

CourtWatch MA

Essex County Courtwatch

Data Entry Instructions

Thank you so much for CourtWatching during our Essex County Courtwatch project! We are asking that everyone who does a courtwatch shift enters their own data in our data collection survey. This packet provides screenshots and instructions on how to transfer your hardcopy data forms or handwritten notes into the digital survey, so we can download the data for analysis and report individual stories from court on twitter ([@CourtWatchMA](https://twitter.com/CourtWatchMA)).

The survey can be accessed here:

<https://www.surveymonkey.com/r/CourtWatchMAEssex>

Please bookmark this link to enter your data after each courtwatch session.

General Reminders:

1. **One survey entry per arraignment:** we ask that you enter a separate survey response for *each person being arraigned*, corresponding to each hardcopy form you filled out during your shift.
2. Please remember to **verify** the **docket number, person's name, year of birth, and lead charge information** on www.masscourts.org the next day before you complete this form. For instructions on how to use masscourts, review [pages 14-15 of the volunteer manual](#). (https://www.courtwatchma.org/uploads/4/7/8/9/47895019/courtwatchma_essex_training_manual.pdf#page=14)
3. Please enter your data **within 48 hours** after you observed the arraignment.
4. **Arraignments only:** as we discussed during the training, please do not submit notes about hearings that were not initial arraignments: restraining orders, stand-alone default removals, etc. If you see a hearing like that and want to share something about it, please send us an email at info@courtwatchma.org instead of entering it into this form.

All the CourtWatch tools can be found here.

<https://www.courtwatchma.org/court-watch-tools.html>

Any questions? Email us: info@courtwatchma.org.

THANK YOU!

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Page 1: Shift Information

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1. Welcome to CourtWatch MA Essex County Days Data Entry!

Thank you so much for helping us with this critical work.

Please enter the data from your court watching forms into the following fields. If you were UNABLE to hear/learn an answer to a specific field, please make a note of that where possible.

Please remember to verify the **docket, person name, year of birth, and lead charge** information on www.masscourts.org before you complete this form.

If you have any questions, please e-mail info@courtwatchma.org

Thank you!

CourtWatch MA Team

CourtWatch Shift Information

1. Date of Courtwatch Shift

Date

2. Courtwatcher Name:

3. Courtwatcher E-mail Address:

4. Courtwatcher Partner:

5. Courthouse

- Lawrence District Court (2 Appleton St, Lawrence, MA 01840)
 Lynn District Court (580 Essex St, Lynn, MA 01901)

6. Courtroom

7. Judge Name

1 / 4  25%

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Glossary:

- Date:** Please write the date you watched and observed this arraignment
Courtwatcher Name: Please write your full name
Courtwatcher E-mail Address: Please write your e-mail address

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Courtwatcher Partner:

Please write the name of whoever you observed with, if applicable.
Please remember to **only enter one set of responses** per arraignment; this field lets us know who else to contact if we need more information or to clarify something.

Courthouse:

Please specify the courthouse where you watched (Lynn or Lawrence District Court)

Courtroom:

Please specify the courtroom where you watched.

Judge Name:

Please include the FULL name of the judge (first last) who heard the case.

Page 2: Person Information & Demographics

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2. Person Information & Demographics

8. Docket Number

9. Name of Defendant (First Last)

10. Charges (please separate different charges with a comma)

11. Race

White Latinx S. Asian E. Asia Black

Native

Other (please specify)

12. Gender

Man Woman Trans
Masclunie Trans
Feminine Gender Non
Conforming

13. Year of Birth


14. Jail

In Custody Out of
Custody

15. Language

Interpreter
Not Used Interpreter
Requested
but not
Available

Interpreter Used (please specify language)

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Glossary:

