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Is This On? Nuts and Bolts of Remote Hearings and Domestic Violence Considerations

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Center for Court Innovation

Gender and Family Justice | Our Mission

We help courts and communities respond creatively, holistically, and effectively to domestic violence, sexual assault, stalking, and dating violence.

Court and Community Collaboration

Judicial Leadership

Survivor Safety and Well-Being

Access to Justice

Offender Engagement and Accountability

Trauma Informed Responses

Our Team

Civil Legal
Attorneys

Policy
Developers

Victim
Advocates

Social
Workers



Nida
Abbasi



Liberty
Aldrich



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Webinar Overview

- ✓ Hear from three different courts on transitioning to virtual hearings
- ✓ Considerations regarding domestic violence cases
- ✓ Immediate and long term access and emergency preparedness for our judicial and court community

Raise Your Hand

Does your court currently conduct remote hearings?



Okanogan, Thurston, DeKalb

Our Courts At-A-Glance

Okanogan County District Court

- 40,000 pop
- 5,315 sq. miles
- Largest City
4,800 pop
- 5,000 filings annually
- 2 judges & staff
- Limited jurisdiction

Thurston County District Court

- 220,000 residents,
140,000 urban areas
and 80,000 rural areas
- 34,695 filings
- 4 judicial officers & 30 staff
- Limited jurisdiction and contracting with three cities, acting as their municipal court

DeKalb County Magistrate Court

- 759,297 pop
- 146,451 filings annually
- 24 judicial officers & 20+ staff
- Limited jurisdiction, State and Superior Court matters by designation

Nuts and Bolts of Going Virtual

What was your process for setting up remote hearings?

Setting Up Remote Hearings

Okanogan County DC Experience

Small Setups

- ▶ Can Set Up Quickly
- ▶ Don't Need Fancy Equipment or an IT Department
- ▶ More Than One Way
- ▶ What Works in Your Community?

Setting Up Remote Hearings

Thurston County DC Experience

- ▶ Suspended jury trials
- ▶ Waived appearance by defendants at various hearings
- ▶ Video hearings only with attorneys in the courtroom – in custody only
- ▶ Video hearings only with attorneys appearing telephonically
- ▶ Zoom hearings – started with change of plea at request of defense
- ▶ Linked Zoom to YouTube
- ▶ Added mental health/veterans court due to at risk population
- ▶ Added protection order hearings because current situation makes these even more important
- ▶ Moved in custody hearings to Zoom because it was easy
- ▶ Added arraignments

Setting Up Remote Hearings

Thurston County DC Experience

- ▶ Started with telephonic hearings on in-custody calendars
- ▶ Quickly realized we needed to do disposition hearings
 - Relying on defense to schedule cases
 - Waived signatures
 - Used document management system and public portal to make documents available to defendants
 - Already using zoom internally, so simply added defendants and attorneys
- ▶ Needed to quickly add full order hearings so sent out notices and started working on details – little more challenging because of notice and evidence
 - Parties email evidence to clerk 48 hours before hearing and they put it in the document management system so other party and judge can review
 - First hearing had a case with 3000 pages of evidence and respondent appearing from Tennessee; went without a hitch
- ▶ Realized we could do in-custody over zoom if we put a laptop in the jail – bam!

Setting Up Remote Hearings

DeKalb County Magistrate Court Experience

- ▶ Established a remote hearing process for criminal and search warrants several years prior for emergency matters.
- ▶ Expanded the remote hearings for all matters for law enforcement and assigned computers to the judges for this purpose.
- ▶ Established the PreTrial Justice Initiative over a year ago. PTJI provides for remote felony bond hearings where the attorneys appeared in a courtroom in the jail with the Defendants and the judge appears via video. To accomplish social distancing, we incorporated Zoom to have the attorneys appear via video also.
- ▶ Misdemeanor bond hearings have been done remotely between the jail and the judge for several years.
- ▶ Use Zoom technology to connect with the jail and attorneys for our Jail Calendar in Ordinance Division.
- ▶ Remote hearings for Ex-Parte Temporary Protective Orders within two weeks by meeting constantly with the Superior Court Clerk and her IT team, our justice partners, and our staff.
- ▶ Made it as user friendly as possible with a platform Petitioners could use on a cell phone, tablet, or laptop.

Domestic Violence Considerations

What are some considerations regarding safety for conducting remote hearings involving domestic violence?

Domestic Violence Considerations

- ✓ Email, Phone & Location Privacy
- ✓ Confidence in Proceedings from Litigants
- ✓ Breakout Room to Speak w/ Attorney or Advocate
- ✓ Firearm Surrender
- ✓ Ensure Compliance
- ✓ Use virtual backgrounds to hide their location
- ✓ Make sure video is taken off of YouTube immediately after court is ended
- ✓ Protection order petitions on line. Announced on website, twitter, called local womens' shelters and family support centers and asked them to post it on their social media
- ✓ Advantage to not having victim and perpetrator in the same room, but you also miss body language cues; have to be much more aware of reactions

Lessons Learned thus far...

Maintain Procedural Justice

- ▶ Communication ahead of time - notice, instructions, help at hearing
- ▶ Speak slower, over explain
- ▶ Introduce everyone & how it will work
- ▶ Explain why a videoconference & how it works
- ▶ Explain private room to speak w/ attorney or advocate
- ▶ Share screen & they can read along
- ▶ Ask for questions

Lessons Learned thus far...

- ▶ Baling wire and chewing gum – make do with what you have
- ▶ Don't over think it – simple solutions often work the best; instead of going thru hoops to link jail video system to zoom, we just turned it off and put laptops in the jail
- ▶ Done is better than perfect
- ▶ Breakout rooms for attorney conferences
- ▶ Have someone dedicated to being the host; especially if you are using waiting rooms or breakout rooms
- ▶ Have separate Zoom accounts for internal meetings and court hearings
- ▶ Some courts use waiting rooms; we do not – open court; stream to YouTube so we can close the courtroom; will continue with this to limit attendance after we open
- ▶ Using it for more than court – probation officers and care coordinators meet with clients on Zoom
- ▶ Make use of your document management system to move paper around
- ▶ Keep both the FTR (official audio) recording and the Zoom recording for backup
- ▶ Use a watermark to indicate “no recording” and “not the official record”

Remote hearings in the future

How have you been planning to use remote hearings in the next few months?

Are there plans to keep remote hearings in the long run?

What are the benefits/challenges to DV survivors and offenders?

Emergency Preparedness

What has this pandemic taught you regarding emergency preparedness?

How can the court and judicial community prepare for another emergency?

Contact Us

- ▶ **Email us** at dvinfo@courtinnovation.org
- ▶ Visit us and **join our listserv** at dvcourts.org

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