



## TRAINING MANUAL

Spring 2021

### GOALS OF COURT WATCH LOS ANGELES

- To create accountability & transparency by bringing people into the courtroom to observe, report out, and collect data about the behavior of public officials in court.
- To raise awareness about the mechanisms used to criminalize poverty and homelessness in the misdemeanor court system, including the use of fines and fees and bail setting practices.
- To expose the disparate treatment and punishment of BIPOC Angelenos.
- To hold law enforcement and elected officials accountable to public commitments, laws, and settlement agreements.
- To support organizing efforts outside the courtroom fighting to limit the reach of the criminal legal system and dismantle mass incarceration.

# EXPECTATIONS OF COURT WATCHERS

- Participate in a Court Watch LA training.
- Sign up to virtually observe courtroom sessions at specified locations and times.
- Complete court watch forms and take notes during courtroom sessions.
- Submit court watch forms and data on the same day.
- Show up on time and plan to observe for roughly 3 hours per shift.
- Communicate with the Court Watch LA team if any issues arise.

## TOOLS

**Shift sign-up:** Sign up for a court watching shift online here: <http://bit.ly/CWLAsignup>

**Court watch forms:** Use our court watch forms to record your courtroom observations.

Case Info Sheet: <http://bit.ly/CWCaseInfo> Use this form to record the details of each case you hear as you listen along.

Shift Overview Sheet: <http://bit.ly/CWShiftSummary> Use this form to record data summarizing your court watching shift. We recommend filling out this sheet at the end of your shift.

*Don't worry if you don't hear everything can't write down all the information fast enough.*

If you manage to record some information, we can refer to the court calendar and superior court records to get the rest. The most important thing is record your observations of the discussions and conduct of the parties in the courtroom.

**Social Media:** We will make your court observations accessible to the public by publishing them on Twitter and Instagram. If you would like to suggest specific ideas for tweets, please include them in the "Notes" section of your court watch form. Make sure to follow us on these platforms!

@CourtWatchLA

[www.twitter.com/courtwatchla](http://www.twitter.com/courtwatchla)

[www.instagram.com/courtwatchla](http://www.instagram.com/courtwatchla)

**Email:** If you observe anything in court that you think may require our immediate attention, or if you have any questions or concerns, please email us at

[CourtWatchLosAngeles@gmail.com](mailto:CourtWatchLosAngeles@gmail.com).

# INSTRUCTIONS FOR REMOTE COURT WATCHING

## Sign up for your observation session

1. You should sign up for your court watching session at least one day in advance.
2. Go to <https://my.lacourt.org/remotearaudio/welcome>
3. Select "Step 1: Sign Up".
4. If it is your first time signing up to listen to court proceedings, create a new account. If it is not your first time, sign in to your existing account.
5. You will be prompted to sign up to hear a court proceeding. To find a case number for the courtroom you wish to observe, open a new tab and go to <http://www.lacourt.org/criminalcalendar/ui/Index.aspx>
6. Select the courthouse and department number (courtroom) that you would like to observe and select the date you plan to observe. Click search.
7. This will take you to the calendar for that courtroom on the day you selected. Back on the remote audio tab, where it says "select case type" select criminal. Then enter the case number from one of the cases listed on the calendar for your courtroom on the day you selected. Click continue. (You do not need to select the box for a person who is in jail and going to court for the arraignment.)
8. On the next screen, fill out the information, including the name of the defendant for the case number you selected. For the nature of interest question, you can select "member of public" or leave it blank. Click submit request.
9. You are supposed to get a confirmation email with a link. If you don't, you will still be able to access the proceeding. The link for the case you requested will give you access to the courtroom for the entire session, not just the one case.