- Docket Number:** You may hear this being read in open court in Lawrence, but you also may have to ask one of the attorneys on the case, or you can go into the clerk's office and ask for the docket number before the session begins or during a break (ask for the Daily Docket List). If you have the last/first name of the defendant, you may also be able to call the court to get this as well. But the best approach (required for all Lynn cases, and best practices for Lawrence as well) will be to search on masscourts.org the next day as you're entering your data, following the [instructions in the volunteer manual](#).
- Name of Defendant:** Please enter the name of the person being prosecuted and arraigned. Please enter this information in standard name format - first last - without any commas. Please review the spelling of the person's name compared to what is written under "Party" on masscourts.org. **Note:** on masscourts.org, names are written (Last, First), but we ask that you re-write the name first last (and no comma).
- Charges:** Please include the "lead charge" as written under "Initiating Action" on masscourts.org, as well as all of the charges that you heard read in court, and please compare with the Daily Docket List and feel free to consult with attorneys or the clerk's office if you miss something.
- Race / Gender:** Please do your best to fill out these demographic categories based on your observations. Courtwatchers write down demographic information (race, gender) based on observation alone; we recognize that this is an imperfect way to determine markers of identity. We ask courtwatchers to note this information because (1) courts are unlikely to be able to disclose this information even if we requested every docket; and (2) the system operates based on an individual's outward perception and expression, regardless of their stated identity, so demographic observations are a reasonable methodology for this particular project. **Courtwatchers can and should select as many racial demographic markers as appear to apply.** As discussed during the training, please select trans masculine or trans feminine when it appears someone's gender expression does not match the pronouns or name being used to describe them in court. This information is important because we may be able to act to remove particular people who have been misgendered from dangerous pretrial detention situations, especially if they have a bail that can be paid by the Bail Fund or a community organization.
- Year of Birth:** Please enter the year of the person's birth as written on masscourts.org. We can gauge relative age based on this notation.
- Jail:** Indicate whether the person being arraigned was in custody at the time of arraignment--walked into court shackled and detained. Check "in jail" if they were in custody and "out of jail" if they were not.
- Language:** Indicate whether an interpreter was used, if so what language, and if not whether the interpreter was "Not Used" or "Requested but not Available" in the language needed.

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Page 3A: Counsel Fees & ADA Asks/Information

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3. Case Information

16. Did the person qualify for Counsel?
 Yes No

17. Was \$150 Fee Assessed?
 Yes No
 Different fee amount assessed:

ADA Ask & Information

18. ADA Name

19. ADA Bail Request
 Personal
 Recognizance
 (PR)
 Cash Bail Amount:

20. ADA Bail Revocation Request
 Not filed Filed

21. ADA 58A (Dangerousness) Request
 Not Filed Filed & Ready
 Filed & Future Date:

22. ADA; Other Conditions of Release Requested:

Glossary:

Qualify for counsel: Check 'yes' if probation affirmed that the person qualified for counsel based on their reported indigence, which should prompt the judge to ask the person if they'd like to have counsel appointed. Check 'no' if probation/the judge affirmed that the person **did not** qualify for appointed counsel based on their reported indigence.

\$150 counsel fee: The standard fee for appointed counsel for someone who is indigent is \$150. If counsel was appointed (either a public defender with CPCS or a Bar Advocate), please note if the \$150 fee was assessed [check yes]; if it was not assessed (because the judge waived the fee) [check no]; or if the person was determined to be 'moderately indigent' and so the judge assessed a higher fee of a specific amount [input amount].

Please note: a judge may offer 15 hours of community service in lieu of the \$150 attorney fee. Please be mindful of this. That still counts toward the \$150 fee amount in your notes.

ADA Name: Please enter the name of the Assistant District Attorney who argued this case on behalf of the prosecution (the Essex County District Attorney's Office). You may have to ask the court officer,

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another lawyer in the room, or the ADA directly. This information is not *essential*, but will be helpful if you can figure it out.

ADA Bail Request: If the ADA requested that the person be released on personal recognizance - without having to pay a cash bail - check "Personal Recognizance (PR)." If the ADA requested that the person have to pay a cash bail or personal surety in order to be released, check "Cash Bail Amount" and please input the specific bail amount requested in the open-ended box.

If the ADA made an argument about personal surety, please note that in the cash bail open-ended box ("personal surety" and the amount requested).

If the ADA made a different recommendation entirely - like a request to hold the defendant pending a 58A dangerousness hearing - **skip this question** and leave it blank.

