

CRIMINAL JUSTICE SYSTEM

ARREST

Law Enforcement makes an arrest based upon the witnesses' information. After an arrest most defendants are entitled to bond. As a victim you are a witness. When you hear that someone is "out on bail or bond" it means he has paid a certain amount of money or agreed to certain conditions for his release. These conditions or money are to make sure he will show up for Court. Part of the conditions may be that the defendant is not to have any contact with the victim except through the Attorneys. If you would like to have input or be notified about the accused's bond hearing, let the Assistant State Attorney or Victim Assistance Program know.

STATE ATTORNEY HEARING

The State Attorney Hearing takes place at the State Attorney's Office. The meeting is informal but extremely important in the progress of the case. The accused is not present, nor is his lawyer. The Assistant State Attorney assigned to handle the case meets with all the witnesses to determine what can be proven in court. If there is enough evidence the Assistant State Attorney will tell you which crimes the accused will be prosecuted for. These charges must be filed with the Court by 21 days after the arrest. At this meeting the Assistant State Attorney will ask you for your input. The Assistant State Attorney will pursue a prompt and timely disposition of the case in order to minimize the stress for you.

ARRAIGNMENT

Approximately two (2) weeks after the charges are filed, the defendant goes to court and enters a plea of "guilty" or "not guilty". Usually a "not guilty" plea is entered in order to give the defense attorney time to learn about the case. The Judge also sets the case for trial at the Arraignment. You will receive a subpoena telling you of the trial date and time. On the subpoena there is a phone number for you to call. It is very important for you to call because your case may be continued for some reason or resolved without having to have a trial and this call could save you a trip.

DEPOSITION

This is the way the defense attorney learns about the case. The defense attorney has the right to talk with all the witnesses. He sends all the witnesses a subpoena. The subpoenas are mailed or brought to you in person. Read the paper carefully. It will tell you exactly where to go and when to be there. Normally an Assistant State Attorney will be with you when you talk with the defense attorney. When you arrive at the deposition you have the right to ask the defense attorney to call an Assistant State Attorney to come if one is not there already. However, if

the Assistant State Attorney is unable to attend, the defense attorney has the right to take the deposition anyway. The statement you give will be recorded by a court reporter in person or on a tape recorder. The attorney will explain this to you at the deposition. You may have a Victim Advocate with you during the deposition.

DISPOSITION OF CASE

After the defense attorney talks with the witnesses, he and the Assistant State Attorney may talk about the defendant changing his plea to "guilty". If this happens you will be notified by letter. When you get this letter it will include a number for you to call if you have any questions. Many cases are settled without witnesses having to go to trial.

TRIAL

If the defendant does not decide to enter a guilty plea, he is entitled to a trial. This is when you will be needed to testify in Court. This trial normally will be within 175 days of the arrest, (this is sometimes referred to as a "speedy trial"), but it may be continued by the Judge. There are many rules and legal procedures involved in a trial. If you are needed to testify there will be a Victim Advocate to help explain things to you. The Assistant State Attorney and the Victim Advocate will be glad to show you the court room *before you have to testify*. The Victim Advocate can help you with transportation or perhaps explain to your employer why you have to be in court. Try not to worry about trial until you know for sure that it is necessary for you to testify.

SENTENCING

Once the defendant either enters a plea or is found guilty by a jury, the Judge sets a time to sentence him. The Department of Corrections may complete a PreSentence Investigation for the Judge. You will be notified in writing of the sentencing date. This letter will explain that you have the right to be present and speak to the Judge, *or* you can write the Judge a letter, *or* you can let the Assistant State Attorney speak on your behalf. This Victim Impact Statement can explain the effect the crime had on you and your family and also give specific amounts of requested restitution. After the defendant is sentenced you will be notified by letter of the specific sentence he received.

There are several possible sentences.

Some of them are:

County Jail Time: Confinement in the County Jail for a time of one year or less.

State Department of Corrections: Usually referred to as "Prison", amount of time determined by Judge and exceeds one year.

Community Control: Usually referred to as "House Arrest" or "Prison at Home" where defendant is allowed

to remain in community and work, but must be at home during non-working hours. This is strictly enforced.

