

*What you need to know as a*  
**Crime Victim**  
*to Include*  
**Domestic Violence**  
*and / or*  
**Witness Information**

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_____	_____
Offense Type / Classification	State Attorney Appt. Date & Time
_____	_____
Case Number	Deputy / Officer
_____	_____
Date	VINE PIN #

*Produced by the*  
**PASCO SHERIFF'S OFFICE**  
*Chris Nocco, Sheriff*

**A Message**  
**To Crime Victims**  
**From Sheriff Chris Nocco**



As Sheriff, I want to personally assure you the Pasco Sheriff's Office is dedicated to helping you through this troubling time. For too long our criminal justice system has ignored the rights of citizens like yourself who have witnessed or been the victim of a crime. Thankfully, we as a society, now recognize the importance of your rights, and the critical role you play in our system of justice.

Besides explaining your rights, this booklet will help you outline how the criminal justice system works. As an informed citizen, you will be better prepared to help the authorities bring the criminals involved in this case to justice. Your assistance and patience are greatly appreciated and I applaud your willingness help your Sheriff's Office even during this difficult time.

Please take a few minutes to read this booklet so that you and your family will know what to expect, and what will be expected of you, as the case progresses. If you have any questions about the process, your rights, or how to obtain assistance, call our Victim Advocate Unit. Our victim advocates are specially trained to help you and your family through the anxiety and trauma you may be experiencing. Being a victim or witness to a crime can be a devastating experience for anyone. Please don't hesitate to reach out for help, we will be there.

CHRIS NOCCO  
 Sheriff of Pasco County

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## VINE

### Victim Information & Notification Everyday

**Toll-Free 1-877-VINE-4-FL**

(1-877-846-3435)

TTY 1-866-847-1298

**www.vinelink.com**

Victims are registered for VINE upon the arrest of an offender. VINE is an automated service that lets you track the custody status of offenders in county jails, Department of Corrections facilities, or when supervised by Probation. By calling the toll-free number or visiting [www.vinelink.com](http://www.vinelink.com), you can find out the custody status of an offender and confirm you are registered. You can choose to be notified by phone and/or e-mail if the custody status of an offender changes. You will be notified of the following custody changes:

#### **Release - Transfer - Escape – Death**

If you are registering a phone number, you will be asked to create a four-digit personal identification number (PIN) that will be used to confirm that the call was received. Make sure your PIN is easy to remember. Do not register a phone number that rings to a switchboard. VINE will continue calling for 48 hours if the correct PIN is not entered. When called, enter your PIN followed by the # key. You may receive calls in the middle of the night as the custody status of an offender can change at any time.

- ♦ VINE is confidential. The offender will not know you are registered with VINE.
- ♦ You can register multiple phone numbers and e-mail addresses for notifications.
- ♦ If you forget your PIN, call the toll-free number and press zero. You will be transferred to an operator who can help you reset your PIN or cancel notification.
- ♦ Operators are available 24 hours a day, seven days a week to assist you.

***Call 911 if you feel you are in danger.***

***Do not rely solely on VINE for your safety!***

## **NON-DISCRIMINATION POLICY**

No person shall, on the basis of race, color, religion, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be subjected to unlawful discrimination under any program or activity receiving or benefiting from federal financial assistance administered by the department and its providers. Any applicant or participant who believes that he or she has been denied services may file a complaint with the United States Department of Health and Human Services, Office of Civil Rights, United States Department of Justice, Office of Justice Programs or the Department of Children and Families, Office of Civil Rights within 180 days of the alleged violation.

No person shall be retaliated against, harassed, intimidated, threatened, coerced or discriminated against for making a charge, testifying, assisting or participating in any manner in an investigation, proceeding, or hearing for opposing alleged unlawful discriminatory practices prohibited by state and federal laws.

### **Your Constitutional Rights as a Victim Including Amendment 6, Marsy's Law**

Article 1, Section 16, of the Florida Constitution states that 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 is made; and to be notified.

(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.

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.

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.

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.

In addition to constitutional protections for victims, Florida Statute Chapter 960 outlines the statutory rights of victims under Florida law and can be found on the Florida Attorney General's website:

**[www.myfloridalegal.com](http://www.myfloridalegal.com)**

## **You Are Important**

This booklet will provide some answers to the questions you may have as the victim or witness to a crime. Although the procedures seem complicated, your continued involvement and cooperation are necessary to make the process work effectively. The pursuit of justice in the prosecution of criminal cases may not be successful without witness cooperation.

## **Your Involvement**

If you are a victim of a crime or a witness that has seen, heard or have information about a crime, it is important to relay details to law enforcement and/or the State Attorney's Office. Even minor details that seem insignificant to you, may be important to the investigation.

Understandably, you may feel anxious about the court process. The law enforcement agency, the prosecutors and the court are concerned that no outside pressure be exerted to influence your testimony. Interference with a witness by threats or acts of retaliation is a serious crime and will be dealt with immediately. If you or any member of your family is intimidated or threatened in any way, immediately call the law enforcement agency handling the case, or the State Attorney's Office.

## **Apprehension and Arrest**

The criminal justice process starts with the commission of a crime. In order to be brought to court, there are three routes a case can take:

- Immediate arrest of the offender.
- Court issued arrest warrant resulting from a law enforcement sworn complaint.
- Arrest based on Grand Jury recommendation.

"Probable Cause" is required and approved by a judge in all circumstances.

