

WHAT IS VAN?

“Nothing takes the place of personalized and individual contact by a person who may supplement that personal touch, giving you up –to-date information about your case 24 hours a day, 7 days a week. I hope that you find this service helpful.”

Katherine Fernandez Rundle
State Attorney

VAN is a multilingual computerized telephone and postcard information service available to assist victims of crimes committed in Miami-Dade County. The purpose of this service is to provide continuous access to vital case information 24 hours a day, 7 days a week. When an arrest of a suspect is made or a warrant issued in Miami-Dade County, you will receive your initial postcard advising you of this event and providing you with other important identifying information about your criminal case. The personalized information that will appear on your first postcard will allow you to easily access VAN and obtain up-to date case information. By calling VAN, you can determine whether the suspect/juvenile is presently in custody and what event is scheduled to occur next in your case. Also, when calling this number, you can obtain important general information by selecting the menu to the Victim Information Guide. In this menu, for example, you will find detailed information on stages in the criminal justice process, what your role is in that process, and what happens in a criminal or juvenile case. Throughout your case, you will receive several postcards advising you of various events and outcomes. As a victim of a crime, you have a right to know what’s happening in your case. You need not to appear for these events. If you must appear, you will receive a subpoena. For some violent crimes, VAN may even call you. If a telephone number is available, when the defendant or juvenile is released from custody. Depending on the seriousness of the change and the relationship between the parties involved, these calls may continue throughout the night for the first 24 hours after the offender is released. Identifying yourself and following the prompts on the menu can discontinue these calls. If you do not have a telephone, the number of a relative or friend may be given. Do not list a telephone number that reaches a switchboard. By using the 1-800 number, you may call VAN from any pay phone. This service is strictly confidential and no one can access identifying information about you or your whereabouts. This service is offered to assist victims of crimes in Miami-Dade County and serves as an extension of the services offered by the State Attorney’s Office.

WHAT IS YOUR ROLE AS A VICTIM/WITNESS?

You are a witness because you have seen, heard, or know something about a crime. If you are the victim of a violent crime or the owner of damaged, misused or stolen property, the case cannot be prosecuted unless you stay involved. You may not think that what you know about the case is significant, but it may be very important. Often, many small pieces of information are required to determine what happened. This same information may be essential to effectively prosecute the case.

YOU HAVE RIGHTS....

The Florida Constitution and Florida Statute 960.001 guarantees victims of crime, the victim’s parents or guardian if the victim is a minor, or the victims next of kin in the case of a homicide, the lawful representative of the victim or of the victim’s parent or guardian if the victim is a minor or the family of the victim is deceased, the following rights....

- To be informed, present, and heard when relevant, at all crucial stages of criminal or juvenile proceedings;
- To be provided information about transportation, parking, separate waiting rooms and translators;
- To not be excluded from a case-related court event based on witness status alone and to be provided information regarding your right of standing through the State Attorney’s Office with your consent to assert these rights;
- To be informed that if you are an incarcerated victim, that you can submit written statements at all crucial stages of criminal, juvenile, or parole proceedings;
- To be notified of the offender’s arrest, release, escape and/or approval for community control and work release;
- To be notified of scheduling changes, and advance notice of all court proceedings, if time permits;
- To have a victim advocate present during depositions, and the right to be excluded from depositions held at any correctional facility;
- To be consulted by the Assistant State Attorney regarding disposition of cases involving certain crimes, as well as a prompt and timely disposition of the case;
- To be notified of the opportunity to submit an oral or written impact statement at the time of sentencing;
- To have prompt notification of the results of court proceedings;
- To have prompt return of property and assistance in obtaining return of recovered property unless there is a compelling law enforcement need to retain the property;
- To be given information and assistance in obtaining Florida Crime Victim Compensation (1-800-226-6667);
- To be given information on the right to request, and receive restitution and how to enforce a restitution order;
- To be given information on steps concerning protection from intimidation—it is a third degree felony to threaten and intimidate victims and witnesses. Please contact law enforcement if this happens;
- Upon request, to notify employers and to explain to creditors of serious financial strain resulting from victimization;
- To request, for specific crimes, an exemption prohibiting the disclosure of information to the public, which reveals your home and work phone numbers, home and work addresses, and personal assets not otherwise confidential under the Public Records Law;
- To be notified of the opportunity to review presentence investigation report on adult and youthful offenders, prior to the sentencing of the offender;
- If you are a victim of a sexual offense, to be notified that you may request the courtroom be cleared in certain instances during your testimony;

