

## The Process

When an individual is arrested for an act of domestic violence whether it is a misdemeanor or felony, they are booked into the County Jail. Under Florida Law, the defendants are not able to bond out or be released until they have been before a Judge at First Appearance (almost always within 24 hours of arrest). Prior to that hearing one of the advocates from the SAO will contact the victim. The advocate will explain to the victim criminal justice process and what to expect. The advocates will make referrals to the domestic violence service providers and assist them in the process of filing for an injunction for protection. The advocate will obtain background information such as any prior violence in the home, were children present and whether drugs and alcohol were involved. They ask the victim whether or not they want contact with the defendant and ask about visitation for the children. DCF is contacted if there are children in the home. The victim is told they can come to court to address the Judge. The information that the advocate receives is passed along with the police report to the ASA who handles the First Appearance hearing. The Judge sets the Bond and any conditions and decides whether or not contact is allowed between the parties. The No Contact Order (if applicable) and other pertinent paperwork is sent to the victim after the First Appearance Hearing.

Next, the case will come to the main SAO and another SAO advocate will contact the victim. The SAO advocate will go over the police report with the victim. They will obtain the victim's input as to what they want to see happen in the case and will make referrals to other DV providers after determining the victim's potential needs.

The file is then given to the prosecutor in the Family Violence Unit to review. The SAO FVU is a vertical prosecution unit which means that the same attorney who files the case will be responsible for handling the case. Relevant factors in assessing the matter include whether the victim is cooperative or not, if not, whether the state can prove the essential elements of the crime without the victim and whether other evidence exists to corroborate the victim's version of events such as injuries, independent witnesses, photographs. The legal standard that is required for a prosecutor to formally file charges is proof beyond a reasonable doubt. The prosecutor makes a determination whether to file charges or not and, if so, what charges are appropriate. If no crime occurred or the state cannot prove a crime occurred, the case is "no filed."

If charges are filed, the case then works its way through the court system through to trial if no plea resolution is reached. An advocate is assigned to each victim and is present in court for hearings, at depositions and assist the victim through every step of the process.