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SO YOU WANT TO COURTWATCH?



For decades, advocates, activists, and organizations across the political spectrum have deployed courtwatching as a tactic to achieve a wide variety of outcomes, such as ensuring a more transparent criminal legal system, reporting on judges or prosecutors, gathering information for a campaign, providing individual case support, increasing civic engagement, and guaranteeing policy implementation.

Courtwatching is neither new nor limited to one particular format or purpose. For as long as there have been criminal court trials, community members have filled courtrooms, watching to support their neighbors, friends, or loved ones who have either been victimized or accused of a crime. More formal monitoring programs have existed [since as early as the 1970s](#), focusing on issues including the [treatment of undocumented people in immigration hearings](#), [the rights of survivors in domestic violence cases](#), [the efficiency of court processes and the conditions of court buildings](#), and the [protections for children in family court and custody cases](#). In the most recent decade, as public conversation has shifted from being “tough-on-crime” to ending mass incarceration, activists and advocates have started courtwatching as one way to hold their local criminal legal system or immigration system accountable to community demands for decarceration.

This document is written for organizers who are thinking about using courtwatching as a tactic within a larger campaign strategy to dismantle the criminal legal or immigration systems. The document is divided into three parts. **Part One** provides an overview of various courtwatching models. This list is not exhaustive and the models are not mutually exclusive. **Part Two** lays out an array of feasibility questions to consider before committing to developing a program. The two parts are intended to be read alongside one another, not sequentially. It is possible that you may be initially drawn to one courtwatching model, but then while answering the feasibility questions, realize another model is more practical for your jurisdiction. Taking seriously the questions posed in Part Two can help inform which model, or combination of models, is best for your context and campaign. **Part Three** includes practical tips for courtwatching efforts that rely primarily on volunteers.

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PART #1: EXPLORING COURTWATCHING MODELS TO FIT YOUR STRATEGY



GET STRATEGIC

Like any tactical intervention, the use of courtwatching should be rooted in an intentional and thorough strategy designed to achieve your campaign's goals.

Developing a campaign strategy involves:

Defining the problem:

- Effective campaigns are founded on a clear understanding of the issue you want to change and the particular context within which you are working.
- Some questions to consider: What is causing the problem impacting your community? What issue is your group most concerned with? What are you trying to change?

Clarifying your goals and objectives:

- The long-term, general outcome you want to achieve—the ultimate purpose of your campaign—is your overall campaign goal. Objectives are the smaller and more specific milestones that need to happen along the way to achieve your overall goal.
- Some questions to consider: What is your desired result? What does it mean to win? What are you trying to prove? What change would provide a clear ending point for your campaign? When do you quit?

Identifying your targets, as well as allies, opponents, & constituents:

- Targets are the people, organizations, institutions, or groups who hold the power to meet your campaign demands and can make the change you want. There are also allies who can help and opponents who may hinder progress towards your goal. Your constituents are the core people with whom you are working and organizing—the people who agree with your issue and share your goals.
- Some questions to consider: Who are the decision-makers? Who are the key players? Who has stake in the proposed change? Who has the power to influence change?

GET TACTICAL

Tactics are the activities you do to achieve your objectives. Once your campaign strategy is set and you are clear on the problem, goals, objectives, and targets, the question becomes: Is courtwatching an effective tactic to influence your targets to produce the desired change? If the answer is yes, then there are many ways to design and implement a courtwatching program that fits your strategic goals.

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Below are a few examples of courtwatching models. This list is by no means exhaustive, and none of the models are mutually exclusive. In fact, many courtwatching programs combine elements of several models. This section on models can be a starting point for thinking through what type of program would be the best fit for your particular context and campaign strategy.

Exploratory Research Model

In this model, individuals observe court proceedings to gather initial information about the criminal legal system and/or the immigration system and understand the way it operates in order to plan future actions or conduct additional research.

WHY DO IT:

Outlining court practices and processes can provide the necessary information and context to form the basis of future work, such as a training program for judges or prosecutors, a research project focused on a particular aspect of the system, or a targeted advocacy campaign.

EXAMPLES:

- Law students working with the Vera Institute of Justice observed arraignments in New York City to gather data on the forms of bail judges were more likely to set. They found that judges relied heavily on cash bail and insurance company bond. Vera used these observations to create a training program for public defenders on how to request alternative forms of bail and for judges on why they should set alternative forms of bail beyond cash and insurance bond. The observations also helped inform [further research](#) on the results of specific cases where alternative forms of bail were set.

