

# VICTIM/WITNESS SERVICE GUIDE



**BAKER COUNTY SHERIFF'S OFFICE**

*1 Sheriff's Office Drive*

*Emergency # 9-1-1*

*Non Emergency # (904)259-2861*

*General Information # (904)259-6021*

***A message from Sheriff Scotty Rhoden:***

If you have been a victim of a crime, I genuinely regret this has happened to you and your family. It is my hope that by committing the Baker County Sheriff's Office resources and services to you, we will be able to assist you. The Baker County Sheriff's Office has worked to provide the appropriate services to meet your needs during this difficult time. All of the information in this publication is designed to meet your needs as you begin going through the process involved in the criminal justice system. While the BCSO employees work the investigation of the crime against you, we will provide support staff to ease the frustrations and confusion that you may experience. A Victim Services Counselor is available to help you with any of your questions or concerns. Additionally, we offer the Victim Information and Notification Everyday (VINE) system.

If you experience any feelings of sadness, anger or confusion in the weeks to come, please take the time to talk to someone about these feelings. The Baker County Sheriff's Office cares about the families in the community we serve.

Sincerely,



Scotty Rhoden, Sheriff  
Baker County, Florida



LAW ENFORCEMENT AGENCY: Baker County Sheriff's Office  
Baker County Sheriff's Office Non-Emergency #: (904) 259-2861  
Baker County Sheriff's Office General Info #: (904) 653-6021  
The Baker County Sheriff's Office:  
1 Sheriff's Office Drive, Macclenny, FL. 32063

**YOUR CASE INFORMATION**

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

DATE OF REPORT: \_\_\_\_\_, 20\_\_\_\_

INCIDENT TYPE: \_\_\_\_\_

OFFICER'S NAME: \_\_\_\_\_

OFFICER' ID #: \_\_\_\_\_

VINE PIN NUMBER \_\_\_\_\_

## **Notice of Legal Rights and Remedies for Victims**

**Burglary** - The Baker County Sheriff's Office Burglary Unit investigates business and residential burglaries, as well as grand theft cases involving a significant loss. If you are a victim and need to speak with the detective working your case please call (904) 259-2231.

**Robbery** - The Sheriff's Office investigates the crimes of armed robbery, home-invasion robbery, carjacking and robbery by sudden snatching.

**Economic Crimes** - The Economic Crimes detective investigates forgeries, frauds, including internet fraud, bank fraud and credit card fraud, along with identity theft, con games and other economic crimes. If you are a victim of economic crimes please call our Detective Division.

### **HUMAN TRAFFICKING-FLORIDA STATUTE; SECTION 787.063**

Human Trafficking is the international or domestic recruitment, harboring, transporting, or obtaining of any human through force, fraud, or coercion, for the purpose of exploitation which includes, at minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, and servitude. If you are a victim, please call 911 or (904) 259-2861 or 1-888-373-7888 (National Human Trafficking Resource Center).

### **WHAT IS SEXUAL BATTERY?** *(Includes information from FDLE)*

In Florida, the legal term for rape or sexual assault is sexual battery (F.S.794.011).

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 your consent.

Consent means intelligent, knowing, and voluntary consent and does not include coerced submission.

Failure to offer physical resistance to the offender does not imply consent.

### **WHAT IS SEXUAL VIOLENCE?** *(Includes information from FDLE)*

Under the provisions of section 784.046 of the Florida Statutes, sexual violence is one incident of

- Sexual battery, as defined in chapter 794;
- A lewd or lascivious act, as defined in chapter 800, committed upon or in the presence of a person younger than 16 years of age;
- Luring or enticing a child, as described in chapter 787;
- Sexual performance by a child, as described in chapter 827; or
- Any other forcible felony wherein a sexual act is committed or attempted, regardless of whether criminal charges based on the incident were filed, reduced, or dismissed by the state attorney.

### **MEDICAL CARE AND EVIDENCE COLLECTION** *(Includes information from FDLE)*

When a sexual crime has occurred, you may be examined by a registered nurse or a doctor. Law enforcement should provide or arrange for transportation to the appropriate medical facility. Once there, in a private area, you will be examined by a medical professional. As a victim, you have the right to:

- Stop the exam at any time
- Have an advocate from a rape crisis center with you
- Be informed about the status of the kit during process

During the exam, the medical professional may collect blood, urine, saliva, pubic hair combings and/or nail samples. They may also collect items of your clothing. The medical professional may ask you some questions about what occurred and your medical history.

**EVIDENCE:** if you make a report to law enforcement, your kit will be sent to the regional or statewide lab within 30 days for testing. The lab is required to process the kit within 120 days. If you don't report the crime to law enforcement at the time you obtain the exam, your kit will be stored anonymously. Your kit may be stored for only a limited time, depending on your community's storage space. The local rape crisis center can advise you about the storage time lines for your community.

**CARE AND ASSISTANCE:** The medical professional can work with you regarding any medical concerns. You may be prescribed medications to protect you from certain sexually transmitted infections and recommend medical follow up care. If the medical professional is unable or unwilling to assist you, the local rape crisis center can assist you. You may be responsible for paying for medications and additional health care costs.

