

VICTIM'S HAVE RIGHTS

As the victim of a crime or the next of kin of a homicide victim, you have rights. These guaranteed rights as outlined in Florida Statute 960 include:

THE RIGHT to be present, informed, and heard, when relevant at all crucial stages of the criminal and juvenile justice system as long as that right does not interfere with the rights of the accused.

THE RIGHT to be free from threats, intimidation, or harassment. It is against the law to cause a victim/witness to be placed in fear by force or threats and to make an assault on or harm any victim/witness. If you are being threatened or intimidated, please contact the Police.

THE RIGHT to be notified when a defendant is arrested, escapes or is released from a correctional facility.

THE RIGHT to ask the court for restitution (payment for financial loss as a result of a crime) from the defendant and to receive information from the court on enforcement of that order.

THE RIGHT to request assistance from Law Enforcement and the State Attorney's Office in notification to creditors and employers in regards to financial hardship or absences resulting from the crime.

THE RIGHT to a prompt, timely disposition of your case, provided this right does not interfere with the rights of the accused.

THE RIGHT to be notified of scheduling changes in your criminal or juvenile justice system appearances by the scheduling agency or person.

THE RIGHT to be consulted by the State Attorney's Office in certain felony cases in order to obtain you or your family's views about the disposition of any criminal or juvenile case.

THE RIGHT to have a Victim Advocate accompanies you to a deposition. Victims who are incarcerated shall not be required to attend discovery depositions in any correctional facility.

THE RIGHT to review certain portions of a pre-sentence investigation report for an adult and/or youthful offender prior to the sentencing of the accused.

THE RIGHT to submit an oral or written victim impact statement to the court.

THE RIGHT of a victim to a prompt return of property unless there is compelling law enforcement needs to retain the property.

The Victim of a crime and the state attorney, with consent of the victim, have standing to assert the rights of a victim, which are provided by law or s.16(b), Art.1 of the State Constitution.

THE RIGHT to request and know at the earliest convenience, if the person charged with an offense, which involves the

transmission of bodily fluids, has tested positive for the human immunodeficiency virus (HIV) infection.

THE RIGHT in certain circumstances to request that the offender be required to attend a different school than the victim or siblings.

A victim of a sexual offense has the right to have the courtroom cleared, with certain exception, during his or her testimony, regardless of their age or mental capacity.

THE RIGHT of a victim of a sex offense who is under the age of 18 or is a disabled adult or elderly person, to request the court to order the accused to undergo hepatitis and HIV testing regardless of whether the offense involves the transmission of bodily fluids. If requested by the victim, the victim has a right to receive information on the results of the testing within two weeks of the court's receipt of such results.

THE RIGHT of the victim 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.

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.

THE RIGHT of a victim or the victims' 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 involved the transmission of body fluids from one person to another, undergo hepatitis and HIV testing.

A victim of domestic violence has the right to be informed of the Address Confidentiality Program administered by the Office of the Attorney General. Please contact 1-800-226-6667 for further information.

Incarcerated victims (in jail or prison) have the right to be informed and submit written statements at all crucial stages of the criminal and juvenile justice systems.

The victim or the next of kin of a homicide victim are obligated by Florida Statute 960 to not release any information in a case involving a juvenile. The exception to this is if it is necessary in the pursuit of legal remedies.

The victim, next of kin of a victim, or relative of a minor victim must receive advance notification of judicial and post judicial proceedings relating to the case including the arrest, release, work release, or release to community control of the accused; and proceedings in the prosecution of the accused.

The victim or next of kin of a victim cannot be excluded from any portion of a hearing, trial or proceeding based solely on the fact that such person is subpoenaed to testify, unless the court determines their presence is prejudicial.

VICTIM ASSISTANCE INFORMATION VICTIM ADVOCACY UNIT

For many persons, being a victim or witness to a crime is their first experience with the criminal justice system. A Victim Advocate is available to assist victims with the emotional and physical trauma often resulting from a crime. You may contact a Victim Advocate the next day for information and support if immediate assistance is not needed. A Victim Advocate can provide:

- Crisis Intervention Counseling ~ Personal Advocacy
- Community Information and Referrals ~ Emotional Support
- Coordination with Police Officers ~ Court Accompaniment
- Follow Up Counseling ~ Assistance with Property Return
 - ❖ Assistance with Crimes Compensation
 - ❖ Information on Your Role in the Justice System
 - ❖ Assistance in Filing an Injunction for Protection
 - ❖ Locating Transportation and Accessible Parking
 - ❖ Attempt to Locate Translators as Needed

COULD I BE ELIGIBLE FOR VICTIM COMPENSATION?

In some cases, the victims or relatives of a deceased victim may be eligible for financial compensation from the State of Florida. Those determined eligible by the Office of the Attorney General may receive assistance with medical/dental expenses, burial expenses, lost wages, relocation money for domestic violence victims, and mental health counseling. For further information, please call the Office of the Attorney General at 1-800-226-6667.

WHAT HAPPENS IF MY CASE INVOLVES A JUVENILE?

A juvenile arrested and charged with a misdemeanor or non-violent felony, may be released immediately into the custody of the parent(s) or legal guardian. Juveniles charged with more serious crimes may go to a pre-detention hearing within 24 hours to set the conditions of release. You have a right to appear at these hearings. You may contact the Department of Juvenile Justice Detention Center at (772) 467-3166 regarding the hearing. For information regarding the juvenile justice system, please contact the state attorney's office or law enforcement agency handling your case.

WHAT HAPPENS IF AN ARREST IS MADE?

The defendant(s) may be allowed to post bond and be released immediately. In these instances, you will be notified of a later hearing or conference. In other cases, the defendant(s) may have to appear before a Judge within 24 hours. At this initial hearing, the Judge will decide the conditions of release or the amount of bond, if any.

If the defendant enters an immediate plea of "guilty" at the jail arraignment (misdemeanor offense), the case will end there.

You have a right to appear at these hearings. If you wish to be present, you may contact the jail at (772) 462-3450 to learn if the defendant has been released or if a bond hearing or jail arraignment has been scheduled.

DIRECTORY OF SERVICES

Emergencies	911
Port St. Lucie Police Department	(772) 871-5000
Port St. Lucie Police Department Victim Assistance Program	(772) 344-4331
State Attorney's Office	(772) 465-3000
State Attorney's Office Victim/Witness Assistance Program	(772) 462-1306
St. Lucie County Courthouse	(772) 462-6900
Child Protection Services	(772) 467-3003
St. Lucie County Jail	(772) 462-3450
Domestic Violence Hotline (SafeSpace)	1-800-500-1119
Florida Abuse Registry	1-800-962-2873
National Child Abuse Hotline	1-800-422-4453
National Domestic Violence Hotline	1-800-799-7273
Rape Hotline	1-800-569-1119
St. Lucie County Legal Aid	1-888-582-3410
VINE	1-877-846-3435

EXEMPTION FROM PUBLIC INSPECTION

Under the provisions of Florida Statute 918.149(3)(a) any information which reveals the home or employment telephone number, address, or personal assets of a person who has been the victim of a 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 for your information to be held confidential.

STAGES OF THE CRIMINAL JUSTICE SYSTEM

1. **ARREST** - Suspect(s) taken to jail, fingerprinted and photographed. Some are immediately released or have to post a bond to guarantee they will show up in court.
2. **FIRST APPEARANCE** - Occurs within 24 hours of an arrest. Each suspect kept in jail must appear before a Judge who establishes whether charges are reasonable. The Judge will also consider whether a bond should be set and if so how much. The Judge will also consider conditions of release and appoint a defense attorney if the suspect cannot afford one.
3. **FILING OF FORMAL CHARGES** - The State Attorney's Office will file formal charges after reviewing law enforcement reports within 21 days.

4. **ARRAIGNMENT** - The accused is formally charged and enters a plea of guilty, not guilty, or no contest.
5. **TRIAL PREPARATIONS** - The prosecutor and defense attorney interview witnesses and exchange evidence. If the defendant gives up the right to a trial and pleads guilty or no contest, the prosecutor usually offers a reduced charge or drops additional counts. If the defendant refused to plead guilty or a deal cannot be reached, the attorneys will interview more witness and prepare for trial.
6. **PLEA** - Defendant pleads guilty or no contest without a trial, or charges are dropped. The State Attorney's Office may determine a case is not strong enough or witnesses are not available. Or trial Judge or jury decides guilt or innocence after hearing arguments.
7. **SENTENCING** - If the defendant is found guilty, the Judge reviews sentencing guidelines and determines what type of sentence the defendant should receive.

WHAT IS A VICTIM IMPACT STATEMENT?

A victim may file an Impact Statement with the State Attorney's Office at any time before a sentence is imposed on the defendant. The Victim Impact Statement is a written or oral statement given by you describing the effect the crime has had on you personally and the losses that you have suffered. The Impact Statement also advises the Court of your feelings about the incident, which the State Attorney's Office will review. The Victim Impact Statement may be obtained from the State Attorney's Office. The completed form will then be placed in the court file to be presented to the Judge for consideration. Additionally, you may be present in Court to testify about the impact that the crime has had on **you**.

WHAT IF I AM A VICTIM OF DOMESTIC VIOLENCE?

Domestic Violence is a crime. Florida Statute 741.28 defines domestic violence as any assault, aggravated assault, battery, aggravated battery, sexual assault/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 who is or was residing in the same single dwelling unit or who has a child in common regardless of whether or not the couple has ever been married or lived together.

Dating Violence is violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature, Section 784.04(1) (d) F.S.

Repeat Violence is 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.

Stalking is the willful, malicious, and repeated following, harassing, or cyber stalking of another person. Aggravated stalking occurs when that person makes a credible threat through stalking.

Sexual Violence is one incident of sexual battery, a lewd and lascivious act committed on or in the presence of a person under the age of 16, luring or enticing a child as described in F.S.S. Chapter 787, sexual performance by a child, or any other forcible felony where a sexual act is attempted or committed.

F.S.S. 741.29 provides that "IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you may ask the state attorney to file a criminal complaint. You also have the right to go to court and file a petition requesting an injunction for protection from domestic violence which may include, but need not be limited to, 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; award you custody of your minor child or children; and direct the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so."

WHAT IS AN INJUNCTION?

An injunction is a court order signed by a Judge that orders the abuser to have no further contact with you. This includes your place of employment, residence, and telephone contact. An Injunction may also give you temporary sole use of your residence, temporary custody of your children, temporary child support and court ordered counseling for the abuser.

To obtain an Injunction for Protection, go to the Clerk of Circuit Court in the St. Lucie County Courthouse. Once you have completed the forms, a Judge will review them and either grant or deny your petition. If granted, you will be given a Temporary Injunction and a court date to appear before the Judge. **YOU MUST ATTEND THIS HEARING; OTHERWISE THE JUDGE WILL DISMISS YOUR INJUNCTION.** The St. Lucie County Sheriff's Office Civil Division will serve the abuser with the Injunction. In order to verify service, please call (772) 462-3265.

You do not have to have visible injuries or be married to apply for an Injunction. Make sure you bring a picture identification

card with you when you go to the courthouse. Keep a copy of the Injunction with you at all times.

WHAT HAPPENS IF THE ABUSER VIOLATES THE INJUNCTION ORDER?

In the event that the abuser violates the order, you should contact the Police for assistance. If an arrest cannot be made right away, you may also file an Order to Show Cause Affidavit with the Clerk of the Circuit Court in the St. Lucie County Courthouse. The affidavit will be forwarded to the appropriate authority. Please contact the Victim Assistance Program if you have any further questions about obtaining an Injunction.

YOUR CASE INFORMATION

Date of Report	Case Number
Officer Name and ID Number	

JOHN A. BOLDOC
CHIEF OF POLICE
PORT ST. LUCIE POLICE DEPARTMENT
121 SW PORT ST. LUCIE BLVD.
DONALD R. MAHAN BLDG.
PORT ST. LUCIE, FLORIDA
(772) 871-5000

As a victim of a crime in which an arrest is made, the Victim/Witness Advocate of the State Attorney's Office will inform you of the prosecution efforts. Contact can be made at (772) 465-3000 or (772) 462-1306.

DEFENDANT(S) NAME:

1) _____

2) _____

PORT ST. LUCIE POLICE DEPARTMENT



THE CRIMINAL JUSTICE PROCESS AND NOTICE OF RIGHTS & REMEDIES FOR VICTIMS OF ALL CRIMES INCLUDING: DOMESTIC VIOLENCE, DATING VIOLENCE, REPEAT VIOLENCE, SEXUAL VIOLENCE, AND STALKING

We realize that for many persons, being a victim or witness to a crime is their first experience with the criminal justice system. While the emphasis of the system has been the investigation and prosecution of crime, all too often, in the past, the innocent victims and witnesses have been overlooked. In an effort to reduce this problem and advise victims and witnesses of help available to them, the following information is furnished.