




Cocoa Beach Police Department

Standard Operating Procedure



Effective Date: August 25, 2023	Replaces: Amends: May 23, 2017	Number: 390.10
Subject: Victim/Witness Rights	Re-Evaluation: 2024	
Distribution: All Members	Related CFA Standards: 14.04M	
Approving Authority: Deputy Chief of Police Wes Mullins		
Approval Date: August 11, 2023		

This standard operating procedure consists of the following numbered sections:

1. Purpose
2. Scope
3. Policy
4. Definitions
5. Procedures
6. Appendix
7. References

1. PURPOSE

The purpose of this standard operating procedure is to establish guidelines and procedures for members of the Cocoa Beach Police Department in assisting victims and witnesses of crimes as established by Florida State Statute 960.001.

2. SCOPE

This policy shall apply to all members of the Cocoa Beach Police Department with special emphasis on sworn police officers.

3. POLICY

It is the policy of the Cocoa Beach Police Department to comply with all applicable federal, state, and local laws governing the rights of victims and witnesses of crimes. As such, it is the policy of the Department to inform victims and witnesses of their rights as enumerated in Florida State Statute 960.001 and the Florida Constitution Article I, Section 16(b).

4. DEFINITIONS

- A. VICTIM – A person who suffers physical, financial, or emotional harm as the direct result of a crime committed upon his or her person or property. For the purpose of this standard operating procedure, the definition of the word “victim” shall include the victim, their parent or guardian if the victim is a minor, the lawful representative of the victim or of the victim’s parent or guardian if the victim is a minor, and the next of kin in cases of homicide.
- B. WITNESS – A person having information or evidence relevant to a crime.

5. PROCEDURES

Cocoa Beach Police Department Responsibilities to Victims/Witnesses

It shall be the policy of the Cocoa Beach Police Department to obtain and provide as much information as the law allows to aid victims/witnesses of crimes in obtaining the resources they need in their current situation. This

exchange of information will occur at the crime scene, during the criminal investigation, or in any appropriate manner so that victims/witnesses are given the required information at the earliest opportunity. This shall include the following information (or direct the victim/witnesses where to obtain it): (CFA 14.04M)

- A. Information for the purposes of notifying a victim or appropriate next of kin of victim or other designated contact of victim:
 - 1. In the case of a homicide, sexual offense, attempted murder, stalking or domestic violence case for which an arrest is made, the arresting law enforcement officer shall request the victim, appropriate next of kin or designated contact complete a [Victim Notification Card](#). This card must be filed with the incident report or warrant in the Sheriff's Office of the jurisdiction in which the warrant originated unless the victim, appropriate next of kin or designated contact chooses not to complete the card. Any relevant identification or case numbers assigned to the case shall also be included.
 - 2. Unless otherwise requested by the victim, the county jail facility or detention facility shall forward this card to the subsequent correctional or residential facility following sentencing and incarceration. If the defendant is arrested or taken into custody in this jurisdiction, the county jail facility or detention facility will notify the same in the jurisdiction of the warrant to take into custody order, unless waived by the victim, appropriate next of kin or designated contact.
- B. In cases of domestic/dating violence, the investigating officer shall provide the victim with the following items:
 - 1. [Notice of Legal Rights & Remedies for Domestic/Dating Violence Victims](#) (State Attorney). If the victim is willing, the officer shall have them sign the notice after which the officer shall provide them with the white copy. The yellow copy will go with the arrest paperwork to the jail (if applicable), and the pink copy will remain with the case report.
 - 2. [Notice of Legal Rights and Remedies for Victims of Domestic Violence, Dating Violence, Repeat Violence, Sexual Violence, Stalking\(FDLE\)](#) in [English](#) or [Spanish](#).
- C. General Victim Assistance:

Police Department members shall always be ready to assist victims and witnesses whenever possible. When requested, Police members will assist victims and witnesses in locating accessible parking and transportation and direct them to separate pretrial waiting areas where available.
- D. Regardless of whether an arrest has been made, a police officer investigating a crime shall provide victims and/or witnesses with a copy of the *Cocoa Beach Police Department's Victims' Rights Brochure*. (Appendix D).
- E. Police Department members shall provide victims and witnesses with information and assistance, to the extent allowed by law and Department policy, on protection available to them regarding intimidation.
- F. The officer shall make victims aware of their right to confidentiality under Marsy's Law by providing them with a copy of the [Cocoa Beach Police Department's Marsy's Law Victim's Rights to Confidentiality Form](#).
- G. Police Department members shall promptly return a victim's property held for evidentiary purposes unless there is a compelling law enforcement reason for retaining it. The property shall be returned to the victim as soon as possible after the completion of the investigation or prosecution.
- H. Police Department members shall inform any victim about the right to request restitution as provided by the Florida Office of the Attorney General's Bureau of Victim Compensation. The State Attorney's Office will automatically send information regarding restitution through a statement and form to the victim at the filing stage and will assist the victim in documentation of losses. Additionally, the *Bureau of Victim Compensation Claim Form* (Appendix F), may be provided upon request.

- I. Officers shall advise victims of juvenile crime that information gained regarding any case handled in juvenile court must not be revealed to any outside party, except as reasonably necessary in pursuit of legal remedies.
- J. When investigating sexual crimes, the officer shall provide the victim with the *Sexual Battery, Your Rights and Services* brochure (Florida Department of Law Enforcement) (Appendix G).
- K. The Cocoa Beach Police Department shall give prompt notification of a non-capias arrest of an accused to the victim, or relative of a minor who is the victim, or relative of a homicide victim. This notification shall be given by oral or written communication at the address found in the incident report, or other criminal report or juvenile referral, or at a more current address if such had been provided to the arresting agency.
- L. No member of the Cocoa Beach Police Department 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.
- M. Cocoa Beach Police investigators shall allow a victim advocate from the certified rape crisis center to attend any forensic medical examination at the request of the victim, victim's parent, guardian, or lawful representative.

6. APPENDIX

Cocoa Beach Police Department's Victims' Rights Brochure

1. [English](#)

2. [Spanish](#)

[Bureau of Victim Compensation Claim Form](#)

C. [Sexual Battery, Your Rights and Services Brochure \(FDLE\)](#)

7. REFERENCES

- A. [The Florida Senate. Florida State Statute 960.001 – Guidelines for fair treatment of victims and witnesses in the criminal justice and juvenile justice systems.](#)
- B. [The Florida Constitution – Constitution of the State of Florida, Article I, Section 16\(b\) – Rights of accused and of victims.](#)