring” cases can highlight inadequacies within the justice system. If there are instances where there are two volunteers available and only one case to monitor, they should both fill out separate forms because they could catch something in the case that the other missed.

The Volunteer Coordinator should have some experience managing volunteers. However, if this is not the case, there are traits that are conducive to successful volunteer management. A good Volunteer Coordinator is one who is capable of encouraging and enabling others in volunteer programs and the community. He or she should be flexible, sensitive, and adept at being a teacher, helper, disciplinarian, and observer. An effective coordinator has good time management skills, can concentrate on results rather than the work, and builds on strengths, not weaknesses. He or she focuses on the future and opportunities rather than the past and problems, and is an effective, rational decision-maker.

An ideal Volunteer Coordinator understands the needs for volunteers (in this case, to monitor court activities) and can create the motivational structure to support volunteers within the staff and the community. An effective Volunteer Coordinator is one who is capable of coordinating the recruitment effort to identify people who will find the work fulfilling. It is essential that this person assist in the volunteer screening, interviewing, selection, and orientation processes for the program. The Volunteer Coordinator evaluates the successes of the volunteer program and plans recognition events. This person also focuses their attention on staff (in this case, the Steering Committee), securing support for the volunteers, and works with the staff to manage and retain the volunteers. Non-profit programs, like Courtwatch, should think of the Volunteer Coordinator like they would a fundraiser for their organization. This person should be able to encourage people to donate their expertise and time as a volunteer, just as a fundraiser would encourage and obtain financial support.

**Project Coordinator:** This individual is responsible for the Courtwatch program and specifically oversees all court monitoring activities. This person serves as the chair of the Steering Committee and oversees the direction of the Courtwatch Program. This entails working with the staff to facilitate Courtwatch “projects” or making decisions about preferential cases and courts to monitor. The Project Coordinator specifically oversees the final reports that come out of Courtwatch.

**Public Relations Coordinator:** The Public Relations Coordinator is the media representative for a Courtwatch program. This individual announces the new Courtwatch program, reports findings, and communicates to the community about the activities within or because of the Courtwatch program. The Public Relations Coordinator is still responsible to the Steering Committee and should consult the Steering Committee regarding the program’s representation.
in the media or within the public. The Public Relations Coordinator should always work with
the Steering Committee, especially the Project Coordinator, before making Courtwatch findings
public.

**Data Analyst:** The Data Analyst is responsible for working with volunteers to enter data into the
program’s database. He or she is responsible for compiling these results, evaluating trends, and
reporting on this information for the Steering Committee’s review and assessment. This
position may not require as large of a time commitment as other positions, once a steady
volunteer base is developed. Initially, it may be up to the data analyst to enter the results into
the database.

**Administrative Coordinator:** The role of the Administrative Coordinator is similar to any
organization’s Administrative Assistant position. This position is not essential if the
Courtwatch program is not operating out of a particular office space. It would be helpful,
however, to have an Administrative Coordinator who is responsible for all the little but
important things that are necessary for the program to function: collecting mail, checking and
directing emails, answering phones, ordering supplies, etc. It is up to each individual program
to decide whether or not they have the capacity or need to fill this position. The important
thing is to make sure someone is taking care of these necessary tasks.

Again, your organization may or may not have the resources to develop each of these positions
separately. The Steering Committee is the driving force behind the program. Regardless of the
size of the Steering Committee, the required duties are laid out in the position descriptions
above and are necessary to keep the project moving forward. It is important to understand what
it takes to run a successful court monitoring program and for the community to do their best to
meet those goals. Remember, it is all a learning process and what works in one community may
not work in another. Remember that the goal is to improve the justice system for victims of
domestic and sexual violence. That is the core of Courtwatch.

**Advisory Council**

The role of the Advisory Council should progressively diminish as the Courtwatch program is
implemented. The Steering Committee should meet with the Advisory Council at least once a
month in the early stages of implementation. As the program becomes sustainable, they should
both decide how often it is necessary to meet. The purpose of these meetings is to update the
council on the Courtwatch program so as to allow the council to evaluate the progression of the
program and to provide further guidance if necessary. It is important to have good
communication and a strong relationship between the Steering Committee and the Advisory
Council, even if the participants change over time.
Volunteers

Volunteers are the most essential part of a Courtwatch Program. Before a Courtwatch Program begins to recruit its volunteer base, it is important to have solid programmatic structure and systems in place within the program. This means that everything discussed in the Developing a Courtwatch Program part of the manual should be completed, with the mission, goals, and methods to achieve goals clearly outlined and defined. The volunteer position descriptions should be established and understandable, and the evaluation forms should be ready and easy to follow. Members of the Steering Committee and/or Advisory Council should monitor cases themselves to get a feel for the user-friendliness of the evaluation forms prior to sending volunteers into court.

The Courtwatch Program also should have clearly outlined not only what information they are trying to obtain from courtroom observation, but also the methods of assessment and type of final analysis they would like to generate from the program. Use the following suggested checklist to assess the readiness of your program:

**Courtwatch Program Development Checklist**

- Consult with Steering Committee members who will be working with the volunteers
- Make sure Steering Committee members are clear on particular roles in working with volunteers
- Volunteer position descriptions clearly identify the qualifications for the position and outline the purpose and nature of the work to be done
- Identify a workspace and clarify supervisory capacity for the volunteer
- Have a qualified volunteer interviewer (most likely the Volunteer Coordinator)
- Determine questions and screening procedures for recruiting volunteers
- Make sure interview questions determine whether or not the volunteer would be a good fit
- Develop procedures on how to compare candidates
- Develop procedures on how to reject candidates
- Determine volunteer benefits
- Create volunteer orientation and training
- Establish Steering Committee education regarding working with volunteers
- Understand the types of volunteers desired
- Make sure recruitment plan is appropriate to recruit desired applicants
Recruitment

Recruitment is the most important operational part of a Courtwatch Program. There are many different types of volunteers to recruit and many different ways in which to recruit them.

If you plan to partner with other community groups to start up a Courtwatch Program, similar to a Coordinated Community Response team (CCR), the following information may be helpful in recruiting individuals for the Steering Committee and Advisory Council.

Methods of Direct Recruitment

There are several ways to recruit volunteers and these methods can vary per volunteer task. Different recruitment methods may be more appropriate for Courtwatch than others.

The following methods summarize several options a volunteer program has for recruitment:

- **“Warm body recruitment”** requires no special skills or time to teach skills. It is typical of a weekend event requiring a large number of volunteers for the short period of time. Although the program may receive a large number of volunteers, the Volunteer Coordinator is likely to have no control over the quantity or quality of people.

- **“Targeted recruitment”** requires specific skills, commitment, characteristics, or traits. For this type of volunteer recruitment, the program would determine what kind of individuals they would like to fill the position, and then figure out how to track them down by addressing the following questions:
  - What are the necessary skills?
  - Where can we find these people?
  - What motivations appeal to this type of person? (self-help, job enhancement, socialization, leadership, etc.)

It is possible to combine “warm body” and “targeted” recruitments by using specific wording through mass media to identify the particular motivations through the media campaign so as to increase the number of qualified and interested applicants.

- **“Concentric circles recruitment”** targets those people and volunteers who are already connected to your program or movement. This is sometimes difficult with new programs that are not established, but volunteers can still be drawn from within the “movement”. Individuals who have volunteered in other domestic violence programs or initiatives can be recruited to donate their time to the Courtwatch program. Because they are already committed to ending domestic and sexual violence, these individuals are convinced of the need for these services; they also make the best recruiters and enlist via “word of mouth”.

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“Ambient recruitment” is designed to solicit recruitment from a group of people who have a high sense of self-identity or connectedness to the community. This includes: schools, corporations, professions, church congregations, neighborhoods, and military bases. This campaign seeks to create a “culture of involvement” among these groups that view themselves as connected to the other members of their group and view community values as important and meaningful on a personal level.

There are many options for recruitment, and it is up to each community to determine the most effective way to target the desired population that will best serve the interests and goals of a Courtwatch Program. Although “warm body” recruitment may not be the best fit on its own, combining this technique with a targeted approach may be ideal with media statements like:

“Interested in learning more about law and order in your community? Volunteers at Courtwatch receive hands-on experience in the courtroom. Call Johnson County Courtwatch for more information. Help end domestic and sexual violence while learning about the legal system.”

“Johnson County Courtwatch, a volunteer-based court monitoring program. Get involved and learn more about the legal system while supporting safe, healthy families.”

Media advertisements can be distributed through local newspapers, radio stations, volunteer websites, and the program’s own website. Other Courtwatch programs also have used recruitment strategies like flyers at local volunteer centers, community centers, senior centers, and kiosks. Representatives of Courtwatch (like Steering Committee or Advisory Council members) can make speeches at local clubs or organizations. They can also set up tables/booths at community events with literature about the program and an informed member to answer questions potential volunteers may have. There are also court monitoring programs that have partnered with local colleges and law schools to recruit volunteers.

The most important thing to remember when conducting a volunteer recruitment campaign is to motivate individuals to want to volunteer. It is really important for Courtwatch to have dedicated long-term volunteers because the work requires training, experience, time and energy to be invested by these individuals.

**Volunteer Center Recruitment**

Programs also have the option of going through a local volunteer center for recruitment. Although there really are few volunteer centers in Montana, one program that exists in many communities is the Retired Senior Volunteer Program (RSVP). Several domestic violence/sexual assault programs have partnered with RSVP to conduct court monitoring. The local domestic violence/sexual assault group then provides “support” to Courtwatch by being able to provide training on domestic and sexual violence dynamics and statutes and help introducing Courtwatch to those professionals who will be ultimately be affected by or involved with the program. This increases the autonomy of the project as it freely moves forward. If your program does work with a volunteer agency, work together to establish what level of commitment the volunteer center will have to Courtwatch before volunteers come on board.
Depending on the level of involvement by the volunteer agency, this method may greatly reduce the need for a separate agency to run the Courtwatch program. However, it is best to plan on doing the work as an individual Courtwatch program, with the potential support of the volunteer agency, while considering some collaborative work in the future as the program is developed and implemented. (Information on where to obtain volunteer resources can be found in the Bibliography.)
Application Process

Volunteer Position Descriptions and Application

The volunteer position descriptions and application are listed in the appendix of this manual under “Courtwatch Sample Forms: Volunteer Forms”. Volunteers can observe in the courtroom, work in the office and enter data, or both. These position descriptions should be included with the application so that the potential volunteers understand their choices, and can indicate which position they are applying for at Courtwatch. Once the Courtwatch program receives an application from a potential volunteer, they should create a file for that individual. It is recommended that the program also create a checklist so that they can keep track of the volunteer's application and training process so that it is easy to follow the progression of the new recruit. A recommended checklist is provided in the appendix under “Courtwatch Sample Forms: Volunteer Forms”.

Volunteer Interviewer and Interviews

The interview questions can be conducted by the Volunteer Coordinator, Steering Committee chairperson, or whomever a Courtwatch program designates. The interviewer(s) should have excellent communication and organizational skills, thorough knowledge of Courtwatch, and a positive attitude. Ideally, he or she should be open-minded, flexible, and creative. He or she should be a caring person, an active listener, and also possess good persuasion and bargaining skills. The interviewer should assess potential volunteers’ needs and motivations and match them to the appropriate volunteer position at Courtwatch. This also is an opportunity to go over the “Volunteer Policies and Procedures” as outlined in the appendix of this manual. A successful recruitment interviewer is never judgmental and is honest about work assignments, time commitment, the goals and benefits of Courtwatch, and the objectives of the program. Some sample interview questions and guidelines are located in the appendix under “Courtwatch Sample Forms: Volunteer Forms”.

Enrollment

Because an interview is not a guarantee of a position, the Courtwatch program will need to go through several steps before determining the best individuals for Courtwatch.

Volunteer Confidentiality and Agreements

After the interview, the Volunteer Coordinator should meet with the new volunteer(s) (separately or as a group), and go over the “Volunteer Policies and Procedures” as well as the “Volunteer Guidelines”. In addition, this would be an excellent time to have them sign the
“Volunteer Observation Agreement” so that the volunteers understand what is expected of them while they are shadowing, or even observing (that is up to your program), prior to undergoing training. This also reiterates to the interested applicants that the program will be following up on their references and conducting a background check. Shadowing a Courtwatch staff member before volunteers are trained, gives the volunteer a “trial run” before they are fully invested in the program. The volunteer should also sign a “Confidentiality Agreement” prior to observing any courtroom. Both of these forms are located in the appendix under “Courtwatch Sample Forms: Volunteer Forms”.

Reference Check

As most programs know, it is important to follow up on the individual’s references listed on their application. It will help the Volunteer Coordinator gain a better understanding of the individual’s work ethic and level of commitment. Courtwatch involves a significant amount of time, training, and commitment. It is just as important to make sure that the individual is suited for the program as the program is right for them.

Background Check

Because most advocacy programs have policies in place regarding references and background checks, your program can decide what is acceptable and what is not acceptable in terms of examining a potential volunteer’s criminal history. However, MCADSV strongly recommends that a Courtwatch program adhere to the guidelines laid out in the “Volunteer Policies and Procedures” section of this manual at a minimum.

Pre-training Survey

This process is optional, but MCADSV recommends that the Courtwatch program provide new volunteers with a pre-training survey prior to the Volunteer Orientation. This is a good way for the program to assess the levels of knowledge and skill within the realm of domestic and sexual violence and the court system in order to design a more tailored and comprehensive orientation for the new recruits. An example of a pre-training survey is located in the “Volunteer Forms” section of the Appendix.
Volunteer Orientation

The suggested Courtwatch Volunteer orientation curriculum is located in the back of this manual in the appendix under “Courtwatch Volunteer Orientation Manual”. This section includes the suggested agenda and supplements for a Courtwatch program volunteer orientation based upon curriculum from other court monitoring programs and resources available from MCADSV. Below is a summary of what the Courtwatch staff should discuss per the sample training agenda.

Volunteer Training Agenda Talking Points for Courtwatch Staff

Welcome, Introductions, and Volunteer Expectations: The Courtwatch Volunteer Coordinator should take this time to introduce each staff member of Courtwatch. This also is the time to talk about the volunteer position descriptions and the “Volunteer Policies and Procedures” located in the “Courtwatch Volunteer Training Manual”. After these points are discussed and volunteer questions and concerns are addressed, the Volunteer Coordinator should collect the “Courtwatch Confidentiality Agreement” and “Volunteer Observer Agreement” from each trainee.

History of Courtwatch and the Violence Against Women Movement: The Courtwatch Volunteer Coordinator and the Public Relations Coordinator, or other designated staff member, perhaps even an informed member of the community, should discuss with the trainees the history of Courtwatch across the nation and in Montana. This section of the agenda also should include a discussion of the history of violence against women including not only policy impacts, but highlight societal changes to date. This may require an outside source from a local shelter or women’s group, even a MCADSV staff member, to train on this topic, or at least provide Courtwatch with the resources to conduct an accurate historical account.

Introduction to Domestic and Sexual Violence: This section should discuss the dynamics of domestic and sexual violence as it impacts all victims. This includes the power and control wheel, barriers, understanding the victim, preventative strategies, domestic violence myths, long-term impact/cycle of violence, and community responsibility to support safe families. It also may be helpful to invite an advocate or Executive Director of a shelter, domestic violence/sexual assault coalition, etc, to speak on this topic, or at least provide the resources to create a presentation.

Cultural Competency: MCADSV offers cultural competency training as part of the advocate institute instruction and can offer many resources for this part of orientation. There are many characteristics to define culture and promote the understanding of different cultures as a constant learning experience for people. Understanding what culture is and how culture affects and diversifies victims are important concepts for volunteers to grasp.

Culture refers to the shared experiences and commonalities that have developed or continue to evolve in relation to changing social and political contexts, based on:
In all cultures, the framework of privilege and access are created by certain norms against which all other subgroups are compared. Cultural stereotypes lead to automatic belief systems about an individual that may or may not be accurate. These attitudes have the potential to impact an individual’s ability to work if not challenged constantly. Culture has been used to maintain a source of power and domination. A lack of understanding about the importance and impact of culture can put victims at greater risk.

Cultural competency ties into the dynamics of domestic and sexual violence. It also helps to educate individuals regarding the variety of cultures in their surrounding communities and how culture may affect domestic and sexual violence victims. Cultural competency embraces:

- Non-judgmental advocacy
- Acceptance of and respect for difference
- Continuous self-assessments regarding perception and understanding of culture
- Incorporating an awareness of one’s biases
- Approaching each individual's definition of culture with a reflective eye and an open mind
- Recognizing that diversity exists both within and between cultures
- Asking the person about their culture and allowing them to define it themselves
- Asking clarification questions to better understand
- Not assuming that one individual is the spokesperson or representative for their entire group

Understanding the Criminal and Civil Justice Processes: This part of the training will offer a brief rundown of the legal system from the courts and justice system personnel, to the statutes that pertain to domestic violence, sexual assault, and child abuse/neglect. Because the information available on these topics is extensive, a section of the training manual will provide more in-depth information the volunteers will need to become familiar with following their introductory training. This information will help them as they observe in court. Courtwatch staff should encourage the volunteers to take their training manual with them when they observe so that they may refer to it if necessary. It also is helpful to have an attorney be part of this training to answer any questions volunteers may have about the court system, trends in case outcomes, and general domestic and sexual violence case related questions.

Volunteer Panel: Members of the Courtwatch staff should share their experiences observing in court collectively until the first set of volunteers becomes experienced enough to provide a panel for discussion. This section of the training provides a great opportunity for the new volunteers to understand the process of monitoring as veteran volunteers share their initial concerns, hesitations, and difficulties in volunteering, and then share how they overcame those obstacles. It is also an excellent opportunity for the new recruits to ask specific questions about observing in court.
What to Monitor: Guidelines and Forms: At this panel, the Courtwatch Project Coordinator should refer the volunteers to the section in their “Courtwatch Volunteer Orientation Manual” that refers to the “Volunteer Guidelines” and that provides copies of the Courtwatch observation forms. This part of the training will also explain how to read a court docket and understand the layout of the courthouse; it is suggested that each Courtwatch program provide a sample docket and map of the courthouse as part of the training manual.

Training Evaluations and Post-training Survey: At any training, it is a good idea to pass out evaluations to the trainees so that trainers can receive feedback on how everything went and see how they can improve for next time. This process is optional, but MCADSV recommends that the Courtwatch program provide new volunteers with a post-training survey along with the evaluation at the end of Volunteer Orientation. This is a good way for the program to assess the levels of knowledge and skill that the volunteers gained and to see where continuing education may be desired and necessary within the realm of domestic and sexual violence and the court system. An example of a post-training survey is located in the “Volunteer Forms” section of the Appendix.

Tour Sign-Up: It is recommended to have volunteers sign up at the end of the training for a time slot to take a tour of the courthouse and the Courtwatch office. It is best to have a designated day for this, with a morning and afternoon tour so that as many people as possible can be taken at the same time. Remember to coordinate this with the courthouse, or at least notify them when the tour will be taking place.
Managing & Sustaining Volunteers

Volunteer Management

One of the best steps toward managing volunteers is to have clearly defined policies and procedures that outline volunteer expectations, motivations, and supervision. The “Volunteer Policies and Procedures” and “Volunteer Guidelines” recommended for Montana Courtwatch programs are adapted from other successful Courtwatch programs in the country. The MCADSV library also has several resources available for checkout to obtain further reference for program policies and procedures formation. A Courtwatch program should use them if they feel they are adequate, but may feel more comfortable using policies from their sponsoring organization. This decision should be part of the Developing a Courtwatch Program process.

Volunteer Policies and Procedures and Volunteer Guidelines

The “Volunteer Policies and Procedures” and the “Volunteer Guidelines” sections outline the fundamental expectations of a Courtwatch volunteer and the prerequisites necessary to incorporate these principles. A Courtwatch program can decide to what extent they wish to incorporate these suggested guidelines. Both of these documents can be found in the “Volunteer Orientation Manual” in the Appendix.

Motivating Volunteers

Individuals volunteer with programs because they want to serve their community. A motivated volunteer desires the position and respects and recognizes the principles and goals of the organization. He or she wants to be a productive, respected part of the program as well as satisfy individual needs. An organization that understands and utilizes volunteer motivation will have a high volunteer retention rate.

One of the fastest ways to lose volunteers is to not get them involved in a project right away. Make sure that the Courtwatch program is well-organized and ready to be implemented before recruiting volunteers. Have programmatic systems in place so that the volunteers can start observing immediately following their orientation and training.

Staff should follow up with the volunteers on a regular basis. The briefing meeting prior to a shift is an opportunity for volunteers to ask any questions or discuss any apprehensions about the case they will be observing. Debriefing allows the volunteers an opportunity to discuss any questions they may have had during their observations while they are fresh in their mind. It is

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3 “Volunteer Policies and Procedures” and “Volunteer Guidelines” are based upon similar information given to volunteers at other court monitoring programs: WATCH in Minnesota, Victims For Justice CourtWatch in Alaska, and RSVP/DVIS Court Watch in Oklahoma.
recommended that the Volunteer Coordinator meet with all the volunteers individually once a week or a minimum of twice a month in order to touch base and discuss any concerns or questions about court monitoring in general. These meetings let the volunteer know that they are appreciated and respected as part of the Courtwatch team. This also is an opportunity for the Volunteer Coordinator to make sure the volunteer's needs are being met within the program.

Retention

After the Courtwatch volunteers are recruited, trained, and beginning to observe, the program must make sure that the volunteers are happy with their activities so they will remain active within the program. Several court monitoring programs around the country hold regular meetings or events for their volunteers. There are also some basic guidelines for sustaining volunteers that can be of value to new or current volunteer programs.

Operate a well-managed program: To manage is to work with and through people to meet the needs and goals of an organization. Therefore, the most important way to retain volunteers is through a well-managed program. Individuals choose to volunteer. They are driven by the desire to fulfill a need and want to be productive in their volunteer work in order to satisfy that motivation. One of the main reasons why volunteer programs fail is lack of effective volunteer management and support. If the Courtwatch program is not ready for the volunteers, they may lose them.

Volunteer Motivations: It is important to recognize the personal motivations of the volunteers so that the Courtwatch program can meet their needs while meeting the needs of the organization as well. Understanding why the volunteers participate, what they expect, and what they would like to get out of their experience can prepare the program to provide sufficient volunteer support which will increase the probability of developing a sustainable program. One way to accomplish this is to survey each volunteer early on. Ask them what they want to be doing at Courtwatch, how they like to be appreciated as well as have them identify how they feel they see themselves succeeding in the experience. Volunteers’ motivations differ and may even change over time. It is important to be aware of the varying types of motivating factors for each volunteer. Ultimately, volunteers would like to be productive within the organization in addition to having a satisfying personal experience.

A Courtwatch program should try to understand what motivates the volunteers. For example,

- Courtwatch may appeal to individuals through their need for achievement and/or the significant level of competency required by the position. Because a volunteer has an excellent opportunity to learn new things and achieve new skills with Courtwatch, the program can attract the type of individuals who desire personal growth and are drawn to the inherent independence of a Courtwatch volunteer experience. A program can support those who appeal to this type of motivation by giving them praise and if possible, give them more meaningful work (i.e., allow them to monitor more hearings, or schedule them for the jury trials over order of protection hearings--not that jury
trials are more important than order of protection hearings, but they may be more popular).

- A volunteer also may be motivated by the sense of power or need for power. Power is not necessarily a bad thing. Positive power means good leaders which includes the desire to have an impact on or to influence others. These individuals are looking for truly meaningful work. Because of the potential impact Courtwatch can have on the community, these individuals will be attracted to this program. In order to maximize the skills these natural leaders, a Courtwatch program may decide to these types of individuals in charge of the volunteer appreciation/recognition activities (e.g., monthly potlucks, coffee meetings, barbeques, etc).

- Volunteers also may be motivated by a desire to feel of connected or a need for affiliation. These individuals volunteer to spend time with others and meet new people. They want to feel a sense of belonging with like-minded people. The needs of these volunteers can be met through monthly group meetings where individuals can discuss and share experiences.

With any volunteer program, it is helpful to remember and celebrate anniversaries of start dates of the volunteers. This also is an excellent opportunity to conduct a yearly evaluation to make sure that the program and the volunteer are still in a mutually beneficial relationship. The program and the volunteer can reaffirm the individual’s commitment and possibly identify new goals or personal needs of the volunteer.

Provide opportunities for growth: By holding monthly volunteer meetings, most of the needs of the volunteers can be supported. This creates an opportunity for volunteers not only to get to know one another, but to share experiences and “war stories”—while maintaining confidentiality—as they learn and grow from each other’s experiences. These meetings also are a great opportunity for the Courtwatch program to invite guest speakers from the domestic violence, sexual assault, and/or justice system community to talk with the volunteers and educate them on a particular topic or program. These group meetings can also be a casual event where volunteers may feel free to engage in dialogue with individuals that they may not otherwise have the opportunity.

Evaluations

It is important to conduct both program and individual volunteer evaluations on a regular basis. In addition to regular check-in meetings, the Volunteer Coordinator should arrange for periodic evaluations for each volunteer. The purpose is to let volunteers know that the program recognizes and is invested in their work and development as a court monitor. Regular evaluations will help volunteers reach their true potential and strengthen their involvement as well as spot any difficulties the volunteer may be encountering. These could be conducted once a month for the first 6 months and then every other month thereafter. The frequency of the evaluations is up to the Courtwatch program.

