

# ORANGE COUNTY SHERIFF'S OFFICE



## GENERAL ORDER

<b>Effective Date:</b> March 12, 2025	<input checked="" type="checkbox"/> <b>Amends</b> - GO 6.2.5 (October 5, 2019)	<b>Number:</b> 6.2.5
<b>Distribution:</b> All Personnel	<b>Review Month:</b> June	<b>Reviewing Authority:</b> CID/Investigative Services
<b>Subject:</b> Domestic Violence, Dating Violence, Sexual Violence, Repeat Violence		

This order consists of the following:

1. Purpose
2. Policy
3. Definitions
4. Procedures

### 1. Purpose

The purpose of this policy is to confirm a pro-active response from all employees when dealing with the pervasive problem of domestic violence, dating violence, sexual violence and repeat violence within our community.

### 2. Policy

It is the policy of the agency to vigorously enforce all laws applicable to domestic violence, dating violence, sexual violence and repeat violence. Deputies shall follow a pro-arrest philosophy, which is encouragement to make an arrest in domestic violence, dating violence, sexual violence, and repeat violence cases when probable cause exists.

### 3. Definitions

- A. Aggravated Stalking - per Florida Statute, a third degree felony; it is stalking plus the added element of; 1) a credible threat with intent to place a person in reasonable fear of death or bodily injury; or 2) violation of Domestic Violence Injunction, Repeat Violence Injunction, Dating Violence Injunction, or any other similar court order; or 3) the victim is a minor under the age of 16 years, (FS [784.048-5](#)).
- B. Credible Threat - a threat made with the intent to cause the person who is the target of the threat to reasonably fear for his or her safety. The threat must be against the life of, or to cause bodily injury to, a person.
- C. Course of Conduct - a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. (Constitutionally protected activity, such as picketing or organized protests, is not included within this meaning.)
- D. Court of a foreign state – means a court of competent jurisdiction of a state of the United States, other than Florida; the District of Columbia; an Indian tribe; or a commonwealth, territory, or possession of the United States.
- E. Dating Violence – 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 will 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.
  4. 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.
- F. Domestic, Dating, Sexual or Repeat Violence Injunction - a judicial order which both directs the respondent to do a specific act and prohibits him or her from doing other acts. The primary objective is to prevent future injury.
- G. Domestic Violence - any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, false imprisonment, kidnapping, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.
- H. Family or Household Member - 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. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit. This does not include roommates whose relationship is strictly platonic.
- I. Harassment - a course of conduct directed at a specific person, causing substantial emotional distress in such person, that serves no legitimate purpose.
- J. Injury - harm or damage to a person. Injury can be visible (e.g., bruising) or non-visible.
- K. Predominant Offender/Aggressor - a person who commits, attempts to commit, or threatens to commit violence against another, and whose actions are not consistent with lawful self-defense.
- L. Repeat Violence - two incidents of assault, battery, sexual battery, or stalking, one of which occurred within six months of filing the petition for a protective injunction, that were committed by respondent against petitioner or petitioner's immediate family member.
- M. Sexual Violence – any one incident of:
1. Sexual battery, as defined in Chapter [794](#);

2. A lewd or lascivious act, as defined in chapter [800](#), committed upon or in the presence of a person younger than 16 years of age;
  3. Luring or enticing a child, as described in chapter [787](#);
  4. Sexual performance by a child, as described in chapter [827](#); or
  5. Any other forcible felony wherein a sexual act is committed or attempted regardless of whether criminal charges based on the incident were filed, reduced, or dismissed by the state attorney.
- N. Stalking - per Florida Statute, a first degree misdemeanor wherein a person willfully, maliciously, and repeatedly follows or harasses another person.

