

THE RIGHT TO SUBMIT A VICTIM IMPACT STATEMENT: The victim of crime has the right to submit an oral or written impact statement to the judge prior to the sentencing of the offender. The State Attorney's Office will assist the victim with his or her statement.

CONFIDENTIALITY: You have the right to prevent the 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.

RETURN OF PROPERTY: As a victim of crime, you have the right to a prompt return of your property unless there is a compelling law enforcement need to retain it. If property was stolen or compelling reasons exist to retain the property by law enforcement to prove the crime, it becomes 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. 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 State Attorney.

ESCAPE FROM COMMITMENT FACILITY: You are entitled to information concerning escape of the offender. The prison or jail will make every effort to notify the victim, material witness or relatives of a homicide victim, of the escape.

PRESENCE OF A VICTIM ADVOCATE: At the request of the victim, a victim advocate shall be permitted to attend and be present during any deposition of the victim.

The victim has the right 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.

INFORMATION ABOUT ADDITIONAL VICTIM ASSISTANCE/RIGHTS:

The victim, retained attorney, a lawful representative of the victim, or the State Attorney's Office upon request of the victim, may assert and seek enforcement of the rights afforded to a victim by law and The Florida Constitution. Juvenile victims of crimes committed by juveniles have the right to request at sentencing that the offender be required to attend a different school than that of the victim and the victim's siblings. 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 of the victims and witnesses who

are not incarcerated to not be required to attend discovery depositions in any correctional facility. A victim of a crime committed by a juvenile shall be advised that any information regarding the juvenile gained by the victim pursuant to Chapter 960 shall not be revealed to any outside party, except as is reasonably necessary in pursuit of legal remedies. 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 services when practicable.

Contact the State Attorney's Office for information at (407) 742-5200.

WHAT HAPPENS NEXT?

Information on the status of the case before first appearance shall be obtained from the Sheriff's Office. Information on how your case proceeds after first appearance will be available for you at the State Attorney's Office.

Thank you for your patience, assistance and cooperation in the investigation of this crime.

Important Information

Date & Time of Offense:

Case Report Number:

Deputy:

Adult Defendant(s)

CHECK THE APPROPRIATE BOXES:

Felony Misdemeanor
Criminal Traffic Juvenile

We strongly suggest you keep this form. Refer to the information above when you call to request the status of your case.

FOR ASSISTANCE CALL:

Emergencies (Police, Fire, Medical).....9 1 1
Osceola County Sheriff's Office.....407-348-2222
Kissimmee Police Dept.....407-846-3333
St. Cloud Police Dept.....407-891-6700
Florida Highway Patrol.....850-617-2000
Fla. Dept. of Law Enforcement.....850-410-7000

FOR ADDITIONAL ASSISTANCE CALL:

Victim Advocates.....407-348-1150
State Attorney's Office.....407-742-5200
Clerk of the Court.....407-742-3500
Osceola County Jail.....407-742-4444
Legal Aid (GOALS).....407-847-0053
Victim's Compensation.....1-800-226-6667
V.I.N.E.....1-877-846-3435
Abuse Registry.....1-800-96-ABUSE (22873)
Children & Family Services.....407-846-5125
Domestic Violence Legal Hotline1-800-500-1119
Help Now (abuse shelter).....407-847-8562
Rape Crisis Hot Line407-847-4668
Social Security.....1-800-772-1213
DCF (welfare / food stamps).....407-846-5115
Health Department.....407-343-2000
Poison Control.....1-800-282-3171

Hospitals

Florida Hospital Kissimmee.....407-846-4343
Osceola Regional Hospital.....407-846-2266
St. Cloud ORMC Hospital.....407-892-2135
Florida Hospital Celebration.....407-764-4000



As a Victim or Witness of Crime You Should Know...

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

THE FLORIDA CONSTITUTION Defines victim as 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 a 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.

CRIME COMPENSATION:

If you receive injuries, you may be eligible for crime compensation to help with medical bills, lost wages and/or funeral expenses, in homicide cases.

For information contact:

The Bureau of Crime Compensation
1-800-226-6667
or
Victim Advocate Program
State Attorney's Office
407-742-5200

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

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

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. If appropriate, law enforcement presents a sworn complaint to the State Attorney. The State Attorney determines whether there is proof beyond a reasonable doubt to believe a crime was committed and that the suspect may have committed the crime. The State Attorney may file a document, called an information, with the Clerk of the Court charging the suspect with the criminal offense. If an information is filed, the judge, through the Clerk of the Court, may issue a *capias* (an order to arrest).

3. Based on the investigation, an affidavit of probable cause is presented to the Judge by the State Attorney. If probable cause is found, the Judge may issue an arrest warrant. 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 the indictment returned by the grand jury.

HOW LONG UNTIL AN ARREST IS 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 collecting evidence can be a time consuming process. There is no set time frame. To find out about your case, call 407-348-2222 and give the defendant's name and the case number.

BAIL OR BOND:

This 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 the arrest warrant or arrest *capias* is issued. The Court considers the nature of the offense, evidence,

victim and victim's family's safety, defendant's employment status, mental condition, ties to the community and convictions, before setting bail. In most crimes, the defendant may be allowed to post bond and be released immediately.

WHAT IF MY CASE INVOLVES A JUVENILE?

A juvenile (under 18) 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. Juveniles who are not released will go to a detention hearing within 24 hours to determine conditions of release. If you wish, you may attend the detention hearing at the Osceola County Courthouse. Call the Court Administrator at 407-742-3500. As a victim of crime, you have a right to receive information about the stages of the criminal and juvenile justice systems. For further information regarding the stages of the juvenile justice proceeding, please contact the law enforcement agency or the state attorney's office that is handling your case.

FIRST APPEARANCE HEARING:

If the defendant cannot post bond within hours of the arrest or has been arrested on a no bond offense, the court holds a "first 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, previous convictions and if so, what conditions are necessary to protect the victim/witness.

When the judge is setting bail, including setting pretrial release conditions, you as a victim have the right to have the judge consider the safety and welfare of you and your family. You may attend the first appearance hearing at the Osceola County Courthouse. Call the Court administrator at 407-742-3500.

NOTIFICATION OF THE RELEASE OF THE

ACCUSED: If the defendant is able to post bond, he/she may be released pending trial. You, as a victim, have a right to be advised of the release of the defendant. The jail will attempt to contact you by phone or mail, or you may call the jail at 407-742-4444.

VICTIM / WITNESS PERSONAL SAFETY

1. If you receive threats, bribes, or other attempts to persuade or intimidate you to testify untruthfully, or to forget, or to make yourself unavailable as a witness, report it immediately to the Osceola County Sheriff's Office, 407-348-2222.

2. If you are the victim of domestic violence, you are entitled to receive information about the address

confidentiality program. Repeat violence (two or more incidents) domestic victims, victims of dating violence, and victims of sexual violence can file an injunction for protection with the Injunction Processing Unit 407-742-2538, Osceola County Court House. Call 9-1-1 for help in case of emergency.

RIGHT TO TIMELY DISPOSITION: As a victim or witness, 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. Contact the State Attorney's Office at 407-742-5200.

A VICTIM MAY NOT BE EXCLUDED from any portion of a hearing, trial or proceeding 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.

NOTIFICATION OF EMPLOYERS OR CREDITORS: Upon request, the State Attorney's office or the Sheriff's Office will inform your employer that the prosecution of the case may necessitate your absence from work. They may upon request contact your creditors to seek consideration if you are temporarily unable to continue payments as a result of the crime.

NOTIFICATION OF SCHEDULING CHANGES: Each victim/witness scheduled to attend a justice proceeding shall be notified as soon as possible by the agency scheduling his/her appearance, of any change in schedules affecting his/her appearance. The victim has the right to be told of the victim's role in the criminal or juvenile justice system.

ADVANCE NOTIFICATION OF JUDICIAL PROCEEDINGS: An attempt will be made to provide advance notification to a victim or the relative of a 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 certain designated proceedings for juvenile cases. You have the right to be informed and participate in all post-conviction processes and procedures, to provide information to the release authority 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 defendant. You have the right to be informed of clemency and expunge procedures, to provide information to the governor, the court, any clemency board, and other authority before a decision is made.

PRE-SENTENCE REVIEW OF INVESTIGATION: You have the right to provide information regarding the impact of offender's conduct on you and your family to the

person responsible for conducting any pre-sentence investigation. You have the right to receive a copy of the report, and any other report or record relevant to the exercise of your rights, except for the portions made confidential or exempt by law.

CONSULTATION WITH THE VICTIM, OR GUARDIAN OR FAMILY MEMBER:

The right to speak with the prosecuting attorney concerning any plea agreements, participation in pretrial diversion programs, release, restitution, sentencing, or any other disposition of the case. Contact the State Attorney's Office at 407-742-5200.

RESTITUTION TO THE VICTIM: As a victim of crime, you have the right to request and receive restitution and to be told how to enforce the court's order. The court may order restitution for certain losses (medical bills, property damage, stolen property). The victim may be entitled to compensation for any loss suffered, as well as other victim services, and shall be provided information regarding crime victim compensation through the Crimes Compensation program at the Attorney General's Office at 1-800-226-6667. Restitution and crimes compensation are not the same.

HIV TESTING: In cases involving the transmission of body fluids by a defendant, a victim will be promptly notified if the defendant tests positive for hepatitis and HIV infection. The court will order testing for juvenile victims. If the victim of a sex offense is under the age of 18, or is a disabled adult or elderly person, the victim or the victim's parents or legal guardian may request that the court order the accused to undergo hepatitis and HIV testing, regardless of whether the offense involves the transmission of bodily fluids. If requested by the victim, the results of the testing shall be made available to the victim no later than two weeks after the court receives such results.

SEXUAL OFFENSE VICTIMS: If you are a victim of a sexual offense, the evidence that is submitted for testing is done so with the intent of identifying or confirming the identity of the perpetrator. You, as the victim or the victim's representative, have the right to request testing by a member of the statewide criminal analysis laboratory system.