

VICTIM'S RIGHTS



OVIEDO POLICE DEPARTMENT

300 Alexandria Blvd.

Oviedo, FL 32765

407-971-5700

Dale Coleman
Chief of Police

Oviedo PD Case # _____

Officer's Name: _____

Date of Report: _____

Email Address: _____@cityofoviedo.net

www.cityofoviedo.net

TELEPHONE NUMBERS

SEMINOLE COUNTY LAW ENFORCEMENT AGENCIES

OVIEDO POLICE DEPARTMENT	407-971-5700
ALTAMONTE SPRINGS POLICE DEPARTMENT	407-571-8192
CASSELBERRY POLICE DEPARTMENT	407-262-7616
LAKE MARY POLICE DEPARTMENT	407-665-6445
LONGWOOD POLICE DEPARTMENT	407-260-3400
SANFORD POLICE DEPARTMENT	407-688-5070
SEMINOLE COUNTY SHERIFF'S OFFICE	407-665-6650
WINTER SPRINGS POLICE DEPARTMENT	407-327-1000
FLORIDA HIGHWAY PATROL	386-736-5350
CRIMELINE	800-423-8477
JOHN E. POLK SEMINOLE COUNTY JAIL	407-665-3137
JUVENILE ASSESSMENT CENTER (JAC)	407-665-2400

STATE ATTORNEY'S OFFICE PROGRAMS

SEMINOLE COUNTY STATE ATTORNEY'S OFFICE	407-665-6101
VICTIM SERVICES DIVISION	407-665-6115
DOMESTIC VIOLENCE DIVISION	407-665-6222
CHILD ABUSE / CAREER CRIMINALS / SEX CRIMES DIVISION	407-665-6421
MISDEMEANOR DIVISION	407-665-6322
JUVENILE DIVISION	407-665-5454
ADULT DRUG COURT / VETERANS COURT	407-665-6411
DEPARTMENT OF JUVENILE JUSTICE (DJJ)	407-547-4950

OTHER SEMINOLE COUNTY VICTIM SERVICES

INJUNCTION FOR PROTECTION	407-665-6226
SAFEHOUSE OF SEMINOLE	407-330-3933
SEMINOLE BEHAVIORAL HEALTH CARE / BAY AVENUE	407-321-4357
FLORIDA ABUSE HOTLINE	800-962-2873
KIDS HOUSE OF SEMINOLE	407-324-3036
SEXUAL ASSAULT VICTIMS SERVICES	407-665-6113
SEMINOLE COUNTY SHERIFF'S OFFICE VICTIM SERVICES	407-665-6546
DEPARTMENT OF CORRECTIONS, MISDEMEANOR PROBATION	407-665-4603
DEPARTMENT OF CORRECTIONS, FELONY PROBATION	407-262-7400
VICTIM INFORMATION AND OTHER NOTIFICATIONS (VINE)	866-277-7477

TELEPHONE NUMBERS (cont.)

SEMINOLE COUNTY HEALTH DEPARTMENT

HEALTH DEPARTMENT / SEXUALLY TRANSMITTED <u>DISEASES</u>	407-665-3000
DENTAL CARE.....	407-665-3346
ENVIRONMENTAL HEALTH.....	407-665-3605
FAMILY PLANNING.....	407-665-3700
VITAL STATISTICS.....	407-665-3226
WIC.....	407-665-3705

SOCIAL SERVICES

211 COMMUNITY SERVICES.....	407-839-4357
AIDS HOTLINE.....	800-352-2437
ALCOHOLICS ANONYMOUS.....	407-260-5408
AMERICAN RED CROSS.....	407-894-4141
CENTER FOR DRUG FREE LIVING.....	407-245-0012
CHILD PROTECTION TEAM.....	407-324-3036
FLORIDA COALITION AGAINST DOMESTIC VIOLENCE.....	800-500-1119
FLORIDA COUNCIL AGAINST SEXUAL VIOLENCE.....	850-297-2000
HARVEST TIME INTERNATIONAL.....	407-328-9900
JEWISH COMMUNITY CENTER.....	407-645-5933
MEALS ON WHEELS.....	407-333-8877
MISSING CHILDREN'S HOTLINE.....	800-843-5678
MOTHERS AGAINST DRUNK DRIVING.....	407-831-6233
NEW HOPE FOR KIDS.....	407-331-3059
RAPE CRISIS HOTLINE / HEAL.....	407-500-4325
RESCUE OUTREACH MISSION.....	407-321-8224
SALVATION ARMY.....	407-322-2642
SECOND HARVEST FOOD BANK.....	407-295-1066
SEMINOLE COUNTY MENTAL HEALTH/ASPIRE HEALTH.....	407-831-2411
SEMINOLE COUNTY COMMUNITY ASSISTANCE.....	407-665-2360
SOCIAL SECURITY ADMINISTRATION.....	800-772-1213
SPEAK OUT HOTLINE (ALSO CRIMELINE).....	800-423-8477
SUICIDE HOTLINE.....	800-784-2433
THE GROVE COUNSELING CENTER (WINTER SPGS.).....	407-327-1765
THE SHARING CENTER.....	407-260-9155
UNEMPLOYMENT COMPENSATION.....	800-204-2418
UNITED WAY OF FLORIDA.....	407-835-0900
VETERAN'S SERVICES OFFICE.....	407-665-2300
FLORIDA CRIME VICTIM COMPENSATION.....	800-226-6667

