

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



 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
 And Witnesses
 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's Office at the numbers listed on page 32. 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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NONDISCRIMINATION 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.

State of Florida Victim Rights Act

Under the Victim Rights Act of 1988, law enforcement and criminal justice system officials are obligated to protect and provide information to crime victims, the next of kin of homicide victims, and guardians of victims who are minors. Victims have the right:

- ♦ ***To be informed, present, and heard at all crucial stages of criminal and juvenile justice proceedings.***
- ♦ ***To be informed about available resources, financial assistance, and social services, including victim compensation.***
- ♦ ***To be informed about the criminal and juvenile justice process and how it works.***
- ♦ ***To be notified of an appeal; an explanation of the appeal process; the time, place, and result of the appeal; and the right to attend the appeal hearing.***
- ♦ ***To be notified of and to attend sentence review/reduction hearings.***
- ♦ ***To be notified of any change of status such as prison release, permanent interstate transfer, or escape, and the date of the parole board hearing, when requested by the victim through the victim advocate.***
- ♦ ***To consult with the State Attorney's Office and to be advised of the disposition of the case, including plea bargaining, in certain felony cases.***
- ♦ ***To request and receive restitution, and to receive information on how to enforce the court order.***
- ♦ ***To appear and make a written or an oral victim impact statement at the sentencing of the defendant.***
- ♦ ***To review the pre-sentence investigative report on the accused prior to sentencing.***
- ♦ ***To be informed that victims of a sexual assault, during testimony, can request that the courtroom be cleared, with certain exceptions.***
- ♦ ***To be informed that victims of domestic violence be informed of the address confidentiality program administered through the Attorney General's Office.***

- ◆ *To be informed that any victim, victim's legal guardian, or the parent or legal guardian of a victim, if the victim is a minor, may 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 body fluids from one person to another, undergo hepatitis and H.I.V. testing.*
- ◆ *To request the presence of a victim advocate during the forensic medical examination after a sexual offense. An advocate from a certified rape crisis center shall be permitted to attend any forensic medical examination.*
- ◆ *To be informed that the victim may request, for specific crimes, certain information about them which is not normally protected by the Public Records Law be kept confidential F.S.119.*
- ◆ *To be informed that when the victim and defendant involved in a criminal matter attend the same school, the parents or legal guardian may attend the sentencing or disposition involving the offender and request the offender attend a different school.*
- ◆ *To be informed when an arrest is made or the inmate has been released including work release and community control.*
- ◆ *To be provided information regarding the incarcerated victim's right to be informed and to submit written statements at all crucial stages of the criminal and juvenile justice proceedings.*
- ◆ *To be provided information regarding the victim's right to a prompt and timely disposition of the case in so far as it does not interfere with the constitutional rights of the accused.*
- ◆ *To be provided information regarding general victim assistance such as translator services, transportation, parking and separate pretrial waiting rooms.*
- ◆ *To be provided information that the victim or 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 on the fact that such person is subpoenaed to testify, unless, upon motion, the court determines such person's presence to be prejudicial.*
- ◆ *To be provided information that victims and witnesses who are not incarcerated shall not be required to attend discovery depositions in any correctional facility.*
- ◆ *To be informed that a victim or witness who so requests shall be assisted by law enforcement agencies and the state attorney in informing his or her employer that the need for victim and witness cooperation in the prosecution of the case may necessitate the absence of that victim or witness from work. A victim or witness who, as a direct result of a crime or of his or her cooperation with law enforcement agencies and state attorney in explaining to the creditors of such victim or witness the reason for such serious financial strain.*

A complete list of Florida Statute 960, Victim Rights, can be assessed at:

www.myfloridalegal.com

You Are Important

This booklet will try to answer some of the questions you may have as the victim of, or witness to, a crime. The procedures may seem complicated but are necessary under our system of criminal justice. Circumstances have made you a part of this system, and your continued involvement and cooperation are absolutely necessary to make the system work effectively. Criminal cases simply cannot be prosecuted unless witnesses come forward to testify. Without you and your cooperation, criminals could not be apprehended by law enforcement or convicted in our courts. Your part is important to ensure that justice is done!