#### 4. **Procedures**

- A. Florida Statutes relating to domestic violence and dating violence cases mandate the following:
1. Medical assistance will be summoned for injured parties.
  2. Victims will be informed about Domestic Violence Centers offering services.
  3. Deputies shall immediately distribute the [Guide for Victims and Witnesses](#) and fully explain the Legal Rights and Remedies Notice to Victims listed in the guide.
  4. If a deputy determines an act of domestic violence or dating violence has been alleged, a written report must be completed. The report must include:
    - a. A statement that the alleged offense was an act of domestic violence or dating violence.
    - b. A statement of the physical injuries observed, if any.
    - c. A statement that the Legal Rights and Remedies Notice to Victims was given to the victim.
    - d. If an arrest is not made, the report must indicate why an arrest was not made, or if two or more persons are arrested, the report must indicate independent probable cause for each arrest.
    - e. When possible, victim and witness statements, to include statements from children present, will be attached.
  5. Within twenty-four (24) hours the agency shall send a copy of the report, minus all victim and witness statements and other parts of an active criminal investigation, to the nearest locally-certified Domestic Violence Center. The report furnished to the Domestic Violence Center must include a narrative description of the domestic violence incident.
- B. Domestic Violence Arrests and Baker Acts
- In cases where the offender meets the criteria for Baker Act and an arrest for any act of domestic violence, either misdemeanor or felony, the on-call Domestic Violence detective shall be notified if the offender will be Baker Acted in lieu of physical arrest.

C. General Guidelines

1. A deputy arriving at the scene of alleged domestic violence or dating violence shall proceed with extreme caution and conduct a thorough investigation.
2. Note any “Excited Utterance” by the victim or the perpetrator.
3. Separate the involved parties.
4. Secure the scene, verifying all potential weapons are neutralized and any potential evidence is safeguarded.
5. Confirm medical assistance is offered to, or summoned for, injured parties.
6. Secure the safety of children, elderly persons, and other household members. List names, ages, school normally attended and relationship to the victim and/or perpetrator of all children present during the incident. This will allow for the application of FS [921.0014](#).
7. Interview the parties separately to identify the nature of the dispute. The perpetrator should not be able to hear or see the victim when he/she is being interviewed.
8. Determine who is the predominant offender/aggressor using the following factors and the deputy’s judgment:
  - a. Extent of any injuries inflicted.
  - b. Fear of physical injury because of past or present threats.
  - c. Actions taken in self-defense or to protect family members.  
Determine if actions were in self-defense, consider:
    1. Reasonableness of fear of harm
    2. Circumstances at the onset of violence
    3. Defense wounds
    4. Disparity in physical size
    5. Use of weapons
  - d. History of domestic/dating abuse perpetrated by one party against the other.
  - e. Existence or previous existence of orders for protection.
9. Determine if Forensics or an Investigative Service Officer (ISO) is needed to gather and document evidence. Consider available resources, such as a digital camera, before making this decision. It is important to photograph injuries at the time they occur and to take follow up photographs to document any changes in the victim’s condition, e.g., bruising may be more visible a day or two after. If photographs are required at a later date, field personnel shall complete the “Domestic Violence Photo Referral Notice.” Field personnel shall confirm the victim is given a copy of the notice.
10. Determine if the victim needs a Domestic Violence/Dating Violence Injunction. If the victim needs an injunction during normal working hours, the

deputy may refer the victim to the Clerk of the Court's Office at the court house or the deputy may refer the victim to one of the sector substations by filling out the Photo/Injunction Referral Notice. Referrals will be made based on convenience to, and needs of, the victim. Injunctions are also available when necessary 24 hours daily and seven days a week by contacting the Harbor House, Inc., at 407-886-2856.

11. Evaluate the need for the assistance of a Domestic Violence detective. A deputy desiring such assistance shall contact his or her supervisor. The supervisor, in his or her discretion, may contact a Domestic Violence detective. The supervisor shall give a detailed account of the incident to the detective, who shall render appropriate assistance. If a detective responds to a location, he or she shall assume command of the scene.
12. Complete documentation as noted in Section 4 C. Referral Notices will not be issued for Domestic or Dating Violence incidents. Domestic and dating violence calls, including violation of a Domestic Violence Injunction, will not be referred to D.R.W..
13. Provide the victim with a copy of the agency [Guide for Victims and Witnesses](#), which is in English and Spanish, and which includes the Legal Rights and Remedies Notice To Victims.
14. Provide the victim with an agency business card that includes the case number.
15. If the caretaker of a minor is hospitalized or arrested, contact the Department of Children & Family Services to take custody of the child or obtain authorization from the Department of Children & Family Services to release the child to a family member. Never leave the child unattended.
16. While on scene, deputies shall determine if there is a need for immediate services offered by the Harbor House (e.g., shelter, emergency injunctions, etc.) Deputies shall contact the Harbor House "First Call" 24 hour hotline at 407-703-2897 to connect the victim with an advocate. Deputies shall document in the incident report if the victim was connected with the hotline.

