

WEBINAR:

**REMOTE ORDERS OF PROTECTION IN
CRIMINAL AND CIVIL CASES INVOLVING
INTIMATE PARTNER VIOLENCE AND ANIMAL
ABUSE**





May 15, 2020

Presenters

Nikki Parisi, General Counsel, *Association of Prosecuting Attorneys*

Lora Dunn, Director, Criminal Justice Program, *Animal Legal Defense Fund*

David Martin, Senior Deputy Prosecutor, Chair Domestic Violence Unit, *King County Prosecuting Attorney's Office*

Hon. Carroll Kelly, Administrative Judge, Domestic Violence Division, 11th Judicial Circuit, *Miami-Dade County*

Hon. Randy Wilt, Associate Circuit Judge; Presiding Judge Domestic Violence Coordinated Courts, *Winnebago County*

Nicole Ticknor, Project Manager, Domestic Violence Coordinated Courts and Domestic Violence Homicide Prevention Initiatives, *Winnebago County*

Moderator

Robyn Mazur, Director, Gender and Family Justice Programs, *Center for Court Innovation*

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The Association of Prosecuting Attorneys

*Our Mission: Supporting Prosecutors to
Create Safer Communities*

Domestic Violence Prosecution Committee: brings together the nation's leading working DV prosecutors and victim advocates to advance the field of domestic violence prosecution and address the needs of DV prosecutors, managers and victim advocates.

Animal Abuse Prosecution Project: APA recognizes animal cruelty and fighting not only as precursor crimes to family and interpersonal violent crime, but also violent crime that should be effectively prosecuted.

Animal Legal Defense Fund Resources



**IS YOUR VICTIM AN ANIMAL?
WE CAN HELP!**

Funding for reward offers, costs of caring for seized animals, and forensic work.

Professional training on animal cruelty cases for law enforcement, animal control officers, prosecutors, judges, and veterinarians.

Legal research, expert witnesses, and legislative assistance.

WINNING THE CASE AGAINST ANIMAL CRUELTY



ANIMAL LEGAL
DEFENSE FUND

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

Webinar Overview

- ✓ Hear from three different jurisdictions on transitioning to (or enhancing their) remote filing system for criminal no contact and civil orders of protection
- ✓ Discussion of considerations regarding victim safety and offender accountability when processing remote orders of protection in criminal and civil cases involving intimate partner violence and animal abuse
- ✓ Lessons learned and crisis planning for the future

Raise Your Hand

Does your court currently offer an online/remote civil protective order process?

Does your court currently offer an online/remote no contact order/criminal protective order process?

King County, Washington

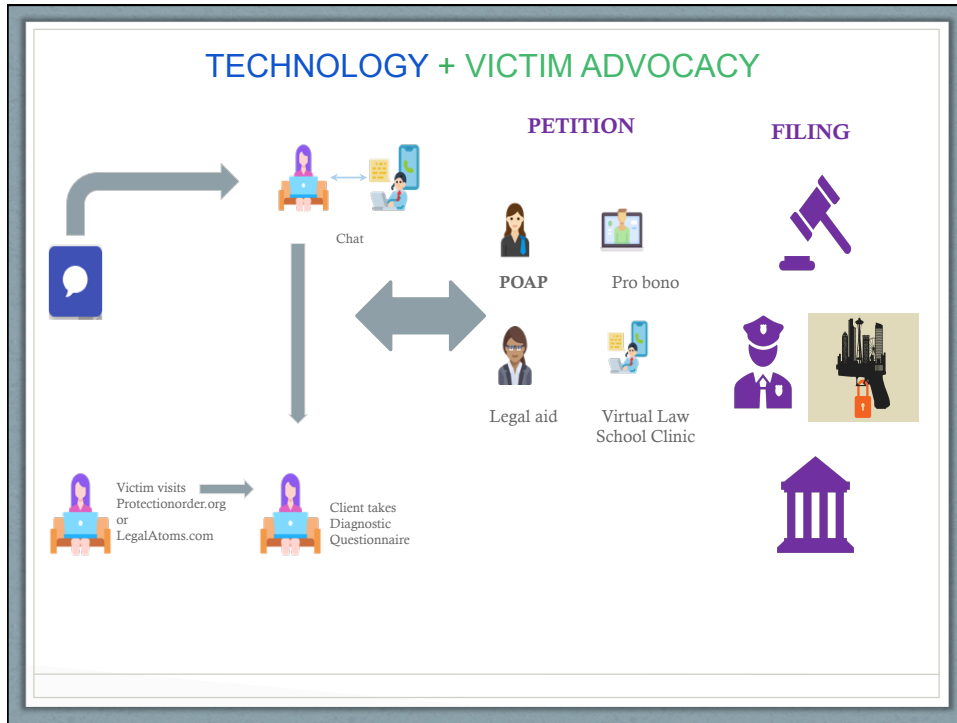
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| <ul style="list-style-type: none"> ❖ Speaker Introductions ❖ County Demographics & Jurisdiction <ul style="list-style-type: none"> ❖ Criminal No Contact Orders ❖ Civil Protection Orders and Service of Process ❖ <i>Ex parte</i> Orders of Protection | <ul style="list-style-type: none"> ❖ Implementation & Planning Process ❖ Challenges and Successes in Managing Remote Filing Process ❖ Victim Safety Considerations ❖ Access to Justice Considerations ❖ Cases Involving Animal Abuse Considerations ❖ Working with Prosecutors ❖ Working with Advocates ❖ Working with Attorneys |
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- For 31 years Protection Order Advocacy Program (POAP) of King County Prosecuting Attorney provided in person advocacy to 6000 petitioners a year.
- POAP connects to Regional DV Firearm Enforcement Unit (KCPAO, Seattle Police, Sheriff, City Attorney) for firearm surrender.
- POAP connects to Civil Legal Aid through VOCA funded network partnership.
- Fall 2019 POAP began pilot of remote-po services with a legal startup.
- March 2020: COVID