The volunteers should evaluate themselves, the Courtwatch program, and their supervisor (this can be all staff or just the Volunteer Coordinator—it is up to each individual program and will
more than likely be determined by each program’s resources). A Courtwatch program may
develop original evaluation questions or may even choose to adopt the practices of a
“supporting” program. Either way, an open and constructive evaluation or feedback process is
important to a successful volunteer program. When the volunteer is due for his/her evaluation,
take this as an opportunity to get feedback from them about the Courtwatch program and staff.

As part of the evaluation process, the Volunteer Coordinator should create his/her own
evaluation of the individual volunteer, and then go over the volunteer’s self-evaluation, as well as
that of the program. The two should then compare responses and allow for both to explain any
discrepancies. The entire evaluation process is an opportunity to review the past, analyze the
present, and plan for the future. The Volunteer Coordinator should continue to evaluate the
volunteer on work proficiency, working relationship, and progress on an ongoing basis.

A Courtwatch program also could create a feedback form for volunteers to fill out at their
convenience and give to the Volunteer Coordinator or place in a “suggestion box”. This way the
volunteers can make suggestions and leave them anonymously. Here are some ideas for
questions as part of the evaluation process:

Volunteer’s evaluation of Courtwatch/supervisor:
- Does the volunteer feel he/she has a good understanding of role in Courtwatch? Please
  explain.
- Does the volunteer get timely recognition for work at Courtwatch? Please explain.
- Does the volunteer feel he/she has received adequate skills to perform volunteer duties?
  Please explain.
- Are the volunteer duties being performed consistently with the position description?
  Please explain.
- Is the supervisor accessible and approachable? Please explain.
- Is the supervisor informative and responsive to volunteer concerns? Please explain.
- Is the supervisor patient and respectful of volunteer? Please explain.

Volunteer’s Self-evaluation:
- Self-evaluation as a volunteer and adherence to “Volunteer Policies and Procedures” and
  “Volunteer Guidelines”
- Courtwatch as a learning experience, skill development, and future progression
- Does the volunteer feel successful in personal development as part of Courtwatch? How?
- Does volunteer feel successful as a Courtwatch volunteer? How?
- Where does volunteer see room to grow? How?

Volunteer Accountability

Each program will need to decide what to do in the instance of inappropriate behavior by a
volunteer. This is a delicate subject, but dealt with correctly, can potentially result in
something positive. It is difficult to terminate an employee, but it is even more difficult to
terminate a volunteer. Truthfully, having to fire a volunteer is as much a reflection of failure at
some level in the recruitment process as it is the fault of the volunteer. If termination is
necessary, it is a good idea for the Courtwatch program to assess where this failure occurred and how it can be a learning experience for the future.

There are steps programs can take before resorting to volunteer termination. The process also should be made clear to volunteers at Volunteer Orientation. The following steps are suggested for responding to inappropriate behavior by a volunteer:\(^4\):

- **Positive Corrective Action**: If a situation occurs that warrants reprimand, the discipliner, (probably the Volunteer Coordinator or Program Coordinator) should remain positive and not accuse the volunteer. He or she should focus on the specifics of the incident and not attack the individual. The disciplinary action will be more constructive and will help keep the volunteer from getting defensive.
  - Ask the volunteer to describe what happened in his/her own words; if they are unable to do so, the supervisor should discuss the incident and the volunteer’s alleged behavior as objectively as possible.
  - Be sure to separate the behavior as a one-time act, not a reflection of character.
  - “Diffuse the defensiveness” by saying something positive about the volunteer first and support them as a valued part of the team.
  - Ask the volunteer how he/she can improve and separate themselves from this type of behavior; have them come up with a performance plan that is acceptable to the Volunteer Coordinator/Program Coordinator
  - Revisit with this volunteer and praise him/her for significant performance improvements. If this is not the case, have the volunteer create another improvement plan. Be sincere in recognizing and offering praise.
  - Continue to give positive feedback as performance improves

- **Alternatives to Terminating a Volunteer**: Volunteer misconduct could very well be a reflection of unclear expectations on the part of the program. It is important to remember that most volunteers will be completely new to the court system and perhaps even domestic and sexual violence. The following suggestions are alternatives to termination, should be considered as part of the disciplinary process, and can be utilized as part of the “positive corrective action” session with the volunteer (in no particular order):
  - Revisit Supervisory Expectations: go over the “Volunteer Guidelines” and staff should conduct better enforcement of the rules.
  - Re-assign: the particular volunteer may not be getting along well with their current supervisor and if possible, should be reassigned to another staff member who would be more compatible; perhaps this volunteer’s skills were misread, and they would be a better fit as a court monitor/data entry volunteer.

o Re-train: Some people take longer to learn particular concepts. The Courtwatch training is intensive and some volunteers may require a different training approach or the opportunity to be re-trained at the next volunteer training.

o Re-vitalize: The volunteer may be burned out and not realize it. The program could suggest that he/she take a sabbatical to get refreshed.

o Refer: Perhaps this volunteer was expecting something entirely different and it is apparent that his/her skills could be better served elsewhere (e.g., they would like to do direct service). The Courtwatch program could suggest another program and offer to provide a letter of recommendation if appropriate.

- **Termination System:** When a volunteer compromises the “bottom line” of a program, he/she should be terminated. A volunteer program promotes accountability for the program by upholding its “ability to deliver quality service” and by prohibiting “any barrier to that ability”. Any violation of this should result in immediate termination.

The process of termination should be outlined in the policies and procedures of a Courtwatch program. They may even be similar to the policies and procedures for paid staff members. This is a suggested system for terminating a volunteer:

- Warning/Notice: Put the volunteer on probation, then suspension, and if those fail, facilitate termination.
- Investigation: Conduct a fair investigation of the situation (perhaps through “positive corrective action”). A performance review should be part of the evaluation process. If the volunteer’s performance is unsatisfactory, it should be noted in the evaluation along with a plan to improve the situation with timely re-evaluation of the volunteer and an understanding that failure to comply will result in termination. (Keep in mind that the program may want to consider “Alternatives to Firing” first.)
- Termination Meeting: Conduct the meeting as privately and respectfully as possible. Do not argue with or counsel the volunteer.
- Be direct and absolute with the volunteer about why he/she is being terminated. Always be consistent with policies and procedures.

Often it will not come to this and the volunteer will simply resign. It will be up to each Courtwatch program to decide the level of disciplinary action to take against volunteers. If a volunteer is extremely out of line, it is possible that the situation may warrant immediate action. The Courtwatch program should have a response to this type of situation outlined in their personnel policies and procedures which should be established prior to implementing the Courtwatch program.
Volunteer Appreciation

There are many types of ways to appreciate volunteers. As discussed earlier, the best way is to simply ask the volunteers during their orientation. Different forms of recognition appeal to different types of people. The most important thing is to make sure that it is meaningful to the individual.

The following steps are recommended as guidelines for appreciating volunteers and are in no particular order:

Guidelines for Recognition:

1. **Give it or else**: Only bad things happen if volunteers do not feel appreciated, e.g. they drop out. Recognition is important to most people.
2. **Give it frequently**: Recognition has a short shelf life.
3. **Give it via a variety of methods**: There are several methods available to recognize volunteers. Try to assess personal preference for appreciation as part of getting to know individual volunteers.
   a. Personal appreciation from supervisor or staff member to the volunteer for good work done (e.g., verbal praise or a letter)
   b. Personal appreciation from supervisor or staff member to the volunteer as a person (e.g., recognize their birthday or give personal complements)
   c. Appreciation from the organization to the volunteer for good work done (e.g., plaque commemorating work accomplishments or honoring the individual as “Volunteer of the Month”)
   d. Appreciation from the organization to the volunteer as a part of the team (e.g., plaque noting years of service to Courtwatch or feature the volunteer in an article in the newsletter that talks about interesting personal facts and not necessarily work performance)
4. **Give it honestly**: Praise must have value to have any meaning so reserve it for stellar performance. If the volunteer is performing poorly, perhaps praise for a personal trait will boost their self-esteem and increase their work performance.
5. **Give it to the person, not to the work**: If a Courtwatch volunteer organized a potluck and guest speaker with great success, praise the event and give him/her recognition for it.
6. **Give it appropriately to the achievement**: Small success with low-effort praise (e.g., personal verbal recognition). Large success with appropriate, larger praise (e.g., large banner in the office in his/her honor).
7. **Give it consistently**: If more than one volunteer made the same triumph, make sure they receive the same recognition—not necessarily the exact same recognition, but with equal effort.

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8. **Give it on a timely basis:** If the recognition is delayed, it will not seem as sincere and may cause resentment in the meantime.

9. **Give it in an individualized fashion:** Effective recognition recognizes that different people respond to different things in terms of how they feel appreciated.

10. **Give it for what you want more of:** By paying attention to good performers, not only do they feel appreciated and stick around, but those volunteers who are having difficulty can identify the ideal model of volunteering.

**Types of Appreciation:** There are many different ways to demonstrate appreciation and the level of appropriateness should be determined by the Courtwatch program prior to bringing volunteers on board. By maintaining a level of consistency with volunteer recognition, the appreciation is respected and valued as genuine. The following provide examples of formal and informal methods of appreciation:

- **Formal Appreciation:** This type of recognition includes an award or certificate after training. This may also include volunteer recognition dinners for outstanding work or volunteer achievement, perhaps on an annual basis. It should be celebratory and increase team identity, while recognizing not only the achievement of individuals, but also the achievements of Courtwatch.

- **Informal Appreciation:** This type of appreciation is “day-to-day”. Simply saying “thank you” and getting to know individual volunteers makes them feel part of the team and less like another “warm body” in the program. Send the volunteers a welcome card when they come on board and celebrate their anniversaries with Courtwatch. A program can provide the food at the monthly meetings or even create a bulletin board, highlighting volunteers’ accomplishments. The important thing to recognize is that however small it may seem, day-to-day recognition can be just as sincere and reaffirming to a volunteer as more formal appreciation.

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Monitoring

Once the Courtwatch program has built a strong programmatic foundation and has a committed group of Steering Committee members, it is time to focus on the primary function of Courtwatch: monitoring the courts. This section outlines about how to monitor and what to do with the results.

How to Monitor

Believe it or not, some domestic and/or sexual violence programs in your community may already be carrying out some of the tasks of court monitoring. This section serves to highlight how to monitor cases in an effort to maximize the existing resources.

Getting court information

Most information about court appearances is open to the public and should be easily accessible. Some information about offenders history can be obtained from the Montana “Sexual and Violent Offender Registry” (http://doj.mt.gov/svor/search.asp) and the “Correctional Offender Network Search” (http://app.mt.gov/conweb/).

Obtaining some of this information can create additional work for employees at the courthouse or at the police department. It is best to work with the court clerks and relevant law enforcement officials to develop a system to minimize the inconvenience. The Central Court Repository or Full Court system is in place in most of the Courts of Limited Jurisdiction and is on its way to being in place in District Courts. This system was developed to link the Courts so as to eliminate duplicity in data entry. Currently only the Courts have access to this system, however, they are able to access offender’s records outside of their own counties. The information entered in this system is limited to what is entered by the clerk of courts and does not reflect information from the prosecutor’s office or law enforcement developed outside of the courtroom.

Ideally, the Courtwatch program would have access to the following documents: court calendar, criminal complaint, and trial calendar. Although these documents are available to the public, there may be a charge for photocopies. There are several ways to go about getting this information. MCADSV recommends that programs work as graciously as possible with the court administration.

Start by writing a letter to the relevant court administrators/clerks and law enforcement agencies clearly outlining what Courtwatch is and seeks to accomplish, similar to the sample letter drafted in Developing a Courtwatch Program Supplements: Sample Letter to Courtroom Personnel. State that the Courtwatch program is requesting access to the court calendars and complaints and is interested in knowing what type of appearance information is already accessible to the public as well as how the Courtwatch program can work with them to get the information necessary to perform its designated functions. Other court monitoring programs get hard copies.
of police and sheriff reports, court calendars, and protective orders through a memorandum of understanding (MOU)\(^7\) between the court monitoring program and the court administrators/clerks that outlines what will be done with regard to the obtained information and agree to its use in that way.

**Determining Courtwatch Cases**

Potential cases for Courtwatch to monitor will be determined by what your program seeks to accomplish and how specific your program is going to be as far as monitoring cases and the courts. It is up to your program to decide whether or not Courtwatch will monitor misdemeanor or felony cases, or both. It may be helpful, if resources—aka volunteers—permit, to cross-check other offenses to see if the defendant might be in the Courtwatch tracking system and may be related to a Courtwatch case. WATCH in Minnesota recommends the following offense types to track (with terms changed to be particular to Montana statute):

| "Aiding and abetting" on any of these | Intimidation |
| "Attempted" on any of these          | Kidnapping   |
| Aggravated interference w/ parental-child contact | Malicious punishment of a child |
| Aggravated promotion of prostitution | Negligent homicide |
| Arson                               | Obstruction of justice |
| Assault                             | Parenting interference |
| Burglary                            | Partner Family Member Assault |
| Criminal mischief                   | Promotion of prostitution |
| Criminal trespass                   | Prostitution |
| Custodial interference              | Sexual abuse of children |
| Deviate sexual conduct              | Sexual assault |
| Endangering welfare of child        | Sexual intercourse without consent |
| Failure to register as a sex offender | Stalking |
| Homicide                            | Theft and related offenses |
| Incest                              | Unlawful restraint |
| Indecent exposure                   | Unlawful transaction with child |
| Interference with parental-child contact |             |

MCADSV Courtwatch recommends creating an Excel database for keeping track of cases that may or may not be relevant to Courtwatch activities in your community\(^8\). This is so that your

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\(^7\) A **memorandum of understanding** (MOU) is a legal document describing a bilateral agreement between parties. It expresses a convergence of will between the parties, indicating an intended common line of action, rather than a legal commitment. It is a more formal alternative to a gentlemen's agreement, but generally lacks the binding power of a contract. (http://en.wikipedia.org/wiki/Memorandum_of_understanding)

\(^8\) All models for data tracking given as “Courtwatch Potential Court Case”, “Courtwatch Schedule”, and “Courtwatch Offender Tracking” have been developed from the models given by the WATCH court monitoring...
program can have the information in-house while determining, through the criminal complaint, whether or not it is a case Courtwatch would like to monitor. A blank sample “Courtwatch Potential Court Case” form is available in the Appendix under Courtwatch Sample Forms: Court Monitoring Forms. Below is a rough outline of how the data will appeal within your system (all names and information are fictional):

<table>
<thead>
<tr>
<th>Last Name</th>
<th>First Name</th>
<th>Middle Name</th>
<th>Case #</th>
<th>PFMA/SA</th>
<th>CW Case?</th>
<th>Complaint</th>
</tr>
</thead>
<tbody>
<tr>
<td>Johnson</td>
<td>Andrew</td>
<td>Trent</td>
<td>33TH6</td>
<td>PFMA</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Louis</td>
<td>Grayson</td>
<td>Thomas</td>
<td>34T66</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Petersen</td>
<td>Christopher</td>
<td>James</td>
<td>45RT6H</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Teems</td>
<td>Gary</td>
<td>Lou</td>
<td>443RG8</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Thyme</td>
<td>Tobias</td>
<td>Allan</td>
<td>45TY88</td>
<td>SA</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

The staff member or volunteer responsible for entering the information will use the court calendar and select potential Courtwatch cases based upon the program’s defined criteria. The defendant’s last name, first name, middle name (to prevent overlap with defendant’s with similar names), case number, if the case is a Partner Family Member Assault or Sexual Assault case (with the option of developing your own abbreviations to make the case more specific, i.e., sa-in(for “sexual assault-incest) or pfma-2 (for “partner family member assault-2nd offense) should all be entered. It may be easiest to organize this system alphabetically by the offender’s last name. More information regarding program set up is provided in the “What to do with the results of court monitoring” section.

Once the criminal complaint is received, the program will be able to determine if the case is one that Courtwatch should monitor. If not, indicate that in the system as “No” and keep the case on file so as to prevent pulling the criminal complaint again in the future. If the defendant is applicable to Courtwatch monitoring activities, his/her information will be added to the “Courtwatch Offender Tracking” database.

Appearance preferences

Each Courtwatch program should decide which cases to monitor based on the needs of their community. It is recommended that an order of preference be established for cases so as to best utilize available resources (i.e. volunteers) within the program on days where multiple cases are of interest to Courtwatch.

Below is an example of how WATCH, the court monitoring program in Minnesota, prioritizes their cases for observation:

program in Hennepin County, MN. MCADSV greatly appreciates their willingness to share this information for the greater good of survivors and families in Montana and elsewhere.
1. Type of cases: sentencings, revocation matters, and trials are top priority
2. Defendant’s criminal history: if this is a repeat offender who has been monitored before and is in the program’s database
3. Presiding Judge: if there is a Judge whose past behavior in court warrants further monitoring
4. Special requests: to monitor particular cases by advocates, probation officers, and prosecutors (for whatever reason)

Courtwatch Calendar

The Courtwatch calendar is a daily visual representation of all the cases set for observation by volunteers. After determining which cases on the docket are Courtwatch cases or potential Courtwatch cases, the staff member responsible for developing the Courtwatch calendar should enter the cases chronologically and assign the daily volunteers to them in order of preference. If the complaint has not been received on some cases and your Courtwatch program is unsure if it is one of their cases, go ahead and try to get someone to monitor, but do not make it your first priority. It is recommended to try to have a staff member attend any Courtwatch cases that volunteers cannot. When a case goes unobserved, the Courtwatch program can still access most of the information for data purpose the appearance, etc, afterwards, but it is very important to try to get volunteers in every court so as to gain a better perspective from the direct observation. A blank sample “Courtwatch Schedule” form is available in the Appendix under Courtwatch Sample Forms: Court Monitoring Forms. An example of how to fill out the calendar is given below:

<table>
<thead>
<tr>
<th>Time</th>
<th>Appearance</th>
<th>Judge</th>
<th>Defendant’s Name</th>
<th>Case #</th>
<th>Charge(s)</th>
<th>Pros. Atty</th>
<th>Def. Atty</th>
<th>Volunteer</th>
</tr>
</thead>
<tbody>
<tr>
<td>8:15</td>
<td>Arraignment</td>
<td>Matlock</td>
<td>Johnson, Andrew, Trent</td>
<td>333TH6</td>
<td>PFMA-1st</td>
<td>Adams</td>
<td>Lincoln</td>
<td>Julie S.</td>
</tr>
<tr>
<td>9:30</td>
<td>Sentencing</td>
<td>Jones</td>
<td>Matthews, Dwight, Lou</td>
<td>5698F</td>
<td>SA</td>
<td>West</td>
<td>Myner</td>
<td>Mike R.</td>
</tr>
<tr>
<td>1:00</td>
<td>Prelim. Hearing</td>
<td>Sweet</td>
<td>Andrews, Hunter</td>
<td>817HY</td>
<td>665RT</td>
<td>Viol. OP</td>
<td>Adams</td>
<td>Myner</td>
</tr>
</tbody>
</table>

Before the volunteers are assigned their cases, a member of the Courtwatch staff will take the court schedule and fill out the potential Courtwatch cases in a Courtwatch calendar. This way, the Courtwatch cases will be easier to see and will be separate from all the cases in the daily court calendar(s). If there are court cases that have been scheduled that your program is
anticipating, use your relationship with the clerks and call ahead because the court schedule may change.

Once the relevant cases are selected from the court calendar(s), the Courtwatch program can request criminal complaints with more efficiency, thereby easing the burden on those able to disseminate the information. Ideally, your program will be granted direct physical access to the information. However, this may take some time.

Briefing the volunteer

As part of the briefing session, the assigned Courtwatch staff member should sit down with the volunteer and discuss the case(s) he/she will monitor. Based upon case preference or available appearances, the Courtwatch staff member will assign the volunteer his/her monitoring schedule and, if possible, provide a copy of the criminal complaint. The staff member also will try to give the volunteer as much background as possible on the case(s) and answer any questions he/she may have.

General Monitoring Form

MCADSV has created a court monitoring form that can be used to monitor all cases related to domestic violence and/or sexual assault that are open to the public (see Appendix Courtwatch Forms: Courtwatch Monitoring Form). This form can be duplicated directly or modified to meet the needs of the court monitoring program. Volunteers should respond to the questions on the monitoring forms while keeping in mind the observation guidelines specific to each appearance. With any appearance, volunteers should always note any unusual and/or seemingly pertinent information observed.

Order of Protection Monitoring Form

The MCADSV Courtwatch Manual also includes a court monitoring form for use when monitoring Order of Protection hearings (see Appendix Courtwatch Forms: Order of Protection Monitoring Form).

Temporary Orders of Protection are ex parte orders that are good for 20 days or until the hearing. According to Montana statute, a permanent Order of Protection can be in effect indefinitely, but is commonly issued for 6 months to 1 year (MCA 40-15-102). An Order of Protection cannot be made mutually effective by the Court. The respondent can only file an Order of Protection against the petitioner if he/she files an application for an Order of Protection on his/her own behalf (MCA 40-15-202(3)). More information on Orders of Protection can be found in Understanding the Law and the Courts.
There are several aspects of an Order of Protection hearing to observe:

- Courtroom efficiency
- Safety of petitioner
- Judicial demeanor
- Courtroom decorum
- Application of the law

Many of the areas observed during general court monitoring are applicable to Order of Protection hearings. However, as part of the volunteer orientation, the Courtwatch program will need to discuss Orders of Protection and the law, including the criteria for Orders of Protection, justice system roles, and application of the law regarding enforcement of these legal protections for citizens. Volunteers should shadow Courtwatch staff as they observe Order of Protection hearings before they monitor on their own.

General Observation Points

As part of the development of the Courtwatch program, the parties involved will need to discuss what exactly they seek to monitor through volunteer court observations. At first, that may intend to monitor at a general level. Here are some suggested questions taken from other court monitoring programs for volunteers to keep in mind while observing in court:

(WATCH, Hennepin County, Minnesota)

- Does the appearance start on time? If not, does the Judge explain why it is late?
- How are court staff acting in the courtroom? Are they talking quietly with each other or are they making jokes?
- Can you hear and understand what the Judge and attorneys are saying?
- Does the Judge explain what is about to transpire?
- How much time do the Judge and attorneys spend in chambers?
- If you are waiting in the courtroom, does anyone question who you are or what you’re waiting for? Are you the only one waiting or are there others, e.g., victim, defendant, family members, etc.?
- Are children in the courtroom? Are they loud and disruptive?
- Are you aware of people who are lost or are sitting in the wrong courtroom?
- Is the victim left sitting for long periods of time with the defendant in the courtroom?
- Is there an advocate present?
- Does the Judge hold the sentencing in the middle of another calendar, e.g. felony arraignment or probable cause pretrial?
- Are interpreters needed? If so, are they readily available?
- Does the Judge release the defendant into the community between the time of his conviction or plea and the time that he is to be sentenced?
- Has there been a significant delay since the last courtroom appearance in this case?
Does the Judge say anything to the victim at the time of sentencing? Does the Judge acknowledge the victim’s pain and/or thank her for coming forward?

Does the Judge allow the defendant’s friends and family members to speak at sentencing?

Does the Judge make a strong critical statement to the defendant at sentencing?

Does the Judge hold herself or himself accountable by explaining the reasons behind decisions?

Does the Judge refer to information about the defendant’s criminal history?

Does the Judge refer to a pre-sentence investigation-PSI?

What are the consequences for a defendant on probation that has violated his conditions of probation?

(RSVP/DVIS, Tulsa, OK)

Was it clear to you where to park and how much it would cost?

Were you able to easily locate the courthouse and determine where and how to enter?

Were courtroom directions and locations posted and clear?

Were restrooms clean and accessible?

Was the water in drinking faucets clear and smelled ok?

Were personnel helpful and polite to you and others if you or someone you observed asked for assistance?

In the courtroom, did the Judge introduce him/herself and the procedures?

Were all cases heard in the courtroom? If not, where were cases heard?

Did the Judge seem to have control of the courtroom?

If the atmosphere was chaotic, what/who was creating the chaos?

Were proceedings audible and did Judges use the microphone?

Were deputies on duty in the courtroom and waiting areas?

Where were children of litigants during proceedings?

Were plaintiffs and defendants alike treated with respect and dignity by process participants, i.e., Judge, attorney, prosecutor, police, sheriff, medical professionals?

In Misdemeanor and Felony arraignment courts, was it clear what cases were being called and in what order?

Did the outcome of cases you listened to seem fair? Why or why not?

Did anything stand out in your mind when listening to a particular case?

Did any individual involved in a case make a particular impression on you in any way?

Did it seem clear to everyone in the courtroom what to expect next?

**Specific appearances**

The following are suggested observation guidelines based upon other court monitoring programs:
Initial appearance/Arraignment

This is typically the offender’s first contact with the courtroom and where he/she will hear his/her rights read and enter a plea to the charge. At the initial appearance and arraignment, volunteers should observe and note the following (in addition to the general observation points):

- Timeliness of appearance, audibility of courtroom and courtroom personnel, courtroom disruptions
- Quality of evidence collected and presented
- Pertinent case info in course of bail argument, bail and conditions of release
- Judicial and attorney demeanor
- Whether or not the victim is present, if the victim statement is made and the Judge’s response.

