



CRIME VICTIM RIGHTS & Information



234 EAST SEVENTH AVENUE
TALLAHASSEE, FLORIDA 32303
(850) 891-4200
*or call the Florida Relay Service at
TDD at 1-800-955-8771*

YOUR CASE INFORMATION

OffenseCase Number

Officer NameID Number

This case: is a felony
 is a misdemeanor
 involves a juvenile

NO ARREST HAS BEEN MADE:

A suspect has been identified in your case; however, as a victim of a misdemeanor, you need to sign a complaint form within 30 days in order for the arrest process to take place. Contact Criminal Investigations Division, 8 am - 5 pm, Monday thru Friday.

AN ARREST HAS BEEN MADE:

First appearances are held daily at 8:30 am.
Monday - Friday
at Leon County Courthouse, 301 S. Monroe Street.
Adults: 2nd Floor, See Bailiff
Juveniles: Courtroom 1A

Saturday and Sunday:
Adults: Leon County Jail 2825 Municipal Way
Juveniles: Leon County Detention Center
501 Appleyard Drive

As a victim of a crime in which an arrest is made,
the Victim/Witness Advocate
of the State Attorney's Office
will inform you of the prosecution efforts.
Contact can be made at 606-6112.

DEFENDANT(S) NAME:

1) _____

2) _____

VICTIMS HAVE RIGHTS

As the victim of a crime or the next of kin of a homicide victim, you have guaranteed rights as outlined in **Florida Statute 960**.

If you are a victim of a crime or a witness because you have seen, heard, or know something about a crime that has been committed, you are important to the case. Your testimony may be necessary to establish the facts. Understandably, you might feel anxious about testifying in court. However, without your testimony the defendant might go unpunished.

VICTIM – A person against whom a crime was committed. Some victims suffer physical injury or property damage, and some have psychological injury or both. Victims have certain rights in Florida. Others who can claim these rights are the victim's 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 of a homicide victim. As a victim of a crime, you have the following rights:

Either you or the State Attorney's Office, with your consent, have standing to assert the legal rights of a crime victim as provided by law or the Florida Constitution.

In some cases, victims (or their relatives when the victim is deceased) may be eligible for financial compensation from the State of Florida.

Information regarding eligibility may be obtained
from the State Attorney's Office, a law enforcement
agency or the Bureau of Crime Compensation
Office of the Attorney General
1-800-226-6667.

VICTIMS HAVE RIGHTS

THE RIGHT of the victim to request that a victim advocate be permitted to attend and be present during any deposition. The victim advocate may be designated by the State Attorney's Office, Sheriff's Office, Municipal Police Department, or one representative from a not-for-profit victim services organization, including, but not limited to, rape crisis centers, domestic violence advocacy groups, and alcohol abuse or substance abuse groups.

THE RIGHT of the victim of a sexual offense to have the courtroom cleared, with certain exceptions during his or her testimony, regardless of the victim's age or mental capacity.

THE RIGHT to request, in certain circumstances, that the offender be required to attend a different school than the victim or siblings of the victim. If the victim of an offense committed by a juvenile is a minor, and the victim or any sibling of the victim attends or is eligible to attend the same school as that of the offender, the Department of Juvenile Justice or the Department of Corrections shall notify the victim's parent or legal guardian of the right to attend the sentencing or disposition of the offender and request that the offender be required to attend a different school.

THE RIGHT of the victim who is not incarcerated to not be required to attend discovery depositions in any correctional facility.

The statutory obligation of the victim, or next of kin of a homicide victim, that any information gained pursuant to FS Chapter 960, regarding any case handled in juvenile court, must not be revealed to any outside party, except as reasonably necessary in pursuit of legal remedies.

THE RIGHT to know in certain cases and at the earliest possible opportunity, if the person charged with an offense has tested positive for hepatitis and Human Immunodeficiency Virus (HIV) infection. In such cases, upon request of the victim or the victim's legal guardian, or the parent or legal guardian of the victim if the victim is a minor, the court shall order such person to undergo hepatitis and HIV testing. In some cases, you can be notified of the results of the test within two weeks of the court's receipt of the results.

