Nicole Parisi: Good afternoon. My name is Nicole Parisi general counsel at the Association of Prosecuting Attorneys. APA is a private nonprofit located in Washington DC serving prosecutors as well as their law enforcement and community partners. Thank you so much for joining our webinar today. Today's webinar, remote orders of protection in criminal and civil cases involving intimate partner violence, and animal abuse will highlight three jurisdictions who have rapidly moved to implement remote access to orders of protection in King County Washington, Miami-Dade County Florida, and Winnebago County Illinois. During today's webinar, you will be able to submit questions for our speakers using the question box on the go to webinar toolbar located on the right side of your screen. While you may ask questions during the course of the presentation, we will hear from our speakers first and ask questions after. If you need additional assistance, please feel free to contact us directly at webinars@apainc.org. Additionally, later in the presentation, you will be asked to use the raise hand function that is also located on your toolbar.

This webinar is made possible by the support of the Animal Legal Defense Fund. ALDF helps support APAs animal cruelty prosecution project that provides training and resources for prosecutors and allied professionals in prosecuting animal cruelty and animal fighting. Our animal cruelty prosecution project works closely with our domestic violence prosecution project in understanding animal cruelty is often a co-occurring crimes to family and interpersonal violence crime. Additionally, perpetrators often use violence or threat of violence against pets to intimidate and control their victims. Many victims refuse to leave abusive situations if they have nowhere safe for their pets, others who do get out, but leave pets behind suffer additional stress and anxiety worrying about what will happen to them. One way to help these victims protect their pets is to ensure custody through the protection order process. So to get started, I want to introduce Laura Dunn, the director of the Criminal Justice Program at ALDF. Laura leads a team of attorneys in assisting, training and educating prosecutors, law enforcement, judges, veterinarians, and other key stakeholders throughout the country on animal services.

So Laura is going to speak to you a little bit about the services that ALDF provides and how they can help you. Laura.

Laura Dunn: Thank you, Nikki, and thanks so much to APA and CCI for bringing together such a distinguished panel today. This is really such a timely and important topic. And we at the Animal Legal Defense Fund are really honored to be supporting today's webinar on some of the models of practice that we know will greatly impact how all of our listeners are dealing with these day to day issues of safety in their communities. We at the Animal Legal Defense Fund, unfortunately, see the link between violence toward human and animal victims play out in our daily work. And we know that these situations are only heightened by COVID.

A little bit more about us. As Nikki mentioned, we are a national animal protection organization and our criminal justice program works in a number of ways to provide resources to legal professionals for any animal cruelty case or really any case involving an animal victim. So for law enforcement, prosecutors, judges, veterinarians, probation officers, any of those stakeholders in these cases. We provide in-person trainings, including our annual animal cruelty conference that we co-present with APA, as well as remote trainings for your department that can really be tailored to your needs. We also know how busy all of your offices are with very full dockets. So we're really here and eager to help with any legal research, motion drafting on your cases. We also have funding available for things like forensic work for necropsies and assistance caring for seized animals. So in short, if there is an animal victim involved in your case, we are really here to help. So please don't hesitate to let us know how we can. So with that, I will pass it back over to Nikki.

Nicole Parisi: Thank you, Laura. Next, I want to say thank you to the Center for Court Innovation for their partnership on this webinar and helping us get the speakers onboard and to help facilitate this presentation today. So I'm going to pass this over to Robyn Mazur who will facilitate the discussion. Robyn is currently the director of Gender and Justice Initiatives at the Center for Court Innovation in New York City. In this capacity, Robyn provides technical assistance and strategic planning advice to courts and communities who are interested in enhancing their response to violence against women and children by supplying best-practice information, written materials, needs assessment, training, and consultation. So Robyn, thank you.

Robyn Mazur: Thank you. Thanks so much. And I'm really honored to be working with everybody today, very unprecedented times. And so I'm glad we can all come together and get more of this information out.

So as you just heard about the center for coordination, we work with courts and communities, and I've been really fortunate over the years to work with King County and the work that they've been doing on domestic violence, but also we're joined by two of our national domestic violence mentor courts, Winnebago County in Illinois, we [will 00:05:57] hear from them and Miami-Dade County in Florida. So we do a lot on court and community collaboration, judicial leadership, victim safety, and offender accountability. So I'm excited to be able to help with this today. So our next slide we're just going to try and get through a whole bunch of things today. I know everybody has Zoom or webinar fatigues so we're trying to cram in a lot of stuff in an hour. So I'm going to keep this short but we are going to hear from three different jurisdictions today about remote filings for criminal, no-contact, and civil orders of protection.