## **Advisory Hearing (Following the Arrest)**

Within 24 hours of arrest, defendants who have not posted bond will appear before a judge for an Advisory Hearing. These hearings are typically held Monday through Friday at 1:00 pm, and Saturday and Sunday at 8:00 am. These times are subject to change. During these hearings, defendants remain at the detention center, appearing by video.

The judge will address the bond; keep as set, reduce or release the defendant on their own recognizance. Factors such as the charge, prior history, and flight risk are considered by the judge when setting bond. The judge will assign a public defender if needed, and advise the defendant that there is to be no contact with the victim(s) upon his or her release from custody.

You are not required to attend the Advisory Hearing. However, if you wish to attend, please contact the Booking Department at (813) 235-6070 to determine the courthouse where advisories are being held. If you wish to speak with the State Attorney prior to the hearing, ask the bailiff to notify him/her of your presence.

## **State Attorney's Investigation (Invest)**

Victims of felony crimes will be notified to meet with the State Attorney's Office to provide sworn statements to a prosecutor regarding the incident. This meeting also provides you with the opportunity to provide your input regarding sentencing of the defendant as well as a face to face meeting with the prosecutor. The defendant, nor his or her attorney, will be present at this meeting.



## Information Filing

Whether the crime is a misdemeanor or felony, the State Attorney assigned to your case will, with supervisor approval, determine if a case will be prosecuted with the facts that were presented. The two options in case filing are:

1. The filing of an Information, which is a formal document submitted to the Clerk of the Court stating the charges against the accused.
2. The filing of a No Information; a formal document submitted to the Clerk of the Court stating that the facts and circumstances as presented do not warrant prosecution at this time. You, as a victim, will be informed of this decision.

## Notifying Your Employer

A victim or witness may request the assistance of the law enforcement agency or the State Attorney's Office to advise an employer that your involvement is necessary to the case and may require some absences from work. They can also assist in notifying creditors if you suffer a financial hardship as a result of the crime.

## Arraignment

Within 30 days of any arrest, an arraignment hearing is scheduled, at which time the court advises the defendant of the charges that have been formally filed. If the defendant does not have an attorney at this stage, the judge will appoint one. If the defendant has an attorney, they can appear on their behalf at the arraignment.

The State Attorney will notify victims by mail of the arraignment date. The victim has the right to be present, but is not required to unless subpoenaed. Since the defendant has the option to enter a plea and be sentenced by the court at this time, you as a victim should speak with the State Attorney to relay your feelings, should you not attend. If the defendant does not enter a plea, the next court date, or pre-trial date, is set at this time.

## Bond Hearing

A uniform bond schedule is used to determine bond amounts in relation to the alleged crime. Posting bond allows the defendant to be released from custody, and most often is in the form of a surety bond posted through a licensed bail bond agency. The defendant is responsible to attend all hearings and follow the conditions that the bonding agency specifies. If the defendant was unable to post a bond after the initial arrest, or if bond was not set, he or she is entitled to a bond hearing, sometimes referred to a bond reduction hearing. The State Attorney's Office will notify the victim of the scheduled hearing and will relay the victim's feelings to the court if the victim does not wish to speak in open court.

***\*\*Should the defendant post bond, thorough attempts will be made to notify the victim of the release. It is important to provide the initial deputy with your correct phone number as you will be automatically registered with the VINE service. Please refer the VINE information on the inside cover of this booklet\*\****

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## Pre-Trial Conference

There may be numerous pre-trial conferences scheduled through the case. One of the main purposes of these hearings are for the presiding judge to ensure the case is progressing as it should and in a timely manner. Some other purposes, but not all, for these hearings are for the prosecutor and defense attorney's to address discovery (evidence), file motions with the court, ensure that depositions have been set, and address trial issues should it reach that point. Victims will receive notice of the hearing dates and may speak to the court after conferring with the State Attorney's Office. The trial date will be set during these court events when the judge deems necessary.

Appearance by the victim at these hearings is not mandatory, unless subpoenaed. A Victim Advocate can accompany you or attend on your behalf if you so choose, keeping you updated as to the results. Certain motions involving legal issues may be heard at the pre-trial conference and occasionally a witness may be needed at a pre-trial motion. If so, a subpoena will be issued well in advance of the hearing.

## **Subpoenas**

You may receive a subpoena for the trial, a deposition, and other hearings. This is a court order requiring you to appear at the time, date and location specified. You will be required to contact the State Attorney's Office at the telephone number listed on the subpoena and provide your phone number to notify you of any changes or cancellations regarding the subpoena. Subpoenas differ from other court notices, such as pre-trial conference notices, in that they are served to you in person, rather than by mail.

## **Depositions**

The defendant's attorney can issue a subpoena for you, as a victim or witness, to appear for a deposition. You will answer questions under oath concerning your knowledge or involvement of the criminal offense. This proceeding is within an office setting with a prosecutor, defense attorney and court reporter. You have the right to request a victim advocate attend with you.

## **Plea Agreements**

Plea negotiations may occur between the State Attorney and the defense attorney. During this process, the State Attorney may offer a specific disposition in exchange for a guilty plea, and will request input from the victim when a possible agreement has been reached. However, the judge must accept the plea. The victim will be contacted by the State Attorney regarding the plea details before the hearing and can make a statement to the judge before the sentence is pronounced. The defendant's date of release from the Pasco Detention Center will be posted on [www.pascosheriff.com](http://www.pascosheriff.com).

## **Pre-Trial Intervention / Diversion Program**

Pre-Trial intervention is a program similar to probation where the defendant accepts responsibility for the offense and is released under supervision for six months to a year. Restitution, counseling, obtaining employment, and community service work are typical requirements that are overseen by the probation office.

