PENSACOLA POLICE

COURTESY • INTEGRITY • PROFESSIONALISM

VICTIM/WITNESS

SERVICES GUIDE



Pensacola Police Department

711 N Hayne St., Pensacola, FL 32501

Emergency #: 9-1-1

Non-Emergency and General Information #: 850-435-1900

www.pensacolapolice.com

YOUR CASE INFORMATION

Law Enforcement Agency: Pensacola Police Department (PPD)
PPD Non-Emergency and General Information #: 850-435-1900

Case Number: _____

Date of Report: _____, 20____

Incident Type: _____

_____

Officer's Name: _____

Officer's ID Number: _____

Local certified rape crisis center:
Lakeview Center
1201 W Lakeview Ave., Bldg H
Pensacola, FL 32501
Phone: 850-469-3800
24-Hour Rape Crisis Hotline: 850-433-7273

Local domestic violence center:
Favor House
24-Hour Hotline: 850-434-6600
http://www.favorhouse.org/

WHO IS A VICTIM?

"A victim is a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act or against whom the crime or delinquent act is committed. **The term victim includes the victim's lawful representative, the parent or guardian of a minor, or the next of kin of a homicide victim, except upon a showing that the interest of such individual would be in actual or potential conflict with the interests of the victim**. *The term "victim" does not include the accused." Article I, Section 16(e) Florida Constitution*

This brochure provides an overview of the criminal justice process and your rights within this process. The person providing you this brochure may only handle a portion of the process. Page sixteen (16) of this brochure provides contact information for agencies that can assist you.

AS A CRIME VICTIM, THE FLORIDA CONSTITUTION GUARANTEES YOU THE FOLLOWING RIGHTS

Article 1, Section 16(b), Florida Constitution

- **The right to** due process and to be treated with fairness and respect for your dignity.
- **The right to** be free from intimidation, harassment, and abuse.
- **The right**, within the judicial process, to be reasonably protected from the accused and any person acting on behalf of the accused. However, this is not intended to create a special relationship between the crime victim and any law enforcement agency or office absent a special relationship or duty as defined by Florida law.
- **The right to** have your safety and welfare as well as your family's considered when setting bail, including setting pretrial release conditions that could affect you or your family's safety and welfare.
- **The right to** prevent the disclosure of information or records that could be used to locate or harass you or your family, or which could disclose your confidential or privileged information.
- **The right to** the prompt return of your property when no longer needed as evidence in the case.
- **The right to** full and timely restitution in every case and from each convicted offender for all losses you suffered, both directly and indirectly, because of the criminal conduct.
- **The right to** proceedings free from unreasonable delay, and to a prompt and final conclusion of the case and any related post judgment proceedings. (In appropriate cases, the prosecutor may file a good faith demand for a speedy trial. In non-capital cases, all state-level appeals and post-conviction proceedings must be complete within two years and five years for capital cases, unless the court enters an order with specific findings concerning why the court was unable to do so and the circumstances causing the delay.)
- **The right to** be informed of your state constitutional rights, and to be informed that you can seek the advice of an attorney with respect to your rights.

AS A CRIME VICTIM, YOU ARE AFFORDED THE FOLLOWING CONSTITUTIONAL RIGHTS UPON REQUEST

- **The right to** reasonable, accurate, and timely notice of, and to be present at, all public proceedings involving the criminal conduct, including, but not limited to, trial, plea, sentencing, or adjudication, even if you will be a witness at the proceeding, notwithstanding any rule to the contrary. **(For this purpose, consider providing the prosecutor an address, an email address, or a telephone number at which you can be reached quickly, and update this information during the pendency of your case.)** You shall also be provided reasonable,

accurate, and timely notice of any release or escape of the defendant or delinquent, and any proceeding during which a right of yours is implicated.

