


# **GAINESVILLE POLICE DEPARTMENT**

## **GENERAL ORDER**

	<b>TITLE</b> Domestic Violence and Dating Violence Injunctions	<b>ACCREDITATION</b> CALEA Chapter 55	
	<b>PROponent UNIT</b> Criminal Investigations Division (CID)	<b>PRIOR REVISIONS:</b> 09/21/09, 03/26/18	
		<b>ATTACHMENT:</b>	
<b>NUMBER</b> 40.7	<b>ISSUE DATE</b> 07/01/98	<b>REVISION DATE</b> 07/19/22	<b>TOTAL PAGES</b> 5

**I. PURPOSE:** This Order establishes a set of procedures to obtain, serve, and enforce domestic violence and dating violence injunctions.

**II. DISCUSSION:** Pursuant to Florida State Statutes, law enforcement officers may use their arrest powers to enforce the terms of an injunction.

**A. Domestic Violence:** Any person who is the victim of domestic violence or has reasonable cause to believe he or she is in imminent danger of becoming the victim of any act of domestic violence has standing in the circuit court to file a sworn petition for an injunction for protection against domestic violence.

**B. Dating Violence:** Any person who is the victim of dating violence or has reasonable cause to believe he or she is in imminent danger of becoming the victim of any act of dating violence, or the parent or legal guardian of any minor child who is living at home and who seeks an injunction for protection against dating violence on behalf of that minor child, has standing in the circuit court to file a sworn petition for an injunction for protection against dating violence.

**III. POLICY:** The Gainesville Police Department shall institute and implement a set of procedures that enables members to protect victims of domestic and dating violence and to assist those victims in obtaining and enforcing domestic and dating violence injunctions.

### **III. DEFINITIONS:**

**A. Family or Household Member:** Per Florida State Statute [741](#), includes:

1. Spouses,
2. Former spouses,
3. Person related by blood or marriage who currently reside together, or have resided together in the past in the same dwelling unit.
4. Persons who are presently residing together as if a family or who have resided together as if a family in the past,
5. Persons who are parents of a child in common, regardless of whether they have been married

**B. Dating Violence:** [FSS 784.046\(1\)\(d\)](#): Violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on the consideration of the following factors:

1. A dating relationship must have existed within the past 6 months;
2. The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and
3. The frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship.

**Note:** The term does not include violence in a casual acquaintanceship or violence between individuals who only have engaged in ordinary fraternization in a business or social context.

#### **IV. PROCEDURE**

##### **A. Obtaining Domestic Violence and Dating Violence Injunctions:**

**1. Standing:** Any person who is the victim of any act of domestic/dating violence or has reasonable cause to believe he or she is about to become the victim of any act of domestic/dating violence, has standing in the circuit court to file a sworn petition for an injunction for protection against domestic violence.

The injunction may be sought by any family or household member as defined in FSS 741 and 784. [CALEA 55.2.2]

##### **2. Injunction Criteria:**

- i. The petitioner does not have to be represented by an attorney.
- ii. Petitioner may seek an injunction regardless of whether there is any other cause of action pending between the petitioner and respondent.
- iii. That the petitioner left a residence or household to avoid domestic violence does not affect his/her right to petition for an injunction.

##### **3. Hours of Operation:**

**Normal Business Hours:** During normal business hours a petition for an injunction may be filed at the Civil Division of the Clerk of Courts Office, located on the first floor of the Alachua County Court House (201 E. University Avenue).

If necessary, members shall assist victim in locating and contacting the Civil Division.

**B. Obtaining Injunctions After Hours:** In an emergency situation on a weekend, holiday, or after regular business hours, a temporary injunction for protection against domestic violence can be obtained from personnel in the Records Section of the Alachua County Sheriff's Office (ASO). Records clerks have been trained and deputized as Deputy Clerks of the Court.

**1. Providing Assistance:** Department members should utilize the after-hours service to assist a victim or potential victim who wants to apply for a temporary injunction.

**2. Escorting Petitioner:** Department members shall accompany the petitioner during the process; and if the petitioner does not have transportation, Department members shall provide transportation.

i. Prior to escorting or meeting the victim at the Alachua County Sheriff's Office, the investigating officer or Communications Center personnel will notify the Alachua County Sheriff's Office Shift Commander of when a person will be coming to file a petition.

ii. Department members will follow appropriate procedures when transporting persons in Departmental vehicles.

