

THE BOYNTON BEACH POLICE DEPARTMENT

has initiated a **VICTIM ADVOCATE UNIT** whose task it is to help those victims regain their lives after violent incidents, to guide victims of crime through the criminal justice system to offer counseling and resource information, and to assist victims who may be eligible for Crime Compensation Funds.

CRIMINAL JUSTICE PROCESS

As a victim you have certain rights. This brochure is being provided to assist you with your questions. For instance:

- **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.
- **THE STAGES** of the criminal or juvenile justice process which are of significance to the victim and the manner in which information about such stages may be obtained.
- **THE RIGHT** of the victim who is not incarcerated including the victim's parent or guardian if the victim is a minor, the lawful representative of the victim or the victim's parent or guardian if the victim is a minor and the next of kin of a homicide victim - to be informed, present and heard - when appropriate - 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.
- **THE RIGHT** of the incarcerated victim to be informed and to submit written statements at all crucial stages of the criminal proceedings.
- **THE RIGHT** of a victim to a prompt and timely disposition of the case in order to minimize the period during which the victim must endure the responsibilities and stress involved to the extent that this right does not interfere with the constitutional rights of the accused.
- **THE RIGHT** of any victim, relative of a minor who is a victim, or relative of a homicide victim to receive advance notification of judicial and post judicial proceedings relating to the case, including all proceedings or hearings relating to:

The release of the accused pending judicial proceedings, any modification of release to community control or work release. When an inmate has been approved for community work release, the Department of Corrections shall, upon request and as provided in s. 944.605, F.S., notify the victim, the victim's parent or guardian if the victim is a minor, the lawful representative of the victim or of the victim's parent or guardian if the victim is a minor, or

the victims next of kin if the victim is a homicide victim. 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 a sentence, collateral attack of a judgement, and when a term of imprisonment, detention, or involuntary commitment is imposed, the release of the defendant or juvenile offender from such imprisonment, detention, commitment, or community control by expiration of sentence or parole and any meeting held to consider such release.

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.
- **THE RIGHT** of a victim to review certain portions of a pre-sentence investigation report for adult and youthful offenders prior to the sentencing of the accused.
- **THE RIGHT** of a victim of a crime, the victim's parent or guardian if the victim is a minor, and the State Attorney, with the consent of the victim or the victim's parent or guardian if the victim is a minor to standing through the State Attorney's Office, with the consent of the victim, to assert the rights of the victim as provided in Article I of the State Constitution.
- **THE RIGHT** of a victim or the next of kin of a victim may 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, upon motion, the court determines such person's presence to be prejudicial.

THE RIGHT of the victim 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.

THE RIGHT of the victim or the victim's legal guardian, or the parent or legal guardian of a victim, if the victim is a minor, to request that a person who is charged with any offense enumerated in section 775.0877(1)(a)-(n), Florida Statutes, that involves the transmission of bodily fluids from one person to another, undergo hepatitis and HIV testing.

THE RIGHT: 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.

THE RIGHT of the victim to have a victim advocate present during discovery deposition: testimony of a victim of a sexual offense. At the request of the victim or the victim's parent, guardian, or lawful representative, the victim advocate designated by the 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 or substance abuse groups shall be permitted to attend and be present during any deposition of the victim.

The Victim of a sexual offense shall be informed of:

- **THE RIGHT** to have the courtroom cleared of certain persons as provided in 919.16 of the Florida Statutes when the victim is testifying concerning that offense,
- **THE RIGHT** of the victim of Domestic Violence to be informed of the address confidentiality program administered through the Attorney General's Office.
- **THE RIGHT** of a victim to know, at the earliest possible opportunity, if the person charged with an offense, which involves the transmission of bodily fluids, has tested positive for human immunodeficiency virus (HIV) infection. 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 RIGHT** of a victim to request, for specific crimes, an exemption prohibiting the disclosure of information to the public which reveals the victim's name, home and work telephone numbers, home and work addresses, and personal assets not otherwise held confidential under the Public Records Law,
- **THE RIGHT** of attendance of the victim who attends the same school as the defendant. When the victim of an offense committed by a juvenile is a minor, the Department of Juvenile Justice shall request information to determine if the victim, or any sibling of the victim, attends or is eligible to attend the same school as the offender. However, if the offender

is subject to a presentence investigation by the Department of Corrections, the Department of Corrections shall request such an investigation. If the victim or any sibling of the victim attends or is eligible to attend the same school as the offender, the appropriate agency will 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.

