

**IMPROVING THE ODDS:**

**A LOOK AT  
POLICE DEPARTMENT  
DOMESTIC VIOLENCE POLICY**

**AND**

**THE DOMESTIC VIOLENCE LEGAL ENVIRONMENT  
IN THE CITY OF SARASOTA**

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## **I. Defining Domestic Violence**

The U.S. Department of Justice defines domestic violence as follows:

“...a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.”

“Domestic violence can happen to anyone regardless of race, age, sexual orientation, religion, or gender. Domestic violence affects people of all socioeconomic backgrounds and education levels.”

Florida Statutes, Title XLIII, Chapter 741 defines domestic violence as:

“...any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.....Family or household member means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married.”

In 2011, the Sarasota Police Department handled 264 domestic violence incidents resulting in 164 arrests. That represents an 8% increase in incidents and a 13% increase in arrests in 2011 compared with the previous year. SPD (Sarasota Police Dept.) made arrests in 62.1% of domestic violence incidents compared with 59.4% in 2010. The City of Sarasota has a population of approximately 52,114 people.

In 2011 in Sarasota County there were 896 domestic violence arrests in total out of a population of 381,319. The Sarasota Sheriff's Office made 512 of those arrests and they operate within a population of 250,560. Two of those arrests were for murder.

## **II. Purpose and Results of the Study**

The Police Advisory Panel (PAP) was created by the City of Sarasota “to ensure police accountability and transparency to the community and to foster public confidence and trust in the administration and operation of the City Police Department.” The Panel’s function is to “advise and make recommendations to the City Commission on major policy aspects of policing within the City and other global policy matters.....” (Sarasota City Ordinance No. 11-4951).

In the year since the PAP began meeting, the members have sought to utilize their talents and experience to tackle policy issues that impact the Sarasota Police Department (SPD). As a former prosecutor (in New Jersey’s Union County Prosecutor’s Office) and a one-time head of the Domestic Violence Unit in that office, I took on the task of reviewing SPD’s domestic violence protocols.

In order to fully understand the environment that SPD operates in, I have spoken to and observed several other entities within the domestic violence legal environment in Sarasota: Family Court, SPARCC, the State Attorney’s Office, the Sheriff’s Office and Probation. This study is observational and anecdotal only—an attempt on my part to understand what the policies are, how they function together and how they can be improved. The best resources for that information are the people who work in the field.

The following recommendations are the results of my observations and conversations with the professionals in the field. Every professional involved had excellent recommendations to make. My recommendations and theirs are listed after each section in this paper.

**The most immediately needed changes that affect the Sarasota Police Department and can be affected by the City Commission are:**

- 1) Sarasota Police Department General Order 421.71, and 421.72 should be removed.**
- 2) The position of full-time Victim Advocate at the Sarasota Police Department should be reinstated.**
- 3) Training of Sarasota police officers in domestic violence issues and evidence collection should be much more frequent and varied—at least every two years with periodic updates for changes in law.**
- 4) The City Commission (and State Attorney’s Office) should use their political clout to encourage Florida State legislators to add a Domestic Violence Weapons Search Warrant to every domestic violence injunction.**

## **The Study:**

### **III . Sarasota Police Department**

#### **III(a). Domestic Violence Protocols.**

The “Domestic Violence & Dating Violence” protocol is General Order No. 421. The protocol tracks the Florida Domestic Violence Statute (Title XLIII, Chapter 741) and, among other things, sets forth the circumstances in which a police officer has the authority to arrest (Title XLVII, Chapter 901.15).

#### **ARRESTS**

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##### **G. O. 421.53.1**

In all cases of domestic violence where there is probably cause for an arrest the investigating officer will make a physical arrest of the perpetrator.

##### **G.O. 421.53.2**

An arrest without a warrant will be made when there is probable cause to believe that the person has knowingly committed an act of domestic violence in violation of an injunction for protection, over the objection of the petitioner, if necessary.