D. Case Preparation; Documentation

1. Obtain victim and witness statements. If the victim refuses to prosecute/testify, have the victim write out a statement as to what occurred and at the end of the completed statement the victim may write, "I will not testify nor will I cooperate with prosecution." If the victim refuses to complete a statement document this fact in the complaint report. Do not obtain a Declination of Intent. A victim's desire not to prosecute/testify will not prevent a deputy from effecting an arrest. Florida Statutes state that the decision to arrest and charge will not require consent of the victim.
2. The agency has a domestic violence/dating violence no drop policy. Sworn statements will not be obtained for the sole purpose of stating that the victim

does not want to press charges, nor will a statement be taken for the sole purpose of dropping charges after the initial statement/report has been taken. (This does not mean that a subsequent statement will not be taken if the person wants to recant his/her previous statement. However, it is recommended that deputies refer this individual to a detective.) A person desiring to drop charges shall be referred to the State Attorney's Office.

3. Review victim and witness statements, to confirm complete statements are attained. Where necessary, have victims and witnesses add pertinent facts they may have omitted.
4. Complete the "[Domestic Violence Worksheet](#)".
5. Explain to the victim that, pursuant to applicable law, a victim of domestic violence may request his or her identifying information (e.g., home or employment telephone number, home or employment address, or personal assets) be exempt from public disclosure. This request must be in writing. The victim's signature on the Victim's Confidentiality Request Form will meet this requirement.
6. Complete the Incident Report. A deputy is required by law to write a narrative as part of the Incident Report. Include the following information in the narrative:
  - a. A description of events.
  - b. A statement that the alleged offense was an act of domestic violence or dating violence.
  - c. Explanations offered at the scene by the parties.
  - d. How injuries were inflicted, including a full description of all injuries (visible and non-visible).
  - e. Threats made by the offender.
  - f. Excited utterances made by the victim, defendant or witnesses. Describe the emotional state of the individual who made the statements and excited utterance. The next sentence will be "The following are excited utterances made by the...." in quotations write exactly what was said by the victim, defendant, or witness.
  - g. Who made the 911 call. Also, include the time the call was received and the full name of the desk operator who took the call.
  - h. Document if photographs were taken of the scene and/or the victim.
  - i. Document if an attempt was made to obtain medical records and the results of the attempt.
  - j. The responding deputy shall attempt to contact neighbors and obtain sworn statements if appropriate. (It is appropriate if the neighbor has any first hand knowledge of any domestic violence between the victim and the suspect.) If not available, document their name, address, and telephone number. Document any attempt made to ascertain this information.
  - k. Document the name, address, and phone number of a close relative, friend, or co-worker who will be familiar with the victim's domestic relationship. (This witness may be needed to identify the victim's

voice on the tape recording of a 911 call.)

- I. Document all attempts made to locate the suspect.

7. [Medical Release/Release of Confidential Information Form](#). If the victim is at, or responds to, a medical facility the reporting deputy shall attempt to obtain a signed Medical Release Form. A representative of the medical facility may request the victim to sign the release form used by the facility or the deputy may have the victim sign the Release of Confidential Information Form provided by this agency for release of medical information. If the victim is injured but plans on responding to a medical facility at a later date, or is not sure if he or she will respond, the reporting deputy shall attempt to have the victim sign the Release of Confidential Information Form provided by this agency for release of medical information and attach it to his/her report.

