

CourtWatch MA

FIRST 100 DAYS

VOLUNTEER MANUAL

Community, Accountability, Justice
www.courtwatchma.org
www.twitter.com/CourtWatchMA

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PURPOSE & PRINCIPLES

Purpose

Why we're watching

- To hold the Berkshire County District Attorney accountable for implementing the progressive policies promised so that fewer people are prosecuted and held in pre-trial detention.
- To assess how the Assistant District Attorneys are implementing the DA's policies and treating Berkshire County community members in court.

What we're watching for

- We're focused on Assistant District Attorneys and their behavior. We are looking for information on the following:
 - Bail Recommendations
 - Dangerousness Hearings
 - Who is being arraigned and prosecuted

This is a real-time data collection project. We intend for the information obtained by CourtWatchers to be reported out to the public and the DA's office in order to stimulate change.

We will hold prosecutors accountable.

District Attorney Andrea Harrington has the potential to be one of the nation's most progressive and effectual district attorneys. However, as a community, we must make sure that her campaign promises are carried into the courtrooms.

CourtWatch MA relies on the people power of volunteers across the state who are committed to challenging racism and the punitive culture of our court system. Our project is modeled after our comrades in New York City and Chicago.

Thank you so much for being a part of this effort with us.

Residents deserve data about what's happening where we live, and we aren't getting it.

Principles

Community - We're court watching because we believe our neighbors deserve to be treated with dignity and equity, regardless of accusation or convictions. We acknowledge that Black and Brown people have been most impacted by the racist and punitive practices of the court system, and that harm extends to family and community. We believe that the current court system does not contribute to community safety or wellbeing.

Collaboration - We're working together to make Court Watch happen, and we can reach out for help and support when needed. We recognize this is a volunteer effort and it won't be perfect but it will be worthwhile. We're aware that Court Watchers have different levels of expertise, and we value the lived experiences of people who have been prosecuted. We're sharing what we learn from Court Watching with others.

Commitment - We're committed to challenging white supremacy and the punitive culture of courts. We will honor the expectations of Court Watchers so the project can be as powerful as possible. We won't stop at watching; we're committed to using what we see in service of acting to change the court system.

Change - We believe it's possible and necessary to fundamentally transform the way our court system works. We're court watching to collect valuable data and stories to help us build the movement to change the criminal punishment system in our counties.

Grounding Definitions

White supremacy: White supremacy is a system that defends white power, privilege, and wealth through the exploitation and social control of people of color and the active consent or passive complicity of white people.

The criminal punishment system is system of social and racial control enforced by: police, prosecutors, cash bail, prosecutors, judges, clerks, jail, prison, correction officers, sheriffs, the death penalty, solitary confinement, probation, probation officers, parole boards, parole officers, electronic shackling (GPS), ICE, immigration detention

Criminalization: Punishing people not just for what they do, but for who they are, who they know, and where they go.

Abolition: Abolition means a world where we do not use police, prosecutors, and prisons as an answer to social, political, and economic problems. Instead, we try to fix the root causes of harm, and address harm when it happens through community accountability.

Expectations of Courtwatchers

Overview

CourtWatch MA volunteers want to challenge racism and the punitive culture of our courts. CourtWatchers will be asked to attend arraignment sessions at any of the specified courthouses in shifts lasting from 9AM-12PM.

- You can choose where and when you court watch among the three Berkshire County courts where the First 100 Days CourtWatch project is happening.
- Two people can be show up at a time.
- We encourage you to bring a friend. If your friend has not attended a training, we expect you can ground them. You don't need any previous experience to court watch, only a desire to hold prosecutors accountable for fairness and equity.

NOTE: There are many CourtWatch Shifts we need to fill for this project. The more often you go the more data we can collect and the better you become!

How to Submit Court Watch Forms:

Email to: writerpegkern@gmail.com

LOCATION OF COURTS

Pittsfield District Court

24 Wendell Ave.

Pittsfield, MA 01202

(413)442-1441

<https://www.mass.gov/locations/pittsfield-district-court>

Northern Berkshire District Court

111 Holden St.

North Adams, MA 01247

(413)663-5339

<https://www.mass.gov/locations/northern-berkshire-district-court>

Southern Berkshire District Court

9 Gilmore Ave.

Great Barrington, MA 01230

(413)528-3520

<https://www.mass.gov/locations/southern-berkshire-district-court>

DEFINITIONS

Arraignment

Accused person's first appearance in front of a judge once a criminal allegation has been made. Purpose of this appearance is to formally charge someone with a crime, appoint a lawyer if that is necessary, and decide conditions of release.