Bail Revocation Request: If the person has a prior open case, the ADA can request to revoke their bail on the prior case, in addition to making new recommendations about the person's release conditions on their *new* case being arraigned in court. Please check "filed" if the ADA makes a request to revoke an existing bail; please check "not filed" if the ADA doesn't mention bail revocation (more likely) or if the ADA does not move to revoke bail on an existing case.

ADA 58A Request: If the person appearing before the court was arrested on what is considered a crime of violence—i.e. a felony offense that involves the use, attempted use, or threatened use of physical force against another person or involves a substantial risk of physical force against another person—the ADA may ask the judge for a 58A hearing, also referred to as a "dangerousness" hearing. The ADA would seek this kind of hearing to get an order of pretrial detention or release on enhanced conditions.

Please check "**not filed**" if the ADA does not request a 58A dangerousness hearing. Please check "**filed and ready**" if the ADA requests the hearing and is ready to go forward that day. (It is possible you still may not see an actual dangerousness hearing that day if the defense consents to the 58A hold and waives the evidentiary hearing to establish dangerousness.) Please check "**filed and future date**" if the ADA requests the hearing and **also** requests a short continuance (no more than 7 days) before the hearing takes place. You will hear the ADA request a specific date to go forward on the 58A dangerousness hearing, usually within the week. Please input the future date the ADA suggests.

Other conditions: Please note any additional conditions the ADA recommends that the should judge impose on the defendant. Common conditions may include stay away orders (from a person involved or the place of the alleged offense); no abuse orders (especially if there is an alleged named victim in the case); and no contact orders (again, from a person allegedly involved or a named victim). Other possible common conditions may include a curfew, a GPS ankle shackle/electronic monitor, SCRAM (alcohol monitoring), drug testing, etc.

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Page 3B: Defense Counsel Asks/Information & Probation

Defense Counsel Ask & Information

23. Defense Counsel Name

24. Defense Counsel Bail Request

Personal
Recognition
(PR)

Cash Bail Amount:

25. Defense Counsel Bail Revocation Request

Agreed Argued
Against

26. Defense Counsel 58A (Dangerousness) Request

Agreed Argued
Against

27. Defense Counsel; Other Conditions of Release Requested:

Probation Ask & Information

28. Probation Officer Name

29. Violation of Probation Request:

Not filed Filed, & Hold Requested Filed, & No Hold Requested

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Glossary:

Defense Counsel Name Please enter the name of the defense attorney who argued this case on behalf of the person being accused of a crime. You may have to ask the court officer, another lawyer in the room, or the defense attorney directly. This information is not *essential*, but will be helpful if you can figure it out--especially if a bail is set and the attorney can be in contact with the Bail Fund.

Defense Bail Request: If the defense attorney requested that the person be released on personal recognition - without having to pay a cash bail - check "Personal Recognition (PR)." If the defense attorney requested that the person pay a cash bail or personal surety in order to be released, check "Cash Bail Amount" and please input the specific bail amount requested in the open-ended box.

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If the defense attorney made an argument about personal surety, please note that in the cash bail open-ended box (both 'personal surety' and the amount).

(Please note in the open-ended box at the end of the entire form if the defense attorney made an argument about affordability or invoked the case *Brangan v. Commonwealth*.)

Bail Revocation Request: If the defense attorney did not contest and in fact agreed to the bail revocation (60 days in jail), check "agreed." If the defense attorney argued against an ADA request to revoke the person's bail on a prior open case, check "argued against."

58A Request: If the person appearing before the court was arrested on what is considered a crime of violence—i.e. a felony offense that involves the use, attempted use, or threatened use of physical force against another person or involves a substantial risk of physical force against another person—the ADA may ask the judge for a 58A hearing, also referred to as a "dangerousness" hearing. The ADA would seek this kind of hearing to get an order of pretrial detention or release on enhanced conditions.

Please check "**agreed**" if the defense attorney did not contest the ADA request for a 58A dangerousness hearing or actively agrees to the 58A hold and waives the hearing. Please check "**argued against**" if the defense attorney argued against the 58A hearing request or argued to have the hearing go forward that same day and not be postponed or continued to a future date.