## **Pre-Sentence Investigation**

In many cases, the judge will order a pre-sentence investigation which is conducted by the probation department. This process consists of consultation with the victim to provide input, an interview with the defendant, and a thorough review of the facts of the crime as well as prior criminal record. Upon completion, a sentence recommendation is provided to the judge, however, the judge makes the final sentence determination. You, the victim, or as parents of a minor child victim have the right to review the pre-sentence investigation report prior to the sentencing hearing.

## **Trial**

If the case goes to trial, you, as the victim or witness, may have to testify. More often than not, it will be a jury trial where they find the defendant guilty or not guilty and the judge will pronounce sentence. The prosecution presents its case first, with the defense attorney following, and both ask questions of the victim and witnesses. In proving the defendant's guilt, the prosecution relies heavily on victim and witness cooperation. A victim advocate can attend with you through the entire trial process should you feel necessary. The defendant's date of release from the Pasco Detention Center will be posted on the Pasco Sheriff's Office website of [www.pascosheriff.com](http://www.pascosheriff.com).

## **Victim Impact Statement**

A victim has the right to provide an oral or written impact statement with the court at any time before sentence is imposed on the offender. This allows a victim to indicate exactly what impact the crime has had upon his or her life including, medical costs, mental anguish, lost wages and impaired mobility. These relevant details are important for the judge to take into consideration before sentencing the offender.

The victim impact statement form may be obtained from the State Attorney's Office or a Sheriff's Office Victim Advocate and assistance will be available to complete the form. This document will then be placed in the court file. The victim advocate can deliver this statement on behalf of the victim at the appropriate court hearing.

## Restitution

As part of the defendant's sentence, the court may order restitution to be paid to the victim. The State Attorney is responsible for presenting to the court the dollar amount and items to be considered as restitution. The victim impact statement assists in this process as it lists items such as crime related receipts, medical bills, and loss of wage information. Typically, restitution is a condition of probation and should victims have not received restitution as ordered by the court, a victim advocate can assist in this process.

## Return of Property

You have the right to the prompt return of property, unless there are compelling law enforcement reasons to retain it, such as items to be used in trial.

**Property can only be returned by appointment**

## Victim Compensation

If you are a victim of a criminal act, the Florida Attorney General's Office offers a Crime Victim Compensation Program. A victim advocate can assist you in completing the application and submitting it on your behalf. Remittance or reimbursement to you or the provider for medical treatment, out of pocket co-pays, wage loss, counseling, funeral assistance for homicide victims, and possible relocation assistance are offered upon approval of the application. Forms are available through law enforcement agencies, advocacy centers, the State Attorney's Office and on-line. For further information, please contact our agency Victim Advocate Unit or the Florida Attorney General's Office at 1-800-226-6667 or <https://myfloridalegal.com/>.

## EXEMPTION FROM PUBLIC INSPECTION

Amendment 6 (Marcy's Law) of the Florida Constitution Section 16, Article 1, broadens those exempt from disclosure of personal information to all victims of crime as listed under Florida Constitutional Victim's Rights: **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.** Complete list of a victim's Constitutional Rights are listed on booklet pages 4-7. **To exercise this right, the victim must complete an exemption form, (in the rear of this booklet) if not done so at the time of report.**

Florida Statue 119.071(2)j states any information which reveals the home or employment address and telephone number or personal assets of a person who is/has been the victim of sexual battery, aggravated child abuse, stalking/aggravated stalking, harassment, aggravated battery, or simple/aggravated domestic violence is exempt from public inspection and examination. Any information that is not exempt or confidential, but that reveals home or employment address or telephone number, or personal assets of a person who is/has been the victim of sexual battery, aggravated child abuse, stalking/aggravated stalking, harassment, aggravated battery, or simple/aggravated domestic violence is exempt upon written request by the victim to the custodian of records, which must include official verification that an applicable crime has occurred. Such information shall remain exempt for 5 years, after which it will become available to the public. This exemption also applies to current and former U.S. military personnel, as well as their spouses and dependents who served after 9-11-2001. The exemption is for home address, telephone numbers, dates of birth, and place of employment. The service member must submit, to the agency which has custody of the information, a written request to exempt the information, along with a written statement that the service member has made reasonable efforts to protect the information from being accessible through other means available to the public. The names, addresses and telephone numbers of victims of misdemeanor and aggravated stalking are exempt. Any and all information regarding the identity of a human trafficking victim under the age of 18 is included in this exemption.



## Victim Advocate Services

The Pasco Sheriff's Office Victim Advocates offer a vast array of services for victims of crime and ensure that Victim Rights listed in Florida Statute Chapter 960 and the Florida Constitution are being upheld. Victim Advocates provide assistance to the victim through the entire criminal justice process, while acting as a liaison on their behalf. Some, but not all of the services they provide are crisis intervention, referrals to community services and crime specific counseling, victim compensation application assistance, acting as a liaison for the victim in most capacities, transportation, and facilitate return of property. A Hispanic speaking advocate is available to assist as well.