This includes giving proper notification over the radio.

**3. Furnishing Investigative Assistance:** Upon arrival at the ASO Records Section, Department members shall provide investigative details concerning the domestic violence incident to the clerk.

A copy of the Domestic/Dating Violence Incident Report providing the required information should be presented to the Clerk.

**4. Providing Security:** To provide support and safety for the petitioner, Department members shall stand by at the ASO Records Section until the Injunction process is complete.

**5. Transporting Petitioner:** Upon completion of the injunction process, an escort may be provided to the petitioner.

i. This escort may require a sworn/uniformed officer to return the victim back to his/her home, to a family member's residence, the home of a friend, or to a certified domestic violence center.

ii. When a victim of domestic/dating violence seeks the safety of a certified domestic violence center, Department members will make contact with the shelter and verify vacancies and when necessary, transport the victim to the shelter.

**C. Serving the Injunction:** Since Alachua County Sheriff's deputies are trained in the civil process; they will serve domestic/dating violence injunctions.

1. Members shall request an ASO deputy via the ASO Shift Commander to meet or accompany them to the respondent's location to serve the injunction.

2. The respondent must be served in person with a copy of the injunction before the injunction is enforceable.

3. The accompanying ASO deputy will be responsible for recording the service of the injunction, and for doing the return through ASO's civil office.

**D. Documenting Service:** Injunction service information shall be included in the GPD *Investigative Report*.

1. A case report number will be assigned to all injunction and investigative documents.

2. The deputy's name who served the injunction will be included on the GPD *Investigative Report*.

**E. Enforcement:**

**1. Verification:** For an arrest to be made under the authority of an injunction, the police officer will verify the effective date and expiration date of the injunction and ensure that the respondent was served.

i. In cases where a victim of domestic/dating violence claims to have received an injunction but does not have a copy of such injunction, Department members shall confirm the existence of such injunction through the Alachua County Sheriff's Office or Clerk of Court.

ii. The Combined Communications Center should be able to verify injunctions issued within the State via FCIC.

**2. Violation Criteria:** Normally, an injunction contains the following list of prohibitions (at the least): [CALEA 55.2.3.b

i. Refusing to vacate or returning to a dwelling shared by the parties;

ii. Going to the petitioner's residence, school, place of employment, or a specified place frequented regularly by the petitioner;

iii. Committing an act of domestic/dating violence against the petitioner;

iv. Committing any other violation of an injunction through an intentional unlawful threat, word, or act to do violence to the petitioner;

v. Telephoning, contacting, or otherwise communicating with the petitioner directly or indirectly, unless the injunction specifically allows contact through a third party;

vi. Knowingly and intentionally coming within 100 feet of the petitioner's motor vehicle, whether or not that vehicle is occupied;

vii. Defacing or destroying the petitioner's personal property, including the petitioner's motor vehicle; or

viii. Refusing to surrender firearms or ammunition if ordered to do so by the court.

**3. Arrest:** An officer may arrest a person without a warrant when there is probable cause to believe that the person has knowingly committed an act that violates an injunction for domestic violence or dating violence

i. In assessing whether an injunction violation occurred the officer must review the court order (injunction) to determine its terms and provisions.

ii. Domestic/Dating violence arrests may and should be made over the objection of the petitioner (or victim).

iii. Injunctions are valid until further order of the court as determined by the judge signing the order.

iv. Injunctions are enforceable in all counties.

**4. Charges:** Injunction violations, on their own, are enforceable through criminal prosecution as first-degree misdemeanors.

i. Perpetrators violating injunctions without committing additional crimes (such as burglary, assault, etc.) shall be charged with "Violation of an Injunction for Protection against Domestic/Dating Violence" (FSS 741.31(4) and 784.047).

ii. Perpetrators committing acts of domestic/dating violence or other crimes while also violating an injunction shall be charged according to the particular statute violated (assault, battery, etc.) and "Violation of an Injunction for Protection against Domestic/Dating Violence" [(741.31(4) and 784.047].

**5. Civil Contempt:** Other injunction violations, such as failure to attend a specified program, are considered civil contempt and are enforceable only through the courts and its officers. For non-criminal violations victims should be directed to file a complaint with the Clerk of the Court.

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**By Order of**

*Signed original on file in the  
Accreditation Section*

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**Tony R. Jones  
Chief of Police**