

Metropolitan Area Religious Coalition of Cincinnati
Hamilton County

CourtWatch Report

October 3, 2020

Cincinnati, Ohio

Metropolitan Area Religious Coalition of Cincinnati
CourtWatch Report October 3, 2020

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This report was prepared by Margaret Fox, Elizabeth Brown, Connie Widmer and Rina Saperstein. Brian Calfano, Associate Professor, Political Science and Journalism Department, University of Cincinnati, provided the data analysis.

Project Initiator Metropolitan Area Religious Coalition of Cincinnati, Co-Sponsors League of Women Voters of the Cincinnati Area and Woman’s City Club of Greater Cincinnati.

I. CourtWatch Project Overview

In 2019, the Metropolitan Area Religious Coalition of Cincinnati, MARCC, an interfaith coalition of judicatories (denominations) that work together to improve policy regarding social justice, and in the process civil discourse, embarked on a court watch project at the suggestion of a municipal court judge. The purpose of the project was to understand municipal court and offer suggestions that may improve the local court system and those that it serves – defendants and the community.

The project focus was to observe the criminal case docket of all fourteen Hamilton County Municipal Court judges, track the observations through a checklist and with that information offer suggestions and next steps in a report. The process, observations and report would determine if there were any patterns that surfaced regarding defendant demographics, judicial behavior, court proceedings, treatment of defendants, access to legal representation, types of charges, and general impressions while observing.

The CourtWatch Project is a participatory research project, meaning judges, observers and the sponsoring organizations, MARCC, League of Women Voters Cincinnati Area (LWVCA) and Woman's City Club of Greater Cincinnati (WCC) would engage in various stages of the project – volunteer recruitment, training, debriefing, and the report. Volunteers signed up from MARCC, LWV, WCC, and the broader community. At least half of those trained observed court at least once. Project partners felt that a person's presence at the training contributed to the project, due to their interest and newly acquired understanding of municipal court. After 3 trainings, 2 debriefings and 3 month-long CourtWatches there is now a pool of fifty trained volunteer court observers.

The project stages included planning, training, court observations, and debriefing sessions between the judges observed and the CourtWatch observers. The planning process included developing a 12-point checklist with the final question being open-ended for the observer's impressions of the court. The checklist was designed with the assistance of an attorney and feedback from a municipal court judge making sure that charges reflected the current Ohio Criminal Code.

Once the checklist was developed, the project planners decided to test the process and checklist through a month-long pilot project. The four municipal court judges chosen represented a mix of gender, race, and political party. Municipal Court judges are elected on a nonpartisan ballot; however, the judges generally identify themselves as Democrat or Republican. Three males and one female, two white and two black, two democrats and two republicans, were the selected judges for the pilot project in August 2019. The project followed the same mix for the two CourtWatches that followed the pilot, one in November and the other in February 2020.

The municipal court judges selected for each CourtWatch received an introductory letter prior to each monthly observation from MARCC explaining the CourtWatch Project. The letter outlined the project and its stages and a report that would be shared with the judges.

The total number of recorded court observations was approximately 1,600 – 700 from the pilot and 900 from the additional CourtWatches. Court observers uploaded their observations to a data software program. In the pilot, SurveyMonkey was used, followed by the other two monthly CourtWatches using the University of Cincinnati Research Software. The project worked closely with Brian Calfano, PhD, a professor from the Journalism and Political Science Department, University of Cincinnati, for statistical analysis of the data. The substantial number of responses showed enough correlation to see some patterns and trends. It is from the process, data trends and the patterns from the open-ended question, that the following report has reached policy suggestions and next steps.

Following this overview of the project and process is a description of municipal court, the CourtWatch observer training, the debriefing session, the data and graphs, and a summary of the CourtWatch observer impressions, concluding with some next step policy suggestions.

CourtWatch was suspended in spring 2020 due to closure of courts in the face of the COVID 19 epidemic. In summer 2020, when courts reopened, the partner organizations (MARCC, LWVCA and WCC) focused specifically on eviction hearings, and a summary from that project will be produced separately.

II. Hamilton County Municipal Court

Despite its name, Municipal Court in Hamilton County has countywide jurisdiction. Municipal Court handles criminal and traffic misdemeanor offenses, such as assault, theft, domestic violence, passing bad checks, trespassing, operating a motor vehicle while intoxicated, and speeding tickets. The Court also has civil jurisdiction that includes landlord tenant cases and claims where the amount does not exceed \$15,000. The Municipal Court does arraignments and preliminary hearings in larger felony cases, which means the Municipal Court judges set initial bail amounts.

Judges of the Municipal Court are elected to staggered six-year terms on a nonpartisan ballot, although candidates may choose to run in partisan primary elections. The 14 Municipal Court judges are elected by district, but they serve together as a single court and may be assigned cases from anywhere in the county.

Most citizens who have contact with the court system will be in Municipal Court. Above Municipal Court in the state court system is the Court of Common Pleas which handles criminal felony cases and larger civil cases. Cases may be appealed to the Ohio First District Court of Appeals and further to the Ohio Supreme Court. The federal courts are separate from the state court system.

III. Court Observer Training

A panel of three presented a two-hour training for CourtWatch Observers. The panel included MARCC Executive Director Margaret Fox, LWVCA Co-President Elizabeth Brown, Hamilton County

Municipal Court Judges Fanon Rucker, Gwen Bender or Tyrone Yates. The LWVCA co-president summarized the importance of understanding and observing the municipal court process and judges; the municipal court judge outlined the various components of municipal court, and MARCC executive director reviewed the checklist and the day-to-day observation process including uploading observation data. Following the panel presentation, a substantial amount of time was spent on questions and answers with observers, particularly centered on the checklist, uploading of checklist responses and municipal court protocol.

Each court observer received an observer badge, a copy of the checklist to print out and make copies per observation (25-30), and a next steps letter that included a link to sign up by date and municipal court judge, and a link to upload data and the password.

If there were any glitches in the signup or uploading process, those issues were resolved within the first couple of days of the month-long CourtWatch. Based on observer feedback following the pilot, the questionnaire underwent some minor adjustments, which better reflect and clarified to the observer the courtroom process and charges.