E. Arrest

1. FS [901.15 \(7\)](#) protects law enforcement officers, who act in good faith and exercise due care in making domestic violence or dating violence arrests, from civil liability. Good faith means acting upon probable cause.
2. Pursuant to FS [901.15\(7\)\(a\)](#) a deputy may make a warrantless/non-view arrest if there is probable cause to believe the person committed an act of domestic violence or dating violence.
3. All applicable statutes must be listed on the Charging Affidavit.
4. In the offense section of the Charging Affidavit, include the phrase, "domestic violence". In the bond section of the affidavit, write, "None".
5. If probable cause exists for a misdemeanor, and the perpetrator is not on the scene, the deputy shall:
  - a. Secure the victim's safety and well-being at the scene.
    1. Offer to stand-by while he or she gathers personal belongings.
    2. Offer to transport to safe location (e.g., shelter, relative/friend's home).
    3. Refer the victim to established intervention programs
  - b. Attempt to locate the perpetrator and effect the arrest.
  - c. If the perpetrator is fully identified (name, DOB, and current address) but cannot be located, direct file with the State Attorney's Office (FSAO) for prosecution.
  - d. If the case involves the crime of "stalking", or a violation of a Domestic or Dating Violence Injunction, and an arrest is not made, complete a charging affidavit and forward it to Report Review. Report Review will collect all Domestic FSAO's and forward them to the Domestic Squad for review. After review, if no further follow-up is required by the Domestic detectives it will be sent back to Report Review so it can be forwarded to the FSAO for prosecution.
6. If probable cause of a felony exists, and the perpetrator is not on the scene, the deputy shall:



- a. Secure the victim's safety and well-being at the scene.
    1. Offer to stand-by while he or she gathers personal belongings.
    2. Offer to transport to safe location (e.g., shelter, relative/friend's home).
    3. Refer the victim to established intervention programs
  - b. Attempt to locate the perpetrator and effect the arrest.
  - c. If the perpetrator cannot be located, a BOLO will be issued on cases involving serious injury or credible threat of serious bodily injury or death.
  - d. Consider calling out the on-call domestic violence investigator to obtain a warrant for the perpetrator's arrest.
  - e. If an arrest is not made, forward the Incident Report, with a completed Charging Affidavit, to the Domestic Violence squad for further investigation.
7. Dual Arrest
- a. It is sometimes difficult to determine who is the predominant offender/aggressor, as both parties have demonstrated violent behavior toward one another. Deputies shall attempt to determine who was the aggressor. Arresting both individuals might victimize the victim. A party is not criminally liable for using reasonable levels of force in self-defense. Florida Statutes state that arrest is the preferred response for the primary aggressor, not for a person who was attempting to defend him or herself or other family members.
  - b. If probable cause cannot be established due to conflicting statements and/or insufficient evidence, the deputy shall complete and forward an Incident Report to the Domestic Violence squad.
  - c. If an arrest is not made, the deputy shall make every effort to secure the safety of the involved parties at the scene.
8. Factors Irrelevant to Arrest
- The following will not be considered in determining if arrest is appropriate:
- a. The offender volunteers to leave the residence to defuse the situation. If allowed to do so, the offender evades arrest. If probable cause exists, do not permit the offender to leave the residence to avoid arrest.
  - b. The victim refuses to cooperate with prosecution of the case and insists that the offender not be arrested.
  - c. The victim and offender do not share the same residence.
  - d. Either party assures the deputy that no future violence will occur.
  - e. There are no visible signs of injury. This does not conclusively prove that an act of domestic violence did not occur.
  - f. Either party tells the deputy that an arrest will negatively impact minor children.
9. Sheriff's Office Employee as Suspect
- If an employee of the Orange County Sheriff's Office is the suspect in a



domestic violence case, refer to GO [5.1.2](#). No special privileges will be given. Employees who are respondents in a permanent Domestic or Dating Violence Injunction shall notify the Sheriff in writing via chain of command.

10. Other Law Enforcement Officer as Suspect

If a sworn member of another law enforcement agency is the suspect in a domestic or dating violence case, the investigating deputy shall notify his or her immediate supervisor, who shall notify the suspect's agency. No special privileges will be given. It is highly recommended that a Domestic Violence detective be called for consultation and/or response to the scene.

F. Domestic Violence Centers

1. FS [39.908](#) provides that victim/client information and the location of the center are confidential and exempt from public disclosure. However, a staff member of a center (paid or volunteer) may give such information to law enforcement, firefighting, medical, or other personnel in the following circumstances:
  - a. To firefighting personnel in a fire emergency.
  - b. To medical personnel in a medical emergency.
  - c. Upon the issuance of a court order based upon an application by law enforcement for an arrest warrant which alleges that the individual sought to be arrested is located at the Domestic Violence Center.
  - d. Upon the issuance of a Search Warrant that specifies the individual or object of the search and alleges that the individual or object is located at the Domestic Violence Center.
  - e. To any other person necessary to maintain the safety and health standards in the Domestic Violence Center.