VICTIMS HAVE RIGHTS

THE RIGHT to receive information on the steps available to law enforcement and the State Attorney's Office to protect you from intimidation and/or harassment. It is a third degree felony to knowingly use intimidation or physical force, or threaten another person, or attempt to do so, or engage in misleading conduct toward another person, or offer pecuniary benefit or gain to another person. If you are being threatened or intimidated, please contact the (appropriate agency) or any law enforcement officer.

THE RIGHT of the victim of domestic violence to be informed of the address confidentiality program administered through the Attorney General's Office. You may contact the Attorney General's Office at 1-800-266-6667. The State Attorney's Office may assist you with this paper work, if necessary.

THE RIGHT of each victim or witness who has been scheduled to attend a criminal or juvenile justice proceeding to be notified as soon as possible by the agency or person scheduling his/her appearance of any change in scheduling which will affect the victim's appearance.

THE RIGHT to receive advance notification of judicial and post judicial proceedings relating to the case, including all proceedings or hearings relating to:

- The arrest of the accused.
- The release of the accused pending judicial proceedings.
- Any modification of release conditions to include release to community control or work release.
- Proceedings in the prosecution or petition for delinquency of the accused, including the filing of the accusatory instrument, the arraignment, disposition of the accusatory instrument, trial or adjudicatory hearing, sentencing or disposition hearing, appellate review, subsequent modification of sentence, collateral attack of a judgment, and, when a term of imprisonment, detention or involuntary commitment is imposed, the release of the defendant or juvenile offender from such imprisonment, detention, or commitment by expiration of sentence or parole and any meeting held to consider such release.

VICTIMS HAVE RIGHTS

THE RIGHT to not be excluded from any portion of any hearing, trial, or proceeding pertaining to the offense based solely upon the fact that such person is subpoenaed to testify, unless the court determines otherwise.

In addition to the provision of s.921.143, F.S., the rights of the victim of a felony involving physical or emotional injury or trauma, or in a case in which the victim is a minor child or in a homicide, the guardian or family of the victim shall be consulted by the State Attorney in order to obtain the views of the victim or family about the disposition of any criminal or juvenile case brought about as a result of such a crime, including their views about:

- The release of the accused pending judicial proceedings.
- Plea agreements; participation in pretrial diversion programs.
- Sentencing of the accused.

THE RIGHT to review certain portions of a pre-sentence investigation report for adults and youthful offenders prior to the sentencing of the accused.

THE RIGHT to a prompt return of property unless there is compelling law enforcement need to retain it.

THE RIGHT to request that the State Attorney or law enforcement agency help you explain to employers and creditors that you may face additional burdens by taking time off from work to assist law enforcement and you may undergo serious financial strain either because of the crime or by cooperating with the authorities.

Law Enforcement agencies and the State Attorney shall inform you of your right to request and receive restitution and of your rights of enforcement in the event an offender does not pay. The State Attorney shall seek your assistance in the documentation of your losses for the purpose of requesting and receiving restitution. If an order of restitution is converted to a civil lien or civil judgment against the defendant, the clerks shall make available at their office, as well as on their website, the information provided by the Secretary of State, the court, or The Florida Bar on enforcing the civil lien or judgment. The State Attorney shall inform you if and when restitution is ordered.

VICTIMS HAVE RIGHTS

THE RIGHT to receive information on available crisis intervention services and local community services, to include counseling, shelter, legal assistance, or other types of help, depending on the particular circumstances. Telephone numbers of these services are provided in this brochure.

THE RIGHT to receive information regarding the role of the victim in the criminal or juvenile process, including what the victim may expect from the system, as well as what the system may expect from the victim.

THE RIGHT to receive information regarding the stages of the criminal or juvenile justice process and the manner in which information about such stages may be obtained. NOTE: You cannot be notified if we cannot locate you. It is your responsibility to keep the State Attorney's Office informed of any changes in your address or telephone number.

THE RIGHT to be informed, present, and heard, when relevant, at all crucial stages of the criminal or juvenile proceedings, to the extent the right does not interfere with the constitutional rights of the accused.

THE RIGHT, if you are incarcerated, to be informed and submit written statements at all crucial stages of the criminal and juvenile proceedings.