- Students at the Rutgers School of Criminal Justice began observing arraignments in various counties across New Jersey pre- and post-bail reform to map out local differences in the processing of cases—including release decisions, conditions, and interventions by judges, prosecutors, and defense attorneys. Researchers will be using data to examine whether pretrial detention or surveillance rates have increased after the 2017 implementation of the state’s risk assessment instrument, the Arnold Foundation’s Public Safety Assessment (PSA). These observations may be used to launch a community accountability and transparency campaign around the use of the PSA.

Civic Engagement Model

Courtwatching can increase public understanding, exposure to, or engagement with the criminal legal and immigration systems. In this model, the focus is on the experience of the volunteers—the courtwatchers—and their personal and political development as it relates to larger questions around democratic participation in the legal system. In this model, the courtwatching program is viewed as a direct mode of political education, civic engagement, and a means to building people power.

WHY DO IT:

Exposing members of the community to the daily injustices of courtrooms can be radicalizing. It can motivate people to vote, organize, and take action.

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EXAMPLES:

- A major component of [Court Watch NYC](#), a courtwatching project in New York City that focuses on prosecutorial transparency and accountability, is building organizing power internally among courtwatch volunteers (called Watchers). Many of the people who attend Court Watch NYC trainings are new to organizing around criminal justice reform, and courtwatching provides an on-ramp to engaging more deeply with movement work. Monthly trainings involve political and legal education, as well as information about other organizing opportunities beyond courtwatching. Watchers attend monthly debriefs to share what they observed and experienced in court and to discuss demands they want to make of their district attorneys and the court system. Watchers also meet to organize accountability actions and events, and mobilize for lobby days, rallies, and other advocacy opportunities related to criminal justice reform.
- The New Orleans Safety and Freedom Fund, a community bail fund, hosts monthly visits to criminal court to observe bail hearings. They provide a handout to attendees explaining who the court actors are and what is happening in these proceedings; attendees are then asked to simply observe and note their emotional and intellectual reactions. After watching, attendees gather for a meal to discuss what they observed, the impact of money bail, and the work of the bail fund. The program is intended for people who are generally not targeted by the system due to race or class privilege. The goal is that attendees will leave questioning dominant narratives around money bail, public safety,

and poverty, and will become motivated to get involved in local bail reform efforts. Attendees are asked to recruit at least three more people to attend future events.

Individual Support Model

Courtwatching can influence the outcome of a specific person's court case. In this model, the family, friends, neighbors, and supporters of an accused person attend each of their court dates, showing the judge, prosecutors or Department of Homeland Security counsel, and juries that the accused has community ties and support. Because the impact will vary depending on individual case's circumstances and context, individual court support should only be done with the consent of the accused person facing trial and in consultation with their lawyer.

WHY DO IT:

Community support, whether through one-off pack-the-court days or as part of broader individual support campaigns, has the potential to increase the likelihood of a positive outcome in a person's case. However, depending on the specific case circumstances, the court may resist the presence of supporters in ways that could detrimentally impact the case. For these reasons, deciding whether or not to have community court support should be led by the accused person.

EXAMPLES:

- Silicon Valley De-Bug, a community organizing group in California that developed the practice of [participatory defense](#), conducts a range of courtwatching, including [court monitoring](#) and [individual case support](#). When engaged in individual case support,

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a model they call “Court Doing,” De-Bug organizers and community members attend arraignments and bail hearings with families to try and secure the release of their loved ones. De-Bug has developed a [Community Ties form](#) with the public defender’s office, which De-Bug organizers use to explain to a detained person’s family what happens during arraignments and also provide public defenders with useful information to argue for a detained person’s release. The organizer sits with the family member and, with their help, fills out the form, detailing important information—such as the impact of detention on the person and their family and how community members can assist their return to court. If the person remains detained after arraignment, then the family is encouraged to attend a participatory defense meeting and prepare for the bail review hearing. The show of community support seeks to counteract predictive assumptions made by jurisdictions’ risk assessment instruments and the heavy reliance on pretrial detention and onerous conditions of release by California courts.

- [F2L](#) is a volunteer-run project based in New York City that does support work for queer and trans people of color facing or serving time in the New York State prison system. With the consent and leadership of specific queer or trans individuals fighting felony cases, F2L organizes members and allies to pack courtrooms for their court dates. The presence of F2L supporters at consecutive court dates for over two years led to the case of one Black trans woman, originally facing 3-7 years in prison if convicted, to be moved from criminal court to mental health court, where she was sentenced to mandated treatment instead of immediate incarceration.