And obviously thinking specifically about intimate partner violence and animal cruelty. And hopefully, we'll have a little time before the Q&A to just also talk about longterm, how we see some of this remote work transitioning into future ways that courts can enhance access to justice and also for other potential crisis planning. So next slide since we're doing this remotely, we wanted to give the speakers and all of us a sense of who's on the call today and what people are doing out there. So we're going to ask you to use that raise your hand function. And then my friends at APA are going to help us give the results. But the first question is, does your court currently offer online remote civil protective order process? If you could use your hand function to let us know. Do you think APA is going to let us know what those results are? Yes. And I see that they are going up. Just going to give people a couple of minutes, not minutes, but a couple of seconds to get their hands raised. Okay.

And the number is still going up. All right. So it looks about 30% of the attendees hands raised. Great. And that's helpful. And now we're going to ask you to do it one more time. I think asking about online remote either no-contact orders, criminal protective order process, is that currently happening in the current situation with COVID?

We're going to hear from APA on this one as well. Okay. We're staying at about 17% of the attendees have raised their hands. Terrific. Thank you all for participating and help our presenters just have a better sense of who they're talking to and what's going on in all of your jurisdictions. So we're going to go to the next side and we're going to start things off today by hearing from presenters in King County, Washington, and to save time, I'm going to let them introduce themselves and kind of give you a sense of their jurisdiction and what's happening there. So I think David are you going to start it off?

David Martin: Yeah, thanks, Robyn. I appreciate it. And it's great to e-meet everybody over the call. My name is David Martin. I manage the domestic violence unit for the King County prosecutor's office in Seattle Washington, I'm joined today by my colleagues Colleen McIngalls, who is our protection order program manager and Seattle police Sergeant Dorothy Kim who manages firearm and service work for the Seattle police department is doing some really amazing and innovative work on E-service. So just for a little bit of background for those who don't know, King County is not Kings County in New York, we're Seattle, and about 39, 38 other cities in King County, it's 2.3 million people, we have about 10 to 11,000 domestic violence police reports that happen every year and thousands of criminal no-contact and civil protection orders that are issued. Civil protection orders are really important to public safety and critically important to my office.

We've been providing direct advocacy to the community to thousands of petitioners, and you can advance the slide. For 31 years we've been doing this in-person in our courthouses. And we have a team of advocates who help people with protection orders. It's a big part of the work that we do with our courts and our courts and law enforcement. We connect this work directly to a regional team that we have that examines all protection orders to see if firearms are present as part of a team of Seattle police department or Sheriff's office and the Seattle city attorney. And we partner with a large network of legal aid providers through a [Boca 00:11:20] funded partnership and also pro bono. And I wanted to include a couple of photos and one of our motivations and the reason we've done this for so long is the photo at the bottom is as a hallway in our courthouse.

And that's where domestic violence, basically mass murder, happened decades ago, arising out of our family law and protective order case. So we had a horrible homicide happen in our home, in our building, and that has motivated our response ever since. A key part of our laws in Washington have to do with protection for animals in protective orders. That's our revised code of Washington, 26-50-060, that courts may direct possession of the pet and have that be part of the terms of the order and make sure the critical part of that relationship is going to be protected. So we have a strong community and systems coordinated response. It's governed by memorandums of agreement. A lot of people who are deeply involved in this whole process, but what we didn't have is we didn't have a remote protection order system.

That's not something our court was very interested in, for a long time we had been asking and we started the pilot one in the fall of 2019 pre COVID with a local legal startup, a technology company in Washington, working with them closely. And it was something that we wanted to ground remote access with victim advocacy was critically important to us and make sure it connected directly to this complimentary system of response that we have in King County, that we work hard to effectuate in regards to firearms and service. So I'm going to turn it over first to my colleague, Colleen, to talk to you about our remote program and then to Sergeant Kim to talk about e-service. Coleen.

Colleen: You can go ahead and advance the slide. Thank you so much, David. We've been fortunate enough here in Seattle to have a lot of assistance in tech, new startup companies, and a strategic partnership evolved with a new startup called Legal Atoms. And they originated with divorce filing. So family law divorce filings, and basically developing a platform online that can help, self-help tool to help someone through a questionnaire similar to TurboTax like platform where it walks you question by question through a series of different required information that then basically generates it into a court form. And so similar with domestic violence, they were able to adapt the platform to domestic violence and have been working with our protection order advocacy program, which is housed within the King County prosecuting attorney's office where we have about 10 advocates that are doing in-person services, but we wanted to expand our services to reach people that may not be able to make it into the courthouse physically and/or may want to work on this at home and then bring it to our office for consultation and review.

A big thing about applications with domestic violence is you always want to focus any sort of protection order around safety and safety planning. And we know that best practice for safety planning is when an advocate or the like is assisting someone with a coordinated safety plan. So if you want to advance to the next slide. This was our protection order.org website that we have up for our entire County and computers are really, really great at answering simple, specific questions like, can I get a domestic violence protection order? Or how do I get a domestic violence protection order? But it's much more difficult, I think, with computers to navigate should I get a domestic violence order? That's where that key to advocacy really comes in, that coordinated safety planning and understanding lethality and risk that we know is so evident with protection orders.

So when we entered in this relationship with legalatoms.com, we really came with it with this mindset that utilizing tech as a tool, but understanding that it needed to incorporate advocacy, that it needed to be partnered with advocacy as a means to create greater access to our system. And then if you want to advance to the next slide. Our tech partners are really great at flow charts. And it's kind of a visual, this idea of a partnership between technology and victim advocacy is really something that is new. And we found that we're able to create a better relationship and kind of holistically serve survivors better through not only In-Person services but providing this online platform.

And you'll see that folks seek out information these days through tech, they're Google searching, they're looking things up trying to get information before having to walk in through the door to access services. So our thought was how can we utilize technology to get more information out when people are assessing, is this a good next step? And so utilizing Legal Atoms we're able to get people started in the petition process. We're able to connect them directly through POAP, Protection Order Advocacy Program for document review and follow up. And we're also able to connect them with not only legal aid through that portal, but also we have a virtual pop-up clinic through... Seattle University is providing specific assistance in that petition section in addition to what our advocates are able to provide, which is really changed how we've been able to respond due to COVID-19 and the restrictions of social distancing that we have upon us.

And then once somebody files we're able to get that streamlined directly to the court, really in a Swift way with really clean and clear forms that the court is then able to really read, they're not handwritten, and then enforce, and they're much more enforceable. And then we've also been able to partner with our regional firearms task force to review those. We have some specific firearm language so we can create that connection with our firearms unit much quicker. So we've really benefited from this. And also I think Sergeant Kim with the electronic services going to talk a bit more about the work we've done there.

Seargent Kim Do...: Yes. Hello everyone. I'm Sergeant Kim with the Seattle police department and I supervise the four detectives that serve court orders and follow up with any order to surrender weapons. So my detectives actually came up with this idea and developed the procedure for e-service. The first thing they do once they determine e-service is appropriate, is they contact the petitioner informing them that the order of service attempt will be made via email. They ask if they have any concerns or objections to service occurring this way, and then they also verify the email address and also get a sense of whether or not the respondent actually checks his email and is on his computer or on his phone doing so. From there we contact the respondent via phone to set up email service. Again, this is just another layer of making sure we have the correct email address. The person is going to respond to it. And it's all part of our documentation to prove that we did serve it to the correct person.

We consider recording this call if it seems like it's going to be problematic. And then we also have the email set up so that it has an automatic open read notification. And after all of that is done, we actually save the original email within our data system, the actual email, because if the metadata is needed in the future, then we'll be able to access that. Let's see. So on the actual email, the detectives list the [course 00:20:06] number and then each of the documents that are being emailed. So this would be including the temporary order and then the petition and we attach it to the email and email it to the respondent.

We ask the respondent to reply to the detectives via email that they have received the court documents and also the list of court course number on it. We've had some issues with the respondents not being quite savvy enough to answer everything correctly in it, but we do have the read receipts and that seems to be working pretty well. And then like I said, we save the actual emails to the return of service for future access to the minute data. Then the detectives do the return of service and they attach the actual email that has the information in it. And then they also completely fill out on the return of service that they had emailed it in the email address that they had emailed it to. Yeah. And that is basically it, it's a pretty easy system. And I think we're doing a really good job of documenting the service and that we're serving the correct person. And then next slide, and this is just some of the challenges of being out there in the field, serving court orders. And if we do have an order to surrender, obviously it's going to involve us being out in the field and then being in PPE gear and yeah so forth.

David Martin: And so Dorothy and Coleen, thank you both very much. And so that gives you a quick overview of King County's system. We're happy to provide any documents or anything anybody wants to know, or if you want to reach out and talk to us, we're always available.

Robyn Mazur: Great, thank you all so much. And I'm sure there's going to be questions, which people can feel free to put into the chatbox and we'll get to at the end of our presentations, I also want to make one note that the handouts, and there are some terrific handouts from all three of the jurisdictions featured today are in your toolbar and you also were emailed them earlier. So please take advantage of those. And now we're going to turn it over to the team from Winnebago County, Illinois. So judge Wells. Thank you. [inaudible 00:22:42]

Nicole Parisi: ... I just want to make sure you aren't muted still.

Randy Wilt: Now can you hear me?

Nicole Parisi: Yes.

Randy Wilt: All right. We'll start over. Sorry about that. I'm Randy wilt. I obviously screwed up from the outset here. Sorry about that. Winnebago County is in North-central Illinois. We have about 300,000 residents. We have farming and manufacturing as our leading industries and poverty has been a problem. So there are those types of economic issues we face. Domestic violence is a huge problem in our community. Our police tell us it is the leading cause for police calls for services. Last year we handled 3,223 petitions for various types of protection orders. Now we have both civil and criminal protection orders of various types. We have domestic violence orders of protection, which you're probably familiar with. We have civil, no-contact orders where the petitioner's been the victim of some sort of a sexual assault. And we have stalking no-contact orders where somebody's being harassed by an individual, even if it is not an intimate partner relationship. Now, whether something is civil or criminal has nothing to do with the type of petition that a person files. If at the time the petition is filed, there is pending a criminal matter that's related to it. It will be dealt with as a criminal order of protection. If there's not, it'll start out as a civil matter but if later on, the state's attorney's office files a criminal charge, it can then be converted to a criminal protection proceeding.

If it starts out as a criminal proceeding, and then later charges are dismissed, then it will be converted to a civil proceeding. Now in Illinois, there are key differences that are very important. For example, if I enter an emergency ordinance civil matter, the hearing, the contested hearing the plenary hearing has to be no more than 21 days down the road. If it's a criminal matter, there is no statutory time period. It is in place until the judge considers the request. What is referred to as a final order. If it's a criminal matter, our state's attorney is obligated by statute to represent the petitioner, not so in a civil matter. If it's civil and the final plenary order is entered. It's good for two years. If it's criminal, it's good for two years beyond the end of any sentence that might be imposed, should there be a conviction, including a period of parole or supervised release as we refer to it. Switch to the next slide, please.

How we got ready. We already had for the last several years in place an after-hours order of protection process, it was triggered by a call to a police officer who then referred the person and usually transported the person to a local service provider who provides services for victims of domestic violence. And then they would help him prepare the petition. So by its very nature, our services were limited to domestic violence orders of protection tied into criminal cases. So when we went into developing a remote process, we had to come up with something that was a lot broader, that would encompass all types of protection orders, both civil and criminal. The process had to eliminate the need for police contact. The process had to eliminate the need for a service provider to prepare the petition. And the process had to allow for an individual to remotely file from the safety of their own home.

We started by creating a very small work group, three people actually, besides myself, we have Nikki Ticknor who you will hear from. We had Robyn Bach from the circuit clerk's office and we had Kim Ackman from the trial court administrator's office. I can't even begin to tell you what miracles they worked. In three days they came up with an idea and resolved all the problems and had it ready to go. Some of the problems they had to confront are first of all, how to fool a computer program because the program that is used requires the petition to be signed and an individual filing remotely can not sign a petition. So they found a way to get around that. There had to be instructions prepared, both in English and Spanish for our courts' website, to help people understand the process and understand what type of protection order would be most appropriate for them.

There had to be instructions on what website to go to, to actually prepare the petition. And there had to be training for our judges, Nikki prepared and did three different Zoom training so that all of our judges were trained within a period of two days. So they're able to go ahead and handle these matters and she prepared a bench card or what I call a cheat sheet so the judges could have available to use in doing this. And as you're here now, it says on here that there's a video being prepared it's actually done now. And I think Nikki will probably talk about that. Tim Ackman then was responsible for assigning judges to do these types of cases during the slow down here not every judge is working every day. So a work schedule assigning specific judges specific days was established. Those judges hear both walk in order to protection and remote petition for order of protection.

And since all of our judges are trained they can have backup help available if necessary. This is working for us. I guarantee you, this is going to go forward in the future after things come back to whatever normal is. I mentioned number of petitions we did last year since March 20th of this year through the end of April, 30% of all petitions filed were filed and processed remotely that equates over a thousand petitions a year that would be filed that way. So that's significant enough to go ahead with this. So that's kind of the background information, and I'm going to turn this over now to Nikki Ticknor who will explain to you the process in more detail. So if you go to the next slide, please,

Nicole Ticknor: Thank you, judge. Hi everybody. So this slide really just walks you through what the process is for a litigant to file a order protection remotely.And as judge Wilt indicated we really had to adapt this system to work for us as the system was created on the premise that someone would always come into the courthouse after they submitted the paperwork electronically. So we were able to adapt this so that everything could occur remotely. On this slide you can see, we direct people to our court's website. There they can find all the instructions that they need to start this process. And it will direct them to the actual website where they can begin the paperwork similar to what King County was saying. It opens up a web application that just walks people through each question. And then on the back end can spit out support paperwork.

One thing we continue to talk about through this process is just making sure that this was accessible as possible to people. We understand people learn information in different ways. So we have written instructions on our website as judge Wilt referenced. We also now have an instructional video, which I think you received a link for the email that came out prior to the webinar. So once the petitioner completes the process, you'll see [inaudible 00:30:46] box two. Our clerk's office then collects information from them. So the petitioner does have to reach out to the clerk and say, "Hey, I've just filed this order." The clerk that gathers information stresses that the court will be calling them back. So we need to have the safe and reliable number to reach them at and then gives them a period of time where they can expect a callback.

The judge then has access to the petition, both online and a hard copy. They contact the petitioner. Gets the petitioner under oath and sign actually in place of the petitioner. So we agreed that judges could place this petitioner under oath and then sign on a petition that that person has sworn in telephonically. The process then occurs like it normally would for any emergency proceedings. The paperwork goes back down to the clerk's office. The petitioner is given the option of picking it up or having it sent to them. And then it goes out for service to the respondent, just like it would in normal non-remote times. Next slide, please.

So if people want to file with the use of attorney, so most people are self-represented litigants but some people are represented by counsel. Attorneys have the ability to use this analogy just like anyone else would. And what we decided is that if attorney filed on somebody's behalf, that the judge then would reach out to the attorney first, talk to the attorney about how they want to proceed and then move forward from there. The judge can then reach out to the client themselves, or they can have the attorney do a conference call with the judge for the emergency proceedings. Advocates are crucial in this. We understand that however people are filing orders, they always have the right to an advocate. And so if people choose to file remotely could reach out to our domestic violence service provider remedies and ask for assistance walking through the program or talk through any sort of questions that they had.

Also, the advocacy can happen on the back end. So if the judge knows that someone filed on their own remotely from home or a different State, they then are encouraged to remind that petitioner, that advocacy services are available, that they should call remedies to [inaudible 00:33:07] for preparation, for the final plenary hearing. And also our courthouse does remain open for essential services. So if a survivor or a petitioner finds that remote filing is not the best option for them, it's not safe or they don't have good access to technology we still do have [inaudible 00:33:26] advocacy through our domestic violence assistance center. That would be an option for people as well. And that is that. Winnebago County. Thank you.

Robyn Mazur: Thank you, Nikki. And Nikki is the project director for their domestic violence Metro court. And it's a huge resource. So thank you. And obviously thank you also, judge Wilt and I just want to encourage everybody to take some time to look at that video. I found it really informative and I think will help other communities as they work on this. So last but not least we're joined by another one of our mentor courts. From Miami-Dade County, judge Kelly, please take it away. Thank you.

Judge Kelly: Thank you so much, Robyn. And it's been wonderful listening to the other panelists and the wonderful ideas and programs they're implementing around the country. Miami-Dade County is comprising approximately 2.8 million people. We have both an urban and a rural population. We have a very large immigrant population and approximately 65% of our citizens speak a language other than English at home. We currently have a setup where we have an integrated domestic violence court. So we have the civil restraining order process and we have five different types of civil restraining orders, domestic dating, repeat stalking and sexual violence.

And we also now have begun in our division to be hearing what we call risk protection orders, which are the red flag orders. In addition, we have concurrent jurisdiction over misdemeanor domestic violence criminal cases. So that's basically the setup of our domestic violence court. We do operate out of five courthouses throughout Dade County North, South, East, West. And those are geographically spread out and that's great for access to people. We in starting all of this again, it was kind of just like I heard from Winnebago. There were three people and I know one of them is on the line, her name's Andrea [Valverde 00:35:52] and she's our domestic violence director and she and I, and another administrator crystal Geraldo started, the three of us as soon as this happened and sat down, and we were under the directive from our chief justice, as well as our chief judge to go out there and make sure that we were getting our systems up. These were mission-critical cases, and we were directed to do what we needed to do.

So the first thing that we had to do is set the goals of what we were going to try to do. And our court really did not have much of anything in terms of remote operations. And our goal was to transition our court from in-person operations to remote operations, knowing that we had to ensure that we were giving people proper notice, an opportunity to be heard, due process and procedural fairness. Also, because our cases involve domestic violence and other forms of violence. We always had to ensure that we took measures to ensure victim safety.

So we started off with a small group. We were told by our court that we were going to be using the Zoom platform and we began, and from there we added additional individuals. We came up with a tech committee where we added three additional judges. We added a judicial assistant and a case manager and their job was to help all of us get up to speed and learn how to do remote hearings and learn Zoom. Our circuit also was at that time beginning to provide training. So every morning there would be a Zoom training and every afternoon there would be a Zoom question and answer section. So in addition to that, our domestic violence division, we set up multiple trainings. We invited everybody that would be working with us, all the judicial assistants, all the bailiffs, case managers, interpreters, everybody was invited on the civil side and you can advance the next slide if you'd like.

So we practiced and practiced and practiced and practiced. And finally, we did mock trials. We had judges sit in and watch other judges. We had everybody sit in and watch that we could learn from each other and share best practices. So our civil orders of protection, we still are not remote. We are operating out of those five court houses that I mentioned previously and victims have to walk in. The clerk's office did not have the capability to do remote filings. And so they set up social distancing barriers, such as tables to prevent the contact between the clerk's office and the victims coming in to seek protective orders. So we're behind. That being said, the clerk's office would utilize the phones. They would be speaking to victims over the phone, taking their information, processing their paperwork, and then sending them to the judges for signature.

The one thing we did have going for us at the time that COVID hit was we were already doing remote signing of injunctions. Our judges are on duty 24/7, and we remotely signed through an application called smart forms, which is an application that allows us to sign our orders remotely and send them back to the clerk's office. And then the orders would be provided to the petitioner in person by the clerks. So the clerks would then send these orders of protection to the Sheriff's office for service. Our good news is that our Supreme court through our justice management council has been working on a system called access to justice. I think it sounds similar to the Legal Atoms program that we just heard about. And it's a remote filing system, and it's an easy to use platform that assists petitioners by asking simple questions and then populates the petition.

And we're very excited. The forms have already been put into the platform they're being tested right now. And we are hoping that very soon we will have the opportunity to have the remote filing. And we will be using the coordination and cooperation of our victim assistance centers to utilize these programs, to assist petitioners, filling them out as well as our legal aid and other legal services organizations. Because as we spoke about, somebody mentioned the connecting victims to advocacy services is so central in the civil and the criminal protective order process. We currently are holding all of our hearings remotely. There is nobody going to the courthouse now, our civil orders are completely up. We have interpreters, our clerks are not attending those, but we are sending our evidence to them, it's created a few challenges, but we're working through it. We have a court reporter that logs on and presses a button to record our cases. And we're also using the Zoom [record 00:41:18] button as a backup. When we have the need for interpreters, it's slowing our cases down tremendously. Previously, we would have anywhere between 16 and 24 cases heard per judge per day, we are down to four per day and that's all that we can handle. Next slide.

On the criminal side, the only way in Florida that you get a criminal no-contact order is after an arrest. So all of our criminal no-contact orders just for education contain a no firearms, no-contact. And an ability to go get personal belongings with the police. We very often use the GPS and no alcohol provisions in the order, but so the way that people get a no-contact order is after an arrest, we have a bond hearing, a first appearance hearing. In our state, all [inaudible 00:42:12] defendants have to be held overnight and appear the next day at the domestic violence bond calendar. And we are now up and running via Zoom. So the department of corrections was really wonderful in giving us separate space at the jail where they would bring the domestic violence defendants. And they also supplied a computer which would facilitate the defendants being able to have their first appearance hearing.

We set up so that the public defender and private defense counsel will have private Zoom sessions with the inmates an hour and a half prior to the calendar that gives them ample opportunity to go over whatever they need, ask questions and give them advice before the first appearance calendar. Everybody is present via Zoom and everybody is present remotely. The judge, the state attorney, public defender, any private attorneys that come in, clerks, interpreters, corrections, and our pretrial release department. So everybody is in their own separate space appearing remotely. So the way that it works is prior to the hearing, the clerk of courts will email the judge, the calendar, the arrest affidavit any prior criminal history. That would be our statewide criminal history as the state attorney will provide us with the [NCIC 00:43:27] at the hearing and the case history sheet and stay-away orders. And then after the court hears from both sides, we'll set the conditions of bond and send the paperwork to the clerk's office who will forward it to pretrial release and the jail. So we are doing most of our criminal operations remotely now, it's worked out very, very well, obviously, we don't have jury trials.

So that's the overview of how we got there. One really exciting thing, which I didn't mention since we are discussing animals, our civil injunction orders provide that we are allowed to provide any other relief necessary. And we have used that through the years to provide relief and to address the issues of animal abuse and who will have a quote-unquote custody of the animals. This year we had a bill to specifically include the abuse of animals and addressing animal welfare that has passed our house and our Senate, it is in front of the governor for signature. So we believe that animals will be specifically included in our orders of protection going forward.

Robyn Mazur: That's great. Thank you so much, judge Kelly. That's fantastic. And I guess we can go to the next slide. I just wanted to ask one or two questions before we open it up to the chatbox questions, because I'm sure there are questions for all of you in there. I just wanted to ask again, I know judge Kelly touched upon this, but giving an opportunity for the others to talk about sharing documents and evidence in the remote situations, we've heard that from around the country on other calls that this has continued to be a challenge for folks. So does anybody, I know judge Kelly, you mentioned that you're doing that ahead of time. And if you could explain that a little bit more and perhaps if Winnebago and King County have any tips on that, what would be helpful.

Judge Kelly: Robyn, could you please repeat the question that you asked? I apologize.

Robyn Mazur: No, I was just going to ask for a little bit more detail on the sharing of evidence and information and how you're doing that remotely, because we've heard from many of our jurisdictions that this continues to be an area that people are struggling with, of getting that information and sharing that evidence.

Judge Kelly: Yeah, well that is obviously an issue that we had to address. So we set up on both the civil and the criminal side designated email addresses, court email addresses, where evidence would be submitted prior to any hearing. We would have the opportunity then to share it with the other side. Obviously, the issue comes as the judge then, and in Zoom, what we do is we use this screen share function. And any evidence that has been submitted for introduction would appear on the screen and we would allow both sides to then make as to its admissibility. This works great when you have a bench trial, but we haven't, as I don't think any jurisdiction is doing jury trials, we will have to work out something different when it is time for a jury trial. Because obviously if the evidence is not admitted it should not be up and allow the trier of fact to see it. So because the judge is trained in law and evidence we're disregarding that which is not admitted.

Robyn Mazur: Thanks. And do our other jurisdictions have a different type of procedure that they've been utilizing remotely [inaudible 00:47:33] judge Wilt or David, [inaudible 00:47:38] want to add. [crosstalk 00:47:39]

David Martin: I'm sorry. Go ahead, judge.

Randy Wilt: Thank you. This is judge Wilt. I actually unmuted my mic this time. In terms of sharing documents beforehand, since our proceedings are for the most part very quick have to be taken place in just a matter of days the attorneys are obligated to share amongst themselves, and then they can send copies to the judge. But as was mentioned before, just because they share it with the judge does not mean that the court considers it unless proper foundation is laid, but at least you're on notice of what type of information they're going to be trying to admit. But that's pretty much the way we handle it here.

Robyn Mazur: Thanks. David.

David Martin: I'll ask Colleen to address this. We're an affidavit based system and one of the real benefits that the Legal Atoms, from the newer technology, is we're able to attach all sorts of documents, screenshots, what have you into the upload. It's very easy to use. And this is in later technology that it sounds like Miami and others are doing attachments are very practical and Colleen and I know this has been a real benefit to our practice because we had challenges getting this information in before, because it was all contained on people's phones or is contained in social media and getting that into the courtroom environment for primarily pro se litigants was a real challenge.

Colleen: Yeah. Because it's affidavit they have to submit that electronically beforehand, but Legal Atoms has created a way for it to be very streamlined and easy to upload. And then it labels everything, timestamps things as necessary for evidence purposes, for pro se litigants.

Robyn Mazur: That's great. That's really helpful. And then I just wanted to ask one more question. That's a little bit more about the criminal, no-contact order, and criminal orders of protection, depending on what they're called in different jurisdictions. But we've heard some challenges arising out of victim notification. When courts are open and kind of doing business as usual, often victim advocates or victim-witness coordinators are present and are able to hear what's happening in those arrangements or bond situations, and then getting that information to the victim quickly. And now obviously things are a little bit more challenging. So I'm just curious if people want to talk about how they've been addressing that to make sure that victim notification is happening in a timely way. I don't know who wants to take it or all of you.

David Martin: [crosstalk 00:50:25]Yeah. Nikki, go ahead. Go ahead.

Nicole Ticknor: Okay. I'll keep it short. So whether it's a criminal order of protection or civil order of protection petitioners are able to sign up for an automated order of protection text notification system. And so by putting their phone number into that system, they do get a text saying that the order of protection has been served and is active as far as conditions of bond our state's attorney's office advocates are still working with victims and survivors and are able to communicate with them about any sort of conditions that are put on in the court.

Randy Wilt: [crosstalk 00:51:09]Yeah, I'd have to go with that. We use [mine 00:51:14] as part of it, but also say that the reports that I've gotten across my jurisdiction and from my system based advocates is we have better contact with victims now because of stay at home borders they're deeper conversations. It's been one of kind of a strange benefit of this practice. Our court is operating now using Zoom in superior court, but they're open conference calls. So we have victims who are able to call in with their advocate in consultation with the advocate, usually by text or some other means to then address the court regarding no-contact order or just listen in on the proceeding. So a court will have an arraignment calendar going, there will be hundreds of people on a conference call and the court will call the case, and then people will be allowed to speak at that point. We also very much front-load our advocacy to what we call first appearance and other things and doing outreach. But I think that's a critical piece in all of this is making sure you're connecting early in these matters.

Robyn Mazur: Great. Thank you all so much. That's great information. So now I'm going to ask my friends at APA who have been monitoring the chat to let us know some of the questions that have been populated there.

Nicole Parisi: Okay. Thanks, Robyn. And thank you all for the excellent presentation. This is such useful information, so thank you so much for your time. So again you can use the Go To webinar toolkit located on the right-hand side of your screen. And as we mentioned, do have a large number of participants. So we're unable to answer your questions. Please email us at webinars@apainc.org. Okay. We did get a couple of questions regarding e-service and if there have been any prosecutions for violation of electronically obtained [inaudible 00:53:08] order and if the court has challenged or if there has been e-service challenged in court.

David Martin: So I'll answer that. Well, I'm sorry, Dorothy, did you want to address?

Seargent Kim Do...: No, go ahead.

David Martin: well, we can do this in concert. E-service has been happening for a couple of months now. And with the first challenge was overcoming what our statutes was requiring us to do, which is personal service. And we've tried to make that work. And now we're in a process that a lot of people are very interested in e-service, and it's been a good practice that Dorothy and her team have innovated on.

The difference in the civil side of things is you have to prove personal service in many jurisdictions on the criminal side I just need to prove knowledge. And I don't think there's anything magical about police driving around a jurisdiction and handing somebody a piece of paper and us having to prove knowledge in that environment versus Dorothy and her approach of doing e-service and having a response on that. So we haven't had prosecutions go because our criminal system, like many right now, we're kind of at a standstill waiting for proceedings to pick back up, but I've personally charged many cases that involve the orders that Dorothy's group has served on. We have another problem on that. We haven't received challenges so far. There are pending matters. One involves a very serious attempted murder that happened in my jurisdiction. We don't foresee difficulty improving knowledge in those matters because of the good practices that Dorothy and her team have done. Dorothy, I don't know if you have any concerns about the way the service has operated in the field for you.

Seargent Kim Do...: No, I think How we are doing it is great. We're often able to serve the orders within an hour of it being issued. And so I believe that is better safety for the petitioner.

David Martin: My office, the Seattle police department, the King County Sheriff's office have guidance that we sent out to law enforcement statewide, and it's been adopted statewide in Washington about good practices for doing e-service. And we've had really great response from law enforcement and from courts about this practice-

Colleen: Can I also just mention a part of what Dorothy has done with the Seattle police department from an advocacy perspective is that they're having real-time conversations with petitioners doing electronic service. And so that's made a huge impact for safety and the quick turnaround has when she says it's been within an hour. That's huge, especially when you have a coordinated safety plan.

Nicole Parisi: Okay. So for the next set of questions, and there were a lot of questions that came in about victim safety and security especially for those who may still be at home or in the same home with his or her abuser. So what steps have you taken to ensure safety and also the security and feeling safe in talking about some private issues virtually?

Nicole Ticknor: This is Nikki, I can touch on this quickly. So [inaudible 00:56:38] reference when we started training the judges about how this would go to one thing we stressed is to be mindful about safety and that there's not that controlled environment of the courtroom. And so we don't know who's around when the court is making these callbacks, we don't know who was in the home when the petitioner is filing this.

We're always operating with safety in the forefront, but I would also say too, that we have to remember that survivors often know their own level of safety. And we have to trust that if they chose to proceed with a remote procedure, that they felt like that was the safest and best option for them. And so I would just encourage everybody to work with your judges and your clerks, just to make sure that they're trained to keep safety in the forefront. And that they're trained to ask questions when they're asking for information, is this a safe number? Is this a safe callback time? So that survivors are aware and can make the best decisions for themselves.

Judge Kelly: Hi, this is judge Kelly. A couple other practical things that we instituted is that when petitioners were calling in for their civil hearings the J.A's we're instructing them, bringing them from the waiting room into the actual courtroom so that they could remain themselves and change any identifying information such as email address or anything like that. And additionally, the J.A would speak to them about making sure that their background was safe so that their background did not give away perhaps a confidential location where they were located and would also give the litigant the opportunity to learn how to change a virtual background. So those were just two practical things that we did, but we're definitely cognizant of the inability of many victims to leave at this point.

Nicole Parisi: Okay. And another set of questions we got were, how do you extend protective orders that are set to expire?

Judge Kelly: This is judge Kelly from Miami, again. We had an administrative order from the Florida courts, extending all the timelines and allowing us to continue those cases and suspending speedy trial rule. And so we had a first 30-day extension and then our Supreme court issued another order that allowed for another 30-day extension and our statute allows for extensions for good cause in addition. So those are the mechanisms and the background as to how we had the ability to extend.

Randy Wilt: All right, this is judge Wilt from Illinois. Our statutes also allow for extension of emergency orders for good cause. And obviously, a certain pandemic right now would be a good cause to do that. So our judges are doing that unless for some reason they feel there's a really, really good reason that the hearing has to take place right now. And we have provisions in place for the hearing to take place. And I would also note that if it's a criminal protection order, that's being sought, the statute actually allows for the petitioner not to appear for what's called a final hearing. The prosecution who has to represent them on the protection order can represent them as long as they indicate they've had contact with them, and they're intending to go ahead, the matter can proceed or be extended by agreement if that's what they want to do without the petitioner being present. And if they are present, we have provisions in place for additional security, but ultimately other than the no-contact provision of this other remedies that are involved in a criminal protection order there has to actually be a hearing where they're supposed to be present. We can't just proceed on affidavits for those types of things.

Nicole Parisi: Okay. So we have hit the four o'clock Mark. I want to say thank you so much again, to ALDF for your support and making this webinar possible. Thank you to CCI and our wonderful speakers for sharing with us, your efforts, and all that you do to protect victims of crime. And thank you to our webinar audience for being in attendance today. All previous APA webinar materials and recordings are available at no cost on our APA membership website. And we will be notifying you via email when these materials become available and how you can access them through a temporary membership. If you are a current APA prosecutor, court, law enforcement, or criminal justice partners member, you will have automatic access to the webinar materials once they are available online. Again, if you have more questions for the speakers. Please email us at webinars@apainc.org. That's A-P-A-I-N-c.org, and we'll be sure to forward them along.

Thank you for attending and have a great day.