##### **G.O. 421.53.3**

The decision to arrest and charge shall not require consent of the victim of consideration of the relationship of the parties.

**The problem arises when the protocol introduces “extenuating circumstances.” (Words are not italicized in the original protocol.)**

##### **G.O. 421.71**

In some cases of domestic violence extenuating circumstances may exist where an arrest without a warrant would *not be reasonable*. In such cases, officers ***should not make an arrest*** .....

The following section defines “extenuating circumstances:”

##### **G.O. 421.72**

A. The perpetrator violated a restraining order or trespass warning at the admitted invitation of the complainant (i.e. the complainant invited the

perpetrator to the residence in violation of an order or warning that the complainant had earlier sought) and there were no further acts of domestic violence.

B. The victim was significantly late in making the report and there was no apparent justification for the delay.

C. A crime *has been committed* but the victim obstructs the investigation or withholds information that prevents the investigation from being completed.

**By instructing the responding officer in a domestic violence (DV) matter NOT to arrest in the above “extenuating circumstances,” the protocol turns the purpose of the domestic violence legislation on its head.**

Florida Statute 741.2901 addresses the legislative intent of 741 as a whole. “It is the intent of the Legislature that domestic violence be treated as a criminal act rather than a private matter.” (Fl. Statute 741.2901 (2)). While the legislative intent section of the statute does not directly address the actions of police officers, it clearly targets law enforcement at the prosecutor level: “The filing, non-filing, or diversion of criminal charges, and the prosecution of violations of injunctions for protection against domestic violence by the state attorney, shall be determined by these specialized prosecutors *over the objection of the victim, if necessary.*” (Fl. Statute 741.2901 (2)).

As described by the Department of Justice, domestic violence is about control and the actions one individual takes to establish power over another. A true victim of domestic violence is not the subject of a soured love affair. Victims of domestic violence often act irrationally frequently making decisions that are clearly not in their best interest. It is easier to understand if you consider the actions of a hostage suffering from Stockholm Syndrome<sup>1</sup>.

A domestic violence injunction is intended to prohibit the abuser from taking certain actions—such as having contact with his victim. It is not uncommon that the abuse victim, under pressure (real or imagined) from the abuser, invites contact. That is no excuse for the abuser to be allowed to violate the restrictions. The abuser is an adult, he (or she) is responsible for his own actions. The abuser makes the decision to violate the court order. If a victim persists in having contact with the abuser (or accused abuser), then the accused abuser’s remedy is to go back to court with proof of the victim’s actions and ask the court to dismiss the injunction. Only a court can dismiss a court order. Anyone who violates a standing court order should be held accountable. Section 421.71(A) gives the keys to the kingdom to the abuser. It allows him to continue to control the

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<sup>1</sup> A psychological phenomenon in which hostages have empathy or positive feelings towards their captors, sometimes to the point of defending them. These feelings are generally considered irrational in light of the danger or risk endured by the victims, who essentially mistake a lack of abuse from their captors as an act of kindness.

situation (and the victim) and to avoid arrest because the victim “made him do it.”

General Order 421.72 (B) and (C) similarly place the control in the hands of the abuser. Delay in reporting an incident of domestic violence can be caused by any number of reasons but a DV-trained police officer should be able to make a determination about arrest without having to circumvent a *prohibition* against warrantless arrest (421.72 (B)).

Perhaps the most appalling prohibition against warrantless arrest is found in G. O. 421.72(C) where an act of domestic violence *has been committed* but the victim obstructs the investigation or withholds information. That is a bit like refusing to file a murder charge because the victim is silent. A well-trained police officer and a competent prosecutor can successfully prosecute a case (such as a murder) without the cooperation of the victim. It is not always possible, but evidence-based prosecution is absolutely essential in the war against domestic violence. (DV trials are among the most difficult to prosecute because victims often not only refuse to testify, they sometimes testify *for* their abuser.) Allowing a victim of domestic violence to “call the shots” on an arrest, is the same as allowing the abuser to make the decision. The abuser may control the victim but he should not be controlling any law enforcement decisions.

