

VICTIMS' RIGHTS BROCHURE

Victims' Bill of Rights (Article 1, Section 16)
is located on the back page of this brochure.



Ocala Police Department

402 S. Pine Ave. Ocala, FL 34471

Victim/Witness Advocates

www.ocalapd.com/resources/victim-services

SUPERVISOR

Donna Wilder Guinn
352-369-7139

ADVOCATES

Marsha 352-369-7158
Bianca 352-369-7134

Case # _____

Officer/Investigator _____

Non-Emergency Reporting: 352-369-7000 Records: 352-369-7090

Anonymous Reporting: Crimestoppers 352-368-7867

www.ocalacrimestoppers.com



Dear Citizen,

We extend our regrets that this crime took place and thank you for your time and patience. You are very important to us and we hope that you will take advantage of the services available to you. Feel free to contact your Victim/Witness Advocates for further guidance.

*Greg Graham
Chief of Police*

VICTIM ADVOCATE PROGRAM

Our Victim/Witness Advocates provide guidance and support throughout the criminal justice process by: providing crisis intervention, explaining a victim's rights, assisting with injunctions for protection, transportation, crimes compensation applications, creditor/ employer intervention, memory program, 911 cell phones, referrals, and court accompaniment when needed.

Victim Advocates work within the community making public presentations on victim related topics. Advocates are liaisons with the Seniors Versus Crime program, a partnership with the Attorney General's office that helps citizens with civil financial disputes. Ocala office 873-6377, Tuesday and Thursday 11am-3pm.

VICTIM'S BILL OF RIGHTS FLORIDA STATE STATUTE 960

1. 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.
2. 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 available), law enforcement agency or from the Bureau of Crimes Compensation, Office of the Attorney General 1-800-226-6667.
3. 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.
4. 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.
5. 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 State Attorney's Office informed of any changes in your address or telephone number.**
6. The right to be informed, present, and heard when relevant, at all crucial stages of a criminal or juvenile proceeding, to the extent the right does not interfere with the constitutional rights of the accused.
7. The right, if you are incarcerated, to be informed and submit written statements at all crucial stages of the criminal and juvenile proceedings.

8. 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.
9. 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 Ocala Police Department shall be notified.
10. 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.
11. 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 paper work if necessary.
12. 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.
13. 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 filing of the accusatory instrument, the arraignment, disposition 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 juvenile offender from such imprisonment, detention or commitment by expiration of sentence or parole and any meeting held to consider such release.
14. 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.
15. In addition to the provisions of FS 921.143, 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.
16. The right to review certain portions of a pre-sentence investigation report for adult and youthful offenders prior to the sentencing of the accused.
17. The right to a prompt return of property unless there is a compelling law enforcement need to retain it.
18. The right to request that the State Attorney or law enforcement agency help you explain to employers and creditors that you may face additional burdens by taking time off from work to assist law enforcement and you may undergo serious financial strain either because of the crime or by cooperating with authorities.
19. 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 the 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.
20. 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 victim's 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.
21. 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.
22. 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.

23. 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.
24. 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.
25. The right of the victim who is not incarcerated to not be required to attend discovery depositions in any correctional facility.
26. The statutory obligation of the victim, or 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.
27. The right to request, for specific crimes, that your home and work telephone numbers, home and work addresses, and personal assets not disclosed to anyone.

Rights pertaining to sex crimes:

28. 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.
29. The right to know in certain cases (victims who are minors, disabled adults, elderly persons) and at the earliest possible opportunity, if the person charged with an offense has tested positive for human immunodeficiency virus(HIV) infection and Hepatitis. 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 HIV testing. In some cases, you can be notified of the results of the test(s) within two weeks of the court's receipt of the results.
30. A victim may request the presence of a victim advocate during a forensic medical examination. An advocate from a certified rape crisis center shall be permitted to attend any forensic medical examination.
31. 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.
32. Relocation assistance for victims of sex battery who report within 72 hrs. Apply at the Domestic Violence Shelter 622-8495.

INJUNCTION FOR PROTECTION:

If you are the victim of domestic violence, dating violence, repeat violence, stalking, or sexual battery, you may file a petition for an Injunction for Protection. The petition entitles you to request that a judge order someone to refrain from contacting you, acts of violence or harassment. You may also petition the court for temporary custody of minor children, exclusive use of the residence, child support, specified child visitation, and other directives that may be appropriate. A Victim Advocate can assist you with the application and appropriate referrals 369-7134. For more information on injunctions, contact the Court's injunction intake clerk at 671-5568. Please apply early in the day. After 2:30 pm., emergency domestic violence orders can be applied for at the Marion County Jail visitation area at 700 NW 30th Ave. They have a child friendly room to apply.

Injunctions for elderly and/or disabled can be applied for at the Court House, mental health area.

911 CELLULAR PHONES FOR DOMESTIC VIOLENCE VICTIMS:

You may be eligible to receive a 911 only cell phone, to assist with your protection. For more information, contact the Rape Crisis/Domestic Violence Shelter 622-8495, or Ocala Police Department's Victim/Witness Advocate at 369-7139.