- In Boston, the [Boston Immigration Justice Accompaniment Network \(BIJAN\)](#), a grassroots network of faith communities and other activist groups, organizes volunteers to accompany individuals facing immigration detention or deportation to immigration court hearings or ICE check-ins. Accompaniment provides personal support for the individual facing a harsh and unpredictable system, and holds court actors and ICE officials accountable for delivering accurate information and ensuring due process. Beyond accompaniment, BIJAN writes letters of support, helps locate documents for people’s cases, raises money for legal fees, and provides child care and transit for people going to court. BIJAN credits the combination of these efforts in making the most difference in individual people’s cases.

Accountability Campaign Model

Courtwatching can ensure the court system and individual actors within it are accountable for implementation of a recent “reform” (such as legislation passed, judicial order enacted, prosecutor policy changed). In this model, the courtwatching program is designed to track the specifics of a new reform and what it actually looks like in practice. The end product, whether it is a report or media piece or community forum, can be presented to the public and has clear targets.

WHY DO IT:

Policy changes on paper may not have the anticipated effect on practices in courtrooms. Without monitoring and community accountability, the court system lacks incentive for enacting decarceral changes.

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EXAMPLES:

- In September 2017, a local court rule went into effect directing judges in Cook County, Illinois, to set money bonds only in amounts that people could afford to pay. [The Coalition to End Money Bond](#) trained more than 100 volunteers to monitor judges and record the outcomes of bond hearings for one month before and one month after the rule went into effect. Their [report](#) proved that despite the order, judges continued to set bond in amounts that individuals could not afford to pay—and more transformative change was required.
- Rachael Rollins was elected head prosecutor in Suffolk County, MA, on a platform where she committed to declining to prosecute a series of low-level charges and to not request money bail from people who do not pose a flight risk. For her [first 100 days](#) in office, which began January 2, 2019, volunteers with [CourtWatch MA](#) started monitoring prosecutors' bail recommendations and charging decisions and then [weekly documenting and publicizing](#) whether her office is following through on her promises.

Advocacy Campaign Model

Courtwatching can collect data and stories to support an advocacy campaign. In this model, observations are focused on a particular issue as part of a broader campaign to demand change.

WHY DO IT:

Assembling a report about a particular injustice can provide the basis for launching or advancing a campaign.

EXAMPLES:

- As part of their campaign to end modern-day “debtors prisons,” the ACLU of Nebraska conducted court observations in several counties across the state to track the imposition of money bail, fees and fines. They published their findings in a [report](#) about the criminalization of poverty in Nebraska, noting how specific reforms could prevent Nebraskans from being incarcerated merely for their inability to pay bail, court fees and/or fines. The report helped propel their larger campaign into the realms of judicial branch advocacy, legislative policy change, and litigation.
- The Police Reform Organizing Project (PROP) in New York City began a [court monitoring program](#) as one arm of a larger campaign to expose and end abusive police tactics that disproportionately harm people of color. PROP volunteers monitor first appearance hearings in New York City criminal courts to document the racist practices and outcomes of NYPD “broken windows” policing strategies.

System Monitor Model

Courtwatching can establish a general culture of transparency and accountability of public officials and court actors. In this model, the courtwatching program is designed to be ongoing, and court observers observe court shifts on a steady schedule. The information collected and shared may focus on any number of rotating issues—such as bail, charging decisions, or protective orders—as well as any number of court players such as prosecutors, judges, or public defenders.

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WHY DO IT:

Developing an ongoing monitoring program where players in the courtroom, such as judges, clerks, public defenders, and prosecutors, know community members will be present on a regular basis promotes an open, transparent, participatory, and accountable court process.

EXAMPLES:

- [Court Watch NOLA](#) is a non-profit organization that has conducted courtroom observations of the Orleans Parish criminal court system since 2007. They train volunteers on a regular basis and maintain a consistent presence in the courts. Courtwatchers are easily identified by their bright yellow lanyards. The data collected is used to publish annual reports about the state of the criminal, magistrate, and municipal courts in New Orleans.
- The [Fund for Modern Courts](#) has a statewide court monitoring program in New York that recruits non-lawyer, local volunteers to observe court proceedings in their communities. The goals of the program are to ensure that the courts serve the needs of the local constituents and to monitor and evaluate factors ranging from the judges' management of courtroom proceedings to the physical conditions of the courthouses. Findings and recommendations are published in reports.

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PART #2: LOGISTICAL FEASIBILITY



Beyond clarifying your strategy and goals, there are additional questions to consider when assessing the feasibility of starting a courtwatching effort. While not comprehensive, this list of questions is intended to help you evaluate whether it is practical for your group to do courtwatching, and if it is, which model is best for your context. Thinking through these key considerations at the beginning will save time and effort when you actually start to develop your program.

