

When you file for an injunction, the judge can also sign a Temporary Injunction, which will be in effect once it is served on the individual. A Temporary Injunction can be obtained on the same day you file your petition, without a hearing and without the abuser knowing, until it is served on them. A Temporary Injunction lasts for a stated period of time, not to exceed 15 days, and is given to you by the judge when you are in immediate danger of being hurt. Once the Temporary Injunction is served, a hearing is set to determine if a Final Injunction should be in place. For more information regarding injunctions, please go to the Orange County Clerk's website at [www.myorangeclerk.com](http://www.myorangeclerk.com) (Restraining orders). Additionally, you can call Harbor House of Central Florida at (407) 886-2856 for a Victim Advocate to assist you.

**DNA EVIDENCE COLLECTION AND SUBMISSION - F.S.S. CHAPTER 943**

A sexual offense evidence kit, or other DNA evidence must be submitted to a crime analysis laboratory for forensic testing within 30 days after:

1. Receipt of the evidence by a law enforcement agency if a report of the sexual offense is made to the law enforcement agency; or
2. A request to have the evidence tested is made to the medical provider or the law enforcement agency; or by the alleged victim, the alleged victim's parent, guardian, or legal representative, if the victim is a minor; or the alleged victim's personal representative if the alleged victim is deceased.

An alleged victim, or if applicable, the person representing the alleged victim, must be informed of the purpose of submitting evidence for testing and the right to request testing by;

1. A medical provider conducting a forensic physical examination for purposes of a sexual offense evidence kit; or
2. A law enforcement agency that collects other DNA evidence associated with the sexual offense if a kit is not collected by the medical provider.
3. A collected sexual offense evidence kit must be retained in a secure, environmentally safe manner until the prosecuting agency has approved its destruction.

**STATE ATTORNEY'S OFFICE**

The State Attorney's Office is made up of prosecutors who will decide whether to go forward with your case. You have the right to give them input into that decision. Additionally, the State Attorney's Office has a staff of victim advocates who can walk you through the court process. They are open during regular business hours and can answer questions regarding your case. Their number is (407) 836-2400.

**CRIMES COMPENSATION FOR VICTIMS**

In some cases, the victims of crimes (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 or from the Office of the Attorney General at 1-800-226-6667.

**RESTITUTION - F.S.S. CHAPTER 960**

The victim has a lawful right to request and receive restitution and the right of enforcement in the event an offender does not comply with a restitution order. The State Attorney will seek the assistance of the victim in the documentation of the victim's losses for the purpose of requesting and receiving restitution. In addition, they will inform the victim if and when restitution is ordered.

**REFERRAL NUMBERS**

ABUSE REGISTRY (ELDERLY & CHILDREN) .....	1-800-962-2873
CRIMES COMPENSATION (ATTORNEY GENERAL) .....	1-800-226-6667
CRISIS CENTER (LAKESIDE ALTERNATIVES) .....	407-875-3700
DOMESTIC VIOLENCE COURT ADVOCATES .....	407-836-2001
LEGAL AID SOCIETY .....	407-841-8310
ORANGE COUNTY JAIL .....	407-836-3400
ORANGE COUNTY PUBLIC HEALTH DEPARTMENT .....	407-858-1430
WE CARE (SUICIDE HOTLINE) .....	407-425-2624
SEXUAL ASSAULT HOTLINE 24 HRS .....	1-866-757-2046
ORANGE COUNTY STATE ATTORNEY .....	407-836-2400
VICTIM SERVICE CENTER (Advocacy & Counseling) .....	407-254-9415
VICTIM SERVICE CENTER 24 HR. CRISIS HOTLINE .....	407-500-4325
	(HEAL)

# WINTER PARK POLICE DEPARTMENT

## VICTIM RIGHTS BROCHURE



Our Agency is committed to notifying victims of their rights under Florida law. This brochure is a summary of your rights within the criminal justice system along with services and contacts which may be of assistance to you throughout the process.

DATE OF REPORT: \_\_\_\_\_

OFFICER: \_\_\_\_\_

CASE #: \_\_\_\_\_

**WINTER PARK POLICE DEPARTMENT**

500 North Virginia Avenue  
 Winter Park, Florida 32789  
 407-644-1313

Michael Deal, Chief of Police

## **VICTIM RIGHTS UNDER ARTICLE I, SECTION 16 OF THE FLORIDA CONSTITUTION**

To preserve and protect the right of crime victims to achieve justice, ensure a meaningful role throughout the criminal and juvenile justice systems for crime victims, and ensure that crime victims' rights and interests are respected and protected by law in a manner no less vigorous than protections afforded to criminal defendants and juvenile delinquents, every victim is entitled to the following rights, pursuant to the Florida Constitution, beginning at the time of his or her victimization:

1. The right to due process and to be treated with fairness and respect for the victim's dignity.
2. The right to be free from intimidation, harassment, and abuse.
3. The right, within the judicial process, to be reasonably protected from the accused and any person acting on behalf of the accused. However, nothing contained herein is intended to create a special relationship between the crime victim and any law enforcement agency or office absent a special relationship or duty as defined by Florida law.
4. The right to have the safety and welfare of the victim and the victim's family considered when setting bail, including setting pretrial release conditions that protect the safety and welfare of the victim and the victim's family.
5. The right to prevent the 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.
6. A victim shall have the following specific rights upon request:
  - a. The right 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 the victim will be a witness at the proceeding, notwithstanding any rule to the contrary. A victim shall also be provided reasonable, accurate, and timely notice of any release or escape of the defendant or delinquent, and any proceeding during which a right of the victim is implicated.
  - b. The right to be heard in any public proceeding involving pretrial or other release from any form of legal constraint, plea, sentencing, adjudication, or parole, and any proceeding during which a right of the victim is implicated.
  - c. The right to confer with the prosecuting attorney concerning any plea agreements, participation in pretrial diversion programs, release, restitution, sentencing, or any other disposition of the case.
  - d. The right to provide information regarding the impact of the offender's conduct on the victim and the victim's family to the individual responsible for conducting any presentence investigation or compiling any presentence investigation report, and to have any such information considered in any sentencing recommendations submitted to the court.
  - e. The right to receive a copy of any presentence report, and any other report or record relevant to the exercise of a victim's right, except for such portions made confidential or exempt by law.
  - f. The right to be informed of the conviction, sentence, adjudication, place and time of incarceration, or other disposition of the convicted offender, any scheduled release date of the offender, and the release of or the escape of the offender from custody.
  - g. The right to be informed of all post-conviction processes and procedures, to participate in such processes and procedures, to provide information to the release authority to be considered before any release decision is made, and to be notified of any release decision regarding the offender. The parole or early release authority shall extend the right to be heard to any person harmed by the offender.
  - h. The right to be informed of clemency and expungement procedures, 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.
7. The rights of the victim, as provided in subparagraph 6a, subparagraph 6b, or subparagraph 6c, that apply to any first appearance proceeding are satisfied by a reasonable attempt by the appropriate agency to notify the victim and convey the victim's views to the court.
8. The right to the prompt return of the victim's property when no longer needed as evidence in the case.

9. 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.
10. The right to proceedings free from unreasonable delay, and to a prompt and final conclusion of the case and any related post-judgment proceedings.
  - a. The state attorney may file a good faith demand for a speedy trial and the trial court shall hold a calendar call, with notice, within 15 days of the filing demand, to schedule a trial to commence at a date at least 5 days but no more than 60 days after the date of the calendar call unless the trial judge enters an order with specific findings of fact justifying a trial date more than 60 days after the calendar call.
  - b. All state-level appeals and collateral attacks on any judgment must be complete within two years from the date of appeal in non-capital cases and five years in capital cases, unless a court enters an order with specific findings as to why the court was unable to comply with this subparagraph and the circumstances causing the delay. Each year, the chief judge of any district court of appeal or the chief justice of the Supreme Court shall report on a case-by-case basis to the speaker of the House of Representatives and the president of the senate all cases where the court entered an order regarding inability to comply with this subparagraph. The legislature may enact legislation to implement this subparagraph.
11. The right to be informed of these rights, and to be informed that victims can seek the advice of an attorney with respect to their rights.
  - a. The victim, the retained attorney of the victim, a lawful representative of the victim, or the office of the state attorney upon request of the victim, may assert and seek enforcement of the rights enumerated in this section and any other right afforded to a victim by law in any trial or appellate court, or before any other authority with jurisdiction over the case, as a matter of right. The court or other authority with jurisdiction shall act promptly on such a request, affording a remedy by due course of law for the violation of any right. The reasons for any decision regarding the disposition of a victim's right shall be clearly stated on the record.
  - b. The granting of these rights enumerated in this section to victims may not be construed to deny or impair any other rights possessed by victims. The provisions of this section apply throughout criminal and juvenile justice processes, are self-executing, and do not require implementing legislation. This section may not be construed to create any cause of action for damages against the state or a political subdivision of the state, or any officer, employee, or agent of the state or its political subdivisions.
  - c. As used in this section, a "victim" is a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act or against whom the crime or delinquent act is committed. 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, except upon a showing that the interest of such individual would be in actual or potential conflict with the interests of the victim. The term "victim" does not include the accused. The terms "crime" and "criminal" include delinquent acts and conduct.

### **FIRST APPEARANCE FOLLOWING ARREST**

Unless they post bond, an arrested person will have a court proceeding before a Judge to determine conditions of release the day after their arrest. First Appearance hearings for adult inmates are held at the Orange County Corrections building, located at 3723 Vision Blvd, Orlando, Florida 32839. You can go to their website at [www.orangecountyfl.net](http://www.orangecountyfl.net) to find current inmates in the jail under Jail and Inmate Services (Current Inmates). The First Appearance schedule can be found under "First Appearance List" at the same website. A representative from the State Attorney's office (prosecutor) will be present at all First Appearances. The State Attorney's number is (407) 836-2400. At First Appearance, a victim has a right to be heard regarding release conditions. Please keep informed regarding the inmate's status if you wish to be heard, or contact the State Attorney's Office for further information. If the arrestee is a juvenile, you will need to contact the Juvenile Division of the State Attorney's office at (407) 836-7550. Juvenile Release hearings are held the following day at the Juvenile Courthouse located at 2000 East Michigan Street, Orlando, Florida 32806.

If you are a victim or witness and believe that you are being harassed/intimidated for your involvement in a criminal case, contact the arresting law enforcement agency or your local department.

### **INJUNCTIONS**

If you are a victim of domestic violence, stalking, dating violence, sexual violence, or exploitation of the elderly, you may be eligible to additionally request a court to issue an injunction against the individual who committed the act. An injunction will instruct the respondent that there are certain things he/she cannot do (i.e. have no contact with you, do not go to your residence, must go to counseling, etc.).