

RESOLUTION NO. 2015-059

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, ENDORSING THE BROWARD COUNTY CHIEFS OF POLICE ASSOCIATION COMMITTEE REPORT AND RECOMMENDATION REGARDING THE DOMESTIC VIOLENCE INJUNCTION PROCESS; ENCOURAGING STAKEHOLDERS TO PARTICPATE IN IMPLEMENTING THE RECOMMENDATIONS OF THE BROWARD COUNTY CHIEFS OF POLICE COMMITTEE; AUTHORIZING THE TOWN ADMINISTRATOR TO TRANSMIT THIS RESOLUTION TO THE NECESSARY AGENCIES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, domestic violence is one of the most wide-spread problems in our society as it affects women, men, and children of all racial, social, religious, ethnic and economic groups, can have a huge range of consequences if it is not addressed, and has even led to death in some cases; and

WHEREAS, the ramifications of domestic violence are staggering and the tragedy of domestic violence touches all of our lives by weakening families, leaving emotional scars as devastating as physical ones and creating a destructive cycle of violence where those who were abused as children may become abusers themselves; and

WHEREAS, the public often bears the financial and economic costs of domestic violence through increased medical expenses, expenditure of social service resources, dedication of precious judicial and law enforcement resources, and other costs; and

WHEREAS, although great strides have been taken to educate people about domestic violence, an average of three women die each day in America; one in four

women and one in thirteen men will be the victim of domestic violence in their lifetime; and domestic violence still often goes unreported; and

WHEREAS, victim survivors of domestic violence are permitted, and even encouraged, to seek emergency protection through a court ordered temporary injunction against domestic violence against an alleged abuser which injunction is intended to prevent contact and/or communication between abusers and victims; and

WHEREAS, the process of obtaining an emergency injunction against domestic violence does not require a hearing or notice to the abuser and, when granted, the protections afforded are effective until such time as the Court sets a hearing; and

WHEREAS, the entry of an emergency injunction against domestic violence allows law enforcement to arrest and take into custody alleged abusers if they violate the terms of the temporary injunction orders; and

WHEREAS, the timely entry of an emergency injunction against domestic violence can minimize the trauma of domestic violence, prevent additional harassment and further abuse, and save lives; and

WHEREAS, there are many reasons a victim survivor of domestic violence may feel afraid or discouraged to seek an emergency injunction against domestic violence, but the legal process of obtaining these necessary protections should not be one of these reasons; and

WHEREAS, currently, in order for any victim survivor of domestic violence to obtain an emergency injunction against domestic violence, the victim in Broward County

must go in person to a single location in Broward County - the main courthouse in downtown Fort Lauderdale; and

WHEREAS, victim survivors often have no choice but to bring their children, and after victims navigate through the courthouse, they go to a room often crowded with victims, advocates and children; and

WHEREAS, some domestic violence victim advocates say the process is slow and can unintentionally discourage victims from seeking protection; and

WHEREAS, some domestic violence victim advocates report victims and their children, despite being encouraged to arrive at the courthouse early in the day, sometimes must wait the entire day at the courthouse before receiving the court-approved temporary injunction order. Some victims are told to come back at 5:00 P.M., an option which may not be realistic. All are told they could alternatively choose to obtain the judge's order entering a temporary injunction order, or denying such, via U.S. mail, which is fraught with delays and potential dangers should the abuser obtain the copy delivered in the mail; and

WHEREAS, as a result of the current process, victim survivors may need to seek leave from their jobs, foregoing money that would have been earned to help them secure safe and alternative housing and other costs of living for themselves and their children because they must wait all day at the courthouse; and

WHEREAS, precious and finite domestic violence advocate resources are consumed assisting victims through the current lengthy process of the securing the temporary injunction order; and

WHEREAS, technology has improved our lives in so many ways. Unfortunately, for victim survivors of domestic violence in Broward County, technological advances have eluded the process of obtaining necessary and timely protections from abusers; and

WHEREAS, New Jersey courts launched a successful program where victim survivors of domestic violence in hospitals are linked through teleconference with hearing officers at the courthouse or to duty judges after hours. The victims give their version of events and the restraining orders are decided immediately; and

WHEREAS, if the process for obtaining restraining orders in New Jersey can be done with technology from busy hospitals, similar techniques should be utilized from satellite courthouses, approved domestic violence shelters and police stations for victim survivors of domestic violence; and

WHEREAS, the Broward County Chiefs of Police Association (BCCPA) formed a Committee to evaluate the current process in Broward County for victim survivors of domestic violence to seek emergency court-order protections; and

WHEREAS, the BCCPA Committee on Domestic Violence Injunction Process in Broward County represented a broad spectrum of stakeholders in Broward County representing law enforcement, the Clerk of Courts, the Office of Trial Court Administration for the Seventeenth Judicial Circuit, the State Attorney's Office, law enforcement victim advocates, victim advocates from domestic violence shelters and organizations, organizations who provide legal assistance to victim survivors, and other organizations who serve as advocates for victim survivors of domestic violence; and