Alleged Victim Request (A/V Request)

This is the term the court will use referring to the person who claims harm in the case being heard. Either of the two parties may tell the court what this person wishes to have happen and the judge may ask from the bench. The court may or may not take this person's wishes into consideration.

Bail

Any condition of release, including, but not limited to:

Money

Stay Away/No Contact Order – Condition of release ordering an accused person to stay away and have no contact with a person/place/thing related to the case.

No Abuse Order – Condition of release ordering an accused person to not abuse a person related to the case

GPS

Bail Revocation

If a person has an existing open case when they are charged with a new offense, the ADA can move to revoke the bail on the original case. If the bail is revoked, the person will be held for 180 days without bail.

Brangan v. Commonwealth

Case decided by the Supreme Judicial Court in MA in the summer of 2017. The holding in the case was codified into law by the Criminal Justice Reform Bill passed in April 2018. This case reiterates two important things already specified in the MA bail statute and adds a process the judge must follow if bail is set at an amount a person cannot pay:

- Money bail can only be used to ensure someone return to court
- The person's ability to pay is a factor that must be considered, but it is not the only factor and it is not more or less important than any factor to be considered by the judge.
- If the judge sets a bail that is MORE than someone can pay, the judge must "articulate the reasons for doing so" on the record either orally or in writing.

Charge

The specific law the person is accused of violating.

CORI

Criminal Offender Record Information. This is a comprehensive listing of all of a person's court dates and court date results. This information contains the information entered by the clerk during the person's court hearings

Dangerousness Hearing/58A Hearing

Evidentiary hearing asked for by the ADA in order to prove to a Judge that a person is such a danger to the community that no conditions of release can keep the community safe. A 58A hearing is asked for at the arraignment, and if allowed, will occur within 1-7 days after an arraignment.

Default

An entry made into a person's CORI when their case is called, and they are not in the courtroom/courthouse to answer. Anytime someone is supposed to be in court, either because they have an open case, because they owe money for fines/fees, or because they must meet with their probation officer and they are not there, a default can be entered on their CORI. These are used by prosecutors to argue that a person is less likely to come to court in the future.

Docket Number

The number assigned to a specific case. These numbers provide pieces of information that provide context for each case.

Example: 1901CR1234

Explanation: 19 tells us this is a 2019 case, 01 tells us what court, CR tells us this is a criminal case, and 1234 tells us what number case this is for 2019 in this specific courthouse.

GPS

This is a GPS enabled ankle monitor someone must wear as a condition of their release. This is ordered by the judge after being asked for during the arraignment. The monitor tells the probation department where the person is and notifies probation if the person violates any of the conditions of their GPS requirements. Also referred to as an electronic shackle.

Personal Recognizance

Release without any financial conditions. Person may be released on personal recognizance and be required to adhere to other conditions like a GPS monitor or a stay away order.

Probation Violation

Allegation by Probation that a person who is on probation violated a term of their probation. Often probation will file a violation of probation when a person is charged with a new crime. The judge decides whether there is enough evidence to decide whether someone violated their term of probation at a separate hearing.

Probation Hold

The probation department may ask that the person be held without bail until their probation violation hearing.

Restraining Order/209A Order

Civil order from a judge telling a person they cannot contact a specific person. The violation of a 209A Order is a crime.

WHO'S WHO IN THE COURTROOM?

Clerk

Where they are: The Clerk usually sits or stands in front of or to the side of the Judge. The clerk will have a stack of case files.

What they do: The Clerk calls the courtroom to order and calls each case by the docket number and the defendant's name. The Clerk also reads the charges against the person being prosecuted. It's the Clerk's job to record and then read back every decision the Judge makes about each case, including the next court date.

Court Officer

Where they are: Court Officers stand in the gallery or on the floor of the courtroom. They wear uniforms with badges.

What they do: Court Officers monitor the behavior of the people in the courtroom and may warn people or ask them to leave for things like using a cell phone or wearing a hat. They are responsible for bringing people into the courtroom who are being held in detention, and for giving defendants any paperwork from the court.

Judge

Where they are: The Judge is announced by the Clerk before they enter the courtroom. They sit at the front of the courtroom on a raised bench higher than everybody else in the room.

What they do: At an arraignment, the Judge listens to arguments and makes a bail determination. The judge makes all legal decisions in the courtroom. This includes setting bail conditions including (but not limited to) money bail, GPS shackling, stay away orders, drug testing and treatment. The judge also rules on (decides on) any motions asked for by either the assistant district attorney, the probation department, or the defense attorney. These include motions to revoke bail if the defendant is out on bail for any other cases and motions to request a 58A hearing (otherwise known as a separate "dangerousness hearing"). The judge can also decide to accept or deny any other recommendation or resolution before the court including recommendations for dismissal, dismissal pending conditions like a fine, pretrial diversion, or the reduction of the offense to a civil infraction.

Probation

Where they are: The Probation Officer typically sits to either to the side of side or slightly behind of the Judge and Clerk, often at a desk with a computer. They often face towards the gallery.

What they do: Probation is responsible for managing the criminal court records of everyone accused of crime. When a person is arraigned, Probation will run their CORI (Criminal Offender Record Information) and tell the judge if the person is currently on probation, and if probation wants to move to violate the person's probation.

People who are being arraigned and not in custody are asked to check in with the Probation department at the courthouse before their arraignment. Probation will collect their name and contact information.

Probation also interviews people being prosecuted to determine if they're eligible for a court appointed attorney.

Assistant District Attorney (ADA, prosecutor)

Where they are: There are usually between 1 and 3 Assistant District Attorneys sitting or standing at a table in the courtroom in front of the judge. The table often has stacks of case files on it.

What they do: Assistant District Attorneys are prosecutors, or lawyers "for the Commonwealth." ADAs represent the state's interest in court. ADAs communicate directly with the police about charges. At arraignment, ADAs tell the court the facts of the case based on the police report. They tell the court about the criminal history of the person being prosecuted. ADAs make recommendations to the court

about bail and argue motions. ADAs can also conference with defense attorneys about resolving cases at arraignment.

Defendant (person being accused of a crime)

Where they are: The person being prosecuted may be sitting in the gallery or they may be in custody in a jail cell above or below the courtroom. When their name is called, the person being prosecuted will be asked to stand and come forward, or they will be brought into the courtroom in handcuffs into what's referred to as the "dock," which is a holding area usually behind Plexiglas and a locked door. What they do: The defendant is the person being formally charged with a crime and prosecuted.

Defense Attorney

Where they are: The defense attorney is usually sitting or standing at the table nearest to the "dock." There are normally several defense attorneys sitting behind the table.

What they do: Defense attorneys represent people being accused of crimes. They are responsible for zealously advocating for and protecting the best interests of their clients. At arraignments, defense attorneys argue against prosecutors for lower or no bail and the least restrictive conditions of release. Defense attorneys can also argue motions at arraignment, like motions to dismiss or reduce the charges. If probation determines that the person being prosecuted is "indigent" (can't afford to pay a private attorney) then they will be assigned a public defender. There are two kinds of public defenders:

- Bar Advocate – A bar advocate is a private attorney who is paid by the hour on a contract basis to take court appointed cases.
- CPCS Attorney – Attorneys who receive a salary from the Committee for Public Counsel Services, a government agency paid for by a line item in the state budget. CPCS has offices in every county. Each office has a social worker, an investigator, and a team of lawyers.

Victim/Witness Advocate

Where they are: The witness/victim advocate may be seated in chairs to the side of or behind the prosecution.

What they do: Witness/Victim Advocates are professionals trained to support victims of crime. Advocates offer victims information, emotional support, and help finding resources and filling out paperwork. Sometimes, advocates go to court with victims.

WHAT TO EXPECT AT THE COURTHOUSE

COURTHOUSE LOGISTICS

Security:

NOTE: You will not be able to bring your cell phone into most courthouses. Please plan accordingly.

When you enter the courthouse you must go through a metal detector, and your belongings will go through an X-ray machine operated by security personnel. You are required to empty your pockets, remove jewelry (watches, belts, etc.) and place the contents in a container for further inspection. You will also be required to either place overcoats (you may be allowed to keep your coat on, just make sure it's open/unzipped), purses, briefcases, backpacks, and parcels on the belt of the x-ray machine, and you will walk through the metal detector.

If the x-ray or metal detector sets off an alert or alarm, security personnel may perform a scan using a hand-held wand. Security personnel may conduct a physical search of personal articles to determine the cause of the alert or alarm.

Before leaving the security screening area, be sure to retrieve all personal possessions. Security personnel WILL NOT hold items while person(s) are in the courthouse. Security personnel are not responsible for anything left at the security screening area.

You are not allowed to bring the following items into the courthouse: firearms, ammunition and explosive devices; cutting instruments of any type (including knives, penknives, flashlights, scissors, box cutters, work tools, and large metal nail files); handcuffs, handcuff keys, or anything with a cutting edge; pepper spray, mace or any other chemical defense sprays; alcohol or illegal substances, including illegal drugs; baseball bats; cameras; flashlights; craft needles (e.g., knitting, crocheting, etc.); flammable liquids, aerosol or spray fragrances; tools; or clothing carried in bags.

Courtroom Logistics

What not to wear:

Shorts, cut-offs, muscle shirts, halter or tank tops, bare midriffs, exposed undergarments, shirts with inappropriate graphics or wording, etc.

See-through clothing.

Hats (except when worn for religious reasons).

In the Courtroom

Food and drink are not permitted in any courtroom. If you need to step out to get some water and/or use the bathroom, feel free! Try to coordinate with your Watcher partner so at least one person is present in the courtroom at all times during the shift.

Should questions arise about why you are in the courtroom during your observation, you should say "I am part of CourtWatch MA, a project to observe and document what happens in arraignments." If a court officer asks you to leave, remind them that all courtrooms are open to the public (with some limited exceptions which don't apply to arraignments). If someone is interested in who is organizing CourtWatch MA, direct them to email info@courtwatchma.org.

Connecting with other CourtWatch MA Volunteers

Where do I meet my fellow CourtWatch MA Watchers?

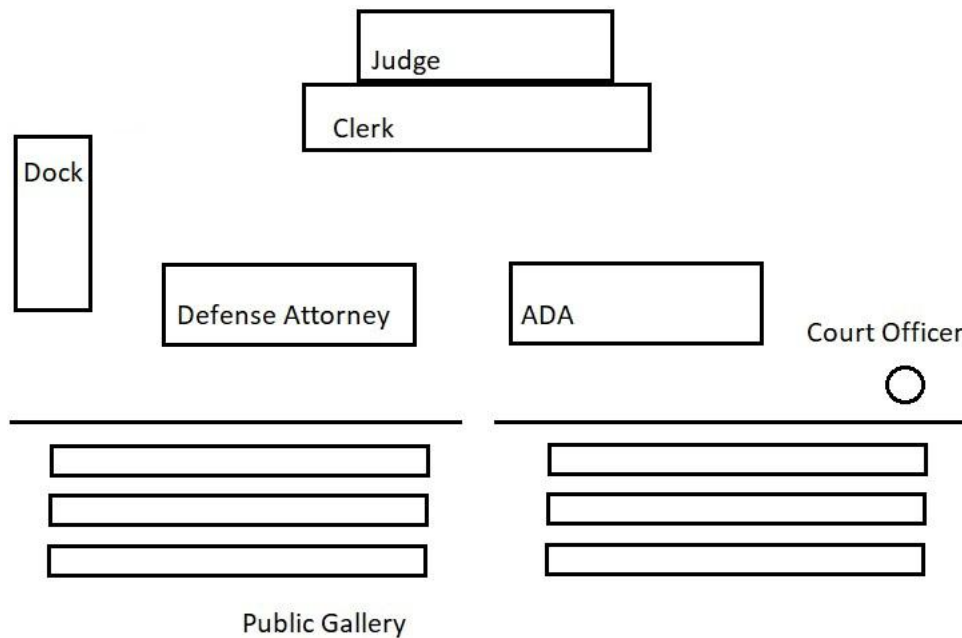
Plan to arrive at least 15 minutes before your shift and wait on the benches/seats in front of the courtroom you will be observing. Bring your CourtWatch forms and keep them visible so that other Courtwatchers will know how to identify you.

Should we sit together?

Yep! Feel free to share information as you can. However, please make sure each courtwatcher enters their own set of data onto the form.

What does the courtroom look like?

Each courtroom you go to will look different, but they will all have a lot of commonalities. The judge will always sit at the front of the courtroom looking over everyone. The clerk will always be close to the judge. There usually will not be a court reporter, but if there is, that person will be close to the judge and the clerk. Probation will always be to the side of the judge and will frequently consult with the judge or the clerk. The Defense Attorney table will always be the table closest to the “dock”, where jailed accused people stand when their case is being heard. The ADA table is always farthest from that area.



FORMS FOR COURTWATCHERS

The First 100 Days form is for your benefit only as you will email or mail the forms after your shift. One form should be completed for each arraignment and each courtwatcher should send their own set of forms.

TIPS

- Before starting your shift, go to the criminal clerk's office in the courthouse and ask for the "arraignment listing" or, if they don't have that, the "overnight arrest listing". Some courts will give you a copy and some will let you write the information down yourself.
- We suggest you bring 20-25 forms per shift.
- ***Make sure you write down the docket number for each case***
- Try your best to fill out all that you can. Sometimes the cases are really fast, and sometimes they are really hard to hear. Remember, it's okay if you can't get everything! We are building this movement together, and all the data you can collect will help us build accountability.
- If there is something on the form that could be adjusted to make them easier to fill out, please email us at info@courtwatchma.org
- You may see other things besides arraignments, like restraining orders or probation violations. We are ONLY watching arraignment, so do not fill out forms for anything that is not an arraignment.

CONTACT INFORMATION

Web Address: <https://www.courtwatchma.org>
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