Your Involvement

You are very important to the case, for without your testimony the defendant could go unpunished. Understandably, you may feel anxious about testifying in court. 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 vengeance is a serious crime in itself 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.

You, The Witness

You are a witness because you have seen, heard or know something about a crime that has been committed. If you are the victim of a physical injury, or the owner of property that has been stolen, damaged or used in the commission of a crime, you are a vital witness in the case, and your cooperation and testimony is essential. You may also be an eyewitness to the crime or have information necessary to establish facts in the case. Numerous bits of information are often required to piece together what really happened. Even if what you know or saw seems insignificant, it may be important in developing the case.

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:

- **Arrest of the accused at the scene of the crime.**
- **Arrest based on a warrant issued by the court in response to a sworn complaint.**
- **Arrest based on an indictment by a Grand Jury as the result of an investigation.**

In all instances, evidence must be sufficient to later convince the court that there is "probable cause" to believe a crime was committed and that the person arrested took part in committing it.

Advisory Hearing (Following the Arrest)

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

At this point, the judge will set conditions for the release of the defendant from jail until the Arraignment Hearing. In some instances, when persons accused of a crime have sufficient roots in the community to insure return for trial, the judge may release the accused on their own recognizance pending judicial proceedings, depending on the nature of the criminal charge. This does not require the posting of bond.

Victims and witnesses do not have to be present at the Advisory Hearing but have the right to make the judge aware of personal feelings about the release of the defendant. If you plan to attend, please contact the Booking Department at (813) 235-6070 to determine at which courthouse advisories are being held. It is important that you inform the court if the accused has threatened you or your family.

If you would like to attend the advisory hearing, please contact the Pasco Sheriff's Office Booking Sergeant at (813) 235-6028. The Booking Sergeant will let you know where to report to have your feelings voiced to the judge.

If you wish to speak to the Assistant State Attorney, or have questions, ask the bailiff to notify him/her of your presence and that you wish to make a statement. The Defendant may have the opportunity to plead guilty at the advisory hearing, and will be sentenced at that time. The Defendant will be ordered to have no contact with the victim upon his/her release from jail on all domestic violence cases.

State Attorney's Investigation

At some time after the Advisory Hearing and before Arraignment, you may be notified to appear at a State Attorney investigation to give sworn statements regarding the crime. The accused will not be present at this conference. Your attendance is very important because the case cannot proceed without your cooperation. At this conference you will be given the name and phone number of the Assistant State Attorney who will be handling the case.

Information Filing

After your appearance at the State Attorney investigation, or the presentation of your case to the State Attorney, the Assistant State Attorney who is handling the case will make a determination as to what action is appropriate, based upon the facts presented. ***There are two options:***

1. The State Attorney's Office may file an "Information," which is a formal document submitted to the Clerk of the Court stating the charges against the accused.
2. The State Attorney's Office may file a "No Information" which is 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 the decision.

Subpoenas

You may receive a subpoena for the trial and certain hearings. This is a court order requiring you to appear at the time, date and place indicated. A State Attorney's Office contact telephone number will be on the subpoena, near the bottom of the page, which you are required by the State Attorney to call upon receipt of the subpoena. Your phone number will be taken in order that you can be notified of any changes in the date or case status. Many cases do not go to trial and every effort will be made to notify you of any changes, provided you have listed a contact phone number. You will also receive notices of

various hearings that will occur during the course of the criminal proceedings. These notices will differ from subpoenas in that they merely inform you of the activity in the case, allowing you the opportunity, if you wish, to be present at these hearings.

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 the individual's cooperation is necessary to the case and may require some absence from work. These agencies will also assist in notifying creditors if you suffer a financial hardship as a result of the crime. Actual financial assistance may be obtained through Tampa Bay Legal Services for assistance in payment of bills such as electric, phone, etc.