## VICTIM ADVOCATE

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### General Order 421.60—Victim Advocate

This section lays out the many responsibilities of the Victim Advocate. Unfortunately, the full-time Victim Advocate position has been eliminated at the Sarasota Police Department. This is one of the most important weapons in the war against domestic violence and other crimes. (It is especially important to have a victim advocate that is Spanish-speaking.) SPARCC<sup>2</sup> attempts to fill the gap but their role is limited by the fact that they (SPARCC) are not part of law enforcement and do not have access to law enforcement data bases. While the police department informs DV victims about the services at SPARCC, many victims do not want their names revealed to an outside agency. Those victims then have no support. The empty Victim Advocate position is a loss to the entire community.

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<sup>2</sup> Safe Place And Rape Crisis Center—Sarasota’s certified domestic violence center.

### **III(b). Interviews with Officers**

**Detective Dave Grant**—A 29-year veteran of SPD, Det. Grant is currently charged with monitoring Sarasota’s 60 most violent offenders. He estimates that 60% to 70% of those offenders are also domestic violence abusers.

Det. Grant works extensively with the State Attorney’s Office, assisting them in gathering evidence for trials and alerting them to developing situations such as witness tampering. Because of his work with prosecuting attorneys, he has had a unique opportunity to work with cases from beginning (a police officer’s usual duty) to the end (at trial). According to Grant, every police officer should have the experience of working a case and watching the trial. That experience is crucial in training professional officers in evidence gathering. The smallest piece of evidence, properly obtained and recorded, can make or break a case at trial. Gathering evidence in a domestic violence situation is particularly difficult because the victim will often change her statement or blame her injuries on herself in order to protect her abuser. Some of the evidence collection is complicated and changeable as new legal opinions come down from the courts.

Det. Grant particularly lamented the loss of SPD’s Victim Advocate. He described the role of the Victim Advocate as “unbelievably effective” and “making a huge difference” in bringing a case to a successful conclusion. He said that SPD is currently using its investigatory staff to speak to and translate for victims and witnesses. According to Grant the officers are not trained as Victim Advocates and would more effectively be used “chasing the bad guys.” A Victim Advocate maintains contact with victims and witnesses, something that police officers may not be able to do. According to Grant, uniformed officers working 12 hour shifts (rather than 8 hour shifts) work fewer days a month which makes it harder to follow-up on difficult cases in a timely manner.

Det. Grant was a major proponent of face-to-face (rather than pre-recorded) domestic violence training for all the officers by SPARCC and the State Attorney’s Office on a regular basis.

**Officer Jayme Delcos**—Officer Delcos was the InVEST Officer at SPD for approximately 18 months ending June, 2011. The InVEST program was funded by a grant from the State of Florida and the Federal Government. InVEST—Intimate Violence Enhanced Services Team--was created to provide domestic violence victims at extreme physical risk with intense service management and advocacy. The grant allowed SPD to designate one officer whose sole job was to follow up on high risk cases. When that grant ended in June, 2011, the program

stopped. Officer Delcos received high praise from SPARCC for her work during the grant period.

Officer Delcos indicated that SPD “does a good job” on domestic violence cases. However, she said that without the InVEST program, it is up to individual officers to take the time to follow up on difficult and dangerous cases, which she indicated they often did by stopping by to check on the victim. Unfortunately, Officer Delcos feels that many of the cases “just go away” as victims change their minds and fall into the cycle of domestic violence once again when they do not receive consistent follow-up. She feels that the percentage of DV charges dismissed goes up considerably when victims do not have support from either a police officer or from a Victim Advocate (a position which has been cut from the police budget). In Officer Delcos’ experience, when the victim is supported, there is often a good outcome. When the victim is not supported the victims more often recant and the cases are dropped—only to reappear when the next instance of domestic violence occurs.

