

UNIVERSITY OF WEST FLORIDA
POLICE DEPARTMENT
**VICTIMS'/WITNESSES' RIGHTS
IN THE CRIMINAL JUSTICE SYSTEM**



UWF POLICE DEPARTMENT

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VICTIMS' RIGHTS BROCHURE YOUR RIGHTS AS A VICTIM OR WITNESS

We realize that for many persons, being a victim or witness to a crime is their first experience with the criminal and juvenile justice systems. As a victim or witness, you have certain rights within the system. This brochure is being provided to you to assist you with questions you may have regarding those rights. For further information regarding these rights please contact the States Attorney's Office (SAO) and/or the appropriate law enforcement agency (LEA) handling your case.

OFFICER: _____

CASE NUMBER: _____

FOLLETO DE LOS DERECHOS DE LA VÍCTIMA SUS DERECHOS COMO VÍCTIMA O TESTIGO

Nosotros reconocemos que para muchas personas el ser una víctima o testigo(a) de un crimen puede ser la primera experiencia con el sistema de justicia criminal o juvenil. Como víctima o testigo(a) usted tiene ciertos derechos dentro del sistema. Este folleto se preparó para asistirlo con las preguntas que usted pueda tener en referencia a sus derechos. Para obtener más información acerca de estos derechos por favor póngase en contacto con la Oficina del Abogado del Estado y/o la agencia apropiada que esté llevando su caso.

OFICIAL: _____

CASO #: _____



UNIVERSITY OF WEST FLORIDA
POLICE DEPARTMENT

VICTIMS'/WITNESSES' RIGHTS IN THE CRIMINAL JUSTICE SYSTEM

PREFACE

In accordance with the provisions of Florida State Statutes Chapter 960, the University of West Florida Police Department is mandated to develop and distribute to victims and witnesses of criminal acts a standard form of notice of their legal rights and duties in the criminal justice process.

The University of West Florida Police Department is committed to providing sensitive treatment to all members of the community. The following information concerns the fair treatment and personal rights of victims and witnesses of crimes. Please review the information and keep this brochure with you while your case proceeds.

CONSTITUTIONAL GUARANTEES

The Florida Legislature recognizes that many innocent persons suffer personal injury or death as a result of criminal acts or in their efforts to prevent crime or apprehend persons committing or attempting to commit crimes. Such persons or their dependents may thereby suffer disabilities, incur financial hardships or become dependent upon public assistance. The Legislature finds and determines that there is a need for government financial assistance for such victims of crime.

PREFACE

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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 the 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 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 noncapital 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 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 convictions, 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.

CRIME COMPENSATION

You may have a right to receive compensation for any physical injury you have received as a result of the defendant's criminal or delinquent activity. The Victim's Compensation Fund established under Florida law may entitle you to financial assistance if you qualify. Also, in certain cases, the fund may offer financial assistance for psychological counseling as well. Application forms are available from the Office of the State Attorney, local hospitals and local

law enforcement agencies. Any of these offices can assist you in applying for assistance. A claim must be filed no later than one year after occurrence of the crime upon which the claim is based or no later than one year after the death of the victim or intervener. However, for good cause, the department may extend the time for filing for a period not exceeding two years after the occurrence. The victims or intervener's parent or guardian may file a claim on their behalf if they are under the age of 18. When a victim or intervener who was under the age of 18 at the time the crime occurred reaches the age of 18, the victim or intervener has one year within which to file a claim. In addition, information is available for you concerning crisis intervention services, supportive counseling, referrals and community-based victim treatment programs. A list of services available in your community is included at the end of this brochure. For any further information or questions regarding compensation from the Florida Trust Fund, contact the Bureau of Victim Compensation, 1.800.226.6667 or the local victim advocate program at the office of State Attorney.

WHAT TO EXPECT FROM THE SYSTEM AND WHAT THE SYSTEM EXPECTS FROM YOU

As the victim or witness, your role is critical. You have seen, heard, know or experienced something that is important to the investigation of this case. You may be interviewed by law enforcement to identify the assailant, if recognized; to help in finding the crime scene; identify stolen property; etc. Please keep our agency advised where you are living and your telephone number (work and home).

The criminal justice process starts with a crime. There are four basic ways a case can proceed:

1. A person may be arrested at the time of the crime. Law enforcement completes an arrest document stating the charges against the accused. If no arrest is made at the time of the crime, law enforcement investigates.

2. After appropriate investigation, if probable cause is found, and an arrest is made, the Office of the State Attorney may file a document called information, with the Clerk of the Court charging the accused with the criminal offense. If information is filed, the judge, through the Clerk of the Court, may issue a *capias*/warrant. Some of these procedures differ from county to county in the First Judicial Circuit. If you have any questions regarding this matter, call the Office of the State Attorney in your county.

3. If an arrest is not made at the time of the crime, law enforcement may complete an affidavit of probable cause and present it to the judge. If probable cause is found in the affidavit, the Judge may issue an arrest warrant or a *capias* for the suspect's arrest. Both the *capias* and the arrest warrant direct law enforcement to arrest the person believed to have committed the crime.

4. The accused may be arrested based upon the investigation and indictment returned by the grand jury.

HOW LONG WILL IT TAKE FOR AN ARREST TO BE MADE?