- **The right to** be heard in any public proceeding involving pretrial or other release from any form of legal constraint, plea, sentencing, adjudication, or parole, and any proceeding during which a right of yours is implicated.
- **The right to** confer with the prosecuting attorney concerning any plea agreements, participation in pretrial diversion programs, release, restitution, sentencing, or any other disposition of the case.
- **The right to** provide information regarding the impact of the offender's conduct on you and your family to the individual responsible for conducting any presentence investigation or compiling any presentence investigation report, and to have any such information considered in any sentencing recommendations submitted to the court.
- **The right to** receive a copy of any presentence report, and any other report or record relevant to the exercise of a victim's right, except for such portions made confidential or exempt by law.
- **The right to** be informed of the conviction, sentence, adjudication, place and time of incarceration, or other disposition of the convicted offender, any scheduled release date of the offender, and the release of or the escape of the offender from custody.
- **The right to** be informed of all postconviction processes and procedures, to participate in such processes and procedures, to provide information to the release authority to be considered before any release decision is made, and to be notified of any release decision regarding the offender. The parole or early release authority shall extend the right to be heard to any person harmed by the offender.
- **The right to** be informed of clemency and expungement procedures, to provide information to the governor, the court, any clemency board, and other authority in these procedures, and to have that information considered before a clemency or expungement decision is made; and to be notified of such decision in advance of any release of the offender.

ALL RIGHTS AFFORDED BY THE CONSTITUTION ARE ENFORCEABLE
Article 1, section 16(c), Florida Constitution

The victim, the retained attorney of the victim, a lawful representative of the victim, or the office of the state attorney upon request of the victim, may assert and seek enforcement of these rights and any other right afforded to a victim by law in any trial or appellate court, or before any other authority with jurisdiction over the case, as a matter of right. The court or other authority with jurisdiction shall act promptly on such a request, affording a remedy by due course of law for the violation of any right. The reasons for any decision regarding the disposition of your right shall be clearly stated on the record.

ADULT CRIMINAL JUSTICE PROCESS

The stages of the criminal justice system are as follows:

PRETRIAL

After committing a crime:

- An offender may be arrested by a law enforcement officer.
- A court can issue an arrest warrant.
- A State Attorney's Office may file an information; or
- A grand jury may recommend charges by returning an Indictment or Presentment.

FIRST APPEARANCE - (Following the Arrest) If the defendant cannot post bond within hours of the arrest or has been arrested on a no bond offense, or committed a crime which requires a first appearance, the court holds a "first appearance" hearing. The Judge decides whether the defendant can be released and if so, what conditions are necessary to protect you and the witnesses and the public.

INTAKE – If probable cause is found, the State Attorney's Office may choose to file charges and summons the suspect into court. You may be required to meet with your State Attorney's office. Law enforcement, prosecuting attorneys or any other government official cannot ask or require a victim of a sexual offense to submit to a polygraph examination.

FILING OF FORMAL CHARGES - The State Attorney's Office may file formal charges after reviewing law enforcement arrest reports, and within 21 days in certain circumstances. The State Attorney's office has discretion whether to prosecute a person for a crime. The State Attorney's Office must inform any victims of its decision.

ARRAIGNMENT - The accused is formally charged and enters a plea of guilty, not guilty, or no contest. The State Attorney's Office will notify you of the arraignment date. You have the right to be present at the arraignment. In some cases, there will not be a formal arraignment hearing in court.

RELEASE HEARING (SETTING BOND) - If the defendant was unable to post a bond after the initial arrest, or if bond was not set, the defendant is entitled to a bond hearing. The State Attorney's Office will notify you of the scheduled hearing and you will have an opportunity to speak regarding the defendant's release and conditions or have the State Attorney make known your wishes.

PRE-TRIAL CONFERENCE - There may be numerous pre-trial conferences (including case status conferences) that allow the court to ensure the case is progressing in a timely manner. You, as a victim, will receive notice of the hearing dates. You are not required to attend these hearings, unless subpoenaed, but you have a right to be present and a victim advocate or your attorney can accompany you or attend these proceedings on your behalf, if you choose.

DISCOVERY (PREPARATION FOR TRIAL) -

Subpoenas. You may receive a subpoena for trial, a deposition and/or other hearings. A subpoena summons a person to appear at the time date and location specified.

Depositions. The defendant's attorney can issue a subpoena for you to appear for a deposition. You have right to request a victim advocate from the government or non-profit sector to attend the deposition with you. You have the right, as a victim who is not incarcerated, to not be required to attend discovery depositions in any correctional facility.

PLEA NEGOTIATIONS - Many cases are settled through a plea negotiation where the defendant pleads guilty or no contest without a trial. The State Attorney's Office must consult with the victim of a before finalizing the plea agreement with the defendant.

