

MEMO TO: Scott County Bar Association Executive Board Members  
FROM: Bobbi M. Alpers  
DATE: October 12,2005  
RE: Domestic Abuse Hearing Protocol Changes

On October 7,2005 a meeting was held to discuss safety concerns identified by Sgt. Tom Behning, and to further discuss proposed changes in protocol used for the Wednesday hearings on domestic abuse protective orders. Bill Wulf and Michelle Hilligoss of the Clerk's Office, Advocates Traci and Christine, Major Tebbit and Capt. McGregor of the Sheriff's Office/Jail, and Sylvia Silva and I attended the meeting chaired by Sgt. Behning. I would like to advise the SCBA Executive Board members and the Association members of the following:

Sgt. Behning called the meeting because two separate incidents have occurred recently that raised safety concerns for those persons who were present. Generally, the concerns relate to incidents in which (1) the defendant refuses to wait to receive his/her copy of the protective order after it is signed and (2) a clerk or a party's attorney moves the protected party in close proximity to the defendant. The bailiffs have limited manpower and lack authority to temporarily detain defendants, and there is limited space in which to separate the parties. Incidents arising from such circumstances are likely to occur again in the future and Sgt. Behning presented certain proposals for addressing the problem.

1. Courtrooms 1 and 7 will be used whenever possible for Wednesday domestic hearings as this provides the safest possible situation in terms of moving both of the parties in and out of the courtroom with minimal contact before and after hearings.
2. The female parties will all be placed in a jury room and told to stay there until called for hearing. The male parties will all be placed in the Third Floor hall (west end only) and told to wait there until called for hearing. Although the lack of privacy is regrettable, lawyers shall speak with their clients in the designated location only, and not remove them from the appointed area for consultation\*. The purpose of this provision of the protocol is to eliminate this opportunity for trouble between the parties and to keep parties, their lawyers, and everyone else safe at the Courthouse.
3. For security purposes one bailiff will be seated at the metal detector with his/her back to hallway; that bailiff's primary responsibility is to check those persons passing through to make sure they have no weapons. A second bailiff will be assigned to be present in the courtroom and to patrol the surrounding area on domestic abuse hearing days.
4. Judges have been asked to order the defendant to wait in the assigned west hallway or jury room to receive his/her protective order copy and to wait an additional ten minutes thereafter before leaving the area. Any such order by the Court is intended to provide the protected party a safe opportunity to leave, to avoid a violation of the order, and if necessary to serve as the basis for a contempt action if the defendant fails to do as ordered by the Court. Lawyers are asked to reinforce the need to promptly leave if their client is the protected party and to remain as ordered if their client is the defendant.

\*According to the minutes of the November 29, 2005 Executive Council, Judge Alpers indicated that defense lawyers could still meet with their clients in private areas of the courthouse, but must make sure they maintain security and stay away from the area where the alleged victims are meeting and the courtroom.