

VICTIM RIGHTS

Know Your Rights

FLORIDA STATE STATUTE 960 PROVIDES PROTECTION FOR VICTIMS OF CRIME. Under this statute you have the right to be treated with dignity and respect, and to be informed about available services, victim's compensation, and your role in the criminal justice system should you choose to file a police report.

These rights include:

- Either you or the State Attorney's Office, with your consent, have standing to assert any legal rights of a crime victim.
- In some cases, victim (or their relatives where the victim is deceased) may be eligible for financial compensation from the Bureau of Crimes Compensation.
- The right to receive information on available crisis intervention services and local community services.
- The right to receive information regarding the role of the victim in the criminal or juvenile justice process.
- The right to receive information regarding the stages of the criminal justice process and the manner in which information about such stages may be obtained.
- The right to be informed, present, and heard, when relevant, at all crucial stages of criminal/juvenile proceedings.
- The right, if you are incarcerated, to be informed and submit a written statement at all crucial stages of criminal/juvenile proceedings.
- The right to a prompt, timely disposition of your case.
- The right to be notified of the arrest and release of the offender including release to community control.
- 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.
- The right of the victim of domestic violence to be informed of the address confidentiality program.
- The right of each victim or witness who has been scheduled to attend criminal/juvenile proceedings, to be notified as soon as possible of any change in the scheduling that will affect their appearance.
- The right to receive advance notification of judicial and post judicial proceedings relating to the case.
- The right to not be excluded from any portion of any hearing, trial, or proceeding pertaining to the offense.
- The rights of the victim of a felony involving physical or emotional injury or trauma, or in a case where the victim is a minor child or in a homicide, the victim/guardian/family shall be consulted by the State Attorney to obtain their views about the disposition of any criminal/juvenile case.
- The right to review certain portions of a pre-sentence investigation report for adult and youthful offenders prior to the sentencing of the accused.

- The right of a prompt return of property unless there is a compelling law enforcement need to retain it.
- The right to submit an oral or written impact statement to the court, pursuant to Florida Statute 921.143, prior to sentencing of the offender(s).
- The right to request that the State Attorney or law enforcement agency advocate on your behalf with employers and creditors.
- To be informed of your right to request and receive restitution and of your rights to enforcement in the event the offender does not pay.
- The right to receive reasonable assistance from the State Attorney's Office and law enforcement agency in locating accessible transportation, parking, translators, and separate waiting areas when practicable.
- The right to be notified when the offender escapes from custody.
- The right to have a victim advocate present during any deposition.
- The right of a victim of a sexual offense to have the courtroom cleared, with certain exceptions, during their testimony.
- The right to request, in certain circumstances, that the offender be required to attend a different school than the victim.
- The right of the victim who is not incarcerated to not be required to attend discovery depositions in any correctional facility.
- The statutory obligation of the victim or next of kin of a homicide victim, that any information gained regarding any case in juvenile court, must not be revealed to any outside party except as reasonably necessary in pursuit of legal remedies.
- The right to know in certain cases, and at the earliest opportunity, if the person charged with an offense has tested positive for hepatitis and human immunodeficiency virus (HIV) infection.
- The right to request, for specific crimes, that your home/cell/work telephone numbers, home/work addresses, and personal assets not be disclosed to anyone.
- The right of a victim of a sexual offense to request the presence of a victim advocate during the forensic exam. An advocate from a certified rape crisis center shall be permitted to attend any forensic exam.
- The right of a victim or the victim's legal guardian, or the parent or legal guardian of a victim, if the victim is a minor, to request that a person who is charged with any offense enumerated in section 775.0877(1)(a)-(n), Florida Statutes, that involves the transmission of body fluids from one person to another, undergo hepatitis and HIV testing.
- No law enforcement officer, prosecuting attorney or government official shall ask or require a victim of a sexual offense to submit to a polygraph examination or other truth-telling device as a condition of the investigation.

As a victim of Domestic Violence you may also qualify for Relocation Assistance.

CONTACT THE VICTIM SERVICES OF ORANGE COUNTY PROGRAM FOR ASSISTANCE AND ELIGIBILITY REQUIREMENTS.

As the victim of a Sex Offense you are not required to report to Law Enforcement to be eligible for a Forensic Exam.

CONTACT THE ORANGE COUNTY VICTIM SERVICES PROGRAM FOR ASSISTANCE AND ELIGIBILITY REQUIREMENTS.

DOMESTIC AND DATING VIOLENCE

IF YOU ARE BEING PHYSICALLY OR SEXUALLY ABUSED BY A PARTNER, THE LAW CAN PROTECT YOU.

What Does the Law Say?