IV. Notes on data collection

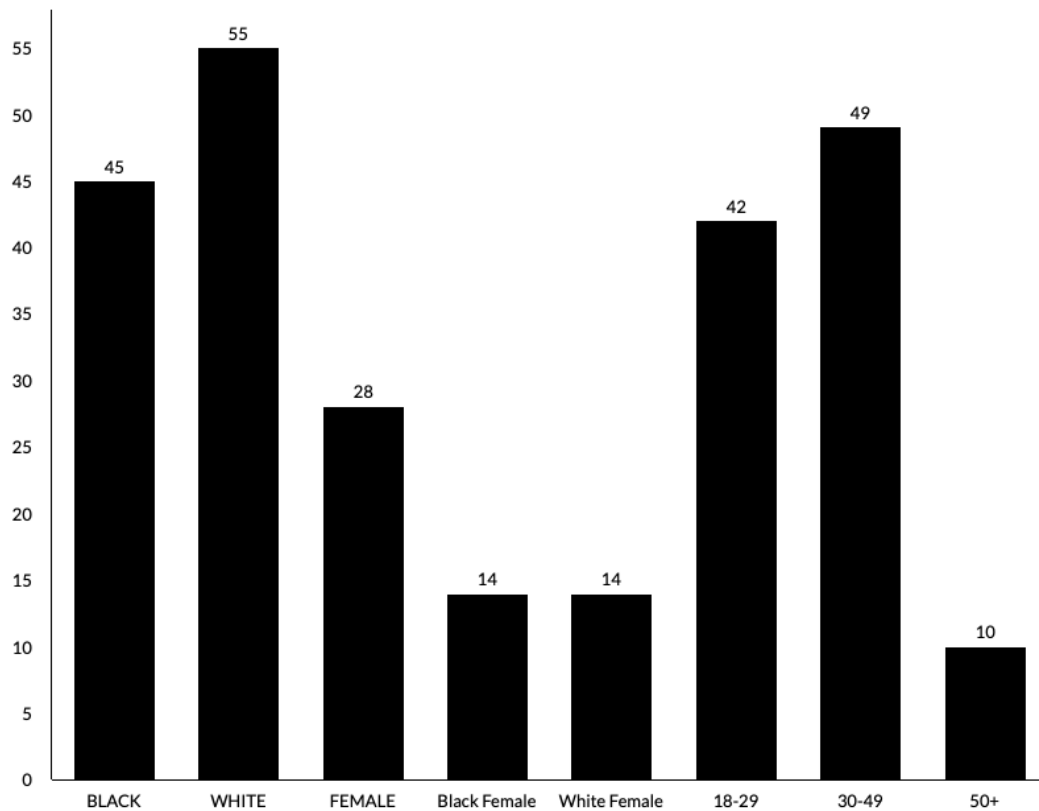
- Because computers are not allowed in the courtroom, all data was recorded on paper survey forms, then uploaded digitally after the observation session.
- Observers used the docket provided by the court bailiffs to report charges. It was often difficult to hear all details of the case or understand the defense and prosecutor requests or the disposition.
- Although information on the charges, bail amounts, prior convictions, and demographic data on race, gender, age, and language are recorded within the court system, this information was not available to the volunteers, who relied upon their own interpretation and observation.
- The data collected was insufficient to identify statistically reliable differences between Judges.
- It is important to note that this is not an accurate count of all cases heard during the period. On some days a courtroom may not have had an observer; on other days more than one observer may have reported from the same courtroom. No attempts were made to deduplicate these responses.

V. Data Analysis

This section by Brian Calfano reports statistical findings from the court observations conducted in November 2019 and February 2020. A total of 897 individual case observations were collected across both observation periods.

Demographics

FIGURE 1: DEMOGRAPHICS: % OF 878 OBSERVATIONS



Of the 878 observed defendants included in this analysis, 45% were black or African American, and 55% were white. 28% were female, with 14% of females being black or African American, and 14% white. Finally, 42% of defendants were between the ages of 18-29, 49% between 30-49, and 9% were 50 or older. Note that these age percentages are from the 710 observations for which we have age data. Latinos constituted two percent (18) of the 897 observation which is too small of a sample for analysis (these observations are not included in the figures, but we include the top five charges and sentences for Latinos here¹).

These statistics contrast with the anecdotal observations of the volunteers who felt that the proportion of people of color was much higher than of white defendants. This also contrasts with Hamilton County demographics, wherein 25% of residents are African American.

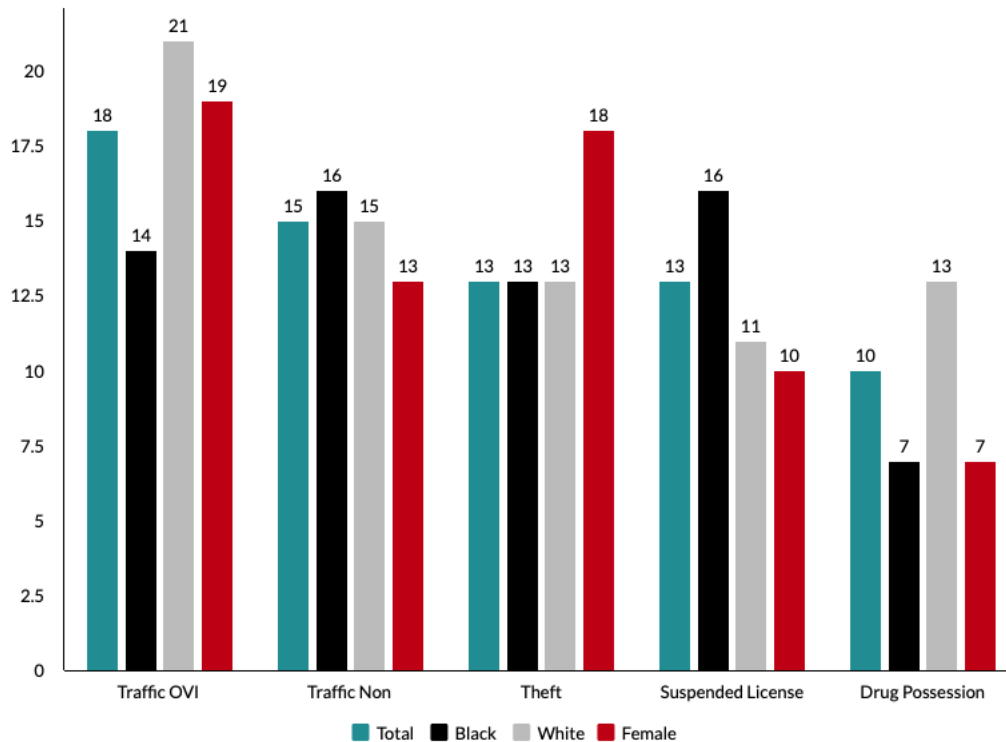
Charges and Sentences by Race and Gender:

The next series of bar charts break down the charges by race and gender. To account for the sometimes-vast percentage differences across demographic subgroups, the charts represent charges against a demographic subgroup as a proportion of that subgroup—not a proportion of the entire analyzed sample of 878. For example, in the bar chart below, the bar showing traffic

¹ The number of occurrences from the 19 Latino observations are listed in (). TOP FIVE CHARGES: OVI (4); Suspended license (4) Non-OVI (3); Probation violation (2); Domestic Violence (2). TOP FIVE SENTENCES: Dismissed (Want) (5); Set Date (4); Continuance (3); Fines (2); Probation (2).

