



## Report Timeline: October 2008-February 2009

### Volume IV: Spring 2009

## What is Court Watch?

The Court Watch Program's purpose is to serve as a voice for not only the abuse victims, but for the residents of Jo Daviess County to provide information to the public and feedback to those involved in the handling of abuse cases in the courts. Specifically, this Court Watch program is a citizen-lead group of volunteers observing court proceedings involving domestic violence and sexual assault and abuse, while collecting relevant data in order to identify strengths and weaknesses in prosecuting those cases.

Observers report on a wide range of topics from: abuser accountability, victim sensitivity, court room audibility, time spent on a case, court house conditions, and court personnel demeanor. The program feels that this is just one project that can engage the public in addressing and responding to abuse in our community and to give a point of view of outsiders to the system, all the while making recommended improvements and building upon strengths of the system.

To become a Volunteer Observer or Steering Committee Member, contact Court Watch through the information above or any of the following contacts:

### **Steering Committee Members:**

Jay Dickerson, Galena Gazette  
Jim Mahoney, Galena  
Josh Jasper, Riverview Center  
Carrie Altfillisch-Melton, CHOICES

### **Advisory Committee Members:**

Sharon Gillip, Jo Daviess County Probation  
Bryan Bohnsack, Warren Chief of Police  
Sharon Wand, Circuit Clerk of Jo Daviess County

### **Volunteer Observers:**

Ellen Wittenbrink, Linda Weeder, Vicki Simone, Christine Baxter, Carolyn Gagliardo, Marcy Kiefer, Robert Price, Karl Haviland, Sandra Wolfram, and Esther Lieberman.

### **In This Report:**

Page 2: Observer Recommendations

Page 3: Number of cases observed by volunteers, Court Room Climate, Observation Notes from forms

Page 4: Case Outcomes

Page 5: Advisory Committee Feedback

### **THE PROCESS OF CREATING A QUARTERLY REPORT:**

Volunteer Observers are given a schedule of hearings to attend on a regular basis.

In each open court session, there is at least one volunteer (most are done in pairs) and each volunteer completes their own observation form. Observation forms are collected and reviewed by the Steering Committee. The observers also have quarterly meeting to provide further input and observations.

The Steering Committee and the Volunteer Observers collectively write a draft quarterly report that includes their observations, statistics, suggestions, and comments. The Draft is provided to the Advisory Committee and other related parties (i.e. judges) for review and feedback.

That Feedback is incorporated into the "feedback" section and does not alter the general findings of the report. This becomes the Final Quarterly Report distributed to local Criminal Justice Officials, media, social service agencies, public officials, and other interested parties.

## **OBSERVER RECOMMENDATIONS**

As a result of more than 18 months of observing domestic violence and sexual assault and abuse cases, the Court Watch Program wanted to make a positive contribution to the court system and provide recommendations that would enhance their response to these cases. Those recommendations are as follows:

1. **Need a working speaker/audio system:** Court Watch will contact court house personnel to assess any current audio system in the larger court room and if the need for a new or updated system is necessary, bring the findings and suggestions to the County Law Enforcement and Courts Committee of the Jo Daviess County Board.
2. **All courthouse personnel and private attorneys attend victim sensitivity training.** Court Watch will request that Riverview and CHOICES either facilitate or host this training. Could help with understanding the complexity of these cases, increase professional demeanor in court rooms, and raise awareness of the unique issues faced by sexual assault and domestic violence victims.
3. **Encourage prosecution to utilize expert witnesses for sexual assault and abuse** cases in order to aid jury and judge in better understanding the victims' reluctance to report, their behavior during and after incidents and the impact of abuse on a victim. Court Watch requests the Riverview Center to 1) provide a workshop on expert witnesses and 2) create a resource list of expert witnesses within reasonable geographic distance and cost.
4. **Court could make more effort to start on time:** gives a sense of professionalism, will not keep victims and witnesses waiting, and can allow for a private conversation to take place outside of court room in order to give privacy to defendants, victims and witnesses.
5. **Court Watch Observers attend other area court proceedings in Carroll and/or Stephenson Counties.** This will allow the Court Watch Observers to compare court systems with Jo Daviess County. The Court Watch Observers will then report on their findings and comparisons. The Observers will work with CHOICES and Riverview Advocates to set up a date and time to observe in Carroll and/or Stephenson Counties.

*The mission of the Court Watch Program of Jo Daviess County is to provide information to the public as well as feedback to the criminal justice system in handling Sexual Assault and Abuse and Domestic Violence Cases.*

Number of Observation Forms completed by Volunteers: 55

## Courtroom Climate

Observers are asked to rate the following areas from 1 to 5, with 1= poor and 5=excellent.

Below is the average number for each area.