## DOMESTIC VIOLENCE?

### **IT ISN'T JUST WRONG..... IT'S A CRIME.**

Under the provisions of Florida Statute (F.S.) 741.28, domestic violence means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member. This includes:

- ♦ **Physical** acts such as pushing, slapping, kicking, punching, choking, and beating (F.S. 741.30)
- ♦ **Emotional or verbal abuse** such as threats, verbal intimidation, following and stalking, or acting out in anger (F.S. 741.30)
- ♦ **Sexual Abuse/Battery** is any unwanted touching or forcing of someone to engage in a sexual act against his/her will (F.S. 784.046)
- ♦ **Dating Violence** is violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature (F.S. 784.046)
- ♦ **Human Trafficking** is the recruitment, harboring, transportation, or obtaining a person through force, fraud, or coercion, for the purpose of a commercial sex act or in which the person induced to perform such an act is under 18 years of age. (F.S. 787.06)
- ♦ **Procuring a Person Under the Age of 18 for Prostitution** — (F.S. 796.03)
- ♦ **Lewd or Lascivious Offense** is any sexual activity committed upon or in the presence of a person less than 16 years of age. (F.S. 800.04)

## WHAT DOES THE DOMESTIC VIOLENCE LAW MEAN?

If someone is abusing you physically or sexually, threatening you, falsely imprisoning you, or if a family or household member is stalking you, there is a law to protect you. Family or household member means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have resided together in the same single dwelling unit in the past. The law also protects you if you are currently in or have been in a violent dating relationship within the last 6 months. Report any instances of domestic violence to law enforcement. You also have the option of filing a domestic violence injunction whether you report to law enforcement or not.

## INJUNCTIONS

**IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, PHYSICAL, EMOTIONAL, VERBAL, OR SEXUAL ABUSE OR BATTERY, DATING VIOLENCE, HUMAN TRAFFICKING, PROSTITUTION UNDER THE AGE OF 18, OR LEWD OR LASCIVIOUS OFFENSES UPON OR IN THE PRESENCE OF SOMEONE UNDER THE AGE OF 16** or if you have reasonable cause to believe you are in imminent danger of becoming the victim of any act of domestic violence, you have the right to file a **PETITION FOR INJUNCTION FOR PROTECTION AGAINST DOMESTIC VIOLENCE**. If you are a victim of repeat violence, dating violence, sexual violence, or the parent of any minor child who is living at home and who seeks an injunction for protection against repeat, dating, or sexual violence on behalf of the minor child, or you genuinely fear repeat violence, you may ask the State Attorney to file a criminal complaint. You also have the right to file a **PETITION FOR INJUNCTION FOR PROTECTION AGAINST REPEAT VIOLENCE, DATING VIOLENCE, and OR SEXUAL VIOLENCE**.

This may include, but need not be limited to provisions that restrain the abuser from further acts of abuse; direct the abuser to leave your household; and prevent the abuser from entering your residence, school, business, or place of employment. The Clerk of the Court is required to assist you in seeking both injunctions for protection and enforcement for a violation of an injunction. Representation by an attorney is not required of either party. (Section 741.30(1) (f) F.S.) **IF YOU ARE THE VICTIM OF**

**DOMESTIC VIOLENCE, PHYSICAL, EMOTIONAL, VERBAL, OR SEXUAL ABUSE OR BATTERY, DATING VIOLENCE, HUMAN TRAFFICKING, PROSTITUTION UNDER THE AGE OF 18, OR LEWD OR LASCIVIOUS OFFENSES UPON OR IN THE PRESENCE OF SOMEONE UNDER THE AGE OF 16** you may ask the State Attorney to file a criminal complaint. You also have the right to go to court and file a petition requesting a **PETITION FOR INJUNCTION FOR PROTECTION AGAINST DOMESTIC VIOLENCE, REPEAT VIOLENCE, DATING VIOLENCE, OR SEXUAL VIOLENCE** which may include, but need not be limited to the following:

- ♦ Provisions which restrain the offender from further acts of abuse;
- ♦ Directing the offender to leave your household;
- ♦ Preventing the abuser from entering your residence, school, business, or place of employment;
- ♦ Awarding you custody of your minor child or children; and
- ♦ Directing the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so.
- ♦ For safety reasons, you may furnish your address to the court in a separate confidential filing when filing the petition for injunction. You are not required to remain in a residence or household where you are a victim of domestic violence. Your address may be different from that of your partner without penalty.

### **HOW CAN THE LAW HELP ME?**

If you have been a victim of domestic violence, the offender has hurt you sexually or physically, or if you are afraid that you will be hurt, Florida's domestic violence law enables you to work with the court system to help keep you safe. Contact your local domestic violence center for safety planning prior to filing for an injunction.

Go to the Clerk of the Court's Office in your county courthouse.

- ♦ Bring identification
- ♦ Bring information about where the offender can be located
- ♦ Bring any other information on the offender such as photos or identification

- ♦ Bring any papers relating to your case
- ♦ Tell the clerk that you are interested in filing a **PETITION FOR INJUNCTION FOR PROTECTION AGAINST DOMESTIC VIOLENCE, REPEAT VIOLENCE, DATING VIOLENCE, OR SEXUAL VIOLENCE.**
- ♦ The Court Clerk will help you in filing the proper paperwork. By filling out these forms, you will be explaining to the judge exactly what type of protection you need.
- ♦ After you have completed the paperwork, the court will determine whether danger exists. The court may order a **temporary injunction**, which is good for 15 days. Then a full hearing is held to consider your safety and the safety of your children.
- ♦ The offender must be served with the injunction before it becomes effective. The injunction will tell the offender what the judge requires and when to return to court for a hearing. This hearing will be within 15 days unless the offender cannot be served.
- ♦ **It is important for you to attend the hearing** so that you can make sure the judge understands exactly what help you need and why. If you do not attend, usually the judge will drop the injunction.
- ♦ After the hearing, a **final injunction** may be granted. The final injunction is valid until dissolved or amended by the court.

