

STATUTORY RIGHTS

Florida statutes also provide the victim with statutory rights and many overlap with the constitutional rights listed above. Additional rights not already mentioned which may apply in your case include:

- The right to be informed of crisis intervention services and referrals;
- Explanation concerning the stages of the criminal justice process and your role as a victim;
- To be consulted by the State Attorney in certain felony cases;
- The right to have a Victim Advocate present during discovery depositions and the right to be excused from depositions held at a correctional facility unless you are a victim currently incarcerated;
- To be provided information concerning protection from intimidation. It is a felony of the third degree to threaten and intimidate victims and witnesses. Please contact your local law enforcement agency should this occur;
- Access to a translator, transportation and separate waiting rooms;
- To be told of your right to request and receive assistance, if applicable, in filing Florida Crimes Compensation Claims (1-800-226-6667);
- To request assistance from law enforcement and the State Attorney's office in notifying employers/creditors of financial strain and absenteeism resulting from victimization;
- Victims of sexual offenses may request the courtroom be cleared in certain instances during their testimony and in cases involving the transmission of bodily fluids to request hepatitis and HIV testing of the accused. Victims have the right to request a Victim Advocate be present during a forensic medical examination. A victim of a sexual offense cannot be required, nor be asked, by a law enforcement officer, state attorney, or other government official to submit to a polygraph or other truth telling device as a condition of the investigation;
- In juvenile cases, minor victims may request at sentencing/disposition, that the defendant be required to change schools if they attend the same school.

YOUR CASE INFORMATION

City of Plantation Police Department
451 N.W. 70th Terrace
Plantation, FL 33317
Emergency: 911
Non-Emergency: (954) 797-2100

AGENCY CASE NUMBER: _____

OFFENDER NAME (if known): _____

OFFICER'S NAME / ID: _____



YOUR CONSTITUTIONAL RIGHTS AS A VICTIM OF CRIME

In Florida, victims of crime have constitutional and statutory rights. This pamphlet is being provided to you by the law enforcement agency involved in your case as a summary of your constitutional rights pursuant to Article I, Section 16 of the Florida Constitution also known as Marsey's Law. You can access this provision in full at www.plantation.org/psd/victim-services.html.

When citizens become involved with law enforcement, the court system or other agencies as a victim, they may need assistance, dealing with a variety of emotions or have questions regarding the process. The Plantation Police Department has a Victim Advocate to assist with crisis intervention, referrals to community agencies, and with completing victim compensation claims.

For more information on additional resources, please contact the Plantation Police Department's Victim Advocate at (954) 797-2172.

WHAT HAPPENS NEXT, IN THE PROCESS, WHEN AN OFFENDER IS ARRESTED?

After a person is arrested, they are seen by a judge within 24 to 48 hours at a court proceeding known as First Appearance, provided the accused has not posted bond and already been released. Initial bond amounts are pursuant to a bond schedule set by Administrative Order. First Appearance is where a person charged by the police with a crime is brought before a judge, who will determine whether there was probable cause for the arrest.

First Appearance hearings are held at the Broward County Main Courthouse located at 201 SE 6th Street, Ft. Lauderdale, FL 33301, in courtroom number WW4155. Monday through Thursday, the court approximate start times are 8:30 a.m. and 1:00 p.m. or 1:30 p.m. On Friday, the approximate start times are at 8:30 a.m. and 1:00 p.m. The approximate start time on Saturdays and Sundays is 8:30 a.m. Future court dates can also be found by accessing the Broward County Clerk of Court's website at: www.browardclerk.org.

INCARCERATION STATUS

The status of an accused's incarceration can be checked on the Broward County Sheriff website at: www.sheriff.org/DOD/Pages/ArrestSearch.aspx

You may also register to receive automatic custody status updates via VINELink at: <https://www.vinelink.com/#/home>

Do not depend solely on VINE or any other single program for your safety.

For more information on resources see:
http://www.sheriff.org/LE/Pages/Library/Victim_and_wellness_handbook.pdf

SUMMARY OF YOUR CONSTITUTIONAL RIGHTS

Every victim is entitled to the following rights, 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 (6)a., subparagraph (6)b., or subparagraph (6)c., 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 fifteen days of the filing demand, to schedule a trial to commence on a date at least five days but no more than sixty 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 sixty 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 within five years from the date of appeal 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. This information shall be made available to the general public and provided to all crime victims in the form of a card or by other means intended to effectively advise the victim of their rights under this section.

WHO IS A VICTIM?

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. (Fla. Const., art. I, §16(e))

ADDITIONAL RIGHTS

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. (Fla. Const., art. I, §16(c))

The granting of the 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. (Fla. Const., art. I, §16(d)).