- **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, unless reasonably in pursuit of legal remedies.

FREEDOM FROM INTIMIDATION

Section 918.14(3)(a), Florida statutes, provides "It is unlawful for any person (1) to cause a witness to be placed in fear by force or threats of force; (2) to make an assault upon any witness or informant; or (3) to harm a witness by any unlawful act in retaliation against the said witness for anything lawfully done in the capacity of witness or informant." Violation of this section is a 3rd degree felony punishable by a term of imprisonment not exceeding 5 years and a fine up to \$ 5000. If you believe a possible violation of the statute has occurred, promptly contact the Police Department.

NOTIFICATION OF ARREST OF SUSPECT

When an arrest is made in a reported case the arresting officer will make every effort to notify 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 Police Department.

DEPOSITIONS

At the request of the victim, the victim advocate, or one representative from a not-for-profit victim services organizations, including, but not limited to: rape crisis centers, domestic violence advocacy groups, alcohol abuse and substance abuse groups shall be permitted to attend and be present during any deposition of the victim. Victims who are not incarcerated shall not be required to attend discovery depositions in any correctional facility.

STATEMENTS

The State Attorney shall inform the victim of the victim's right to submit an oral or written impact statement pursuant to FS 921.143 and shall assist in the preparation of such statement, if necessary.

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 Victim Advocate Office, Boynton Beach Police Department, Office of the State Attorney, local Witness Coordination Office, or from the Bureau of Crimes Compensation, Office of the Attorney General 800-226-6667.

RESTITUTION

Law Enforcement agencies and the State Attorney shall inform the victim of the victim's right to request and receive restitution pursuant to FS 39.054 (1)(a) or FS 775.089 and of the victim's rights of enforcement under FS 39.022 and 775.089(5) in the event an offender does not comply with a restitution order. The State Attorney shall seek the assistance of the victim in the documentation of the victim's losses for the purpose of requesting and receiving restitution. In addition, the State Attorney shall inform the victim if and when restitution is ordered.

NOTIFICATION OF SCHEDULING

Each victim or witness who has been scheduled to attend a criminal or juvenile justice proceeding shall be notified as soon as possible by the agency or person scheduling his appearance of any change in scheduling which will affect his appearance.

RETURN OF PROPERTY

The property of crime victims shall be retained only when necessary for successful investigation and prosecution. Property shall be returned as soon as possible after completion of the investigation or prosecution.

NOTIFICATION TO EMPLOYERS

We realize that victims and witnesses in criminal cases often must face additional burdens by taking time off from work to assist law enforcement and sometimes undergo serious financial strain either because of the crime or by cooperating with authorities handling the crime. In cases such as these, the police officer investigating the case or the arresting officer, if there is one, shall assist the victim or witness in explaining his or her circumstances to employers or creditors when so requested.

ESCAPE BY PERPETRATOR

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.

SOCIAL SERVICE PROGRAMS

In many instances, victims of crimes require professional assistance in dealing with problems arising from their victimization. These needs may include counseling, shelter, legal assistance, or other types of help, depending

on the particular circumstances. Referral numbers are provided in this brochure for your assistance.