YOUR RIGHTS AS A VICTIM OR WITNESS

WHEN YOU ARE A VICTIM OF CRIME-

As a victim of a crime, survivor of a homicide victim, parent/guardian of a minor victim and/or legal representative of a victim in the State of Florida, you have an important role to play in the administration of justice. This role involves cooperating with law enforcement in the investigation and possible prosecution of a criminal case. It also means that you are entitled to certain rights within the criminal and juvenile justice system, and assistance from the State Attorney in asserting these rights.

ROLE OF THE VICTIM-

Victims of crimes are often called as witnesses in a case. This means you may be required to be present at various stages of the criminal process to provide truthful testimony. If you are a victim of a juvenile crime, you may also become privy to information deemed confidential due to the ages of those involved. If you fall into this category, Florida law prohibits the disclosure of information about the case and/or accused, except as reasonably necessary in pursuit of legal remedies.

STAGES OF CRIMINAL JUSTICE PROCESS-

Criminal cases generally follow the sequence listed below. However, no two cases are alike, and variations do occur in some instances. For information about the stages of the juvenile process, please contact the State Attorney's Office or law enforcement agency handling your case.

- Crime committed
- Police Investigation
- Arrest
- First Appearance
- Hearings and depositions
- Trial
- Sentencing
- Release from Dept. of Corrections

RIGHTS OF A CRIME VICTIM-

Victims of a crime, survivors of a homicide victim or a parent/guardian of a minor victim are afforded the following victim's rights:

- To be informed, present, and heard when relevant, at all crucial stages of criminal or juvenile proceedings;
- Not to be excluded from a case related court event based on witness status alone;
- Incarcerated victims have the right to be informed and to submit written statements at all crucial stages of the criminal, juvenile or parole proceedings;
- Notification of the accused's arrest, release, escape and/or approval for community control and work release;

- Notifications of scheduling changes, and advance notice of all court proceedings, if time permits;
- depositions, and right to be excused from depositions held at any correctional facility;
- Request the presence of a victim advocate from a certified rape crisis center to be present during a forensic medical examination;
- Consultation with the Assistant State Attorney regarding disposition of cases involving certain crimes as well as a prompt and timely disposition of the case as long as it does not interfere with the constitutional rights of the accused;
- Opportunity to submit an oral or written impact statement at the time of sentencing;
- Prompt notification of the results of court proceedings;
- Prompt return of property and assistance in obtaining the return of recovered property unless there is a compelling law enforcement need to retain the property;
- Assistance in obtaining Florida Crime Victim Compensation (1-800-226-6667); and information on the right to request, and enforce a restitution order;
- Information on steps concerning protection from intimidation – it is a third-degree felony to threaten and intimidate victims and witnesses. Please contact Law Enforcement if this happens;
- Request notification to employer and explanation to creditors of serious financial strain resulting from victimization;
- Opportunity to review presentence investigation report on adult and youthful offenders, prior to the sentencing of the accused;
- Victims of a sexual offense may request the courtroom to be cleared in certain instances during the victim's testimony;
- Request, in sex offenses, HIV testing of accused; Request that a person who is charged with certain offenses, FS.775.0877(1)(a)-(n), that involves the transmission of body fluids from one person to another, undergo hepatitis and HIV testing.
- Victims of sexual assault shall not be required to submit to a polygraph or other truth-telling device as a condition of the investigation;
- Information on address confidentiality program for victims of domestic violence through the Attorney General's Office;
- Minor victims and/or their siblings who attend school with the accused may request at sentencing/disposition that defendant be required to change schools
- In certain instances, the right to request exemption from disclosure of victim information not otherwise held as confidential under the Public Records Law.

