

ASSISTANCE AND RESOURCES

Cell Phone Program - 911 Cell phones are available for loan at the Police Department or the Domestic Violence/Sexual Assault Center.

Aware Alarm Program - Call the Domestic Violence/Sexual Assault Center for information.

Crime Victim Compensation is a fund for victims of crime that can assist with funeral expenses, medical bills, loss of support for the victim's dependents, re- location program for domestic violence victims and counseling. For more information, ask your Advocate.

PHONE NUMBERS

Domestic Violence Shelter 24/7.....352-722-2272

Sexual Assault Services 24/7..... 352-633-5563

Child Advocacy Center..... 352-873-4739
(free counseling for children by agency referral)

Injunction Office.....352-671-5568

Police Dept. Main.....352-369-7070

Police Records.....352-369-7090

Marion County Jail.....352-351-8077

State Attorney's Office.....352-671-5800

Crimes Compensation.....800-226-6667

VICTIM'S BILL OF RIGHTS

FLORIDA STATUTE 960

1. Either you or the State Attorney's Office with your consent, have standing to assert any legal rights of a crime victim as provided by law or The Florida Constitution.
2. In some cases, victims (or their relatives where victim is deceased) may be eligible for financial compensation from the State of Florida. Information on eligibility may be obtained from the State Attorney's Office, local Witness Coordination Office (if available), law enforcement agency or the Bureau of Crimes Compensation, Office of the Attorney General 800-226-6667.
3. The right to receive information on available crisis intervention services and local community services to include counseling, shelter, legal assistance, or other types of help, depending on the particular circumstances. Telephone numbers of these services are provided at the end of this brochure.
4. The right to receive information regarding the role of the victim in the criminal or juvenile process, including what the victim may expect from the system and what the system may expect from the victim.
5. The right to receive information regarding the stages of the criminal or juvenile justice process and the manner in which information about such stages may be obtained. *Note: You cannot be notified if we cannot locate you. It is your responsibility to keep the State Attorney's Office informed of any changes in your address or telephone number.*
6. The right to be informed, present, and heard when relevant, at all crucial stages of a criminal or juvenile proceeding, to the extent the right does not interfere with the constitutional rights of the accused.
7. The right, if you are incarcerated, to be informed and submit written statements at all crucial stages of the criminal & juvenile proceedings.

8. The right to a prompt and timely disposition of the case as long as it does not interfere with the constitutional rights of the accused.

9. The right to be notified of the arrest and release of the offender, including release to community control and/or work release. When an arrest is made in a reported case, the victim, witnesses, relatives of minor victims and witnesses and relatives of homicide victims who have provided current addresses & telephone numbers to the Ocala Police Department will be notified.

10. The right to receive information on the steps available to law enforcement and the State Attorney's Office to protect you from intimidation and/or harassment. It is a third-degree felony to knowingly use intimidation or physical force, or threaten another person, attempt to do so, or engage in misleading conduct toward another person or offer pecuniary benefit or gain to another person. If you're being threatened or intimidated, please contact any law enforcement officer. 11. The right of the victim of domestic stalking violence to be informed of the address confidentiality program administered through the Attorney General's Office. You may contact the Attorney General's Office at 1-800-226-6667. The State Attorney's Office may assist with this paper work if necessary.

12. The right of each victim or witness who has been scheduled to attend a criminal or juvenile justice proceeding to be notified as soon as possible by the agency or person scheduling his/her appearance of any change in scheduling which will affect the victim's appearance.

13. The right to receive advance notification of judicial and post judicial proceedings relating to the case, including all proceedings or hearings relating to:

- The arrest of the accused.
- The release of the accused pending judicial proceedings, any modification of release conditions to include work or community control release.
- Proceedings in the prosecution or petition for delinquency of the accused, including the filing of the accusatory instrument, the arraignment, disposition of the accusatory instrument, trial or adjudicatory hearing, sentencing or disposition hearing, appellate review, subsequent modification of sentence, collateral attack of a judgment, & when a term of imprisonment, detention, or involuntary commitment is imposed, the release of the defendant or juvenile offender from such imprisonment, detention or juvenile offender from such imprisonment, detention or commitment by expiration of sentence or parole & any meeting held to consider the release.

14. The right to not be excluded from any portion of any hearing, trial or proceeding pertaining to the offense based solely upon the fact that such person is subpoenaed to testify, unless the court determines otherwise.

15. In addition to the provisions of FS 921.143, the rights of the victim of a felony involving physical or emotional injury or trauma, or in a case in which the victim is a minor child or in a homicide, the guardian or family of the victim shall be consulted by the State Attorney in order to obtain the views of the victim or family about the disposition of any criminal or juvenile case brought about as a result of such crime, including their views about:

- The release of the accused pending judicial proceedings.
- Plea Agreements
- Participation in pretrial diversion programs.
- Sentencing of the accused

16. The right to review certain portions of a pre-sentence investigation report for adult and youth offenders prior to sentencing the accused.

17. The right to a prompt return of property unless there is a compelling law enforcement need to retain it.

18. The right to request that the State Attorney or law enforcement agency help you explain to employers or creditors that you may face additional burdens by taking time off of work to assist law enforcement and may undergo serious financial strain because of the crime or by cooperating with authorities.

19. Law Enforcement agencies and the State Attorney shall inform you of your right to request and receive restitution and of your rights of enforcement in the event an offender does not pay. The State Attorney shall seek your assistance in the documentation of your losses for the purpose of requesting and receiving restitution. If an order of restitution is converted to a civil lien or civil judgment against the defendant, the clerks shall make available at their office, as well as on their website, information provided by the Secretary of State, the court, or The Florida Bar on enforcing the civil lien or judgment. The State Attorney shall inform you if and when restitution is ordered.

20. The right to submit an oral or written impact statement to the court, pursuant to s.921.143 F.S., prior to sentencing of the offender. The State Attorney or any assistant state attorney shall advise all victims or, when appropriate, the victim's parent, guardian, next of kin, or lawful representative that statements, whether oral or written, shall relate to the facts of the case and the extent of any harm, including social, psychological, or physical harm, financial losses, loss of earnings directly or indirectly resulting from the crime for which the defendant is being sentenced, and any matter relevant to an appropriate disposition and sentence.

21. The right to receive reasonable consideration and assistance from employees of the State Attorney's Office, Sheriff's Office, or Police Department. When requested, you will be assisted in locating accessible transportation and parking and will be directed to separate pretrial waiting areas when such areas are available. When requested, you will receive assistance in attempting to locate translators when practicable.

22. The right to be notified when the offender escapes from custody. The State Attorney shall make every effort to advise the victim, material witness, parents or legal guardian of a minor who is a victim or witness, or immediate relative of a homicide victim of the escape of a criminal defendant. The State Attorney shall also notify the Sheriff of the county where the criminal charge or petition for delinquency arose. The Sheriff shall offer assistance upon request.

23. The right of the victim to request that a victim advocate be permitted to attend and be present during any deposition. The victim advocate may be designated by State Attorney's Office, Sheriff's Office, or Municipal Police Department, or one representative from a not-for-profit victim services organization, including, but not limited to, rape crisis centers, domestic violence advocacy groups, and alcohol abuse or substance abuse groups.

24. The right to request, in certain circumstances that the offender be required to attend a different school than the victim or siblings of the victim. If the victim of an offense committed by a juvenile is a minor, and the victim or any sibling of the victim attends or is eligible to attend the same school as that of the offender, the Department Of Juvenile Justice, or the Department of Corrections shall notify the victim's parent or legal guardian of the right to attend sentencing or disposition of the offender and request that the offender be required to attend a different school.

25. The right of the victim who is not incarcerated to not be required to attend discovery depositions in any correctional facility.

26. The statutory obligation of the victim, or next of kin of a homicide victim, that any information gained pursuant to FS Chapter 960, regarding any case handled in juvenile court, must not be revealed to any outside parties except as reasonably necessary in pursuit of legal remedies.

27. The right to request, for specific crimes, that your home and work telephone numbers, home and work addresses, and personal assets not be disclosed to anyone.

Rights pertaining to sex crimes:

28. The right of the victim of a sexual offense to have the courtroom cleared, with certain exceptions during his or her testimony, regardless of the victim's age or mental capacity.

29. The right to know in certain cases (victims who are minors, disabled adults, elderly persons) & at the earliest possible opportunity, if the person charged with an offense has tested positive for human immunodeficiency virus (HIV)infection & Hepatitis. In such cases, upon request of the victim or the victim's legal guardian, or the parent or legal guardian of the victim if the victim is a minor, the court shall order such person to undergo Hepatitis and HIV testing. In some cases, you can be notified of the results of the test within two weeks of the court's receipt of the results.

30. A victim may request the presence of a victim advocate during a forensic medical examination. An advocate from a certified rape crisis center shall be permitted to attend any forensic medical examination.

31. No law enforcement officer, prosecuting attorney or government official shall ask or require a victim of a sexual offense to submit to a polygraph exam or other truth telling device as a condition of the investigation.



Ocala Police Department

DOMESTIC/DATING VIOLENCE IS A CRIME

NO ONE, NOT EVEN SOMEONE YOU LIVE WITH, HAS THE RIGHT TO BEAT YOU OR THREATEN YOU WITH VIOLENCE.

It is not up to the victim whether an arrest is made or if a case is prosecuted.

It is the officer's discretion and later the State Attorney's Office. **Our Victim Advocate can assist you with options:** shelter, transportation, injunctions, counseling, cell phone, relocation assistance and the Address Confidentiality Program.

Ocala Police Department Victim/Witness Advocates:

Mon-Thurs 352-369-7139

Tue-Fri 352-369-7158

OcalaPD.gov/resources/victim-services

Domestic Violence/Sexual Assault Center
(24-Hour Hotline & safe shelter: 800-500-1119)

NCADV.org/get-help

Officer's Name: _____

CASE NUMBER: _____

Please read on for important information. Thank you!

Non-emergency reporting: 352-369-7000

Records: 352-369-7090

www.ocalapd.com

WHAT IS DOMESTIC VIOLENCE?

Physical Abuse: Pushing, slapping, kicking, punching, strangulation and beating.

Emotional/Verbal Abuse: Threats, verbal intimidation and stalking.

Sexual Abuse: Any unwanted touching or forced sexual act.

Domestic Violence is the leading cause of injury to women. Men can also be victims and help is available.

In the beginning, an abuser may begin with verbal putdowns, excessive jealousy, controlling behavior (wanting to know where you are every minute), or saying no one else will want you. Some abusers are described as Dr. Jekyll/ Mr. Hyde personalities. In some cases, the abuser may not allow a victim to work, communicate with friends or family, make any decisions, and may force sex. Some victims work while the abuser lives off of them and large debt is not unusual.

A relationship should be loving, respectful, trusting and supportive. Every abusive relationship is unique, and yours may be different than what is described.

Physical Violence may begin after you feel trapped in the relationship (you may have just moved in together, gotten married or become pregnant). By then, it may be difficult to see a way out. You may wonder how you will afford to make it, worry about being beaten more severely, or losing your children. A Victim Advocate can assist you with your concerns and most importantly, help you with the most important issue - **your safety**.

Children learn what they live. If your children are witnessing abuse, whether verbal or physical, the chances of them growing up to be a victim or abuser is high. Free counseling is available to assist.

WHAT IS DATING VIOLENCE?

Dating violence between individuals who have had a continuing and significant relationship of a romantic or intimate nature. The following factors shall be considered:

- Relationship must have existed within last 6 months.
- Relationship must have been characterized by the expectation of affection or sexual involvement between the parties.
- The frequency and type of interaction between the persons involved in the relationship must include that the persons have been involved over time and on a continuous basis during the course of the relationship.

CYCLE OF VIOLENCE:

Alcohol and drug use are not causes of domestic violence but may be contributors. Battered individuals are not constantly abusive, nor, is their abuse inflicted at totally random times. The cycle of violence appears to have three phases:

Phase 1: Tension-building phase

During this time, verbal and minor battery incidents occur. The victim usually attempts to calm the abuser by accepting responsibility for problems, hoping that by taking responsibility can gain some control over the situation by changing their behavior.

Phase 2: Acute-Battering Incident

The victim gets the beating no matter what their response is.

