

**NIJ's Multi-Site Adult Drug Court Evaluation
Courtroom Observation Protocol:**

I. Court Session (completed at the end of the entire court session)

II. Court Appearances (completed for each appearance)

Source: Rossman, S. B., Roman, J. K., Zweig, J. M., Rempel, M., and Lindquist, C. H., eds. 2011. *The Multi-Site Drug Court Evaluation*. Washington, D.C.: The Urban Institute. (Study work product: does not appear in formal publication).

NATIONAL DRUG COURT EVALUATION Court Observation Protocol I. Court Session

Complete one form for each day of court observation. Try to observe all cases heard on that day or, at minimum, all cases heard during one complete session (morning or afternoon).

Court: _____ Date: _____
 Judge: _____ Observer: _____

Court Sessions Observed (check all that apply):

- Morning: If checked, start time (1st case called): _____ End Time _____
 Afternoon: If checked, start time (1st case called): _____ End Time _____

Total Court Time Observed (*morning plus afternoon*): ____ Hours ____ Minutes

Total Number of Court Appearances Observed (*count from court appearance protocol*): _____

Type of court appearance

Tally up the number of each type of appearance and total once finished.

Regular Judicial Status Hearing	Pre-participation/ potential new participant	Non-drug court
<i>Total=</i> <i>(this number is the denominator for the %'s in the next question)</i>	<i>Total=</i>	<i>Total=</i>

*****Record the remaining items only for drug court participant regular judicial status hearings, not for pre-participation candidates or non-drug court appearances.*****

Tally the number of hearings that each role participated in and calculate the percentage when court observation is complete.

Participant	# participated in	% participated in (<i>denominator is total status hearings</i>)
Judge		
Dedicated prosecutor		
Dedicated defense attorney		
Project / resource coordinator		
Case manager		
Probation officer		
Treatment Agency officer (works for community based tx pgm)		
Other Describe: _____		

Did drug court participants appear with counsel in the cases that were observed?

Always Sometimes Never

Notes/Clarification (*especially if answer was "sometimes"*): _____

When participants appeared with counsel, did they stand right next to counsel? (*Answer "no" if participant stands at center, while counsel remains symbolically apart, behind the middle of the defense table for example, even if the distance is only several feet.*)

Always Sometimes Never N/A (participants "never" appear with counsel)

Notes/Clarification (*especially if answer was "sometimes"*): _____

Did the attorneys present opposing positions to the court?

Always Sometimes Never N/A (neither attorneys are in court)

Notes/Clarification (*especially if answer was "sometimes"*): _____

Were cases called in an intentional order (e.g., sanctions first)? Yes No

Notes/Clarification (*mandatory to add notes if answer was "yes"*): _____

Was the court session open to the public? Yes No

Was the court session open to participants other than when their case was called? Yes No

If the observed court session was open, were "on record" comments audible to the audience?

Entirely Mostly Barely (e.g., front row or loud remarks only) Not at all

Notes/Clarification: _____

Were treatment progress reports conveyed orally (e.g., by the coordinator, case manager, or treatment liaison)? Always Sometimes Never

Notes/Clarification (*especially if answer was "sometimes"*): _____

Did the judge possess written treatment progress reports? Always Sometimes Never

Did drug court participants have to stay for the entire court session, or were they allowed to exit after their appearance? (*Answer "stay" if only a small number of participants are allowed to leave due to employment-related or other special circumstances*)

Must Stay Allowed to Exit Depends on Phase

Notes/Clarification: _____

Approximately how many feet were participants from the bench during appearances? (circle one)

Less than 5 feet

5-10 feet

More than 10 feet

Did the judge frequently hold bench conferences during court appearances or frequently ask participants to approach the bench to speak to them off the record? Yes No

Please describe this practice: _____

Circle the number that best represents the observer's impression based upon the court sessions that were observed: 1 = strongly disagree and 5 = strongly agree.

Concerning the actions and demeanor of the judge towards the participants, was the judge:

Respectful	1	2	3	4	5
Fair	1	2	3	4	5
Attentive	1	2	3	4	5
Enthusiastic	1	2	3	4	5
Consistent/Predictable	1	2	3	4	5
Caring	1	2	3	4	5
Intimidating	1	2	3	4	5
Knowledgeable	1	2	3	4	5
Funny	1	2	3	4	5
Stern	1	2	3	4	5

Did the judge frequently elicit questions or statements from the participants? Yes No

Describe the physical layout of the courtroom (e.g., dimensions, lighting, number of rows in the gallery, size of audience, and audibility of the proceedings).

Thinking back to the staffing, did the Judge's decisions in cases agree with what was decided by the staffing recommendations?

Most of the time agreed

Most of the time conflicted

NATIONAL DRUG COURT EVALUATION
Court Observation Protocol II. Court Appearances

Complete one form for each court appearance.

Court: _____ Date: _____

Observer Initials: _____

Length of Appearance (round to nearest minute): _____

Type of Appearance:

- Drug court – judicial status hearing
- Drug court – pre-participation (count if defendant becomes participant during the appearance)
- Non-drug court: Describe: _____
- No-show/non-appearance

Defendant Sex: Male Female

Compliance Status (circle only one – check “bad report” if any noncompliance was noted):
Good report Bad report

If “bad report,” answer the following:

1. Noncompliance was (circle all that apply):

Treatment absence(s)	Missed court date(s)	Positive drug test(s)
Re-Arrest	Returned on warrant	Violated rules at treatment
Poor attitude	Other: Specify: _____	

2. What was the court’s response? (circle all that apply.)

None Admonishment from judge Admonishment from other staff: Who? _____
Other sanction(s) imposed: List all sanctions: _____

Participant failed drug court: Indicate sentence or other consequence: _____

3. Did judge raise his/her voice while responding? Yes No

Achievements: Were any of the following recognized? (circle all that apply)

Drug-free days: How many? _____ Phase advancement Job/school event
Eligible for graduation Other: specify: _____

Rewards: Were any of the following administered? (circle all that apply)

Courtroom applause Shook hands with judge Praise from judge
Praise from other staff: Who? _____
Other reward: Specify: _____

Judicial Interaction (*check box if the given type of interaction occurred*):

- Judge made regular eye contact with defendant (for most of the appearance)
- Judge talked directly to defendant (as opposed to through attorney)
- Judge asked non-probing questions (e.g., "yes/no" or others eliciting one-word answers)
- Judge asked probing questions
- Judge imparted instructions or advice
- Judge explained consequences of future compliance (e.g., phase advancement, graduation, etc.)
- Judge explained consequences of future noncompliance (e.g., jail or other legal consequences)
- Judge directed comments to the audience (e.g., using the current case as an example)
- Judge spoke off-record to the defendant (i.e., not transcribed)
- Defendant asked questions or made statements
- Defendant displayed art/talent (e.g., told story, displayed artwork, sang, etc.)

Other notes/impressions of the judicial interaction: _____

Did a family member of the defendant speak or otherwise participate during the appearance?

Yes No

Did the defendant's presentation or demeanor seem? (*circle all that apply.*)

Forthcoming	Intimidated	Happy/satisfied
Angry	Upset	Resentful

Other notes/impressions: _____
