

**THE BOYNTON BEACH POLICE DEPARTMENT** and its **VICTIM ADVOCATE UNIT** recognize that domestic violence can and does occur against persons regardless of gender, sexual orientation, age, socioeconomic status, culture, race or religion. For that reason, we have prepared this informational brochure so that you know that you are not alone and that help is available. The Victim Advocate's task is to help victims regain their lives after violent incidents, to guide victims of crime through the criminal justice system, to offer counseling and resource information, and to assist victims who may be eligible for Crime Compensation Funds.

## 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, 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.

**Physical Abuse** - Pushing, slapping, kicking, punching, choking and beating.

**Emotional/Verbal Abuse** - Threats, verbal intimidation, following and stalking or 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 REPEAT 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 SEXUAL VIOLENCE?

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.

## CAN I RECOGNIZE AN ABUSER?

*(The following characteristics are not definitive signs that a person is a batterer, only that the person has the potential to become one.)*

- Do they report having been abused, physically or psychologically, as a child?
- Have they been known to display violence against other people?
- Do they play with guns and use them to protect themselves against other people?
- Do they lose their temper frequently and more easily than seems necessary?
- Do they commit acts of violence against objects and things rather than people?
- Do they display an unusual amount of jealousy when you are with them? Are they jealous of other significant people in your life?
- Do they expect you to spend all of your free time with them or to keep them informed of your whereabouts?
- Do they become enraged when you do not listen to their advice?
- Do they appear to have a "Jekyll/Hyde" or dual personality?
- Is there a sense of overkill in their cruelty or kindness?
- Are you scared when they get angry with you? Does not making them angry become an important part of your behavior?
- Do they have rigid ideas of what people should do – that which is determined by gender stereotypes?
- Were they, as a child, a witness to violence between their parents?
- Do they have a short temper?
- Do they drink excessively or abuse other drugs?
- Is sex used as an act of aggression?
- Do they blame others for their actions?
- Have they threatened you with violence?

**Do you think you are being abused?**  
**If so, you probably are being battered and should seek help immediately.**

## WHOM SHALL I TALK TO FOR MORE INFORMATION?

**AVDA Shelter Hotline**  
561-265-2900

**Harmony House Shelter Hotline**  
561-640-9844

**Safety Net Domestic Violence Program**  
561-433-0060

**Palm Beach County Victim Services**  
561-355-2418, option 3  
Hotline: 866-891-7273

**Florida Domestic Violence Hotline**  
1-800-500-1119  
(For legal assistance hit prompt #3)

**Florida Abuse Hotline**  
1-800-962-2873  
(To file confidential reports of child abuse)

**National Child Abuse Hotline**  
1-800-422-4453  
(24 hour help line which provides crisis counseling, information and referrals)

**National Domestic Violence Hotline**  
1-800-799-7233

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

**RAINN (Rape, Abuse & Incest National Network)**  
1-800-656-4673

**National Human Trafficking Resource Center**  
1-888-373-7888  
Text BeFree (233733)

**YOU HAVE RIGHTS**  
**KNOWING YOUR LEGAL RIGHTS AND  
OPTIONS IS THE FIRST STEP TOWARD  
ENDING ABUSE**

**HOW CAN YOU HELP ME?**

- If you call 911 because you have been the victim of Domestic/Dating/Repeat/Sexual Violence, an officer will respond and may make an arrest on your allegations under the appropriate Florida statutes. The arrest decision is made by the police officer. The officer will also assist you to obtain medical treatment, if needed. They also will tell you about the closest Domestic Violence Shelter if you and /or your children must leave your residence because of safety or economic issues.
- Once an arrest is made the suspected abuser is taken to jail and held without bond. Within 24 hours the suspected abuser will appear before a 1<sup>st</sup> appearance judge who will determine a bond amount. The judge takes into consideration your safety, the safety of your children and any other person who may be in danger if the suspected abuser is released. Special conditions may also be imposed – such as no contact with you, no alcohol/drugs, no weapons, etc. among other things if necessary.
- The suspected abuser's paperwork is then sent to the Palm Beach County State Attorney's Office. You also have the right to contact the State Attorney's office to discuss the case at (561) 355-7433. The decision to prosecute is made by the State Attorney but you can talk with a victim advocate about choices – how you feel about the situation and what you want to happen.
- If you are the victim of Domestic Violence, or if you have reason to believe that you are in imminent danger of being the victim of Domestic Violence, you may file for "An Order of Protection" also known as a "Restraining Order" with the Clerk of Courts (South County Courthouse, Delray Beach) for Boynton Beach residents. You may also fill out the paperwork at the Boynton Beach Police Department Victim Advocate's Office.

- The Injunction may include 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; or award you custody of your minor children.

**WHAT HAPPENS WHEN I FILE?**

- You may call the Victim Advocate's office at the Boynton Beach Police Department (561) 742-6108 for further help or you may call the Victim Services Section at 200 West Atlantic Avenue, Suite 120, Delray Beach, Fl. 33444 (561) 274-1500. **There is no cost for this service.**
- One of the above Victim Advocates can help you fill out the Injunction paperwork. You will be explaining in writing to the judge from whom you need the protection and what type of protection you need.
- Bring all paperwork & documentation pertaining to your case & information on the abuser.
- If the judge decides that the danger of Domestic/Dating/Repeat/Sexual Violence exists, a Temporary Injunction will be issued.
- The abuser must be served with the Injunction before it becomes effective. The Injunction will tell the abuser what the judge requires and when both you and the abuser will appear for the Permanent Injunction hearing. That hearing must be within 15 days of the issuance of the Temporary unless the abuser cannot be found to serve with the papers. However, the Temporary can be extended by the judge.
- If you do not attend the hearing that is noted on your paperwork, the judge will usually end the Injunction.
- If a Permanent Injunction is granted, it will be effective for 3 months, 6 months, 1 year, or until further order of the court.
- **KEEP THE INJUNCTION PAPERS WITH YOU AT ALL TIMES.**

**EXEMPTION FROM PUBLIC INSPECTION**

Under the provisions of Section 119.071(2)(j) of the Florida Statutes, any information which reveals the home or employment telephone number, home or employment address, or personal assets of a person who has been the victim of sexual battery, aggravated child abuse, 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.

Under the provisions of Section 741.29(2)(c) of the Florida Statutes, law enforcement must provide the initial police report, which must include a narrative description of the domestic violence, to the nearest locally certified domestic violence center, within 24 hours after the receipt of the report. The shelter will make contact with you in order to provide additional assistance and support, and maintain 100% confidentiality.

If you **do not wish** for your information to be provided to the local shelter, please call **the Victim Advocate at 561-742-6108 within 24 hours of your initial report to police.**

**WHAT DO I DO IF THE ABUSER VIOLATES THE INJUNCTION?**

- If the abuser violates the terms of the Injunction call the police immediately.
- If the abuser is arrested the judge will determine punishment.
- In the case of a Violation without an arrest you may file a Petition of Enforcement with the Clerk of the Court.

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.

**INFORMATION ABOUT ADDITIONAL VICTIM ASSISTANCE**

If you have any questions/concerns regarding your case or if you require additional referral for Victim/Witness Services, please contact:

**VICTIM ADVOCATE UNIT  
561-742-6108  
Boynton Beach Police Department**

**Notice of Legal Rights and Remedies for Victims of:**

**Domestic Violence  
Dating Violence  
Repeat Violence  
Sexual Violence**

**BOYNTON BEACH  
POLICE DEPARTMENT  
(561) 742-6100  
VICTIM ADVOCATE UNIT  
(561) 742-6108**