Delays

Delays are often caused when various court proceedings are continued (postponed) for any number of reasons. Sometimes these delays may mean an unnecessary trip to court for you. Please remember that every effort is made to keep you informed of the proceedings in advance and your patience and understanding are essential to a successful prosecution. In order for you to receive proper notification, it is important to keep the State Attorney's Office informed of any changes of address or phone number. You may contact the State Attorney's Office to find out the status of your case. In most instances, your appearance is not necessary. Unless you are served with a written subpoena, or verbally requested by a State Attorney, your attendance is not mandatory.

Arraignment

Each person arrested for a crime is given an Arraignment Hearing, at which the accused is formally charged with the crime and advised of the possible penalties. If the accused cannot afford a private attorney, a public defender or volunteer attorney may be appointed.

There are three types of Arraignment Hearings: *(continued on page 9)*

MISDEMEANOR ARRAIGNMENT A victim is notified in advance by letter of the scheduling of a misdemeanor arraignment hearing. The victim has the right to be present, but is not required to appear unless a subpoena has been issued. Since the defendant could plead guilty and have sentence imposed by the judge at this time, it is important for the victim to appear so that personal feelings can be considered.

FELONY ARRAIGNMENT The victim will not receive notification regarding this hearing, since it is a technical proceeding at which the defendant's attorney will normally enter a plea and a date is set for a pre-trial hearing.

FELONY ARRAIGNMENT/DISPOSITION A victim will be notified in advance of this hearing, which occurs when a defendant has agreed to plead guilty to the charges and will be sentenced.

Bond Hearing

For many crimes, including assaults with weapons, burglary, and thefts of items valued at \$300 or more, bail bond amounts have been previously determined by the courts and are contained in a list of standard bond amounts. Posting bond permits the accused to be released from custody. If the accused is unable to post the standard bond amount, or if the crime for which the accused was arrested is not included in the standard bond list (such as murder, rape, robbery or kidnapping), the accused will go to an Advisory Hearing within 24 hours after arrest. Those who post bond are not required to be present at the Advisory Hearing. No defendant arrested for a domestic related offense is allowed to bond from jail prior to an advisory hearing. To find out if a defendant has been or may be released from custody, call the Land O'Lakes Detention Center Booking Office (813-235-6070). You can also find custody status by way of the Sheriff's Office Website: www.pascosheriff.com.

Every attempt will be made to notify the victim upon the defendant's release from custody.

Pre-Trial Conference

At the pre-trial conference, the defendant and the defendant's attorney will indicate to the judge whether or not the defendant intends to plead guilty. The victim will be notified by letter when a pre-trial conference is scheduled.

If the defendant pleads not guilty, a trial date is set and it is decided whether or not it will be a trial by jury. However, there will be multiple pre-trials held before the trial.

If the defendant pleads guilty, sentence may be imposed immediately or scheduled at a future date.

As with misdemeanor arraignments and felony arraignment dispositions, it is important that a victim appear at this hearing if personal feelings are to be considered. A Victim Advocate can appear on your behalf, unless your presence is necessary.

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.

Depositions

The attorney for the defendant can have a subpoena issued requiring you, as a victim or witness, to appear and answer questions under oath concerning your knowledge of the criminal offense. This proceeding, where sworn testimony is given, is referred to as a deposition, with an Assistant State Attorney present. The victim has a right to request a Victim's Advocate accompany him/her to the deposition.

Possibilities Other Than Trial

Plea negotiations may take place between the State Attorney and the defendant and the defendant's attorney. In the plea negotiation of criminal charges, the State Attorney may offer a specific disposition in exchange for a guilty plea. However, the final sentencing decision in the case is still decision by a judge.

Pre-Trial Intervention / Diversion Program

Pre-Trial intervention is a program similar to probation whereby an accused accepts responsibility for the offense and is released under supervision for six months to a year. Restitution to the victim, counseling, getting and keeping a job, and voluntary community service work are typical requirements.

The Trial

At the trial, the judge or a jury will decide whether the defendant is guilty or not guilty. The State will present its evidence first, which may include your testimony. Then the defense will present its evidence. Attorneys for each side will have a chance to question every witness. The burden of proof is on the State to prove the defendant's guilt beyond a reasonable doubt. The State can't carry the burden of proof without witness cooperation.