You may report the incident to your local law enforcement agency. You also have the right to file a petition requesting an injunction for protection from domestic or dating violence, which may include provisions that restrain the abuser from further acts of violence or abuse.

Can this Law Help Me?

Yes—if this individual has abused you physically or sexually, or if you have good reason to fear that this person is about to be violent toward you, Florida Statute 741.30 enables you to get a judge to ORDER the abuse to STOP.

The paper that starts this process is called a Petition for Injunction for Protection Against Domestic/Dating Violence. Assistance with this process can be provided by a Victim Advocate.

A victim of violent crime who does not meet the criteria in the Florida Statute for Domestic/Dating Violence may be entitled to obtain a Petition for Protection Against Repeat Violence, in accordance with Florida Statute 784.046.

How Can the Judge Help Me?

After you file your petition, the judge can sign a temporary or permanent injunction. Either type of injunction or order will tell your abuser that they may not be violent towards you. A temporary injunction can be obtained on the same day you file your petition and can last up to 15 days.

A final injunction for protection can go into effect upon expiration of the temporary injunction if ordered by the judge, and the final injunction may be for a specific period of time, or it can be permanent.

How Can an Injunction Help Me?

Some things the judge MAY order in the injunction are:

- The abuser cannot commit any acts of violence against you;
- That they immediately leave the residence you share;
- That they stay away from your home if you are not living together;
- That you have temporary custody of any children you and the abuser have together and;
- That the abuser go to batterer's intervention.

The judge can impose other conditions.

What if the Abuse or Threats Continue?

A person who refuses to follow a judge's order can be put in jail. If the abuser disobeys the judge's order, contact the police or sheriff's office and show them the certified copy of the Injunction for Protection. In most cases, the officer will arrest the abuser.

What if I Have More Questions?

The Victim Service Center of Orange County can explain all your options, act as an advocate on your behalf, discuss safety planning and assist with filing an Injunction for Protection.

What is Victim Services?

For many people, being a victim or witness to a crime is their first experience with the Criminal Justice System. As a victim or witness, you have certain rights. The Victim Service Center of Orange County is staffed with professional victim advocate

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practitioners who will ensure that you receive the assistance you need, as well as help you to understand your rights under Florida Law. A Victim Advocate can assist you by informing you of your options, advocating on your behalf through the Criminal Justice System, while supporting you in your efforts to regain control of your life by providing crisis counseling and emotional support.

Advocates are available 24-hours a day, seven days a week to answer any questions you may have. This service is free of charge and confidential.

How Can a Victim Advocate Help?

Crisis Intervention—An advocate can provide assistance 24/7. You can contact a crisis advocate to discuss immediate safety issues or concerns. Advocates can meet you in person at a safe location. You can request an advocate if law enforcement has been contacted. In case of an emergency, call 911.

Practical Assistance and Support—They can help you understand what your options are, relating to the Criminal Justice System

They provide assistance with:

- Injunctions for Protection/Restraining Orders/Protective Orders
- Safety planning
- Transportation and accompaniment for court appearances
- Medical appointments
- Housing assistance
- Filing for Crime Victim Compensation

Information and Referral—They maintain a current listing of community based social service agencies that can assist with many different needs.

Referrals may include both on and off campus agencies that provide support and services such as:

- Health care
- Immigration
- Counseling
- Legal aid
- Emergency Shelter

A victim of Domestic Violence has the right to be notified of the Address Confidentiality Program administered by the Attorney General's Office.

PLEASE CONTACT 1-800-226-6667 FOR FURTHER INFORMATION ABOUT THIS PROGRAM.

• 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:** An alternative to trial where the juvenile is placed in a community based program such as juvenile arbitration, juvenile alternative services program (JASP), or treatment plan (walker plan). If a juvenile successfully completes the diversion program, then the charges are generally dismissed.
- **FORMAL CHARGES:** The filing of petition in court by the State Attorney's Office. The charges may be files in either Juvenile court or adult court, depending upon the crime and age of the offender.

THE CRIMINAL JUSTICE PROCESS

- **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.

You may contact your state Attorney or Law Enforcement agency for more information regarding the stages of the criminal and juvenile justice process.

Understanding the Criminal Justice System

Victims and witnesses, you are very important to a criminal case. Criminal cases cannot be prosecuted unless victims and/or witnesses participate in the criminal justice process. Law enforcement and the State Attorney must provide information to victims and witnesses of crime.

Crime Committed

After a crime is reported to law enforcement, an investigation will be conducted. If law enforcement is able to collect enough evidence, they may make an arrest.

Arrest

Suspect(s) taken to jail, fingerprinted, and photographed. Some are immediately released or have to post a bond to ensure they will show up in court.