Sentencing also may be set at this appearance. However, some courts delay sentencing until they receive an advisory pre-sentencing report from the probation office, especially in felony cases.

Omnibus Hearing

If the appearance is for a felony charge, observers should follow the same guidelines suggested for initial appearance/arraignments for an omnibus hearing. These appearances are rare in Montana as the defendant typically waives them to move forward and prepare for trial or plea negotiation instead. If observing an omnibus hearing, volunteers should follow the general observation points above.

Motions

Motions can be made verbally or in writing by either the defense or prosecuting attorney asking the Judge to issue a rule or order in court. These can range from evidentiary ruling and trial scheduling change to dismissals. Because motions can occur before, during or after a trial, observers should follow general observation points.

Trials

Trials should be given top priority for courtroom observation. During a trial, observers should note:

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9 An omnibus hearing is a pretrial hearing. It is usually scheduled two weeks from the date of the arraignment, unless otherwise mentioned in court. The main purpose of it is to introduce evidence, including testimony from police officials and seizing evidence from the defendant. The prosecutor and the defendant’s lawyer/counsel attend the hearing to discuss pretrial matters pertaining to the case. It is commonly followed by a trial, a plea of guilty, or a plea bargain. [<http://en.wikipedia.org/wiki/Omnibus_hearing>]; also see MCA 46-13-110. Omnibus hearing
• The attentiveness of the Judge and, if a jury trial, the jurors
• The prosecution and defense attorneys’ demeanor and handling of victim and witness testimony
• The Judge’s demeanor and control of court
• Any Judge’s rulings that may be of concern (especially at evidentiary stage)

These points should be observed in addition to the general observation points and questions on the court monitoring form.

Sentencing

Sentencing also should be a top priority for court monitoring. Often the victim impact statement is read and this is the final opportunity for the victim to get some closure. This also is an opportunity for Judges to make a critical statement to the defendant when delivering the final sentence. Observers should note:

• Was the defendant released or in custody prior to this appearance?
• Does the Judge empathize with the victim?
• Did the Judge allow defendant’s friends and/or family to address the court prior to sentencing? How was that handled by courtroom personnel?
• If charged with a PFMA, did the defendant lose his/her gun(s)?
• Did the Judge offer an explanation behind any departures from sentencing guidelines?
• Did the sentencing take place in another calendar (i.e., during arraignment) or in a courtroom full of people present for other matters?
• Did the Judge reiterate seriousness of crime to the court?

Revocation Hearing

Revocation hearings are held when an offender reoffends or violates his/her conditions of probation. Judges should take this very seriously, and the defendant should be given adequate consequences. Observers should note:

• Was the victim present and did he/she make a statement?
• Note the testimony of defendant
• Was the defendant’s sentence revoked? What, if any, were the changes in conditions of probation?
• Did the Judge explain his/her reasoning behind the ruling?
• Judge’s and attorneys’ treatment of defendants, victims, witnesses
• Courtroom personnel’s verbiage and communication styles (respectful or not)
• The actions and response of jury members and courtroom personnel
• Note any sexism, racism or discrimination initiated or perpetuated by the judicial process or court personnel
• If approached by anyone while observing court (positively or negatively) note who and what the comments were
What to Do With the Results of Court Monitoring

The Data Collection Process

Although the availability of resources may vary with each jurisdiction, the same statutes apply to the entire state. The public has a right to view the court calendar and a right to offender information. A party in a case does have the right to request a hearing to keep certain information private in terms of identity protection. (The public’s rights to know are explained in Understanding the Law and the Courts: The Public’s Rights.)

As stated earlier, this information can be obtained via the internet and through cooperation with local law enforcement agencies and the clerk of courts. It is essential for your Courtwatch program to work with the agencies from which you are requesting the information so as to develop a system to make it as convenient as possible. Some counties in Montana have public access terminals where anyone can obtain information about offenders and cases. Work with the clerks and other courtroom personnel to determine what information is easily accessible in your community and how to work with them to receive any other information your Courtwatch program will need.

A Courtwatch program will need to develop a filing system for keeping track of offender information and to maintain hard copies of information. The following are suggested to be included in the file: criminal history, case history, criminal complaint, and volunteer notes. The files can also include Orders of Protection, transcripts, and newspaper clippings. Again, what information your Courtwatch program will collect and file will depend upon the scope and resources of your program.

Data Entry

Certain Courtwatch volunteers will be assigned the task of taking the information from the court monitoring forms and entering it into a spreadsheet for offender tracking. The amount of information that your Courtwatch group will be able to collect is entirely up to the needs and resources available. It is recommended to have obtained the desired information before sending volunteers into the courtroom.

The Courtwatch program should develop a method for keeping track of the court monitoring forms as well as a way of summarizing the comments of the volunteers’ observations in court. By keeping track of the offenders in a database, a Courtwatch program can easily track new charges, keep track of re-offenders and be able to determine which cases are of high priority. It also is helpful to track offenders so that the Courtwatch program can track rates of conviction, pleas, and dismissals not only for reference but also to generate reports from the courtroom observation. In addition, Courtwatch has the potential to identify chronic offenders based upon their criminal histories and interactions with the criminal justice system. This information can be very powerful in terms of educating the public and the justice system about the possible
The reality and problem of chronic offenders. The following are examples of information to track for each appearance monitored:

- Defendant name
- Date of Birth
- Offense Date
- Case Number
- Criminal Charge
- Appearance: type and date
- Bail
- Case outcome: convicted, pled down, dismissed, other
- City where crime occurred

**How to Enter the Data**

A sample of the “Courtwatch Offender Tracking” database is available in the Appendix under Courtwatch Sample Forms: Court Monitoring Forms. Please follow the format and enter the information into categories in Excel or another spreadsheet software system. Here is an example (all fictional names and information):

<table>
<thead>
<tr>
<th>Defendant name</th>
<th>Last Name</th>
<th>First Name</th>
<th>DOB</th>
<th>City</th>
<th>Offense Date</th>
<th>Case #</th>
<th>Charge</th>
<th>Appearance: type and date</th>
<th>Bail</th>
<th>Case outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andrews</td>
<td>Hunter</td>
<td>06/22/64</td>
<td>Justiceria</td>
<td>05/22/06</td>
<td>817H</td>
<td></td>
<td>Violation Order of Protection</td>
<td>Prelim. Hearing 06/02/06</td>
<td>$500</td>
<td>$500 &amp; 6 months in jail</td>
</tr>
<tr>
<td>Andrews</td>
<td>Hunter</td>
<td>06/22/64</td>
<td>Justiceria</td>
<td>02/13/07</td>
<td>10F</td>
<td></td>
<td>Violation Order of Protection</td>
<td>Prelim. Hearing 02/16/07</td>
<td>$500</td>
<td>$500 fine &amp; 6 months in jail</td>
</tr>
<tr>
<td>Preston</td>
<td>Daniel</td>
<td>05/15/77</td>
<td>Mountain City</td>
<td>06/14/06</td>
<td>555R</td>
<td></td>
<td>PFMA 2nd offense</td>
<td>Arraignment 06/18/06</td>
<td>$1,000</td>
<td>$1,000 fine &amp; 1 year in jail</td>
</tr>
<tr>
<td>Smith</td>
<td>Billy Bob</td>
<td>04/18/57</td>
<td>Hope Town</td>
<td>01/06/06</td>
<td>551F</td>
<td></td>
<td>PFMA 1st offense</td>
<td>Arraignment 01/08/06</td>
<td>$1,000</td>
<td>$1,000 fine &amp; 1 year in jail</td>
</tr>
</tbody>
</table>
Within Excel, one can easily look up offenders to see if they are already in your database by using “Control+F”, or the “Find” feature. It is recommended to keep the offenders in alphabetical order by last name to make it easier to enter new offender data.

In Excel, you can sort your data by using the Sort buttons on the toolbar.

- Select one cell in the column you want to sort.
- Click Sort Ascending (A to Z, smallest to largest) or Sort Descending (Z to A, largest to smallest)
- Before you do anything else, check the data, to ensure that the rows have sorted correctly. If things look wrong, click the Undo button on the toolbar.

There are other sorting available for your program to use to sort information within several different categories. For example, you may want to sort by City, then Last Name, then Criminal Charge, and then Case Number. You can sort the list multiple times, starting with the least important sort.

To sort three columns, select the “least important” in the sorting process, so they can be sorted first. For this example, Case Number and Criminal Charge are used for these fields.

- Select all the cells in the list.
- Choose Data>Sort
- From the Sort by dropdown, select Case Number.
- From the Then by dropdown, select Criminal Charge.
- Click OK

Excel will retain information from the previous sort while you sort by the remaining fields: City and Last Name.

- With all the cells still selected, choose Data>Sort
- From the Sort by dropdown, select City.
- From the Then by dropdown, select Last Name.
- Click OK

The Courtwatch program will need to develop a filing system to keep track of court monitoring forms and case information. The program can develop this system and organize information by case number or by offender name, making it easier to keep track of offenders’ criminal history.

**Filing Data**

It is recommended the program develop an electronic filing system (including the previously described databases) and a physical filing system for each offender. Your program may want to
create a quarterly, biannual, or annual system for filing case information in an electronic folder. A Courtwatch program also will have to consider what sort of system will work best in terms of keeping track of physical files, how long to consider files active, and when to archive them.

Compiling Results & Providing Feedback

As indicated previously in the manual, there are several ways of providing feedback to the courts and the community:

• Annual written report
• Roundtable discussion w/ all involved parties
• One-on-one contact/regular meetings
• Regular newsletters/letters: available to public or justice system or letters for both
• Press release
• All of the above

It is critical to work with the justice system personnel when determining what to do with the results of Courtwatch monitoring. Often court monitoring programs will bring the information directly to those affected by the results and work to come to a mutually agreeable resolution. However, in situations where public safety is an issue and warrants immediate attention, court monitoring programs find it necessary to report courtroom behavior directly to the media. No matter the approach, it is very important to read, understand, and take into account all the information presented in a case before approaching members of the judicial system.

Remember that feedback does not always have to be negative. It is important to recognize positive behavior within the justice system as much as identifying areas that require further study.

Courtwatch programs are encouraged to be involved with community programs that focus on domestic violence and/or sexual assault issues in the community. This increases visibility within the community and underscores the foundation of a Courtwatch program: to strengthen the justice system.

Following are guidelines for providing feedback to the justice system developed from WATCH, the court monitoring program in Hennepin County, Minnesota:

• Provide regular feedback about volunteer observations through letters or meetings
• Make a genuine effort to understand the dilemmas and complexity of the decisions that justice system personnel face. Anticipate their arguments so they realize that Courtwatch understands the situation, before attempting to make the position of Courtwatch understood.
• Never criticize without being able to make a reasonable recommendation.
• Develop good relationships with advocates and others who work directly with survivors and perpetrators by sharing information and input—while maintaining the objectivity of Courtwatch. This is possible while adhering to the mission of Courtwatch.
• Be sure to find ways to recognize and honor those within the system that are doing an outstanding job.
Understanding the Law and the Courts

The courts can be overwhelming for the average person who has never been exposed to the justice system before. This section will provide a brief summary of the justice system and will specifically address the courts in Montana. This is our unofficial “Laymen Law 101” section. The information in this section is only information and should not be deemed as legal advice. The following section should be reviewed and understood by the Courtwatch program as part of its development, and it should be included in as part of the Volunteer Orientation.

Civil and Criminal Law

These sections offer a brief introduction to civil and criminal law in general as well as how they relate to victims of domestic violence and sexual assault.

The Public’s Rights

This brief section lists the statutes pertaining to the public’s right to know.

Purpose of the Courts and the Montana Court System

These sections briefly explain the purpose of the court system and how it functions in Montana. Diagrams are provided to facilitate a better understanding of how the court system works, including the roles and responsibilities of its personnel, and addresses how this applies to domestic and sexual violence cases.

Domestic Violence and Sexual Assault Statutes

This section outlines domestic violence and sexual assault statutes in Montana. They are listed by category for easy reference with brief summaries about the statutes following the list. The categories include rights of the people of the state of Montana, civil law issues, domestic violence and sexual violence statutes, elder abuse law, Family Law, and Indian Law.
Civil Law

Definition

Civil law refers to cases brought before the court between individual parties. These cases do not involve criminal charges prosecuted by the state. However, the state can be a party in a civil case. Since everyone has a legal duty not to injure one another and to honor legal contracts, one party can sue another party for failing to carry out its legal obligation. Civil cases begin when a complaint is filed in court. In domestic relations cases, the person filing the complaint is the petitioner and the respondent is the individual whom the case is filed against.

Some examples of cases that fall within civil court are: Orders of Protection and petitions related to Orders of Protection, parenting plans, and marriage dissolution. These issues are explained in greater detail further on in this section.

Civil Case Structure

In civil actions filed in city/justice court, the amount demanded in the complaint cannot exceed $7000. When filing a civil case, the plaintiff will receive a civil packet with instructions from the clerk of court. There also is a filing fee for civil cases. However, if the plaintiff is unable to afford the fee, he/she can file a “in forma pauperis affidavit” that, if approved by the Judge, will allow he/she to move forward with their civil case.

The civil packet includes the “praecipe” (a form with the address of the defendant(s) so that law enforcement may serve the defendant), the original complaint, a complaint for each defendant, an original summons, and a summons for each defendant. The defendant then files a counterclaim/answer to the summons with the court and is charged a filing fee for an answer, but not a counterclaim. The court sends a copy of the answer or counterclaim to the plaintiff. A pre-trial hearing is scheduled when an answer is filed with the court in an effort to try and reach a settlement between the two parties. Either party may waive this step. If there is no resolution from the pre-trial or it is waived by one of the parties, the case goes to trial and both parties are notified via mail of the date. Both parties can subpoena witnesses. At the trial, the Judge grants a judgment on the case. If the defendant does not answer the original complaint within the time limitations, the plaintiff may file for a default judgment due to the defendant’s lack of desire to represent him/herself against the summons. Both parties have 30 days from the date of judgment in order to file a written appeal in District Court.

The judgment is valid for ten years. If the prevailing party does not receive payment in a timely fashion, he/she may seek a “writ of execution” which would allow him/her to receive collection

10 http://www.abanet.org/publiced/courts/cases_pretrial.html, 06/15/06.
11 http://courts.mt.gov/library/forms/civil/city-pp/instructions.doc, 10/10/06.
assistance from the court against the debtor's assets. This requires a praecipe against what the creditor would like the execution against. The creditor must notify the court when the judgment has been satisfied.
Criminal Law

Definition

Criminal law refers to an offense, or crime, committed that violates established statute which allows the government to prosecute and ultimately convict the offender. Crimes fall into the category of misdemeanor or felony, the latter being the more offensive charge (Conway, 1972, Ch. 4).

Some examples of criminal cases that are handled within the criminal justice system are: Partner Family Member Assault (PFMA), sexual assault, elder abuse, violations of No Contact Orders, stalking, assault, trespassing, burglary, and theft. Dependent and neglect (child abuse) cases and juvenile criminal cases are not open to the public and cannot be monitored by Courtwatch.

Criminal Case Structure

The charge is the document officially charging the defendant with a criminal offense at the misdemeanor or felony level and is presented to the court in the form of a complaint, information, or indictment (MCA 46-1-102(6)). It can be a written complaint from the city or county prosecutor or a Notice to Appear issued by law enforcement. The courts of limited jurisdiction can hear a misdemeanor criminal charge through to the final disposition, but can only hear the initial stages of felony cases (setting bail, appointing attorneys, and conducting preliminary hearings). The District Courts handle the final dispositions in felony cases.

A preliminary examination is the first hearing held and takes place before the Judge to determine whether or not there is probable cause to charge the defendant with a felony (MCA 46-1-202). The prosecuting attorney can file with the district court and if the Judge finds probable cause, the case remains in District Court.

The initial appearance and/or arraignment is usually the first time the defendant appears before the court. In misdemeanor cases, the defendant will be read his/her rights and will have the opportunity to enter a plea of guilty or not guilty. If the defendant enters a guilty plea, the Judge will listen to his/her account of the events, give a sentence, set the fine plus a surcharge, and determine any possible jail time and other penalties.

When a defendant is charged with a felony, he/she is not permitted to enter a plea at the initial appearance. At the initial appearance, within a court of limited jurisdiction, the defendant is read his/her rights and appointed an attorney if necessary, bail is set, and an omnibus hearing is scheduled. The case is then transferred to District Court and will be handled within that jurisdiction.
At the preliminary hearing, the prosecutor is burdened with providing enough evidence to show probable cause that the defendant committed the accused crime and should go to trial. The prosecution and defense exchange witnesses and this also is an opportunity for a defendant to raise affirmative defenses (“I am guilty your honor, but it was in self-defense”). The judge then makes a finding of probable cause and the defendant enters a plea. If the defendant pleads guilty, the judge will order a sentence and assess fees. If the defendant pleads “not guilty”, victim testimony is required to be brought before the court. The trial date may be set at this time. The defendant or defense attorney and city/county prosecutor will receive the notices of trial and any other orders pertinent to the case. Often in Montana, preliminary hearings are waived by the defendant as he/she chooses to move forward and prepare for trial or plea negotiation instead.

If the defendant enters a not guilty plea, he/she will decide if they would like an attorney or represent him/herself (pro se). The attorney can be retained by the defendant or be appointed by the court if the defendant is unable to afford an attorney. If the defendant enters a not guilty plea, an omnibus hearing will be set by the judge. The purpose of the omnibus hearing is to expedite the procedures leading up to trial. The defendant does not need to be present but both attorneys are required to be prepared to discuss pretrial matters pursuant to MCA 46-13-110.

Most criminal cases do not go to trial and are settled through plea negotiation or plea bargaining. In those cases, the prosecuting attorney agrees to reduce or dismiss the charge(s) in exchange for a guilty plea. The prosecution and the defense can come to a plea agreement with the prosecution moving to dismiss other charges or agreeing that a specific sentence is appropriate. The judge can accept this agreement or, if the judge does not agree with the recommended sentence, the defendant can withdraw the plea and go to trial (MCA 46-12-211(4)). The prosecutor does have the option of recommending a particular sentence, or agreeing not to oppose the defendant’s request, with the understanding that the recommendation or request for sentencing may not be binding upon the court. In this case, if the court does not accept the plea agreement, the defendant has no right to withdraw the plea (MCA 46-12-211(2)). Plea bargaining is often criticized by victims and advocates as it often results in a less serious sentence for the defendant. Prosecutors often feel plea bargaining is necessary in some circumstances rather than putting a victim through an arduous trial that could result in a loss or dismissal.

**Trial**

A trial is held so that the court may examine the evidence and determine the innocence or guilt of the accused. The defendant has a right to a trial by jury, but may waive it and have the case tried in front of the judge only. In either case, the trials are open to the public. The prosecutor has the task of proving that the accused is guilty beyond a reasonable doubt. The victim and other witnesses will testify through examination and cross-examination by the prosecutor, defense attorney, and even the judge, as the facts of the case are presented. The defendant must be present but is not required to testify. The judge can dismiss the charge based upon a ruling of insufficient evidence for a trial, however, most judges will wait until the case is tried and the jury returns a verdict before ruling on the motion to dismiss. The judge also has the right to
overturn a jury’s guilty verdict if he/she believes the evidence was insufficient, although this is rare in practice.

Sentencing

At this stage, the defendant has pled guilty or has been found guilty. This is the victim’s final opportunity to address the court, and often the victim impact statement is read. In felony cases, a pre-sentencing report is conducted by a probation agency, summarized, and given to the Judge. The defense attorney may cross-examine the probation officer and other witnesses and the prosecution will address the court and recommend a proper sentence for the defendant.

The final adjudication of a case is called the disposition and can range from a motion to dismiss, to sentencing by the Judge. If, in the future, a Judge wants to question the defendant in person due to noncompliance with a sentence, he/she can call to issue an “order to show cause”. Revocation hearings are held when an offender reoffends or violates his/her conditions of probation. The defendant has a date to appear in court and before the Judge, and the Judge can decide whether or not the defendant is complying with his/her sentence and if further action is necessary. When a case has been closed, whether dismissed or completion of sentencing, it is archived until disposed.

The defendant has 10 days from the date of judgment to file a written notice of appeal, and the court will transfer the case to District Court within 30 days.
The Public’s Rights

The public has a right to know aspects of the conduct of public bodies of the government. It is important to protect individual rights, especially victims of crimes that may be considered shameful or embarrassing. The Montana Constitution states the public has these rights:

Right to Know (Article II, section 9) “No person shall be deprived of the right to examine documents or to observe the deliberations of all public bodies or agencies of state government and its subdivisions, except in cases in which the demand of individual privacy clearly exceeds the merits of public disclosure.”

Right of Privacy (Article II, section 10) “The right of individual privacy is essential to the well-being of a free society and shall not be infringed without the showing of a compelling state interest.”

The Montana Criminal Justice Information Act of 1979 established public and confidential criminal justice information (MCA Title 44, Chapter 5). Montana state law dictates what is “public criminal justice information” (MCA 44-5-103 (13) and what is “confidential criminal justice information” (MCA 44-5-103 (3)). By Understanding the differences between the two, a court monitor can understand why information about an offender may be restricted in various cases.
Purpose of the Courts

The judicial system was created to provide a means through which disputes could be settled through a legal process. Courts provide the means to peacefully decide whether or not a party committed a crime and the resulting penalties if convicted. Courts also provide the means to peacefully decide whether or not a party breached a civil duty or contract. Our society has established the laws created by our state and federal governments and the means of securing these agreed upon understandings of accepted societal behavior. Whenever disputes arise, the courts are a means by which to adjudicate an outcome\textsuperscript{12}.

THE MONTANA COURT SYSTEM

\begin{center}
\begin{tikzpicture}
    \node[rectangle, draw] (supreme) {Supreme Court};
    \node[rectangle, draw, below of=supreme] (district) {District Court};
    \node[rectangle, draw, below left of=district] (justice) {Justice of the Peace Court};
    \node[rectangle, draw, below right of=district] (city) {City Court};
    \node[rectangle, draw, below right of=city] (municipal) {Municipal Court};
    \draw[->] (supreme) -- (district);
    \draw[->] (district) -- (justice);
    \draw[->] (district) -- (city);
    \draw[->] (district) -- (municipal);
\end{tikzpicture}
\end{center}

\textit{Other courts for specific legal issues (e.g., water court).}

\textsuperscript{12} Please refer to the Appendix section “Domestic Violence through the Justice System” for an excellent resource on how a domestic violence case can move through the justice system.
The Montana Court System

The Montana court system consists of three tiers: the Supreme Court, the District Courts, and the Courts of Limited Jurisdiction: Municipal Courts, Justice Courts, and City Courts.

All Montana Judges are elected: the Supreme Court Judges are elected by state electors for eight-year terms (MCA 3-2-101); district court Judges are elected for six-year terms (MCA 3-5-201). At the next general election, the public votes on whether or not to retain these Judges, also known as the retention election (a nonpartisan election).

The Judges of the Courts of Limited Jurisdiction, municipal court Judges, city court Judges, and Justices of the Peace are all elected by qualified electors for four year terms and then elected by retention in a nonpartisan election (MCA 3-6-201, 3-10-201, and 3-11-201).

The Courts of Limited Jurisdiction Judges are not required to be attorneys, with the exception of Municipal Court Judges and Justices of the Peace in courts of record. Those limited court Judges who are not attorneys cannot assume the functions of office until they have completed the course of education and training set by the commission on courts of limited jurisdiction (MCA 3-1-1502). Each year they are required to attend two training conferences held by the Supreme Court, and each term they have to pass a Certification Exam. In unique situations, a Judge of a court of limited jurisdiction may obtain a temporary certificate due to a qualification exception under MCA 3-1-1503.

The Montana Supreme Court handles cases that have been appealed from lower court decisions (MT Const art VII § 2). However, Courtwatch programs typically do not monitor Supreme Court cases. This program will primarily monitor cases in District Court, City Court, Justice Court, and Municipal Court cases as they apply to domestic and sexual violence. This is in no way intended to impede progress toward securing victims’ rights and holding the criminal and civil justice system accountable, but is based on the reality that few domestic and sexual violence cases reach the level of Supreme Court review.
Courts of Limited Jurisdiction

The Justice of the Peace Courts, City Courts and Municipal Courts make up the Courts of Limited Jurisdiction. There are 66 Justice Courts, 81 City Courts and 5 Municipal Courts with a collective amount of 115 Limited Jurisdiction Court Judges as of 2003. All are elected but can be appointed if filling a vacancy. If this is the case, they are required to run in the nonpartisan retention election for their next term. The Courts of Limited Jurisdiction are significant to Courtwatch because they collectively handle a majority of the cases that involve victims of domestic and sexual violence, including misdemeanor offenses and protection orders.

Justice of the Peace (JP) Court

There are currently 82 Justices of the Peace in Montana, at least one within in each county. Justices of the Peace have civil jurisdiction to issue temporary restraining orders and orders of protection (MCA 3-10-301). They also have criminal jurisdiction to hear cases for misdemeanor Partner/Family Member offenses by a perpetrator (both the first and second offenses) and have concurrent jurisdiction with District Courts to “act as examining and committing courts and for that purpose to conduct preliminary hearings” regarding felony Partner/Family Member offenses by a perpetrator (the third offense) (MCA 3-10-303).