**Detective Rex Trouche**’— Prior to working for SPD, Det. Trouche’ had experience in another city where the officers were trained to videotape both the victim and the defendant at the scene of a domestic violence incident. (One of the biggest problems with DV cases is that victims often change their story a day or two later either out of fear or desperation as the cycle of domestic violence is repeated.) Florida police officers are directed by Florida’s domestic violence statute to take written statements from the victim and witnesses “whenever possible” [FL Stat. 741.29(2)(c)]. Det. Trouche’ feels strongly that video would be much more effective. In fact, his recollection is that the conviction rate went up astronomically when video was utilized. The video was also useful pre-trial at the first appearance of the defendant in court. Police were able to show the victim’s video statement to the judge simply by sending it over the internet to the court.

According to Det. Trouche’ the use of the video recorder required a team of 2 police officers with cameras to respond to the scene in addition to the 2 already at the scene. He indicated that it is essential that all officers be trained in the use of the cameras so that the statements could be used as admissible evidence. Officer Delcos confirmed that SPD purchased cameras for this exact use (as part of her InVEST grant) but the cameras have never been used and no officers, to her knowledge, have been trained on them.

**Recommendations:**

- 1) SPD desperately needs either a designated domestic violence police officer or a full-time Victim Advocate to follow up on cases and support vulnerable victims. Without this type of follow-up, much of the work done by SPD’s officers in DV cases is wasted as victims recant and cases are dismissed.

- 2) SPD officers should receive training in evidence issues from the State Attorney's Office on a regular, more frequent basis.
- 3) SPD should coordinate with the State Attorney's Office on the use of cameras for video statements. At the very least, it would be useful to try the cameras on a trial basis.
- 4) All SPD officers should obtain written statements from all domestic violence victims and witnesses at the scene. Police reports should include every detail possible including victim's verbal statements.
- 5) Domestic violence victims who choose not to be referred to SPARCC must have some sort of follow-up by SPD. Evidence of bruising and other injuries often does not appear until days after the injury. Photos of the injuries are necessary for evidence at trial.

#### **IV. Sarasota County Sheriff's Office**

##### **Captain Ron Locke**—Court Services Bureau Commander

The Sheriff's Office is the agency that "serves" domestic violence injunctions on the accused abuser. Capt. Locke indicated that his officers make 2 to 3 attempts to serve the injunction. They go to the known addresses of the individual at various times of day and night in an attempt to locate him/her.

Although service is not always successful, the injunction is immediately entered into state and national data bases so that if the individual they are seeking has any contact with law enforcement anywhere, the officer involved would be notified and the individual could be served at the scene.

#### **V. State Attorney's Office**

##### **Assistant State Attorney Spencer Rasnake** (County Court Chief)—

As County Court Chief, ASA Rasnake heads up the misdemeanor section of the State Attorney's Office. He estimates that 30% to 40% of all misdemeanor cases handled in Sarasota County are domestic violence related. Violations of domestic violence injunctions can be handled in civil or criminal courts depending upon the strength of the evidence. If there is not sufficient evidence to prove a case "beyond a reasonable doubt" in criminal court, the case is sent back to family court for a civil hearing. Typically, the State Attorney's Office is not informed of the outcome.

Though the State Attorney's Office stamps its case files as "Domestic Violence" related, there is no tracking of DV cases. (This is also true of serious felony DV cases.) Therefore, there is no way to estimate what percentage of domestic violence cases ever make it to trial.

ASA Rasnake is fully trained in domestic violence prosecution methods—such as evidence-based prosecution--and he regularly conducts training for other prosecutors in his office. He would like to be able to train police officers in these techniques. Evidence-based cases are only as good as the evidence that the police can bring to the case. In domestic violence cases (as in homicides), there may not be a witness who can or will testify against the abuser. Circumstantial evidence may be the only hope for a successful prosecution.