THE RIGHT to a prompt and timely disposition of your case, as long as it does not interfere with the constitutional rights of the accused.

THE RIGHT to be notified of the arrest and release of the offender, including release to community control and/or work release. When an arrest is made in a reported case, the victim, witnesses, relatives of minor victims and witnesses, and relatives of homicide victims, where those persons have provided current addresses and telephone numbers to Police/Sheriffs/State Attorney, shall be notified.

THE RIGHT of the victim of cyber stalking to be notified upon the release of the accused.

VICTIMS HAVE RIGHTS

THE RIGHT to submit an oral or written impact statement to the court, pursuant to s. 921.143 F.S., prior to sentencing of the offender. The State Attorney or any Assistant State Attorney shall advise all victims or, when appropriate, the victim's parent, guardian, next of kin, or lawful representative, that statements, whether oral or written, shall relate to the facts of the case and the extent of any harm, including social, psychological, or physical harm, financial losses, loss of earnings directly or indirectly resulting from the crime for which the defendant is being sentenced, and any matter relevant to an appropriate disposition and sentence.

THE RIGHT to receive reasonable consideration and assistance from employees of the State Attorney's Office, Sheriff's Office, or Police Department. When requested, you will be assisted in locating accessible transportation and parking, and shall be directed to separate pretrial waiting areas when such facilities are available. When requested, you shall receive assistance in attempting to locate translators when practicable.

THE RIGHT to be notified when the offender escapes from custody. The State Attorney shall make every effort to advise the victim, material witness, parents or legal guardian of a minor who is a victim or witness, or immediate relative of a homicide victim of the escape of a criminal defendant. The State Attorney shall also notify the Sheriff of the county where the criminal charge or petition for delinquency arose. The Sheriff shall offer assistance upon request.

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.

THE RIGHT that any law enforcement officer, prosecuting attorney, or government official shall not 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.

STAGES OF CRIMINAL JUSTICE SYSTEM

ARREST - Suspect(s) taken to jail, fingerprinted, and photographed. Some are immediately released or have to post a bond to guarantee they will show up in court.

FIRST APPEARANCE - Occurs within 24 hours of an arrest. Each suspect kept in jail must appear before a judge who establishes whether charges are reasonable. The judge will also consider whether a bond should be set, and if so, how much. The judge will also consider conditions of release and appoint a defense attorney if the suspect can't afford one.

FILING OF FORMAL CHARGES - The State Attorney's Office will file formal charges after reviewing law enforcement reports within 21 days.

ARRAINGMENT - The accused is formally charged and enters a plea of guilty, not guilty, or no contest.

TRIAL/PREPERATIONS - The prosecutor and defense attorney interview witnesses and exchange evidence. If the defendant gives up the right to a trial and pleads guilty or no contest, the prosecutor usually offers a reduced charge or drops additional counts. If the defendant refused to plead guilty or a deal cannot be reached, the attorneys will interview more witness and prepare for trial.

PLEA - Defendant pleads guilty or no contest without a trial.

OR CHARGES ARE DROPPED - The State Attorney's Office may determine a case is not strong enough or witnesses are not available.

OR TRIAL - Judge or jury decides guilt or innocence after hearing evidence.

SENTENCING - If the defendant is found guilty, the judge reviews sentencing guidelines and determines what type of sentence the defendant should receive.

WHAT HAPPENS IF MY CASE INVOLVES A JUVENILE?

A juvenile arrested and charged with a misdemeanor or non-violent felony, may be released immediately into the custody of the parent(s) or legal guardian. Juveniles charged with more serious crimes may go to a pre-detention hearing within 24 hours to set the conditions of release. You have a right to appear at these hearings. You may contact the Leon County Juvenile Detention Center at 488-7672 regarding the hearing.

Intake - The process of determining where a child under the age of 18 will be placed until the case is resolved. There are three forms of detention status: home, non-secure, or secure.

Diversion Programs - An alternative to trial where the juvenile is placed in a community based program such as juvenile arbitration, Juvenile Alternative Services Program (JASP), or a treatment plan (Walker Plan). If a juvenile successfully completes the diversion program, then the charges are generally dismissed.