The screenshot shows the LegalAtoms website interface. At the top left is the LegalAtoms logo. The navigation menu includes: Divorce, Domestic Violence (highlighted in red), Pricing, Blog, Are you a lawyer? (with a dropdown arrow), About (with a dropdown arrow), and Register. The main heading reads "Application for Domestic Violence Protection Free". Below this, a sub-heading states: "LegalAtoms is a free website that allows you to prepare your complete set of court documents for Domestic Violence Protection Order (DVPO)". A second sub-heading says: "LegalAtoms covers the individual county requirements of all 39 counties in Washington state. LegalAtoms does not cover". On the right side, there is a "Start" button in a red box. Below it, a light blue box contains the text "See if you're eligible!" and a text input field with the placeholder "residence zip code". A blue "Start" button is positioned below the input field.

The screenshot shows the King County Domestic Violence Protection Order Advocacy Program website. The header includes "KING COUNTY DOMESTIC VIOLENCE PROTECTION ORDER ADVOCACY PROGRAM" on the left, "ABOUT PROTECTION ORDERS" with a dropdown arrow in the center, and "RESOURCES & FAQs" on the right. A red "SAFETY EXIT" button with a close icon is in the top right corner. A language selection bar at the top right lists: 繁體字, 繁體字, Tiếng Việt, Af Soomaali, Русский, and En Español. The main content area is divided into four quadrants by a light yellow cross. Each quadrant has a question in blue text, a short paragraph of text, and a yellow "LEARN MORE >" button. The quadrants are: 1. "Should I get a domestic violence protection order?" with text: "Deciding whether or not to file for a domestic violence Order is a very important and individual decision." 2. "Can I get a domestic violence protection order?" with text: "DVPOs are designed for people who are in specific types of relationships." 3. "How do I get a domestic violence protection order?" with text: "The first step in obtaining a protection order is identifying the court where you would like to file." 4. "Now that I have a protection order." with text: "There are several steps to follow once you obtain your order."




Seattle Police and E-Service Protection Orders


WA statute required personal service. WA Governor modified when no firearms surrender or order to vacate:

E-service effective:

- **Phone:** Call respondent and document on Return of Service. Strongly consider recording conversation. Indicate what was relayed to respondent. Obtain email and/or text from respondent and confirm in follow up
- **Text:** If mobile number accepts texts then text documents and follow up. Screenshot the text message exchange and include with the Return of Service
- **Email:** If e-mail exists for respondent, send order by email. Turn on read receipt, retain email and read receipt, preserve metadata.