WHEREAS, the BCCPA Committee took months researching and analyzing the law, the process, the challenges victim survivors (and their advocates) face and the resources available to help victim survivors of domestic violence; and

WHEREAS, the BCCPA Committee issued on June 10, 2015 a Report and Recommendation which contained points of consensus and recommendations to improve the process for victims and that was Report and Recommendations was unanimously ratified by the BCCPA; and

WHEREAS, based upon the BCCPA Committee findings, the current legal process in Florida and in Broward County for victim survivors of domestic violence to obtain emergency protections through an injunction against domestic violence is antiquated, unnecessarily laborious and fails to fully meet the challenges faced by victim survivors of domestic violence; and

WHEREAS, amongst the ten (10) broad consensus points and resulting recommendations, the BCCPA Committee unanimously agreed the current Statewide electronic filing system is virtually unavailable to self-represented victim survivors of domestic violence because (a) the manual to learn the e-filing system is one-hundred and one (101) pages long; (b) e-filing requires informational technology infrastructure; (c) e-filing requires some level of information technology sophistication; and (d) in the disorienting circumstances in the aftermath of domestic violence and considering the need for emergency court-ordered protections, it is too much to believe that victims survivors will be able to meaningfully navigate the e-filing system; and

WHEREAS, through the process of the BCCPA Committee work, the Clerk of Courts began some improvements, including dedicating four (4) additional personnel to the injunction process, re-purposing rooms to allow more privacy for victim survivors when seeking emergency court-ordered protections and providing additional information on the Clerk of Court's website; and

WHEREAS, the time has come to utilize and deploy technology to help victim survivors of domestic violence and streamline an antiquated process involving injunctions against domestic violence; and

WHEREAS, the BCCPA Committee identified a number of concerns regarding the process for victim survivors on Broward County to seek injunctions against domestic violence:

- The only location to file a petition seeking protections is at the main courthouse;
- This single location requires victims to travel to the courthouse, sometimes with their children, pay for parking and for some it is a substantial distance;
- The process for filing the petition through actually obtaining an order can take the entire day;
- Those victims waiting for an order providing protection often have children with them and, as a result, the area where victims prepare petitions and wait is often crowded and chaotic;
- To avoid waiting for the entry of an injunction order, victims are told they can have the injunction delivered via US mail; however this is not a realistic option for

most seeking emergency protection in so far as there is time delay in delivery and some victims may not know where they will be in the coming days;

- Technology is not being fully deployed to efficiently process the petitions from filing to execution of an injunction order;

- Electronic filing of petitions for injunction by through the state portal by victims, whether represented or unrepresented, while theoretically available, is simply not a realistic option for victim survivors. The manual to learn how to e-file is 101 pages. E-filing requires computer infrastructure and technology experience to navigate the system;

- The current courthouse has petitioners and respondents (alleged abusers), contrary to established recommendations regarding separation, in the same hallway leading to unsafe and intimidating conditions;

- In the current courthouse in-custody respondents are walked right by the victim survivors due to the lack of a secure transport system;

- There are no accommodations for victims to park, either at the time of filing a petition or during the court process;

- The proposed plan for separation of petitioners and respondents outside the courtrooms in the new courthouse, while well-intentioned, is not sufficient; and

WHEREAS, the BCCPA Committee identified points of consensus:

- There is a need to provide additional safe locations where victims are able to file and process petitions for injunction against domestic violence;

- The current state-wide system for electronic filing of petitions for injunction against domestic violence is not user friendly for *pro se* victims of domestic violence and, therefore, is not a meaningful opportunity for *pro se* victims to avoid in person filing at the singular location in the County;

- The current physical process for victims to obtain certified copies of orders granting injunctions and emergency service packets is an impediment to fully utilizing the capabilities of the electronic filing portal;

- Greater use of technology for the filing and processing of petitions for injunction against domestic violence could streamline the process for the Clerk's office and the Judiciary;

- The Clerk's office and Judiciary, as well as victims, could directly benefit from more domestic violence advocates to guide and assist victims through the process of filing petitions for injunction against domestic violence;

- The current courthouse layout for injunction hearings is less than ideal for victims, adds to the stress on victims and their advocates associated with proceeding through the court process and generates preventable and foreseeable risks and dangers to victims and their advocates;

- While collaboration and cooperation in the planning for the new courthouse as it relates to the domestic violence court process, including the filing of petitions for injunction against domestic violence, gave due consideration to some of the concerns presented in the current courthouse, additional analysis and steps are necessary to fully address concerns noted in this report;

- While the issues facing domestic violence victim survivors as identified herein were focused on Broward County, the Committee notes that these same issues are faced state-wide by victim survivors of domestic violence;

- Any improvements and/or changes to the process for victims to file and seek petition for injunction against domestic violence, including expanded availability of electronic portal filing with the assistance of advocates, requires additional educational efforts community wide;