## Listen to the court proceedings

1. Go to <https://my.lacourt.org/remotearaudio/welcome>
2. Select "Step 2: Listen".
3. You will be taken to a page that lists the proceedings you have signed up to listen to. Select "Listen Now".
4. Go to <http://www.lacourt.org/criminalcalendar/ui/Index.aspx> to pull up the calendar for the courtroom that you are observing that day. The judge may not go in the order listed online and the online list may not include all cases called in court, but this can be a helpful guide to follow along.
5. While court is set to start at 8:30, the streaming is not turned on until the judge takes the bench, which can be on time, but also may be at 9:00 or occasionally later. The streaming will not automatically start, you will have to press play. Sit tight and press play every few minutes until the streaming starts.
6. If you have technical difficulties, call the LASC help desk at 213-830-0400.

## WHAT YOU MAY BE WATCHING

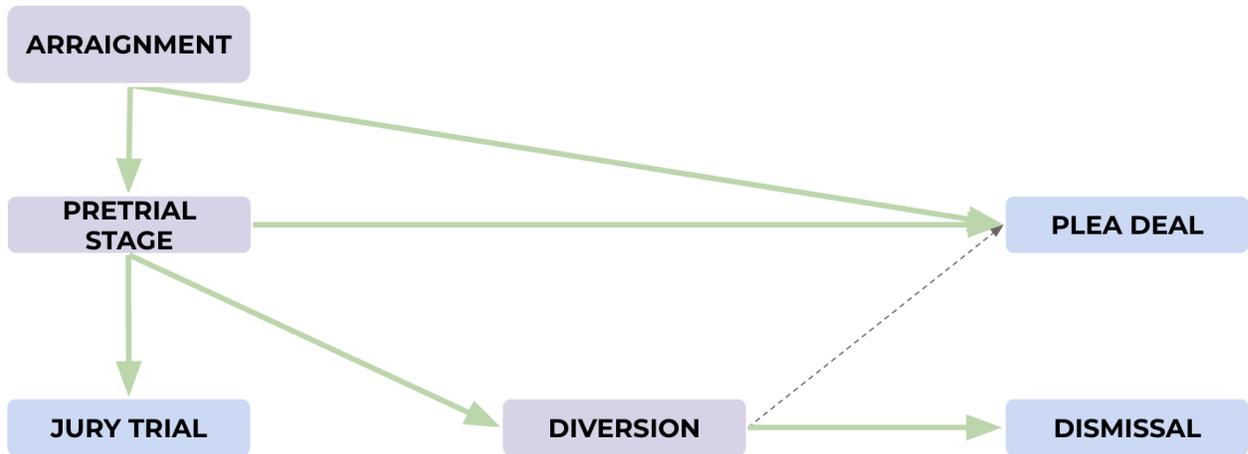
**Arraignment:** Accused person's first appearance in front of a judge once a criminal allegation has been made. Purpose of this appearance is to formally charge someone with a crime, appoint a lawyer if that is necessary, receive a defendant's guilty or not guilty plea, and decide any conditions of release.

**Pre-trial hearing:** Court date after arraignment that can address a variety of subjects, often including further discussions about plea negotiations.

**Probation violation / status hearing:** A hearing to decide whether a person has violated the conditions of their probation or court-ordered conditions, or for the person charged to give a progress report to the court. Subjects of conditions and progress reports can include attendance in domestic violence classes, alcohol programs, parenting classes; completion of community labor; and payment of restitution.

**Sentencing hearing:** When a person pleads guilty or is convicted, the judge decides the punishment the person will receive, including incarceration, probation conditions, and fees, fines, & restitution the person must pay after hearing arguments from the defense and the prosecution at this hearing.

**Ability to pay hearing:** When a judge considers evidence relating to a defendant's financial situation (for example, income, debts, or whether the defendant receives public benefits) in setting the amount of a fine or fees owed, or when deciding whether a defendant should be punished for failing to pay.



“The misdemeanor machinery extends from the street all the way into the courtroom: from arrest to bail to prosecution, defense, and the judge’s legal resolution of the case.

Each stage contributes to the speedy and sloppy quality of misdemeanor adjudication that has earned it nicknames such as “**assembly-line justice**,” “cattle herding,” “meet ’em and plead ’em” lawyering, and “**McJustice**.” The process is driven by its large numbers, an emphasis on summary justice rather than careful adjudication, and the enormous pressure placed on defendants to plead guilty as quickly as possible.”