As a victim, you have a right to be notified of an arrest. Each case will proceed differently. The Law Enforcement Agency making the arrest will notify you of the arrest. Interviewing witnesses and the collection of evidence can be a timely process. There is no set time frame. If you would like to find out about your case, call the main number for the investigating agency in the county where the crime was committed. Please give the defendant's name and the case number, if possible, when you call.

BAIL OR BOND

Bail or bond is an amount of money or property posted by the defendant for his/her release to ensure the defendant appears in court. The amount of bail is set by the judge at the time that the arrest warrant or arrest *capias* is issued. The Court considers

the nature of offense, evidence, defendant's employment status, mental condition, ties to the community and convictions before setting bail. In less violent crimes, the defendant may be allowed to post bond and be released immediately under pretrial release programs.

WHAT IF MY CASE INVOLVES A JUVENILE?

A juvenile (under 18 years of age) who is accused of a crime and arrested will almost always be immediately released to the custody of his/her parents or guardian. Juveniles who are not released will go to a detention hearing within 24 hours to determine the conditions of release by the presiding judge. If you wish, you may attend the detention hearing at 1:00 p.m., the day following the arrest, at the Juvenile Division, 1800 St. Mary's Avenue, Pensacola, Florida. On weekends, the times vary for these hearings. To find out the correct time, you may call the Detention Center in Escambia County at 850.595.8820.

FIRST APPEARANCE HEARING

In more violent crimes, or if the defendant cannot post bond, within hours of the arrest, the Court holds an "Initial Appearance" hearing. The Judge decides whether the defendant can be released based on the nature of the offense, evidence, defendant's employment status, mental condition, ties to the community, and previous convictions and if so, what conditions are necessary to protect the victim/witness.

Bail may be set when the arrest is made on probable cause by law enforcement. There are times when the defendant is released on his/her own recognizance (signature bond). The Judge can include special conditions ordering the defendant to have "no contact" with the victim and/or witness. You may attend the First Appearance Hearing. This proceeding is held the day after arrest in Video Court, Room 404 beginning at 1:30 p.m. on weekdays at the

Judicial Center and at the jail on weekends in Escambia County. This may vary in other counties. To find out the procedures where the crime you are involved in happened, call the main number of the Office of State Attorney in the county where the offense occurred.

VICTIM/WITNESS PERSONAL SAFETY

1) In the event you receive threats, bribes or other attempts to persuade or intimidate you into testifying untruthfully, or to forget, or to make yourself unavailable as a witness, report it immediately to the law enforcement agency that made the arrest.

2) If you are the victim of domestic violence (violence within the family) or repeat violence (two incidents within six months), you can file an injunction for protection with the Clerk of the Circuit Court in the county where you reside. Call 911 for help with unwanted trespassers or other types of emergencies. If you are called upon to testify in court and you fear for your safety, you should talk to your Victim Advocate about a safe or secure waiting area.

3) You have the right to request for specific crimes an exemption prohibiting the disclosure of information to the public which reveals your home and work phone numbers, home and work addresses, and personal assets not otherwise held confidential under the Public Records Law. An address confidentiality program is available whereby you may use another address to protect the confidentiality of your current residence. Your Victim Advocate has information about this program and others whereby certain personal information may be exempt from Florida's Public Records Law.

TESTIMONY IN COURT

1) A victim, a victim's parent or guardian if the victim is a minor, a lawful representative of the victim or of the victim's parent or guardian if the victim is a minor, or a victim's next of kin may not

be excluded from any portion of any hearing, trial or proceeding pertaining to the offense based solely on the fact that such person is subpoenaed to testify unless, upon motion, the court determines such person's presence to be prejudicial.

2) If you are a victim of a sexual offense, you have the right to have the courtroom cleared of all persons except those specified in Sec. 918.16, Fla. Stat.

3) A victim or witness who is not incarcerated is not required to attend discovery depositions in any correctional facility.

CONSULTATION WITH THE VICTIM OR GUARDIAN OR FAMILY OF VICTIM

In a felony crime involving physical or emotional trauma, the Office of State Attorney shall consult with the victim to obtain the views of the victim or the victim's family about the release of the accused, plea agreements, participation in pretrial diversion, and the sentencing of the accused.

HIV TESTING

In any case which involves the transmission of bodily fluids from one person to another, upon request of the victim or the victim's legal guardian, or of the parent or legal guardian of the victim if the victim is a minor, the court shall order the defendant to undergo HIV testing and the results disclosed to the party requesting such test. It is also 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 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.

HIV / HEPATITIS TESTING FOR VICTIMS OF CERTAIN ENUMERATED OFFENSES

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.

SCHOOL ATTENDANCE

If the victim or any sibling of the victim attends or is eligible to attend the same school as the offender, the victim's parent or legal guardian shall be notified of their right to attend the sentencing or disposition of the offender and request that the offender be required to attend a different school.

RIGHT TO TIMELY DISPOSITION

As the victim you have the right to a prompt and timely disposition of the case to the extent that this right does not interfere with the rights of the accused.

NOTIFICATION OF EMPLOYER AND CREDITORS

At your request, the Office of State Attorney and/or local law enforcement will inform your employer that your cooperation in their investigation and prosecution of the case may necessitate your absence from work. At your request, we will also contact your creditors to seek their consideration if you are unable, temporarily, to continue payments as a result of the crime.