Intake

Following the arrest of the accused, the State Attorney's Office Intake Division will review all evidence and determine whether or not to file criminal charges. If charges are filed, the case will be assigned a State Attorney case number. You may be notified to appear for a State Attorney investigation to give sworn statements regarding the crime.

First Appearance

Occurs within 24 hours of arrest. Each suspect kept in jail must appear before a judge who establishes whether or not charges are merited. The judge has the option to retain the suspect in jail or to release him/her on bond with specific conditions of release.

Filing of Formal Charges

The State Attorney's Office may file an **Information**, a formal document with the Clerk's Office stating the charge(s) they are filing against the accused. They may also file a **No-Information**, a document stating that the facts do not warrant prosecution and the case is dropped.

Arraignment

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

Trial Preparation

The prosecutor and defense attorney interview witnesses and exchange evidence in preparation for trial.

Deposition

The suspect's attorney can issue a subpoena requiring the victim and/or witnesses to appear and answer questions under oath. Testimony is given with the Assistant State Attorney normally present. You also have the right to have an advocate accompany you.

Trial

The prosecutor presents evidence to either the judge or a jury about the case. The suspect may be found guilty or not guilty.

Plea

The suspect pleads guilty or no contest without a trial.

Sentencing

If the suspect is found guilty, the judge reviews sentencing guidelines, plea agreements, etc., and determines what type of sentence the suspect should receive.

Restitution

The judge may order the suspect to make restitution to the victim for damages or losses directly or indirectly caused by the crime.

Victim Impact Statement

A victim may file a Victim Impact Statement (VIS) **at any time before a sentence is imposed on the suspect.** The VIS informs the judge of the impact of the crime and describes how the crime has affected the victim, family members, partners, co-workers and may include, medical costs, mental anguish, lost wages, impaired mobility, or the loss of a loved one. The judge can consider victim's statements in sentencing the suspect. Victim Advocates can assist you in preparing this information.

Crime Victim Compensation

Victims who participate in the Criminal/Juvenile Justice process may be eligible for the reimbursement of some expenses incurred as a result of the crime through the Victim's Compensation Program at the Office of the Attorney General

VINE Victim Information and Notification Everyday

1-877-VINE-4-FL Toll Free 1-877-846-3435

VINE IS A TOLL-FREE, ANONYMOUS, AUTOMATED TELEPHONE SERVICE THAT PROVIDES VICTIMS OF CRIME AND THE PUBLIC IMPORTANT INFORMATION:

You can also call the VINE hotline to check an offender's custody status. VINE will allow you to register for automatic phone notification of changes in an offender's custody status, or release. For information about VINE call 1-877-VINE-4-FL toll free.

How Do I Participate?

To register for notification, you must call the VINE Service directly from any touch-tone telephone. To confirm your registration, call VINE at 1-877-846-3435 (toll-free). To ensure notification, call the VINE toll-free number if your address or telephone number changes. The VINE service is available in English, Spanish, and Haitian Creole.

Does VINE Guarantee my Safety?

The VINE Service is designed to provide you with quick and easy access to offender information/notification and to alert you when an offender's custody status changes. **Do Not** depend solely on the VINE service for your safety. The offender will not know you have registered with VINE. All registrations are confidential. If you feel that you may be at risk, take precautions as if the offender has already been released.