Pre-Sentence Investigation

In many cases, a pre-sentence investigation is conducted by the Probation Department at the direction of the judge. This consists of an interview with the defendant, a review of the defendant's criminal record, and a review of the specific facts of the crime. The Probation Department then makes a recommendation to the judge about the type and severity of the sentence. The judge, however, makes the final decision. You, the victim or parents of a minor child that is a victim have the right to review certain portions of the pre-sentence investigation report completed prior to the sentencing hearing involving an adult or youthful offenders, prior to the sentencing of the accused. Anyone reviewing the report must maintain the confidentiality of the report. Probation will also consult with the victim to note their input.

Impact Statement

A victim may file 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.

Medical costs, mental anguish, lost wages and impaired mobility, to name only a few, are relevant details that the judge can take into consideration before sentencing the offender.

The Victim Impact Statement may be obtained from the State Attorney's Office or a Sheriff's Office Victim Advocate. Assistance will be available to complete the form. This document will then be placed in the court file to be presented to the judge for consideration. A victim may also appear personally before the court to testify about the impact of the crime.

Sentencing

Often, sentencing occurs immediately after the defendant pleads guilty at the pre-trial proceeding or is found guilty at the trial. At other times, sentencing is scheduled at a later date and the victim is notified in advance. Because sentencing can occur at any stage, it is important that the victim complete and submit a Victim Impact Statement and a Restitution Statement, if applicable, to the State Attorney's Office as soon as possible. You, as a victim, have the right to speak to the court before the Judge pronounces sentence.

Restitution

In addition to any punishment, the court may order the defendant to make restitution to the victim for damage or loss caused directly by the defendant's offense. Restitution may be monetary or non-monetary and the court may order restitution as a condition of probation. The State Attorney is responsible for presenting to the court the dollar amount and items to be considered in any restitution hearing. For this reason, the Victim Impact Statement must be filled out and all documentation, such as receipts, medical bills, and loss of wages, should be supplied to the Assistant State Attorney as soon as possible.

Return Of Property

You have the right to the prompt return of property unless there are compelling law enforcement reasons to retain it. The law enforcement agency will attempt to return your property after photographing same. The Property Evidence Section can be reached at (813) 235-6120.

Other Rights

As a victim, you also have the following rights:

s Advance notification of judicial proceedings (arrest, release, bond reductions, community control, community work release, etc.) of the accused as well as proceedings in the prosecution.

s Consultation with the State Attorney's Office in certain felony crimes involving physical or emotional trauma regarding the release of the accused, plea agreements, pretrial diversion programs and the sentencing of the accused, etc.

s Advanced notice of scheduling changes, if possible, by the agency scheduling your appearance.

Victim Compensation

If you have been the victim of a crime, you may be eligible for monetary reimbursement of resulting medical bills and loss of wages, through the Florida Victim Compensation Program. This was established to provide compensation to victims or their families who suffer physical injury or death as a direct result of a crime and is different from restitution paid by the defendant. To apply for Victim Compensation, you must complete the appropriate forms and submit them to the Attorney General's Office. Forms are available through hospitals, law enforcement agencies and the State Attorney's Office. You can get assistance with completing the forms from the State Attorney's Office or the Sheriff's Office Victim Advocate. You, the victim of a crime or the State Attorney, with the consent of the victim, have standing to assert the rights of a crime victim which are provided by law in the State Constitution. You may also contact the Attorney General's Office at 1-800-226-6667.

What services can a Victim Advocate provide for you?

There are four Victim Advocates employed by the Sheriff's Office. They are on call 24 hours a day, with two staffed on the east and west side of the county.

Victim Advocates can assist with an array of services and referrals for assistance to human service agencies. They assist the victim through the entire criminal justice process, while acting as a liaison on your behalf.

DOMESTIC VIOLENCE?

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

WHAT IS DOMESTIC VIOLENCE?

Under the provisions of Section 741.28, F.S., *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 acts such as:

Physical Abuse — pushing, slapping, kicking, punching, choking, and beating. (Section 741.30 F.S.)

Emotional/Verbal Abuse — threats, verbal intimidation, following and stalking, or acting out in anger. (Section 741.30 F.S.)

Sexual Abuse/Battery — any unwanted touching or forcing of someone to engage in a sexual act against his/her will. (Section 784.046 F.S.)

Dating Violence — violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. (Section 784.046 F.S.)

Repeat Violence — two incidents of violence or stalking, one of which must have been within 6 months of filing a petition and must have been directed against the petitioner or the petitioner's immediate family member. (Section 784.046 F.S.)

Human Trafficking — 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. (Section 787.06 F.S.)

Procuring a Person Under the Age of 18 for Prostitution — (Section 796.03 F.S.)

Lewd or Lascivious Offenses — sexual activity committed upon or in the presence of a person less than 16 years of age. (Section 800.04 F.S.)

WHAT DOES THE 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.

ARE YOU A VICTIM OF DOMESTIC VIOLENCE?

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, 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 abuser from further acts of abuse;
- ♦ directing the abuser 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, if the abuser 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 abuser can be located.
- ♦ Bring any other information on the abuser, 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 and from whom you need protection.
- ♦ After you have completed the paperwork, the court will determine whether danger of domestic violence 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 abuser must be served with the injunction before it becomes effective. The injunction will tell the abuser what the judge requires and when to return to court for a hearing. This hearing will be within 15 days unless the abuser 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 end the injunction.**
- ♦ After the hearing, a **final injunction** may be granted. The final injunction is valid until dissolved or amended by the court.

OBTAINING AN EMERGENCY INJUNCTION

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 ABUSER VIOLATES THE INJUNCTION?

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

- ♦ If the abuser violates the conditions of an injunction, **call the police right away.**
- ♦ The abuser may be arrested.
- ♦ If the abuser 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.

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.

EXEMPTION FROM PUBLIC INSPECTION

Under the provisions of Section 119.071(2)(j), F.S., any information which reveals the home or employment telephone number, home or employment address, or personal assets of a person who has been the victim of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery, or domestic violence is exempt from public inspection and examination. Any information that is not exempt or confidential but that reveals home or employment telephone number, home or employment address, or personal assets of a person who has been the victim of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery, or domestic violence is exempt, upon written request by the victim to the custodian of the 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.

WHOM MAY I TALK TO FOR MORE INFORMATION?

Florida Domestic Violence Hotline, **1-800-500-1119**
(For legal assistance hit prompt #3)

Florida Abuse Hotline, **1-800-962-2873**
(To file confidential reports of child abuse)

National Child Abuse Hotline, **1-800-422-4453**
(24 hour help line which provides crisis counseling,
information and referrals)

National Domestic Violence Hotline, **1-800-799-7233**

National Teen Dating Abuse Hotline, **1-866-331-9474**

National Runaway Switchboard, **1-800-786-2929**
<http://www.1800runaway.org/>

Administrative Office of the Courts Sixth Judicial Circuit

- ♦ **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?**

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 like the ones above, there are informational videos available that may assist you. The videos listed below, 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.

“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.

- ♦ **How can I connect to the website to watch the video?**
- ♦ **What if I do not have a computer with internet access?**

If you do not have a computer available that connects to the internet, you can use a computer in the West Pasco Law Library located at the West Pasco Judicial Center, 7530 Little Road, New Port Richey.

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.

To view either of the videos, log onto a computer, connect to the Internet and do the following:

- ♦ On the address line, type in **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**
-

Sexual Battery 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.



Help is Available

Anyone who has been the victim of a sexual crime needs compassion, sensitivity, and caring. Dealing with the feelings and issues 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:

- Help you understand in greater detail many of the issues described in this brochure.
- Assure you that your reactions 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.
- 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.**

Sexual Battery is a Crime!

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.

What is Sexual Battery?

In the state of Florida, the legal term for the crime of rape or sexual assault is **sexual battery (Chapter 794, F.S.)**. 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. Further, 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.

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) sometimes referred to as a restraining order or protection order.

- 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 application can be made at a local courthouse with assistance from the Court Clerk.