PRE-TRIAL INTERVENTION/DIVERSION PROGRAM - According to their discretion and office policy, the State Attorney's Office may agree to utilize pretrial intervention and diversion programs.
Pre-Trial Intervention Program. Defendants with no more than one nonviolent misdemeanor, who is charged with any misdemeanor or any third degree felony is eligible for release to the pretrial intervention program on approval of the administrator of the program and the consent of the victim, the State Attorney, and the judge. Successful completion of the program results in a dismissal of the charges.
Diversion Program. Diversion is similar to probation where the defendant accepts responsibility for the offense and is released under supervision for six months to a year. During the program, the probation office supervises the defendant. You have a right to provide the State Attorney with your opinion on the defendant's participation in the pretrial division program.

TRIAL

Generally, the prosecutor presents evidence to either the judge or a jury about the case. The defendant may be found guilty or not guilty. The process ends if the defendant is found not guilty. You, as a victim, may be called to testify.

The State Attorney's Office will assist you during this process. You cannot be excluded from any hearing, trial or proceeding relating to the offense. Your rights involving the trial stage are listed in this brochure.

SENTENCING

PRESENTENCE INVESTIGATION (PSI) - You have the right to provide information regarding the impact of the offender's conduct on you and your family to the individual responsible for conducting and/or compiling the presentence investigation. You have a right to review the non-confidential portions of the presentence investigation prior to the sentencing hearing.

SENTENCING HEARING - If the defendant is found or pleads guilty, the judge reviews sentencing guidelines, plea agreements, and other factors and determines what type of sentence the defendant should receive. You have a right to provide an oral and/or written victim impact statement (VIS) to the State Attorney's Office at any time before the court imposes the sentence.

NOTE: If the victim and the offender attend the same school, the victim's parents have the right to attend the sentencing or disposition of the offender and request that the offender be required to attend a different school. *(sec. 960.001(1)(s), Florida Statutes)*

JUVENILE JUSTICE PROCESS

INTAKE - The process of determining where a child under the age of 18 will be placed until the case is resolved. There are three forms of detention status: home, non-secure or secure.

DIVERSION PROGRAMS – This is an alternative to trial where the juvenile is placed in a community- based program such as juvenile arbitration, juvenile alternative services program (JASP), or a treatment plan (Walker plan). If a juvenile successfully completes the diversion program, then the charges are generally dismissed.

FORMAL CHARGES - The filing of a petition in court by the State Attorney's Office. The charge may be filed in either juvenile court or adult court, depending upon the crime and age of the offender.

ARRAIGNMENT - The accused is formally charged and enters a plea of guilty, not guilty, or no contest.

ADJUDICATORY HEARING - The trial of the juvenile, conducted in front of a judge. The judge will decide whether the juvenile committed the charged offense(s).

DISPOSITIONAL HEARING (SENTENCING) - When a juvenile is found to have committed a delinquent act, the court will hold a dispositional hearing to determine which sanctions to impose on the juvenile. The sanctions could range from community-based sanctions like probation and community services up to residential commitment.

JUVENILES TRIED AS ADULTS - Juveniles who commit very serious crimes may be tried as adults. Juveniles who are prosecuted as adults may be sentenced to adult or juvenile sanctions.

This is not an exhaustive overview of the criminal justice system but is meant as an overview for how the process works. Each court and case could have unique components. You may contact your State Attorney or law enforcement agency for more information regarding the stages of the criminal justice and juvenile justice processes.

ADDITIONAL VICTIMS RIGHTS UNDER FLORIDA STATUTES

- You have the right to employ private counsel.

- In some cases, you (or relatives where the victim is deceased) may be eligible for financial compensation from the State of Florida. Information regarding eligibility may be obtained from the State Attorney's Office, local Witness Coordination Office (where available), law enforcement agency or from the Bureau of Victim Compensation, Office of the Attorney General - 1-800-226-6667, website: mailto:www.myfloridalegal.com/victim-compensation. The right to receive information on available crisis intervention services and local community services to include counseling, shelter, legal assistance, or other types of help, depending on the particular circumstances. Telephone numbers of these services are provided at the end of this brochure. *(sec. 960.001(1)(a)1, Florida Statutes)*

- The right to receive information regarding the stages of the criminal justice or juvenile justice processes and the way information about such stages may be obtained. *(sec. 960.001(1)(a)4, Florida Statutes)*

- A victim who is incarcerated has the right to be informed and submit written statements at all stages of the criminal and juvenile proceedings. *(sec. 960.001(1)(a)6, Florida Statutes)*