- The Committee recognizes there are many stakeholders who should be interested in this Report and Recommendation and, therefore, this Report and Recommendation should be distributed widely; and

WHEREAS, the BCCPA issued Recommendations to address the process victim survivors of domestic violence must navigate to obtain necessary emergency protections:

- Implement Legislative Changes to Allow the Full Deployment of Technology to Streamline the Process for Victim Survivors of Domestic Violence;

- Expand E-Signature for Judicial Execution of Injunctions;

- Utilize Regional Courthouses for Filing of Petitions;

- Utilize Regional Courthouses for Production of Certified Orders and Emergency Packets;

- Develop and Implement Process To Provide Certified Copies and Emergency Packets at Designated Approved Locations;

- Expand E-Filing Training (for advocates);

- Validate Parking for Victim Survivors of Domestic Violence Seeking Injunctions and for Final Hearings;
- Develop Partnerships for Transportation;
- Utilize Regional Courthouses for Hearings on Petitions;
- Increase Training for Volunteer Advocates;
- Develop a Domestic Violence Victim Advocates Program;
- Take Appropriate Steps to Increase Security on the 8th Floor Outside Courtrooms;
- Continue to Re-Evaluate a Separate and Secure Waiting Area for Petitioners, Advocates and Counsel;
- Develop and Sustain a System of Notification for In-Custody Transport Through the 8th Floor Hallways;
- The Currently Proposed Expansion of Space for the Clerk's Office Should Be Implemented;
- Additional Dialogue And Analysis Amongst the Stakeholders Regarding the New Courthouse Accommodations and Security Plan related to the Domestic Violence Injunction Process is Necessary;
- Implement A State-Wide Taskforce With Broad Participation to Improve Process for Victim Survivors of Domestic Violence;
- Develop Partnerships With County-Wide Community Groups for Dissemination of Information Regarding the Injunction Process;
- Distribute This Report Widely To All Potential Stakeholders and Media; and

WHEREAS, the implementation of recommendations intended to improve the process for victim survivors of domestic violence will require the participation and cooperation of many, including the state legislators, Broward County Board of County Commissioners, the Clerk of Court for the Seventeenth Judicial Circuit, the Judges of the Seventeenth Judicial Circuit, the State Attorney's Office, Broward Sheriff's Office, law enforcement, advocates and municipalities; and

WHEREAS, implementing the BCCPA Recommendations and improving the process for victim survivors of domestic violence should also improve the process for those seeking emergency court-ordered protections against Repeat Violence, Dating Violence, Sexual Violence, and Stalking.

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southwest Ranches, Florida:

Section 1. The foregoing Whereas clauses are hereby ratified and incorporated as the legislative intent of this Resolution.

Section 2. The Town Council endorses the June 10, 2015 Report and Recommendations of the Broward County Chiefs of Police Association's Committee on Domestic Violence Injunction Process in Broward County.

Section 3. The Town Council encourages legislators, domestic violence victim advocates, law enforcement, fire-rescue, the Broward County Clerk of Courts, the Broward County Judiciary, the Broward County Board of County Commissioners, Broward County State Attorney's Office and municipalities to participate in the process of implementing the Recommendations meant to streamline, make more efficient and

provide necessary dignity in the process for victim survivors of domestic violence to obtain injunctions against domestic violence.

Section 4. The Town Administrator is hereby directed to distribute a copy of this Resolution to each Mayor and Municipal Commissioner within Broward County, the Broward County Board of County Commissioners, the State Attorney for Broward County, the Broward County Clerk of Courts, and the Broward County Judiciary via the Chief Judge of the Seventeenth Judicial Circuit in and for Broward County.

Section 5. Effective Date. This Resolution shall be effective immediately upon its passage.

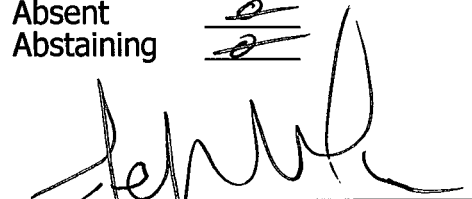
PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches, Florida, this 23rd day of July, 2015.

Nelson
Fisikelli
Breitkreuz
Jablonski
McKay

Yes
Yes
Yes
Yes
Yes

Ayes
Nays
Absent
Abstaining

5
0
0
0

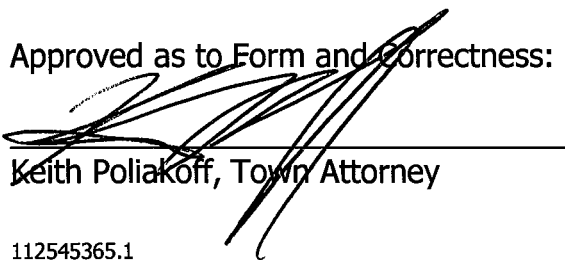

Jeff Nelson, Mayor

Attest:



Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:


Keith Poliakoff, Town Attorney

112545365.1