-Alexandra Natapoff, “Misdemeanors”

## COMMON MISDEMEANOR CHARGES

- HSC 11350, HSC 11357, HSC 11377 Possession of a controlled substance
- HSC 11364 Possession of drug paraphernalia
- PC 148(a)(1) Resisting a police officer
- PC 369i Illegal entry on railroad land
- PC 422 Criminal threats
- PC 484 Petty theft
- PC 592 Vandalism
- PC 602 Trespassing
- PC 647(b) Prostitution
- PC 647(e) Unlawful lodging
- PC 647(f) Public intoxication
- PC 653.22(a)(1) Loitering to commit prostitution
- VC 12500 Driving without a license
- VC 14601 Driving on a suspended license

## PEOPLE IN THE COURTROOM

**Judge:** The official that makes legal decisions in the courtroom. This includes setting bail conditions and the amount of money bail, as well as granting or denying requests from the prosecutors and defense attorneys – such as requests to dismiss charges or to waive or impose fees or fines.

**Clerk:** Court employees that assist the judge, oversee the flow of cases and records.

**Defendant:** The person being prosecuted; the person facing criminal charges.

**Prosecutor:** The attorney that brings charges against the defendant on behalf of the government. Sometimes referred to as “the People.”

**City attorney:** A prosecutor employed by the city.

**Deputy district attorney (DA, ADA):** A prosecutor employed by the county.

**Defense attorney:** The attorney representing the defendant.

**Public defender:** An attorney employed by the county to represent people who cannot afford to hire their own attorneys.

**Alternative public defender:** An attorney employed by the county to represent people who cannot afford to hire their own attorneys in cases where there is a conflict that prevents the public defender from representing the person.

**Court-appointed/bar panel attorney:** An attorney who is appointed by and paid by the court to represent someone who cannot afford to hire their own attorney in an individual case.

**Pro per:** A person representing themselves without an attorney.

**Bailiff:** Uniformed Los Angeles Sheriff’s Department deputies serving as court security.

## EXAMPLES OF THINGS TO WATCH FOR

- Is the prosecutor bringing charges against someone for being unhoused (such as sit, lie, sleep laws or loitering)?
- Is the prosecutor bringing charges against someone because they could not afford fees? Such as not being able to pay court-ordered fines or fees or driving with a suspended license for failure to pay tickets or registration?
- Is the prosecutor bringing charges for street vending?
- Is a city attorney or deputy district attorney bringing charges that the District Attorney has committed to not prosecuting? These include PC 602 trespass, VC 12500 driving without a license, VC 14601.1(a) driving on a suspended license, HSC 11350, 11357, 11364, 11377 drug paraphernalia & possession, PC 647(f) public intoxication, PC 647 loitering, PC 653.22(a)(1) loitering to commit prostitution, and PC 148(a) resisting arrest.
- Is the person in court for a bench warrant more than 5 years old?
- Is the prosecutor arguing for a bail amount to be set or for bail to be denied entirely and the defendant be detained before trial? Does the bail amount seem excessive?
- Is the prosecutor or the judge making discriminatory arguments about the bail that should be imposed?
- Did the judge consider the defendant's ability to pay when setting bail?
- Is bail being used to force a plea – meaning the person can't afford the bail demanded by the prosecutor or judge and would rather plead guilty than stay in jail?
- Is the judge denying requests made by the deputy district attorney according to District Attorney Gascón's new policies? These policies include not filing certain charges (see list above), no requesting cash bail for misdemeanors, pursuing diversion instead of incarceration, and not arguing for sentencing enhancements.