VICTIM WITNESS SERVICES

In addition to the above rights, victims of crime are entitled to information regarding what to expect from the criminal justice system and how to receive available assistance. The State Attorney's Office is staffed with Victim Advocates and Witness Managers ready to provide the following:

- Emotional support to victims and witnesses of crimes
- Information concerning stages in the criminal or juvenile justice process, and the role of the victim
- Courtroom orientation and accompaniment
- Crisis intervention services and grief support groups

- Referrals to social service agencies
- Assistance with filing Florida Crime Victim Compensation Claims
- General victim assistance such as translator, transportation, and separate waiting room

For more information, please call the Seminole County State Attorney's Office Victim Services at (407) 665-6112.

CRIMELINE

If you have any information about a felony crime that has been committed, you can call CRIMELINE at 1-800-423-TIPS (8477). Your information remains anonymous and tips that lead to the felony arrest of suspects and/or the recovery of stolen property and drugs may be eligible for case rewards of up to \$1,000, which are paid on an anonymous basis.

CASE INFORMATION

CRIMINAL CASES

A police report will be filed to document your case. The case will be reviewed and may be assigned to a Detective. The assigned Detective will contact you and make every effort to solve the crime and apprehend the person(s) responsible. You will be notified if the case is solved and/or closed, or if significant progress is made.

TRAFFIC REPORTS

Hit and run accidents will be investigated either by the officer who took the report or by the Traffic Unit. Crash reports are available for purchase at www.FloridaCrashPortal.gov.

YOUR RESPONSIBILITY

If you locate additional witnesses or obtain additional information (i.e. serial numbers, additional property loss) which may assist in the investigation, please call the Detective or Officer assigned to your case or the Oviedo Police Department at 407-971-5700.

OBTAINING A REPORT

A copy of your report may be obtained from the Records Section at the Oviedo Police Department, with certain exceptions. Open investigations, arrests, cases filed with the State Attorney's Office, and other cases covered by Florida Law may be withheld or information redacted from the report.

VICTIM RIGHTS AND THE CRIMINAL JUSTICE SYSTEM

SEMINOLE COUNTY STATE ATTORNEY'S OFFICE MISDEMEANOR INTAKE AND TRAIL DIVISION

All criminal misdemeanor and criminal traffic cases are handled in the county court. Misdemeanors in Florida can be classified as first or second-degree misdemeanors, which carry different penalties. The statutory penalty for a second-degree misdemeanor is up to 60 days imprisonment in the county jail or a fine of up to \$1,000,000 or both. Additional penalties may apply depending on the nature of the charges.

Criminal misdemeanor offenses include such crimes as petit theft, shoplifting, criminal mischief, disorderly intoxication, possession of less than 20 grams of cannabis, possession of drug paraphernalia, resisting an officer without violence, worthless checks, battery, assault, and most domestic violence cases. Criminal traffic cases include such crimes as driving under the influence of alcohol or controlled or chemical substances (DUI), driving on a suspended, canceled or revoked driver's license, driving without a valid license, reckless driving, racing on the highway, or leaving the scene of a crash with property damage or injury. Other criminal misdemeanor cases include specified violations of county or municipal ordinances and violations of the marine and natural resource rules. Routine traffic citations that are not criminal in nature, such as speeding, are not handled by the State Attorney's Office unless they are connected to a specific criminal case.

The Misdemeanor Division has a Division Chief and misdemeanor attorneys. The division is divided into groups of trial attorneys who handle cases assigned to the presiding county court judges. The trial attorneys represent the State of Florida throughout the prosecution of the case, from arraignment through trial, including all motions, as well as on appeal, if appropriate. There are also misdemeanor attorneys assigned to review new cases as they are received at the State Attorney's Office from local law enforcement agencies. The intake attorneys make charging decisions and then refer the cases, being filed on, to the trial attorneys. Misdemeanor attorneys are also responsible for participating in Baker Act hearings to determine whether or not an individual requires commitment for mental health evaluation or treatment.

Just as with felony and juvenile cases, some cases can best be addressed through a structured diversion program.

In some cases, victim advocates work with victims of misdemeanor crimes to assist them throughout the handling of the case.

SEMINOLE COUNTY STATE ATTORNEY'S OFFICE FELONY INTAKE AND TRIAL DIVISION

Felony cases received by the State Attorney's Office from law enforcement are initially reviewed by the Felony Intake Division of the State Attorney's Office. The Intake Division is comprised of a Division Chief who is primarily responsible for the presentation of first-degree murder cases before the Grand Jury; and attorneys, all with felony trial experience, that review and make filing decisions on cases as they are received in the office. In addition, since 1986, these attorneys have been assigned to work with specific law enforcement agencies. They have scheduled weekly visits at their assigned law enforcement agency to review and advise officers on cases during the investigation process.