ASA Rasnake indicated that victims (and witnesses) of domestic violence cases do not get enough follow-up from the police. Without SPD's Victim Advocate, the victim gets limited or no support from law enforcement in the crucial hours when the abuser is in jail and the victim is most likely to cooperate. He said that when the victims have that support they are "empowered." The State Attorney's Office in Sarasota currently has one Victim Advocate but that individual is usually reserved for felony cases.

**Chief Assistant State Attorney Ed Brodsky—**

Chief ASA Brodsky is the second in command in the Office of the State Attorney (Twelfth Judicial Circuit).<sup>3</sup>

The Sarasota office of the State Attorney does not have a Domestic Violence Unit. (However, Manatee County has a Domestic Violence Unit staffed by 2 prosecutors. According to Chief ASA Brodsky, Manatee sends twice the number of DV cases to the State Attorney's Office as Sarasota does. Manatee County has a population of 325,905 and Sarasota County has a population of 381,319.) Domestic violence cases are labeled as such but they are handled with all other cases in either the misdemeanor or felony trial units. There is no tracking of DV case outcomes. Mr. Brodsky indicated that he would be willing to look into establishing a tracking system to monitor the number of DV cases that actually go to trial and the number dismissed. If the number of domestic violence cases dismissed is significantly higher than non-DV cases and a tracking system was in place, the State Attorney's Office would be alerted and could attempt to determine the cause(s).

Chief ASA Brodsky highlighted the need for additional and more frequent training for police in evidence methodology and he stated that he would be more than willing to provide trainers to SPD. Domestic violence cases in particular, he said, require meticulous documentation, independent evidence, witness statements and photos of injuries. He indicated that when he was trying DV cases he often had to take photos of the injuries himself. Many injuries, particularly bruising, do not show up until days after the incident. If no one is following up with the victim, these photos are often missed—and critical evidence is lost. Once again, the crucial role of Victim Advocate is underlined.

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<sup>3</sup> The Twelfth Judicial Circuit includes Sarasota, Manatee and DeSoto Counties.

Chief ASA Brodsky said he would consider the use of domestic violence weapons search warrants (See Section IX.)

**Recommendations:**

- 1) Frequent training of police especially in evidence issues.
- 2) The Victim Advocate position should be reinstated at SPD.
- 3) The State Attorney's Office should institute a tracking system for domestic violence cases.
- 4) The State Attorney's Office should consider requesting domestic violence search warrants for weapons. More importantly, they should use their political clout to lobby for DV weapons search warrants to become part of every DV injunction. (See Appendix I.)

## **VI. Family Court—Obtaining Domestic Violence Injunctions**

Sarasota County domestic violence injunction hearings are held every Tuesday at the Judge Lynn N. Silvertooth Judicial Center on Ringling Blvd. in downtown Sarasota. The two designated judges who “man” the Family Courts currently are Judge Debra Riva and Judge Rochelle Curley. (After only a few visits to the courts, I came away impressed with the professionalism, patience and pleasant demeanor of both judges.)

**Background issue:**

Scenario #1--When a domestic violence victim requests an injunction against her abuser, she (or he) is given a temporary injunction based solely on her testimony of abuse. The temporary injunction must be served on the alleged abuser who is then ordered to appear in court for a hearing at which time he may present his side of the story. Once granted, the temporary injunction is sent to the Sheriff's Department for service. The Sheriff's Dept. will make several attempts to serve the accused abuser at several different times of day and night. It's a difficult job because often the abuser has been ejected from the residence where the abuse occurred and he is often in hiding for fear of prosecution. The Sheriff's Dept. enters the abuser's name and information into several law enforcement data bases in case any law enforcement agency makes contact with the individual. If that occurs, the law enforcement agency can serve the abuser with the temporary restraining order.

The victim often shows up in court on the appointed hearing date only to be told that the abuser has not been served. During one such instance, I was disappointed to hear the judge tell the victim that she would have her case continued for *one more hearing date only* and that the temporary injunction would be dismissed if service had not been accomplished at that point.