- The right to receive information on the steps available to law enforcement and the State Attorney's Office to protect you from intimidation and/or harassment.
  It is a third-degree felony to knowingly use intimidation or physical force; threaten another person or attempt to do so; engage in misleading conduct toward another person; or offer pecuniary benefit or gain to another person. If you are being threatened or intimidated, please contact the State Attorney's Office or any law enforcement officer. *(sec. 960.001(1)(c), Florida Statutes)*

- The right of the victim of domestic violence and dating violence to be informed of the address confidentiality program administered through the Attorney General's Office. You may contact the Attorney General's Office at 1-800-226-6667. The State Attorney's Office may assist with this paperwork if necessary. *(sec. 960.001(1)(c), Florida Statutes)*

- The right of each victim, or witness, who has been scheduled to attend a criminal or juvenile justice proceeding to be notified as soon as possible by the agency or person scheduling his/her appearance of any change in scheduling which will affect the victim's or witness's appearance. *(sec. 960.001(1)(d), Florida Statutes)*

- The right to receive advance notification of judicial and post judicial proceedings relating to the case, including all proceedings or hearings relating to:
  - The arrest of the accused.
  - The release of the accused pending judicial proceedings, and any modification of release condition to include release to community control or work release.
  - Proceedings in the prosecution or petition for delinquency of the accused, including the filing of the accusatory instrument; the arraignment; disposition of the accusatory instrument; trial or adjudicatory hearing, sentencing or disposition hearing; appellate review; subsequent modification of sentence; collateral attack of a judgment; and when a term of imprisonment, detention, or involuntary commitment is imposed, the release of the defendant or juvenile offender from such imprisonment, detention, or residential commitment by expiration of sentence or parole and meeting held to consider such release. *(sec. 960.001(1)(e), Florida Statutes)*

- In addition to the provisions of sec. 921.143, Florida Statutes, the rights of the victim of a felony involving physical or emotional injury or trauma, or in a case in which the victim is a minor child or in a case involving a homicide, the guardian or family of the victim shall be consulted by the State Attorney in order to obtain the views of the victim or family about the disposition of any criminal or juvenile case brought about as a result of such crime, including their views about:
  - The release of the accused pending judicial proceedings.
  - Plea Agreements.
  - Participation in pretrial diversion programs.
  - Sentencing of the accused.

- The right to request that the State Attorney or law enforcement agency help you explain to employers and creditors that you may face additional burdens by taking time off from work to assist law enforcement and you may undergo serious financial strain either because of the crime or by cooperating with authorities. *(sec. 960.001(1)(i), Florida Statutes)*

- Law Enforcement agencies and the State Attorney shall inform you of your right to request and receive restitution and of your rights of enforcement in the event an offender does not pay. The State Attorney shall seek your assistance in the documentation of your losses for the purpose of requesting and receiving restitution. If an order of restitution is converted to a civil lien or civil judgment against the defendant, the Clerk of Court's office shall make available at their office, as well as on their website, information provided by the Secretary of State, the court, or The Florida Bar on enforcing the civil lien or judgment. The State Attorney shall inform you if and when restitution is ordered. *(sec. 960.001(1)(j), Florida Statutes)*

- The right to receive reasonable consideration and assistance from employees of the State Attorney's Office, Sheriff's Office, or Police Department. When requested, you will be assisted in locating accessible transportation and parking and shall be directed to separate pretrial waiting areas when such facilities are available. When requested, you shall receive assistance in attempting to locate translators when practicable. *(sec. 960.001(1)(n), Florida Statutes)*

- The right of the victim of a sexual offense to have the courtroom cleared, with certain exceptions during his or her testimony, regardless of the victim's age or mental capacity. *(sec. 960.001(q), Florida Statutes)*

- The right to request, in certain circumstances that the offender be required to attend a different school than the victim or siblings of the victim. If the victim of an offense committed by a juvenile is a minor, the victim or any sibling of the victim attends or is eligible to attend the same school as that of the offender, the Department of Juvenile Justice or the Department of Corrections shall notify the victim's parent or legal guardian of the right to attend the sentencing or disposition of the offender and request that the offender be required to attend a different school. *(sec. 960.001(1)(s), Florida Statutes)*