All felony crimes are prosecuted in the Circuit Court. Cases received by the State Attorney's Office from law enforcement are initially reviewed by the Felony Intake Division of the State Attorney's Office and, if filed on and not resolved through early case resolution, are assigned to

the Felony Trial Division. If only misdemeanor charges are filed, the case is reassigned to the Misdemeanor Division.

Sex crimes and child abuse cases are handled by a specialized felony division within the State Attorney's Office, and an experienced felony attorney performs the intake function on those cases. Once a charging decision on a sex crime or child abuse case has been made, a felony trial attorney within that specialized division handles the case.

Each felony division has a victim advocate who works with the felony attorneys. This victim advocate assists victims through the criminal justice process and provides other services or referrals to crime victims. There are also State Attorney's Office Investigators to assist in case follow-up investigations.

SUBPOENAS FOR DEPOSITIONS OR COURT

Victims or witnesses will receive subpoenas requiring them to appear at depositions and other court proceedings. Your case could be delayed several times for a variety of reasons; therefore, be sure to call the number on your subpoena to be placed on standby to testify. Sometimes these delays may even mean a trip to the courthouse. Every effort will be made to notify you in advance of these delays so it is important that you keep the State Attorney's Office notified of your current address and telephone numbers. When appearing for a hearing, it may be necessary for you to wait prior to and during court. At the request of the victim, or if a minor victim, at the request of the parent, guardian, or lawful representative, the victim advocate or a representative from any not-for-profit victim service organization including, but not limited to, rape crisis centers, domestic violence groups, alcohol or substance abuse groups shall be permitted to attend and be present during any deposition of the victim. A Victim Advocate can be reached at 407-665-6112.

RIGHT TO RESTITUTION

If convicted, in addition to any punishment the court imposes, the court may order the defendant to make restitution to the victim for damage or loss caused directly or indirectly by the defendant's offense. The court shall make the payment of restitution a condition of the defendant's probation. The State Attorney has the responsibility to present to the court the dollar amount and items to be considered in any restitution hearing. For this reason, the Victim Impact Statement Forms and Restitution Statement Forms must be filled out and documentation supplied to the Assistant State Attorney handling the case at the earliest possible time. As a victim of crime, you have the right to request and receive restitution and the right to enforce that order if the defendant does not comply with the restitution order. **Victims should maintain a file with all receipts and records resulting from the crime.**

IMPACT STATEMENT

Victims have the right to submit oral or written impact statements and may request assistance from the State Attorney in the preparation of those statements. Victims may file an Impact Statement with the court at any time before sentence is imposed on the offender. At this time, victims or families of victims may tell the judge exactly what impact the crime has had upon his or her life. Medical costs,

mental anguish, lost wages and impaired mobility, to name a few, are all relevant details that the judge can consider before sentencing the offender. You may be present in court to testify about the impact of the crime on you and your family.

GENERAL VICTIM ASSISTANCE

Victims and witnesses attending court shall be provided with other assistance as needed, such as transportation, parking, separate waiting area, and translator services as is practicable.

VICTIM CONFIDENTIALITY

There are specific crimes by law that allow you to keep certain personal information confidential, such as your home telephone number, address, etc. This means that this information will be exempt from public records disclosure. These crimes include sexual battery, aggravated child abuse, aggravated stalking, aggravated battery, harassment, and domestic violence. Additional information such as work telephone number and address and personal assets may be exempted by filing a written request with this agency.

Notice of Change to FL Constitution, Article I, Section 16(b), (Victims' Rights) effective 1/8/2019

On November 6, 2018, Florida voters voted to amend Article I, Section 16, Paragraph (b) of the Florida Constitution. In addition to your existing rights, which are summarized in this booklet, the amendment extended the following right to **all** crime victims' *"[T]he right to prevent disclosure of information or records that 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."*

If you are a victim or the parent/guardian of a victim of a crime reported to the Oviedo Police Department and you wish to exercise your right of non-disclosure, you may file your request to do so in one of the following ways:

- You can stop by the Oviedo Police Department, 300 Alexandria Blvd., Mon – Fri 8am to 5pm, and complete a Victim Request for Non-Disclosure form or;
- Call the non-emergency line, 407-971-5700, and request to meet with an officer to complete a Victim Request for Non-Disclosure form.