By law, medical providers cannot charge you for an exam, even if you have insurance and even if you don't report the crime to law enforcement.

### **WHAT IF I FEAR FOR MY SAFETY?** *(Includes information from FDLE)*

If you fear for your safety or fear offender contact, you can seek an injunction (Florida Statute 784.046), sometimes referred to as a restraining order or protection order.

The application can be made at a local courthouse with assistance from the court clerk. A Victim's Advocate can also assist you in the process.

### **HELP IS AVAILABLE:** *(Includes information from FDLE)*

Victims of sexual crime need compassion, Sensitivity and empathy. Being the victim of a crime can be overwhelming. Your reactions are normal. Local certified rape crisis centers have advocates who are there to help all victims, regardless of whether or not they report to law enforcement. Services are free and confidential – certified rape crisis centers are legally and ethically required to protect your confidentiality, unless you allow, in writing, the release of your information.

Advocates are available to:

- Provide crisis intervention
- Speak to you on the 24-hour hotline



- Discuss your options
- Navigate available resources
- Go with you to appointments
- Address safety concerns
- Advocate on your behalf
- Help you apply for victim compensation

**Our local certified rape crisis center is: The Women's Center of Jacksonville**  
**5644 Colcord Avenue Jacksonville, Fl. 32211 (904) 722-3000**  
**24 Hour Rape Crisis Hotline: (904) 721-7273**

**WHAT IS DOMESTIC VIOLENCE?** *(Includes information from FDLE)*

Under the provisions of sections 741.28 of the Florida Statutes, domestic violence means any assault, aggravated assault, 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. A family or household members are 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 been married. With the exceptions of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

**Domestic Violence** includes:

- Physical Abuse- pushing, slapping, kicking, punching, choking, and beating.
- Emotional/Verbal Abuse- Verbal intimidation, credible threats, following and stalking, acting out in anger.
- Sexual Abuse or Battery- Any unwanted touching or forcing of someone to engage in a sexual act against his or her will.

**According to Florida State Statute 741.29-“ IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE,** 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 an injunction for protection from domestic violence which may include, but not be limited to, provisions which restrain the abuser from further acts of abuse; direct the abuser to leave you household; prevent the abuser from entering your residence, school, business, or place of employment; award you custody of your minor child or children; and direct the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so.”

*\*You should contact law enforcement*

**WHAT IS DATING VIOLENCE?** *(Includes information from FDLE)*

Under the provisions of section 784.046 of the Florida Statutes, dating violence is violence

between individuals who or have had a continuing and significant relationship of a romantic or intimate nature, the existence of such a relationship shall be determined based on the consideration of the following factors:

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

The term does not include violence in a casual acquaintanceship or violence between individuals who only have engaged in ordinary fraternization in a business or social context.

### **WHAT IS REPEAT VIOLENCE?** *(Includes information from FDLE)*

Under the provisions of Section 784.046 of the Florida Statutes, repeat violence means 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.

### **WHAT IS STALKING?** *(Includes information from the FDLE)*

Under the provisions of Section 784.048 of the Florida Statutes, stalking occurs when a person willfully, maliciously, and repeatedly follows, harass, or cyber stalks another person. Aggravated stalking occurs when that person makes a credible threat to that person through stalking. It is important to report any violation of order(s) or this behavior.

### **WHAT DOES THE LAW MEAN?** *(Includes information from FDLE)*

You have the right to ask the State Attorney to file a criminal complaint, and you have the right to go to court and file a petition requesting an injunction for protection against domestic violence, repeat violence, dating violence, sexual violence, or stalking if you are

- The victim of domestic violence, repeat violence, dating violence, sexual violence, or stalking.
- The parent of any minor child living at home is seeking an injunction for protection against domestic violence, repeat violence, sexual violence, dating violence, or stalking OR
- If you have reasonable cause to believe, you or your minor child is imminent danger of becoming the victim of any act of domestic violence.

This may include, but need not be limited to provisions that

- Direct the abuser to leave your household
- Restrain the abuser from any contact or further acts of abuse as a "no contact" condition of pretrial release, which will prevent the abuser from being within 500 feet of your residence, vehicle, school, business, or place of employment
- Award you custody of your minor child or children

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.

**In accordance with Florida State Statute 960 – YOU HAVE RIGHTS. KNOWING YOUR LEGAL RIGHTS AND OPTIONS IS THE FIRST STEP TOWARD ENDING ABUSE.**

### **HOW CAN THE LAW HELP ME?** *(Includes information from FDLE)*

If you have been a victim of domestic violence, repeat violence, dating violence, sexual violence, sexual violence, stalking, 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. The Clerk of Courts 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 as per Section 741.30(1)(f) of the Florida Statutes.

### **To file for an injunction:**

Go to the Clerk of Court's Office in your county courthouse, located at 339 E. Macclenny Avenue. Their phone number is (904) 259-8113.