ACCESS

What do you need to know about the system, court building(s), and specific courtrooms before starting to observe?

Is courtwatching even possible in your jurisdiction?

- Some courtrooms may not be open to the public, either in practice or by rule. Observing in some courtrooms may be impossible because there is inadequate seating or because it is too difficult to hear or see what is happening. Consider speaking with court actors you have relationships with, like public defenders, to ask about these barriers and visit each potential courtroom to do your own evaluation.

What are the access considerations to enter and navigate the court building?

- Consider assessing the actual physical conditions and barriers, such as court building days and hours of operation and spatial location of specific courtrooms.

What are the rules for the court that you want to observe?

- Consider assessing the rules and regulations of the court building and individual courtrooms, such as the entry process and the requirements of audience members with regards to conduct, clothing, and belongings. In most courtrooms, it is not permitted to use cell phones, take photos, or record video, and some courtrooms even have rules around recording or taking notes on paper.

How does the system work?

- Find out the procedural steps in a criminal case or immigration detention proceeding in your jurisdiction. If you decide to focus on first appearance hearings, what happens to the accused before and after that hearing? Court accessibility is not only about physical access, but also about knowing the procedural path of a case from arrest to resolution.

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CAPACITY

What is your organizational capacity to staff and manage a courtwatching project?

Who are you working with?

- Collaborating with other organizations doing similar work can provide additional capacity for organizing the program, as well as more robust results. For example, partnering with public defenders can be helpful for designing and leading volunteer trainings on the legal and logistical aspects of the court process. Partnering with an academic institution or well-funded non-profit can be useful for data cleaning, analysis, and reporting.
- For any collaborative project, especially between groups with differing political positions, it may be important to have a conversation around values and value alignment early on in the process.
- In general, before starting any program on your own, it is a good idea to do a scan of the organizing landscape to see if other community groups or organizations are already active in this work.

How will you staff this project?

- Depending on your group or organizational set-up, you may use paid staff, an existing volunteer/member base, or you may decide to recruit a new cohort of volunteers to staff and manage the project. If you envision volunteers becoming a central part of your program, evaluate whether you are structurally set up to recruit and manage volunteers.
- For more considerations on recruiting and developing volunteers, see “Part Three: Tips for Courtwatching Programs that Rely on Volunteers.”

How will you coordinate data collection and entry?

- Depending on the scope of your project, you may be collecting a lot of data. Data entry can be a significant lift for the program organizers, whether done by a staff person or by a group of volunteers who need coordinating.
- For many programs, it will make the most sense to have information entered into some kind of electronic database to facilitate data analysis and reporting. Some examples of online data entry tools, which transfer data entered directly to an excel file, include [Google Forms](#) and [SurveyMonkey](#).

Who will produce project outputs and how much time is required?

- Knowing your desired end product before you begin will help you determine and recruit for the type of skills you seek: Design? Data analysis? Storytelling? Research? Presentation facilitation?
- Consider how long it will take to create the output or end product that you want.

OUTPUTS

What will you do with the information you collect? What do you need to produce to help achieve your goal?

Who is your audience?

- Is it the general public? A specific court actor? Your volunteers? People who know nothing about the criminal legal system? People who are directly impacted by the system?
- If you have already done the power-mapping of your targets, allies, opponents, and constituents, it should be fairly simple to answer this question.

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How will you present your findings?

- Some example outputs include reports, tweets from court, public forums, trainings for judges/prosecutors/defense attorneys, memos to the court, or teach-ins for community members or groups.

What is the content?

- Knowing what areas of the court process or legal system you want your end product to focus on will determine the kinds of data your project collects.
- Consider speaking with organizers/activists, organizations, legal providers, and/or people directly impacted by the issues you are highlighting to gather initial information.

DATA

What is the information that you need to produce your end product?

How much information do you need?

- This will vary depending on your desired end product. For example, if you are producing a report, you may be more concerned with covering a representative amount of cases. If you are thinking about implementation accountability, the amount of information you need may be dictated by the implementation timeline.
- The number of cases you need to watch will impact how long your program lasts and the number of people you will need to collect, input, and analyze the data.

What information do you need?

- The focus of your end product should guide the data points that you collect. For instance, if you are launching a campaign on bail, your courtwatchers should collect information relevant to the bail-setting process.

- Consider specifically tracking information that no one else is recording or information that is not otherwise public. If that information is already being tracked by another agency, or the court itself, check to see if you can get the information from the source directly first.

What type?