### **EMERGENCY INJUNCTION/VIOLATIONS**

*To obtain an injunction after normal business hours, please contact the respective domestic violence shelter's crisis hotline for your area:*

- ♦ East of US 41 - Sunrise of Pasco - (352) 521-3120
- ♦ West of US 41 - Salvation Army Domestic Violence Outreach - (727) 856-5797

Upon contacting the shelter, an intake will be performed to determine if the criteria is present to file an emergency injunction. If the criteria has been met, the representative of the domestic violence shelter will guide you through the rest of the process.

## WHAT DO I DO IF THE OFFENDER VIOLATES THE INJUNCTION?

You will receive a copy of the injunction. **Keep it with you at all times.**

- ♦ If the offender violates the conditions of an injunction, **call the police right away.**
- ♦ The offender may be arrested.
- ♦ If the offender is arrested, he/she will be held until the court determines bail.
- ♦ The judge will consider your safety and the safety of your children.
- ♦ You may go to court if you wish.
- ♦ The court may order penalties as allowed by law.

**IF THE INJUNCTION HAS BEEN VIOLATED, BUT NO ARREST HAS BEEN MADE**, report the violation to the Clerk of the Circuit Court in the county where the violation occurred and complete an affidavit in support of the violation. The judge will determine what action should be taken for your safety and the safety of your children. You can also report it to your local law enforcement agency.

**IF YOU HAVE AN OUT OF STATE COURT ORDER FOR PROTECTION AGAINST DOMESTIC VIOLENCE**, federal and state law provide that law enforcement recognize and act on the order as if issued by a Florida court. This includes orders issued by courts from the District of Columbia, Indian tribes, commonwealth territories, or possessions of the United States.

### **Additional Injunction Information by the Administrative Office of the Courts Sixth Judicial Circuit**

If you are a party involved in an action to seek protection from domestic violence, sexual violence, dating violence or repeat violence and have questions similar to those listed below, there are informational videos available that may assist you. The videos were produced by the Office of the State Courts Administrator, and can be viewed on the 6th Judicial Circuit Court website by using a computer that has internet access.

- ♦ What is an injunction?
- ♦ Where do I go to get an injunction?
- ♦ Will someone be able to help me fill out the forms?
- ♦ What type of injunction do I need?
- ♦ Does it cost money to get an injunction?

## “Florida Injunctions for Protection: An Overview”

This video may help to explain the process for obtaining a Petition for protection. It may assist petitioners, as well as respondents, to understand the four different orders of protection and the requirements necessary for filling a petition. This video is approximately 13 minutes long.

## “Florida Injunctions for Protection, the Hearing”

This video may help to explain what will take place at your court hearing. It provides information about courtroom procedures and may answer some questions you might have about the court process. This video is approximately 15 minutes long. You can access this video by:

- ♦ Entering the website by **www.jud6.org**
- ♦ Click on **Contact Information** (upper right area)
- ♦ Click on **Domestic Violence**
- ♦ Click on one of the videos, **Domestic Violence Injunction Overview** or **Domestic Violence Injunction Hearing**

If you do not have a computer available that connects to the internet, you can use a computer located either in West Pasco Law Library located within the West Pasco Judicial Center, 7530 Little Road, New Port Richey or the East Pasco Law Library located within the Robert D. Sumner Judicial Building, 38053 Live Oak Avenue, Dade City.

Also, most public libraries have computers with internet access. If you do not know how to use the internet, bring this information sheet with you to the library and someone there may be able to help you.

### **Pasco Sheriff’s Office Domestic Violence Initiative**

Due to the recent arrest of the offender who committed domestic violence against you, the offender has been identified as a family violence offender. Accordingly, the offender will be provided with a Domestic Violence Prevention Letter and Resource list.

***A priority of this program is to emphasize to the offender, that you, the victim, did not request the Pasco Sheriff’s Office take any action against them.***

The offender will be informed in writing of the conditions of any no contact order imposed by the advisory judge to ensure the offender knows what actions would cause a violation.

If you and the offender have children in common, the offender must ask the court to assign a third party to arrange visitation. The offender will be advised by law enforcement that they may periodically perform a follow up check at any of the locations related to the violence to confirm the offender is complying with all of the conditions of any no contact order. A victim advocate will be assigned to assist you through the entire process. Please reach out to any of the below listed resources at any time.

- ♦ Call 911 for emergencies
- ♦ Sunrise of Pasco Domestic and Sexual Violence Center  
(352) 521-3120, confidential, 24 hour service
- ♦ Salvation Army Domestic Violence Program (727) 856-5797,  
confidential, 24 hour service

These agencies provide assistance with emergency shelter, safety planning, injunction and/or relocation assistance, accompaniment to injunction hearing, legal referrals, Florida Attorney General Crimes Compensation Program paperwork assistance, counseling for survivors and their children, and emotional support.

Pasco Sheriff's Office Victim Advocate Unit (727) 847-5878

This unit provides referrals for services, court assistance, criminal justice information, injunction assistance, Florida Attorney General Crimes Compensation assistance, transportation to case related events, court and investigative process information, and acts as a liaison between all entities and the victim.

## **Sexual Battery**

### **Definition, Victim's Rights & Services**

If you are the victim of a sexual crime, you have certain rights. Supportive services are also available to you free of charge regardless of whether or not you continue with the criminal justice process.

### **What is Sexual Battery?**

In the state of Florida, the legal term for the crime of rape or sexual assault is sexual battery (F.S.794). Sexual battery means oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object committed without that person's consent (if that person is an adult).