Victim Compensation:

Victims of sexual crimes may be eligible for financial assistance for:

- medical care,
- lost income,
- mental health services, and
- other out-of-pocket expenses directly related to the injury. Victims wishing to apply for assistance, check on the status of their applications, or in need of any other assistance can contact the Division of Victim Services within the Office of the Attorney General toll free at **1-800-226-6667**.

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).

Victims Have Rights

- To have the offender, if charged with the crime, tested for HIV and to receive the results of that testing.
- To attend the sentencing or disposition of the offender and request that the offender be required to attend a different school if the offender goes to the same school as the victim or the victim's siblings.
- To be notified of judicial proceedings and scheduling changes.
- To have information concerning release of the offender from incarceration from a county jail, municipal jail, juvenile detention facility, or residential commitment facility.
- To be consulted by the state attorney about the disposition of the criminal or juvenile case.
- To request restitution.
- To submit an oral or written impact statement.
- To not be asked or required to submit to a polygraph examination or other truth-telling device as a condition of proceeding with the investigation of the offense.
- To take up to three days of leave, which can be paid or unpaid at the discretion of the employer, to deal with issues that arise from the crime if the employer has 50 employees or more and the employee has worked for the employer for at least three months, provides some documentation of the crime, and has used other available leave (Florida Statute §741.313).



Resources:

Victim Compensation

1-800-226-6667
<http://myfloridalegal.com/>

Florida Council Against Sexual Violence

Statewide information and referral line: 1-888-956-7273
www.fcasv.org

Florida Department of Corrections

Victim Information and Notification Everyday (VINE) & Victim Assistance Office

1-877-8-VICTIM (1-877-884-2846)
Toll-Free VINE Line: 1-877-VINE-4-FL (1-877-846-3435)
www.dc.state.fl.us/oth/victasst/index.html

Florida Department of Law Enforcement

Sexual Offender/Predator Unit
1-877-414-7234
www.fdle.state.fl.us

Florida Abuse Hotline

1-800-962-2873

Victims often need support in the healing process from a sexual crime. Your local rape crisis center stands ready to help you.

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 abuser should not be at your home and to contact law enforcement and you, if they see your abuser near your home.

- ♦ Call 911
- ♦ Contact your local Domestic Violence Center for a safety plan and shelter if needed.
- ♦ Obtain a Domestic Violence Injunction and contact Domestic Violence Center for assistance.
- ♦ 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 with any concerns that you may have.
- ♦ Be aware of your surroundings when going to your car.

Domestic Violence/Sexual Violence Centers

The Salvation Army:	(727) 856-5797
Sunrise of Pasco:	(352) 521-3120
Dawn Center (Spring Hill):	(352) 799-0657
The Spring (Tampa):	(813) 247-7233

Other Important Numbers:

VINE

Victim Information & Notification Everyday

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

(1-877-846-3435)

TTY 1-866-847-1298

www.vinelink.com

VINE is an automated service that lets you track the custody status of offenders in county jails, Department of Corrections facilities, or supervised by Community Corrections. By calling the toll-free number or visiting www.vinelink.com, you can find out the custody status of an offender. You can also register to be notified by phone and e-mail if the custody status of an offender changes.

Information

Call 1-877-846-3435 or visit www.vinelink.com and follow the instructions to access custody information.

Registration

If the offender is in the custody of a county jail, Department of Corrections facility, or supervised by Community Corrections, you can register to receive notifications.

If 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.

Notification

You will be notified about the following events:

Release - Transfer - Escape - Death

When VINE calls, listen to the message, then enter your PIN followed by the pound (#) key when asked. Entering the PIN lets VINE know that you received the call and will stop the service from calling you again.

- ♦ If you feel you are in danger, call 911 immediately.
- ♦ Since VINE calls automatically when an offender's custody status changes, you may get a call from VINE in the middle of the night.
- ♦ If you do not answer a notification call, VINE will leave a message. If there is no answer, VINE will continue calling back until you enter your PIN or until up to 48 hours have passed.
- ♦ Do not register a phone number that rings to a switchboard.
- ♦ 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.