City Court

The City Court is established in each town or city and City court has exclusive jurisdiction over most “proceedings for the violation of an ordinance of the city or town, both civil and criminal” (MCA 3-11-103). City Court also has concurrent jurisdiction with the Justice Court over most misdemeanors and proceedings (MCA 3-11-102). This includes civil jurisdiction to issue temporary restraining orders and/or orders of protection. It also includes criminal jurisdiction for 1st and 2nd Partner Family Member Assault cases and concurrent jurisdiction with District Courts to conduct preliminary hearings.

Municipal Court

Currently there are 5 Municipal Courts in Montana. The Municipal Court Judges differ from the other Limited Jurisdiction Court Judges in that they are required to be attorneys. If a Municipal Court is established in a community, the City Court Judge is abolished (MCA 3-6-102). Municipal Court Judges share jurisdiction with the Justices’ Courts of the county in the

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13 Every county in the state is required by law to have a justice’s court at the county seat (MCA 3-10-101). If the city establishes an additional justice’s court, they can also establish that this justice of the peace may act as city Judge (MCA 3-11-205).

14 Concurrent jurisdiction exists where two or more courts from different systems simultaneously have jurisdiction over a specific case. Concurrent jurisdiction in the United States can also exist between different levels of state courts, and between courts and other government agencies with judicial powers. <http://en.wikipedia.org/wiki/Concurrent_jurisdiction>.
city where the court is located and have exclusive original jurisdiction in all civil and criminal actions and proceedings within City Courts (MCA 3-11-103). Municipal Court Judges also have the same jurisdiction and responsibilities as a Justice of the Peace (MCA 3-6-103).
**District Courts**

The District Courts have original jurisdiction over all criminal felony cases, as well as most civil and probate matters; the District Courts also have jurisdiction over all misdemeanors that are not provided for by other courts, with concurrent original jurisdiction with the courts of Limited Jurisdiction in particular criminal misdemeanor cases (MCA 3-5-302). The Courts of Limited Jurisdiction have original or concurrent jurisdiction over some criminal cases that do not amount to a felony, and the District Court acts as the appellate court for these cases (MT Const., art VII § 4; MCA 3-5-303).

The District Court has concurrent original jurisdiction with the Justice Court, Municipal Court, and the City Court over Orders of Protection (MCA 40-15-301). Although the District Court has concurrent jurisdiction with the lower courts regarding many types of cases, only the District Court can issue orders pertaining to the parenting or custody of children, including visitation and support payments.
Because the District Court has original or concurrent jurisdiction over most cases, Justice, Municipal, and City Court jurisdiction often overlaps. Below is a visual representation of court jurisdiction and overlapping jurisdiction between courts.

- Criminal Felony PFMA and Sexual Assault
- Dissolution of Marriage
- Parenting Plans (child support and visitation)
- Appeals from Justice, City, and/or Municipal Court

- Orders of Protection
- Misdemeanor PFMA
- Preliminary hearing on felony PFMA
- Misdemeanor Sexual Assault
Roles and Responsibilities of the Justice System Personnel

Law Enforcement Officers

Law enforcement officers are the victim’s first access point to the justice system. Their sole duty is to enforce the law and serve and protect citizens. Law enforcement officers are called “peace officers” under Montana state statute and are defined as “any person who by virtue of the person’s office or public employment is vested by law with a duty to maintain public order and make arrests for offenses while acting within the scope of the person’s authority” (MCA46-1-202(17).

In addition, law enforcement officers are required to inform victims’ of crime of services available including explaining the availability of crime victim compensation and the role of the victim in the criminal justice process (MCA 46-24-201). These public servants are trained to know and understand the law and to exercise good judgment when performing their duties which include on-scene arrival, interview techniques, evidence collection, report writing, and testifying in court. Particular to domestic violence cases, officers in Montana are trained in domestic violence dynamics and the appropriate officer response.

Judges

The word “court” is often used synonymously with “Judge” because they are the entities that sign the judgments on cases. The Judge presides over the courtroom at the bench. He or she is “a person who is vested by law with the power to perform judicial functions” (MCA 46-1-202(10)). The role of the Judge in court is to:

♦ Maintain order
♦ Determine if evidence presented is illegal or improper
♦ In a jury trial, give instructions to jury about the law applying to the case before they begin deliberations
♦ In a “bench” trial (a trial without a jury), determine the facts of the case, the law that applies, and make conclusions

In Montana, a judicial officer has the power to: “(1) preserve and enforce order in his immediate presence and in proceedings before him when he is engaged in the performance of official duty; (2) compel obedience to his official orders, as provided in this code; (3) compel the attendance of persons to testify in a proceeding before him in the cases and manner provided in this code; (4) administer oaths to persons in a proceeding pending before him and in all other cases where it may be necessary in the exercise of his powers and duties” (MCA 3-1-402).

The authority of a Judge is determined by the law, and thus Judges are dutifully bound to adhere to the constraints of the law when coming to a just and unbiased judgment of a case. Because Judges are given significant authority in the community, it is important that the public hold
them accountable. Because all Judges are elected in Montana, it is very important that the general public be involved in holding Judges accountable. There are other ways the public can hold Judges accountable beyond initial election: re-election, retention elections, impeachment, resolution, recall, appeals, filing a complaint with a judicial conduct organization, and suing Judges. The Judicial Standards Commission was created as an amendment to the Montana Constitution in 1973. Its purpose is to present the means for the censure, suspension, or removal of a judicial officer.\(^{15}\)

This is not to assume that Judges abuse this power, but it is important to make sure that personal biases do not interfere with the actual (albeit ideal) role of the Judge. It is important that the public be aware of how courts should operate and what options are available to maintain fairness and integrity in the justice system. The goal of Courtwatch is not to lay blame, but to look for trends and provide resources to alleviate any procedures within the justice system that have a negative impact on victims.

**Attorneys**

Prosecuting attorneys (city and county attorneys) conduct criminal proceedings on behalf of the state; they seek to uphold the law and protect the rights of the people of the state of Montana. It is the prosecutor’s job to take the evidence collected by law enforcement, determine charges, collect further evidence, and prosecute the defendant to the fullest extent of the law. The prosecutor has the power to try a case, plea bargain, or to drop it. Prosecutors are elected by the people of their communities and are independent of control. A defense attorney represents the offender (the defendant) in his or her criminal case. A public defender is an attorney provided by the government to represent defendants who cannot afford an attorney.

All attorneys in Montana are required to adhere to the Montana Rules of Professional Conduct. If an individual feels an attorney has violated these rules, he or she has the right to file a complaint with the Office of Disciplinary Counsel (ODC)\(^{16}\). The Supreme Court established this regulatory body to work with the Commission on Practice (COP) to investigate and prosecute complaints against lawyers and make recommendations for discipline. Both are under direct supervision of the Supreme Court who appoints its members consisting of both lawyers and non-lawyers.

**Clerk of Court**

This individual is responsible for assisting the Judge by overseeing the administration of the court, the flow of cases, and court records. The clerk can assist the public as much as possible, but is not an attorney and is prohibited by law from giving legal advice.

\(^{15}\) More information about judicial ethics can be found at [http://www.montanacourts.org/library/topics/disqual.asp](http://www.montanacourts.org/library/topics/disqual.asp)

The Jury

A jury is comprised of members of the general public who are sworn to inquire into and declare a verdict on matters of fact. They receive instructions from the court regarding the law that applies to the particular case and are required to adhere to them when reaching their verdict (MCA 46-11-311).
Domestic and Sexual Violence Statutes

The following pages contain information about the federal and state statutes that pertain to crimes of domestic and sexual violence. The actual state statutes can be found in the Montana Code Annotated 2005 which is available online, at the Montana State Law Library17.

The federal statues can be found online at: http://uscode.house.gov/search/criteria.shtml by searching by title and section numbers. For example, search for the “Protection Orders and Federal Firearms Prohibitions” federal statute, 18 U.S.C. § 922(g)(8), under title “18” and section “922”.

Victims’ Rights

The rights of the accused are protected in the United States Bill of Rights, as is the right of all people to have equal protection under the law. It is especially important to ensure the rights of victims of violent crime. These rights are often addressed by specific statutes and in some states include a victim’s rights declaration in the state constitution. Montana does not have a victims’ rights section in its constitution, however, there are victims’ rights statutes found in the Montana Code Annotated under Title 40: Family Law, Chapter 15: Partner Family Member Assault, Sexual Assault, and Stalking — Safety and Protection of Victims. These laws seek to protect the rights of victims of domestic and sexual violence in order to “promote the safety and protection of all victims of partner and family member assault, victims of sexual assault, and victims of stalking” (MCA 40-15-101).

Domestic Violence

In Montana, a domestic violence offense is called a Partner or Family Member Assault (PFMA). A person can be charged with a PFMA if they are an immediate family member within a household or a spouse in an intimate relationship with someone of the opposite sex who causes bodily injury to a partner or family member. An individual can be charged if the act was done purposely or negligently with a weapon or if an individual purposely causes the partner or family member to be fearful of impending bodily injury. Whether or not an assault is considered a misdemeanor or felony charge is determined by the level and/or type of assault as defined by MCA 45-5-206.

17 The MCA is available for reference online at http://data opi state mt us/bills/mca toc/index.htm and at the Montana State Law Library: Justice Building 215 N. Sanders St., Helena, MT, (800) 710-9827.
Orders of Protection

Temporary Order of Protection (TOP)

Temporary Orders of Protection (TOP) are legal documents that are issued by the Justice, City, Municipal, or District courts that temporarily allow a petitioner legal protection from the respondent (or offender). The petitioner refers to the party that files for or requests the TOP, and the respondent refers to the party the order is against. Some domestic and sexual violence programs in Montana help petitioners fill out the forms for a TOP and file it with the court. The TOP then goes to the Judge for review. If the Judge decides to issue the TOP, law enforcement will personally serve the respondent with the TOP. The petitioner will receive a copy of the TOP when it is issued and must keep a copy of the TOP with him/her at all times in case the respondent violates it and law enforcement responds to the scene.

After a TOP is issued, a hearing date is set and must be within 20 days of the date of issue of the TOP. After 20 days the TOP will no longer offer protection to the petitioner. The petitioner or the petitioner’s attorney must be present at the date of hearing or the TOP will be dismissed. The Judge will hear arguments from both parties and determine whether or not to issue a permanent Order of Protection. This is a court order legally setting limits to the respondent in order to protect the petitioner for a set period of time.

Order of Protection

An individual is qualified to petition for an Order of Protection if he/she is in reasonable apprehension of bodily injury by a partner/family member or is a victim of partner family member offense (MCA 40-15-102). An Order of Protection is a legal means “to prevent an individual from engaging in violent or threatening acts against, harassment of, contact or communication with, or physical proximity to another individual” (MCA 40-15-402). The statutes in this section further explain eligibility for an Order of Protection and what is entailed from content to application to the implementation processes. This also includes the state mandated consequences for violation of an Order of Protection.

There is a federal law that protects victims of domestic violence who obtain a permanent Order of Protection by requiring that the offender have his/her gun rights revoked if specific criteria are met that demonstrate the lethality of the case. A respondent to a permanent Order of Protection meets this Federal Firearm Disqualification, also known as the Brady disqualification, if all of the following criteria are met and checked on the actual order:

1) Hearing/Actual Notice: if the respondent received notice of hearing and opportunity to participate
2) Child or Intimate Partner: if the petitioner is a child, stepchild, or intimate partner of the respondent. Intimate partner is defined federally as “with respect to a person, the spouse of the person, a former spouse of the person, an individual is a parent of a child of the person, and an individual who cohabits or has cohabited with the person” (ATF Regulations: 27 C.F.R. 178.11, NCIC 2000 Manual Protection Order File, Section 2.5 (3))
3) **Order restrains respondent from future conduct:** if order restrains respondent from harassing, stalking or threatening the intimate partner, child of the respondent, or child of the respondent’s intimate partner; or the order restrains the respondent from engaging in other conduct that would place the intimate partner in reasonable fear of bodily injury to the partner or child.

4) **Order finds credible threat:** if order includes a finding that the respondent is a credible threat to the physical safety of the intimate partner or child; or the order, by its terms, explicitly prohibits the use, attempted use, or threatened use of physical force against the intimate partner or child that would reasonably be expected to cause bodily injury.

This means under Federal Law, 18 U.S.C. 922 (g)(8), the respondent is prohibited from receiving, purchasing, or possessing firearms. Section 922(d)(8) prohibits the knowing transfer of a firearm to a person who is subject to a court order that restrains the person from harassing, stalking, or threatening an intimate partner or child of such intimate partner, and section 922(g)(8) prohibits the receipt or possession of a firearm or ammunition by such a person. The next page contains information from the National Crime Information Center that serves as their tool to determine whether or not the Federal Firearm Prohibition, or “Brady Bill”, indicators are present. This chart only comes into play if all three of the other disqualification criteria are in place (hearing has been held, order restrains respondent’s conduct, and order finds a credible threat).

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18 This form has been included with permission from MT CJIN Services.
PROTECTION ORDERS AND FEDERAL FIREARM PROHIBITIONS
QUALIFYING RELATIONSHIPS UNDER 18 UNITED STATES CODE (U.S.C.) SECTION 922 (g)(8)
and
SETTING THE BRADY INDICATOR (BRD) IN THE NATIONAL CRIME
INFORMATION CENTER (NCIC) DATABASE

The NCIC Brady Indicator provides three choices: “Y” indicates the respondent is prohibited under federal law from possessing firearms, i.e., the order meets the criteria of 18 U.S.C. 922 (g)(8); “N” indicates the respondent is not prohibited under federal law from possessing firearms, i.e., the order does not meet the Title 18 Section 922 (g)(8) criteria; and “U” which indicates that it cannot be determined whether the respondent is federally prohibited from possessing firearms, i.e., it can’t be determined if the order meets the federal criteria.

The “Protection Order” Prohibition in the Gun Control Act sets out specific relationships between the SUBJECT of a protection order and the PROTECTED PERSON. The federal firearm prohibition does not apply UNLESS the relationship falls within one of these categories. 18 U.S.C. 922 (g)(8) applies to a subject who is restrained from harming “an intimate partner of such person or child of such intimate partner or person.”

- **Intimate Partner** – With respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabits or has cohabited with the person. ATF Regulations: 27 C.F.R. 178.11, NCIC 2000 Manual Protection Order File, Section 2.5 (3).

- **Cohabitation** – Requires a live-in relationship (or former live-in relationship) between two (2) individuals (can be same sex) which, in essence, is a sexual/romantic one, NOT merely a roommate.

The chart below contains relationships frequently encountered on protection orders and the appropriate determination for NCIC entry. Research should be conducted on all protection orders entered with a BRD of U (Unknown) to determine if clarifying information is available from the court, e.g., the petition may contain relationship details which don’t appear in the order itself.

<table>
<thead>
<tr>
<th>PROTECTED PERSON</th>
<th>SUBJECT</th>
<th>BRD</th>
<th>PROTECTED PERSON</th>
<th>SUBJECT</th>
<th>BRD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spouse</td>
<td>Spouse</td>
<td>Y</td>
<td>Grandchild</td>
<td>Grandparent</td>
<td>N</td>
</tr>
<tr>
<td>Former-Spouse</td>
<td>Former-Spouse</td>
<td>Y</td>
<td>Grandparent</td>
<td>Grandchild</td>
<td>N</td>
</tr>
<tr>
<td>Unmarried Child in Common</td>
<td>Unmarried Child in Common</td>
<td>Y</td>
<td>Brother/Sister</td>
<td>Brother/Sister</td>
<td>N</td>
</tr>
<tr>
<td>Unmarried Currently or formerly living together unless documentation of cohabitation exists</td>
<td>Unmarried Currently or formerly living together unless documentation of cohabitation exists</td>
<td>U</td>
<td>Cousins</td>
<td>Cousins</td>
<td>N</td>
</tr>
<tr>
<td>Child</td>
<td>Parent</td>
<td>Y</td>
<td>Roommates</td>
<td>Roommates</td>
<td>N</td>
</tr>
<tr>
<td>Step-Child</td>
<td>Step-Parent</td>
<td>Y</td>
<td>Neighbors</td>
<td>Neighbors</td>
<td>N</td>
</tr>
<tr>
<td>Currently or formerly cohabiting</td>
<td>Currently or formerly cohabiting</td>
<td>Y</td>
<td>Step-Parent</td>
<td>Step-Child</td>
<td>N</td>
</tr>
<tr>
<td>Parent</td>
<td>Child</td>
<td>N</td>
<td>Boyfriend/ Girlfriend Unless cohabitation exists</td>
<td>Boyfriend/ Girlfriend Unless cohabitation exists</td>
<td>N</td>
</tr>
<tr>
<td>Nephew/Niece</td>
<td>Uncle/Aunt</td>
<td>N</td>
<td>Same sex cohabiting, intimate relationship</td>
<td>Same sex, cohabiting, intimate relationship</td>
<td>Y</td>
</tr>
<tr>
<td>Uncle/Aunt</td>
<td>Nephew/Niece</td>
<td>N</td>
<td>Stranger</td>
<td>Stranger</td>
<td>N</td>
</tr>
</tbody>
</table>
The “Caution” indicator on an Order of Protection questions whether or not weapons were involved in the violent act or if weapons are on the property. This is in no way related to the Brady disqualifiers. However, regardless of the Brady criteria, a Judge may indicate under “Findings” in the petition that the “Respondent used or threatened Petitioner with a firearm. Respondent is prohibited from owning, possessing and/or purchasing a firearm.”

**Address Confidentiality**

In the 2005 Montana legislature enacted an address confidentiality program for victims of domestic and/or sexual violence as well as individuals who are eligible for an order for protection. This program designates a confidential address for these individuals. The eligibility, application, and rules for the program are explained in MCA 40-15-115 through MCA 40-15-121.

**Sexual Violence**

Sexual violence statutes in Montana cover crimes involving sexual assault which includes: sexual intercourse without consent, incest, indecent exposure, and sexual abuse (MCA 45-3-502). This section also includes a statute indicating mandatory minimum sentences on crimes of sexual violence.

**Elder Abuse**

Elder abuse refers to the abuse and/or exploitation of individuals who are 60 years of age and older who are “unable to provide personal protection from abuse, sexual abuse, neglect, or exploitation because of a mental or physical impairment or because of frailties or dependencies brought about by advanced age “(MCA 52-3-803). This section also includes statutes explaining evidence of elder abuse, requirements for reporting, and protection for those who report this type of criminal activity.

**Stalking**

Stalking is defined as purposely or knowingly is causing the victim substantial emotional distress or reasonable apprehension of bodily injury or death by repeatedly following, harassing, intimidating, etc. (MCA 45-5-220). This section defines stalking and outlines the penalties for this offense. It also refers to the MCA Chapter 15: Partner and Family Member Assault, Sexual Assault, and Stalking – Safety and Protection of Victims, in terms of a stalking victim’s eligibility for an Order of Protection [MCA 40-15-102(2) (a)].
Family Law

Parenting Plans and Marriage Dissolution

The legal name for divorce in Montana is “dissolution of marriage”. The petitioner refers to the individual who applies for dissolution through the court by filing a “Petition for Dissolution” with the respondent (or other party). In order to file for dissolution, the married couple must have resided in Montana for at least 90 days and if child custody is involved, the children must have resided in Montana for at least six months prior to filing. He/she also must show grounds for dissolution or “an irretrievable breakdown in the marriage” (MCA 40-4-107) but does not have to show fault by either party or receive respondent agreement to the dissolution. The Petition for Dissolution should address the following related issues: Parenting Plan (custody), child support, property, and debts of both parties. (If the parents are not married, the adults can file a “Petition to Establish a Permanent Parenting Plan” that only applies to custody and child/medical support, not mutual debts and/or property.) If the parents cannot agree to the terms of the plan, the Judge will hear both sides and decide what is in the best interest of the children and then issue a Final Parenting Plan.

The respondent has the opportunity to file an answer or response to the petition. If the respondent responds with an answer and does not agree to the terms of the Petition for Dissolution, the case is considered contested. If the spouse does not respond, a default dissolution may be filed and the petitioner is granted the requests outlined in the original petition. If both parties agree to the terms in the dissolution, the case is considered a joint dissolution.

If a party to the parenting plan would like to change the terms, the court typically orders the parents to go through mediation. However, this is not appropriate in cases involving domestic abuse; the parties will most likely have to reappear in court.

Native American Law

Although this Courtwatch manual does not explicitly address tribal courts in Montana, the program can be developed with tribal governments by using the same strategic planning techniques and in accordance to tribal government law and Federal law. The following laws are related both to domestic and sexual violence crimes and are relevant to citizens both on and off tribal lands:

Full Faith and Credit

Full Faith and Credit refers to the federal law that permits a victim with a valid protection order in one state, tribe, or United States territory, to be able to go anywhere in the United States (state, tribe, or territory) and still have that protective order enforced in that new jurisdiction as if it were the jurisdiction of issuance. (18 U.S.C. 2265 and 2266)

Public Law 83-280

In 1953, Congress enacted Public Law 83-280 (or P.L. 280) mandating that five states assume criminal and civil jurisdiction over the tribal lands within their borders. Montana was not one of the “mandatory” states. However, P.L. 280 did authorize the rest of the states to assume the same jurisdiction at their discretion, without involvement or input from the tribal nations until it was amended in 1968. In 1963, however, Montana passed legislation that allowed the state to assume jurisdiction over the Flathead Reservation and those tribes that requested the transfer of jurisdiction. In 1965, the Confederated Salish and Kootenai Tribes of the Flathead Reservation agreed to come under jurisdiction as defined by P.L. 280, but successfully requested legislation for partial retrocession in 1993.

In September of 1994, the tribes entered into a memorandum of agreement with the state of Montana to withdraw from P.L.280 allowing the tribes to reassume exclusive jurisdiction over misdemeanor crimes committed by Indians and providing for continued concurrent state-tribal jurisdiction over felony crimes committed by Indians. None of the other six tribal governments in Montana have ever been, nor are they currently, subject to P.L. 280.

Other Crimes to Consider

These are crimes you might not think about as a charge linked to or indicative of domestic and/or sexual violence. These crimes should be cross-checked with a defendant list to see if the offender has been charged with a domestic or sexual violence crime in the past. Often, these crimes are added to the initial charges of domestic violence and/or sexual assault and may be linked to a current or past domestic and/or sexual violence case. Some examples include: assault with weapon, criminal mischief, burglary, and theft. (More are indicated in the chart that follows the next page.)
Montana Code Annotated (MCA)

The Montana Code Annotated (MCA) is a compilation of the statutes enacted by the state legislature. The Montana State Legislature is unique because it meets every two years. The Legislators work hard to pass bills through both chambers of the Legislature, the Senate and the House of Representatives. Those that are successful and pass both sides of the Legislature go on to the Governor for his/her approval and signature. Every statute that is adopted goes into effect on October 1st following its passage if another date is not specified. All appropriations statutes go into effect on July 1st following its passage, if another date is not specified (MCA 1-2-201). Typically, most bills do not specify a date unless the sponsor wants to delay passage. If a bill does specify an effective date prior to October 1st, it may risk depriving the public of sufficient notice.

Understanding state statutes can seem daunting to the layman, or non-lawyer. To better understand how the Montana Codes are organized, refer to the following descriptions:

- Title = 1st number
- Chapter = 2nd number
- Section ($) = 3rd number
- The last number in parentheses, the year, refers to the last year the Legislature was in session
- The MCA books are organized by the Title numbers (e.g., Title 45 are all criminal codes)

Example of a statute in MCA 2005: Partner or family member assault, MCA § 45-5-206 (2005)

20 Judy Wang, Criminal Law, VW Advocate 2006
### Domestic and Sexual Violence Statutes

#### The Public’s Rights
- **44-5-103 (13)**. Public Criminal Justice Information.
- **44-5-103 (3)**. Confidential Criminal Justice Information.
- MT Const art II (9). Right to Know.
- MT Const art II (10). Right to Privacy.
- **53-9-107**. Public inspection and disclosure of office's records.

#### Victims' Rights
- **46-24-104**. Consultation with victim of certain offenses
- **46-24-201**. Services to victims of crime
- **46-24-202**. Notification of available protective services
- **46-24-203**. Prompt notification to victims and witnesses of certain offenses
- **46-24-204**. Scheduling changes
- **46-24-205**. Notification to employer or creditor -- limitations on employer
- **46-24-206**. Property return -- right to be heard on disposition of evidence
- **46-18-241**. Condition of restitution
- **46-18-256**. Sexually transmitted disease testing -- test procedure
- **45-5-206 (5)**. Partner or family member assault – penalty
  - * **45-5-624(10)**. Unlawful attempt to purchase or possession of intoxicating substance – interference with sentence or court order

#### 53-9-102. Legislative purpose and intent.

#### 40-15-110. Partner and family member assault intervention and treatment fund account.

#### Domestic Violence
- **45-5-231**. Definitions.
- **46-6-311**. Basis for arrest without warrant—arrest of predominant aggressor.
- **46-6-603**. Partner or family member assault—seizure of weapon.
- **46-6-602**. Notice of rights to victim in partner or family member assault.
- **40-15-103**. Notice of rights when partner or family member assault is suspected.
- **26-1-812**. Advocate privilege.
  - * **45-5-209**. PFMA – No Contact Order

#### Order of Protection
- **40-15-102**. Eligibility for order of protection.
- **40-15-201**. Temporary order of protection.
- **40-15-203**. Attorney general to provide forms.
- **40-15-204**. Written orders of protection.
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<tr>
<th>Section</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>40-15-301</td>
<td>Jurisdiction and venue.</td>
</tr>
<tr>
<td>40-15-302</td>
<td>Appeal to district court - order to remain in effect.</td>
</tr>
<tr>
<td>40-15-303</td>
<td>Registration of orders.</td>
</tr>
<tr>
<td>40-15-403</td>
<td>Judicial enforcement of order.</td>
</tr>
<tr>
<td>40-15-404</td>
<td>Non-judicial enforcement of order.</td>
</tr>
<tr>
<td>40-15-405</td>
<td>Registration of order.</td>
</tr>
<tr>
<td>45-5-626</td>
<td>Violation of order of protection.</td>
</tr>
<tr>
<td>40-15-407</td>
<td>Other Remedies.</td>
</tr>
</tbody>
</table>


* Address Confidentiality
  * 40-15-115. Policy--program
  * 40-15-116. Definitions
  * 40-15-117. Substitute Address for Participant
  * 40-15-118. Designation of Substitute Address
  * 40-15-119. Cancellation of Substitute Address
  * 40-15-120. Rules
  * 40-15-121. Implementation by State and Local Govt.