NOTIFICATION OF SCHEDULING CHANGES

Each victim or witness who has been scheduled to attend a criminal or a juvenile justice proceeding shall be notified as soon

as possible by the agency scheduling his/her appearance of any change in the scheduling which will affect his/her appearance.

ADVANCE NOTIFICATION OF JUDICIAL PROCEEDINGS

You will be provided advanced notification as a victim, parent, guardian or lawful representative of a minor, or relative of a homicide victim, concerning judicial proceedings relating to: the arrest of the accused, the release of the accused pending judicial proceedings or modification of the release conditions, and for juvenile cases, those designated proceedings. Notification can only be accomplished if the victim or relative of a homicide victim has provided the appropriate agency with a current address and that the agency has sufficient advance notification of the judicial or post judicial proceeding. The victim of a sexual offense has the right to request the presence of a victim advocate during any forensic medical examinations. An advocate from a certified rape crisis center shall be permitted to attend any forensic medical examinations.

RESTITUTION TO THE VICTIM

The court may order restitution for certain losses (medical bills, property damage, stolen property). Keep track of your losses. The Assistant State Attorney will make every effort to secure the proper amount of restitution if requested and ordered by the court.

RIGHT TO REVIEW PRESENTENCE INVESTIGATION REPORT

Upon request to the state attorney, the victim, the victim's parent or guardian if the victim is a minor, the lawful representative of the victim or of the victim's parent or guardian if the victim is a minor, or the victim's next of kin in the case of a homicide, shall be allowed to review, under certain conditions, a copy of

any presentence investigation report completed prior to the sentencing hearing. Information obtained must remain confidential.

NOTIFICATION OF THE RIGHT TO SUBMIT A VICTIM IMPACT STATEMENT

The victim of a crime has a right to submit an oral or written impact statement to the judge, prior to the sentencing of the offender. Please contact the victim advocate in the Office of the State Attorney in the county where the offense occurred if you wish to submit such a statement.

RETURN OF PROPERTY

If property was stolen or other property is needed by law enforcement to prove the crime, it becomes as important as evidence. Some evidence/property must be sent to labs for analysis. It is helpful for the jury to see the property at trial and is sometimes necessary to keep the property until trial. However, your property will be returned to you as promptly as possible. If you have questions concerning the release of your property, call the law enforcement agency or the Office of State Attorney.

ESCAPE FROM COMMITMENT FACILITY

You are entitled to information concerning escape of the offender from a state correctional institution, private correctional facility, county jail, juvenile detention facility, or residential commitment facility. The Office of State Attorney will make every effort to notify the victim, material witness or the relatives of a homicide victim of the escapee.

STANDING

You, as the victim of crime, and the state attorney, with your consent, have standing to assert any legal rights of a crime victim as provided by law or the Florida Constitution.

PRESENCE OF A VICTIM ADVOCATE

At the request of the victim or the victim's parent, guardian, or lawful representative, a victim advocate shall be permitted to attend and be present during any deposition of the victim.

POLYGRAPH EXAMINATIONS

No victim of a sexual offense shall be required by any law enforcement officer, prosecuting attorney, or any other government official to submit to a polygraph examination or other truth-telling device as a condition of any investigation.

INFORMATION ABOUT ADDITIONAL VICTIM ASSISTANCE

Information will be made available to victims and witnesses about other assistance such as: transportation, parking, waiting areas and translator services to be utilized when attending court, when practicable. Contact the Office of State Attorney for information.

WHAT HAPPENS NEXT?

Information on how your case proceeds after the first appearance will be available to you at the State Attorney's Office. We thank you ahead of time for your patience, assistance and cooperation in the investigation of this crime and prosecution of this crime.

FOR ASSISTANCE REFER TO THE BACK PAGE OF THIS BOOKLET FOR TELEPHONE NUMBERS

SUBPOENA

You may receive one or more subpoenas requiring you to be present at a certain time and place. If you do not appear once subpoenaed, the judge could charge you with contempt of court resulting in a fine or a jail sentence. If you are unable to be at the hearing, contact the assistant State Attorney handling the

case. Give the name of the defendant and case number on your subpoena to the attorney.

Contact the office or person who has subpoenaed you before your appearance. Ask if the attorney canceled or postponed the hearing. This may prevent unnecessary trips. You will receive a witness fee payment and a mileage allowance for those times you testify. Please bring your subpoena with you.

VICTIM ASSISTANCE

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 24 hours a day to assist victims with the emotional, physical, and financial trauma often resulting from a crime. A victim advocate can provide:

- Crisis intervention
- Personal advocacy
- Community information and referrals
- Emotional support
- Court accompaniment
- Transportation
- Assistance with crime compensation
- Information about the criminal justice system
- Case status updates
- Safety planning
- Assistance in filing Petitions for Protection from abuse, repeat violence or dating violence.

YOUR RIGHTS IN THE CRIMINAL JUSTICE AND JUVENILE JUSTICE SYSTEMS

If you are a victim of a crime or a witness because you have seen, heard, or know something about a crime that has been committed, you are important to the case. Your testimony may be necessary to establish the facts. Understandably, you might feel anxious about testifying in court. However, without your testimony the defendant might go unpunished.

VICTIM – A person against whom a crime was committed. Some victims suffer physical injury or property damage, and some have psychological injury or both. Victims have certain rights in Florida. Others who can claim these rights are the victim's parent or guardian if the victim is a minor, the lawful representative of the victim or of the victim's parent and guardian of the victim is a minor, and the next of kin of a homicide victim. As a victim of a crime, you have the following rights:

- Either you or the State Attorney's Office with your consent, have standing to assert any legal rights of a crime victim as provided by law or the Florida Constitution.
- You have the right to employ private counsel.
- In some cases, victims (or their 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 applicable), law enforcement agency or the Bureau of Crimes Compensation, Office of the Attorney General. 1.800.226.6667.
- 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.

- The right to receive information regarding the role of the victim in the criminal or juvenile process, including what the victim may expect from the system as well as what the system may expect from the victim.
- The right to receive information regarding the stages of the criminal or juvenile justice process and the manner in which information about such stages may be obtained. Note: You cannot be notified if we cannot locate you. It is your responsibility to keep the States Attorney's Office informed of any changes in your address or telephone number.
- The right to be informed, present, and heard when relevant, at all crucial stages of a criminal or juvenile justice proceeding, to the extent the right does not interfere with the constitutional rights of the accused.
- A victim who is incarcerated has the right, upon request, 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 a prompt and timely disposition of the case as long as it does not interfere with the constitutional rights of the accused.
- The right to be notified of the arrest and release of the offender, including release to community control and/or work release. When an arrest is made in a reported case, the victim, witnesses, relatives of minor victims and witnesses and relatives of homicide victims, where those persons have provided current addresses and telephone numbers to the State Attorney's Office, shall be notified.
- 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, or threaten another person, or attempt to do so, or 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 any law enforcement officer.

- The right of the victim of domestic 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.
 - 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 appearance.
 - 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, 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 filling 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 involuntary commitment by expiration of sentence or parole and any meeting held to consider such release.
 - The right to not be excluded from any portion of any hearing, trial or proceeding pertaining to the offense based solely upon the fact that such person is subpoenaed to testify, unless the court determines otherwise.

- In addition to the provisions of s.921.143, F.S., 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 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 review certain portions of a pre-sentence investigation report for adult and youthful offenders prior to the sentencing of the accused.

- The right to a prompt return of property unless there is a compelling law enforcement need to retain it.

- The right to request that the State Attorney or law enforcement agency help explain to employers and creditors that you may face additional burdens by taking time off work to assist law enforcement and you may undergo serious financial strain either because of the crime or by cooperating with authorities.

- 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 clerks 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.

- The right to submit an oral or written impact statement to the court, pursuant to s. 921.143 F.S., prior to sentencing of the offender. The State Attorney or any assistant State Attorney shall advise all victims or when appropriate, the victims' parent, guardian, next of kin, or lawful representative that statements, whether oral or written, shall relate to the facts of the case and the extent of any harm, including social, psychological, or physical harm, financial losses, loss of earnings directly or indirectly resulting from the crime for which the defendant is being sentenced, and any matter relevant to an appropriate disposition and sentence.

- 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.

- The right to be notified when the offender escapes from custody. The State Attorney shall make every effort to advise the victim, material witness, parents or legal guardian of a minor who is a victim or witness, or immediate relative of a homicide victim of the escape of a criminal defendant. The State Attorney shall also notify the Sheriff of the county where the criminal charge or petition for delinquency arose. The Sheriff shall offer assistance upon request.

- The right of the victim to request that a victim advocate be permitted to attend and be present during any deposition. The victim advocate may be designated by State Attorney's Office, Sheriff's Office, or Municipal Police Department, or one representative from a not-for-profit victim services organization, including, but not limited to, rape crisis centers, domestic violence advocacy groups, and alcohol abuse or substance abuse groups.

- 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.

- 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, and 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.

- 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 the next of kin of a homicide victim, that any information gained pursuant to FS Chapter 960, regarding any case handled 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 possible opportunity, if the person charged with an offense has tested positive for Hepatitis and/or 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/or human immunodeficiency virus (HIV) infection testing. In some cases, you can be notified of the results of the test within two weeks of the court's receipt of the results.

- The right to request, for specific crimes that your home and work telephone numbers, home and 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 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.

PROCESO DE JUSTICIA CRIMINAL

Las etapas del sistema de justicia criminal son las siguientes:

DELITO COMETIDO - La policía inicia una investigación después de recibir el reporte de un delito. La policía puede efectuar un arresto si logra recoger suficiente evidencia.

ARRESTO - Los sospechosos van a la cárcel, se les toman las huellas y las fotografías. Algunos se ponen en libertad inmediatamente, o deben pagar una fianza para asegurar que se presentaran en la corte.

(o)

ENTRADA - La víctima reporta un delito a la Oficina del Abogado del Estado. Si determina, la Oficina del Abogado del Estado puede presentar cargos y citar el sospechoso en la corte.

PRIMERA APARICIÓN - Acontece dentro de 24 horas del arresto. Cada sospechoso encarcelado debe presentarse ante un juez que establecerá si los cargos son razonables. El juez también tomará en consideración si debe establecer una fianza y si es así de cuanto debe de ser. El juez también considerará las condiciones de poner en libertad al sospechoso o designará a un abogado defensor, si éste no tiene los recursos necesarios.

PRESENTAR CARGOS FORMALES - La Oficina del Abogado del Estado puede presentar cargos formales después de revisar los reportes de arresto de la policía, y dentro de 21 días en algunas circunstancias.

ACUSACIÓN (ORDEN DE COMPARENCIA) - Al acusado se le hacen cargos formales y se declara culpable o no culpable, o no hay disputa.

PREPARACIONES PARA EL JUICIO - El fiscal y el abogado defensor entrevistan a los testigos e intercambian evidencia en preparación para el juicio.

JUICIO - El fiscal presenta la evidencia ya sea al juez o al jurado acerca del caso. El acusado puede ser encontrado culpable o no culpable. El proceso termina si el acusado no es encontrado culpable.

ACTO DE DECLARACIÓN - El acusado se declara culpable, o no hay disputa sin juicio

SENTENCIA - Si el acusado es encontrado culpable, el juez revisará las pautas de sentencia, acuerdos de actos de declaración, etc., y determina que clase de sentencia el acusado recibirá.

PROCESO DE JUSTICIA JUVENIL

ENTRADA - El proceso de determinar donde el joven menor de 18 años debe permanecer hasta que se resuelva el caso. Hay 3 formas de detención: casa, no-segura y segura.

PROGRAMAS ALTERNOS - Una alternativa al juicio es cuando el joven participa en un programa comunitario como arbitración juvenil, o en programas de servicios alternativos para jóvenes (JASP), o un plan de tratamiento, (Plan de Walker). Si el joven logra completar el programa alterno, entonces se le anulan los cargos.

CARGOS FORMALES - Presentar una petición en la corte por la Oficina del Abogado del Estado. Los cargos pueden ser presentados en una corte juvenil o en una corte de adultos, dependiendo del crimen y la edad del delincuente.

ACUSACIÓN (ORDEN DE COMPARECENCIA) - Al acusado se le hacen cargos formales y se le declara culpable o no culpable, o no hay disputa.

JUICIO - El juicio de un joven se lleva a cabo ante un juez. El juez decide si el joven cometió las ofensas.

AUDIENCIA ORAL (SENTENCIA) - La corte hará un audiencia para determinar la sanción que se le debe de imponer al joven,

cuando se encuentra que cometió algún delito. Las sanciones pueden ser de servicio comunitario, como un período de prueba y de servicio comunitario hasta compromiso residencial.

JÓVENES TRATADOS COMO ADULTOS - Los jóvenes que cometen delitos serios son tratados como adultos. Los jóvenes acusados como adultos pueden recibir sentencia como tales o sanciones juveniles.

Para mayor información con referencia a los procesos de justicia juvenil o criminal, puede contactar las agencias del Abogado de Estado, o de la policía.

SUS DERECHOS EN EL SISTEMA DE JUSTICIA JUVENIL O CRIMINAL

Si usted es una víctima de un crimen o ha sido testigo(a) de un crimen que ha visto o ha escuchado, o sabe algo acerca de un crimen, usted es importante al caso. Su testimonio puede ser necesario para establecer los hechos. Entendemos que se puede preocupar por testificar en una corte, sin embargo, sin su testimonio el acusado puede escapar sin castigo.

VÍCTIMA – Una persona a quien se le ha cometido un delito. Algunas víctimas sufren daños físicos o daños a la propiedad, y algunos sufren daños psicológicos o ambos. Las víctimas tienen ciertos derechos en la Florida. Otros que pueden reclamar estos derechos son los padres de la víctima, o los guardianes si la víctima es un menor, el representante legal (licito) de la víctima, o el representante de los parientes o guardianes de la víctima si es un menor, y el pariente más cercano de una víctima de un homicidio. Como víctima de un delito usted tiene los derechos siguientes:

1. Ya sea que usted, o la Oficina del Abogado del Estado con su consentimiento, tienen el derecho de afirmar cualquier derecho legal de una víctima de crimen como está establecido por la ley o por la Constitución de la Florida.
2. En algunos casos, las víctimas (o sus familiares donde la víctima falleció) pueden ser elegibles para recibir una

compensación financiera del Estado de la Florida. La información acerca de la elegibilidad puede obtenerse a través de la Oficina del Abogado del Estado, o la Oficina de Coordinación de Testigos locales (donde haya una), la agencia de la policía o del Departamento de compensación de delitos, Oficina del Abogado General, al teléfono 1.800.226.6667.

3. El derecho a recibir información sobre los servicios disponibles de intervención, y los servicios comunitarios locales que incluyen consejería, alojamiento, asistencia legal u otro tipo de ayuda dependiendo de las circunstancias particulares. Los teléfonos de estos servicios los puede encontrar al final de este folleto.

4. El derecho de recibir información acerca del papel de la víctima en el proceso criminal o juvenil, incluyendo lo que la víctima puede esperar del sistema, así como también lo que el sistema puede esperar de la víctima

5. El derecho de recibir información acerca de las etapas del proceso de justicia juvenil o criminal, y la manera en la que dicha información puede obtenerse. Nota: Es su responsabilidad informar a la Oficina del Abogado del Estado si cambia su dirección o número de teléfono, a usted no se le puede notificar si no lo podemos localizar.

6. El derecho a que se le informe, a estar presente, y que se le escuche cuando sea pertinente, de todas las etapas cruciales de un procedimiento criminal o juvenil, al extremo de que los derechos no interfieran con los derechos constitucionales del acusado.

7. El derecho, si está encarcelado(a), de ser informado(a) y presentar afirmaciones por escrito en todas las etapas cruciales de los procedimientos criminales o juveniles.

8. El derecho a una disposición pronta y oportuna del caso mientras no intervenga con los derechos constitucionales del acusado.

9. El derecho de ser notificado(a) cuando el delincuente sea arrestado o sea puesto en libertad, incluyendo la liberación con control comunitario y/o liberación con trabajo. Cuando se realiza

un arresto en un caso reportado, éste debe notificársele a la víctima, a los testigos, a los familiares de las víctimas menores, testigos y parientes de una víctima de homicidio, a las direcciones actuales y números de teléfono que las personas dieron al Sheriff/ Policía/SA.

10. El derecho de recibir información para conocer los pasos disponibles, a la policía y a la Oficina del Abogado del Estado, para protegerlo de intimidación y/o acoso. Es un delito de tercer grado el usar la intimidación o la fuerza física, o amenazar a otra persona, o participar en una conducta engañosa hacia otra persona, u ofrecer beneficio económico, u obtener beneficio de otra persona. Si usted ha sido amenazado, o intimidado por favor comuníquese con la agencia apropiada o a cualquier oficina de la policía.

11. El derecho de la víctima de violencia doméstica de conocer la dirección confidencial del programa administrativo, por medio de la Oficina del Abogado General. Puede comunicarse con la oficina del Abogado General llamando al 1.800.266.6667. La Oficina del Abogado del Estado lo puede ayudar con esta clase de papeleo si es necesario.

12. El derecho de cada víctima o testigo, que ha sido citado(a) a acudir a un procedimiento de justicia juvenil o criminal, de ser notificado tan pronto sea posible por medio de la agencia para que no pueda afectar la aparición de la víctima.

13. El derecho de recibir notificación de antemano de los procedimientos judiciales o post-judiciales relacionados con el caso, incluyendo todos los procedimientos relacionados con:

- El arresto del acusado
- La libertad del acusado con procedimientos judiciales pendientes, cualquier notificación de libertad que incluye cancelación del servicio comunitario o del trabajo.
- Procedimientos de la acción judicial o petición de delito del acusado, incluyendo la presentación del instrumento acusatorio, la acusación, la disposición del instrumento acusatorio, el juicio o audiencia ante el juez, la modificación

de sentencia, la revisión de apelación, ataque colateral de un juicio. Cuando se impone prisión, la detención, o compromiso no voluntario, la libertad del acusado o el delincuente juvenil de tal encarcelamiento, detención o compromiso por expiración o sentencia condicional y cualquier reunión para tener en consideración tal liberación.

14. El derecho de no ser excluido de ninguna audiencia, de un juicio o procedimiento relacionado a las ofensas basadas únicamente en el hecho de que tal persona sea citada para testificar, al menos que la corte lo determine de otra manera.

15. Además de las provisiones de los Estatutos de la Florida. 921.143, los derechos de la víctima de un delito que involucre herida física o emocional o trauma, o en el caso que la víctima sea un menor, o en un homicidio, el Abogado del Estado debe consultarle al guardián o familiar de la víctima para tener una idea acerca de lo que la víctima o su familia desea hacer sobre la disposición de cada caso criminal, o caso juvenil como resultado del crimen, incluyendo:

- Poner en libertad al acusado con procedimientos judiciales pendientes
- Alegato de acuerdo
- Participación en juicios previos en los programas alternos.
- Sentencia del acusado

16. El derecho de repasar ciertas porciones de la investigación de sentencia previa para adultos y jóvenes delincuentes antes de la sentencia del acusado.

17. El derecho de regresarle la propiedad rápido, a menos que la ley obligue a retenerla.

18. El derecho de pedir que el Abogado del Estado o la agencia de policía, le ayude a explicarle a sus jefes o acreedores que usted puede tener una carga económica al no trabajar por un tiempo

asistiendo a la policía, y puede enfrentar problemas financieros ya sea por el crimen o por cooperar con las autoridades.

19. La agencia de policía y el Abogado del Estado deben de informarle el derecho de requerir y recibir restitución de todos sus derechos de obligar a pagar en el caso que el ofensor no pague. El Abogado del Estado debe pedirle su ayuda documentando sus pérdidas con el propósito de requerir y recibir tal restitución.

Si una orden de restitución es cambiada a un derecho de retención civil o un juicio contra el acusado, los funcionarios deben de tenerlos disponibles en su oficina, también deben de tener información en el Internet proveída por la Secretaria del Estado, la corte, o el colegio de abogados de la Florida. El Fiscal del Estado le avisará si se ordena la restitución.

20. El derecho de someter por escrito u oralmente la declaración de impacto a la corte, de acuerdo con 921.143 F.S., antes de la sentencia del ofensor. El Abogado del Estado o el asistente del gobierno deben de aconsejar a todas las víctimas, o cuando sea apropiado, a los padres de la víctima o guardianes, parientes más cercanos o representantes legítimos, que la declaración ya sea oral o escrita, debe de relacionarse con los hechos del caso. Por ejemplo si hay algún daño, incluyendo social psicológico, o físico, o pérdidas financieras directas o indirectas, como resultado del crimen por cual el demandado ha sido sentenciado y cualquier problema relevante a una disposición o sentencia apropiada.

21. El derecho de recibir razonable consideración y asistencia de los funcionarios de la Oficina del Estado, Oficina del Sheriff o el departamento de policía. Si lo pide se le dará asistencia localizando el transporte y un lugar de estacionamiento, y se le indicará de las salas de espera, si lo pide debe recibir asistencia localizando traductores si es necesario.

22. El derecho de que se le notifique cuando el ofensor escape de la custodia. El Estado debe de hacer cualquier esfuerzo para aconsejar a la víctima, a los testigos materiales, los padres o guardianes legales de un menor, que es víctima o testigo, o el pariente inmediato de una víctima homicida, de la huída de un

criminal acusado. El Abogado del Estado debe también de notificar al alguacil del condado, donde el criminal fue acusado, o se hizo la petición de delito. El alguacil debe ofrecer la asistencia tan pronto se le pida.

23. El derecho de la víctima de pedir que el defensor de la víctima pueda estar presente durante cualquier deposición. El defensor de la víctima puede ser designado por la Oficina del Abogado del Estado. La Oficina del Sheriff, o el departamento de policía municipal, o un representante de una organización sin fines de lucro para las víctimas, incluyendo pero no limitado a centros para las víctimas de abuso sexual, grupos defensores de la violencia doméstica, y grupos de abuso de alcohol, o abuso de alguna droga.

24. El derecho de la víctima de una ofensa sexual de tener la corte vacía, con ciertas excepciones, durante su testimonio, sin importar la edad o capacidad mental de la víctima.

25. El derecho de pedir, en algunas circunstancias que se le pida al ofensor asistir a una escuela diferente a la de la víctima o hermanos de la víctima. Si la víctima del delito cometido es un joven menor, y la víctima o algún hermano(a) de la víctima asiste o es elegible de asistir a la misma escuela que la del ofensor, el Departamento de Justicia Juvenil o el departamento de corrección debe de notificarle a los padres de la víctima o guardianes legales, del derecho de asistir a la sentencia o disposición del ofensor, y pedir que el ofensor asista a otra escuela.

26. El derecho de la víctima que no está encarcelada, que no se le obligue asistir a las deposiciones en un reformatorio.

27. La obligación de la víctima, o pariente más cercano de una víctima de homicidio, que cualquier información obtenida según el Estatuto de la Florida, capítulo 960, acerca de cualquier caso que se realizó en una corte juvenil, no debe revelarse a ninguna persona fuera del caso, excepto cuando es necesario en persecución de arreglos legales.

28. El derecho de saber, en ciertos casos, lo más pronto posible si la persona acusada de delito, ha sido examinado(a) de hepatitis

y del Virus de Inmunodeficiencia Humana (VIH) en tales casos, tan pronto se le pida a la víctima o los guardianes legales de la víctima si la víctima es un menor, la corte debe de ordenar que tal persona se someta a un examen de VIH y de hepatitis. En algunos casos puede ser notificado de los resultados del examen en dos semanas.

29. El derecho de pedir, para delitos específicos, que el número de teléfono de su casa o de su trabajo, y la dirección de la casa y del trabajo, y bienes personales no se le revelen a nadie.

30. El derecho de la víctima de abuso sexual de solicitar que un representante defensor de víctimas, esté presente durante un examen médico forense. El defensor del centro de abuso sexual debe recibir el permiso de estar presente durante cualquier examen médico forense.

31. Ningún policía, fiscal o funcionario de gobierno debe pedirle a la víctima de abuso sexual que se someta a un examen de un detector de mentiras, como condición de la investigación.

FLORIDA STATEWIDE VINE

Victim Information and Notification Everyday
1.877.846.3435

GENERAL INFORMATION

VINE is a free and anonymous telephone service that provides victims of crimes two important features: information and notification. The Florida Statewide VINE service is provided by the Florida Department of Corrections.

VINE will monitor the custody status of offenders in county jails, state prisons and the Department of Juvenile Justice. Information is available to callers 24 hours a day, 365 days a year.

The Florida Statewide VINE service is available in English, Spanish and Haitian Creole. A Live Operator is available to anyone calling the toll-free number for any reason.

INFORMATION

To search for information, callers will need to provide one or more of the following items:

- Offender Name
- Offender Number

Secondary search option if there's more than one offender with the same name:

- Date of Birth

Information provided when calling VINE service:

- Name of Offender
- Offender Number
- Current Offender Custody Status
- Location of Offender
- Sentence Expiration Date
- Parole Eligibility Status: for inbound calls of offender in DOC only.
- Schedule Release Date

REGISTRATION

Crime victims and concerned citizens may register themselves for notification by calling the VINE toll-free number*. Callers will need to provide VINE with the following information:

- A telephone number, including area code, where they can be reached for notification.
- A 4-digit Personal Identification Number (PIN)

IF REGISTERED PERSONS CHANGE THEIR PHONE NUMBER, THEY MUST CALL THE VINE LINE AND UPDATE THEIR TELEPHONE INFORMATION.

NOTIFICATION CALLS

Notification calls to registered persons will be made when one of more of the following occur:

Normal

General Release
Escape
Release on Bond
Release on court order
Parole from DOC

Non-Emergency Final

Return to custody from Escape
Death
Out of Court
Work Release

Non-Emergency Delay Transfer

CALLING PATTERNS

Normal: Calls will be made every 30 minutes for 48 hours or until the call is confirmed. Calls are confirmed and stopped by entering your PIN. Notification messages will be left on an answering machine, but calls will continue every 2 hours for 48 hours or until the correct PIN is entered.

NON-EMERGENCY FINAL

Calls will be made every 30 minutes between 7 a.m.- 9 p.m. for 48 hours or until the call is confirmed. Calls are confirmed and stopped by entering your PIN. Notification messages will be left on the answering machine, but calls will continue every 2 hours for 48 hours between 7 a.m.– 9 p.m. or until correct PIN is entered.

NON-EMERGENCY DELAY TRANSFER

Calls will be made every 30 minutes between 7 a.m. – 9 p.m. for 48 hours or until call is confirmed. Calls are confirmed and stopped by entering your PIN. Notification messages will be left on an answering machine, but calls will continue every 2 hours for 48 hours between 7 a.m.–9 p.m. Notification calls will be delayed a minimum of 2 hours after the transfer record is received by VINE.

LETTERS

Notification letters will be generated whenever a series of notification calls is not confirmed with the victims PIN. Each participating jail will have the ability to print and send the notification letters as a back up to notification phone calls. VINE must receive the victims name and address in order to generate letters.

ADDITIONAL ASSISTANCE

For customer service call Appriss at 1.866.Appriss (1.866.277.7477). For technical assistance or to report a possible problem, call the Network Operations Center at 1.800.865.4314.

For more information and victim assistance, contact the UWF Police Department at 474.2415.

IMPORTANT TELEPHONE NUMBERS

All On Campus Emergencies	911
University of West Florida Police Department	474.2415
UWF Counseling Center (Students Only)	474.2420
UWF Victim Advocate	474.2415
Student Rights and Responsibilities / Student Affairs	474.2384
RAPE Crisis Center	433.7273
Lakeview Center	432.1222
Favor House	434.1177
Help Line	438.1617

OFFICE OF THE STATE ATTORNEY

Felony Division	595.4200
Misdemeanor Division	595.4800
Juvenile Division	595.3750
Victim Advocate	595.4784

Bureau of Victim Compensation (Tallahassee)	1.800.226.6667
Pensacola Police Department	435.1845
Escambia County Sheriff's Department	436.9630

SANTA ROSA COUNTY

Santa Rosa County Sheriff's Department	983.1100
Milton Police Department	983.5420
Office of the State Attorney	623.2268
Gulf Breeze Police Department	934.5121
Avalon Center	1.800.750.6682
Department of Children and Families	1.800.96.ABUSE

NÚMEROS DE REFERENCIA

NOTES:

Registro de Abuso

(Ancianos y Niños)

1.800.962.2873

Compensación de crímenes

(Abogado General)

1.800.226.6667

Colegio de abogados, Servicio de Referencia

1.800.342.8060

Agencia de la Policia

UWF POLICE DEPARTMENT

11000 University Parkway, Building 94

Pensacola, FL 32514-5750

1.850.474.2415 | Fax: 1.850.474.3337

UNIVERSITY OF WEST FLORIDA POLICE DEPARTMENT

CASE # _____ DATE _____

ID # _____

OFFICER'S NAME _____

I have received a copy of the victims'/witnesses' rights.

SIGNATURE OF VICTIM / COMPLAINANT DATE

UNIVERSITY OF WEST FLORIDA DEPARTAMENTO DE POLICIA

CASO NUMERO _____ FECHA _____

NUMERO DI IDENTIFICACION _____

NOMBRE DELOFICIAL _____

He recibido una copia del folleto con los derechos de las victimas/testigos.

FIRMA DE LA VICTIMA / DEMANDANTE FECHA

UNIVERSITY OF WEST FLORIDA POLICE DEPARTMENT

CASE # _____ DATE _____

ID # _____

OFFICER'S NAME _____

DID DID NOT: receive a copy of the Marcy's Law Rights.

DOES DOES NOT: Request that any document which reveals victim home or employment telephone number, home or employment address, or personal assets be withheld from public view pursuant to section 11(2)(j)(l)/FL Constitution Article 1S16(b) (Marcy's Law).

SIGNATURE OF VICTIM / COMPLAINANT DATE

UNIVERSITY OF WEST FLORIDA DEPARTAMENTO DE POLICIA

CASO NUMERO _____ FECHA _____

NUMERO DI IDENTIFICACION _____

NOMBRE DELOFICIAL _____

DID DID NOT: recibir una copia de los Derechos de la Ley de Marcy.

DOES DOES NOT: Solicitar que cualquier documento que revele el hogar de la víctima o número de teléfono de empleo, domicilio o dirección de empleo, o bienes personales se retienen de la opinión pública de conformidad con el artículo 11(2)(j)(l)/FL Constitución Artículo 1S16(b) (Ley de Marcy).

FIRMA DE LA VICTIMA / DEMANDANTE FECHA