For more information and what you should bring with you please visit [www.bakercountyfl.org](http://www.bakercountyfl.org)

### **WHAT DO I DO IF THE ABUSER VIOLATES THE INJUNCTION?** *(Includes information from FDLE)*

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, report the violation to the Clerk of the Circuit Court only if law enforcement states it cannot issue an arrest warrant, or issue a notice to appear because there is no criminal violation. Report the violation 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. Under the provisions of Section 741.315(2), Florida Statutes, if you have an out of state court order for protection against domestic violence, federal and state law provides that law enforcement recognize and act on the protections in the order as if issued by a Florida court, as long as the issuing court gave the accused the opportunity for a hearing before issuing the order. This includes orders issued by courts from the District of Columbia, Indian tribes, commonwealth territories, or possessions of the United States.



## WHO SHOULD I TALK TO FOR MORE INFORMATION?

### Hubbard House

- 24 hour hotline: (904) 354-3114 or
- 1-800-500-1119
- TTY: (904) 354-3958
- [www.hubbardhouse.org](http://www.hubbardhouse.org)

### Florida Coalition Against Domestic Violence (also for immigrant victims)

- Hotline: 1-800-500-1119 (for legal assistance hit prompt #3)
- TTY hotline: 1-800-621-4202
- [www.fcadv.org](http://www.fcadv.org)

### Florida Abuse Hotline (to file confidential reports of child abuse)

- 1-800-962-2873
- TTY hotline: 1-800-453-5145
- <https://reportabuse.dcf.state.fl.us/>

### National Child Abuse Hotline (24 hour help line which provides crisis counseling, information and referrals)

- 1-800-422-4453

### National Domestic Violence Hotline

- 1-800-799-7233
- TTY hotline: 1-800-787-3224

### National Teen Dating Abuse Hotline

- 1-866-331-9474

**IF YOU HAVE BEEN THE VICTIM OF A CRIME (OR IN CERTAIN CASES, THE SURVIVING SPOUSE, FAMILY MEMBER OR A PERSON LEGALLY DEPENDANT UPON THE VICTIM) , YOU MAY BE ENTITLED TO FINANCIAL ASSISTANCE FROM THE CRIMES COMPENSATION TRUST FUND. PURSUANT TO FLORIDA STATUTE 960.065**

Victim Compensation 1-800-226-6667

<http://myfloridalegal.com>

OR

Division of Citizen Services (850) 414-3990

TDD users can call through Florida Relay at 1-800-955-8771

**VICTIM COMPENSATION** (*includes information from FDLE*)

As a victim of a crime, you may be eligible for financial assistance for:

- Medical care,

- Lost income,
- Mental health services,
- Relocation and other expenses related to injuries as a result of the crime.

To apply for assistance, check on the status of your application, or if you are in need of any help, contact the Division of Victim Services within the Office of the Attorney General toll free at 1-800-226-6667.

Victims of crimes have various other rights, many of which are found in Chapter 960 of the Florida Statutes and can be found in the Victim's Rights section of this handbook. The following are rights that are specific to victims of sexual crimes and include the right:

- obtain a forensic exam whether or not you report to law enforcement
- have an advocate at the forensic exam with you
- have the forensic exam sent for testing within 30 days, if reported to law enforcement
- review the law enforcement report before final submission
- be informed, present, and be heard at all crucial stages of the criminal or juvenile proceeding
- have an advocate with you during a discovery deposition
- have the offender, if charged, tested for certain medical conditions
- attend sentencing or disposition of the offender
- notification of judicial proceedings and scheduling changes
- notification about the release of the incarcerated offender
- request restitution
- give a victim impact statement
- not be subjected to a polygraph or truth-telling device
- take up to 3 days of leave from work (with eligible employer)
- apply for an injunction if you fear for your safety or offender is nearing release

## Baker County Sheriff's Office Victim Request for Confidentiality

Case #: \_\_\_\_\_

Section 119.071(2)(J)(1). F.S., states: Any document that reveals the identity, home or employment telephone number, home or employment address, or personal assets of the victim of a crime and identifies that person as the victim of a crime, which document is received by any agency that regularly receives information from or concerning the victims of crime, is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Any information not otherwise held confidential or exempt from s. 119.07(1) 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 s. 119.07(1) and s. 24(a), Art. I of the State Constitution, upon written request by the victim, which must include official verification that an applicable crime has occurred. Such information shall cease to be exempt 5 years after the receipt of the written request

I, \_\_\_\_\_, am requesting the Baker County Sheriff's Office not release any information which reveals my home or business telephone number, home or business address, or personal assets. I understand this information will be kept confidential for a period not to exceed five years.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

### Mail or Fax to:

Baker County Sheriff's Office (Attn: Records Dept.)

1 Sheriff's Office Dr. Macclenny, Florida 32063

**Phone** (904) 259-2231

**Fax** (904) 259-5838

I \_\_\_\_\_, have received  
*(Printed name of Victim/Witness)*

from the Baker County Sheriff's Office, the Victim/Witness Rights  
pamphlet

\_\_\_\_\_ Date \_\_\_\_ / \_\_\_\_ / \_\_\_\_  
*Signature of Victim/Witness*

\_\_\_\_\_ ID# \_\_\_\_\_  
*Signature of Deputy*

CR# \_\_\_\_\_