- The right of the victim who is not incarcerated to not be required to attend discovery depositions in any correctional facility. *(sec. 960.001(6), Florida Statutes)*

- The statutory obligation of the victim, parent/guardian of a minor victim, or next of kin of a homicide victim, that any information gained pursuant to Chapter 960, Florida Statutes, regarding any case handled in juvenile court, must not be revealed to any outside party, except as reasonably necessary in pursuit of legal remedies. *(sec. 960.001(8), Florida Statutes)*

- The right to know in certain cases and at the earliest possible opportunity, if the person charged with an offense has tested positive for hepatitis and human immunodeficiency virus (HIV) infection. In such cases, upon request of the victim or the victim's legal guardian, or the parent or legal guardian of the victim if the victim is a minor, the court shall order such person to undergo hepatitis and HIV testing within 48 hours after the charging document is filed or 48 hours from the date of request. *(Section 960.003, Florida Statutes)*

- The right of a victim of a sexual offense to request the presence of a victim advocate during the forensic medical examination. An advocate from a certified rape crisis center shall be permitted to attend any forensic medical examination. *(sec. 960.001(1)(u), Florida Statutes)*

- If a victim has been diagnosed with autism or an autism spectrum disorder, he or she or the parent or guardian, has the right to request that a public safety official make a good faith effort to ensure that a related professional, such as a mental health counselor, special education instructor or clinical social worker be present for all interviews of the individual. All expenses related to the attendance of the professional at the interviews are the responsibility of the requesting victim, parent or guardian; however, the defendant shall reimburse the victim for all expenses related to the attendance of the professional at the interviews, in addition to restitution and penalties provided by law. *(sec. 943.0439, Florida Statutes)*

- The right of the victim, if contacted, to obtain information relating to a criminal proceeding by an attorney, investigator, or any other agent acting on behalf of the criminal defendant, to be informed of (1) the person's name and employer and (2) the fact that such person is acting on behalf of the defendant. *(sec.960.001(1)(w), Florida Statutes)*

HUMAN TRAFFICKING - FLORIDA STATUTE; SECTION 787.06
Human Trafficking is the international or domestic recruitment, harboring, transporting, or obtaining of any human through force, fraud, or coercion, for the purpose of sexual exploitation or forced labor. If you are a victim, please call **9-1-1** or **850-435-1900**, or **1-888-373-7888,** (National Human Trafficking Resource Center).

WHAT IS SEXUAL BATTERY?
In Florida, the legal term for rape or sexual assault is sexual battery (F.S. 794.011). Sexual battery means oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object, committed without your consent.
Consent means intelligent, knowing, and voluntary consent and does not include coerced submission. Failure to offer physical resistance to the offender does not imply consent.

WHAT IS SEXUAL VIOLENCE?
Under the provisions of Section 784.046 of the Florida Statutes, sexual violence is one incident of:

- Sexual battery, as defined in chapter 794;
- 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;
- Luring or enticing a child, as described in chapter 787;
- Sexual performance by a child, as described in chapter 827; or

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.

MEDICAL CARE AND EVIDENCE COLLECTION
When a sexual crime has occurred, you may be examined by a registered nurse or a doctor. Law enforcement should provide or arrange for transportation to the appropriate medical facility. Once there, in a private area, you will be examined by a medical professional. As a victim, you have the right to:

- Stop the exam at any time
- Have an advocate from a rape crisis center with you
- Be informed about the status of the kit during processing

During the exam, the medical professional may collect blood, urine, saliva, pubic hair combings and/or nail samples. They may also collect items of your clothing. The medical professional may ask you some questions about what occurred and your medical history.

If you make a report to law enforcement, your kit will be sent to the regional or statewide lab within 30 days for testing. The lab is required to process the kit within 120 days.

If you don't report the crime to law enforcement at the time you obtain the exam, your kit will be stored anonymously. Your kit may be stored for only a limited time, depending on your community's storage space. The local rape crisis center can advise you about the storage timelines in your community.

The medical professional can work with you regarding any medical concerns. You may be prescribed medications to protect you from certain sexually transmitted infections and recommend follow-up medical care. If the medical professional is unable or unwilling to assist you, the local rape crisis center can assist you. You may be responsible for paying for medications and additional health care costs.

By law, medical providers cannot charge you for an exam, even if you have insurance and even if you don't report the crime to law enforcement.