- To be notified of the opportunity to request HIV/Hepatitis testing of the accused when the crime involves transmission of body fluids;
- If you are a victim of domestic violence, to be provided information on the address confidentiality program through the Attorney General’s Office;
- If you are a minor victim and/or their siblings who attend school with the offender, you or your parent or legal guardian may request at sentencing or disposition hearing that the defendant be required to change schools;
- To be informed that information obtained from cases handled in juvenile court should be kept confidential, not revealing it to anyone unless necessary for other legal remedies;
- To request exemption from disclosure of victim information not otherwise held as confidential under the Public Records Law in certain instances;
- To advise a victim of sexual assault to 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;
- To advise a victim of sexual assault that no law enforcement officer, prosecuting attorney, or government official shall ask or require a victim of a sexual offense to submit to a polygraph examination or other truth-telling device as a condition of the investigation;

GENERAL VICTIM WITNESS SERVICES - In addition to the above rights, victims of crime are entitled to information regarding what to expect from the criminal justice system, translator services when needed, transportation and separate waiting areas. The State Attorney’s Office is staffed with Victim Witness Counselors and Trial Coordinators who are ready to provide the following:

- Emotional support to victims and witnesses of crime;
- Information concerning stages in the criminal or juvenile justice process, and the role of the victim;
- Courtroom orientation and accompaniment;
- Crisis intervention services and grief support;
- Referrals to social service agencies;
- Assistance with filing Crime Victim’s Compensation

STAGES IN THE PROCESS

Regarding the stages of the criminal and juvenile justice systems, cases generally follow the sequence listed below. However, no two cases are alike, and variations do occur in some instances. After the crime, a police investigation occurs, and possibly an arrest. After that, a bond hearing/jail arraignment and other hearings may occur, depositions, trial, and sentencing. Possibly an appeal may occur, and, finally, release from a correctional or detention center. For more information on the process, call the VAN number and use the prompts to the information Guide for Victims. However, VAN will send you postcards when these events occur.

Since bond hearing occurs within 24 hours after the arrest, advanced individual notice is not possible. Therefore, if you are interested in appearing for these hearings, except in misdemeanor domestic violence cases, all bond hearings and jail arraignments are held at the Richard E. Gerstein Building, 1351 NW 12th Street, in Courtroom 5-5. For only misdemeanor domestic violence cases, bond hearings are heard at 1:30 P.M. in Courtroom 2A at 175 NW 1st Avenue, Monday through Friday. On weekends and holidays, all bond hearings are heard at the Richard E. Gerstein location. For particular locations and time of the bond hearings in your case, you can call VAN or call the defendant information line at (786) 263-7000. Remember, you have the right to appear at these hearings.

If you are being sexually abused by a family or household member or you fear such abuse, there are laws to protect you. If someone not living with you now is abusing you, but with whom you have a child in common, there are laws to protect you. YOU need not be married to the person abusing you for these laws to help you.

You may ask the State Attorney to file a criminal complaint against the abuser. You may also go to court and file a petition requesting an INJUNCTION FOR PROTECTION from domestic violence which may include, but is not limited to, provisions which restrain the abuser from further abuse, direct the abuser from having contact with you at school, business, or your place of employment, award you custody of your minor children and pay support to you for those children if the abuser is legally obligated to do so.

HOW TO GET AN INJUNCTION

The paper that starts this process is called a Petition for Injunction for Protection against Domestic Violence. To obtain one, go to:

COURTHOUSE CENTER.....(305) 349-5888

175 NW 1st Avenue, Miami, Florida

NORTH DADE JUSTICE CENTER

15555 Biscayne Boulevard, Miami, Florida

JOSEPH CALEB CENTER

5400 NW 22nd Avenue, Miami, Florida

SOUTH DADE GOVERNMENT CENTER

10710 SW 211TH Street, Miami, Florida

MIAMI BEACH INTAKE UNIT

1130 Washington Avenue, Miami Beach, Florida

This petition explains to the judge exactly what protection you need and from whom. You can ask for help even if you cannot afford to pay court fees. The court clerk will help you in filling out the proper forms. If you have left your home to avoid being abused, you can still file a petition.

After you file your petition, the judge can sign a Temporary Injunction. The Injunction, or order, will tell the abuser the he/she must not be violent towards you. A Temporary Injunction can be obtained on the same day you file a petition, without a hearing and without the abuser knowing first. A Temporary Injunction lasts for a stated period of time not to exceed 15 days and is given to you by the judge when you are in immediate danger or being hurt. A Permanent Injunction can go into effect later. This Injunction is for a stated period of time not to exceed one (1) year, unless extended by the court. The judge must hold a hearing before signing the Permanent Injunction.

WHAT IF THE ABUSE OR THREATS HAPPEN AGAIN?

A person who refuses to follow a judge’s order may be put in jail. If the abuser disobeys the judge’s order, and the abuse or threats happen again, contact the police and show them the certified copy of the Injunction for Protection. In some cases, the officer may arrest the abuser. Also, you can ask the judge to hold the abuser responsible for not following the judge’s order.