Consent means intelligent, knowing, and voluntary consent and does not include coerced submission. The law says that consent does not mean the failure by the alleged victim to offer physical resistance to the offender. If the victim is under 16 years of age, consent cannot be used as a defense to a sexual crime. Furthermore, a 16- or 17-year-old cannot legally consent to sexual activity with a person in a position of familial or custodial authority or to a person 24 or older.

A victim of sexual battery can report the crime to law enforcement and can ask the State Attorney (sometimes referred to as a prosecutor) to file a criminal complaint against the offender(s). A victim has the constitutional right to be informed, to be present, and to be heard at all crucial stages of a criminal or juvenile proceeding, to the extent that this right does not interfere with constitutional rights of the accused.

### **What happens During a Forensic Examination?**

Often when a sexual crime has occurred, the victim is examined by a registered nurse or a doctor. In a private area, the medical professional will conduct a head-to-toe exam checking for injuries and collecting evidence which may include a pelvic exam and taking photos. The victim has the right to:

- decline any part of the exam at any point.
- keep the exam confidential.
- have an advocate present from a certified rape crisis center.

The medical professional will ask the victim some questions about the crime and her/his medical history. The medical professional also may take blood, urine, saliva, pubic hair combings, and/or nail samples, and place items of the victim's clothing into the exam kit.

The medical professional can prescribe medications to protect the victim from certain sexually transmitted infections and recommend follow-up medical care.

HIV prevention medication may be available if that is of particular concern to the victim and should be started right away.

A victim who is concerned about pregnancy as a result of the crime should be provided with medically accurate information about the option to receive or purchase emergency contraception to prevent pregnancy. Emergency contraception should be started within 120 hours of the crime and is available over-the-counter to women 18 and older at many pharmacies. The exam is free regardless of whether or not the victim is pursuing criminal charges against the offender although the victim may be responsible for medications and additional healthcare costs.



## Help is Available

Anyone who has been the victim of a sexual crime needs compassion, sensitivity, and caring. Dealing with the feelings and circumstances resulting from the crime can be overwhelming and confusing. Services including hotline, crisis intervention and advocacy are available to you free of charge from your local certified rape crisis center. An advocate from a rape crisis center can:

- Arrange immediate shelter.
- Assure you that your reactions and emotions are a normal part of the response to the crime.
- Listen to your feelings and concerns.
- Help you understand and weigh your options.
- Be with you at appointments if you desire, including the forensic exam.
- Contact others on your behalf with your permission.

Rape crisis centers are legally and ethically required to protect your confidentiality (Florida Statute 90.5035). Unless you specifically ask them in writing with your signature to release information about you, they will not. **Call 1-888-956-7273 to be referred to local services.**

## What if I Fear For My Safety

Both adult and minor victims of sexual crimes who fear for their safety or fear the offender might contact them can seek a sexual violence injunction (Florida Statute 784.046).

- ♦ To obtain the injunction the victim or guardian must have reported the crime to law enforcement and cooperate in any criminal proceeding against the offender.
- ♦ Victims may also seek an injunction against an offender who has been released from jail or prison or who will be released within 90 days.
- ♦ Filing for a sexual violence injunction is free.
- ♦ The petition can be obtained on-line through [www.pascoclerk.com](http://www.pascoclerk.com) or from any courthouse.
- ♦ An advocate can assist you in completing the injunction

*Victims of sexual crimes have various other rights, many of which are found in Chapter 960 of the Florida Statutes, including the right:*

- ♦ To have information relating to the criminal investigation of the crime that might identify the victim kept confidential and exempt from public records (Florida Statutes 119.071 and 92.56).
- ♦ To have an advocate from a certified rape crisis center present during the forensic examination.
- ♦ To have an advocate present during a discovery deposition (a defense attorney's pre-trial questioning of witnesses).
- ♦ To have the offender, if charged with the crime, tested for HIV and to receive the results of that testing.
- ♦ To not be asked or required to submit to a polygraph examination as a condition of proceeding with the investigation of the offense

## Domestic and Sexual Violence Safety Plan

- ♦ Keep your cell phone and home phone charged at all times.
- ♦ Have an escape route with your children in the event your abuser comes back to the home.
- ♦ Tell your neighbor that your offender should not be at your home and to contact law enforcement and you, if they see your offender near your home.
- ♦ Be aware of your surroundings at all times, especially when going to your car.
- ♦ Call 911.
- ♦ Contact your local Domestic Violence Center for additional safety plan and shelter if needed.
- ♦ Obtain a Domestic Violence Injunction
- ♦ Inform your supervisor, school, and family that you should not be getting phone calls or visits from the abuser.
- ♦ Stay in contact with the state attorney, victims advocate, law enforcement, and domestic violence advocates and relay any concerns that you may have.



## VICTIM SERVICES IMPORTANT NUMBERS

### **SHERIFF'S OFFICE - Emergency 911 or:**

East Pasco	352-567-5131
West Pasco	727-844-7711
Central Pasco	813-929-1204

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### **SHERIFF'S OFFICE - Administrative**

East Pasco	352-518-5000
West Pasco	727-847-5878
Central Pasco	813-996-6982

[www.pascosheriff.com](http://www.pascosheriff.com)

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### **SHERIFF'S OFFICE VICTIM ADVOCATES**

East Pasco	352-518-5000
West Pasco	727-847-5878

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### **POLICE DEPARTMENTS**

Florida Highway Patrol	352-754-6767
Dade City Police	352-567-5194
New Port Richey Police	727-841-4550
Port Richey Police	727-845-1439
Zephyrhills Police	813-780-0050

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### **STATE ATTORNEY'S OFFICE**