HELP IS AVAILABLE

Victims of sexual crimes need compassion, sensitivity and empathy. Being the victim of a crime can be overwhelming. Your reactions are normal. Local **certified rape crisis centers** have advocates who are there to help all victims, **regardless of whether or not they report to law enforcement.** Services are free and confidential – **certified rape crisis centers are legally and ethically required to protect your confidentiality, unless you allow, in writing, the release of your information.**

Advocates are available to:

- Provide crisis intervention
- Speak to you on the 24-hour hotline
- Discuss your options
- Navigate available resources
- Go with you to appointments
- Address safety concerns
- Advocate on your behalf
- Help you apply for victim compensation

Local Certified Rape Crisis Center:

Lakeview Center

1201 W Lakeview Ave., Bldg. H

Pensacola, FL 32501

Phone: 850-469-3800

24-Hour Rape Crisis Hotline:

850-433-7273

WHAT IS DOMESTIC VIOLENCE?

Under the provisions of Section 741.28 of the Florida Statutes, domestic violence means 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. A family or household members are 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.

Domestic Violence includes:

- Physical Abuse **-** Pushing, slapping, kicking, punching, choking, and beating
- Emotional/Verbal Abuse - Verbal intimidation, credible threats, following and stalking, acting out in anger
- Sexual Abuse or Battery **-** Any unwanted touching or forcing of someone to engage in a sexual act against his or her will.

WHAT IS DATING VIOLENCE?

Under the provisions of Section 784.046 of the Florida Statutes, dating violence is 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:

- A dating relationship must have existed within the past 6 months;
- The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and
- 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.

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.

WHAT IS REPEAT VIOLENCE?

Under the provisions of Section 784.046 of the Florida Statutes, repeat violence means two incidents of violence or stalking one of which must have been within 6 months of filing a petition and must have been directed against the petitioner or the petitioner's immediate family member.

WHAT IS STALKING?

Under the provisions of Section 784.048 of the Florida Statutes, stalking occurs when a person willfully, maliciously, and repeatedly follows, harass, or cyber stalks another person. *Aggravated* stalking occurs when that person makes a credible threat to that

person through stalking. It is important to report any violation of order(s) or this behavior.

WHAT DOES THE LAW MEAN?

You have the right to ask the State Attorney to file a criminal complaint, and you have the right to go to court and file a petition requesting an injunction for protection against domestic violence, repeat violence, dating violence, sexual violence, or stalking if you are:

- The victim of domestic violence, repeat violence, dating violence, sexual violence, or stalking
- The parent of any minor child living at home who is seeking an injunction for protection against domestic violence, repeat violence, dating violence, sexual violence, or stalking OR
- If you have reasonable cause to believe, you or your minor child is in imminent danger of becoming the victim of any act of domestic violence.

This may include, but need not be limited to provisions that

- Direct the abuser to leave your household
- Restrain the abuser from any contact or further acts of abuse as a "no contact" condition of pretrial release, which will prevent the abuser from being within 500 feet of your residence, vehicle, school, business, or place of employment
- Award you custody of your minor child or children
- Direct the abuser to pay support to you and the minor child or children if the abuser has a legal obligation to do so

For safety reasons, you may furnish your address to the court in a separate confidential filing when filing the petition for injunction. You are not required to remain in a residence or household where you are a victim of domestic violence. Your address may be different from that of your partner without penalty.

HOW CAN THE LAW HELP ME? WHAT IF I FEAR FOR MY SAFETY?

If you have been a victim of domestic violence, repeat violence, dating violence, sexual violence, stalking, or if you are afraid that you will be hurt, Florida's domestic violence law enables you to work with the court system to help keep you safe. Contact your local domestic violence center for safety planning prior to filing for an injunction. The Clerk of the Court is required to assist you in seeking both injunctions for protection and enforcement for a violation of an injunction (Florida Statute 784.046). Representation by an attorney is not required of either party as per Section 741.30(1)(f) of the Florida Statutes.

To file for an injunction

Go to the Clerk of the Court's Office at the county courthouse located at:

190 W Government St., Pensacola, FL

850-595-4331

For more information and what you should bring with you please visit:

www.escambiaclerk.com

WHAT DO I DO IF THE ABUSER VIOLATES THE INJUNCTION?

You will receive a copy of the injunction. Keep it with you at all times.