***Do not rely solely on VINE for your safety,
make this service a part of your overall plan.***

Write down the following information, and keep in a safe place.

Offender Name: _____

Offender Number: _____

Your four-digit PIN: _____

VICTIM SERVICES

SHERIFF'S OFFICE Emergency

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

SHERIFF'S OFFICE Administrative

East Pasco	(352) 518-5000
West Pasco	(727) 847-5878
Central Pasco	(813) 996-6982
West Pasco Victim Advocate	(727) 844-7780
East Pasco Victim Advocate	(352) 518-5085

POLICE DEPARTMENTS

Florida Highway Patrol East	(352) 521-3888
Florida Highway Patrol West	(727) 841-4181
Dade City Police	(352) 567-5194
New Port Richey Police	(727) 841-4550
Port Richey Police	(727) 845-1439
Zephyrhills Police	(813) 780-0050

STATE ATTORNEY'S OFFICE

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

CLERK OF THE COURT

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

SALVATION ARMY DOM. VIOL. SHELTER

West Pasco	(727) 856-5797
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SUNRISE OF PASCO

East Pasco, Domestic & Sexual Violence

Shelter & Outreach (352) 521-3120

SAVE (Sexual Abuse Victim Exam)

East Pasco (352) 521-4274

West Pasco (727) 834-3236

Central Pasco (813) 855-4680

UNITED WAY Services Directory 211

BAY AREA LEGAL SERVICES

East Pasco (352) 567-9044

West Pasco (727) 847-5494

PASCO COUNTY HEALTH DEPARTMENT

East Pasco (352) 521-1450

West Pasco (727) 862-0782

Central Pasco (813) 558-5173

SUICIDE HOTLINE 1-800-273-8255

FIRST CALL FOR HELP 1-800-848-5542

MEALS ON WHEELS

East Pasco (352) 521-5174

West Pasco (727) 834-3340

SHERIFF'S OFFICE VICTIM ADVOCATES

East Pasco (352) 518-5000

West Pasco (727) 844-7780

Other Important Numbers for Victim Services

Florida Department of Corrections

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

Office of the Attorney General

Crime Compensation Program 1-800-226-6667

Florida Parole Commission

Victim Services Office 1-800-435-8286

Office of the Governor

Victim Rights Coordinator 1-850-488-3494

Florida Coalition Against Domestic Violence 1-800-500-1119

Florida Council Against Sexual Violence 1-888-962-2873 (1-888-956-RAPE)

Florida Abuse Hotline

Children and Adults 1-800-962-2873 (1-800-96-ABUSE)

Florida Department of Law Enforcement

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

Parents of Murdered Children 1-888-818-7662 (1-888-818-POMC)

Mothers Against Drunk Driving 1-800-438-6233 (1-800-438-MADD)

Office for Victims of Crime Resource Center 1-800-627-6872

National Center for Victims of Crime 1-800-394-2255 (1-800-FYI-CALL)

Immigration and Naturalization Services

Victim Hotline 1-866-872-4973

Florida Bar Lawyer Referral Service 1-800-342-8011

National Domestic Violence Hotline 1-800-799-7233 (1-800-799-SAFE)

National Organization for Victim

Assistance 1-800-879-6682 (1-800-TRY-NOVA)

Glossary of Terms

ADVISORY HEARING: The first appearance in court by a person arrested for a crime who has not posted bond.

ARRAIGNMENT: The trial court proceeding held for the purpose of entering a plea of guilty or not guilty.

BOND: An amount of money posted by, or on behalf of, the accused to assure appearance in court. This is also known as Bail. The amount will vary depending upon the seriousness of the crime and the offender's past criminal record, if any.

BAILIFF: A duly appointed member of the court assigned to assist the judge and maintain order and decorum in the courtroom.

CHANGE OF PLEA: The act of a defendant changing a plea of "not guilty" to "guilty" or "nolo contendere" (no contest).

CONTINUANCE: The act of postponing a scheduled court date.

DEFENDANT: A person who has been charged with committing a crime.