- The format of information you need (qualitative stories, quantitative statistics, or some combination) will determine how you design the form that your courtwatchers fill out in the courtrooms. For example, if you want to tell stories from court or reflections from volunteers, a form design with open-ended questions or space for writing narrative is best. If you want to report on statistics, a form with checkboxes makes for more accurate data entry and reporting.
- It will also be helpful to think through variables on the form that may be needed to make sense of the data. For instance, if decisions vary a lot by judge, it might make sense to record which judge made each decision.

Where will you get it?

- Different parts of the court process deal with different types and stages of cases. For example, if you are tracking information on bail, then your volunteers will need to observe courtrooms where bail hearings happen.
- Consider speaking with public defenders or others familiar with the courts to determine which courtrooms your courtwatchers should focus on.

How and when will information be submitted?

- Your timeline for reporting out the information, through whatever output you decided, will determine when you need data to be submitted to a central source.

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- Presuming that most information recorded in court will be handwritten, you should consider how it will get into an electronic database, if one is desired. Inputting into the database could be done by staff or volunteers on an ongoing basis, in one extended data entry sitting, or some combination, depending on how you decide to staff your program.

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PART #3: TIPS FOR COURTWATCHING PROGRAMS THAT RELY ON VOLUNTEERS



Volunteers are the backbone of many courtwatching programs. After considering the various models and examining the feasibility questions, you may decide to design a program that relies on volunteers.

Below are questions and tips to consider when training volunteers for a courtwatching effort:

Who will manage the volunteers?

- While volunteers can help get the work done, there still will likely need to be a central person, or people, to keep the volunteers organized and make sure they have the support necessary to do the work.

How many volunteers do you need?

- The number of volunteers that you need will depend on the scope of your project, the amount of data you need to collect, the roles you need volunteers to fill, and the type of time commitment that you require of volunteers.
- Remember that typically only a portion of people who are trained will actually sign up to observe.

How will you recruit and retain volunteers?

- Be strategic about where you recruit volunteers. Your organization may already have a large supporter base you can tap into. Consider reaching out to individuals who organize with other groups dedicated to social

justice causes or civic engagement generally. Try advertising your trainings at local law schools, colleges and universities, on social justice listservs, and among local community groups or institutions.

- Think about the needs of your volunteers, and how to recruit and retrain volunteers from various backgrounds and perspectives. Will you offer childcare to get parents involved? Reimbursements for transportation costs? Food during volunteer trainings or events? Will you offer volunteer shifts during evenings and weekends? How much time are you asking volunteers to commit and how often?
- Consider the support they may need after spending time in court. Observing court can be emotionally difficult, both because court language and processes can be confusing and inaccessible and because it is a place where violence and harm occurs. Offering space for volunteers to debrief their experiences can be important for community building and increasing volunteer engagement; it also provides opportunities for volunteers to ask questions, give feedback, and receive support.

What will the volunteers do?

- What does it mean to volunteer with your program? Is it just observing court? Or are there options for volunteers to take on other responsibilities, such as data entry or analysis, writing reports, facilitating trainings, helping

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to recruit and develop relationships with new volunteers, organizing other advocacy efforts, etc.?

- Certain people, particularly those who have been through the criminal legal system themselves, may not feel comfortable or interested in observing court proceedings. Having other options for volunteers opens up opportunities for more people with a diversity of backgrounds and experiences to get involved in the project.

What do your volunteers need to know?

- Trainings can be opportunities to not only inform volunteers about what they need to know in order to courtwatch (What days and times should they be there? What are the rules of the courtroom? How do they fill and submit out the form?), they can be spaces for political and legal education about the criminal legal or immigration systems.
- Trainings can also provide an opportunity to inform volunteers about the values behind the project so they have the correct lens when talking to others who may not volunteer for the project themselves. Volunteers are natural ambassadors of the project in their communities.
- If courtwatching is part of a larger campaign, a portion of your training can include information about that campaign and why courtwatching is being used as a tactic to win.
- Be sure to include logistical information about the court building(s) and courtroom(s) to prepare and orient your volunteers. Consider drawing maps for volunteers and providing detailed instructions about what you can wear, what you can bring into the building, and the conduct requirements of observers inside the courtrooms.

How will volunteers submit the information they collect in court?

- Will volunteers mail in handwritten forms? Should they leave them at the courthouse or submit them electronically? When setting up a submission system, consider your organization's capacity, volunteer accessibility, and your desired timeline for receiving data.
- You should understand that some volunteers will not submit their forms, so if complete coverage is essential, you may want more than one volunteer assigned to the same shift.

FOR MORE INFORMATION, CONTACT US:

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