- Are fines or fees being imposed on someone who does not have the money to pay?
- Is the prosecutor or the Probation department arguing that someone has violated the terms of their probation because they did not complete a class or program because the person could not afford the class or program fees?
- Is the prosecutor opposing the defendant's request for diversion?
- Is the prosecutor seeking jail time?
- Is a city attorney or deputy district attorney arguing for a sentence enhancement, such as a gang enhancement?
- Is the prosecutor or judge trying to force the defense attorney to divulge immigration sensitive information?
- Is the prosecutor or the judge forcing people who may have been exposed to COVID-19 to come into court? Are they forcing people who are at high risk for COVID-19 to come into court? Are there other unsafe COVID-19 practices occurring?

## DEFINITIONS

**Bail:** Money a person is required to give to be released from custody.

**Bail schedule:** A list adopted by the court that recommends the amount of bail a person should pay for different charges.

**Bench warrant:** An order given by the court to arrest a person who didn't do what the court ordered. For example, a bench warrant might be issued if a person didn't appear in court or didn't pay a fine when they were required to do so.

**Calendar or Docket:** The official list of cases before the court, which may note the status or action required for each case. We will refer to the early list of cases available on the LA Superior Court website (<http://www.lacourt.org/criminalcalendar/ui/>) as the "calendar." We will refer to the updated list of cases only available on the day of court as the "docket."

**Charge:** The specific law the person is accused of violating.

**Community service:** Work that the court orders a person to perform as punishment, often for a nonprofit organization as an alternative to paying fines.

**Community labor:** Work that the court orders a person to perform as punishment. Often involves outdoor physical labor, such as roadside cleanup for Caltrans.

**In custody:** When a person is held in jail during their criminal case.

**Diversion:** Referral of a defendant to services or a mandatory program instead of jail. Diversion can be "informal" – meaning a person can have their case dismissed if they meet the terms of their diversion without pleading guilty. In other cases, diversion is "formal" and requires the person to first enter a plea that can later be withdrawn.

**Fine:** Money a convicted person must pay as punishment.

**Fee:** Money a person must pay to cover administrative costs relating to criminal proceedings or to raise funds for local government.

**GPS or Electronic Monitoring:** Condition of release from jail requiring someone to wear an ankle monitor. Often, the person has to pay a fee for the monitoring. The monitor tells the probation department where the person is and notifies probation if the person violates other conditions of release.

**Infraction:** A minor violation of law that cannot be punished by time in prison.

**Misdemeanor:** A crime that can be punished up to 1 year in jail. Less serious than a felony, more serious than an infraction.

**Own recognizance (OR)/Personal recognizance:** Release without any financial conditions based on a promise to return to court.

**Penalty assessment:** Money a convicted person must pay to raise funds for different state programs.

**Pretrial services report:** A report that the Probation department puts together to make recommendations to the judge about whether and on what conditions someone should be released from jail before trial.

**Plea:** A defendant's answer to the criminal charges against them. A person can plead "not guilty" to continue fighting the charges, or they can plead "guilty" or "no contest." Plea bargaining is the process of negotiation between the prosecution and defense to settle the case. For example, the defendant may agree to plead guilty in exchange for a lesser charge.

**Probation:** Formal probation is an alternative to imprisonment in which the judge releases a convicted defendant under supervision of a probation officer that makes sure the defendant follows certain rules (for example, gets a job, completes a drug counseling program). People also sometimes use the word "probation" as shorthand for the Probation Department, which is in charge of supervising defendants who are serving probation terms. Some defendants receive "summary probation" which means they are not supervised by the Probation Department but have to check in and provide progress reports to the court.

**Probation violation:** Allegation by Probation Department, prosecutor, or court that a person who is on probation violated a term of their probation. The judge decides whether there is enough evidence to decide whether someone violated their term of probation at a separate hearing.

**Progress Report:** An update from the defendant on the completion of their diversion or other commitment to the court. Often, the lawyer appears on behalf of the defendant for a progress report.

**Remanded to custody:** When a person is sent back to jail instead of being released.

**Restitution fine:** Money a convicted person is ordered to pay into a state fund that is supposed to help victims of crime.

**Stayed/Suspended fine:** A fine that does not have to be paid at that time.

**Waived fee or fine:** A fee or fine that does not have to be paid at all.