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Governor



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**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

20-05
Protection Orders and Personal Service

Ellis, Ryan

From: Brandon Garza <brandon.garza50@yahoo.com>
Sent: Thursday, April 30, 2020 9:47 AM
To: Ellis, Ryan
Subject: Re: Attached Image

CAUTION: External Email

I received the e-mail detective Ellis

Sent from my iPhone

On Apr 30, 2020, at 9:42 AM, Ellis, Ryan <ryan.ellis2@seattle.gov> wrote:

Protection Order GOLDSMITH

Det. Ryan Ellis
Div Order Service & Firearms Recovery Unit
610 5th AVE
Seattle, WA 98124
206-386-1306

From: VSTCP/PRINT [mailto:donotreply@seattle.gov]
Sent: Thursday, April 30, 2020 9:35 AM
To: Ellis, Ryan <ryan.ellis2@seattle.gov>
Subject: Attached image

<4107_001.pdf>

Identification of server:

1. My name is Ryan Ellis I am a peace officer 18 years of age or older and not the petitioner or the respondent.

2. I served GARZA, BRANDON (name of person served) on 4/30/20 (date) at 9:41 am (time) at this address Via Email: Brandon Garza 50@yahoo.com with the documents checked in paragraph 4.

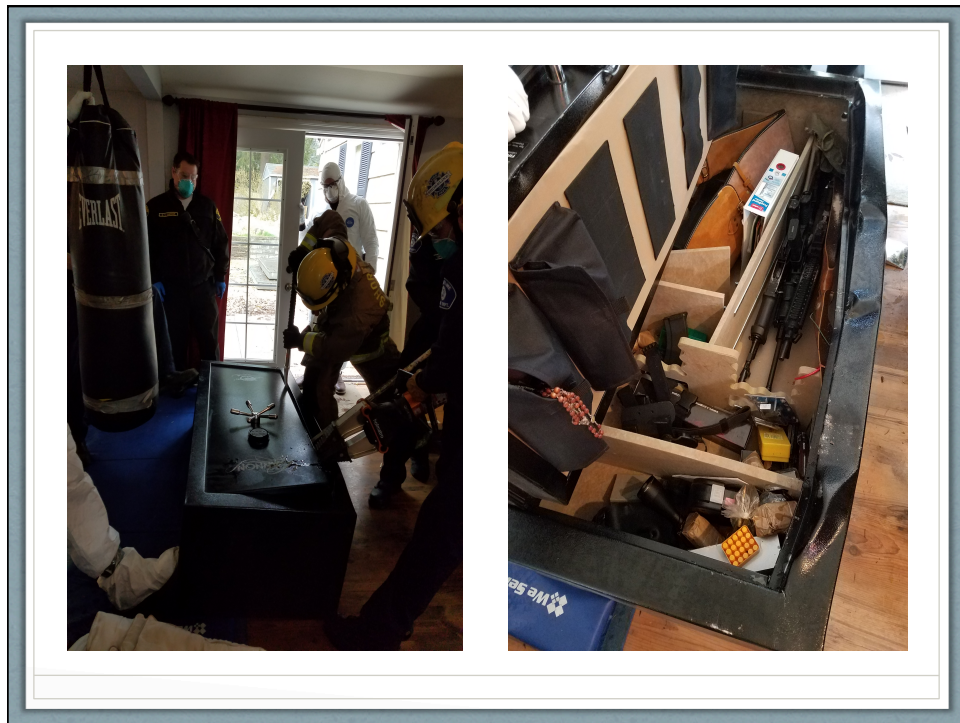
List of documents:

4. I served the:

- Petition for an Order for Protection
- Temporary Order for Protection/Notice of Hearing
- Reissuance of Temporary Order for Protection and Notice of Hearing
- Order for Protection - Harassment

5. Other: Confirmation Email Attached

E-service



Winnebago County, Illinois

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Winnebago County, IL

How we got ready:

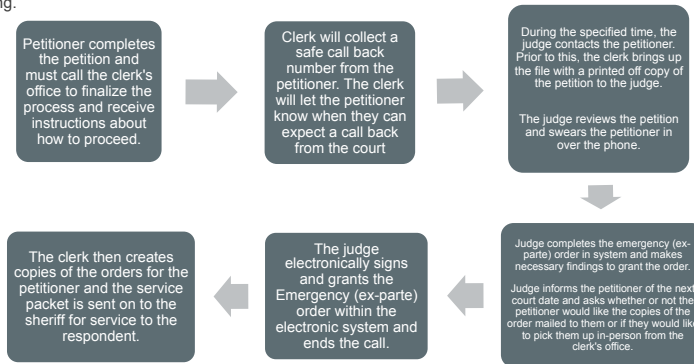
- A small working group was pulled together to develop the policies and procedures.
- Instructions for the public were developed and placed on to the court's website. We are in the process of creating an instructional video using Storyline software to go along with these written instructions. A side by side Spanish translation of the remote website can also be found on the court's website.
- Instructions for the judges were developed. Three Zoom trainings were provided to all of our judges to introduce the instructions and walk them through the system.
- Instructions for court staff and clerk's were developed to ensure everyone was providing petitioners with the same information about the process.
- A schedule was created for judges. Each day of the week a specific judge is assigned to hear both walk-in and remote orders of protection. Since all judges are trained, other judges can provide back up as needed.

