

## STATUTORY RIGHTS

Florida statutes also provide the victim with statutory rights and many overlap with 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. Victims have the right to request a Victim Advocate 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.

## YOUR CASE INFORMATION

**City of North Miami Beach Police Department**  
16901 Northeast 19<sup>th</sup> Avenue  
North Miami Beach, Florida 33162  
Emergency: 911  
Non-Emergency: (305)949-5500

AGENCY CASE NUMBER: \_\_\_\_\_

OFFICER'S NAME/ ID: \_\_\_\_\_

TODAY'S DATE: \_\_\_\_\_

## 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 law enforcement agency involved in your case as a summary of your constitutional rights pursuant to Article I, Section 16 of the Florida Constitution also known as Marsy's Law. You can access this provision in full at <https://www.nmbpd.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. The North Miami Beach Police Department has a Victim Advocate to assist with crisis intervention, referrals to community agencies, and with completing victim compensation claims.

For more information on additional resources, please contact the North Miami Beach Department's Victim Advocate at (305) 948-2940.



## INCARCERATION STATUS

The status of an accused's incarceration can be checked on the Miami-Dade County Corrections and Rehabilitation website at: <https://www8.miamidade.gov/Apps/mdcr/InmateSearch/>

You may also register to receive automatic custody status updates via VINELink website at: <https://www.vinelink.com/#/home>

## SUMMARY OF YOUR CONSTITUTIONAL RIGHTS

### **Article I, Section 16 of the Florida Constitution gives crime victims the following rights:**

(You have the right:

**The right** to receive due process from the courts and to be treated with fairness and respect for your dignity.

**The right** to be free from intimidation, harassment and abuse.

**The right** within the judicial process, to be reasonably protected from the accused.

**The right** to have the safety and welfare of you and your family considered when setting bail or pretrial release conditions that could affect you or your family.

**The right** to be heard in any public proceeding involving bail or pretrial release.

**The right** to prevent disclosure of information or records that could be used to locate or harass you or your family or which could disclose confidential or privileged information about you.

**The right** to prompt return of your property when no longer needed as evidence.

**The right** to full and timely restitution in every case and from each offender convicted of the crime for all losses suffered, both directly and indirectly, as the result of the criminal conduct.

**The right** to proceedings free from unreasonable delay and to a prompt and final conclusion of the case and any related post-judgment proceedings. (In appropriate cases, the prosecutor may file a good faith demand for a speedy trial, allowing the case to be tried within sixty days, assuming the defendant's due process rights can be met by such, and advancement in the trial date. In non-capital cases, all state level appeals, and post-conviction proceedings must be completed within two years, and capital cases within five years, unless the court enters an order with specific findings concerning why the court was unable to do so and the circumstances causing the delay.)

Also, upon your specific request, you have these additional rights:

**The right** to reasonable, accurate, and timely notice of, and to be present at, all public proceedings involving the criminal conduct, including, but not limited to, trial, plea, sentencing, or adjudication, even if you are a witness at the proceeding.

**The right** to reasonable, accurate, and timely notice of any release or escape of the defendant and of any proceeding during which a right of yours as the victim maybe implicated.

**The right** to confer with the prosecutor concerning any plea agreements, restitution issues, participation in pretrial diversion or release programs by the defendant and sentencing or any other disposition of the case.

**The right** to provide information to anyone conducting or compiling a pretrial investigation regarding the crime's impact on you or your family, and to have such information considered by the court. Once the report is completed, you have a right to receive a copy of it, except for portions made confidential by law.

**The right** to be informed of the conviction, sentence, adjudication, or other dispositions of a convicted offender, his or her release date, or the date of their escape from custody.

**The right** to be informed of all post-conviction processes and procedures, to provide information to the release authority to be considered before any such release and to be notified of any release decision regarding the offender. This right is extended to every person harmed by the offender.

**The right** to be informed of any clemency or expungement procedures regarding the offender, 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 given notice of that authority's decision before the offender's release.

## 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. The term “**victim**” does not include the accused. The terms “**crime**” and “**criminal**” include delinquent acts and conduct. (Fla. Const., art. I, §16(e))

## ADDITIONAL INFORMATION

**Note: It is your responsibility to notify the State Attorney’s Office to maintain your confidentiality rights and the rights of your family members, which would disclose confidential or privileged information of the victim**

**\*\*If you would like to invoke your right as a victim, please respond to the North Miami Beach Police Department Records Section and complete the required documentation.**