If you elect to complete a Victim Request for Non-Disclosure form the following information will be redacted from records/reports when responding to a public record request pursuant to Chapter 119: your name, address, telephone number, date of birth, social security number, driver's license number and e-mail address. Such redaction would apply only to the case requested pursuant to Chapter 119 Florida Statute for that case. A separate form would have to be completed for each case you are listed as a victim.

ADDITIONALLY, RECORDS/REPORTS CONTAINING YOUR ADDRESS, TELEPHONE NUMBER, DOB, SS#, DL# AND EMAIL ADDRESS WILL STILL BE SHARED WITH OTHER GOVERNMENT AGENCIES IN FURTHERANCE OF SUCH AGENCY'S OFFICIAL DUTIES AND RESPONSIBILITIES. THIS INCLUDES, BUT IS NOT LIMITED TO, THE OFFICE OF THE STATE ATTORNEY AND TO THE CLERK OF COURT FOR THE EIGHTEENTH JUDICIAL CIRCUIT. FURTHERMORE, THE OVIEDO POLICE DEPARTMENT HAS NO CONTROL OVER WHAT ANOTHER AGENCY DOES WITH YOUR

INFORMATION.

Any action by the Oviedo Police Department in response to your request for non-disclosure does not replace or negate your Constitutional Right to see a Court Order to enforce victim rights afforded under Art. I, Section 16 of the Florida Constitution.

NOTE: The status of an accused's incarceration can be checked on the John E. Polk Correctional website at: www.seminolesheriff.org/WebBond/Inmates.aspx

This site also contains a link to take you to VINELINK where you may sign up to receive automatic custody status updates. If you want to be notified of an offender's release status, **PLEASE SIGN UP FOR THE NOTIFICATION.**

HOW THE SYSTEM WORKS – PART I

<u>Arrest</u>	The defendant may be physically arrested and taken to jail or he/she may be charged “at large,” which means the police officer writes a report and forwards it to the State Attorney’s Office for review and possible prosecution. The Oviedo Police Officer may also issue a Notice to Appear for non-violent misdemeanors.
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<u>Bond or First Appearance</u>	Some defendants will post bond and be released immediately after the arrest from jail. Victims and witnesses are not required to be present but you do have the right to attend a separate bond hearing later and make the judge aware of your feelings about the defendant. Some defendants, depending on the charge(s) to include domestic violence, may not have a bond available until they appear in front of a judge at first appearance. The judge can set the appropriate bond and bond conditions.
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<u>State Attorney’s Office</u>	The State Attorney’s Office Intake Division will review all evidence and determine whether criminal charges are filed in each case. Some cases are dropped at this point and some will be filed in the form of a legal document called an “Information”.
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<u>Arraignment</u>	At this hearing, the defendant appears before the judge, who advises him/her of their rights and the charges filed by the State Attorney’s Office. If the defendant cannot afford to hire an attorney, the judge may appoint a public defender. The defendant, at this stage, may plead guilty or not guilty. If he/she pleads not guilty, the case will proceed to the next step. If he/she pleads guilty, the case moves to “sentencing.”
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HOW THE SYSTEM WORKS – PART II

<u>Deposition</u>	At this proceeding, a defendant's attorney takes sworn statements from witnesses. Everything said during a deposition is recorded. Testimony from the deposition will be compared to the testimony given at trial. The attorney for the defendant will be present at the deposition and the state attorney will be present, if possible. The victim is entitled to have a victim advocate attend and be present at the deposition. The defendant may not be present during the deposition of a victim or a witness.
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<u>Continuance</u>	The judge for many reasons may delay a case. This occurs regularly and you should not be surprised if this occurs several times before the case is resolved.
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<u>Plea Bargaining</u>	Many cases can be settled without a trial through negotiations between the Assistant State Attorney and the defense attorney. The victim has the right to be informed and to provide input during this process. Once the attorneys have agreed to settle the case, it is subject to acceptance by the judge. Plea-bargaining is an accepted procedure that eliminates the need for a trial.
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<u>Trial</u>	Witnesses will testify under oath before a judge and sometimes a jury. It is the judge or jury who determines if the case has been proven beyond a reasonable doubt. If the defendant is found not guilty, he/she will be released.
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<u>Sentencing</u>	If the defendant is found guilty, the judge decides what type of sentence should be imposed. While the judge has some discretion in the sentencing, he/she must still follow the sentencing guidelines. The victim has a right to be present and give a statement at sentencing.
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Oviedo Police Mission Statement

Enhancing the quality of life in Oviedo with commitment, professionalism and in partnership with our community.



Oviedo Police Department
300 Alexandria Blvd.
Oviedo, FL 32765