<b>AREA OBSERVED</b>	<b>Average:</b>	<b>4<sup>th</sup> Quarter</b>	<b>3<sup>rd</sup> Quarter</b>	<b>2<sup>nd</sup> Quarter</b>	<b>1<sup>st</sup> Quarter</b>
Professional Demeanor:	<b>4.27</b>	4.25	4.26	4	4.58
Preparedness:	<b>3.72</b>	3.76	3.64	3.40	4.08
Audibility:	<b>2.85</b>	2.42	2.88	3.20	2.89
Effective Representation:	<b>3.94</b>	3.79	3.65	4	4.33

## Notes from Volunteer Court Watchers' Observation Forms

### Notes as written by observers, unless otherwise indicated to respect anonymity of those involved.

In this quarterly report, you will find that the observers focus their attention on repeat offenders. The observers noted that the dismissal/reduction of charges rate is just as high for repeat offenders, and feel that sentencing does not fit the crime or is comparable to other similar levels of crime.

- 10/12/08: Court audience very noisy. People came late to court (1 hour) and State's Attorney did not have a chance to talk to them so court went into recess. My question is why do this during court time? Cases for these people were discussed in front of the audience.
- 10/1/08: Bush is always amazingly prepared given the caseload.
- Most pressing issue I still see is that domestic violence isn't taken seriously. You need only look at the cases in which there are plenty of priors. Audie Krejce, Jared Duncan, Eric Stevenson, and more. 9/28/08: How does Jared Duncan get no jail time at all? If Mr. Duncan got caught driving to work on a revoked license, he mostly likely would have to do 10 days jail time, yet we have no problem giving him one year of conditional discharge when he's had assault, resisting, drug, and harassment charges against him (and two orders of protection). Judge previously denied plea agreement, but accepted it. He hopes to get into military in 30-60 days. It was indicated that this was OK with the victim. In spite of previous assault in 2001, and subsequent domestic battery and violations of order of protection over next four years.
- Jason Bourrette has a lengthy criminal record of domestic and other cases and yet he gets 45 days in jail.
- The court room personnel have great demeanor during court, but prior to court, professional demeanor is lacking.
- 10/29/08: Before court, Assistant State's Attorney discussed cases in front of the audience. I feel this is inappropriate.
- 9/24/08: two attorneys also had a lengthy discussion in the front row while court was in session.
- 2/10/09: Judge Ward is more than fair with defendants. Mr. Bush – very well prepared.
- 11/25/08 and 1/29/09: Jack Schildwachter- this case is not going anywhere. Why offer probation to defendant when sexual offender evaluation isn't even done? (note: case currently up for sentencing)
- 12/10/08: G Roush – will plead guilty to driving suspended and do jail time for that, violation of OP will be dropped. – hard to hear
- 12/10/08: Still can't hear Betsy Shaulis. Really like the way she handles clients – seems kind, considerate. Tries to be prepared.
- 10/22/08: The judge was totally professional and clearly wouldn't accept the disjointed performance of Jackman and Shaulis. Jackman was very unprepared and clearly had little idea what Bush had discussed with regard to plea agreements in a number of cases. It seems he'd never heard of any of them.

## Observed Cases Conclusions

The following information was taken from [www.judici.com](http://www.judici.com). The data were collected over the last 16 months through the Court Watch Program (October 2007-February 2009). These are cases that were followed by the Court Watch Observers and concluded during their observations. This is not reflective of every case filed in the Jo Daviess County Courts and only includes domestic battery, violations of order of protection, felony sexual assault/abuse, interference with 911, and aggravated battery related to domestic violence.

	Oct 07- May 08*	Jun 08- Feb 09	TOTAL Oct 07-Feb 09
<b>Violation of Orders of Protection</b>			
Cased concluded	6	6	12
Convictions	1	1	2
Reduced	0	1	1
Dismissed	5 (83%)	4 (66%)	9 (75%)
<b>Domestic Battery</b>			
Cased concluded	8	39	47
Convictions	1	14	15 (32%)
Reduced	5 (63%)	9 (23%)	14 (30%)
Dismissed	2 (25%)	15 (38%)	17 (36%)
Not Guilty	0	1	1
<b>Felony Sexual Assault/Abuse</b>			
Cases concluded	4	2	6
Convictions	1	0	1
Dismissed	3	2	5 (83%)
<b>Interference with 911</b>			
Cases concluded	0	2	2
Convictions	0	0	0
Dismissed	0	2	2 (100%)
<b>Agg Battery on pregnant person</b>			
Cases concluded	0	1	1
Dismissed	0	1	1

### Notes

\* First Column (October 07-May 08) reflects the first session of observations. Not all cases filed in Jo Daviess County for these charges were observed.

Of the 10 defendants that had prior domestic battery/battery/violation of order of protection, aggravated battery/harassment charges, 4 defendants had charges dropped or reduced, 6 were convictions (60%). How do sentences for repeat offenders compare to first time offenders? What are the aggravating factors for repeat offenders?

For the entire logged time period, 83% of Violations of Orders of Protection were reduced or dismissed, 66% of domestic battery charges were reduced or dismissed, 83% of felony sexual assault and abuse charges were dismissed, and 100% of the interference with reporting 911 charges were dismissed. Court Watch does recognize that there are cases where dismissals and reductions appear to be appropriate, the overall percentages seem higher than expected.

17 open cases being observed. 3 are Felony cases.

## **ADVISORY COMMITTEE FEEDBACK:**

**No feedback from the advisory committee was submitted for this report.**