East Pasco	352-521-4333
West Pasco	727-847-8158

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### **CLERK OF THE COURT**

East Pasco	352-521-4274
West Pasco	727-847-2411

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### **SALVATION ARMY DOM. VIOL. SHELTER**

West Pasco	727-856-5797
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### **SUNRISE OF PASCO DOM & SEXUAL VIOL. SHELTER**

East Pasco	352-521-3120
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## **UNITED WAY REFERRAL DIRECTORY**

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### **BAY AREA LEGAL SERVICES**

East Pasco	352-567-9044
West Pasco	727-847-5494

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### **PASCO COUNTY HEALTH DEPARTMENT**

East Pasco	352-521-1450
West Pasco	727-862-0782
Central Pasco	813-558-5173

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### **SUICIDE HOTLINE**

1-800-273-8255

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### **Florida Department of Corrections**

Victim Assistance Program 1-877-884-2846 (1-877-8-VICTIM)

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### **Office of the Attorney General**

Crime Victim Compensation Program 1-800-226-6667

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### **Florida Parole Commission**

Victim Services Office 1-800-435-8286

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### **Office of the Governor**

Victim Rights Coordinator 1-850-488-3494

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### **Florida Council Against Domestic Violence**

1-800-500-1119

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### **Florida Council Against Sexual Violence**

(1-888-956-RAPE)

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### **Florida Abuse Hotline (Children & Adults) (800) 96-ABUSE**

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### **Florida Department of Law Enforcement**

Sex Offender/Sexual Predator Hotline 1-888-357-7332

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### **Parents of Murdered Children**

1-888-818-7662 (1-888-818-POMC)

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### **Mothers Against Drunk Driving**

1-800-438-6233 (1-800-438-MADD)

<b>Office for Victims of Crime Resource Center</b>	1-800-627-6872
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<b>National Center for Victims of Crime</b>	1-800-394-2255(1-800-FYI-CALL)
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<b>Immigration and Naturalization Services</b>	
Victim Hotline	1-866-872-4973
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<b>Florida Bar Lawyer Referral Service</b>	1-800-342-8011
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<b>National Domestic Violence Hotline</b>	1-800-799-7233 (1-800-799-SAFE)
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<b>National Organization for Victim Assistance</b>	1-800-879-6682
(1-800-TRY-NOVA)	
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<b>National Teen Dating Abuse Hotline</b>	1-866-331-9474
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<b>National Runaway Switchboard</b>	1-800-786-2929
<a href="http://www.runaway.org/">http://www.runaway.org/</a>	

**Pasco Sheriff's Office**  
**PUBLIC RECORDS**  
**&**  
**PROPERTY RELEASE**  
**Custodian Information**

*For public records inquiries, please contact:*

**Records Department**

**Email: [Records@pascosheriff.org](mailto:Records@pascosheriff.org)**

**Phone: (813) 235-6118**

**Fax: (813) 235-6119**

20105 Central Boulevard  
Land O'Lakes, FL 34637

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For **Property Release**, please contact

**Property Evidence**

Email:

[Propertyevidence@pascosheriff.org](mailto:Propertyevidence@pascosheriff.org)

Phone: (813) 235-6120

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20105 Central Boulevard  
Land O'Lakes, FL 34637



**Prevention Projects (since 1981)**

13743 US 98 Bypass  
Dade City, FL 33523  
352.523.0024 \*\* +

Individual 14 weeks BIP \$50/session, BIP assessments \$75, Anger management,  
DV M/F, Trauma Assessments \$150, Mental Health Evaluations  
Hours: Tuesday-Wednesday 10am-Noon, 3pm-7pm  
Semi-retired

**Psychological Management Group**

7402 North 56th St, Bldg 100 Ste. 102  
Tampa, FL 33617  
813.963.1016 \*\* +

Tampa: BIP (Spanish), Victims Trauma Program, DV Assessments,  
20 week group therapy  
NPR: M/F BIP, Anger Management, Substance Abuse, Sex Offender  
Zephyrhills: Fri Only – Substance Abuse

**Sober Solutions (since 2011)**

5014 Mission Square  
Zephyrhills, FL 33541 and  
8056 Old County Road 54  
NPR, FL 34653

813.715.2931 & 727.372.2010

BIP M/F both locations have evenings, \$50 assessment and \$25 groups,  
Substance Abuse, Parenting, Anger Management, Restorative Justice

**Trinity Outreach of Zephyrhills**

5254 6th Street  
Zephyrhills, FL 33542  
877.333.1845

BIP Women only, Recovery Groups, Breakthrough Parenting, Anger Management

**Western Judicial**

610 W Jefferson St  
Brooksville, FL 34601  
352.796.1378 +

BIP Male 5:30-7pm Fri, 11-12:30 Sat, Female –Tues 3-4,  
Substance Abuse, Anger Management