THE CRIMINAL JUSTICE SYSTEM

There are four ways a criminal case can proceed:

- The Police Officer completes an arrest document stating the charges against the accused, If no arrest is made at the time of the crime, an investigation is started. If the investigation results in the development of probable cause to believe that a crime has been committed and that the accused has committed that crime, an arrest will be made.
- If appropriate, law enforcement presents a sworn complaint to the State Attorney's Office determines whether there is probable cause to believe that a crime was committed and that the suspect may have committed the crime. The State Attorney's Office determines whether there is probable cause to believe that a crime was committed and that the suspect may have committed the crime. The State Attorney's Office may file a document, called an "information", with the Clerk of the Court charging the suspect with a criminal offense. If an "information" is filed, the Judge through the Clerk of the Court may issue a *capias*.
- Based upon the investigation, an affidavit of probable cause is presented to the Judge by the State Attorney's Office. If probable cause is found, the Judge may issue an arrest warrant. A *capias* or arrest warrant both direct a law enforcement officer to arrest the person believed to have committed the crime.
- The accused may be arrested based upon the investigation and indictment returned by the Grand Jury.

INFORMATION ABOUT ADDITIONAL VICTIM ASSISTANCE

If you have any questions/concerns regarding your case or if you require additional referral for Victim/Witness Services, please contact the **VICTIM ADVOCATE UNIT 561-742-6108, Boynton Beach Police Department.**

SOME HELPFUL SPECIALIZED SERVICE/ RESOURCE AGENCIES

WHERE TO TURN	211	Courthouse, Delray Beach	(561) 274-1400
AVDA Shelter Hotline	(561) 265-2900	Victim Services	(561) 274-1500
Alcoholics Anonymous	(561) 276-4581	Domestic Violence Division	(561) 274-1541
Alzheimer Support Group	(561) 683-2700	Covenant House (18 yr. Max.)	(954) 561-5559
Area Agency on Aging	(561) 684-5885	DCF Abuse Registry & APS	(800) 962-2873
Boynton Beach Police	(561) 742-6100	Drug Abuse Foundation	(561) 278-0000
Victim Advocate Unit	(561) 742-6108	Elder Justice Center	(561) 355-4385
Non-Emergency	(561) 732-8116	Faith Farm	(561) 737-2222
CARP Alcohol Treatment	(561) 844-6400	FAU Wellness Center	(561) 243-1573
Caridad Health Clinic	(561) 737-6336	Gay and Lesbian National Hotline	(888) 843-4564
Catholic Charities, Counseling	(561) 842-2406	Guatemalan-Mayan Center	(561) 547-0085
Center for Family Service	(561) 540-1012	Healthy Mom/Healthy Baby	(561) 665-4500
Coalition for Ind. Lvg Options	(561) 966-4288	Harmony House (Shelter)	(561) 640-9844
Comprehensive AIDS Program	(561) 687-3400	Immigration Advocacy Project	(561) 655-8944 Ext. 238
Community Caring Center	(561) 364-9501	Jewish Family & Children's Svs	(561) 684-1991
County Probation (PRIDE)	(561) 683-6776	Latin Amer. Imm & Ref. Org.	(561) 966-4515
		Legal Aid	(561) 655-8944 Ext. 255
		Lord's Place	(561) 736-7006

Miracle Club 12 Step Recovery	(561) 471-8878
Mothers Against Drunk Drivers	(561) 683-5888
Narcotics Anonymous	(954) 584-6578
PBSO Prisoner Information Dept.	(561) 688-4340
Planned Parenthood	(561) 641-0300
Public Health Dept.	(561) 274-3100
Public Defender Office	(561) 355-7500
Safety Net Domestic Viol Prog	(561) 433-0060
Salvation Army	(561) 833-6767
Soup Kitchen	(561) 732-7595
State Attorney Dom Viol Unit	(561) 355-7433
Citizenship & Immigration Svcs	(800) 375-5283
Veterans Affairs Medical Center	(800) 972-8262
WorkForce Development Hotline	(800) 556-5627



VICTIM RIGHTS **BROCHURE**

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

OFFICER: _____

CASE NUMBER: _____

BOYNTON BEACH
POLICE DEPARTMENT
(561) 742-6100
VICTIM ADVOCATE UNIT
(561) 742-6108