THREE 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. The case is then sent to the State Attorney's Office for consideration.
2. The accused may be arrested after investigation upon issuance of an arrest warrant by a judge.
3. The accused may be arrested based upon the investigation and indictment by a Grand Jury.

WHAT ABOUT BAIL OR BOND?

Bond is generally required only to ensure the defendant appears in court. The amount will vary depending upon the seriousness of the charge and the offender's past criminal record, if any. In less serious crimes, the offender may be allowed to post bond and be released immediately. The classifications department at the jail can give you inmate information at 351-8077 (press 4) or jail.marionso.com.

AFTER ARREST – FIRST APPEARANCE HEARING:

You have a right to be heard at the accused first appearance hearing and share your views with the court. If you cannot be present, you can share your views with the State Attorney's Office through a victim input form on their website at www.sao5.org under the victim/witness tab.

At the hearing, the judge decides whether the defendant (person arrested) can be released, and if so, what conditions are necessary to protect the victim/witness. There are times when the defendant is released on his/her own recognizance (signature bond). The Judge may include special conditions such as ordering the defendant to have "no contact" with the victim and/or witness. You can obtain a copy of the bond conditions at the court house. The State Attorney's Office can also mail you a copy. If the defendant violates the conditions, you may report the violation to an officer and present the order. For information, call the Marion County Jail and ask for Classifications 351-8077 (press 4) or jail.marionso.com. First Appearance is held at the Court House and handled by closed circuit TV from the jail.

WHAT HAPPENS NEXT?

Information on how your case proceeds after First Appearance will be available to you at the State Attorney's Office. They will be able to provide information on how the case may proceed after arrest, what will be expected of you and how you may assert your rights during the process. It may take up to one week before they receive the paperwork on the case. You may contact them at 671-5800 and ask their Victim Advocates to assist you.

VICTIM NOTIFICATION ON OFFENDER STATUS:

Florida statewide automated victim notification service. Call 1-877-846-3435 24/7 or visit www.vinelink.com or [vinelinkmobile](http://vinelinkmobile.com) app for custody status with information on inmate transfer, release or escape information.

WHAT IF MY CASE INVOLVES A JUVENILE?

A juvenile (under 18 years of age) who is accused of a crime and arrested or charged with a misdemeanor or non-violent felony, may be immediately released to the custody of his/her parents or guardian. Those juveniles not released will go to a detention facility. They will then appear at a hearing within 24 hours to determine the conditions if released. You may attend the detention hearing the day following the arrest. For more information on first appearance call the detention center at 732-1450. The Juvenile Assessment Center (ask for booking) at 840-5840 can provide other court dates.

VICTIMS' BILL OF RIGHTS

Florida Constitution, Article 1, Section 16 gives crime victims the following rights:

The Florida Constitution defines a victim as a person who suffers direct or threatened physical, psychological, or financial harm because of the commission or attempted commission of a crime. The term victim includes the victim's lawful representative, the parent or guardian of a minor, or the next of kin of a homicide victim.

1. Fairness and Respect

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 throughout the criminal or juvenile justice process.

2. Protection from the Defendant

Within the judicial process, to be reasonably protected from the accused.

3. Victim Safety Consideration in Setting Bail and Release Conditions

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.

4. If you cannot attend the First Appearance Hearing Involving Bail or Pretrial Release you can visit www.sao5.org under the victim/witness tab and complete the Victim Input Form.

5. The Prevention of the Disclosure of Confidential Information

To prevent the disclosure of confidential information or records which could be used to locate or harass the victim or the victim's family, or which could disclose confidential or privileged information of the victim.

6. The Prompt Return of Property

To the prompt return of property when no longer needed as evidence.

7. Restitution

The right to full and timely restitution in every case and from each convicted offender for all losses suffered, both directly and indirectly, by the victim as a result of the criminal conduct.

8. Speedy Trial and Prompt Conclusion of the Case

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 60 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.)

9. Information About Rights Including Attorney

To be informed of your rights and to seek an attorney's advice regarding these rights.

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

10. Notice of and Presence at Public Proceedings

To reasonable, accurate, and timely notice of, and to be present at all public proceedings, involving criminal conduct, including but not limited to: trial, plea, sentencing, or adjudication; even if you are a witness at the proceeding.

11. Information About Disposition of Offender

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.

12. Conference with the Prosecution and Notice of Pretrial Disposition

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.

13. Crime Impact & Receipt of Pre-Sentence Report

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 complete, you have a right to receive a copy of it, except for portions made confidential by law.

14. Provision of Information to the Probation Department

To provide information to a probation department official conducting a pre-sentence investigation concerning the impact of the offense on the victim and the victim's family and any sentencing recommendations before the sentencing of the defendant.

15. Notice of Parole Procedures and Release on Parole

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.

16. Clemency and Expungement

The right to be informed of clemency and 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 notified of such decision in advance of any release of the offender.

Passed November 6, 2018 by Florida voters. Enacted on January 8, 2019.