**RECOVERY GROUPS:**

**Bridgewater Church**

30660 Wells Road  
Wesley Chapel, FL 33545  
Contact –Mark Yenny  
crbridgewater@gmail.com

Phone – 813-451-1434 ♦ Thursday 7:00 PM

**RECOVERY GROUPS (Continued):**

**Celebrate Recovery Life Church**

6542 Applewood Dr.  
Wesely Chapel, FL 33544  
Contact – Alicia Nolan  
aliciadnolan@aol.com

Phone – 813-994-0685 ♦ Monday 7:00 PM

**Generations Christian Church**

1540 Little Road  
Trinity, Florida 34655  
Contact – Al Squitieri

al.squitieri@generationscc.com

Phone – 727-375-8801 x2465 ♦ Friday 7:00 PM

**Generations Christian Church**

34 Seven Hills Dr.  
Spring Hill, Florida 34609  
Contact - John Schaaf

john.schaaf@generationscc.com

Phone - 727-375-8801 ♦ Friday 7:00 PM

**Idlewild Baptist Church**

18371 N. Dale Mabry  
Lutz, Florida 33548  
Contact – Earl Burgess  
cr@idlewild.org

Phone – 813-382-3267 ♦ Monday 7:00 PM

**Lakeview Community Church**

475 Eastlake Road North  
Tarpon Springs, Florida 34668  
Contact Bob Loeffler

lakeviewcelebraterecovery@yahoo.com

Phone – 727-942-0229 ♦ Tuesday 7:00 PM

**Little Lake Chapel**

10012 Moon Lake Rd.  
Port Richey, Florida 34654  
Contact - Henry Becoat  
habecoat@aol.com

Phone - 315-489-4980 ♦ Monday 6:00 PM

**New Life Church of Ridge Manor**  
 6375 Windmere Rd  
 Brooksville, Florida 34602  
 Contact - John Sicurella  
 deadsledmotors@aol.com  
 Phone - 813-230-8780 • Friday 7:00 PM

**New Walk Church**  
 35008 SR 54  
 Zephyrhills, FL 33541  
 Contact - Adam Grenville  
 adamgrenville@gmail.com  
 Phone - 352-424-2129 • Monday 7:00 PM

**Openwater Church**  
 15612 Race Track Road  
 Odessa, Florida 33556  
 Contact Tonya Towner  
 tonya@openwaterchurch.com  
 Phone - 813-920-9922 • Tuesday 6:45 PM



Working Together...  
 We Make A Difference!

Pasco Sheriff's Office **RIGHTS OF VICTIMS / WITNESSES  
 IN THE CRIMINAL JUSTICE SYSTEM**

<b>NOTIFICATION INFORMATION</b>		Date _____ Case Report Number _____	
Defendant #1 (Print) _____		Defendant #2 (Print) _____	
Defendant #3 (Print) _____		Defendant #4 (Print) _____	
Victim/Witness Print <input type="checkbox"/> Victim <input type="checkbox"/> Witness <input type="checkbox"/> Next of Kin of Homicide Victim <input type="checkbox"/>	Home Phone Number _____	Work/Other Phone Number _____	
Address (Street, PO Box, Etc.) _____	City _____	State _____	Zip _____

IF YOU ARE THE VICTIM / WITNESS OF A CRIME OR THE NEXT OF KIN OF A HOMICIDE VICTIM, YOU HAVE CERTAIN RIGHTS (FLORIDA STATUTE CHAPTER 960 and Article I, Section 16, Florida Constitution). THESE RIGHTS ARE EXPLAINED IN THE RIGHTS OF VICTIMS / WITNESSES BROCHURE YOU WILL RECEIVE FROM THE PERSON YOU ARE REPORTING YOUR CASE TO. PLEASE READ AND ANSWER THE FOLLOWING QUESTIONS AND SIGN BELOW THAT YOU HAVE DONE SO.

**1. On Scene Arrest Notification**

I have been notified that a suspect was arrested in reference to this case, and I have been informed that I may attend the First Appearance Hearing, and to call 352-521-4333 or 727-847-8158 for information regarding the hearing.  Yes  No  N/A

**2. Please Answer The Following:**

- I want to be notified if an arrest is made at a later date reference this case.  Yes  No
- I want to be notified if a defendant is released reference this case.  Yes  No
- I have received a Rights of Victims and Witnesses Brochure.  Yes  No
- I understand the rights afforded to me as a victim of sexual battery (FSS 794.052)  Yes  No  N/A
- I understand the rights afforded to me in Article I, Section 16, FL Constitution  Yes  No

**3. Public Records Exemption:**

- a. If you are the victim of certain sex crimes or child abuse, your name, address, and other identifying information is exempt from public records release per Florida State Statute 119.071(2)(h)1.
- b. If you are victim of one or more of the crimes specified in Florida State Statute 119.071(2)(j)1 ([sexual battery, aggravated child abuse, aggravated battery, aggravated stalking, harassment – harassing/obscene telephone calls, or domestic violence), you may request an exemption prohibiting the disclosure of information to the general public that reveals your home and work telephone numbers, home and work addresses, and personal assets not otherwise held confidential or exempt from the provisions of the "Public Records Law", F.S.S. 119.07(1). Please note this exemption may not be used to exempt the identity or name of the victim [although other statutory provisions may, for certain more limited offenses, render the identity of the victim exempt or confidential without the need for a request].
- c. As a victim of any crime, 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 about you. Article I, Section 16, Fl. Constitution (Marsy's Law)

Do you wish to exercise this additional exemption? (Please check one)  Yes  No  N/A

I CERTIFY THAT I HAVE RECEIVED A "RIGHTS OF VICTIMS / WITNESSES IN THE CRIMINAL JUSTICE SYSTEM" BROCHURE AND THAT I HAVE READ, UNDERSTAND AND ANSWERED THE ABOVE QUESTIONS AND INFORMATION.

\_\_\_\_\_  
 VICTIM / WITNESS (SIGNATURE):

Submit This Form To The Pasco  
 Sheriff's Office Records Department  
 20105 Central Blvd.  
 Land O'Lakes, FL 34637  
 (813) 235-6118

\_\_\_\_\_  
 REPORTING OFFICER / PST (SIGNATURE): ID#: