

YOUR CONSTITUTIONAL RIGHTS AS A VICTIM OF CRIME

In Florida, victims of crime have constitutional and statutory rights. This pamphlet is being provided to you by the North Miami Police Department as a summary of those rights pursuant to **Article I, Section 16** of the Florida Constitution.

When citizen become involved with law enforcement, the court system, or other agencies as a victim, they may need assistance dealing with a variety of emotions or have questions regarding the process. Our office has a Victim Advocate to help with short-term crisis intervention, referrals to community agencies, and with filing victim compensation claims.

You may contact our Victim Advocate,
Natacha Jean-Francois, at 305-255-6045

WHAT HAPPENS NEXT IN THE PROCESS WHEN AN OFFENDER IS ARRESTED

FIRST APPEARANCE INFORMATION

An accused who has been arrested is seen by a judge within 24 to 48 hours at a court proceeding known as First Appearance, provided the accused has not posted bond and already been released. Initial bond amounts are pursuant to a bond schedule set by Administrative Order.

For further information regarding locations and times of any court appearance of an accused, please call the Miami-Dade Clerk of Courts at 305-275-1155 or see logon to http://www.miami-dadeclerk.com/courts_criminal.

An accused who has already been seen by a judge will then have a Miami-Dade State Attorney (prosecutor) assigned to their case. To contact the State to speak with the attorney or a Victim Advocate, call 305-547-0100.

INCARCERATION STATUS

The status of an accused's incarceration can be checked on the Miami-Dade County Corrections website at:

<https://www8.miamidade.gov/Apps/mdcr/InmateSearch/> or call 786-263-5600

You may also register to receive automatic custody status updates via VINELINK at <https://www.vinelink.com/docs/VINELinkFAQ.pdf>

PLEASE SIGN UP FOR NOTIFICATION

SUMMARY OF YOUR CONSTITUTIONAL RIGHTS

To preserve and protect the rights of crime victims to achieve justice, and to ensure a meaningful role throughout the criminal and juvenile systems for crime victims.

To have your rights and interest respected and protected by law.

To due process and to be treated with fairness and respect for the victim's dignity.

To be free from intimidation, harassment, and abuse.

To be reasonably protected from the accused and any person acting on behalf of the accused within the judicial process.

To have the safety and welfare of you and your family considered when setting bail and pretrial release conditions.

To prevent the disclosure of information or records that could be used to locate or harass you on your family or which could disclose your confidential or privileged information.

A victim shall have the following specific rights upon request:

- 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;
- 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;
- 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;
- 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;
- To provide information regarding the impact of the offender's conduct on you or your family to the court or person conducting any presentence investigation or presentence investigation report, and to have the information considered in any sentencing recommendations submitted to the court;
- 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;
- To be informed that victims can seek the advice of an attorney with respect to their rights.
- 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.

- 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;
- To be informed of clemency and expungement procedures, to provide information to the governor, the court, any clemency board, and other authority in these procedures, and to have that information considered before a clemency or expungement decision is made; and to be notified of such decision in advance of any release of the offender;
- To the prompt return of your property when no longer needed as evidence in the case;
- To proceedings free from unreasonable delay, and to a prompt and final conclusion of the case and any related post-judgment proceedings;
- To be informed of these rights;
- To seek the advice of an attorney with respect to their rights;
- To assert and seek enforcement of these rights and any other right afforded to a victim by law and to have the court or other authority with jurisdiction act promptly on such a request and to seek remedy for the violation of any right.
- The victim has the right to timely notice of all appearances and these rights are satisfied by a reasonable attempt by the appropriate agency to notify the victim and convey the victim's views to the court.

WHO IS A VICTIM?

A "victim" is a person who suffers direct or threatened physical, psychological or financial harm as a result of the commission or attempted commission of a crime or delinquent act.

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 interest of the victim.

OTHER RIGHTS

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

- The right to be informed of crisis intervention services and referrals;
- Explanation concerning the stage of the criminal justice process and your role as a victim;
- To be consulted by the State Attorney in certain felony cases;

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