Winnebago County, IL

Filing and Obtaining the Order (applies to both Civil & Criminal Orders of Protection):

Petitioner can access information and instructions at our court's website: <http://www.illinois17th.com>

Petitioner begins the process of drafting the request (petition) for the OP using the online system found at <http://www.illinoisprotectionorder.org>. This program guides the petitioner through the process of completing the order. Petitioner will be prompted to enter necessary information and can select which order of protection remedies they are requesting.



Winnebago County, IL

Attorneys

Attorneys are able to access the online portal to assist a petitioner with filing or to file on their behalf. In these cases, the clerk gathers the attorney's information for the call back and informs the attorney of the time frame in which the judge will call. The attorney will then provide petitioner contact information to the judge and can also choose to participate in the phone proceedings if they wish either by conference call or by being with their client.

Advocates

Judges are encouraged to provide information about available advocacy services when completing the remote emergency order of protection calls. Advocates can provide both in-person and remote assistance depending upon the petitioner's needs and wishes. Advocates are familiar with the process to obtain a remote emergency order of protection and can provide assistance via phone if needed.

Our in-person order of protection advocacy office, the Domestic Violence Assistance Center, remains open for survivors who feel requesting an order of protection in-person is the best option for them.

Miami-Dade County, Florida

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Miami-Dade County, FL

Civil Orders of Protection (OFP) Filings - All civil injunction intake centers throughout Miami-Dade are open to assist petitioners with filing OFPs.

- At intake centers multilingual clerks/ advocates assist petitioners with completing OFP petitions. Social distancing protections and phones being used.
- Completed petitions are forwarded to emergency Judges by clerks via email. Orders are signed remotely using Smart Forms application and returned to clerks via email for processing.
- Orders provided to Petitioner in person by clerks.
- Ex parte OFPs and orders to appear for hearing are forwarded to the sheriff for service.

Coming soon...

- A2J remote filing system. Easy to use program that assists petitioners by asking simple questions and populates petition.

- Remote filing and ability for all advocacy centers to assist.

Miami-Dade County, FL

Criminal No Contact Orders - All criminal no contact orders include no contact, no firearms, ability to get personal belongings with police and may include GPS and no alcohol.

- ❖ Defendants arrested for misdemeanor DV offenses held overnight and required to appear at in person daily DV bond calendar.
- ❖ DV misdemeanor bond calendar heard via Zoom. Space at jail and computer supplied by DOC.
- ❖ Public defender has private zoom session with inmates prior to calendar.
- ❖ All stakeholders are present via Zoom: judge, state attorney, public defender, private attorneys, clerks, interpreters, corrections / pretrial release.
- ❖ Clerk of courts e-mails the judge calendar, arrest affidavits, priors, case history sheet and stay away order prior to the hearing.
- ❖ After bond conditions set, pretrial officer sends order to judge via email.
- ❖ Judge emails pre-trial release orders to clerks for distribution

Lessons Learned & Considers: Remote Orders of Protection in the Future

❖ **LESSONS LEARNED** - Any practical tips to share regarding:

- ❖ Preparing a process for filing and serving remote OPs;
- ❖ Sharing documents, evidence, and obtaining signatures;
- ❖ Preserving the record;
- ❖ Ensuring victim notification of criminal no-contact orders

FUTURE CRISIS PLANNING AND ACCESS TO JUSTICE:

- How have you been planning to use remote filing of protection orders in the next few months?

- Are there plans to keep remote filings of protection orders in the long run?

- What are the benefits/challenges to domestic violence survivors and offenders?

Q&A Session

Contact Us

❖ Visit **CCI**:

<https://www.courtinnovation.org/areas-of-focus/domestic-violence>

❖ **Email us and join our listserv at**

dvinfo@courtinnovation.org

❖ Visit **APA**: <http://www.apainc.org/>

❖ **Email us at** info@apainc.org

❖ Visit **ALDF**: <https://aldf.org/>

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