- If the abuser violates the conditions of an injunction, call the police right away.
- The abuser may be arrested.
- If the abuser is arrested, he/she will be held until the court determines bail.
- The judge will consider your safety and the safety of your children.
- You may go to court if you wish.
- The court may order penalties as allowed by law.

If the injunction has been violated, report the violation to the Clerk of the Circuit Court only if law enforcement states it cannot issue an arrest warrant, or issue a notice to appear because there is no criminal violation. Report the violation in the county where the violation occurred and complete an affidavit in support of the violation. The judge will determine what action should be taken for your safety and the safety of your children. Under the provisions of Section 741.315(2), Florida Statutes, if you have an out of state court order for protection against domestic violence, federal and state law provides that law enforcement recognize and act on the protections in the order as if issued by a Florida court, as long as the issuing court gave the accused the opportunity for a hearing before issuing the order. This includes orders issued by courts from the District of Columbia, Indian tribes, commonwealth territories, or possessions of the United States.

Local Domestic Violence Center:

Favor House

http://www.favorhouse.org/

24-Hour Domestic Violence Hotline:

850-434-6600

WHOM SHOULD I TALK TO FOR MORE INFORMATION?

LOCAL RAPE CRISIS CENTER
Lakeview Center
24-Hour Hotline: 850-433-7273

LOCAL DOMESTIC VIOLENCE CENTER
Favor House
24-Hour Hotline: 850-434-6600
http://www.favorhouse.org

Florida Council Against Sexual Violence
1-888-956-7273
www.fcasv.org

Florida Coalition Against Domestic Violence
Florida Domestic Violence Hotline
1-800-500-1119
TTY Hotline: 1-800-621-4202
www.fpedv.org

Florida Abuse Registry/Hotline
(Report child and elderly abuse)
1-800-962-2873
TTY Hotline: 1-800-453-5145
https://reportabuse.dcf.state.fl.us/

National Child Abuse Hotline
(24-hour crisis counseling, information and referrals)
1-800-422-4453

National Domestic Violence Hotline
1-800-799-7233
TTY Hotline: 1-800-787-3224

National Teen Dating Abuse Hotline
1-866-331-9474

Victim/Crimes Compensation
(Attorney General)
1-800-226-6667
https://www.myfloridalegal.com/victim-compensation

Florida Department of Law Enforcement
Sexual Offender/Predator Unit
1-888-357-7332
TTY: 877-414-7234

Florida Bar Lawyer Referral Service
1-800-342-8011

VINE
1-877-846-3435
www.vinelink.com
VINE provides custody status and criminal case information.
Registration is required for this service.

EXEMPTION FROM PUBLIC INSPECTION

Under the provisions of Section 119.071(2)(j) of the Florida Statutes any information not otherwise held confidential or exempt [from disclosure] which reveals the home or employment telephone number, home or employment address, or personal assets of a person who has been the victim of aggravated stalking, harassment, aggravated battery, or domestic violence is exempt from public inspection and examination.

You must make a written request and provide official verification, such as a law enforcement report, to the custodian of the records that an applicable crime has occurred. Such information shall remain exempt for 5 years, after which it will become available to the public.

For your convenience we have provided an exemption request form as the last page of this guide. If you would like to request that your identifying information be held as exempt from public record request, please complete the form and return to Pensacola Police Department or the Officer assisting you.

NOTES:

PENSACOLA POLICE
COURTESY • INTEGRITY • PROFESSIONALISM

Victim Request for Public Records Exemption

Case #: _____

Section 119.071(2)(J)(1). F.S., states:

Any information not otherwise held confidential or exempt from the provisions of Section 119.07(1) which reveals the home or employment telephone number, home or employment address, or personal assets of a person who has been the victim of aggravated stalking, harassment, aggravated battery, or domestic violence is exempt from the provisions of (the Public Records Law) upon written request by the victim, which must include official verification that an applicable crime has occurred. Such information shall cease to be exempt five years after the receipt of the written request.

By my signature, I, _____, am requesting the Pensacola Police Department not release any information which reveals my home or business telephone number, home or business address, or personal assets. I understand this information will be kept confidential for a period not to exceed five years.

_____

Name (Please Print)

_____

Signature

_____

Date

Mail or Fax to:
Pensacola Police Department
Attn: Records Unit
711 N. Hayne St, Pensacola, FL 32591-1750
Phone: 850-435-1900 / Fax: 850-435-1999