Once again, this policy puts control of the situation in the hands of the abuser. Many abusers know enough to hide out for a month or so, dodging service by the Sheriff because everything will “go away” after two hearing dates. The victim is told that she is “free to reapply for another temporary injunction” if the abuse reoccurs. In other words, *the victim who applied for and received a temporary injunction based on her allegations of abuse should now wait for additional abuse to occur so that she can reapply and start the process over.*

**Recommendation:**

The temporary injunction should remain open until served. It can simply remain a part of the law enforcement data bases and does not require the Sheriff’s Dept. to continue to assign officers to actively seek the abuser. Leaving the injunction open also allows for constructive service if the abuser contacts the victim and she tells him about the injunction and hearing date.

**Background issue:**

Scenario #2--When a hearing is held in Sarasota and the judge determines that a Final Injunction should be granted, it typically has a termination date of one year. This makes it necessary for the victim to reapply and start the process over in a year if there is still a need for an injunction.

**Recommendation:**. The victim should not have to brave the system once again to ask for the court’s protection. Rather, the onus should be on the abuser to initiate court action requesting that the injunction be removed. The Final Injunction should remain in effect a much longer time than one year. In fact, in many jurisdictions Final Restraining Orders remain in effect until further order of the court, i.e. *permanently*--until a court hears evidence that the injunction should be cancelled.

## **VII. SPARCC**

SPARCC (Safe Place and Rape Crisis Center), with its main office located on Main Street in downtown Sarasota, offers an array of services to victims of domestic violence. SPARCC runs a domestic violence shelter and a 24-hour hotline, offers crisis counseling and safety planning and assists with transitional housing, children’s counseling and hospital advocacy. SPARCC also plays a significant role in court advocacy and case management.

SPARCC staff and trained volunteers guide and encourage victims through the legal proceedings, including the injunction hearings. Participants in the SPARCC programs are also assisted in their interactions with law enforcement and other agencies.

SPARCC plays an increasingly important role in victim assistance when other agencies (such as the Sarasota Police Department) do not have the benefit of a full-time Victim Advocate.

SPARCC is supposed to receive (per Florida Statute) all law enforcement reports related to domestic violence within 24 hours of the incident. Unfortunately, many victims refuse assistance from an outside agency which requires SPD to redact their names and contact information from the reports provided to SPARCC. Without the InVEST detective and without an SPD Victim Advocate, there is no one to follow up on those cases.

**Recommendation:** There is no fix for this problem short of having an individual(s) at SPD who can follow up on serious cases of domestic violence. The victim's name and contact information cannot be shared with outside agencies without the victim's consent. This is a serious problem that points again to the absolute need for a Victim Advocate or other specially designated police officer located within the SPD system.

Several representatives of SPARCC who spoke with me had additional suggestions to make the system better as a whole.

**Recommendations:**

- 1) Though the statute requires that law enforcement "send" domestic violence incident reports to the "locally certified domestic violence center" within 24 hours (741.29 (2)(c)), they are often not available. SPARCC often has to send a representative to obtain them. SPARCC would like to have a system set up that guarantees receipt of those reports in a timely fashion.
- 2) SPARCC would like to receive every "family disturbance" police report so that they can monitor for patterns of recurring violence possibly related to domestic violence.
- 3) Because domestic violence is so specialized, SPARCC would like to see law enforcement receive DV training every 2 years instead of every 4 years and they would like to be involved in the training.
- 4) SPARCC would like to see a "risk assessment" done at every domestic violence crime scene. The Florida Coalition Against Domestic Violence (FCADV) has developed a small card for use by responding officers that asks 3 questions:
  - i) Has the perpetrator ever used a weapon against you or threatened you with a weapon?
  - ii) Has the perpetrator threatened to kill you or your children?
  - iii) Do you think that the perpetrator is capable of killing you?

