Court Watch Summary 2016-2017

Prepared by:
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DAIS Legal Program Coordinator

Individuals/Groups Involved

- Dane County Coordinated Community Response to Domestic Violence – Legal Issues Subcommittee
  - Legal Issues revised a previous version of a court watch data collection tool to remove factors that we found to be no longer applicable and added new relevant factors (e.g. 10 year issuance)
- DAIS Interns
  - Maddie Zimmerman
  - Katlyn Panka
- Jillian Falligant, DAIS Legal Program Coordinator
  - Compiled data into a spreadsheet for analysis

Court Watch Process

- Attend injunction hearings on a weekly basis
- Observe each hearing and document the details of the case and outcome
- Data from each case is documented on the collection tool
- Observers also document their observations, such as the demeanor of the judge, set-up of courtroom, etc.

Data Collection Tool

2016 Court Watch
Date: _____
Judge: _____ **Case Number: __16CV_____**
Time spend on case: start _____ end _____

PETITIONER	RELATIONSHIP	RESPONDENT
□ Present □ Absent □ In Custody □ Male □ Female □ Represented □ Unrepresented □ Service Representative □ Interpreter _____	□ Married □ Separated □ Divorced □ Dating □ Formerly Dating □ Formerly Friends □ Family Member □ Roommates Only □ Living Together □ Child in Common □ Other:_____ _____	□ Present □ Absent □ In Custody □ Male □ Female □ Represented □ Unrepresented □ Service Representative □ Interpreter _____

□ **Domestic Abuse** □ **Harassment**
□ **Cross Complaint (Both parties filed petition against other party)**

Was the injunction:

□ **Heard**
- □ Contested
- □ Not Contested

□ **Dismissed**
- □ petitioner's request
- □ no petitioner
- □ stipulation
- □ lack of service
- □ doesn't meet requirements
- □ failure to prove case

□ **Extended** (lack of service) or other: _____
- □ Did judge mention service by publication (DARO)?

□ **Granted** (length of time:_____) □ Not Granted
□ **Converted from Domestic to Harassment Injunction**
- □ At the request of the parties (stipulation)
- □ At the suggestion of the respondent
- □ At the suggestion of the judge

STATUTE & LAW : Did the Judge:

Domestc Abuse ONLY:
Y / N / NA
☐ ☐ ☐ base decision on amount of time since last incident of abuse
☐ ☐ ☐ dismiss an injunction because of another court action
☐ ☐ ☐ extend the TRO in lieu of issuing an injunction
☐ ☐ ☐ discuss issuing the injunction for 10 years. If so, was it granted? ☐ Yes ☐ No
☐ ☐ ☐ discuss possession and surrender of firearms
☐ sheriff ☐ 3rd party (asked for name & address? ☐)

Harassment:
☐ ☐ ☐ extend the TRO in lieu of issuing an injunction
☐ ☐ ☐ discuss issuing the injunction for 10 years. If so, was it granted? ☐ Yes ☐ No
☐ ☐ ☐ discuss firearms and if surrender was necessary

CHILDREN IN COMMON:

Did P ask the Judge for an exception to the injunction for communications concerning the children?

☐ Yes ☐ No If no, did the Judge write an exception anyway? ☐ Yes ☐ No

How did the Judge deal w/ the issue of children in common? (Check all that apply)
☐ Didn't write anything about it in the order
☐ Wrote "except as ordered by family court" or something similar
☐ Talked to the parties about how to set up communication (3rd party, email, etc)
☐ Wrote in a specific placement order
☐ Made a referral to visitation & exchange center

JUDGE'S STATEMENTS:

If granted, did the Judge ask the petitioner what she/he wanted the injunction to order? □ Yes □ No
Did the Judge ask the length of time they would like the injunction to last? □ Yes □ No
Did the Judge grant only what the petitioner asked for? □ Yes □ No

Reason given by Judge to dismiss/grant the injunction:_____
_____
_____
_____
_____

If granted, what was the respondent restrained from doing and for how long?

Domestic Abuse	Harassment
□ Refrain from domestic abuse	□ Refrain from harassing behavior
□ Avoid residence/ any place temporarily occupied	□ Avoid residence/ any place temporarily occupied
□ Order no contact/third party contact	□ Order no contact/third party contact
□ Refrain from removing/hiding/etc. pet	□ Refrain from removing/hiding/etc. pet
□ Pet retrieval	□ Pet retrieval
□ Other _____	□ Other __ _____

Challenges/Barriers

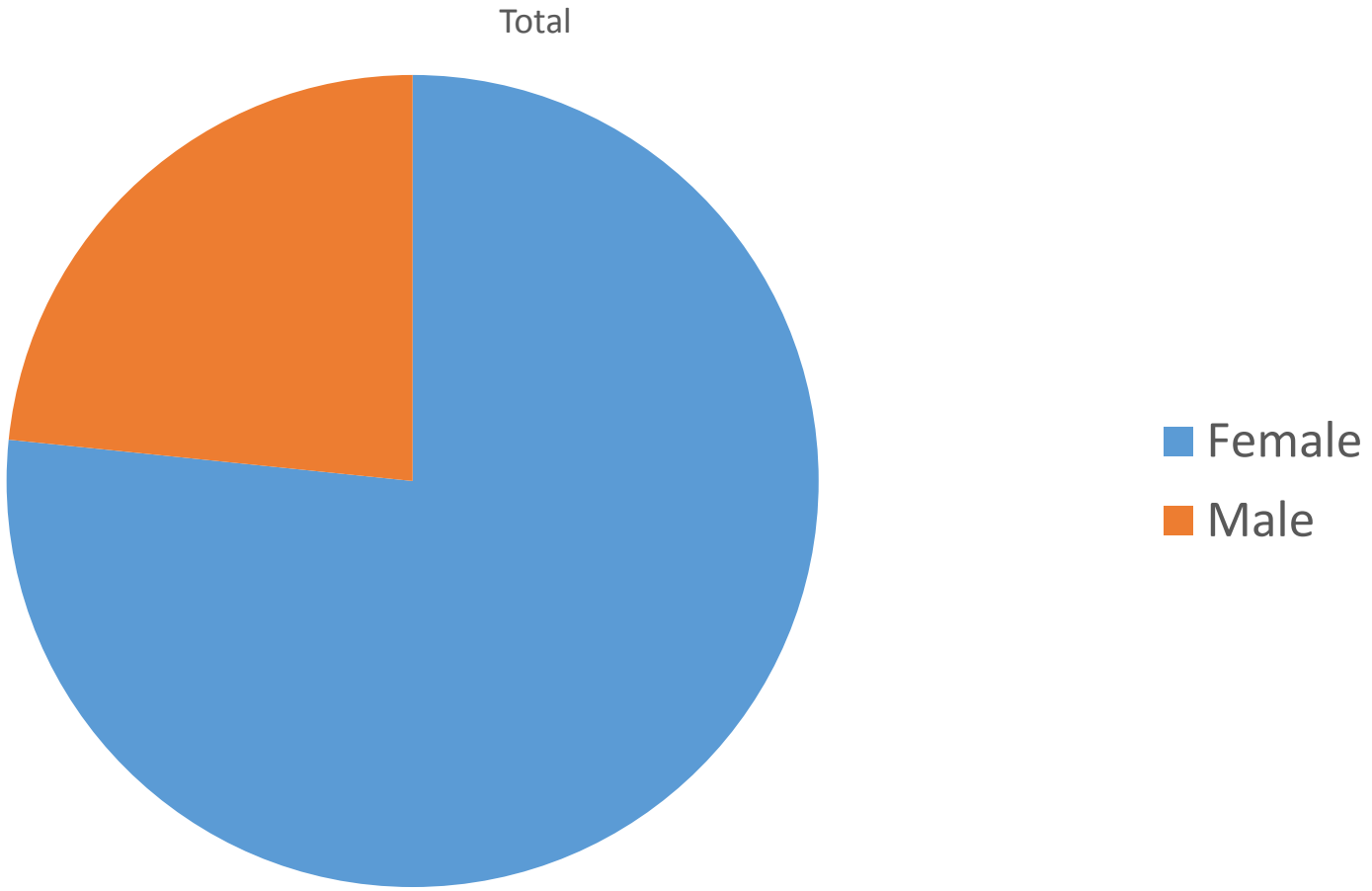
- Observer training needs
- Fast pace hearings; tough to gather all the data
- Coverage for every week: Monday, Wednesday, and Friday
- Unpredictability of the hearings, in both scheduling and duration
- Too many factors to potentially cover
- Observers do not have access to the actual petitions for each case

Data Summary

Cases Observed

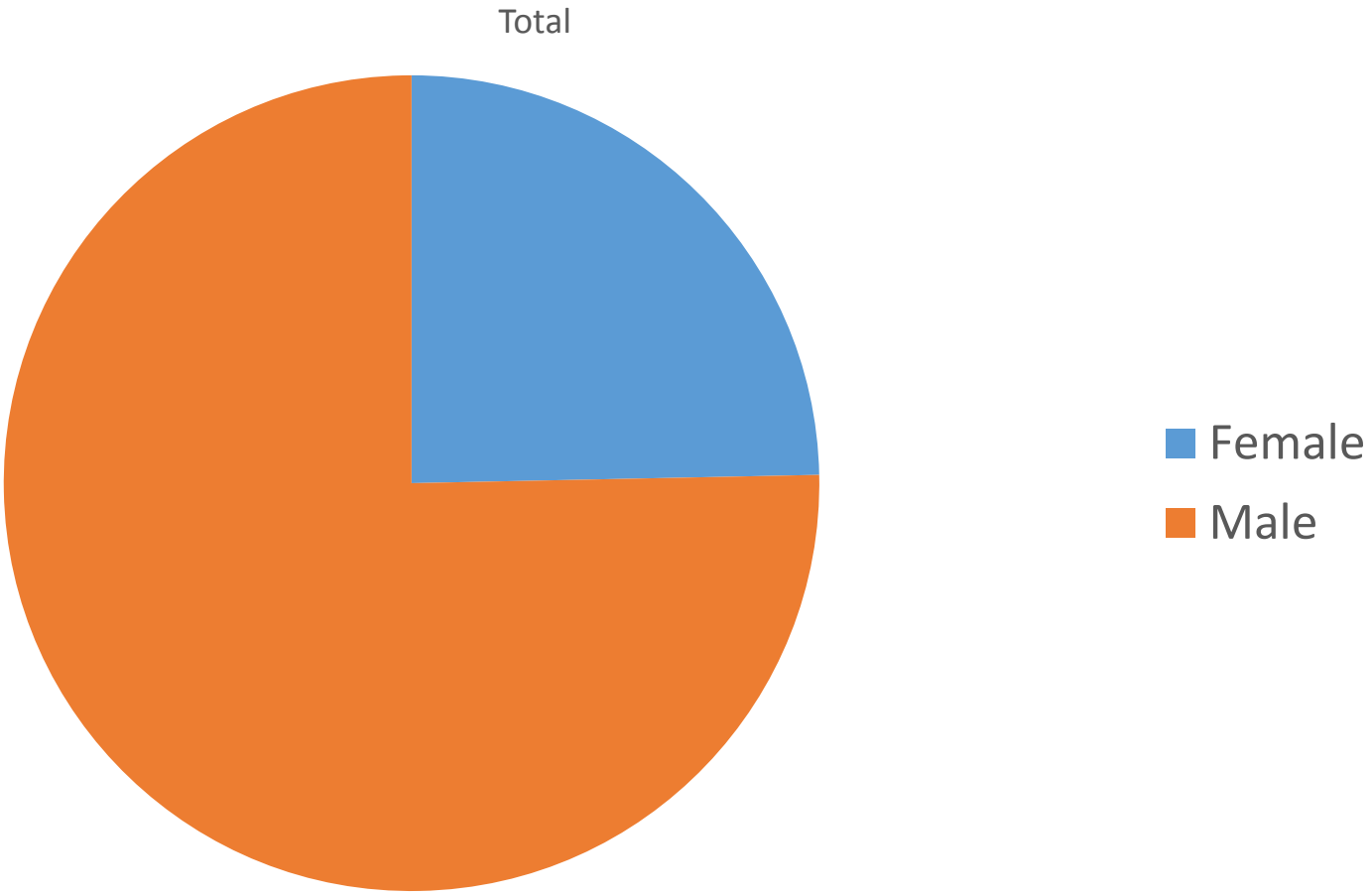
# of Domestic Abuse	# of Harassment
28	49

Petitioner Gender



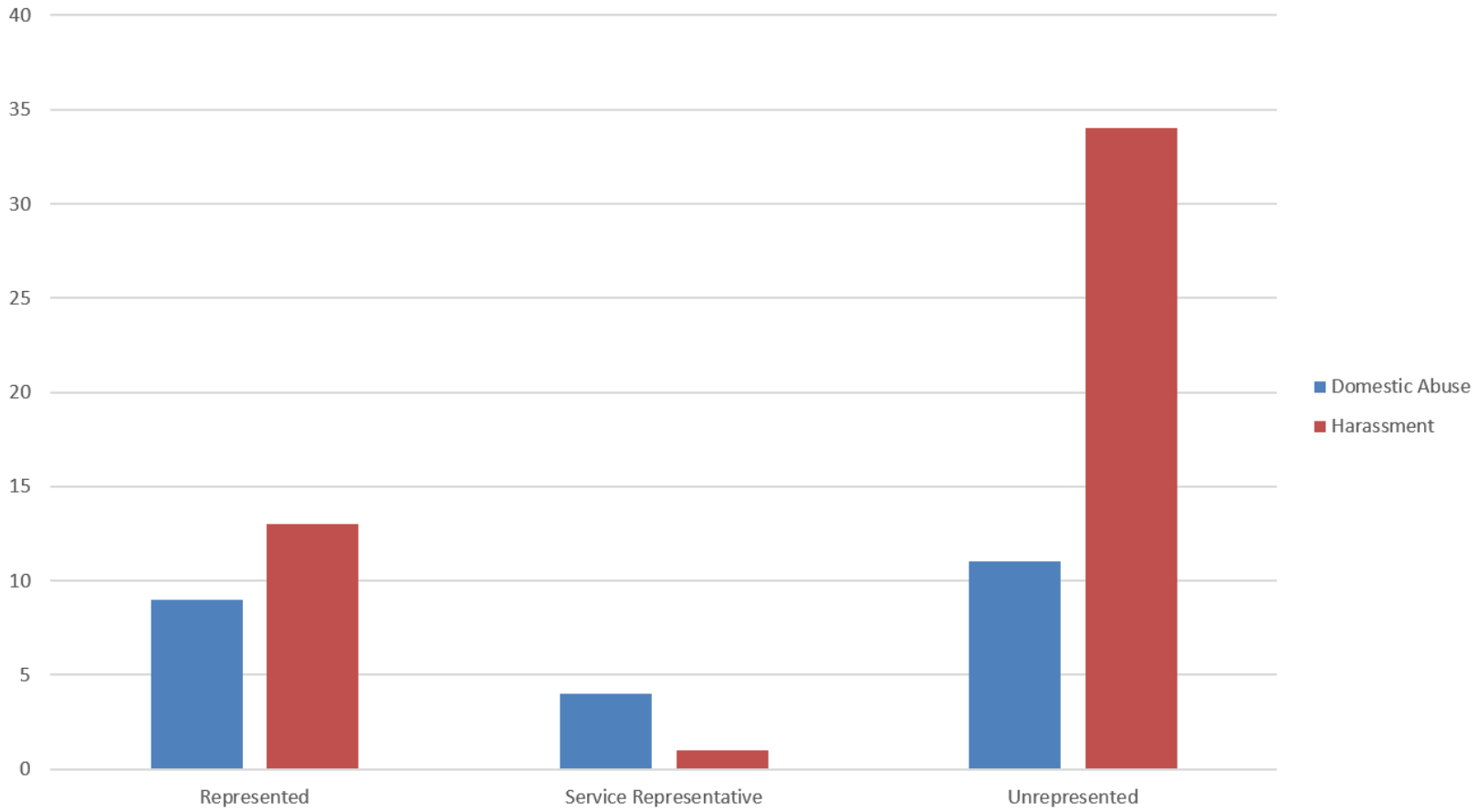
# of Female Petitioners	# of Male Petitioners
59	18

Respondent Gender

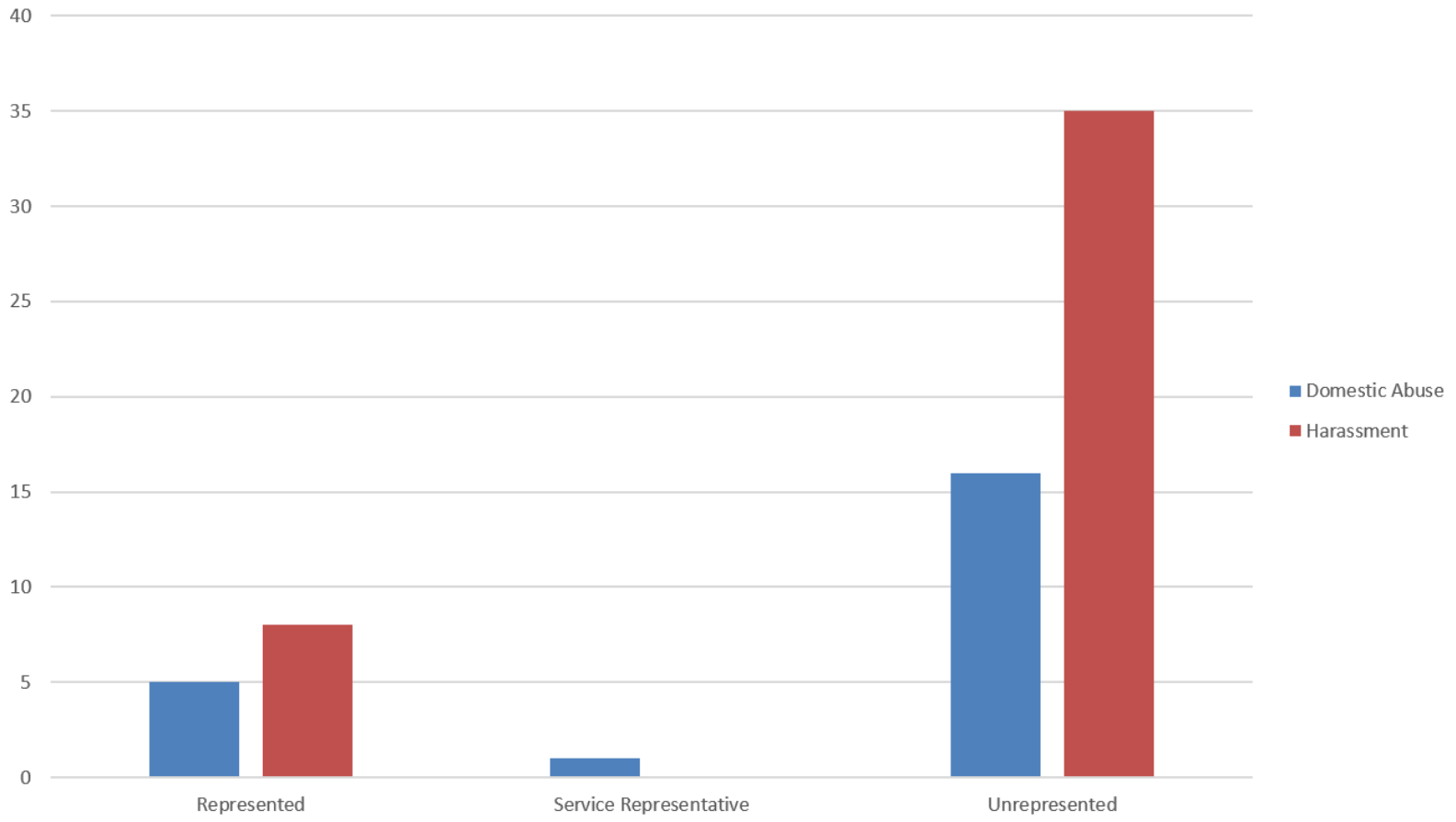


# of Female Respondents	# of Male Respondents
19	58

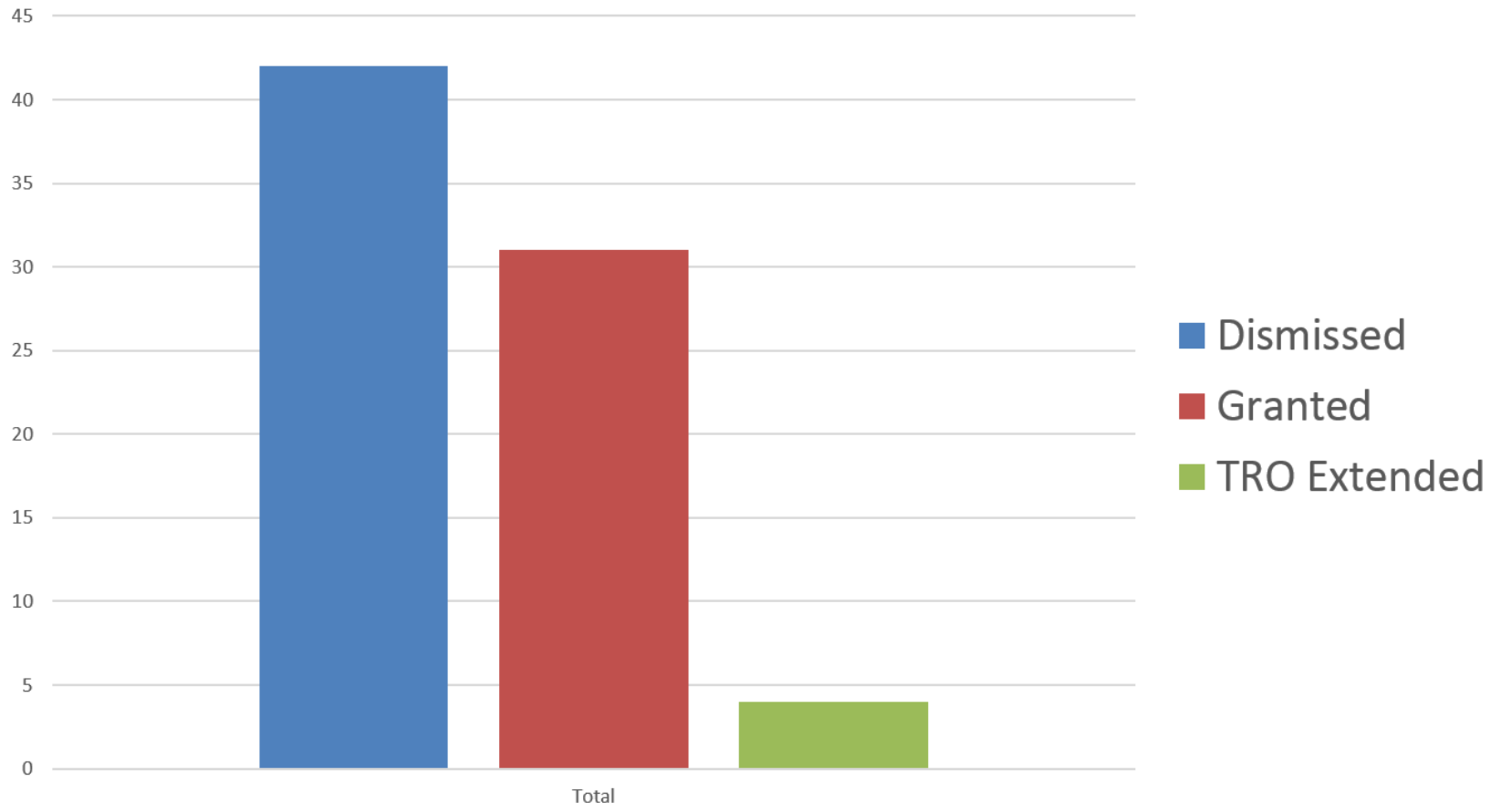
Representation- Petitioner



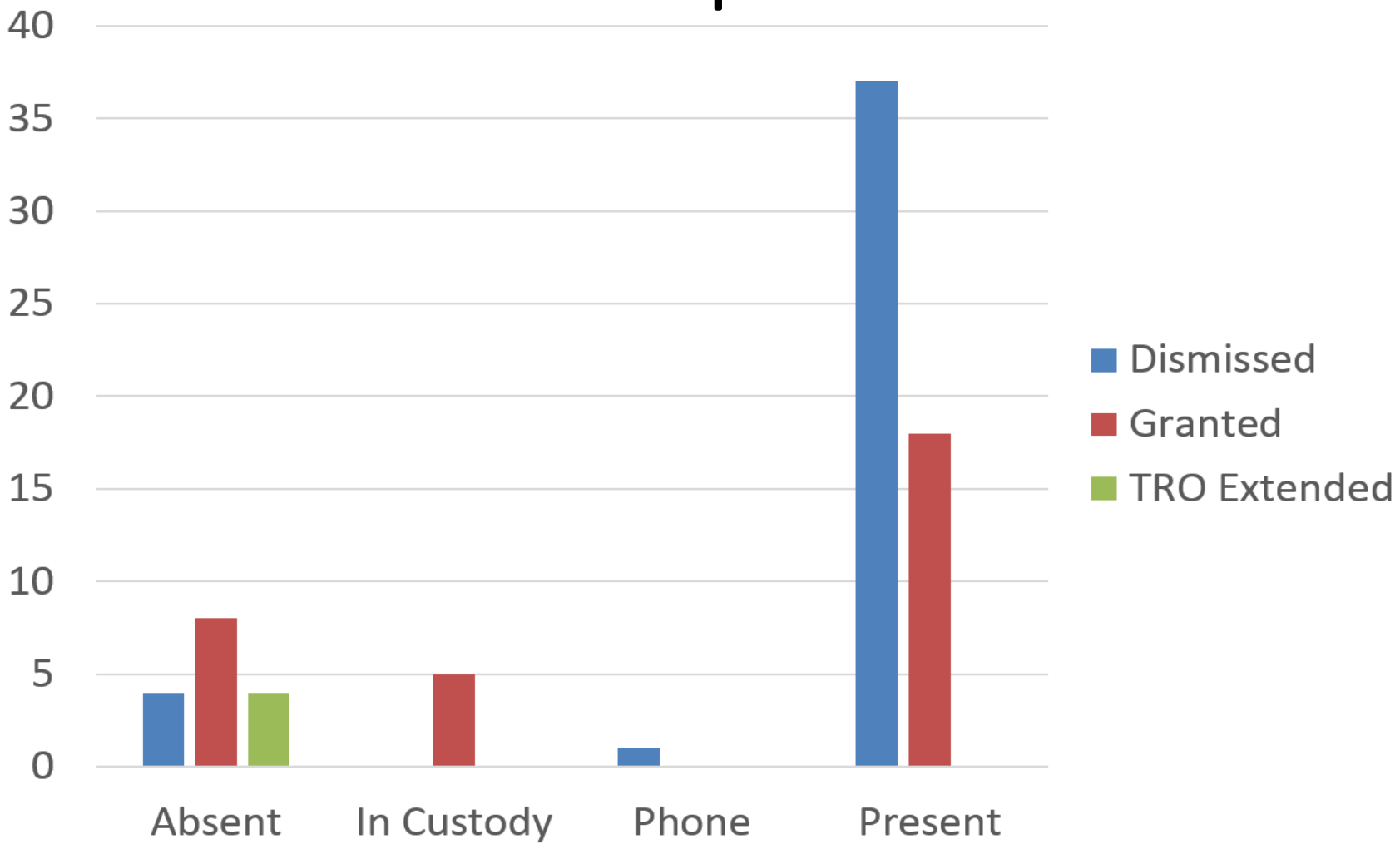
Representation- Respondent



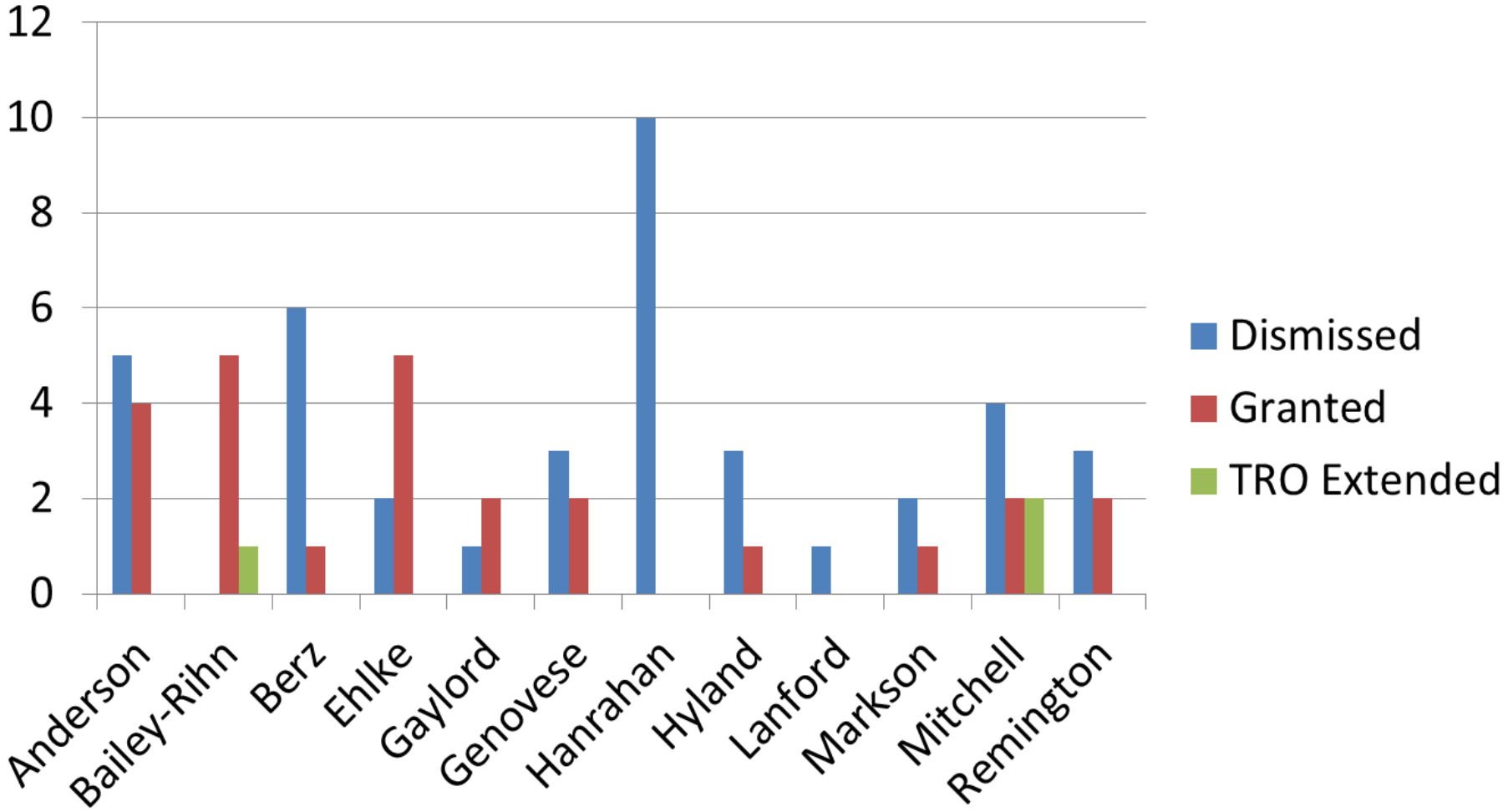
Hearing Outcomes



Outcomes- Respondent Status

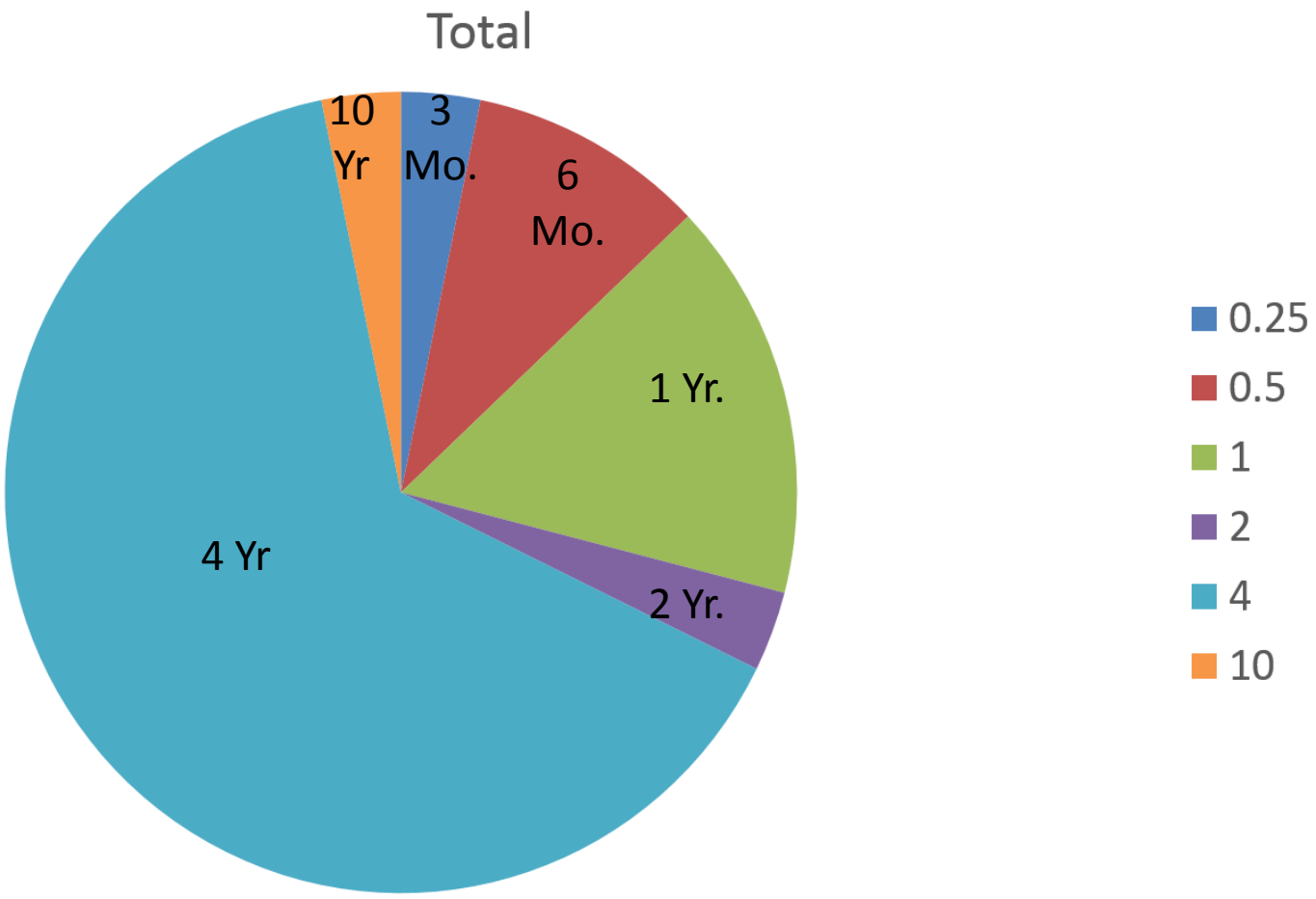


Outcomes by Judge

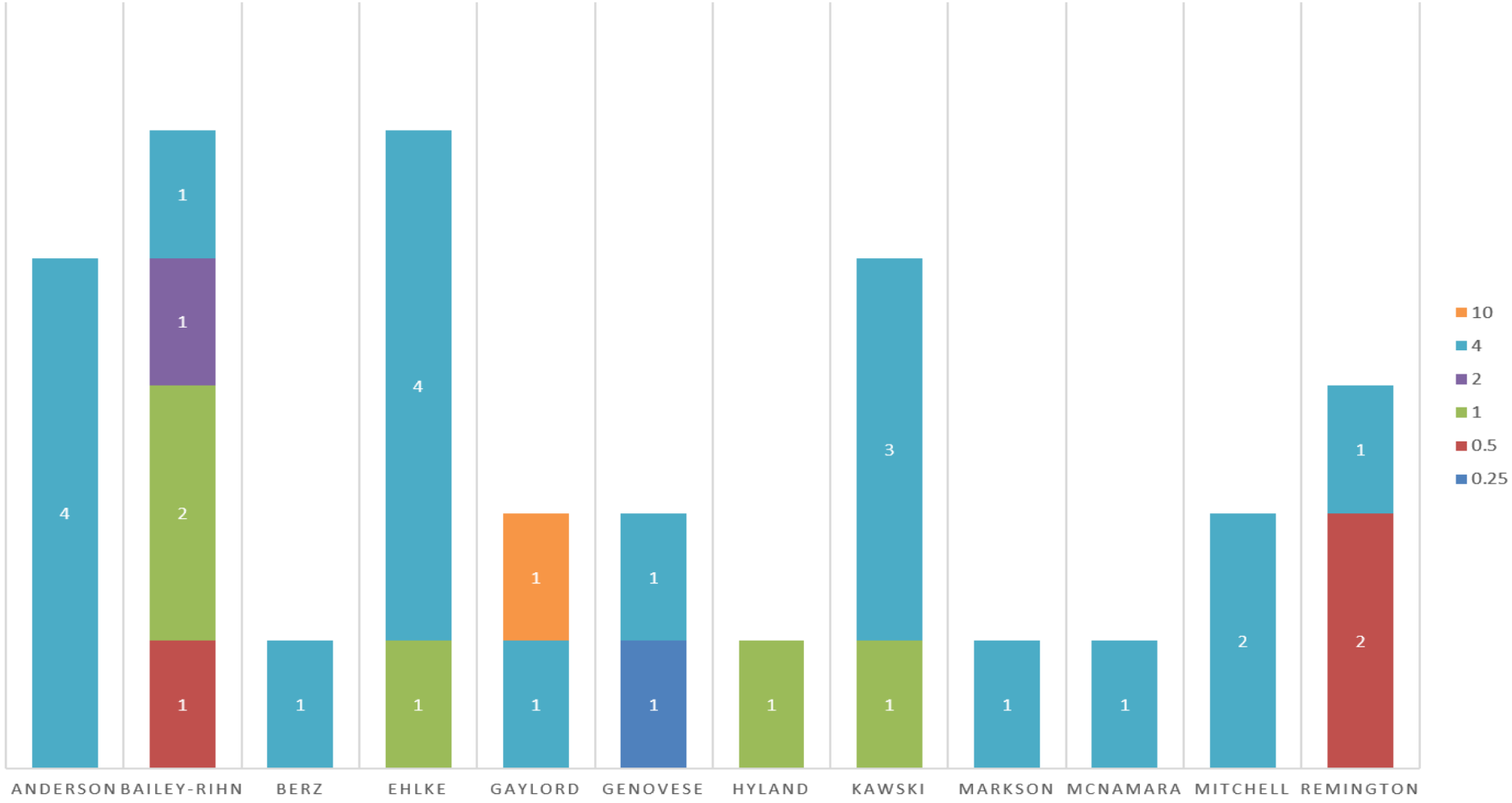


Length of Injunction Granted

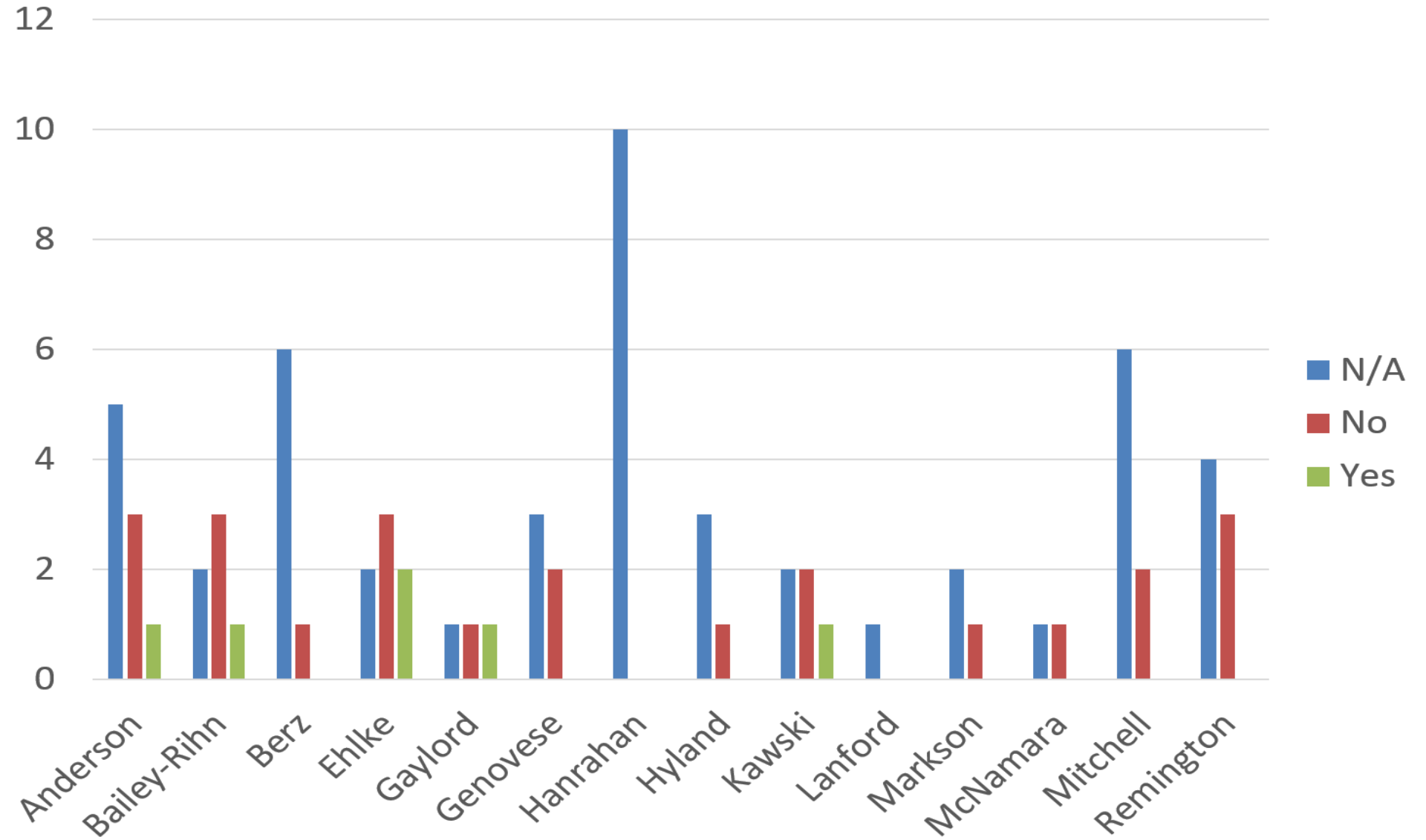
Length	# Issued
10 Year	1
4 Year	20
2 Years	1
1 Year	5
6 Mo.	3
3 Mo.	1



Length Issued by Judge



10 Year Discussion



Observations

- Confusion over the firearm surrender protocol, typically with newer judges
- Conversation surrounding the issuance of the 10 year injunction is lacking
- No clear guidance on the service by publication process
- Inconsistency with discussing rights as it pertains to pending criminal charges

Lessons Learned/Suggestions

- Manpower is essential. While having one observer can ensure consistency with the data collection, the task is too great for just one individual to complete.
- The data collection tool may be too complex. There are a lot of elements to capture from each case, and it can be hard for the observer to keep up.
- A more focused study would be recommended (e.g. 10 year issuance).

Questions/Discussion