



## YOUR CONSTITUTIONAL RIGHTS AS A VICTIM OF A CRIME

In Florida, victims of crime have constitutional and statutory rights. This pamphlet is being provided to you by the Indian River County Sheriff's Office as a summary of your constitutional rights pursuant to Article I, Section 16 of the Florida Constitution. You can access this provision in full at [www.ircsheriff.org](http://www.ircsheriff.org)

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

Services are provided 24 hours a day, 7 days a week.  
Call us at 772-978-6240

### WHAT HAPPENS NEXT IN THE PROCESS WHEN AN OFFENDER IS ARRESTED

#### FIRST APPEARANCE INFORMATION

An arrested accused 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.

All First Appearance hearings are held at the Indian River County Courthouse, 2000 16<sup>th</sup> Avenue, Vero Beach, FL 32960. These hearings are held daily at 8:30 AM. To confirm the date and time of an accused's first appearance please call 772-569-6700. Additional information can also be found by accessing the Clerk of Court's website at [www.clerk.indian-river.org](http://www.clerk.indian-river.org) or by calling the Clerk of Court at 772-770-5185.

### INCARCERATION STATUS

The status of an accused's incarceration can be checked  
on the Indian River County Sheriff's Office website @ [www.ircsheriff.org](http://www.ircsheriff.org).

## SUMMARY OF YOUR CONSTITUTIONAL RIGHTS

- To preserve and protect your right to achieve justice, ensure a meaningful role throughout the criminal and juvenile justice systems
- To have your rights and interests respected and protected by law
- To due process, fair treatment and respect for your 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 or 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 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 and participate in all post-conviction processes and procedures and provide information to the release authority to be considered before any release decision is made, and to be notified of any release decision regarding;

- 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 full and timely restitution from each convicted offender for all losses suffered, both directly and indirectly as a result of the criminal conduct;
- 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

## WHO IS A VICTIM?

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

The term "victim" includes the victim's lawful representative, the parent or guardian of a minor, or the next of kin of a homicide victim, except upon a showing that the interest of such individual would be in actual or potential conflict with the interests of the victim.

## OTHER RIGHTS

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

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

- The right to have a Victim Advocate present during discovery depositions and the right to be excused from depositions held at a correctional facility unless you are a victim currently incarcerated;
- To be provided information concerning protection from intimidation. It is a felony of the third degree to threaten and intimidate victims and witnesses. Please contact your local law enforcement agency should this occur:
- Access to a translator, transportation and separate waiting rooms;
- To be told of your right to request and receive assistance, if applicable, in filing Florida Crimes Compensation Claims (1-800-226-6667);
- To request assistance from law enforcement and the State Attorney's office in notifying employers/creditors of financial strain and absenteeism resulting from victimization;
- Victims of sexual offenses may request the courtroom be cleared in certain instances during their testimony and in cases involving the transmission of bodily fluids to request hepatitis and HIV testing of the accused 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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## YOUR CASE INFORMATION

### INDIAN RIVER COUNTY SHERIFF'S OFFICE

\_\_\_\_\_  
(AGENCY CASE NUMBER)

\_\_\_\_\_  
(OFFENDER NAME IF KNOWN)

\_\_\_\_\_  
(OFFICER'S NAME/ID)

\_\_\_\_\_  
(OFFICER PHONE NUMBER)