Probation: Defendant is allowed to remain in the community and move freely under supervision of the Parole and Probation Department. Many times there are special conditions as part of the probation which may include restitution (where appropriate) or drug/alcohol treatment, etc.

WITNESS FEES

You are eligible for witness fees whenever you are required to attend. Ask the attorney who subpoenaed you to tell you how to receive this witness fee, or call the Victim Assistance Program to help you obtain the fee.

JUVENILE JUSTICE SYSTEM

In the Juvenile Justice System, once a juvenile is detained, the Department of Juvenile Justice (DJJ) will submit a recommendation to the State Attorney's Office regarding the disposition of the case. In order to make this determination, someone from DJJ will speak with the victim(s) about the case. The possible dispositions in the Juvenile Court are different than those in the Criminal Court. DJJ will be able to explain this to you and they will give you an opportunity to express your opinion about the disposition of the case. You should let DJJ know about your financial loss and provide them with a restitution amount. This will be included in the recommendation sent to the State Attorney's Office. The Assistant State Attorney will review the DJJ recommendation, but the Assistant State Attorney will also want to hear directly from you. The Victim Advocate may contact you on behalf of the Assistant State Attorney, and you will be able to express your opinion directly to the Attorney. The Juvenile Court System moves more quickly than the Adult Court System. Since there are no juries, if there is a trial, it will be before a Judge. Many juvenile cases are disposed of with out going to trial. However, if there is a trial and you are needed to testify, the Assistant State Attorney and the Victim Advocate will be glad to show you the courtroom before you have to testify. There are many rules and legal procedures which are different in the Juvenile System. The Assistant State Attorney and the Victim Advocate will explain them to you.

Victims' Rights

As a Crime Victim, you have the right to information concerning services available to victims of adult and juvenile crime. These rights are listed on this brochure. As a crime victim you have the right:

>To information regarding the availability of funds through the Attorney General's Crime Compensation Program, when applicable. 1-800-226-6667.

>To information about community-based victim treatment programs, crisis intervention services, counseling, and social service programs.

>To know your role in the criminal or juvenile justice system.

>To know about the stages in the criminal or juvenile justice process which are of significance to the victim and how such information can be obtained.

>To be informed, to be present, and to be heard when relevant, at all crucial stages of a criminal or juvenile proceeding, to the extent that right does not interfere with the constitutional rights of the accused.

>To information concerning the steps available to law enforcement and the State Attorney to protect the victim or witness from intimidation.

>To have your property returned to you as soon as possible unless there is a compelling reason for retaining it.

>To have your employers and creditors informed that your cooperation with a criminal prosecution might cause absences or financial hardship.

>To have any special needs accommodated as is practicable. (For instance: transportation, parking, translator services, separate areas to wait in the Court Room, etc)

>To submit an oral or written victim impact statement describing how the crime affected you and your family. The State Attorney shall assist in the preparation of such statement if necessary

>To receive advanced notification (unless the agency itself does not have advanced notification) of the arrest, the release or modification of the release conditions, including community work release, community control and the proceedings in the prosecution or petition for delinquency of the accused.

>To have a victim advocate present during any deposition of the victim

>To be notified that the victim or next of kin of the victim may not be excluded from any portion of any hearing, trial or proceeding based solely on the fact that such person is subpoenaed to testify, unless the court determines that such person's presence to be prejudicial

>To be notified as soon as possible, by the agency scheduling your appearance in a criminal or juvenile justice proceeding, of any change in scheduling which will effect your appearance.

>To the prompt and timely disposition of the case, to the extent that this right does not interfere with the constitutional rights of the accused.

>To know that the victim of a crime and the state attorney, with the consent of the victim, have standing to assert the rights of a crime victim, which are provided by law or s.16(b) Art. 1 of the State Constitution

>To know that victims and witnesses who are not incarcerated shall not be required to attend discovery depositions in any correctional facility

>To request restitution and to be notified if restitution is ordered by the court and to receive information regarding the victim's right to enforce the court's order. If an order is converted to a civil lein or judgment, the clerks shall make available at their office & website information regarding enforcing the civil lein or judgment.

>To request that the State Attorney allow you to review a copy of the pre-sentence investigation report prior to the sentencing hearing, for adults, youthful offenders and juveniles, if one was completed.

>To be notified if the offender escapes from a state or private correctional facility, county jail, juvenile detention facility, or involuntary commitment facility

Some rights are extended in specific crimes:

>Domestic Violence Victims have the right to have information regarding the Attorney General's Address Confidentiality Program and information regarding Injunctions for Protection

>Victims of sexual offenses have the right to request that the courtroom be cleared of all persons, with certain exceptions, during the victims testimony, regardless of the victims age or mental capacity.

>In cases involving the transmission of body fluids, the victim of certain sex crimes has the right to know of the court's responsibility to order the person charged be tested for Hepatitis and HIV infection. This extends to Victims under 18, disabled adults and elderly persons, regardless of whether there is transfer of bodily fluids.

>Victims of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery or domestic violence may request in writing an exemption prohibiting the disclosure of information to the public, which reveals their home and work phone numbers, home and work addresses, and personal assets not otherwise held confidential under the Public Records Law.

>No law enforcement officer, prosecuting attorney, or other 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 proceeding with the investigation of such an offense.

>The victim of a sexual offense has the right to request the presence of a victim advocate during the forensic medical examination. An advocate from a certified rape crisis center shall be permitted to attend any forensic medical examination.

>For any case handled in the juvenile court any information gained by the victim pursuant to FS 960 must not be revealed to any outside party, except as is reasonably necessary in pursuit of legal remedies.

>To request that the offender be required to attend a different school than the victim or the siblings of the victim (under certain circumstances)

>(In those felony and juvenile cases that involve physical or emotional injury or trauma) to be consulted by the State Attorney in order to obtain the views of the victim or family about: the release of the accused pending a judicial proceeding, plea agreement, participation in pretrial diversion programs and the sentencing of the accused;

>Incarcerated victims have the right to be informed and to submit written statements at all crucial stages of the criminal and juvenile justice proceedings.

Where to Turn

Emergency 911

Domestic Violence Programs (Including Shelters)

Safespace (Martin, St. Lucie, Indian River)

24 hr. hotline 1-800-500-1119

Martha's House (Okeechobee) 863-763-2893

Clerk's Office for Injunctions for Protection

Indian River 772-226-3188

Martin 772-288-5720

Okeechobee 863-763-2131

St. Lucie 772-462-6911

Mental Health

Indian River Mental Health Ass 772-569-9788

New Horizons -Outpatient Counseling

Fort Pierce 772-468-5600 or 772-468-5610

Vero Beach 772-778-7217

Stuart 772-221-4088

Okeechobee 863-462-0040

St. Lucie Hospital 772-335-0400

Mothers Against Drunk Driving 772-288-4418 or hotline 877-623-3435

Parents Of Murdered Children and Other Homicide Survivors 888-818-7662

Crimes Compensation

1-800-226-6667

TTD call Fla Relay Services 1-800-955-8771

Florida Abuse Registry (Child, Elderly, Disabled)

1-800-96-ABUSE (22873)

Sexual Violence (Rape) Hotline

1-866-828-7273

The State Attorney Victim Services Program has an extensive list of service providers including community-based victim treatment programs, crisis intervention services, counseling, and social service programs. Contact the State Attorney's Office listed below to reach an Assistant State Attorney or a Victim Advocate

STATE ATTORNEY'S OFFICE

Indian River 772-226-3300

Martin 772-288-5646

Okeechobee 863-763-5557

St. Lucie 772-465-3000

Victims' Rights And the Criminal and Juvenile Justice Systems



Fair Treatment of Victims: It's the Law

It is the policy of the State Attorney's Office to treat all victims and witnesses with dignity, respect and compassion at all times. As a crime victim you have certain rights guaranteed by Florida Law. This brochure is to help you understand your rights. Your participation in the legal system is appreciated. We want to make your involvement as comfortable as possible.

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Nineteenth Judicial Circuit of Florida
serving
Indian River, Martin, Okeechobee
and St. Lucie Counties