In addition, when a resident of a Domestic Violence Center commits or threatens to commit a crime at the center (including child abuse), the location of the center, the identity of the suspect, and other related information may be communicated by center staff or volunteers to law enforcement officers.

2. For the purpose of state law regarding search and seizure, Domestic Violence Centers will be treated as private dwelling places. However, before executing an arrest or search warrant at a center, a deputy shall contact the Domestic Violence Supervisor or the on-call legal staff member who shall attempt to obtain the cooperation of center staff in order to minimize disruption.

G. Domestic and Dating Violence Injunctions

1. Florida Statutes authorize victims of domestic or dating violence, or individuals having reasonable cause to believe they are in imminent danger of becoming victims of domestic or dating violence, to obtain an injunction for protection. The person seeking protection must file a sworn petition with the circuit court. A hearing will then be scheduled. If the petition is granted, a permanent injunction may be issued. (Judges have broad discretion in

setting the effective period during which the injunction is enforceable.)

2. If the petitioner is in immediate and present danger of domestic or dating violence in the days or weeks leading up to the scheduled hearing, the court may issue a temporary injunction. The injunction will remain in effect for a period of fifteen (15) days. However, if the court grants a continuance, the temporary injunction will remain in effect until the full hearing on the petition. In addition, the court may extend the injunction if it is not served within fifteen days. If the final injunction is granted but the respondent is not yet served, the temporary injunction will be enforceable until service of the final injunction.
3. A Domestic or Dating Violence Injunction may both direct the respondent to do a specific act and prohibit him or her from doing other acts. It will state on its face that an injunction issued in the State of Florida is enforceable in every county in the state; and any and all law enforcement officers may use their arrest powers pursuant to FS [901.15\(6\)](#) to enforce its terms. An enforceable injunction must bear a Florida judge's signature or stamp unless the injunction/order is granted after-hours and certified by the Clerk of the Court or its deputy (OC Corrections staff). However, an injunction signed by an out-of state judge may be enforceable in the State of Florida. Refer to LB [97-21](#) and FS [741.315\(4\)\(a\)](#). A certified copy is not required. A sworn statement may be substituted as to the validity of the injunction.

#### H. Repeat Violence Injunctions

1. FS [784.046](#) authorizes any person who is the victim of repeat violence from the same perpetrator to obtain an injunction for protection. A family relationship between the perpetrator and the victim is not required. Repeat violence refers to two incidents of assault, battery, sexual battery or stalking, one of which must have occurred within six months of petitioning for the injunction.
2. The person seeking protection must file a sworn petition with the Circuit Court. A hearing will then be scheduled. If the petition is granted, an injunction will be issued that is effective for the period designated on the face of the injunction.
3. If the petitioner is in immediate and present danger of repeat violence in the days or weeks leading up to the scheduled hearing, the court may issue a temporary injunction. The injunction will remain in effect for a period not to exceed fifteen (15) days. However, if the court grants a continuance, the temporary injunction will remain in effect until the full hearing on the petition.

#### I. Service of Domestic, Dating, Sexual and Repeat Violence Injunctions

1. Upon obtaining an injunction, the petitioner/victim is given an injunction packet. The packet includes a cover letter to the petitioner, two certified copies of the injunction, a copy of the petitioner's affidavit, and a letter

advising law enforcement personnel how to serve an injunction and allowing them to record return of service information ("return letter").

