

Victim Bill of Rights



You have the right to:

- 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 prior to 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 identifying information about the criminal investigation kept confidential
- Have the offender, if charged, tested for HIV and hepatitis
- Attend sentencing or disposition of the offender
- Notification of judicial proceedings and scheduling changes
- Notification about the release of incarcerated offender
- Request restitution
- Give a victim impact statement
- Not be subjected to a polygraph
- 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

Victim Compensation



You may be eligible for financial assistance for:

- Medical Care
- Lost Income
- Mental health services
- Relocation
- Other expenses related to injuries as a result of the crime

Contact your local certified rape crisis center for more information.

This project was supported by Grant No. 2014-WF-AX-0007 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

Resources

Florida Council Against Sexual Violence
1-888-956-7273
www.fcasv.org

Victim Compensation
1-800-226-6667
www.myfloridalegal.com

Florida Department of Law Enforcement
Sexual Offender/ Predator Unit
1-888-357-7332; 1-850-410-8572
For TTY Accessibility: 1-877-414-7234
E-mail: sexpred@fdle.state.fl.us

Florida Department of Corrections
Victim Information and Notification Everyday (VINE)
1-877-VINE-4-FL
www.dc.state.fl.us/oth/victasst/index.html

Florida Abuse Hotline
1-800-962-2873

Local Rape Crisis Center

Volusia Rape Crisis Center
24/7 Helpline: (800) 503-7621
Office: (386) 236-3123
www.volusiarapecrisiscenter.org

Sexual Battery

Your Rights and Services

If you are the victim of a sexual crime, you have certain rights. Supportive services are also available to you free of charge regardless of whether or not you continue with the criminal justice process.

Call 1-888-956-7273 to be referred to local services.



Help is Available



Victims of sexual crimes 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

Sexual Battery is a Crime!



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.**

A person under 16 years of age cannot legally consent to sex. Also, a person 24 years of age or older or a person in a familial or custodial position of authority cannot receive consent from 16 and 17 year old minors.

Forensic Exam



What is a forensic exam?

The forensic exam is a head-to-toe exam to collect evidence and check for injuries after a sexual crime.

What are my rights with regard to the exam?

- 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 processing

What evidence is collected?

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. They will ask you questions about the crime and your medical history in order to help them collect evidence.

What happens to the 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 timelines in your community.

Will I be prescribed any medication?

The medical professional may provide HIV prevention medication. Also, you may be able to get emergency contraception if you are concerned about pregnancy as a result of the crime. 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.

MYTHS/FACTS

MYTH: You can only be raped by a stranger.

FACT: Most perpetrators are known to their victim. 82% of sexual assaults were perpetrated by a non-stranger. 47% of assaults were committed by a friend or acquaintance.

MYTH: Only women are raped.

FACT: 1 in 5 men have been victims of a sexual crime and are eligible for services from Florida's rape crisis centers.

MYTH: I didn't fight back so it's not a crime.

FACT: A perpetrator can be arrested even if you didn't physically resist. Not fighting back does not imply consent!

NATURAL REACTIONS

There is no "right" way to feel after being assaulted. Victims experience a variety of reactions, including:

- Denial
- Shock
- Anger
- Confusion
- Fear
- Anxiety