

Reporting Domestic Violence in Florida¹

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Being in a violent relationship can be both a terrifying and hopeless experience. Likewise, the legal process can be both an extensive and complicated process. In this publication, we will address what to expect when reporting the violence to law enforcement.

The Reporting Process

When reporting an incident of domestic violence in Florida, there are laws in place to protect you during the process. Understand that in the state of Florida, if there is an officer on the scene who witnesses an incident of domestic violence or finds enough evidence that domestic violence occurred, there is likely to be an arrest made. Even if you do not want to have your partner arrested or have charges pressed, Florida law makes domestic violence a criminal act rather than a private dispute. Because of this, the State Attorney's office will go on with the prosecution even if you do not want to press charges (Domestic violence; reporting, 2013).

After calling the police, Florida law says that there are some key things that should be expected of the officer who handles your case. If you feel that your case has not been handled properly, write down everything that happened and file an official complaint with your local police station.

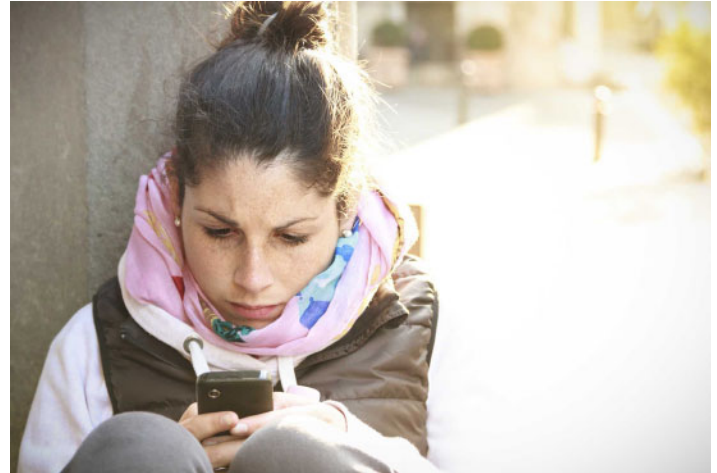


Figure 1. After contacting the police about an incident of domestic violence in Florida, there are laws in place to protect you. Credits: iStock/Thinkstock.com

What to Expect from Law Enforcement

When reporting domestic abuse to a law enforcement officer, the officer on the scene is responsible for

- making sure you and the people around you are not injured, and
- connecting you with local agencies and resources that help victims of domestic violence.

In addition to these responsibilities, the law enforcement officer should also provide the “Legal Rights and Remedies

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Notice to Victims” document. This notice should include the following:

- a. Resources available from the local domestic violence shelter and the Department of Children and Families.
- b. A paper that says: “IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you may ask the state attorney to file a criminal complaint. You also have the right to go to court and file a petition requesting an injunction for protection from domestic violence which may include, but need not be limited to, provisions which restrain the abuser from further acts of abuse; direct the abuser to leave your household; prevent the abuser from entering your residence, school, business, or place of employment; award you custody of your minor child or children; and direct the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so” (Domestic violence; reporting, 2013).

This statement explains the following:

- You can file a *criminal* complaint against your abuser.
- You can file a *restraining order* (also called an *injunction*) to help protect you from further violence by legally making the abuser leave your home and keeping the abuser from coming near any of the places you typically visit. (For more information about restraining orders/injunctions, please see EDIS publication FY1455, *After Domestic Violence: Filing an Injunction in Florida*.)
- If you and your abuser have any minor children (under age 18) together, and history of domestic violence is established, you can be granted *custody* of the children, and the court can require the abuser to pay child support.

Depending on the situation, an arrest may or may not be made by the officer at the scene (depending on the level of evidence available). Even if an arrest is not made, the officer handling the case should file an official police report that describes the incident and explains that it was an act of domestic violence. The police report should include the following (Domestic violence; reporting, 2013):

- a. A description of physical injuries observed, if any.
- b. If a law enforcement officer decides not to make an arrest or decides to arrest two or more people, the officer shall/ will include the reason that the arrests were or were not made.
- c. A statement which indicates that a copy of the legal rights and remedies notice was given to the victim.

The officer may choose whether or not to arrest the abuser, no matter what you may want to happen at the time. If both partners involved in a case of domestic violence claim to be victims of abuse, it will be up to the officer to determine which person started the violence and decide based on the situation whether or not to make an arrest (Domestic violence; reporting, 2013).

What Will Happen to the Abuser?

If the abuser is arrested, he/she will be held in jail until the “first appearance” before a judge. After first appearance, the person can be released until the next hearing. At that next hearing, a temporary injunction can be filed before the abuser is released. This temporary injunction will be active until the final hearing. If the abuser is found to be guilty of domestic violence, he/she will be held on at least one year’s probation and, unless deemed inappropriate by the court, will take part in a batterer’s intervention program that will be a part of probation (Domestic violence cases, 2013).

In addition to probation and batterer’s intervention programming, the abuser can be sentenced to a minimum of five days in a county jail if found guilty of intentionally causing bodily harm to another person. If your abuser has a history of domestic abuse, he/she may face a felony charge with up to five years in prison (Domestic violence; public records exemption, 2013). If this is the case, the abuser will no longer be able to own a firearm and will have any concealed weapon license revoked. If the abuser is convicted of a more severe charge, such as Aggravated Domestic Battery, he/she could face up to 15 years in a state prison (Court to order batterers’ intervention program attendance, 2013).

References

Court to order batterers’ intervention program attendance, XLII FL § 741.281 (2013).

Domestic violence cases; prosecutors; legislative intent; investigation; duty of circuits; first appearance, XLII FL §741.2901 (2013).

Domestic violence; investigation of incidents; notice to victims of legal rights and remedies; reporting, XLII FL §741.29 (2013).

Domestic violence; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary injunction; issuance of injunction; statewide verification system; enforcement; public records exemption, XLII FL §741.30 (2013).