2. Deputies may serve injunctions, including those issued in another county, within their jurisdiction. Orange County municipal police officers are authorized to serve injunctions within their jurisdictions.
  3. When serving a respondent with a Domestic, Dating, Sexual or Repeat Violence Injunction, the deputy shall verbally summarize the terms of the injunction. It is not necessary to read it word for word. The deputy shall write the time, date, and sign the appropriate blanks on the "True Copy" stamp on the front page, and then give the entire certified copy of the injunction to the respondent. If the injunction orders the respondent to vacate the premises:
    - a. Allow him or her to gather a few personal items.
    - b. Do not leave the residence with the respondent still on the premises.
    - c. If the respondent refuses to leave, arrest him or her pursuant to FS [741.31](#).
    - d. Carefully read the address listed on the injunction. If the location of service differs from the address listed on the injunction, the respondent does not have to leave.
    - e. If the injunction directs the respondent to give a child to the petitioner, and he or she refuses, refer to LB [97-21](#) and FS [787.03](#), "Interference with custody", or FS [787.04](#), "Removing minors from state or concealing minors contrary to state agency order or court order". When a conflict exists between domestic violence and other orders, seek the advice of our Legal Services Division. If no conflict exists, each order is equally valid.
  4. The second certified copy of the injunction must be delivered to the petitioner. After serving the respondent with his or her copy of the injunction, write the time, date, and your signature in the appropriate blanks of the petitioner's copy and then deliver it to the petitioner.
  5. Upon making service, notify the Criminal Process Section, between 8:00 a.m. and 5:00 p.m., Monday through Friday. After hours, call the Warrants Unit to provide notification that the injunction has been served upon the respondent. Complete the return letter and forward it to the Civil Process Unit.
  6. To cancel an injunction, the petitioner must file a motion with the Clerk of the Court. The Clerk of the Court shall then have a Circuit Judge sign an order recalling the injunction. The injunction is enforceable until the judge signs the order.
- J. Sworn Employees under Court Order for Permanent Domestic, Dating, Sexual or Repeat Violence Injunctions
1. The Civil Process Lieutenant or designee shall be responsible for immediate notification to the Division Commander of any sworn employee under court order for permanent Domestic, Dating, Sexual or Repeat Violence Injunction in his/her command.

2. Any sworn employee served with a permanent Domestic, Dating, Sexual or Repeat Violence Injunction shall immediately notify his/her supervisor.
  3. Sworn employees served with a permanent Domestic, Dating, Sexual or Repeat Violence Injunction shall:
    - a. Secure all agency issued and approved firearms at his/her duty station at the end of each work day or shift.
    - b. Park his/her assigned vehicle at his/her duty station at the end of each work day or shift.
    - c. Not carry firearms in an off-duty capacity.
    - d. Not wear agency uniforms to or from his/her duty station.
    - e. Not work enforcement related off-duty employment.
  4. All supervisors with sworn subordinates under a permanent Domestic, Dating, Sexual or Repeat Violence Injunction shall confirm compliance with the above provisions of this policy.
- K. Statewide Verification System
1. Pursuant to FS [741.30\(7\)\(b\)](#) the Florida Department of Law Enforcement maintains the Domestic, Dating, Sexual and Repeat Violence Injunction Statewide Verification System. It is a statewide communication system that electronically transmits information pertaining to Domestic, Dating, Sexual and Repeat Violence Injunctions to criminal justice agencies.
  2. The system provides information about the existence and status of Domestic, Dating and Repeat Violence Injunctions.
  3. The Civil Process Unit is responsible for providing pertinent information to the Florida Department of Law Enforcement. This transmittal will occur within twenty-four hours of receiving a copy of the injunction and written proof of service upon the respondent.
- L. Arrests Related to Violation of Domestic Violence Injunctions
1. Pursuant to FS [741.31](#) or a foreign protection order accorded full faith and credit pursuant to FS [741.315](#) a person commits a first degree misdemeanor if he or she violates a Domestic Violence Injunction by:
    - a. Refusing to vacate the dwelling the parties share.
    - b. Going to, or being within 500 feet of, the petitioner's residence, school, place of employment, or a specified place frequented regularly by the petitioner and any named family or household member.
    - c. Committing an act of domestic violence against the petitioner.
    - d. Committing any other violation of the injunction through an intentional unlawful threat, word, or act to do violence to the petitioner.
    - e. Telephoning, contacting, or otherwise communicating with the petitioner directly or indirectly, unless the injunction specifically allows indirect contact through a third party.
    - f. Knowingly and intentionally coming within 100 feet of the petitioner's motor vehicle, whether or not that vehicle is occupied.

- g. Defacing or destroying the petitioner's personal property, including the petitioner's motor vehicle; or;
  - h. Refusing to surrender firearms or ammunition if ordered to do so by the court.
  - i. It is a violation of FS [790.233](#), and a misdemeanor of the first degree, for a person to violate the **FINAL** injunction for protection against domestic violence by having in his or her care, custody, possession, or control any firearm or ammunition. It is the intent of the Legislature that the disabilities regarding possession of firearms and ammunition are consistent with federal law. Accordingly, this paragraph will not apply to a state or local officer as defined in FS [943.10\(14\)](#), holding an active certification, who receives or possesses a firearm or ammunition for use in performing official duties on behalf of the officer's employing agency, unless otherwise prohibited by the employing agency.
2. FS [901.15\(6\)](#) permits a warrantless/non-view arrest when: "the respondent committed a criminal act according to FS [741.31](#) and FS [784.047](#), which violates an injunction for protection, over the objection of the petitioner, if necessary". An injunction issued by a court of a foreign state is enforceable in Florida to the extent that the violation listed in the foreign injunction is a criminal act according to Florida law.
  3. If a petitioner advises a deputy that the respondent violated the Domestic Violence Injunction, the deputy shall confirm that the respondent was served with the injunction. The deputy may obtain confirmation by:
    - a. Making a "Persons" inquiry via FCIC and NCIC.
    - b. Contacting the Civil Process Unit between 8 a.m. and 5 p.m., Monday through Friday.
    - c. Contacting the Warrants Unit (available twenty-four hours per day).
    - d. If the injunction was issued by a court of a foreign state the deputy may confirm that the respondent was served with the injunction through NCIC although not all states participate in providing this information. The deputy may also take a sworn statement from the petitioner stating how petitioner knows that the respondent was served. The sworn statement will comply with the FS [741.315\(4\)\(d\)](#).
  4. If the petitioner invites the respondent to the property, the respondent is still subject to arrest. The petitioner cannot relieve the respondent of the requirements of the injunction. Only the court can relieve a party of the terms of the injunction.
  5. A petitioner who invites the respondent to the property is not subject to arrest for violating the injunction but may be held in civil contempt by the court.
  6. The Charging Affidavit will list the actual crimes committed (e.g., trespass, assault) and, as a secondary charge, that a Domestic Violence Injunction has been violated per FS [741.31](#).

7. The person arrested for violating an injunction will be held without bond until brought before the court.
8. If the injunction is violated on a civil basis alone (no violation of FS [741.31](#)), write an Incident Report and forward it to Report Review. Report Review personnel shall then send a copy of the report to the Domestic Relations Section of the Clerk of the Court to enable the petitioner or household member to seek enforcement of the injunction through civil contempt proceedings.

M. Arrests Related to Violation of Repeat Violence, Sexual Violence or Dating Violence Injunctions

1. Pursuant to FS [784.047](#) a person commits a first degree misdemeanor if he or she violates a Repeat, Sexual or Dating Violence Injunction by:
  - a. Refusing to vacate the dwelling the parties share.
  - b. Going to the petitioner's residence, school, place of employment, or a specified place frequented regularly by the petitioner and any named family or household member.
  - c. Committing an act of repeat violence, or dating violence against the petitioner.
  - d. Committing any other violation of the injunction through an intentional unlawful threat, word, or act to do violence to the petitioner.
  - e. Telephoning, contacting, or otherwise communicating with the petitioner directly or indirectly, unless the injunction specifically allows indirect contact through a third party.
2. FS [901.15\(6\)](#) permits a warrantless/non-view arrest when: "the respondent committed a criminal act according to FS [741.31](#) and FS [784.047](#), which violates an injunction for protection, over the objection of the petitioner, if necessary".
3. If a petitioner advises a deputy that the respondent violated the Repeat, or Dating Violence Injunction, the deputy shall confirm that the respondent was served with the injunction. The deputy may obtain confirmation by:
  - a. Making a "Persons" inquiry via FCIC.
  - b. Contacting the Judicial Process Unit between 8 a.m. and 5 p.m., Monday through Friday.
  - c. Contacting the Fugitive Unit (available twenty-four hours per day).
4. If the petitioner invites the respondent to the property, the respondent is still subject to arrest. The petitioner cannot relieve the respondent of the requirements of the injunction. Only the court can relieve a party of the terms of the injunction.
5. The person arrested for violating an injunction will be held without bond until brought before the court.

N. Records

The responsibility for the distribution of domestic violence and dating violence

reports to the nearest locally certified Domestic Violence Center shall be the responsibility of the Records Section.