Sexual Violence
  45-5-502. Sexual Assault.
  45-5-501. Definition.
  45-5-503. Sexual intercourse without consent
  41-3-102. Definitions.
  45-5-507. Incest
  45-5-625. Sexual abuse of children
  27-2-216. Tort actions—childhood sexual abuse
  45-5-511. Provisions generally applicable to sexual crimes
  45-5-504. Indecent exposure.
  45-1-205. General time limitations.
  46-18-205. Mandatory minimum sentences—restrictions on deferral or suspension.

Elder Abuse
  52-3-803. Definitions.
  52-3-804. Duties of department.
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<thead>
<tr>
<th>Section</th>
<th>Description</th>
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<tbody>
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<td>2-1-301. Assumption of criminal jurisdiction of Flathead Indian country</td>
<td></td>
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<tr>
<td>2-1-302. Resolution of Indian tribes requesting state jurisdiction -- governor's proclamation -- consent of county commissioners.</td>
<td></td>
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<td>2-1-304. Rights, privileges, and immunities reserved to Indians.</td>
<td></td>
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<td>2-1-306. Withdrawal of consent to state jurisdiction.</td>
<td></td>
</tr>
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<td>2-1-307. Service of process</td>
<td></td>
</tr>
</tbody>
</table>

**Other Crimes to Consider**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>45-5-213. Assault with weapon.</td>
<td></td>
</tr>
<tr>
<td>45-6-101. Criminal mischief.</td>
<td></td>
</tr>
<tr>
<td>45-6-201. Definition of “enter or remain unlawfully”.</td>
<td></td>
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<tr>
<td>45-6-202. Criminal trespass to vehicles.</td>
<td></td>
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<tr>
<td>45-6-203. Criminal trespass to property.</td>
<td></td>
</tr>
<tr>
<td>45-6-204. Burglary.</td>
<td></td>
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<tr>
<td>45-6-205. Possession of burglary tools.</td>
<td></td>
</tr>
<tr>
<td>45-6-301. Theft.</td>
<td></td>
</tr>
<tr>
<td>45-6-302. Theft of lost or mislaid property.</td>
<td></td>
</tr>
</tbody>
</table>

*Denotes new programs from the 2005 legislative session

21 Updates by Kelsen Young (2006)
Glossary

Although some legal terms can cross jurisdictions, Montana does have some terms defined by state statute. Specifically, Title 46: Criminal Procedure, Chapter 1: General Provisions, Part 2: Definitions (MCA 46-1-202). This statute has been included for Courtwatch reference.

46-1-202. Definitions. As used in this title, unless the context requires otherwise, the following definitions apply:

(1) "Advanced practice registered nurse" means an individual certified as an advanced practice registered nurse provided for in 37-8-202, with a clinical specialty in psychiatric mental health nursing.

(2) "Arraignment" means the formal act of calling the defendant into open court to enter a plea answering a charge.

(3) "Arrest" means taking a person into custody in the manner authorized by law.

(4) "Arrest warrant" means a written order from a court directed to a peace officer or to some other person specifically named commanding that officer or person to arrest another. The term includes the original warrant of arrest and a copy certified by the issuing court.

(5) "Bail" means the security given for the primary purpose of ensuring the presence of the defendant in a pending criminal proceeding.

(6) "Charge" means a written statement that accuses a person of the commission of an offense, that is presented to a court, and that is contained in a complaint, information, or indictment.

(7) "Conviction" means a judgment or sentence entered upon a guilty or nolo contendere plea or upon a verdict or finding of guilty rendered by a legally constituted jury or by a court of competent jurisdiction authorized to try the case without a jury.

(8) "Court" means a place where justice is judicially administered and includes the Judge of the court.

(9) "Included offense" means an offense that:

(a) is established by proof of the same or less than all the facts required to establish the commission of the offense charged;

(b) consists of an attempt to commit the offense charged or to commit an offense otherwise included in the offense charged; or

(c) differs from the offense charged only in the respect that a less serious injury or risk to the same person, property, or public interest or a lesser kind of culpability suffices to establish its commission.

(10) "Judge" means a person who is vested by law with the power to perform judicial functions.

(11) "Judgment" means an adjudication by a court that the defendant is guilty or not guilty, and if the adjudication is that the defendant is guilty, it includes the sentence pronounced by the court.

(12) "Make available for examination and reproduction" means to make material and information that is subject to disclosure available upon request at a designated place during specified reasonable times and to provide suitable facilities or arrangements for reproducing it. The term does not mean that the disclosing party is required to make copies at its expense, to
deliver the materials or information to the other party, or to supply the facilities or materials required to carry out tests on disclosed items. The parties may by mutual consent make other or additional arrangements.

(13) "New trial" means a reexamination of the issue in the same court before another jury after a verdict or finding has been rendered.

(14) "Notice to appear" means a written direction that is issued by a peace officer and that requests a person to appear before a court at a stated time and place to answer a charge for the alleged commission of an offense.

(15) "Offense" means a violation of any penal statute of this state or any ordinance of its political subdivisions.

(16) "Parole" means the release to the community of a prisoner by a decision of the board of pardons and parole prior to the expiration of the prisoner's term subject to conditions imposed by the board of pardons and parole and the supervision of the department of corrections.

(17) "Peace officer" means any person who by virtue of the person's office or public employment is vested by law with a duty to maintain public order and make arrests for offenses while acting within the scope of the person's authority.

(18) "Persistent felony offender" means an offender who has previously been convicted of a felony and who is presently being sentenced for a second felony committed on a different occasion than the first. An offender is considered to have been previously convicted of a felony if:

(a) the previous felony conviction was for an offense committed in this state or any other jurisdiction for which a sentence of imprisonment in excess of 1 year could have been imposed;
(b) less than 5 years have elapsed between the commission of the present offense and either:
(i) the previous felony conviction; or
(ii) the offender's release on parole or otherwise from prison or other commitment imposed as a result of a previous felony conviction; and
(c) the offender has not been pardoned on the ground of innocence and the conviction has not been set aside at the postconviction hearing.

(19) "Place of trial" means the geographical location and political subdivision in which the court that will hear the cause is situated.

(20) "Preliminary examination" means a hearing before a Judge for the purpose of determining if there is probable cause to believe a felony has been committed by the defendant.

(21) "Probation" means release by the court without imprisonment of a defendant found guilty of a crime. The release is subject to the supervision of the department of corrections upon direction of the court.

(22) "Prosecutor" means an elected or appointed attorney who is vested by law with the power to initiate and carry out criminal proceedings on behalf of the state or a political subdivision.

(23) "Same transaction" means conduct consisting of a series of acts or omissions that are motivated by:
(a) a purpose to accomplish a criminal objective and that are necessary or incidental to the accomplishment of that objective; or
(b) a common purpose or plan that results in the repeated commission of the same offense or effect upon the same person or the property of the same person.

(24) "Search warrant" means an order that is:
(a) in writing;
(b) in the name of the state;
(c) signed by a Judge;
(d) a particular description of the place, object, or person to be searched and the evidence, contraband, or person to be seized; and
(e) directed to a peace officer and commands the peace officer to search for evidence, contraband, or persons.

(25) "Sentence" means the judicial disposition of a criminal proceeding upon a plea of guilty or nolo contendere or upon a verdict or finding of guilty.

(26) "Statement" means:
(a) a writing signed or otherwise adopted or approved by a person;
(b) a video or audio recording of a person's communications or a transcript of the communications; and
(c) a writing containing a summary of a person's oral communications or admissions.

(27) "Summons" means a written order issued by the court that commands a person to appear before a court at a stated time and place to answer a charge for the offense set forth in the order.

(28) "Superseded notes" means handwritten notes, including field notes, that have been substantially incorporated into a statement. The notes may not be considered a statement and are not subject to disclosure except as provided in 46-15-324.

(29) "Temporary road block" means any structure, device, or means used by a peace officer for the purpose of controlling all traffic through a point on the highway where all vehicles may be slowed or stopped.

(30) "Witness" means a person whose testimony is desired in a proceeding or investigation by a grand jury or in a criminal action, prosecution, or proceeding.

(31) "Work product" means legal research, records, correspondence, reports, and memoranda, both written and oral, to the extent that they contain the opinions, theories, and conclusions of the prosecutor, defense counsel, or their staff or investigators.

History: En. Sec. 2, Ch. 800, L. 1991; amd. Sec. 1, Ch. 262, L. 1991; amd. Sec. 1, Ch. 262, L. 1993; amd. Sec. 203, Ch. 546, L. 1995; amd. Sec. 6, Ch. 395, L. 1999; amd. Sec. 1, Ch. 303, L. 2001.

Below are online resources for further legal terms:

Nolo's Legal Glossary  http://www.nolo.com/glossary.cfm
Bibliography

References for Policies and Procedures

Available from the MCADSV library:


References Pertaining to Volunteer Recruitment, Management and Sustainability

Available from the MCADSV library:


Online Sources:

Montana Community Services Network, Montana Commission on Community Service – www.mt.gov/mcsn

United Way – www.unitedway.org

Volunteer Helena – www.volunteerhelena.com

Volunteer Match – www.volunteermatch.org

Western Montana Volunteer Center – www.volunteer.umt.edu
References for Fundraising Options

Available from the MCADSV library:


The following are suggested resources from the WATCH court monitoring program in Minneapolis, MN:


The following sources have been recommended from the WATCH court monitoring program in Minneapolis, MN as funding resources:

Chardon Press www.chardonpress.com

Council on Foundations www.cof.org

The Grantsmanship Center www.tcgi.com

The Foundation Center www.fdncenter.org

Internet Prospector www.internet-prospector.org

National Council of Nonprofit Associations www.ncana.org
Guidestar: www.guidestar.org
Women’s Funding Network: www.wfnet.org
Office of Justice Programs
Violence Against Women Office Grants Info: www.ojp.usdoj.gov/vawo

Court Monitoring References
Available from the MCADS V library:

Online Resources:
http://www.watchmn.org/links.html

Additional References:


APPENDIX

The following pages contain more resources for developing a court monitoring program, as indicated throughout the MCADSV Courtwatch Training Manual.
How to Conduct Surveys and Focus Groups

The following information is adapted from the Community Toolbox (CTB), developed by the Work Group on Health Promotion and Community Development at the University of Kansas in Lawrence, Kansas (http://ctb.ku.edu/about/en/index.jsp).
Conducting Surveys

How do you prepare a survey?

1. **Decide on the purpose of the survey.**

   If you have decided to conduct a survey, you must first be sure exactly why you're doing it. What questions do you want to answer? Is it to get a general idea of the demographics of your area? To find out what people think about a particular issue or idea? Or is there another reason you're considering a survey?

   In any case, you will need to keep the purpose of the survey in mind throughout the process, as it will influence the choice of questions, the survey population, and even the way the survey is delivered (e.g., a computer-savvy population can be surveyed over the Internet; a population that is largely illiterate shouldn't be asked to take a written survey, and so forth).

   **Example: 1997 Youth Risk Behavioral Survey purpose**

   The Youth Risk Behavioral Survey (or YRBS) is done annually by the Centers for Disease Control to identify behaviors that pose health risks among young people in America. We will be using the 1997 and 1999 YRBS for examples in this section.

   The CDC decided its purpose in this survey was to track the health risk behaviors that cause the most deaths among youth. Also, many of those behaviors are included in the survey because they begin in youth and continue into adulthood, having significant impact on adult health later on.

   Here are some of the behaviors the YRBS attempts to measure:
   - Behaviors that contribute to unintentional and intentional injuries (like not using a safety belt when driving)
   - Tobacco use
   - Alcohol and other drug use
   - Sexual behaviors that contribute to unintended pregnancy and sexually transmitted diseases, including HIV
   - Unhealthy dietary behaviors
   - Physical inactivity

   To read more detailed documentation about the YRBS, visit this URL:

2. **Decide whom you will survey.**

   The next step is finding out who has the answers to your question or questions. In other words, it’s time for you to determine your audience -- the people who can best answer the questions your initiative needs to ask. Who will you survey? Is it the general public? The current program beneficiaries? People in a specific neighborhood or segment of the community? Potential members?

   **Sampling**

   Almost all surveys rely on sampling - that is, identifying a section of your population that satisfies the characteristics you're trying to survey, rather than trying to do a census. To have a truly representative sample, you must be sure that every member of the group you want to survey has an equal chance of being in the sample, and/or you must have a fairly large sample. It’s important to make sure that the sample size you choose is adequate and not
excessively large or small. If too large, it may be impossible to survey everybody effectively and within your budget; if too small, your credibility may suffer. A general rule to keep in mind is that the larger the sample size, the more accurate a reflection of the whole it will be. You can figure out how big your sample should be by using a sample size calculator, several of which can be found online. Here are where a few of these calculators are located:

The Sample Size Calculator at ResearchInfo.com (http://www.researchinfo.com/docs/calculators/samplesize.cfm) allows you to decide whether you want to calculate for 95% or 99% confidence level (the statistical term for the amount of certainty you have about the accuracy of your results).

The Sample Size Calculator from UCLA’s online statistics textbook is a bit more advanced (http://calculators.stat.ucla.edu)

### Sample Design Issues
You might also need to give some thought to the design of your sample, especially if you are hoping to get representative responses from two or more groups. For example, let’s say you are doing a survey on youth violence and you want to get responses from youth, parents, and educators; this means that you’ll need to come up with separate population counts for each of these groups and then select a sample from each. The samples should be large enough to represent the group it is drawn from, but the sample sizes should be proportional to the groups they represent.

For example, you might design a sample that comes out like this:

<table>
<thead>
<tr>
<th></th>
<th>Youth</th>
<th>Parents</th>
<th>Educators</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population</td>
<td>650</td>
<td>200</td>
<td>500</td>
</tr>
<tr>
<td>Sample</td>
<td>65</td>
<td>20</td>
<td>50</td>
</tr>
</tbody>
</table>

Sampling is a big topic; there are many different kinds of sampling and we could easily devote an entire section to sampling methods and practices. Rather than do that, we’ll direct you to some sites on the Internet with more detailed information on sampling to get you started. You don’t have to be a professional statistician to understand sampling, but knowing some of the terminology and concepts on the following pages will help you better understand what you’re doing:

Sampling Terminology from by William M. Trochim’s “Research Methods Knowledge Base” at Cornell University (http://trochim.human.cornell.edu/kb/sampterm.htm)

Sample Sizes from ‘Statistics Every Writer Should Know’ at Niles Online (http://www.robertniles.com/stats/sample.shtml)

Sampling from the Centre for Applied Statistics at Lancaster University’s Statistics Glossary (http://www.cas.lancs.ac.uk/glossary_v1.1/main.html)
Potential pitfalls

Sampling is a challenge to conducting good surveys, but there are other pitfalls. For example, when people volunteer to respond to a survey, we say they are self-selected. These people may have a special interest in answering your survey, so their answers may not be truly representative of the group you're interested in. There are ways of dealing with self-selected audiences, such as only using a random selection of their surveys when only self-selection is involved. For example, if you get back 300 completed surveys, you might decide to only use every third one in order to randomize the results.

3. Decide what method you will use to collect your survey data.

Will your survey be written or oral? Is there going to be a number where people can call to register their results? Are you going to have a post office box to which completed surveys should be mailed? You need to decide whether it's going to be administered by people known to the audience and whether it will be done in person, by phone, or by mail. Remember that the more personal you make it, the higher the return rate will be. Surveys that are delivered cold have a return rate of only two to three percent, unless they're on a very hot topic for the community you're surveying.

Keep in mind who you want to survey. Does your public feel more comfortable writing or speaking? Will it be efficient to leave surveys somewhere for people to pick up at their will, or should you do something to make sure they get one? If your survey is to be administered orally, will people feel honored or annoyed about being asked for their opinions? Mailed questionnaires are a very useful tool in your information-gathering bag of tools. It's a much cheaper alternative to other types of information gathering and it allows you to get information from many people across long distances without paying extremely high phone bills. If you're considering doing a mailed survey, be sure to check with your local post office for information on mailing regulations, bulk mail rates, and so on.

Some advantages of mailed questionnaires are:

The respondent can fill out the survey at his or her convenience - it can be filled out whenever the respondent has time.

You can make it anonymous, which is much more comfortable for some respondents.

All respondents will have read the same questions, eliminating any interviewer bias.

The respondent will have time to check his or her records before answering - if he or she needs to verify information, he or she will have the chance to be accurate.

Some disadvantages of mailed questionnaires are:

They're not very flexible; there is no interviewer present to probe for answers, so you can only read what the respondent has written, with no opportunity to look at facial expressions or body language.
The return rate is generally low

Respondents may leave answers blank

You can’t control when respondents will send the survey back

You may not be able to tell the difference between those who simply didn’t return the survey and those for whom you had an incorrect address.

**How long should your survey be?**

When determining the length of your survey, remember that less is more. The longer it is, the less likely it is that people will take the time to do it. People get bored with long surveys, and usually won’t even bother to look at a survey that is more than a page and a half long. Also, requiring long answers may lose your audience. Through editing and condensing, you should try to keep your survey down to one page.

What it is you want to know and the method of survey (e.g., phone survey, mailed survey) will also influence the length of your survey. Phone surveys, for example, can take a little longer to complete.

Once you’ve decided on your method, you can go on to write your questions. We’ll talk in more detail about distributing your survey later on.

**Example: 1997 Youth Risk Behavioral Survey sampling**

The 1997 YRBS used a type of sampling called cluster sampling. In cluster sampling, the entire population is divided into groups, or clusters, and a random sample of these clusters are selected. For example, age group or geographical location determined the YRBS’s clusters. All observations in the selected clusters are included in the sample. This technique is used in large-scale surveys where it may be more convenient to sample clusters than to do a pure random sample.

4. Write your questions.

When preparing the questions, bear in mind that they can take many forms. Questions might be:

Open-ended: Designed to prompt the respondent to provide you with more than just one or two word responses. These are often ‘how’ or ‘why’ questions. For example: ‘Why is it important to use condoms?’ These questions are used when you want to find out what leads people to specific behaviors, what their attitudes are towards different things, or how much they know about a given topic; they provide good anecdotal evidence. The drawback to using open-ended questions is that it’s hard to compile their results.

Closed-ended questions: Specific questions that prompt yes or no answers. For example: ‘Do you use condoms?’ These are used when the information you need is fairly clear-cut, i.e., if you need to know whether people use a particular service or have ever heard of a specific local resource.
Multiple choice: Allow the respondent to select one answer from a few possible choices. For example: 'When I have sex, I use condoms... a) every time, b) most times, c) sometimes, d) rarely, e) never.' These allow you to find out more detailed information than closed-ended questions, and the results can be compiled more easily than open-ended questions.

Likert scale: Each respondent is asked to rate items on a response scale. For instance, they could rate each item on a 1-to-5 response scale where:

1 = strongly disagree
2 = disagree
3 = undecided
4 = agree
5 = strongly agree

If you want to weed out neutral and undecided responses you can use an even-numbered scale with no middle ‘neutral’ or ‘undecided’ choice. In this situation, the respondent is forced to decide whether he or she leans more towards the ‘agree’ or ‘disagree’ end of the scale for each item. The final score for the respondent on the scale might be the sum of his or her ratings for all of the items.

**Example: Using the Likert scale**
Here are a few sample survey questions in Likert scale format, done without a neutral category:

<table>
<thead>
<tr>
<th>Please check the answer indicating your reaction to the questions listed below.</th>
<th>Strongly Disagree</th>
<th>Disagree</th>
<th>Agree</th>
<th>Strongly Agree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Violent crime is a significant problem in my neighborhood</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. The police have done enough to prevent crime in my neighborhood.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. If a citizens watch program were implemented in my neighborhood, I would participate in it.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. I would be supportive of organized activities for youth in my neighborhood.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The questions you ask depends on the audience you’re trying to reach and the information you’re trying to obtain. For example, for demographic information (e.g., questions that determine where people are from, their ages, and their incomes), you should make the survey all check-offs, yes/no questions, and fill-in-the-blank questions so that it’s as easy as possible to complete.
The Total Design Method

Low response rates are a major problem with surveys; it’s common for the response rate to be as low as 30%. One way of avoiding low response rate is to use the Total Design Method, which was developed by Don Dillman of Washington State University. Dillman’s method has been shown to yield an average return rate of 73%.

1) Mailed questionnaires should be printed on standard letter paper (8 ½ x 11”), then folded in half into a booklet. This size of envelope is less likely to be viewed as advertisement or “junk” mail by the recipient, so more people will open your survey.

2) There should be no questions on the front or back of the folded booklet.

3) The first question should be directly related to the overall topic of the survey, and it should be something that is easy to answer. Any questions that may be threatening to the reader should appear later in the survey, but not grouped together. Demographic questions should come towards the end; having them at the beginning often puts people off and prevents them from completing the survey at all, but they will be more likely to complete them if they are asked after responding to other questions.

4) In layout, avoid cramming too much type onto a single page. It’s better to use more pages with a good amount of white space than to try to save on paper by crowding the pages, because overly-dense type is intimidating to a potential survey participant. You should also make sure you don’t break any questions up over a page break - the entire question and its possible answers should appear on the same page.

5) Your questionnaire should be no more than 125 questions or 12 pages long - anything longer is going to reduce your response rate.

6) Including a well-written cover letter is extremely important. It needs to be clear about what you’re looking for, why you’re looking for it, what member of the household should complete the survey, and what will be done with the results. For instance, if you’re doing a literacy program survey, you may want to explain that the answers will help determine whether the community might need an adult education program and what kind of program it might need, and that the results of the survey will be presented to possible funders. Your cover letter should be individually typed or laser printed and signed personally with a blue ballpoint pen (survey participants pay more attention to real letters with real signatures).

7) Typing the recipient’s name directly on the envelope, instead of using mailing labels, will bring a higher response rate. Using first class postage - especially commemorative, colorful stamps - will increase your response rate even more.

8) Follow up with those who haven’t responded after a week with a postcard, politely reminding them about the survey. After the second week, send a new cover letter and questionnaire to those who have not yet responded. After the fourth week, send yet another questionnaire, this time by certified mail, along with a letter reminding the recipient that you haven’t yet received his or her survey and that his or her response is very important.
Questions should be worded carefully in order to yield exactly the information you're looking for.

To make sure your survey works the way you want it to, try it out on a few members of the population you're aiming at before you actually distribute it.

Some guidelines for writing your survey questions:
- Place easier questions first
- Address sensitive issues as discreetly and sensitively as possible
- Avoid words that provoke bias or emotional responses
- Use a logical order and place similar questions together

Example: 1999 Youth Risk Behavioral Survey questions
Here are a few examples of questions from the 1999 YRBS.
10. During the past 30 days, how many times did you ride in a car or other vehicle driven by someone who had been drinking alcohol?
   A. 0 times
   B. 1 time
   C. 2 or 3 times
   D. 4 or 5 times
   E. 6 or more times
23. During the past 12 months, did you ever seriously consider attempting suicide?
   A. Yes
   B. No
28. How old were you when you smoked a whole cigarette for the first time?
   A. I have never smoked a whole cigarette
   B. 8 years old or younger
   C. 9 or 10 years old
   D. 11 or 12 years old
   E. 13 or 14 years old
   F. 15 or 16 years old
   G. 17 years old or older
50. During your life, how many times have you sniffed glue, breathed the contents of aerosol spray cans, or inhaled any paints or sprays to get high?
   A. 0 times
   B. 1 or 2 times
   C. 3 to 9 times
   D. 10 to 19 times
   E. 20 to 39 times
   F. 40 or more times
59. During your life, with how many people have you had sexual intercourse?
   A. I have never had sexual intercourse
   B. 1 person
   C. 2 people
   D. 3 people
   E. 4 people
F. 5 people  
G. 6 or more people  
This should give you some idea of the types of questions asked on this survey, but if you would like to view the survey in its entirety, it can be found at this URL:  

How do you distribute your survey?

There are several strategies for distributing surveys. We'll talk about the most common one -- direct mail -- in the most detail, but there are many methods to choose from and there is no one perfect method. You may want to use a combination of methods.

Here are a few thoughts to help you decide on your method:

Self-administered questionnaires are better than interviews when you're dealing with respondents who can read and write and the questions you're asking don't require any visual aids like charts, graphs, etc. that might need explanation.

Phone surveys work well in the place of self-administered questionnaires if at least 80% of the population you're working with have phones in their homes. They also work better if the questions are of a nature that respondents might be uncomfortable or embarrassed to give their answers to an interviewer. For example, if you are doing a survey on sexual risk behaviors, people may be uneasy telling an interviewer how many partners they've had or other such details.

Drop boxes work best if you have limited human resources or if you are in a place where the mail and phone systems aren't adequate.

Direct mail

Direct mailing your survey to people whose addresses are known is the most common strategy. Distributing a survey by mail has a high percentage of non-responders (you're lucky if 30% respond, although it tends to be higher in small communities), but it's a lot easier than many other methods and takes less staff hours.

1. Gather the items you'll need to do a direct mailing:

   **Mailing labels or a mailing list:** If you're mailing the survey to everyone in town, the city's billing lists for water bills might be a good source of a mailing list. The mailing list of relevant agencies can also be useful. Good resources might be the public health department, the Salvation Army, relevant United Way agencies, emergency medical services, or companies that develop phone books. If you're using an agency's mailing list, be sure to get permission from the agency's director before doing the mailing. Give the director a sample survey and a copy of the cover letter to review and invite him or her to suggest any changes that might further protect his or her clients.
Two business envelopes and two stamps for each participant: One set to send the survey to the participant and one for it to be returned in. The return envelope should be pre-stamped and pre-addressed.

One copy of the survey, demographics sheet, and cover letter for each participant.

2. Complete the cover letter. A sample cover letter you may want to use as a guide appears in the Examples section.

3. Make enough copies of the survey, demographic sheet, and cover letter for each survey recipient.

4. Prepare the two business-size envelopes for each person. One should have the agency’s return address and a mailing label for the survey participant; the other should have the agency’s address listed as both the mailing and the return addresses. Stamp both envelopes.

5. Stuff the envelopes that have the recipient’s mailing address with all the survey materials — the survey, the demographic sheet, the cover letter, and the return envelope.

6. If you want to track the surveys in any way — trying to see what sort of answers you get from different parts of town, for example — you may wish to code the envelopes in some way. One way you can do this is by numbering each return envelope and keeping a copy of the mailing list with matching numbers — for example, if John Doe at 123 Main Street is assigned number 007, then the number 007 will also be on his return envelope. Another option is to color code the surveys by zip code.

7. Mail them out! Try to get a bulk rate to reduce costs.

8. If less than 10% of the distributed surveys are returned, try one or more of the following strategies:

a. Send a reminder to all or a random sample of people on the mailing list.

b. Contact the local newspaper and request an article on the survey, submit a letter to the editor about it, or publish an announcement about the survey. This is something you should do before you send out the survey.

c. Contact radio stations to run announcements inviting people to take part in the survey. Invite citizens to participate in the survey through announcements in local agency newsletters, consumer group meetings, and public community events.

d. Post announcements of the survey in public places, like the library or grocery stores.
Interviews and phone surveys
For those who have difficulty reading or using printed materials, or for surveys that require more in-depth answers, interviews might be the most appropriate thing for you to do. Phone surveys work similarly to face-to-face interviews, so we've grouped these two methods together.

1. Put together a team of interviewers. The people you choose should be able to answer any questions respondents might have, and if necessary they should be people who can handle meeting diverse respondents. People who work in the social sciences often have interviewing experience.

2. Train the interviewers to act as a team. They should all be given the same information about the survey, its purpose, and your organization or initiative to make sure that the information they pass on to respondents is uniform.

3. For a phone survey, your sample can be as simple as every fifth phone number in the white pages of your local phone book, or you may need to work with a survey consultant to get a phone list of a more specific sample group.

4. Phone interviewers should be polite, call during reasonable hours (not at meal time and not too late at night or early in the morning, etc.), and they should all be consistently asking the same questions.

Drop boxes
Agencies that have relatively frequent contact with clients - such as once a month - you may find that setting up a drop box in their offices are a good source point for distributing surveys. This may also be a good option for agencies that have an incomplete mailing list. It can also be a good way to contact clients of other agencies who have little contact with your group or agency. However, if you use this method of distributing surveys, consider using it along with at least one other method of distribution, because only those already using the services can respond.

Media distribution
For general distribution, publishing a survey in the local paper or attaching a survey to your newsletter might be a good idea.

Convenience sampling
Taking surveys in a public place - setting up a booth or table in the parking lot at a local discount store, on the sidewalk in the shopping district, etc. - provides an opportunity to get some exposure for your organization.

Group administration
If your group or organization tends to have large group gatherings, providing surveys to everyone who attends a particular gathering might be a really efficient way for you to gather information. Examples of gatherings where you might want to distribute your survey would include: immunization clinics, commodity food distribution sites, health fairs, and meal sites for older adults. If you want to give your survey out at some sort of group meeting or gathering, get the group's director to put you on the agenda. At the meeting, introduce yourself and explain the
purpose of the survey. Then distribute the survey, answer any questions, and collect completed surveys. Don’t forget to thank everyone for their participation!

**Using multiple methods of distribution:** You can combine or adapt two or more of the above methods to suit your own purposes, if you’d like. If more than one method is used, each survey should include instructions that each citizen should complete only one survey. So, for example, if you’re having people complete surveys at a booth at the county fair, they should not complete the survey if they’ve already completed one that came in the mail to their homes.

**Collecting the surveys**
Soon after the surveys are distributed, some of them will begin to arrive at the sponsoring organization. Here are the steps you should take to collect your surveys:

1. Gather incoming surveys collected at participating sites. A representative of your organization should collect incoming surveys as they arrive in the mail or your drop box. He or she should also call or stop by collection sites from time to time to pick up any surveys that have been dropped off.

2. Review returned surveys, checking for any that are incomplete. If any surveys were returned for having an improper mailing address, try to find the correct address and mail it out again, if you can.

3. Secure a larger return, if necessary. This may mean distributing surveys again or expanding your sample size.

**Example: Administering and collecting the 1997 Youth Risk Behavioral Survey**
The CDC wanted to do everything it could to protect the students’ privacy and insure that questions would be answered honestly while completing the YRBS. In order for the survey to be administered voluntarily and anonymously, it was done in a self-administered written questionnaire containing 84 multiple-choice questions. Before the surveys were administered, parental permission was obtained through whatever methods those local schools used. Students recorded their responses to the questionnaires on computer-scannable answer sheets, further allowing for anonymity.

**How do you analyze and compile the results of your survey?**
Now that you’ve gathered the completed surveys, you’ll need to figure out the results. Sometimes all you have to do is tabulate the results—that is, add them up and display in a table. For instance, if 100 questionnaires were returned in a survey about problems in the neighborhood, you just need to count the answers. Let’s say that there was a question asking what people felt was the biggest challenge facing the neighborhood; 70 people mentioned law enforcement, 10 cited transportation, 15 marked potholes, and 5 said noise. The result in cases like this is clear.
However, analysis can be far more complicated than that. If you're looking, for instance, at how people feel about a service or problem, you may end up with a lot of answers to open-ended questions that are apparently unrelated. In this case, you will need to try to find patterns. Once you've done that, what do these numbers mean? Well, you will need to look at the overall survey to see how each percentage compares to the others. For example, what questions had the highest proportions of similar responses?

We suggest that you write up a brief report - one page is sufficient - summarizing the results of the survey. In your report, look for any patterns - do people in a particular part of town feel more strongly about a particular issue than those in other areas?

Share this information with your staff. Get their feedback and discuss whether any further surveying needs to be done before completing.

Now that you've figured out what the results mean, you need to decide what to do with them. To whom are you going to communicate them, and how? In case of a community initiative, the results should be made public as soon as possible so that members in the community and community leaders can be made aware of a problem or potential problem and start working to solve it. If other similar surveys have done in the same area, you may want to compare your results with the other surveys' results.

An organization conducting a survey about its' services might want to use results to provide a better service or to change a current policy to a more efficient one. In a situation where funding is at stake, the results would need to go to the funder to convince the funder of the need for new or continued support. The results could also be used by the organization itself to determine where and what kinds of services are needed.

To get some idea of what a survey result report looks like, you might want to look over the report outlining the results of the 1997 Youth Risk Behavior Survey at the following URL: http://www.cdc.gov/mmwr/preview/mmwrhtml/ss5302a1.htm
Conducting Focus Groups

How do you run a focus group?

Before you begin

1. Recheck your goals. Ask:

   ‘Why do I want to conduct a focus group?’
   ‘Why am I you doing this?’
   ‘What do I hope to learn?’

2. Consider other methods.

Are you planning to use other methods for learning about opinions as well?

   If yes, which ones, and why?
   If no, is this the single best method to use to find out what you want?

   In other words, so far:

   Think before you start.

   Look before you leap.

3. Find a good leader.

This is not a casual matter: Your leader will determine the success of your group. What kind of leader do you want? Probably someone who:

   Has experience facilitating groups
   Knows something about the topic
   Will relate well to the focus group participants
   Will work together with you to give you the outcomes you want

Take a careful look around. Perhaps you can find the right leader within your own organization. It’s possible you can do the job yourself (but don’t overestimate [or underestimate] your own abilities.) Depending on the situation, you might consider looking for someone outside your organization, someone that specializes in facilitating these kinds of groups.
4. **Find a recorder.**

A small but important point, often neglected. You want to make sure people's ideas don't get lost. Someone should be writing down what is said, in the same way as taking minutes at a meeting. Arrange for this in advance. (Alternatively, you can tape-record, with the group's permission. This will take more time -to transcribe the tape, and interpret the transcription- but you will have a more complete, accurate, and permanent record.)

5. **Decide who should be invited.**

Ideally, those invited should be a **representative sample** of those whose opinions you are concerned about.

Suppose you're concerned about the opinions of public housing tenants. You would then want to spread your invitations across the different public housing facilities in your community - not just the best, or the worst, or the most vocal.

Or suppose you are concerned about the opinions of Main Street shopkeepers. Get a complete list. Select a representative group, for example by size, type, or whether they have local or outside ownership. You probably want to hear from all kinds of businesses; so make sure you do.

You could even pull the names out of a hat (This approaches a "random sample."). Or, better yet, if you had time, you could run several different groups, to include more people, and more different kinds of people.

6. **Decide about incentives.**

That is, should you offer an incentive for people to participate? Maybe not. In that case, why should people come? What’s in it for them?

Possibly people will come just because they want to help. Or because they think they will meet other interesting people, or learn something, or just have fun. Maybe the novelty of the experience itself will be a motivator. And maybe all these reasons are true. (Or at least people believe them.)

But maybe those reasons aren’t enough, and some other incentive is called for. Money is one; sometimes focus group members get paid, even a small amount (Focus group leaders may get paid, too). If you can afford this, consider it. If you can’t, then think about other possible incentives: food and drink (more than chips and soda?); public recognition; something to take home; a later training opportunity. What will do the job?
7. Decide on the meeting particulars.

Specifically:

- What day?
- What place?
- What time?
- How long?
- How many groups?

Pin these down before you start signing people up.

8. Prepare your questions.

When you go into the group, go in prepared. Don't wing it. Instead, you should make up (and write out in advance) a list of topics you want to and questions you want to ask. This doesn't mean you will recite your questions from your prepared list, one-at-a-time. Your question list is a guide, rather than an exact script; but have that guide with you.

9. Recruit your members.

Call them up. Write them a letter. Or find them.

Remember:

- Other things equal, personal contact works best.
- Stress your benefits. Why should people come?

10. Double-check.

Review the arrangements. Is everything ready to go?

‘Preparation is ___% of success.’ (We don’t know the exact percentage, but we do know it’s high!)

When the group meets

11. Conduct the group.

A common sequence of events for many focus groups goes something like this: (The leader usually takes responsibility for carrying them out).

- Thank people for coming.
- Review the purpose of the group, and the goals of the meeting. Set the stage.
- Go over the flow of the meeting - how it will proceed, and how the members can contribute. Lay out the ground rules. Encourage open participation.
Set the tone.
- This is important, because probably few of your members will have been in a focus group before.

Ask an opening question. This could be a very general question (‘What are your general thoughts about X?’), or something more specific. Both choices are justifiable; and both types of questions might be asked before the group ends.

Make sure that all opinions on that question get a chance to be heard. How do you do this?

Some common techniques:
- Summarize what you think you have heard, and ask if the group agrees
- Phrase the same question in a different way
- Ask if anyone else has any comments on that question
- Ask a follow-up question
- Look around the room, and make brief eye contact, especially with those who may not have spoken.

Reminder #1: Be sure to record. If the group is not being tape-recorded, someone should be writing the key points down.

Reminder #2: Of course, the leader’s job is to elicit opinion, and not Judge it. All opinions should be supported. Judgments come later.

Ask your next question - and proceed with other questions in the same general manner.

The phrasing of the questions, the follow-ups, the ordering of the questions, and how much time to spend on each one are points that the leader will have to decide-- sometimes on the spot. An experienced leader will be able to do this. This is why you have spent time looking for one!

When all your questions have been asked, and before the group ends, ask if anyone has any other comments to make. This can be an effective way of gathering other opinions that have not yet been voiced.
Tell the members about any next steps that will occur, and what they can expect to happen now.
Don’t forget to thank the group for coming!
After the meeting

12. Look at the data.

If you have tape-recorded, make a transcript. If not, make a written summary from the group notes. But in any case, look closely at the information you have collected.

- What patterns emerge?
- What are the common themes?
- What new questions arise?
- What conclusions seem true?

In some cases, you can devise and use a coding system to "score" the data and count the number of times a particular theme is expressed. Experience helps here. But whether you do this or not, try to have more than one person review the results independently. (Because even the best of us have our biases.) Then come together to compare your interpretations and conclusions.

13. Share results with the group.

They gave you their time. The least you can do is to give them some feedback - it's an obligation that you have. This can be done by mail, phone, or email if you'd like. Sometimes it's even possible to bring the group back for a second session, to review results, verify their accuracy, and/or explore other themes.

And note: Perhaps members have now become more interested in the issue, and would like to get more involved. Consider offering them an opportunity to do so. A focus group, indirectly, can be a recruiting tool.

14. Use the results.

Of course, this isn't part of the group itself - at least not directly. But collecting useful information was the reason you wanted to do a focus group in the first place. Now you've got what you wanted. You have the opportunity, and perhaps also the responsibility, to put it to use. You can improve the situation that originally motivated you, and made you think about a focus group at the very beginning.

What kind of questions do you ask in a focus group?

Below are some examples of general questions. These apply largely to groups discussing a current program or service, but they can be adjusted for planned (as vs. current) programs, as well as for groups dealing with other concerns. The precise language and order of presentation will depend on your topic and group, but some of these questions may be adapted to your own needs.
• ‘What are some of your thoughts about what’s going on now?’
• ‘Would you say you are satisfied with the current situation, with the way things are going on?’
• (If so) ‘What are you satisfied about? Why is that?’ (Or, ‘What’s going well...’)  
• ‘Are there things you are dissatisfied about, that you would like to see changed?’ (Or, ‘What’s not going well...?’)
• (If so) ‘What are they? Why is that? How should they change? What kinds of things would you like to see happen?’
• ‘How about this particular aspect (of the topic). What do you think about that?’
• Repeat for different aspects of the topic, with variations in style. For example, if the main focus group topic was ‘community policing,’ some key aspects to cover might be visibility, sensitivity, interaction, respect, etc.
• ‘Some people have said that one way to improve X is to do is to do Y.’
• Do you agree with this?’ (Or, ‘How do you feel about that?’)
• ‘Are there other recommendations that you have, or suggestions you would like to make?’
• ‘Are there other things you would like to say before we wind up?’

Some ‘probes, or follow-ups, designed to get more information on a given question:

• ‘Can you say more about that?’
• ‘Can you give an example?’
• ‘Jane says X. How about some others of you. What do you think?’
• ‘How about you, Joe. [Or, ‘you folks in the corner over there....’] Do you have some thoughts on this?’
• ‘Does anyone else have some thoughts on that?’
Following Domestic Violence through the Justice System

The following charts have been developed by the National Network to End Violence Against Immigrant Women\textsuperscript{22}. They illustrate the processes all survivors of domestic violence have to go through as they leave violent homes and are a good visual resource to highlight these processes.

\textsuperscript{22} These charts were taken from the “LAV FY 2006 Grantee Orientation” PowerPoint presentation developed by the Immigrant Women Program Legal Momentum and ASISTA for presentation on December 12, 2006 in Washington, D.C.
DOMESTIC VIOLENCE/ ARREST INCIDENT

Praxis – Rural Technical Assistance on Violence Against Women

CHILD PROTECTION MAP

Praxis – Rural Technical Assistance on Violence Against Women
Praxis – Rural Technical Assistance on Violence Against Women

ORDER FOR PROTECTION – CIVIL COURT PROCESS

Advocacy Program

Files OFP

Seeks Shelter

Judge Reviews

Ex Parte Denied

Ex Parte Granted

Sheriff Serves Respondent

Civil Court Hearing

OFP Granted

OFP Denied

OFP Filed

Supervised Exchange/Visitation

Relief Granted

Praxis – Rural Technical Assistance on Violence Against Women
CUSTODY MAP

1. Files for Divorce
2. Family Court Hearing
3. Interviews by Evaluator
4. Temporary Custody
5. Custody Evaluation
6. Final Divorce Hearing
7. Custody Hearing
8. Child Support Established
9. Custody Awarded
10. Supervised Exchange/Visitation

Praxis – Rural Technical Assistance on Violence Against Women
Praxis – Rural Technical Assistance on Violence Against Women
Sample Advisory Council Letter:

This letter should serve as a draft and may be adjusted per program. The section below underlined and in italics indicates where the letter will vary per name of your community and program. Please try to keep the letter to one page.

August 12, 2006

The Honorable Jenny Justice
123 Stoptheviolence Ave.
Peace, MT 55555

Dear Honorable Jenny Justice,

Johnson County has continuously worked to find new ways to prevent and end domestic and sexual violence, while at the same time working on ways to better ensure victim safety and rights. This past year, members of the community developed a Coordinated Community Response team (CCR) (with the main goal of working to support the justice system and get the community more involved in the continuing efforts to stop violence from occurring). This year, our major project is to create a Courtwatch program, using the MCADSV Courtwatch Manual that was developed for communities across the state to use as a guideline for developing such a program. This volunteer-based program gets the public into courtrooms to monitor domestic and sexual violence proceedings in order to support victims and the justice system overall.

The members of the Johnson County CCR would like to create a Courtwatch Advisory Council so that we are able to involve members of the community as much as possible in this initiative. The advisory council would serve as a planning and guidance group, consisting of individuals who are involved in domestic and sexual violence cases on various levels. The Courtwatch Advisory Council will work with Steering Committee members who coordinate the Courtwatch program. The advisory council exists to assist the Courtwatch Steering Committee throughout the development of the program by utilizing their knowledge and experience within the community to enhance the Courtwatch program, as well as envision how the program should look in the future. The Steering Committee will work with the Advisory Council to develop program objectives, along with the policies and procedures of the Courtwatch program. The two groups will work together to assess what the community seeks to achieve from Courtwatch, identify and develop resources for sustainability, and provide feedback as the Courtwatch program...
progresses. We are writing to ask for your participation in the Courtwatch Advisory Council because we feel that your strong background and current position would make you an asset to this advisory council.

The Advisory Council would meet with the Steering Committee at least once a month in the early stages of implementation. As the program becomes sustainable, both groups would then decide how often it is necessary to meet. The purpose of these meetings would be to update the advisory council on the Courtwatch program, allowing for the Advisory Council to evaluate the progression of the program and to provide further guidance if necessary. Each meeting should not require more than one hour of your time.

The initial meeting of the Advisory Council is slated to take place sometime in October. Therefore, I will be in contact within the next week to discuss your potential participation on the Courtwatch Advisory Council.

Thank you for your consideration.

Sincerely,

Lucy Lawful
Johnson County CCR
Courtwatch Program Coordinator
Sample Advisory Council Agenda:

Courtwatch Advisory Council Meeting

Date: Wednesday, September 20, 2006
Facilitator: Lucy Lawful
Note Taker: Betty Benevolence

Agenda

<table>
<thead>
<tr>
<th>TOPIC</th>
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<td>Introductions</td>
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<td>Purpose of Advisory Council</td>
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<tr>
<td>Program Design</td>
<td>Everyone</td>
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<tr>
<td>Future Goals and Timeline</td>
<td>Everyone</td>
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<tr>
<td>Next Meeting</td>
<td>Everyone</td>
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Sample Letter to Courtroom Personnel

This letter should serve as a draft and may be adjusted per program. The section below underlined and in italics indicates where the letter will vary per name of your Courtwatch program or sponsoring group. Please try to keep the letter to one page.

October 6, 2006

The Honorable Judge Judy
123 Stoptheviolence Ave.
Peace, MT  55555

Dear Honorable Judge Judy,

This past year, members of Peace County have developed a Coordinated Community Response team (CCR) (fill in the blank) OR The Peace City Chamber of Commerce along with the following groups: Peace County Association of Attorneys, Peace County Domestic Violence Program, Peace County Community College, and the Peace County Association of Churches have come together with a main goal of working to support the justice system and illicit increased community involvement in the continuing efforts to stop violence from occurring. As part of these efforts, we would like to develop the Peace County Courtwatch Program. As part of ongoing prevention efforts, the Montana Coalition Against Domestic and Sexual Violence (MCADSV) developed a Courtwatch training manual for communities across the state to use as a guide for setting up their own programs. MCADSV has continuously worked to find new ways to prevent and end domestic and sexual violence, while at the same time working to better ensure victim safety and rights. This volunteer-based program places volunteers in courtrooms to monitor domestic and sexual violence proceedings in order to support victims and the justice system overall.

The extent of monitoring capabilities is set by the needs of the community, as well as the resources available within the community. This program is structured largely to facilitate court monitoring in the lower courts of Montana, but can definitely be modified to best fit the needs of the community. The goal of the Courtwatch manual is to serve as a resource and a guide for communities that would like to initiate and implement their own Courtwatch program. By no means is this a grading system for courtroom personnel. A Courtwatch program’s goals are to help keep victims safe, hold offender accountable for their actions, strengthen the justice system, increase public awareness of domestic and sexual violence, and facilitate a coordinated community response toward the greater goal of ending domestic and sexual violence.

It is very important to the members of the Peace County Courtwatch Program to involve those who will be affected by Courtwatch activities. As Justice of the Peace of Peace County, we would
appreciate the opportunity to take advantage of your strong background and understanding of the justice system in terms of providing feedback about the Courtwatch program.

It is important to the Peace County Courtwatch program that our activities serve the community’s needs and meet everyone’s expectations as much as possible. We would greatly appreciate the opportunity to meet with you in order to get your feedback about this program and would like to arrange a time when we can meet either in person or via telephone. Enclosed please find information about the proposed Courtwatch program with this letter. Thank you for your time and consideration.

Sincerely,

Betty Bloop, Program Coordinator
Peace County Courtwatch Program

Attached: Courtwatch Mission Statement & Courtwatch Definition
We are in the process of developing a court monitoring program in Peace County and would appreciate the opportunity to meet with you to discuss any questions, concerns, and/or implications. In order to be clear as to what exactly court monitoring entails, I have summarized its potential below:

**Objectives**

**Mission Statement:** The Courtwatch program empowers local communities to have an active volunteer presence in their local courts through evaluating and monitoring the justice system and outcomes for victims of family violence, providing a forum for feedback to facilitate systems advocacy change.

**Goals:**

- To increase public awareness of domestic and sexual violence in Montana as part of the greater goal of eliminating its occurrence nationwide.
- Recruit and train a successful volunteer base that will observe the justice system, track offenders, and plot trends/outcomes of domestic and sexual violence cases.
- To increase understanding of the dynamics of domestic and sexual violence within the community, including but not limited to citizens, Judges, prosecutors, probation officers, law enforcement, and other justice system personnel.
- To improve the effectiveness of the justice system in domestic and sexual violence cases by observing law enforcement response, Judges, prosecutors, and other civil and criminal case personnel in an effort to support safety and justice in the community.
- To provide feedback to the justice system and local communities regarding the civil and criminal justice system’s abilities to keep victims safe.
- To change the current belief system that continues to allow domestic and sexual violence to occur in our communities.

**Methods to Achieve Goals:**

- Report back to Judges, prosecutors, and other justice system personnel regarding evaluation of court preparedness, treatment of victims, and the manner of court proceedings.
- Track offenders’ current and previous charges, convictions and resulting punishment, as well as behavior in court.
- Develop a database which includes information such as accepted plea bargains and consistency with offense, role of victim in plea bargain, admission of victim impact statement, punishments of offenders.
What is a Courtwatch program?

- Courtwatch is a program comprised of volunteers who observe and evaluate the criminal and civil justice processes, particularly cases involving victims of domestic and sexual violence from initial charges to case outcomes.
- A Courtwatch program monitors criminal and civil court cases. It has the capacity to monitor both felony and misdemeanor cases, including domestic abuse, sexual assault, child custody, as well as order of protection hearings. It can monitor all courtroom appearances or can be limited to trials.
- Through the use of volunteers, Courtwatch can track offenders, monitor compliance with domestic violence and sexual assault statutes, protect victims’ rights, track trends in sentencing, and provide a forum for feedback to facilitate systems advocacy change regarding domestic and sexual violence.
- The volunteers are trained in the dynamics of domestic and sexual violence and the relevant laws, what to monitor, and how to respectfully observe court proceedings while in court.
- A Courtwatch program reminds the community that the public has a right to be involved and informed about what happens in the courts and enables the public to create a more informed and involved justice system.
- The Courtwatch forms and subsequent volunteer notes are reviewed by Courtwatch staff who then follow-up with the appropriate personnel to address any gaps found in the system as a result of repeated observations in court. The observations can be made public or can be released as part of a roundtable discussion or other forum for positive change in courtroom accountability.
- A Courtwatch program helps keep victims safe, holds offenders accountable for their actions, and facilitates a coordinated community response toward the greater goal of ending domestic and sexual violence.
Volunteer Forms

The following volunteer forms were modeled after other successful court monitoring programs. The items in red script indicate areas of discretion for each Courtwatch program. Again, all of the information in this Courtwatch Manual is intended to serve as a guideline for new court monitoring programs.
Sample Court Monitor Position Description

Purpose: To provide a public presence in the courtroom by monitoring court cases involving domestic and sexual violence, and/or child abuse/neglect. To report observations so that data can be collected and used to track cases, offenders, and potential trends. This information will be used to work with the public or those within the justice system to change policies and procedures to better guarantee proper treatment of victims in court and in the community.

Location: Courtwatch program office and the County Courthouse

Supervisor: Volunteer Coordinator

Qualifications: An interest in justice, community involvement, human rights, and in supporting safe families. Must meet volunteer requirements and be able to adhere to the volunteer guidelines (see “Volunteer Policies and Procedures” and “Volunteer Guidelines”).

Responsibilities:
- Complete application form
- Attend volunteer training and orientation
- Shadow Courtwatch staff member(s) in courthouse while observing court monitoring guidelines
- Attend assigned court proceedings
- Accurately complete court monitoring forms and debrief with Courtwatch program member about courtroom experience
- Attend monthly meetings to interact with other volunteers and provide feedback on what procedures work and make suggestions for improvement
- Continue to understand and educate self on dynamics of domestic and sexual violence and child abuse

Evaluation: Volunteer will continually be evaluated on quality of monitoring through periodic evaluation which will explore the volunteer’s adherence to guidelines and mission of Courtwatch, reliability, and participation in Courtwatch program.

Time Commitment: At least one day per month in court for a time period of at least one year. The volunteer will commit to attending monthly volunteer meetings as well as demonstrate an effort to attend continuing education and information sessions put on by the Courtwatch program.

Benefits: Benefits of this volunteer experience include: securing victims’ rights; improving treatment of victims’ in the justice system; learning about the dynamics of domestic and sexual violence and child abuse; obtaining a better understanding of the justice system; supporting safe families; and meeting like-minded people in your community.

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23 Adapted from WATCH and RSVP/DVIS Court Watch job descriptions.
<table>
<thead>
<tr>
<th>Sample Data Entry Volunteer Position Description</th>
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**Purpose:** Entering case information gathered through monitoring forms into database

**Location:** Courtwatch office

**Supervisor:** Volunteer Coordinator

**Qualifications:** An interest in justice, community involvement, human rights, and in supporting safe families. Excellent organization skills, attention to detail, and commitment to confidentiality. Must meet volunteer requirements (see “Volunteer Policies and Procedures”). Email, Word, and Excel skills are desirable.

**Responsibilities:**
- Complete application form
- Attend volunteer training and orientation
- Receive one hour of one-on-one training with Data Analyst to use database
- Organize data reports, cut and paste comments narratives on monitoring forms while dating and documenting the names of the Judge and volunteer for each comment, input data, back-up data on Courtwatch computer and monthly on a disk that remains in the Courtwatch office
- Attend monthly meetings to interact with other volunteers and provide feedback on what procedures work and make suggestions for improvement
- Continue to understand and educate self on dynamics of domestic and sexual violence and child abuse

**Evaluation:** Volunteer will continually be evaluated by the Volunteer Coordinator on organization skills, attention to detail, adherence to guidelines and mission of Courtwatch, reliability, and participation in Courtwatch program.

**Time Commitment:** About 5 hours per month to collect and input data for a time period of at least one year. The volunteer will commit to attend monthly volunteer meetings, as well as demonstrate an effort to attend continuing education and information sessions put on by Courtwatch program.

**Benefits:** Benefits of this volunteer experience include: securing victims’ rights; improving treatment of victims’ in the justice system; learning about the dynamics of domestic and sexual violence and child abuse; obtaining a better understanding of the justice system; supporting safe families; and meeting like-minded people in your community.

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24 Adapted from WATCH and RSVP/DVIS Court Watch job descriptions.
## COURTWATCH VOLUNTEER APPLICATION

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<th>Last Name</th>
<th>First Name</th>
<th>Middle Name</th>
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<th>Address</th>
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<th>Birthday</th>
<th>Email</th>
<th>Preferred Method of Contact</th>
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**How did you hear about Courtwatch?**

**Date you could begin volunteering?**

**Number of hours/months able to commit?**

**What are your personal goals for volunteering with Courtwatch?**

Please attach resume and indicate all educational, employment, and volunteer history or briefly indicate below. Attach a separate sheet if necessary.

Please indicate any skills or subjects studied that pertain to the volunteer position for which you are applying (e.g., training, technical skills, professional volunteer activities and roles held, and any involvement in civic or community organizations).

Please indicate any other relevant information that may pertain to the position for which you are applying.

### “COMPENSATION AND CONFIDENTIALITY”

“Will you be receiving compensation for volunteering (e.g., school credit, work-study funds, grade)?

- Yes
- No

“Does Courtwatch have your permission to use your name and information about your work in any Courtwatch publication about court monitoring?”

- Yes
- No

### CRIMINAL HISTORY

To avoid conflict of interest with Courtwatch volunteers, we ask that you disclose any conflict you have had with the criminal or civil justice systems. An active charge or recent history of involvement in a domestic or sexual

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25 Adapted from WATCH Volunteer/Intern application.
violence or child abuse cases, disqualifies a volunteer from participating in Courtwatch activities. Prior convictions will be addressed on a case-by-case basis. All of this information is confidential.

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<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
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<tr>
<td>Do you currently have any type of criminal charge (including traffic offenses) pending against you?</td>
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<td>If yes, please list the charges:</td>
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<td>What county?</td>
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<td>Are you currently on probation for any type of criminal charge, under a stay of imposition, or under a “CWOP”—continued without dismissal?</td>
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<td>If yes, please list the charges:</td>
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<td>What county?</td>
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<td>Have you ever had any type of criminal charge filed against you, beyond what was mentioned above?</td>
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<td>If yes, please list the charges:</td>
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<td>What county?</td>
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<td>Are you currently a victim or witness in a pending criminal case?</td>
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<td>If yes, what county?</td>
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<td>Are you currently or have you ever been involved in any civil matter including an order for protection, harassment order, a divorce, child custody dispute, or civil lawsuit?</td>
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<td>If yes, what kind of action:</td>
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<td>What county?</td>
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<td>What is the current status of this matter?</td>
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**PROFESSIONAL REFERENCES**

1)  
Name | Company | Title | Telephone Number
---|---------|-------|-------------------

2)  
Name | Company | Title | Telephone Number
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3)  
Name | Company | Title | Telephone Number
---|---------|-------|-------------------

**EMERGENCY CONTACT INFORMATION**

Name | Relationship
---|----------------

Phone | Workplace
---|----------------

Address | Telephone Number
---|-------------------

Please mail this application to:
Courtwatch, Attn: George Clooney, Volunteer Coordinator
Suite 1000, 4545 Easy Street, Nadi, Fiji
Volunteer Checklist

Staff member must initial as each requirement is completed.

☐ ___ Volunteer Application received      Date: __________________________
☐ ___ Volunteer Interviewed              Date: __________________________
☐ ___ Volunteer Observer Agreement signed and witnessed
☐ ___ Courtwatch Confidentiality Agreement signed and witnessed
☐ ___ Courtwatch Volunteer Pre-commitment form signed and witnessed
☐ ___ Attended Volunteer Training         Date: __________________________
☐ Shadowed Courtwatch staff/Steering Committee member in court for 3 sessions (mark off each number each time and staff must initial): 1 2 3.
☐ Attended weekly check-in (staff and volunteer initial and date):

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☐ ___ Participated in 6 month evaluation (notes in volunteer file)
☐ ___ Participated in 12 month evaluation (notes in volunteer file)
Sample Interview Questions

The following questions are suggestions to ask individuals in an interview in order to get an idea of whether or not the volunteer is a good fit for the Courtwatch program:

- **Open-ended Questions** (These questions allow the interviewer to get to know the individual by steering clear of “yes/no” questions and a verbal resume.):
  - “Why volunteer with Courtwatch?”
  - “Describe a perfect supervisor.”
  - “What do you see yourself doing at Courtwatch?”
  - “What do you expect to get out of your time at Courtwatch?”
  - “What is your expected time commitment to Courtwatch?”
  - “Tell me about your family.”
  - And so on, and so on—the idea is to get to know the potential volunteer

- Go through the application and address any incomplete sections and questions or concerns about the individual’s responses.
Sample Volunteer Observer Agreement

The Volunteer Observer Agreement is a suggestion for the Courtwatch program to have in place while the volunteer is being trained and is therefore somewhat involved with Courtwatch, but is not a full-fledged member. The following agreement has been adapted from Minnesota’s WATCH court monitoring program.

I, _______________, agree to commit to all the application processes which allow Courtwatch to contact professional references, conduct a criminal background check, and to undergo timely Courtwatch training. Until I have completed all of the above, I am only an “observer” or “interested citizen” in the courtroom and not a representative of Courtwatch.

I, _______________, agree to abide by the following rules:

- Always maintain confidentiality about cases
- Inform the Volunteer Coordinator by 8 am on my scheduled day if I am unable to observe
- Commit to unbiased observation, maintain objectivity and discretion while monitoring
- Never make any comments to the press, courtroom personnel, or citizens in the gallery about cases observed and commit to refer all media to the Public Relations Coordinator or Steering Committee chairperson.
- Absolutely no discussion of cases so as not to be overheard
- Do not seek out further information when observing jury trials
- Do not bring anything distracting to courtroom (e.g., cell phones, newspapers, hats, gum, etc)
- Make no noises, comments, or facial expressions in response to courtroom observations
- Always wear professional attire when court monitoring (e.g., business casual)
- Do not contact victim(s)

I, _______________, take personal responsibility for personal items brought into the courthouse as part of my court monitoring duties. I do not and will not hold Courtwatch or the County Courthouse responsible for misplaced or stolen items.

I, _______________, have read and acknowledged the “Volunteer Policies and Procedures” and “Volunteer Guidelines” and understand and meet the requirements and restrictions of volunteering at Courtwatch.

Print Name

________________________
Address     City       State    Zip

________________________
Volunteer Signature        Date

________________________
Witness Signature        Date
**Sample Courtwatch Confidentiality Agreement**

The “Confidentiality Agreement” is a commitment by the volunteer to maintain confidentiality in regards to cases observed and/or information entered into the Courtwatch database. The following confidentiality agreement has been adapted from the RSVP/DVIS Court Watch program in Tulsa, Oklahoma. A Courtwatch program may have a confidentiality agreement from a local shelter that they prefer, either way, it is good to have this for each volunteer in a Courtwatch program.

**Confidentiality Agreement**

I, _______________, agree that any information received while volunteering at Courtwatch and resulting data produced from my personal computer will not be shared, printed, emailed, or communicated in any way with anyone except the designated Courtwatch representative. To do so would result in the immediate termination of my volunteer service for this position.

Volunteer Name (Please Print)

Volunteer Signature Date

Courtwatch Volunteer Coordinator Signature (Witness) Date
Sample Volunteer Pre-commitment Form

This form is intended to reiterate the recommended time that a volunteer be willing to commit to the program, while realistically recognizing that issues may arise and schedules and commitment levels may change.

I, ____________, recognize and understand the “Volunteer Policies and Procedures” as specified in the MCADSV Courtwatch manual. I agree to abide by these guidelines which include committing to at least one half-day of volunteering a month. I will attempt to notify Courtwatch staff in advance if in need of a schedule change, with a commitment to working with the Courtwatch program as much as possible to finding a replacement for my shift. I also understand that Courtwatch prefers a commitment of one-year as a Courtwatch volunteer and agree to honor that commitment pending personal emergency. I also recognize that the Courtwatch program and I both have the right to terminate this relationship at any time, and understand the Courtwatch program process of volunteer termination.

Volunteer Name (Please Print)

______________________________  Date
Volunteer Signature

______________________________
Courtwatch Volunteer Coordinator Signature  (Witness)  Date
Sample Pre-training Survey for Volunteers

This sample survey is developed from the DELTA project to better assess the attitudes, beliefs, and values of their Coordinated Community Response Team members regarding the issues of domestic and sexual violence. It is a useful tool for programs to use to measure the potential volunteers' level of understanding of domestic and sexual violence.

The following survey should take approximately 10-15 minutes of your time to complete. Your answers will be kept confidential. Please be candid in your responses and record your first, instinctive answer. No individual responses will be shared with the larger group. We will report summary results after the analysis is completed. Thank you for taking your time to complete this survey.

Your gender: [ ] Male [ ] Female

How long have you volunteered for a domestic violence and/or sexual assault program?
[ ] Less than 3 months [ ] More than 3 months but less than 6 months
[ ] 6 months to a year [ ] More than 1 year How many years? ___

Please check the response that best represents your understanding of the problem of domestic violence or sexual assault.

1. Approximately how many incidents of domestic violence were reported to law enforcement authorities in Montana in 2002?
   [ ] Less than 4,000
   [ ] Over 4,000 but less than 6,000
   [ ] Over 6,000 but less than 8,000
   [ ] Over 8,000 but less than 10,000

2. What percentage of incidents of domestic violence is reported to the police or other official authorities?
   [ ] Less than 25%
   [ ] More than 25% but less than 50%
   [ ] More than 50% but less than 75%
   [ ] Over 75%

3. A woman is the victim in what percentage of reported cases of domestic violence?
   [ ] Less than 50%
   [ ] More than 50% but less than 75%
   [ ] More than 75% but less than 90%
   [ ] Over 90%
4. The risk of sexual assault is highest for women aged:

- [ ] 16-24
- [ ] 25-34
- [ ] 35-50
- [ ] 51 and over

Please check the response that best represents your opinion.

5. Using physical force against a partner is acceptable if the partner:

   A. Argues with or refuses to obey
   B. Wastes money
   C. Hits first
   D. Threatens the children
   E. Refuses to have sex
   F. Admits to sleeping with another person
   G. Is using drugs

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<th>Always</th>
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6. Would you call it domestic violence for an intimate partner to:

   A. Deny household money to their partner
   B. Yell at partner
   C. Threaten the children
   D. Threaten to harm pets
   E. Smash household objects near partner/family members.
   F. Insult or demean partner in front of the children
   G. Insult or demean partner in front of others at home
   H. Insult or demean partner in front of others in public
   I. Isolate partner from others

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<th>Always</th>
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For the following statements, please indicate if you strongly agree, agree, are undecided, disagree, or strongly disagree.

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<tr>
<th>Strongly Agree</th>
<th>Agree</th>
<th>Undecided</th>
<th>Disagree</th>
<th>Strongly Disagree</th>
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</table>

7. Domestic violence should be settled within the family rather than involving the police or government officials.

   | [ ] | [ ] | [ ] | [ ] | [ ] |

8. Families should stay together for the sake of the children, even when there is domestic violence in the home.

<p>| [ ] | [ ] | [ ] | [ ] | [ ] |</p>
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<td>9.</td>
<td>Marriage is a sacred, life-long commitment that should not be broken even if there is violence in the home.</td>
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<td>10.</td>
<td>If there is domestic violence in the home, a couple should seek couples counseling.</td>
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<td>11.</td>
<td>Most leaders of faith communities are well trained to handle domestic violence situations.</td>
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<td>12.</td>
<td>Law enforcement is too often reluctant to arrest an individual for beating his/her partner.</td>
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<td>13.</td>
<td>In most cases of domestic violence, the abused partner could leave if he or she really wanted to.</td>
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<td>14.</td>
<td>Abused partners are overly dependent and that is why they don't leave.</td>
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<td>15.</td>
<td>Individuals who are battered by their partners should always report the incident to law enforcement.</td>
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<td>16.</td>
<td>Those who get beaten by their partner often provoke the attack.</td>
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<td>17.</td>
<td>Domestic violence is committed by people who simply lose their temper.</td>
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<td>18.</td>
<td>Anger management programs are effective in preventing the recurrence of domestic violence.</td>
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<td>19.</td>
<td>People who commit domestic violence or sexual assault are easy to recognize.</td>
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<td>20.</td>
<td>The primary cause of most domestic violence is alcohol or drug abuse.</td>
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<td>21.</td>
<td>People who abuse their partners are typically stressed over family or financial problems.</td>
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<td>Statement</td>
<td>Strongly Agree</td>
<td>Agree</td>
<td>Undecided</td>
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<td>22</td>
<td>Domestic violence is a pattern of control over one’s partner.</td>
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<td>23</td>
<td>Sex and violence in the media contributes to an image of women as potential victims.</td>
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<td>24</td>
<td>In most families, men and women share equally in the duties around the home.</td>
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<td>25</td>
<td>Boys and girls should be expected to do the same chores around the house.</td>
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<td>26</td>
<td>When two teenagers are drunk, it’s not fair to blame the boy if the girl says she was sexually assaulted.</td>
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<td>27</td>
<td>A man/woman on a date has the right to sexual intercourse against their date’s consent if they had intercourse before.</td>
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<td>28</td>
<td>A man has the right to sexual intercourse against the woman’s consent if they are married.</td>
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<td>29</td>
<td>Girls who wear sexy clothes give boys a mixed message about whether or not they want to engage in sexual activity.</td>
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<td>30</td>
<td>When a couple is unable to agree on a financial matter, the man should make the final decision if he makes more money than his partner.</td>
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<td>31</td>
<td>Increasing women’s rights has actually increased the occurrence of domestic violence.</td>
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<td>32</td>
<td>Domestic violence is more likely to occur in families that are socially isolated from the community.</td>
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<tr>
<td>33</td>
<td>Domestic violence is most likely to occur in minority families.</td>
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</table>
34. Domestic violence occurs at about the same level in gay or lesbian couples as in heterosexual couples. □ □ □ □ □

35. Domestic violence occurs most often in low-income families. □ □ □ □ □

36. Children who are abused or witness abuse will often grow up to be abusers. □ □ □ □ □

37. Children who are abused or witness abuse will often grow up to be victims of abuse. □ □ □ □ □

38. How would you define domestic violence?

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

39. How would you define sexual assault?

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________


**Sample Post-training Survey for Volunteers**

A post-training survey allows the Courtwatch program to assess the knowledge the volunteers gained at orientation and to highlight areas for further education at monthly volunteer meetings, guest speaker events, and other potential trainings. This analysis will highlight what aspects of the Volunteer orientation were effective and also will highlight areas of education that need further development or greater emphasis in the future. Please allocate time at the end of the orientation or at the next volunteer meeting for this survey. This timeliness will yield better results in volunteers’ assessment of the Courtwatch Volunteer Orientation.

The pre-training survey about domestic and sexual violence also can be used again to determine the knowledge that was gained. Questions about Courtwatch and how the justice system works are necessary as well. Please feel free to use these exact questions for your survey, to adapt it from this information, or to create your own with the same themes.

This is just a sample and can be adapted to the specifics of each Courtwatch training program, but should still reflect knowledge about Courtwatch, the justice system, and the dynamics of domestic and sexual violence.

1) What is Courtwatch, in your own words?

__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________

2) What should a volunteer do or say if approached by someone to talk about the case?
__________________________________________________________________________

3) What is proper courtroom etiquette and attire for a Courtwatch volunteer observing in court?
__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________
4) Do you have any suggestions on how Courtwatch can help volunteers better understand Courtwatch?


5) Do you know where the courthouse is in your community? ___ Yes ___ No ___Unsure


6) Do you have a general understanding of how the justice system works as it applies to domestic and sexual violence cases? ___ Yes ___ No ___Unsure


7) Do you have any questions about the justice system? ___ Yes ___ No ___Unsure


8) If so, what would you like to learn more about?


9) Do you have any suggestions on how Courtwatch can help volunteers better understand the justice system?
10) Do you have any other comments for the Courtwatch staff?
Court Monitoring Forms

Courtwatch Potential Case Form

This form represents the electronic data collection format for Courtwatch programs to use to keep track of potential cases to monitor and then enter them in the system while waiting to see the criminal complaint. Once the criminal complaint is received, the program will be able to tell if the case is a case that Courtwatch would monitor. If not, that will be indicated in the system, but the case should remain in the system so as to prevent pulling the criminal complaint again in the future. If the defendant is applicable to the program, their information will be added to the “Courtwatch Offender Tracking” database.

<table>
<thead>
<tr>
<th>Last Name</th>
<th>First Name</th>
<th>Middle Name</th>
<th>Case #</th>
<th>PFMA/SA</th>
<th>CW Case?</th>
<th>Complaint</th>
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26 All models for data tracking given as “Courtwatch Potential Court Case”, “Courtwatch Court Schedule”, and “Courtwatch Offender Tracking” have been developed from the models given by the WATCH court monitoring program in Hennepin County, MN. MCADSV greatly appreciates their willingness to share this information for the greater good of survivors and families in Montana and elsewhere. All forms can be copied into an spreadsheet and be made available for use by your Courtwatch program to track data.
## Courtwatch Calendar

This Courtwatch Calendar form has been created as a possible model for your program to use in order to clearly identify which cases are to be monitored and to indicate to volunteers where they need to be and at what time they need to be there.

<table>
<thead>
<tr>
<th>Time</th>
<th>Appearance</th>
<th>Judge</th>
<th>Defendant’s Name</th>
<th>Case #</th>
<th>Charge(s)</th>
<th>Pros. Atty</th>
<th>Def. Atty</th>
<th>Volunteer</th>
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# Courtwatch Monitoring Form

## Case Information:
- **Date:** __________________
- **Type of Hearing:** Civil or Criminal (circle one)
- **Case #:** __________________
- **Court:** City Justice District Tribal (circle one)
- **Judge (Full Name):** __________________ Elected___ Appointed___ Visiting___
- **Prosecutor (Full Name):** __________________
- **Defense Attorney (Full Name):** __________________
- **Retained___ Appointed___ Public Defender___ Pro Se___ Not available___ Unknown___
- **Type of Proceeding:** Arraignment___ Omnibus___ Trial___ Sentencing___ Revocation___ Other: __________________
- **If motion:** Motion to Dismiss___ Motion to Continue___ Motion to Exclude Evidence___ Other: ______________

## Efficiency of Court:
- **Scheduled/Actual Start Time:** ___:_ _/___:_ ___
- **End Time:** ___:_ ___
- **Hearing Delayed:** __ No ___ Yes—>Reason: Defendant failed to appear___ Defendant late___ Court Delay___ Waiting for witness___ Other: ______________

## Defendant Information:
- **Defendant (Full Name):** __________________
- **DOB/AGE:** __________________
- **Sex:** M___ F___
- **Dress:** Professional___ Casual___
- **Ethnicity:** Cauc___ NatAm___ Asian___ AfAm___ Hisp___ Unknown___ Other: ______________
- **Employed:** Y___ N___ Unknown___
- **Needs Interpreter:** N___ Y___ Present? Y___ N___
- **Defendant in Custody at Beginning of Hearing?** Y___ N___
- **After the Hearing?** Y___ N___
- **Defendant’s Relationship to Victim?** __________________
- **Defendant Allowed to Tell the Facts of His/Her Story to Judge?** Y___ N___
- **If There is a Next Appearance, When is it Scheduled?** __________________

## Charges:
- **Offense:** __________________
- **Type of Charge:** Felony or Misdemeanor (Circle One)
- **Date of Offense:** _________
- **City/Town:** _________
- **Location:** __________________
- **Arresting Officer (Full Name):** __________________ Present? Y___ N___
- **Qualifiers/Conditions (if any):** __________________
- **Prior Offenses:** 0___ 1___ 2___ 3___ 4+___ Unknown___
- **If prior offense: What happened to the last charge?** __________________
- **What was sentence for last conviction?** __________________
- **Defendant Currently on Probation/Parole?** Y___ N___ Unknown___
- **Mitigating Circumstances (if any):** __________________
- **Weapons Involved (if yes, describe):** __________________ Weapons Confiscated? Y___ N___
- **Drugs/Alcohol:** __________________
- **Physical Injury (if yes, describe):** __________________
- **Children Witnesses?** Y___ N___

## Victim Information:
- **Was Victim Present?** Y___ N___ Unknown___
- **Age of Victim:** Adult___ Juvenile___ Child___
- **Ethnicity:** Cauc___ NatAm___ Asian___ AfAm___ Hisp___ Unknown___ Other: ______________
- **Needs Interpreter?** N___ Y___ Present? Y___ N___
- **Victim’s Gender:** M___ F___
- **Victim Advocate in Court?** Y___ N___ Unknown___
- **Victim Testimony Used/Statement Read?** Y___ N___
COURTWATCH MONITORING FORM (CONT.)

JURY: (If applicable)  # OF MEN: ________  # OF WOMEN: ________
ETHNIC MAKE-UP:  Cauc__  NatAm__  Asian__  AfAm__  Hisp__ Unknown __  Other:____

OTHER PARTICIPANTS:
SUPPORT PEOPLE FOR VICTIM? Y__  N__ Unknown__  If yes, who?___________________________
SUPPORT PEOPLE FOR DEFENDANT? Y__  N__ Unknown__  If yes, who?___________________________
OTHER PEOPLE PRESENT? Y__   N__ Unknown__  If yes, who?________________________________
_________________________________________________________________________________________
_________________________________________________________________________________________
_________________________________________________________________________________________
_________________________________________________________________________________________

DISPOSITION: DISMISSED __ CONTINUED __ GUILTY PLEA __
DID JUDGE ACCEPT PROSECUTION’S RECOMMENDATION? Y__  N__
VICTIM ABLE TO EXPRESS CONCERNS FROM DISPOSITION OF THE JUDGE? Y__  N__
DEFENDANT ABLE TO EXPRESS CONCERNS FROM DISPOSITION OF THE JUDGE? Y__  N__

COURT PERSONNEL: Please include any comments about their performance, level of preparation, demeanor toward defendant and victim, etc.

JUDGE: On time? If not, reason given? Make any announcements prior to start of court (if yes, please explain)? Treats participants fairly? Appropriate questioning? Good time management? Speaks loudly/clearly?
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Please comment on anything unusual or exceptionally interesting that you observed in court.
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## COURTWATCH MONITORING FORM (CONT.)

### CASE OUTCOMES:

#### INITIAL APPEARANCE:
Bond: $_________________  Plea: ____________________

#### HEARING:
Plea: ___________________  Verdict: ___________________
____________________________________________
____________________________________________

#### SENTENCING:
Details:
____________________________________________
____________________________________________
____________________________________________
Terms:
____________________________________________
____________________________________________

Date Probation Starts: __________  Date Probation Ends: __________

### NOTES:

___________________________________________________________________________
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COURTWATCHER NAME: ________________________________  ________________________
COURTWATCHER SIGNATURE: _________________________  DATE: __________________
# ORDER OF PROTECTION MONITORING FORM

## CASE INFORMATION:

<table>
<thead>
<tr>
<th>DATE:</th>
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<tbody>
<tr>
<td>COURT: City Justice District Tribal (circle one)</td>
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<tr>
<td>JUDGE (Full Name): _______________________________</td>
<td>Elected</td>
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<tr>
<td>IS PETITIONER PRESENT? Yes No</td>
<td>IS RESPONDENT PRESENT? Yes No</td>
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<tr>
<td>DID JUDGE HEAR ORDER OF PROTECTION AT THE BEGINNING OF THE SESSION? Yes No</td>
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<tr>
<td>PETITIONER ___Male ___Female</td>
<td>RESPONDENT ___Male ___Female</td>
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<tr>
<td>RELATIONSHIP OF PARTIES:</td>
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</table>

## PETITIONER INFORMATION:

| ETHNICITY: Cauc NatAm Asian AfAm Hisp Unknown Other: |
| NEEDS INTERPRETER: No Yes Present? Yes No |
| PETITIONER HAVE AN ATTORNEY? Yes No Unknown If so, which? City/Cty |
| ___Private ___Unknown ___Other: | ADVOCATE PRESENT? Yes No |

## RESPONDENT INFORMATION:

| DOB/AGE: | | DRESS: Professional Casual |
| ETHNICITY: Cauc NatAm Asian AfAm Hisp Unknown Other: | |

## EFFICIENCY OF COURT:

| SCHEDULED/ACTUAL START TIME: | | END TIME: |
| HEARING DELAYED: No Yes—>Reason: Respondent late Petitioner late Court Delay Other: |
| DID JUDGE EXPLAIN PROCESS TO PARTIES? Yes No |
| WHAT IS OUTCOME OF HEARING? Respondent admits Respondent denies but agrees to order Dismissed Evidentiary Hearing requested—immediate or later date? (circle one) Mutual Order issued Extended or Amended Continued Other Outcome: |
| IF DISMISSED OR CONTINUED, FOR WHAT REASON? |

## HEARING:

- Did the Judge use info about the parties’ criminal histories? Yes No If so, who? |
- Was petitioner asked to verbally disclose his/her address, ssn, or other private information? Yes No If so, what? |
- Did Judge listen attentively to Petitioner? Yes No |
- Did Judge inform Petitioner about criminal process? Yes No |
- Did the Judge advise Petitioner about safety planning? Yes No |
- Please describe Judge's demeanor toward petitioner: (circle one or add own description) Good-natured Professional Firm Condescending Other: |
HEARING (cont.):

- Did someone stand between the respondent and the petitioner?  __Y__ __N
- Did the Judge allow respondent to speak directly to petitioner?  __Y__ __N
- Did someone stand between the respondent and the petitioner?  __Y__ __N
- If respondent has an attorney, did he/she cross-examine petitioner?  __Y__ __N
- Did Judge inform respondent of criminal penalties for violation of an order of protection?  __Y__ __N

Please describe Judge's demeanor toward respondent: (circle one or add own description)
Good-natured  Professional  Firm  Condescending  Other: __________________________

If petitioner requests dismissal, what questions did Judge ask regarding his/her decision?
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________

If the respondent is present but the petitioner doesn’t show, what questions did the Judge ask before dismissing order? ______________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________

Does the Judge allow the respondent to speak to the petitioner or use intimidating body language?
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________

- Did the court staff discuss or comment on the case in between hearings or before a hearing?  __Y__ __N
- Was the Judge clear in explaining the respondent’s options and their significance?  __Y__ __N
- Did the Judge allow testimony to be given without parties being sworn in?  __Y__ __N
- Was the Judge respectful of both parties?  __Y__ __N
- If the order issues, did the Judge clearly explain what this means to the respondent?  __Y__ __N
- Did the Judge generally keep control of the courtroom?  __Y__ __N
- Did the Judge question the petitioner about his/her desire to pursue the order of protection?  __Y__ __N
  If so, how many times? ________________
- Did Judge order plaintiff & defendant into mediation?  __Y__ __N
- Did Judge ask about use of weapons?  __Y__ __N
- Did Judge order that weapons be confiscated?  __Y__ __N
- If requested, did Judge order child support?  __Y__ __N
- If requested, did Judge order vacate order?  __Y__ __N
- If requested, did Judge grant custody of children to Petitioner?  __Y__ __N
- Were children placed on the order of protection?  __Y__ __N
  If so, please indicate:

If petition asks that visitation be restricted, did the court concede?  How much information was sought before a decision was made regarding visitation? ______________________________
____________________________________________________________________________________
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____________________________________________________________________________________
### APPLICATION OF THE LAW:

What questions did the Judge ask to assess the significance of the relationship?

_________________________________________________________________________
_________________________________________________________________________
_________________________________________________________________________
_________________________________________________________________________

Did Judge consider *fear* of imminent physical harm enough grounds to issue order?

_________________________________________________________________________
_________________________________________________________________________

If this is an extension hearing, what questions did Judge ask petitioner regarding reason for wanting to extend the order? ________

Did the Judge decide against issuing order because case does not fit the definition of domestic abuse? ________

_________________________________________________________________________
_________________________________________________________________________

If the order issues, what relief is granted to petitioner? What discussion is there regarding relief?

_________________________________________________________________________
_________________________________________________________________________

If an order issues, is there any discussion of firearms in the home? ________

Did the Judge check all Brady indicators? If so, were firearms removed from the home?

Why/why not?

_________________________________________________________________________
_________________________________________________________________________

### NOTES:

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**Suggestions for the Court to improve victim safety & offender accountability?**

_________________________________________________________________________
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**COURTWATCHER NAME**

**COURTWATCHER SIGNATURE**     **DATE**
### COURTWATCH OFFENDER TRACKING SYSTEM

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<tr>
<th>Defendant name</th>
<th>Last Name</th>
<th>First Name</th>
<th>DOB</th>
<th>City</th>
<th>Offense Date</th>
<th>Case #</th>
<th>Charge</th>
<th>Appearance: type and date</th>
<th>Bail</th>
<th>Case outcome</th>
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Volunteer Orientation Manual

A Courtwatch program should create a “Volunteer Orientation Manual” that contains all the information the volunteers will need as they observe in court. This manual should include all information and resources used throughout orientation and additional reading materials that the volunteers are expected to study on their own time. This manual should be developed prior to the Volunteer Orientation so that it may be used in conjunction with this training. In fact, it may be a good idea to provide the manual to the volunteer prior to the training so that they may come to the orientation prepared with questions. Information on the following topics should be made available in the “Volunteer Orientation Manual”:

Volunteer Expectations

Volunteer Requirements and Procedures

Orient the volunteers on the requirements and procedures developed for the court monitoring program. Be prepared to answer questions from the volunteers about the requirements of volunteer and the court monitoring program in general. Do your best to defer substance questions until after the training as they may be answered.

History of Courtwatch

Please refer to the Bibliography in this manual for information about the history of court monitoring programs. It is up to each program how extensive this section of training will be but be sure to talk about the history of your court monitoring program.

History of the Violence Against Women Movement & Introduction to Domestic and Sexual Violence

For this section of the training, refer to a local domestic violence advocacy group, resources your program already has, or resources at MCADSV. It is important to address the dynamics of domestic and sexual violence as this may be the first time some volunteers have ever worked in this movement, and it is important that they understand the dynamics involved in these relationships and cases. Also, it is important to recognize the significant strides the violence against women movement has made over time.
Understanding the Criminal and Civil Justice Processes

Navigating the Courthouse

It is highly likely that a volunteer may need to read the court calendar to find a case. For this part of the training, your program should obtain a copy of what they look like in each court if possible. It also is a good idea to break down the court calendar so that the volunteers know what they are reading. Please provide a map of the courthouse as part of this aspect of orientation.

Laws/courts/personnel and proceedings

Please refer to resources available in this Courtwatch manual as you give the volunteers “layman law 101”. Orient the volunteers on criminal and civil procedures, and the public’s and victims’ rights. This section of orientation serves to give volunteers a foundation for the justice system. Consider having a Judge, attorney, or other courtroom official help facilitate this aspect of volunteer orientation.

Court Monitoring Basics

Process

This part of the training will walk the volunteers through a day in the life of Courtwatch. Explain what they should do and expect from a typical court monitoring shift from parking to debriefing. It might even be a good suggestion to perform a mock court monitoring scenario.

Substance

This part of the training will introduce the Courtwatch volunteers to the court monitoring forms. Please include copies of all the forms necessary to the court monitoring program. Consider including sample copies of forms that have been filled out as points of reference for the volunteers; perhaps a Courtwatch staff member’s court monitoring experience can serve as an example. Walk them through the guidelines of how and what to observe and how to reflect that on the form. This part of orientation also should address the data entry aspect of Courtwatch. You may find it is more effective to address the data entry briefly as part of orientation, with a more in depth orientation as part of a one-on-one session with a Courtwatch staff member.
Sample Volunteer Orientation Agenda

The “Sample Volunteer Orientation Agenda” is adapted from the 2006 WATCH Volunteer Training agenda and is the format suggested by MCADSV for orienting volunteers to courtroom observation. A Courtwatch program can decide what they wish to include within their orientation. Items in italics refer to points that will be specific to each Courtwatch program, but all should be reviewed and decided upon while developing the Courtwatch program. (All names used are fictional and should be replaced with the appropriate facilitators for each topic.)

10-10:30 Welcome, Introductions, and Volunteer Expectations
Betty Friedan, Courtwatch Volunteer Coordinator

10:30-11:00 History of Courtwatch and the Violence Against Women Movement
Betty Friedan, Courtwatch Volunteer Coordinator
Sacajawea, Courtwatch Public Relations Coordinator

11:00-12:00 Introduction to Domestic and Sexual Violence
Susan B. Anthony, Courtwatch Program Coordinator
Clara Barton, Executive Director of Montana Coalition for Safe Families

12:00-12:30 Cultural Competency
Sacajawea, Courtwatch Public Relations Coordinator
Clara Barton, Executive Director of Coalition for Safe Families

12:30-1:10 Lunch

1:10-2:10 Understanding the Criminal and Civil Justice Processes
Volunteer Orientation Manual
Jeannette Rankin, Courtwatch Executive Director
Mary Jones, King County Prosecutor and Courtwatch Advisory Council member

2:10-2:25 Break

2:25-2:45 Volunteer Panel: Speaking from experience
(Initially, this will be members of Courtwatch staff who have observed in court until regular volunteers are able to lead this panel.)
Sojourner Truth, Courtwatch Volunteer
Rachel Carson, Courtwatch Volunteer

2:45-3:45 Court Monitoring Basics
Volunteer Orientation Manual
Susan B. Anthony, Courtwatch Program Coordinator

3:45-4 Training Evaluations and Tour Sign-Up
Volunteer Policies and Procedures

The “Volunteer Policies and Procedures” outlines the fundamental expectations of a Courtwatch volunteer and the prerequisites necessary in order to be considered to participate. A Courtwatch program can decide what is relevant to include. Items in *italics* refer to points that will be specific to each Courtwatch program, but all should be reviewed and decided upon while developing the Courtwatch program.

- **Equal Opportunity Employer:** The Courtwatch program does not discriminate based upon race, creed, color, religion, sex, national origin, age, marital status, disability, sexual orientation, or status with regard to public assistance. The Courtwatch program adheres to applicable equal opportunity laws and regulation in all recruiting, training, hiring, employee/volunteer decisions, and all similar decisions regarding personnel at Courtwatch. Courtwatch recruits and hires based upon qualifications, experience, and training required for the successful performance of the position, as defined in the written position description.

- **Minimum Age of 18:** Volunteers must be 18 years of age due to the nature of the cases that will be observed.

- **Volunteer Hour Records:** Volunteers are required to track their volunteer hours on daily court monitoring cover sheets. Courtwatch will maintain volunteers’ records for five years.

- **Time Commitment:** Because volunteers continue to learn more about Courtwatch as they volunteer, Courtwatch prefers to have volunteers commit to at least one-year of monitoring (six months at a minimum) and should be clearly indicated in the “Volunteer Pre-commitment” form. Volunteers need to commit to at least one half-day of volunteering per month, either morning or afternoon monitoring. Courtwatch prefers volunteers give staff advance notice, no later than 8am their scheduled day in court, if they are unable to observe. Although these are preferences of Courtwatch, they are not indicative of eligibility to volunteer. Potential volunteers should communicate with the Courtwatch staff regarding any time commitment concerns. Either party reserves the right to terminate the relationship between the volunteer and Courtwatch at any time.

- **Supervisory Structure:** The Courtwatch volunteer is directly responsible to the Volunteer Coordinator. However, on occasion the volunteer may do his/her briefing and de-briefing session with another Courtwatch staff person. The particular trained Courtwatch staff member in charge of meeting with the volunteers will be made clear each day on the court monitoring schedule.

- **Evaluations:** The Volunteer Coordinator meets with individual volunteers monthly. This is an opportunity for comments and feedback, all of which will be noted in the

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27 “Volunteer Policies and Procedures” and “Volunteer Guidelines” are based upon similar information given to volunteers at other court monitoring programs: WATCH in Minnesota, Victims For Justice CourtWatch in Alaska, and RSVP/DVIS Court Watch in Oklahoma.
volunteers file. Volunteers also are encouraged to check-in with the Volunteer Coordinator, or other Courtwatch staff member, to discuss problems or questions at any time.

- **Background Check and Criminal History:** Because of the nature of the cases and the dynamics involved in domestic and sexual violence, Courtwatch requires volunteers to disclose their criminal history or previous/current involvement with the justice system. Courtwatch conducts a background check on all potential volunteers as part of the application process. A criminal history does not mean an individual will be unable to volunteer. However, there are some circumstances in which an individual will not be able to volunteer for Courtwatch:
  
  - Current criminal charges against the applicant
  - Individuals with pending applications for an order for protection
  - Individuals with current/open child protection cases
  - Individuals who have been convicted of a felony or misdemeanor domestic violence, sexual assault, or child abuse charge
  - Individuals who have been convicted of a felony

If a volunteer is charged with criminal behavior or any of the above violations while working with the Courtwatch program, he or she must disclose the information to the Volunteer Coordinator as soon as possible before their next volunteer assignment.

- **No Drugs or Alcohol:** No volunteer shall be under the influence of alcohol or mind-altering drugs nor shall a volunteer be in possession of either of these substances while monitoring for Courtwatch.

- **Tax Deductions:** With good record-keeping and receipts, volunteers may be eligible to deduct cab and/or bus fares, automobile mileage, and non-cash contributions while volunteering for Courtwatch from their Federal Income Tax. This is something that should be discussed by the Courtwatch program after referring to *Publication 526: Charitable Contributions* in particular “Out-of-Pocket Expenses in Giving Services”

- **Liability:** Do not bring anything into the Courthouse that may be confiscated. Courtwatch is more than happy to allow volunteers to leave items like coats, etc, at the Courtwatch office. However, neither Courtwatch nor the Courthouse is responsible for any lost or stolen belongings.

- **Pre-shift Briefing:** Volunteers are required to meet with a Courtwatch staff member at least 30 minutes prior to their first observation shift. The meeting may not take the full thirty minutes but gives the volunteer and staff member the opportunity to touch base

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28 If you have a tax question, visit [www.irs.gov](http://www.irs.gov) or call 1-800-829-1040. Visit [www.irs.gov/formspubs](http://www.irs.gov/formspubs) to download forms and publications, call 1-800-829-3676, or write to the National Distribution Center at the following address: National Distribution Center, P.O. Box 8903, Bloomington, IL 61702-8903
about the schedule and the case as well as gives the volunteer ample time to get to court and get settled before the case begins.

- **Post-shift Debriefing**: After the volunteer’s shift is over, he or she is to return to the Courtwatch office and check-in with a Courtwatch staff member. The volunteer will debrief and schedule the next time he or she will monitor.

- **Waiting for Cases**: Volunteers should be aware that there may be times when they must wait for a hearing to begin. It is important to be patient. Volunteers may bring books to read or things to work on, but please do not access these items while court is in session. Courtwatch prefers that volunteers do not bring newspapers to court because not only can they be distracting, they are not allowed in court during jury trials. One suggestion is that volunteers bring their training manuals with them and review it while waiting for court to begin. The more familiar volunteers become with their training manuals, the better court monitors they will become.

- **Safety at Courthouse**
  
  - **Report Threats/Abuse**: Volunteers should report any threats or abuse directed at them while volunteering for Courtwatch immediately. Immediately direct these incidents to the Volunteer Coordinator and the staff member (the briefer/debriefer) assigned to volunteers that day.
  
  - **Report Accidents**: If a volunteer is injured while volunteering for Courtwatch, report it to a staff member immediately. Courtwatch volunteers are not covered by Workman’s Compensation. Any medical expenses are the responsibility of the volunteer’s own health insurance or personal resources.

- **Responsible Use of Equipment**: Volunteers must treat all Courtwatch property and facilities with respect and return items borrowed in the same condition as they were received. Any organizational equipment is to be used for volunteer duties only, never for personal use. When observing in court, volunteers must always ___(fill in the blank with your Courtwatch program’s identifiable pin/clipboard/etc)___ that they received at Volunteer Orientation. The badges/clipboard/etc is available at the Courtwatch office and can be picked up at the briefing session before the shift begins.

- **Volunteer Accountability**: If, while serving in the capacity of a Courtwatch volunteer, an individual’s behavior is deemed inappropriate, the situation will be immediately brought before the site supervisor on duty and to the Volunteer Coordinator. The complaint will be investigated thoroughly, objectively, and a determination will be made in accordance with Courtwatch personnel policies with full disclosure to the volunteer involved. When possible, the compliant will be resolved through the volunteer and the Volunteer Coordinator. Depending on the severity of the outcome, the volunteer may be given a warning, suspended, or dismissed, either verbally and in writing. The complaint, investigation, and outcome will be made part of the volunteer’s file at Courtwatch.
- **Grievance Procedures**: If a volunteer has a complaint about their assignments, supervisor, and/or work environment, they should be first addressed directly with the individual involved or with the Volunteer Coordinator. If the volunteer does not believe the grievance has been resolved, he or she should approach the Steering Committee Chair or Project Coordinator. If a resolution is not reached, a mediator will be appointed by the Steering Committee.

If the volunteer still does not feel that a satisfactory resolution has been reached, the volunteer is then asked to submit a written grievance, stating the complaint and all efforts attempted to resolve this matter. The grievance will then be submitted to the Advisory Council chair who will distribute it to the rest of the Advisory Council for review and discussion. The Advisory Council chair will then make a decision and implement appropriate action.

- **General Information**

  - **Travel and Parking**: Particular to each Courtwatch program. Each program should determine if they can provide money for parking and travel or encourage volunteers to keep good records to claim it all as a tax deduction. Either way, it is a good idea for Courtwatch programs to give volunteers an idea of good places to park and directions to the courthouse and Courtwatch office.

  - **Lunch and Snacks**: Particular to each Courtwatch program. Each program should determine whether or not they will have a facility available for volunteers to keep lunches, etc, at the Courtwatch office or some sort of central location.

  - **Attire in Court**: Please dress casually and comfortably, while remembering that you are observing in a court of law. Volunteers are silent witnesses in court who represent not only Courtwatch, but the public as well. Keeping this in mind, volunteers should avoid drawing attention to themselves, even in dress. Please avoid revealing, political/suggestive, and torn/dirty clothing.

  - **Communication with Staff**: Please feel free to contact any members of the Courtwatch staff with questions or concerns. Courtwatch staff are available for all volunteer questions and concerns.

  - **Emergency Procedures**: Particular to each Courtwatch program--refers to inclement weather, etc.
Volunteer Guidelines

Below are the suggested Volunteer Guidelines for a Courtwatch program:

1. Do not comment about the cases; refer press to Steering Committee chair or Communication Coordinator; if asked opinion, say are just observing and refer further questions to Courtwatch office and/or give them a Courtwatch brochure/card. A Courtwatch Program may choose to have their volunteers respond with “just collecting information, cannot speak for the Courtwatch Program”. NEVER speak for Courtwatch; never offer opinions verbally or mention the case verbally or in writing.

2. DO NOT discuss the case in any capacity while at the Courthouse.

3. Always check the court calendar for changes.

4. Do not initiate conversations with jury members; try to avoid contact with the jury; inform the Courtwatch office of any interactions and what happened.

5. Some programs have volunteers leave the room when children are testifying as an attempt to reduce trauma of juvenile victims or witnesses. A Courtwatch program can decide what they would like to do in this instance. It may be a good idea to have this conversation with your county Victim Witness program, county attorney’s office, and Judges.

6. Do not bring distracting items like newspapers, gum, hats, magazines, etc. Turn off cell phones when observing in court.

7. Be on time for appearances, leaving only during breaks so as not to be disruptive. If the courtroom is full, please give up seats for family members involved in the case. NEVER interrupt proceedings.

8. You may introduce yourself to the clerk as a Courtwatch volunteer if you have questions or need clarification about facts in the case you are observing. You do not have to give your name. Please do this only during a break or before or after the court is in session. Please respect the courtroom staff at all times.

9. Be courteous. Do not make any noises, comments, or grimaces in response to observations in court. Be sure to maintain composure. If for some reason particular aspects of a case become too intense, leave quietly and be sure to discuss the situation with a staff member in debriefing.

10. Be as unobtrusive as possible in appearance and behavior. Do not speak while court is in session.

11. Do not initiate contact with a victim. Some programs consider it okay if the Victim Advocate is present at time of contact, but it is good to come up with a policy around
this issue. Remember, it is recommended that Courtwatch be perceived as objective in order to be the most effective.

12. Be sure to remain objective, discreet, unbiased, and sensitive to those involved in the court cases as you observe in court.

13. Maintain confidentiality if you receive information about a case outside of the public hearing.

14. Refrain from deciding guilt or innocence. Furthermore, individual Courtwatch programs should establish a policy regarding a volunteer's discretion and his/her ability to objectively monitor a case where the volunteer is familiar with either the victim or the defendant in a case he/she is assigned to monitor. It can be left up to the volunteer to decide if it is necessary to opt out of the assignment or the Courtwatch program can decide that volunteers should not monitor those cases where they are familiar with either party and leave it up to the volunteer to divulge that information.

15. Please keep your Courtwatch clipboard/pin/etc in your possession at all times. Volunteers should be easily identifiable as Courtwatch monitors while observing in court. The identifying piece is to be determined by individual court monitoring group during the development of the Courtwatch program.

16. Do not argue if denied entrance into courtroom; leave and then submit a written report stating the facts to the Courtwatch Volunteer Coordinator.

17. Attempt to record as much information as possible while observing cases. Note any special problems or anything that seems out of the ordinary; when in doubt, write it down. If you feel particular facts of a case demand immediate attention, inform Courtwatch staff during your debriefing session, providing the case number, defendant’s name, and a brief summary of your concerns. Make thorough notes when observing cases that involve children and parenting plans. Please turn in the completed monitoring forms at the time of debriefing from courtroom observation.

18. All court monitoring forms should be completed manually and returned to a central location for access by the data entry staff member and/or volunteer so that he/she can enter the information into the Courtwatch Offender Tracking System.

19. Do not tape record or photograph proceedings.

20. Have fun! Learn about the justice system! Help end domestic and sexual violence!