Other conditions: Please note any additional conditions the defense attorney recommends or states their client will agree to that the judge could impose on the defendant. Common conditions may include stay away orders (from a person involved or the place of the alleged offense); no abuse orders (especially if there is an alleged named victim in the case); and no contact orders (again, from a person allegedly involved or a named victim). Other possible common conditions may include a curfew, a GPS ankle shackle/electronic monitor, SCRAM (alcohol monitoring), drug testing, etc.

Probation Name: Please enter the name of the probation officer who is presiding. You may have to ask the court officer or a lawyer in the room. This information is not *essential*, but will be helpful if you can figure it out.

Violation of Probation: If the person being arraigned has an open probation case, the probation officer can move for a violation of probation. Please check "not filed" if the probation officer does not mention a violation of probation; please check "filed & hold requested" if the probation officer moves for a violation and requests that the defendant be held without the possibility of release pending the hearing on the probation violation; please check "filed & no hold requested" if the probation officer moves for a violation but does not seek to have the person held pending their violation hearing.

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Page 4: Release/Detention Decision by Judge & Notes

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4. Next Steps:

30. Bail Decision:

Personal Recognizance Affordability Discussed

Cash Bail Amount Set:

31. Bail Revocation Decision:

Denied Allowed & Held

32. 58A (Dangerousness) Decision:

Denied Allowed & Hearing

Allowed, Held, & Future Date:

33. VOP (Violation of Probation) Decision:

Released Held

34. Any other Conditions of Released Imposed by the Judge:

35. Narrative (please include any notes you took during CourtWatching, including any personal reflections you would like to share)

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100%

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Done

Glossary:

Bail Decision

Personal Recognizance (PR) means that someone is released, with no monetary conditions, to return on their own. They cannot both be released on PR and have a bail set. Please check "affordability discussed" if the judge confirmed consideration of the defendant's financial resources during any discussion or deliberation on the proposed bail amount and the bail amount the judge imposed (if any). If the judge set a monetary bail (or personal surety) as a condition of release, check "cash bail amount set" and include the specific dollar amount. (If it was a personal surety, not a bail, please note that as well in the box.)

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- Bail Revocation** Please specify how the judge responded to any ADA request to revoke an existing bail on a prior open case. If the judge denied the bail revocation, check “denied.” If the judge allowed the bail revocation, holding the defendant for 60 days without possibility of release, check “allowed & held.”
- 58A Decision** If the judge denied the ADA request for a 58A hearing (because the judge found insufficient probable cause), check “denied.” If the judge allowed the 58A hearing and the hearing happened immediately thereafter during the arraignment, check “allowed & hearing.” If the judge allowed the 58A hearing and the person being arraigned was held for a few days pending a continued hearing, check “allowed, held, and future date” and input the date of the dangerousness hearing that the judge scheduled in the open-ended box.
- VOP Decision** If the probation officer did not move for a violation, skip this field entirely. If the judge released the person pending a future probation violation hearing, check “released.” If the judge ordered the person detained pending a future probation violation hearing, check “held.”
- Conditions:** The judge may impose court costs or other conditions. Please write all that apply. Common conditions may include stay away orders (from a person involved or the place of the alleged offense); no abuse orders (especially if there is an alleged named victim in the case); and no contact orders (again, from a person allegedly involved or a named victim). Other possible common conditions may include a curfew, a GPS ankle shackle/electronic monitor, SCRAM (alcohol monitoring), drug testing, etc.
- Narrative:** This is the final catch-all on the form for your reflections and the story of the case. Please write any notes about the case and/or your observations, including personal reflections on what you experienced in court.
- If there are specific arguments made by either attorney; facts of the case from the police report; whether or not an alleged victim was in court that day; if the alleged victim is seeking a restraining order or not -- this is the spot for you to write the story of the case as you understand it, to humanize the person being prosecuted beyond the allegations in the police report. If the case was dismissed entirely at arraignment, please note that here.
- If bail was posted at the police station and the person has walked in on their own you may hear the clerk or the judge announce that “bail is set at x amount, already posted.” Please note that here.
- If the person leaves the courtroom without being released and it’s not because a bail was set, please specify why they continued to be held (e.g. transport to another court/jurisdiction).