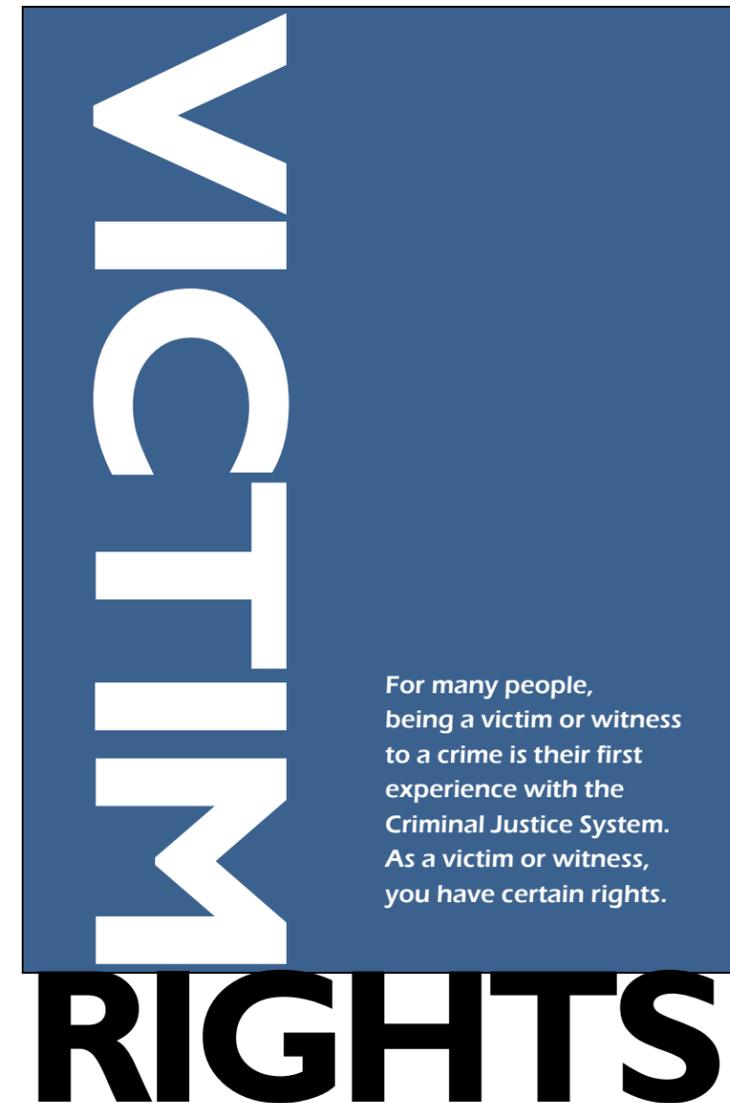
Important Numbers

Emergency	911
Ocoee Police Department	407-905-3160
Abuse Registry (Elderly and Children)	1-800-962-2873
American Red Cross	407-894-4141
Citizen's Dispute Settlement	407-423-5732
Crimes Compensation (Attorney General)	1-800-226-6667
Florida Abuse Hotline	1-800-962-2873
Florida Bar Lawyer Referral Service	1-800-342-8011
Harbor House Domestic Violence Shelter	407-886-2856
Harbor House Domestic Violence Hotline	1-800-500-1119
Juvenile Assessment Center	407-836-8880
Orange County Courthouse Injunction Office	407-836-2001
Orange County Jail	407-836-3400
Orange County Victim Service Center	407-254-9415
RAINN (Rape, Abuse, & Incest)	1-800-656-4673
Sexual Assault Treatment Center (24/7 Hotline)	407-497-6701
State Attorney's Office	407-836-2400
VINE Program	1-877-846-3435
Youth & Family Services	407-836-8938

Ocoee Police Department

646 Ocoee Commerce Parkway
Ocoee, FL 34761-2918
Non-Emergency: (407) 905-3160
Fax: (407) 905-3164
<http://www.ocoee.org/Departments/Police/>

04/2012



Officer: _____

Officer ID#: _____

Date: _____

Case Number: _____

Article I, Section 16 of the Florida Constitution gives crime victims the following rights.

You have the right:

- to receive due process from the courts and to be treated with fairness and respect for your dignity.
- to be free from intimidation, harassment and abuse.
- within the judicial process, to be reasonably protected from the accused.
- to have the safety and welfare of you and your family considered when setting bail or pretrial release conditions that could affect you or your family.
- to be heard in any public proceeding involving bail or pretrial release.
- to prevent disclosure of information or records that could be used to locate or harass you or your family or which could disclose confidential or privileged information about you.
- to prompt return of your property when no longer needed as evidence.
- to full and timely restitution in every case and from each offender convicted of the crime for all losses suffered, both directly and indirectly, as the result of the criminal conduct.
- 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, allowing the case to be tried within sixty days, assuming the defendant's due process rights can be met by such, and advancement in the trial date. In non-capital cases, all state level appeals, and post-conviction proceedings must be completed within two years, and capital cases within five years, unless the court enters an order with specific findings concerning why the court was unable to do so and the circumstances causing the delay.)
- to be informed of these rights and to seek an attorney's advice regarding these rights.

Also, upon your specific request, you have these additional rights:

- 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 are a witness at the proceeding.
- to reasonable, accurate, and timely notice of any release or escape of the defendant and of any proceeding during which a right of yours as the victim may be implicated.
- to confer with the prosecutor concerning any plea agreements, restitution issues, participation in pretrial diversion or release programs by the defendant and sentencing or any other disposition of the case.
- to provide information to anyone conducting or compiling a pretrial investigation regarding the crime's impact on you or your family, and to have such information considered by the court. Once the report is completed, you have a right to receive a copy of it, except for portions made confidential by law.
- to be informed of the conviction, sentence, adjudication, or other dispositions of a convicted offender, his or her release date, or the date of their escape from custody.
- to be informed of all post-conviction processes and procedures, to provide information to the release authority to be considered before any such release and to be notified of any release decision regarding the offender. This right is extended to every person harmed by the offender.
- to be informed of any clemency or expungement procedures regarding the offender, 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 given notice of that authority's decision before the offender's release.

For informational purposes only.