## **VIII. Probation**

### **Correctional Probation Officer Dedra W. Anderson—**

A person who has been found guilty of violating a domestic violence injunction or some other DV-related crime will often be sentenced to probation (or jail followed by probation if appropriate). Probation is the final stop on the legal journey. An individual on probation has the supervision of a trained Probation Officer who is charged with making sure that the probationer follows and completes all the conditions of his probation and/or release from prison. These conditions often include Batterer's Counseling, Anger Management Counseling, drug/alcohol programs and psychiatric counseling and treatment.

Officer Anderson indicated that Probation Officers receive frequent training in domestic violence issues—at least once a year. Training is available online or in-person. She considered the training invaluable.

In her job, Officer Anderson has encountered both abusers and victims and has often found herself in the role of counselor to an abuse victim who is also a probationer.

**Recommendation:** Officer Anderson indicated that training is available to law enforcement on many levels—report writing, evidence issues, domestic violence updates—and is often available to fit any schedule. Every law enforcement professional should avail themselves of the opportunity keep abreast of legal issues and to maintain other skills needed in their jobs.

## **IX. Legislation—The Domestic Violence Weapons Search Warrant**

When a victim requests a domestic violence injunction from the court, she/he will be asked to tell the judge if the abuser has used or threatened use of any weapons or if she fears use of any weapons that he possesses. If so, the judge will indicate that law enforcement attempt to obtain the weapons when they serve the injunction on the abuser. At the present time, officers serving the injunction can only request that that person surrender his/her weapons. If the individual lies about where the weapons are located or denies having possession of weapons, there is nothing the officers can do. They do not have the right to search unless someone with the legal authority consents to a search.

In New Jersey, the legislature created the Domestic Violence Weapons Search Warrant. The warrant is page 3 of every Temporary Restraining Order issued by the court. (See Appendix I). The judge will ask the victim about weapons (particularly firearms but also other items like machetes and hunting knives) and

if the victim indicates that weapons are involved, the judge signs the search warrant. The warrant allows law enforcement to do a legal search for weapons without running afoul of the 4<sup>th</sup> amendment. The warrant also requires the officers “to search for and to seize any issued permit to carry a firearm, application to purchase a firearm and firearms purchaser identification card issued to the defendant...”

This search warrant has been found constitutional under the U.S. and New Jersey Constitution because it is limited in scope. If indicia of other crimes (such as drugs) are located by police during their search for weapons, they may not be used as evidence in a trial.

Weapons seized in this way are confiscated by law enforcement and turned over to the county prosecutor’s office. Within a reasonable period of time, the prosecutor’s office holds a weapons hearing and the judge will determine when and under what circumstances the weapons may be returned.

**Recommendation:**

Florida should include a weapons search warrant in its legislation as part of every domestic violence injunction.

**X. Conclusion**

This study could have gone on indefinitely. Every person with experience in the field had legitimate suggestions to make the system better.

None of the recommendations contained herein are extraordinary or extravagant. They are practical and easily within the grasp of the Sarasota City Commission and the Sarasota Police Department.

Every domestic violence case starts when the Sarasota police respond to a call. Their level of training and the department’s ability to communicate with and support victims and witnesses are essential to a successful legal outcome-- essential to “improving the odds.”

**With grateful appreciation to those who gave their time to assist with this study:**

Sarasota Police Department

Officer Jayme Delcos  
Det. David Grant  
Det. Rex Trouche'  
Captain Paul Sutton

Sarasota Sheriff's Office

Captain Ron Locke

State Attorney's Office

Chief Assistant State Attorney Ed Brodsky  
Assistant State Attorney Spencer Rasnake

Family Court

Monica Ausborn, Family Court Manager

SPARCC

Olivia Thomas, Executive Director  
Jeanette Ocasio, Director of Outreach Victim Advocacy  
Concetta Hollinger, Sexual Assault Victim Advocate

Florida Department of Corrections

Correctional Probation Officer Dedra Anderson  
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