Phase 3: Calm-Loving Phase (honeymoon)

Extremely loving and kind behavior - the abuser knows they have gone too far and may beg for forgiveness, promising to never do it again. They may believe they will never hurt the victim again. Other abusers may blame the victim for the abuse. If a victim hears that often enough, they may believe it. The abuser works on a victim's guilt to keep them in the relationship. Many victims say that before they know it, the calm phase gives way to verbal abuse and minor battering incidents. Phase 1 (tension-building) reoccurs, and a new cycle begins.

This cycle is common, but not every abuser acts in the same way. The longer the abuse goes on, the more risk a victim has of becoming shell-shocked and numb to their basic needs and those of their children.

Normal responses to life's situations are lacking. A victim may appear to be unable to make the simplest decisions. Other victims may even start being violent themselves.

If you consider returning to an abuser, ask yourself what has changed, other than time. Actions speak louder than broken promises.

If you are the victim of domestic or dating violence and no arrest is made, an officer may pursue a warrant.

If an arrest is made, the defendant may try to contact you from the jail. You can request the jail to suspend phone privileges by calling 352-351-8077. If the calls are threatening, please report them to an officer. You may also request inmate status.

FIRST APPEARANCE HEARING:

Within 24 hours after arrest, the court holds a "First Appearance Hearing". The judge decides whether the defendant (person arrested) can be released, and if so, what conditions are necessary to protect a victim. The Judge may include bond conditions such as ordering the defendant to have "no contact" with a victim by any means including - phone calls, text, email, social media, video calls or visits. You can attend first appearance. For information, call the Marion County Jail and ask for Classifications. The hearing is done by closed circuit TV from the Court House. The defendants usually remain at the Jail. A victim may speak at this hearing about concerns for safety. If you cannot attend, you may share your views with the State Attorney's Office through a victim input form on their website www.sao5.org under Victim/Witness tab.

WHAT HAPPENS NEXT?

Information on how your case proceeds after First Appearance will be available to you at the State Attorney's Office. It may take up to one week before they receive the case. One of their attorneys will be assigned to the case and will handle it on your behalf. They have Victim Advocates who can assist you at 352- 671-5800.

WHAT IS AN INJUNCTION FOR PROTECTION?

A civil order signed by a Judge telling the alleged abuser to have no contact with you in person, by mail, telephone, third party or any other manner. It can also address issues concerning child custody, child visitation, and alimony. A Victim Advocate from our Department or a Domestic Violence Shelter Advocate can assist you with the application.

HOW TO OBTAIN AN INJUNCTION FOR PROTECTION:

If you have been the victim of an act of domestic or dating violence or have reasonable cause to believe you are in imminent danger of becoming the victim of an act of domestic violence; you may apply for an injunction for protection. Following and repeatedly telephoning a person is sufficient evidence of stalking to permit the court to enter an injunction (Biggs v. Elliot 4th DCA April 15, 1998) to get an injunction. F.S. 741.30(5)(a). A police report is not required to apply for an injunction but can be helpful.

1. Apply at the Clerk's Office, 8am-2:30pm (**must be turned in completed by 2:30pm**), 1st floor, room 102 at the Court House, 671-5568. The Domestic Violence Shelter and Police Department Advocates also have applications. It can take 2 hours to fill out the application and to obtain the temporary order; apply early.
2. Bringing a photo ID, recent pay stub and debts owed can help.
3. After 2:30pm, emergency orders can be applied for at the Marion County Jail visitation center, 3300 NW 10th St.
4. There is no fee for an injunction.
5. If a temporary order is issued, it is usually in effect for two weeks. A court date will be given to you for a permanent hearing. You must appear at that court date, or you could be held in contempt of court. Dress appropriately and arrive on time. You may bring witnesses with you, but it is not required.
6. You may update an Advocate with your court date for an attorney referral.

AFTER AN INJUNCTION IS OBTAINED:

1. **Always keep your injunction with you.** The Court House will give you two certified copies and a court date for the permanent hearing. The injunction is not in effect until it's been served on the respondent.
2. **Report any criminal violation** (any contact with you by mail, phone, in person, third party or other manner) to the law enforcement agency where the violation occurred. If no arrest is made, report the violation to the Clerk's Office (Court House - 1st floor, room 102). A hearing may be set to discuss the violation.
3. **Report any civil violation** to the Clerk's Office (not paying child support or alimony). If the violation occurs before respondent has been served, give the officer one of your certified copies so they can serve him/her.