OVI percentage for black/African American defendants means that of all black/African American defendants, 14% were charged with Traffic OVI. Totals and groups by race include both male and female defendants, but a separate line also breaks out female defendants of all races.

Figure 2: TOP CHARGES: TOTAL AND PERCENTAGE WITHIN SUBGROUPS



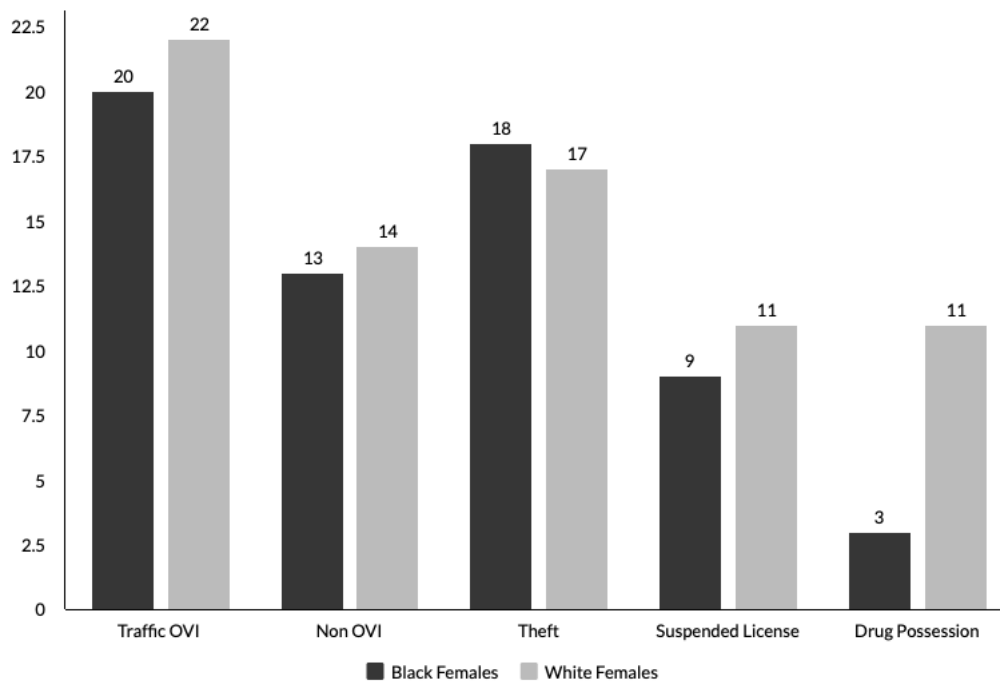
The above figure shows the top 5 most frequently assigned charges across the 878 observations for the total bar in each series, with the remaining bars representing the percentages within all defendants of that subgroup.² Across the entire set of defendant observations, Traffic OVIs (Operating a Vehicle while Impaired) were the most frequent charges (at 18%), followed by Traffic Non OVI (15%), theft, (13%), driving on a suspended license (13%), and drug possession (10%).

The major takeaway from our court observations was that three of the top five charges are traffic-related, accounting for almost half (46%) of all charges. Theft and drug possession are the other major charges most often observed in our Municipal Court.

Although not in the top 5 charges, requests for Expungements accounted for 2% of observations; this is an area of law that the three sponsoring partners are tracking carefully.

² For comparison purposes, the percentage of the defendant demographic characteristics relative to the entire defendant observation sample of 878 are: TRAFFIC OVI: (Black, 6%), (White, 11%), (Female, 5%) TRAFFIC NON OVI: (Black, 7%), (White, 8%), (Female, 4%) THEFT: (Black, 6%), (White, 7%), (Female, 5%) SUSPENDED LICENSE: (Black, 7%), (White, 5%), (Female, 3%) DRUG POSSESSION: (Black, 3%), (White, 7%), (Female, 3%)