DEPOSITION: Testimony given under oath, in the presence of an Assistant State Attorney, by a victim or witness subpoenaed by the attorney for the defendant.

FELONY: A crime punishable by imprisonment in excess of one year.

GUILTY PLEA: Admitting responsibility for a criminal act.

INFORMATION: A formal document filed with the Clerk of the Court by the State Attorney's Office stating charges against the accused.

JUDGE: A duly elected official presiding over court cases and determining sentences.

JURY: A group of citizens selected to determine guilt or innocence of a defendant in a court proceeding.

MISDEMEANOR: An offense punishable by a jail term of one year or less.

NO CONTEST (NOLO CONTENDRE): A plea entered by an accused who does not wish to challenge overwhelming evidence but at the same time refuses to admit guilt.

NOT GUILTY PLEA: A denial of responsibility for a criminal charge.

PROBABLE CAUSE: Evidence, information and facts or circumstances that would lead a reasonable person to believe that a crime has been committed by an individual.

PROBATION: A specified period of supervision by a probation officer.

PUBLIC DEFENDER: A court appointed attorney assigned to represent a defendant who cannot afford private counsel.

RESTITUTION: A sentence imposed by the court requiring the defendant to pay for the victim's monetary loss due to a crime.

SENTENCING: A judgement of the court concerning the defendant's punishment.

SUBPOENA: A court order requiring an individual to appear at a date, time and place for the purpose of giving testimony.

TESTIMONY: Statements made in court by a witness who is under oath.

VICTIM ADVOCATE: A representative of the Sheriff's Office who has been trained and assigned to counsel and assist victims of crimes and their families.

VICTIM COMPENSATION: A state funded program designed to reimburse qualified crime victims for medical expenses and loss of wages.

Deliver Copies to:

Request Date: _____

Land O'Lakes Records Office (for pickup) New Port Richey Civil Office (for pickup)

Mail to Requester Dade City Civil Office (for pickup)

CD DELIVERY METHOD: US MAIL PICKUP (Select Office Location)

Requester Information

Name: _____

Address: _____ City: _____

State: _____ Zip: _____ Daytime Telephone: () _____

Information Requested

Police Report(s) Audio Tapes / Recording Computer Printout
See NOTICES Section - CD*

Describe Request in Details: _____

Record Description

Subject / Victim: _____ Incident Type: _____

Incident Location: _____ Case # _____

Date of Occurrence: _____ Records Duplication Statement Attached
(see page 18)

Mail	Pasco Sheriff's Office, Attn: Public Records Section	Telephone
Request to:	20105 Central Blvd., Land O'Lakes, FL 34637-7002	(813) 235-6118

NOTICES

This request will be handled with the utmost expediency and completed in the order in which they are received.

Public Records Redaction Notice: Florida Statutes, Chapters 39, 112, and 119 contain disclosure exemptions; therefore, certain information may be deleted from your request.

Commercial Solicitation Notice: Florida Statute 119.105 states "No person who inspects or copies police reports for the purpose of obtaining the names and addresses of the victims of crimes or accidents shall use any information contained therein for any commercial solicitation of the victims or relatives of the victims of the reported crimes or accidents." Any person who willfully and knowingly violates this provision is guilty of a misdemeanor of the first degree (F.S. 119.10 (2)).

***CD PICKUP** - If the CD is picked up at the Pasco Sheriff's Office, a new (blank) CDR must be provided when picking up your copy. You will be charged a fee of a \$1.00 if you do not provide a blank CDR.

***CD US MAIL** - A self addressed stamped envelope and a new (blank) CDR must be sent with this request. You will be charged a fee of a \$1.00 if you do not provide a blank CDR.

PASCO SHERIFF'S OFFICE



District I

7432 Little Road
New Port Richey, FL 34654
(727) 847-5878

District II

36409 State Road 52
Dade City, FL 33525
(352) 518-5000

District III

11530 Trinity Boulevard
Trinity, FL 34655
(727) 372-5920

Pasco Detention Center

20101 Central Boulevard
Land O'Lakes, FL 34637
(813) 996-6982