Figure 3: TOP FIVE CHARGES AMONG FEMALES: % WITHIN SUBGROUPS

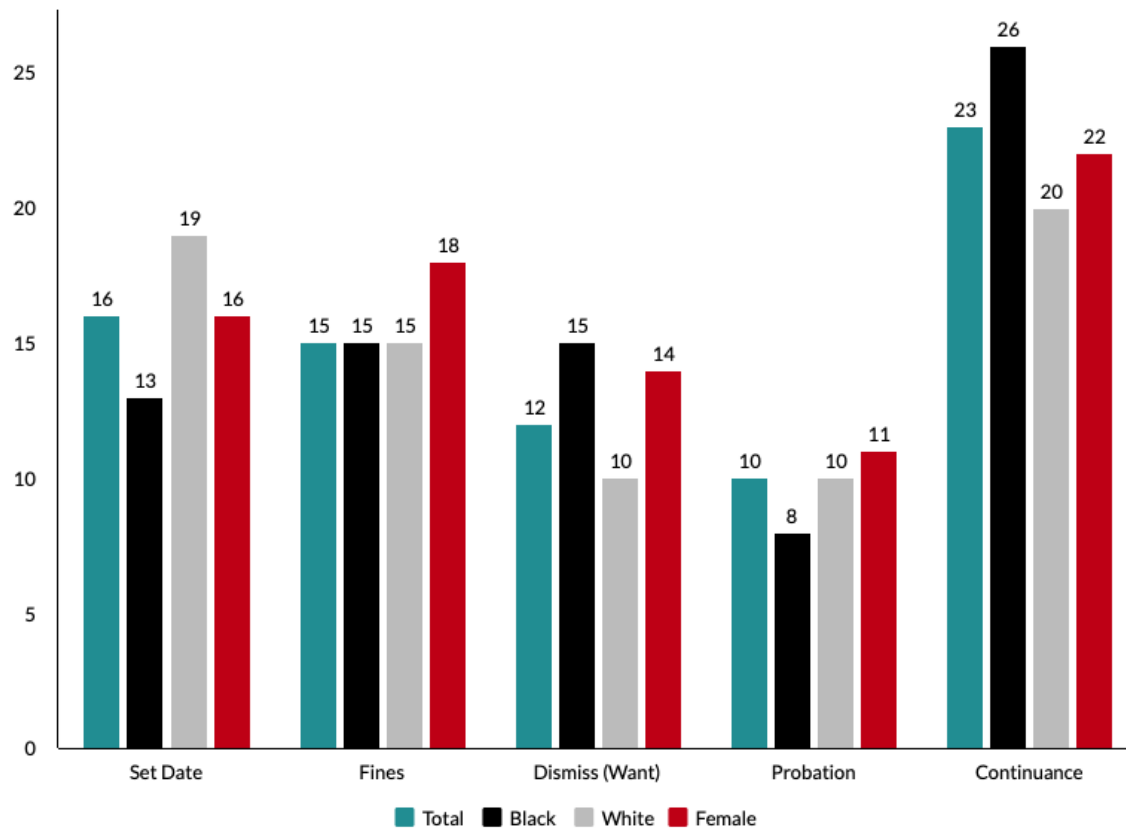


This bar graph breaks out female defendants for the five most frequent charges the court observers recorded. The same qualification about the percentages noted above applies here: the percentages represent the percent by race of women facing the specific charge, not the entire sample of 878.³

³ For comparison purposes, the percentage of the defendant demographic characteristics relative to the entire defendant observation sample of 878 are: TRAFFIC OVI: (Black Female, 2%), (White Female, 3%) TRAFFIC NON OVI: (Black Female, 7%), (White Female, 2%) THEFT: (Black Female, 2%), (White Female, 2%), SUSPENDED LICENSE: (Black Female, 1%), (White Female, 1%) DRUG POSSESSION: (Black Female, .01%), (White Female, .02%).

Outcomes

Figure 4: TOP FIVE OUTCOMES: TOTAL and % WITHIN SUBGOUPS



The largest group of cases (39%) we observed were procedural, with the result being a continuance (23%) or setting a date for pretrial, trial or sentencing (16%). Another 12% of cases were dismissed “for want of prosecution”, meaning that the case was not prosecuted, and charges were dropped. This may account for observers’ comments that there were a lot of time spent “just waiting for people to show up.”

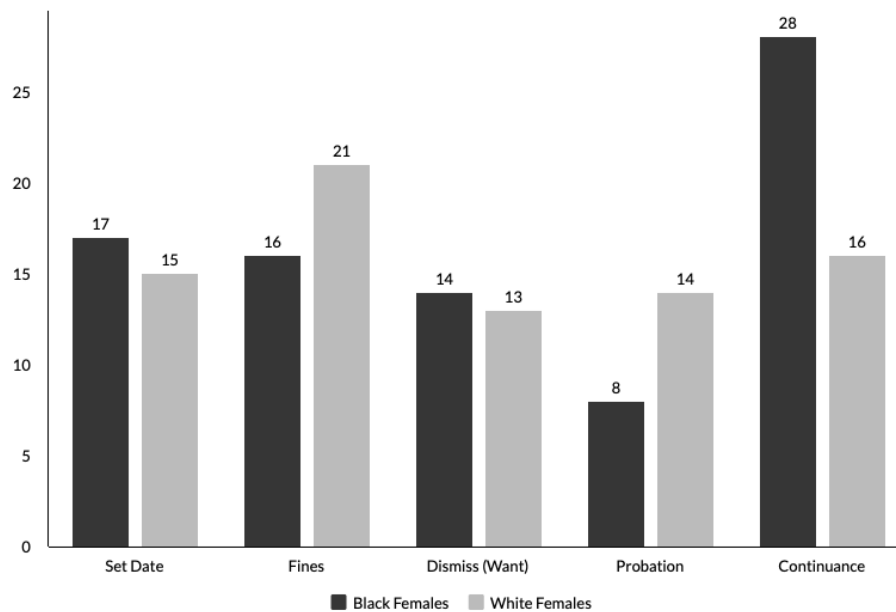
Of defendants found guilty, top sentences were fines (15%) and probation (10%). Incarceration did not make the top 5 dispositions and accounted for only 7% of the cases observed. This was a surprise for our observers, who said that going into CourtWatch they had assumed that Judges mostly send people to jail. Bail, which was also a major topic of concern for the CourtWatch partners, was not a significant outcome in municipal court, with only 2% cases ending with bail being set. These findings can be partially explained by the nature of charges generally heard in municipal court.

We can also break down these dispositions by demographic subgroups.⁴ Again, to read this figure, remember that the percentages are the proportion of all people in that demographic

⁴ For comparison purposes, the percentage of the defendant demographic characteristics relative to the entire defendant observation sample of 878 are: SET DATE: (Black, 6%), (White, 10%), (Female, 4%) FINES: (Black, 7%),

subgroup receiving that result. So, for example, of all females (red bars) 22% received a continuance, 16% had a result of a date being set, 18% had fines, 14% of cases were dismissed, 11% were offered probation.

Figure 5: TOP FIVE OUTCOMES AMONG FEMALES: % WITHIN SUBGROUPS



Differences in outcomes between the demographic groups featured above are not large enough to point to a sentencing disparity—with one exception. Analysis showed that cases involving white defendants were more likely to end with a setting a date for further trial, pretrial or sentencing relative to black defendants. Meanwhile cases involving black defendants were more likely to end with a continuance relative to white defendants.⁵

Logistic regression was used to determine if defendant demographic characteristics increased or decreased the probability of receiving a specific outcome. The following items had statistical significance:

- Black females were 19% more likely to have the “continuance” outcome than other defendants.
- Black females were 15% more likely to have the “set date” procedural outcome than other defendants, meaning they would have to return to court again.
- Older defendants were 8% less likely to receive this outcome.
- None of the defendant demographic characteristics showed statistically significant influence in determining dismissals, fines, or probation.

(White, 8%), (Female, 5%) DISMISS: (Black, 7%), (White, 5%), (Female, 4%) PROBATION: (Black, 4%), (White, 5%), (Female, .01%) CONTINUANCE: (Black, 12%), (White, 11%), (Female, 6%).

⁵ The percentage difference in receiving the set date outcome by race is statistically distinguishable in a T-test at $p < .05$. and percentage difference in receiving the continuance outcome by race is statistically distinguishable in a T-test at $p < .05$

VI. Impressions by Participants

A debriefing session between the judges and observers was held after two of the CourtWatch months of observations. The third debrief following the February CourtWatch was cancelled due to the coronavirus. The debriefs were an opportunity to improve the pilot CourtWatch project with tips for future CourtWatchers and improvements to the questionnaire, but also to share insights and lessons learned. Comments from the judges during the debriefing sessions included:

Judge Comments

- Judges said they liked that people care what is going on. They said they enjoyed having a second pair of eyes and having people observe who can be objective without the decision mattering personally.
- Judges believe that everyone behaves better when watched and that's a great outcome. Not all judges have same demeanor. Perhaps there will be more consistency between judges if CourtWatch continues.
- Judges want people to observe the importance of all the various court roles, including how good the public defenders are.
- Judges said the public needs to understand how substance abuse is an overwhelming factor. They estimated that 80% of cases were related to drug use, although this is anecdotal.
- Judges expressed concern about the need to issue "capias warrants" for failure to appear in court. They estimated 30% no shows; sometimes for good reason, but sometimes due to deception or disrespect or gaming the system. Judges check the record when a defendant is in court again and will adjust bond accordingly.
- Judges discussed what they find emotionally difficult in cases, such as living in the community where they may come across people whom they have seen in court.
- Judges noted issues of lack of coordination, strategy, and consistency between judges.
- Judges discussed decriminalization and amnesty programs and how important it is to educate defendants about the existing programs they can access to take care of their cases.

Observer Impressions

In addition to commenting at the debriefing sessions, CourtWatch observers were encouraged to respond to an open-ended question about their impressions on the survey questionnaire. Comments were made on 655 of the 1186 observations. Some of the comments were about particular cases, others were summary impressions of a morning's court session. The comments below are a combination of observer comments at the debriefing sessions and on the questionnaires. These subjective impressions by citizen observers provide a significant window into the justice system.

- There were overwhelming reports by observers that judges were "patient" and "respectful" and did a good job in explaining the proceedings to the defendants. Just a few reported instances of judges becoming angry and yelling at defendants. Differences in style were noted, some judges were described as empathetic and personable, while others were

described as deliberate, firm, matter of fact. Observers noted a lot of disrespect shown to the judges.

- Observers noted that some courtrooms were chaotic or “looked like a circus.” In the February observation, experienced observers noted surprise when a courtroom was “calm and efficient” or had “great decorum.” Several observers noted the prosecuting attorneys were disorganized and not prepared. Observers said the court process is confusing, can feel chaotic, difficult to hear and understand what is going on. Everyone is stressed and confused. If that is true for CourtWatchers, is same true for defendants, witnesses, family members?
- The most common impressions about court management were the long waits between cases, waiting for prosecutors or public defenders in other courtrooms or waits to find the defendant in the building or the justice center. As one observer noted, there were “massive breaks waiting for people to arrive.” Most public defenders have 4/5 rooms, 10 clients per day. Are there enough public defenders? Could we stagger cases? Plan differently?
- Many observers were surprised by defendants appearing in handcuffs and even being led away in handcuffs when the charges were dismissed. While observers often noted how patient judges were in explaining things to the defendants, there also were comments that some defendants did not seem to understand or were confused. Observers noted that most of the defendants seemed to be poor, with many indigent and not able to afford transportation to come to court or pay court fees. Observers were struck by the home and personal challenges of the defendants.
- People think most people get sent to jail; it is eye-opening to see the variety of ways cases are handled other than incarceration. CourtWatchers were impressed by all the problem-solving that went on in court and with handling mental health issues. Observers noted the number of expungements approved by the judges.
- Many times, judges would lower court fees and fines depending on the defendant’s economic circumstances.
- Observers noted a large proportion of cases are procedural matters, continuances or driving license issues. They felt spending time on issues of substance should be priority.
- Observers noted the widespread use of video from police car and body cameras in the proceedings. There were several comments about police bringing multiple charges over relatively minor incidents. This was a particular concern for observers who used language like “shocking # of charges for what seems a minor offense” and “It seems strange that there was a theft charge for \$8.70. What is this? 18th-century France or England?” In one case the officer said he would not have brought the charge if the defendant hadn’t been rude to him.

VII. Learnings, Next Steps and Policy Improvements

Conclusions

1. Municipal Court is confusing and often chaotic. It is inefficient with long waits for attorneys and much time spent granting continuances or issuing capias warrants when the defendant is not present.
2. Hamilton County is well served by many of its highly professional and caring judges, bailiffs, and public defenders.
3. The current number of public defenders seems to be inadequate to serve the number of defendants who have a right to an attorney in court.
4. Many of the defendants in municipal court live on moderate to low incomes. This may be related to the number of their appearances in court, with each appearance adding additional court costs. Likewise, not appearing in court when required adds court costs as well as fines, i.e. capias warrants.
5. Expungements are proceeding in Hamilton County Municipal Court and demonstrate the changes made in the state criminal code do have a significant local impact in the justice system.
6. CourtWatch is a useful community project and important to continue.
7. Training citizens in how courts work and what happens in court holds value separate from any research implications of the data. Having court observers lets everyone involved know that the public is concerned about the justice system and how justice is administered.

Recommendations

1. Video/web/written guides to how court works or what to expect could be helpful for defendants and their families. This could also help in standardizing basic process expectations across courtrooms.
2. The judges should convene a task force to recommend specific improvements to eliminate the inefficiency, long waits, and general confusion present in municipal courtrooms. Is it possible to stagger start times so people are not waiting all morning for their case to be called? Are there adequate numbers of prosecutors and public defenders? Are there motions or charges that could be handled administratively outside the court docket without loss of due process? The Task Force should not limit itself to changes the judges can authorize, but also make recommendations in areas they do not control, including recommended changes in state law. The number of no-shows and the need to issue capias warrants could be greatly reduced if the process were made more efficient and defendants did not have to lose a day's work to appear for a 10-minute case that may be continued.
3. State policy changes to allow for expungements have been implemented in Hamilton County. It might be worthwhile to consider specific days/times or courtrooms or even the use of magistrates for expungements and license reinstatements so that these don't have to take up time on the regular docket.
4. Hamilton County needs a review of charging standards in the county prosecutor's office, combined with a look at numbers of cases dismissed for lack of prosecution to determine if

the police/prosecutors may be overcharging cases that do not need to be prosecuted. This information could be used in connection with recent efforts to consider ticketing rather than arresting and charging some offenses.

5. Our community would benefit from further research using court records for deeper analysis of race, age and gender and their relationship to charges and sentences. Observation is not the best way to run demographic analysis. Hamilton County Courts have much more detailed data that is not available on the docket that court observers used.
6. Further research is needed to shape recommendations concerning bail reform policies. The Bail Project is a national model for bail reform that has proven effective. It would be helpful if it could be implemented in Hamilton County Municipal Court.

Further research directions

1. Research Race and Gender: Is there a correlation between defendant's race, gender and age and the results of their cases, especially regarding continuances? Is there a correlation between judges' race, gender, and seniority and the dispositions of cases before them?
2. Can we build a deeper understanding of recidivism? Who are the people who return to court repeatedly? What is the pattern of charges and results? This may allow courts to target appropriate sentencing strategies.
3. We recommend data analysis on no-show "capias" cases; which types of charges, which types of arrest, which demographics.
4. It should be possible to isolate cases in which drug-use plays a role to substantiate judges' anecdotal reporting that most cases are related to drugs. That information could lead to further policy implications.
5. The partner agencies and court observers are very interested in bail and bail reform. As this was not observed as often in Municipal Court, this should be studied through observing Municipal Court arraignment and Common Pleas Court hearings. This may provide an opportunity for further research that has the potential to shape recommendations concerning bail reform policies.

VIII. Acknowledgements

MARCC thanks its partners in this project, the League of Women Voters Cincinnati Area, and the Women City Club of Greater Cincinnati for their leadership in the overview of the project and assistance in informing their membership about volunteer opportunities, and many times participating as court observers.

We would like to recognize Brian Calfano, PhD, for the University of Cincinnati's generosity regarding their software system and his commitment to community project research. Furthermore, MARCC is grateful for the MARCC, LWV and WCC volunteers who showed up for the training and followed up as court observers in Hamilton County Municipal Court. They played one of the most important roles that made this project work – their dedication to improve our local court system, their stamina, and their patience uploading court observations, and feedback to the judges they observed.

IX. APPENDIXES

APPENDIX 1 Sample Materials

Sample Letter to Judges

marcc

“...to forgo the luxury of separate ways when a common path can be found...”

January 23, 2020

The Honorable Judges Josh Berkowitz, Richard Bernat, Ted N. Berry,
Heather Russell and Tyrone K. Yates
Hamilton County Municipal Court
Cincinnati, OH

RE: MARCC CourtWatch Project

Dear Judge Berkowitz, Bernat, Berry, Russell and Yates,

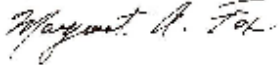
The Metropolitan Area Religious Coalition of Cincinnati, an interfaith nonprofit made up of fifteen denominations, who work together to improve public policy, and in the process civil discourse, is conducting a Court Watch Project. The MARCC Court Watch Project co-sponsors are the League of Women Voters Cincinnati Area, Women’s City Club of Greater Cincinnati and the Greater Cincinnati Urban League.

Our trained volunteers will begin the next 4-week Court Watch February 3-28. Following the Court Watch we will review what we learned and what needs to be improved as the project continues. This is a non-partisan education effort. The Court Watch Pilot Project took place in August with Judges Bender, Greenberg, Rucker and Triggs. We tweaked the CourtWatch Checklist based on what we learned in the process and began the formal CourtWatch in November with Judges Bouchard, Gimnochio, Kissinger, D. Mallory and Wm. Mallory. On the alternate months we hold a Debrief Session between the judges observed and the volunteer court observers, plus a CourtWatch Training for new volunteers.

As you have probably guessed by now your court rooms have been selected for our February Court Watch. I wanted to let you know in advance that you will be seeing trained volunteer observers in your court rooms collecting demographic data and impressions of the process. They will have badges, and we hope for practical purposes they will be able to continue to sit in the section reserved for law enforcement.

If you have any questions, please let me know. All of us are looking forward to the CourtWatch and view it as a constructive step to educating the public about the Hamilton County Municipal Court. The information derived from the observations will be shared first with the Court Watchers, participating Municipal Court Judges, and the sponsoring organizations. See you in Court and thank you for all that you do.

Respectfully yours,


Margaret A. Fox
MARCC Executive Director

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American Baptist Churches USA
Miami Association

Archdiocese of Cincinnati

Baptist Ministers Conference
of Cincinnati and Vicinity

Cincinnati Islamic Community Center

Diocese of Southern Ohio (Episcopal)

Disciples of Christ – SW Ohio

Interdenominational Ministers Alliance

JCRC of The Jewish Federation

Ohio River Valley District
(United Methodist Church)

Presbytery of Cincinnati

Religious Society of Friends

Unitarian Universalist Council
of Greater Cincinnati

United Church of Christ

Volunteers of America
Of Greater Ohio

Reverend Robert Dye
President
Reverend Thomas Barnes
Vice President
Lee Meyer
Secretary
Elizabeth Brown
Assistant Secretary
Robert Ehsam
Treasurer

Margaret A. Fox
Executive Director
Angele Wright
Office & Technology Manager

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10.10.2020

Sample Letter to Volunteers

January 27, 2020

Dear Court Watch Observer,

Thank you in advance for your participation in the November CourtWatch. It will take place Monday-Friday, February 3 – 28th, 9 am – 11:30 am. Attached you will find a Checklist. At the top of the Checklist there is a link where you will enter your checklist data http://cincinnati.ca1.qualtrics.com/jfe/form/SV_7VA9u2fZDAc3rFj and the password is Marcc2020.

Judges and Courtrooms. The November CourtWatch will take place in 5 municipal court rooms in Hamilton County Justice Center, 1000 Main St., Cincinnati, Ohio 45202. The 5 judges whose court rooms you will be observing are the following.

- Judge Janaya Trotter Bratton Room 280
- Judge Richard Berkowitz Room 154
- Judge Ted N. Berry Room 230
- Judge Heather Russell Room 264
- Judge Tyrone K. Yates Room 140

For information about what you can wear or bring into the court room see:

<https://hamiltoncountycourts.org/index.php/courthouse-attire/>

For information about where to park, see: <https://hamiltoncountycourts.org/index.php/parking-and-map/> You will have to pass through a security checkpoint to get into the Courthouse; allow a minimum of a half hour. Lines are even longer early in the week.

Scheduling. Please at <https://www.signupgenius.com/go/805094BABAA22A4F85-marcc1> You can pick however many dates as work for you. As much as possible, we'd like observers in all four courtrooms.

Data Collection: Please collect data on the attached paper survey form. Online Data entry is not allowed in the Court Room. Please print out copies to take with you to the Court House. If you do not have a printer, you may pick up Surveys and Court Watch badges at the MARCC Office, 30 Garfield Place, 7th Floor, Room 730. Please call 513-721-4843 before you come to make sure someone is in the office.

Data Entry. When you finish with your morning in court, enter the data online at:

http://ca1.qualtrics.com/jfe/form/SV_7VA9u2fZDAc3rFj You can use a computer, tablet or smart phone. Please try to do your data entry within the day of your CourtWatch.

Sign Up Schedule. A sign-up schedule link for February is at the top of the attached Checklist via Sign Up Genius. Please sign up for as many times as you are able. We are trying to cover the five courtrooms Monday-Friday except for Veterans Day (11/11), Thanksgiving (11/28), and Friday (11/29). The system will allow up to three observers to sign up for one courtroom time, but we encourage you to spread out and help cover each of the courtrooms. If you have any questions either e-mail or contact me at Margaretafox@marconline.com or call 513-721-4843.

Next Steps. Stay tune for the date and time of our meeting with Court Watch Volunteers and the five judges. More than likely it will be scheduled for December.

Please know how much MARCC, League of Women Voters Cincinnati Area, the Women's City Club of Greater Cincinnati and the Greater Cincinnati Urban League appreciate your time, energy and commitment.

Sample CourtWatch Checklist

Important links:

- Survey Data entry: http://cincinnati.ca1.qualtrics.com/jfe/form/SV_7VA9u2fZDAc3rFj
- Scheduling court watch slots: <https://www.signupgenius.com/go/805094BABAA22A4F85-marcc1>
- MARCC: www.marcconline.com (513) 721-4843
- Hamilton County Municipal Court: <https://hamiltoncountycourts.org/index.php/municipal/>
- Municipal Court Dockets: <https://www.courtclerk.org/records-search/court-judge-schedules/>
-

1. Court Observer Name: _____

2. Observation Date: _____

3. Judge Name

- Josh Berkowitz
- Ted N. Berry
- Janaya Trotter Bratton
- Heather Russell
- Tyrone K. Yates

4. Did Defendant have Legal Representation?

- Yes
- No
- Unsure

5. Please indicate if this was a procedural hearing such as those listed here. Answer remaining questions as best you can; not all questions will relate exactly.

- | | |
|--|--|
| <input type="checkbox"/> Arraignment Court (Courtroom A) | <input type="checkbox"/> Remove Tracking Device |
| <input type="checkbox"/> Set Trial Date/ Set Pretrial Date | <input type="checkbox"/> Tracking Device malfunction |
| <input type="checkbox"/> Sentencing | <input type="checkbox"/> Failure to comply with treatment or other terms |
| <input type="checkbox"/> Motion to Reduce Bond | <input type="checkbox"/> Failure to pay fines/Restitution |
| <input type="checkbox"/> Expungement/Request to Seal Records | <input type="checkbox"/> Warrant (turned in for warrant) |
| <input type="checkbox"/> Reinstate/Modify Driving Privileges | |

6. Charges (Check all that apply- see also docket)

- | | |
|---|---|
| <input type="checkbox"/> Assault | <input type="checkbox"/> Public Indecency |
| <input type="checkbox"/> Concealed weapon, improper handling of weapon | <input type="checkbox"/> Receiving Stolen Property |
| <input type="checkbox"/> Contempt of Court | <input type="checkbox"/> Resisting Arrest |
| <input type="checkbox"/> Criminal damaging/vandalism | <input type="checkbox"/> Selling alcohol to underage person |
| <input type="checkbox"/> Disorderly Conduct, creating alarm | <input type="checkbox"/> Soliciting/Prostitution |
| <input type="checkbox"/> Domestic Violence | <input type="checkbox"/> Telephone communication harassment |
| <input type="checkbox"/> Drug Possession/Drug Paraphernalia/Open Flask | <input type="checkbox"/> Theft, Unauthorized use of property |
| <input type="checkbox"/> Endangerment/Neglect of Child/Elder/ Patient | <input type="checkbox"/> Traffic Charges - non OVI |
| <input type="checkbox"/> Falsification of documents, misuse of credit cards | <input type="checkbox"/> Traffic Charges - OVI related |
| <input type="checkbox"/> Jaywalking/Pedestrian Violation | <input type="checkbox"/> Traffic: Driving under suspension, wo license, wo license plates, expired plates |
| <input type="checkbox"/> Menacing/Aggravated Menacing | <input type="checkbox"/> Trespassing |
| <input type="checkbox"/> Obstruction of Official Business | <input type="checkbox"/> Unlawful restraint |
| <input type="checkbox"/> Possession of Criminal Tools | <input type="checkbox"/> Violation of protection order |
| <input type="checkbox"/> Probation Violation | <input type="checkbox"/> Not Specified/Not sure of Charge |
| | <input type="checkbox"/> Other (please specify) _____ |

7. Assistant Prosecutor Request (Check all that apply)

- At home incarceration/supervision/electronic/Juris monitoring
- Cash Bail
- Continuance
- Dismiss Charges/Unable to Proceed/Dismiss for want of prosecution
- Diversion: Treatment, Other Conditions
- Fees or Fines
- Grant requested expungement, reinstatement or release

- Incarceration/Jail/Revoke Bail
- Move to Trial/Set Trial Date
- Probation
- Reduce Charges
- Restitution, Community Service
- Stay Away Order
- Non-Mandatory/No Comment

Details (Specify bail amount or conditions requested)

8. Public Defender Request (Check all that apply)

- At home incarceration/supervision/ electronic monitoring
- Cash Bail
- Continuance/Additional Time
- Dismiss Charges
- Diversion: Treatment, Other Conditions
- Fees or Fines
- Grant requested expungement, reinstatement or release
- Guilty Plea

- Incarceration/Jail/Revoke Bail
- Move to Trial/Set Trial Date
- Not Guilty Plea
- Probation
- Reduce Charges
- Restitution, Community Service
- Stay Away Order

Details (bail amount or conditions, number of days etc.)

9. Results (Check all that apply)

- At home incarceration/supervision/ electronic monitoring
- Capias-failure to appear in court
- Cash Bail (Released with conditions)
- Continuance, Get an Attorney, Return with Witness
- Dismissed for want of prosecution
- Dismissed: Not guilty
- Diversion: Treatment, Attend Class, Other Conditions
- Fees or Fines
- Granted the requested expungement, license reinstatement or release

- Incarceration/Jail/Revoke Bail, Suspend Probation
- Offered additional time to comply, pay expense, meet conditions
- Probation
- Reduced Charges
- Restitution, Community Service
- Set Date for Pretrial, Trial or Sentencing
- Stay Away Order
- Suspend License or Driving privilege

Details (Specify bail amount or conditions, number of days/months, etc.)

10. Defendant race/ethnicity (check all that apply)

- White or Caucasian
- Black, African American, African
- Hispanic or Latino
- Asian or Asian American
- Middle Eastern, Arab American, East Indian,
- Native American
- Other Race/Ethnicity: _____

11. Defendant Gender

- Male
- Female
- Other

12. Defendant age (best guess or from docket)

- 18-29
- 30-49
- 50 or older

13. Repeat Offences: Was anything said to indicate that the defendant had been in court several times before?

- First Offense
- Maybe a few other arrests/convictions
- Likely many past arrests/convictions
- Unknown

14. Notes and Impressions: (OPEN COMMENTS: Things to mention might include: Language issues: Was an interpreter used? Do you think the defendant understood what was happening? Was the judge respectful? How were observers treated? What did you learn?

APPENDIX 2 (Raw Numbers, 878 Observations)

Not all rows will tally to the total due to missing demographic data for some observations.

Demographics

AFRICAN AMERICANS	398
WHITES	480
LATINO/A (not included in broader sample)	19

MALES	649
African American Male	278
White Male	359
Latino Male	15

Charges

TRAFFIC OVI	162
Black	57
White	101
Latino	4
Black Male	37
White Male	74
Black Female	20
White Female	27

TRAFFIC NON-OVI	138
Black	63
White	72
Latino	3
Black Male	46
White Male	55
Black Female	15
White Female	17

THEFT	117
Black	50
White	65
Latino	1
Black Male	28
White Male	44
Black Female	22
White Female	21

FEMALES	248
African American Female	120
White Female	123
Latina Female (not in sample)	4

AGE	
18-29	305
30-49	354
50+	69

SUSPENDED LICENSE	115
Black	62
White	49
Latino	4
Black Male	51
White Male	36
Black Female	11
White Female	13

DRUG POSSESSION	89
Black	28
White	61
Black Male	25
White Male	47
Black Female	3
White Female	14

ASSAULT	86
Black	59
White	27
Assault	1
Black Male	40
White Male	19
Black Female	19
White Female	8

CONCEALED WEAPON	4
Black	3
White	1
Black Male	3
White Male	0
Black Female	0
White Female	1

CONTEMPT OF COURT	0
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CRIMINAL DAMAGING		39	OBSTRUCTION		38
Black	28		Black	14	
White	11		White	23	
Black Male	17		Black Male	12	
White Male	5		White Male	18	
Black Female	11		Black Female	2	
White Female	6		White Female	5	
DISORDERLY CONDUCT		51	POSSESSION CRIMINAL TOOLS		3
Black	25		Black	2	
White	25		White	1	
Latino	1		Black Male	2	
Black Male	18		White Male	1	
White Male	19		Black Female	0	
Black Female	7		White Female	0	
White Female	6				
DOMESTIC VIOLENCE		71	PROBATION VIOLATION		73
Black	34		Black	37	
White	35		White	35	
Latino	2		Latino	2	
Black Male	29		Black Male	29	
White Male	28		White Male	25	
Black Female	5		Black Female	8	
White Female	7		White Female	10	
ENDANGERMENT		3	PUBLIC INDECENCY		6
Black	1		Black	2	
White	2		White	4	
Black Male	0		Black Male	2	
White Male	2		White Male	3	
Black Female	1		Black Female	0	
White Female	0		White Female	1	
FALSIFICATION		10	RECEIVING STOLEN PROPERTY		6
Black	2		Black	3	
White	8		White	3	
Black Male	0		Black Male	2	
White Male	7		White Male	3	
Black Female	2		Black Female	1	
White Female	1		White Female	0	
JAYWALKING		0	RESISTING ARREST		24
			Black	7	
			White	17	
			Black Male	5	
			White Male	15	
			Black Female	2	
			White Female	2	
MENACING		32	SELLING ALCOHOL UNDERAGE		0
Black	16				
White	16				
Black Male	10				
White Male	14				
Black Female	6				
White Female	2				

SOLICITING		3	TRESPASSING		36
Black	0		Black	15	
White	2		White	21	
Latino	1		Black Male	13	
Black Male	0		White Male	17	
White Male	0		Black Female	2	
Black Female	0		White Female	4	
White Female	2				

TELEPHONE HARASSMENT		11	UNLAWFUL RESTRAINT		0
Black	7		VIOLATING PROTECTION ORDER		11
White	4		Black	4	
Black Male	3		White	7	
White Male	3		Black Male	3	
Black Female	4		White Male	6	
White Female	1		Black Female	1	
			White Female	1	

Outcomes

CONTINUANCE		203	PROBATION		83
Black	106		Black	34	
White	99		White	49	
Black Male	73		Black Male	24	
White Male	79		White Male	32	
Black Female	33		Black Female	10	
White Female	20		White Female	17	

SET DATE		142	DIVERSION		67
Black	51		Black	26	
White	92		White	41	
Black Male	31		Black Male	18	
White Male	74		White Male	29	
Black Female	20		Black Female	8	
White Female	18		White Female	12	

FINES		134	AT HOME INCARCERATION		17
Black	74		Black	11	
White	60		White	6	
Black Male	41		Black Male	9	
White	48		White Male	5	
Black Female	19		Black Female	2	
White Female	26		White Female	1	

DISMISS (NO PROSECUTION)		108	CAPIAS		40
Black	59		Black	12	
White	49		White	28	
Black Male	42		Black Male	11	
White Male	33		White Male	19	
Black Female	17		Black Female	1	
White Female	16		White Female	9	

CASH BAIL		13	RESTITUTION		31
Black	6		Black	14	
White	7		White	16	
Black Male	4		Black Male	10	
White Male	6		White Male	15	
Black Female	2		Black Female	4	
White Female	1		White Female	1	
DISMISSED (NOT GUILTY)		35	STAY AWAY		42
Black	17		Black	17	
White	17		White	25	
Black Male	15		Black Male	11	
White Male	10		White Male	20	
Black Female	2		Black Female	6	
White Female	7		White Female	5	
EXPUNGEMENT		24	SUSPEND LICENSE		29
Black	15		Black	8	
White	9		White	20	
Black Male	9		Black Male	2	
White Male	5		White Male	14	
Black Female	6		Black Female	6	
White Female		4	White Female	6	
JAIL		61			
Black	31				
White	30				
Black Male	26				
White Male	20				
Black Female	5				
White Female	10				
MORE TIME		22			
Black	10				
White	12				
Black Male	9				
White Male	5				
Black Female	1				
White Female	7				
REDUCED CHARGES		34			
Black	15				
White	19				
Black Male	13				
White Male	13				
Black Female	2				
White Female	6				