Formal Charges - The filing of a petition in court by the State Attorney's Office. The charge may be filed in either juvenile court or adult court, depending upon the crime and age of the offender.

Arraignment - The accused is formally charged and enters a plea of guilty, not guilty, or no contest.

Ad Judicatory Hearing - The trial of the juvenile is conducted in front of a judge. The judge will decide whether the juvenile committed the charged offense(s).

Dispositional Hearing (Sentencing) - When a juvenile is found to have committed a delinquent act, the court will hold a dispositional hearing to determine which sanctions to impose on the juvenile. The sanctions could range from community-based sanctions, like probation and community services, up to residential commitment.

Juveniles Tried as Adults - Juveniles who commit very serious crimes may be tried as adults. Juveniles who are prosecuted as adults may be sentenced to adult or juvenile sanctions.

COULD I BE ELIGIBLE FOR VICTIM COMPENSATION?

In some cases, the victims or relatives of a deceased victim may be eligible for financial compensation from the State of Florida. Those determined eligible by the Office of the Attorney General may receive assistance with medical/dental expenses, burial expenses, lost wages, relocation money for domestic violence victims, and mental health counseling.

For further information, please call the
Office of the Attorney General at
414-3300 or 1-800-226-6667.

VICTIM ASSISTANCE INFORMATION

For many persons being a victim or witness to a crime is their first experience with the criminal justice system. A Victim Advocate is available 24 hours a day to assist victims with the emotional, physical, and financial trauma often resulting from a crime. You may contact a Victim Advocate the next day for information and support if immediate assistance is not needed. A Victim Advocate can provide:

- Crisis Intervention
- Personal Advocacy
- Community Information & Referrals
- Emotional Support
- Coordination with the Criminal Justice System
- Court Accompaniment
- Assistance with Property Return
- Assistance with Crime Victim Compensation
- Assistance in Filing a Protective Injunction
- Assistance with Transportation
- Attempt to Locate Translators as Needed

CIVIL PROTECTIVE INJUNCTIONS

A protective order means the respondent (aggressor) is to have NO CONTACT with the petitioner (victim) at any time or place unless otherwise specified by the court order. There are four types of civil protective orders in the State of Florida. These injunctions are enforceable throughout the United States.

DOMESTIC VIOLENCE...involves assault (verbal), battery (physical), sexual battery, stalking, or any criminal offense resulting in physical injury or death to one "family or household member" by another who is, or was, residing in the same single dwelling unit. A family or household member is defined by statute as a spouse, former spouse, persons related by blood or marriage, persons who are presently residing together or who have a child in common, regardless of whether they have been married or have resided together at any time.

DATING VIOLENCE...is violence between individuals who have or have had a continuing, significant relationship of a romantic or intimate nature within the past 6 months.

SEXUAL VIOLENCE...any one incident of sexual battery, a lewd or lascivious act that is committed upon or in the presence of a person younger than 16 years of age, luring or enticing a child, sexual performance by a child or any other forcible felony during which a sexual act is committed or attempted. This will include any of the incidents cited above regardless of whether criminal charges were filed, reduced, or dismissed by the State Attorney.

REPEAT VIOLENCE...involves any assault (verbal), battery (physical), sexual battery, stalking, or any criminal offense committed against you resulting in violence and/or the threat of violence. This injunction requires 2 incidents – one which must have taken place in the past 6 months.

TO SECURE AN INJUNCTION, YOU MUST...

1. Complete an injunction petition (application packet) from the Clerk of the Court (Leon County Courthouse, 301 S. Monroe Street). Assistance in completing this petition can be provided by the Refuge House Injunction Assistance Program (at the Courthouse).
2. In order to file for an injunction, you must provide photo identification to be copied for the official court record.
3. The petition will be submitted to the judge for approval. Upon approval, you will receive a temporary injunction, which is valid once it has been served to the respondent by the Leon County Sheriff's Office.

SERVICE CAN BE VERIFIED BY CALLING THE
LEON COUNTY SHERIFF'S OFFICE
at 606-3300.

You will also receive a scheduled court date for the hearing that will address the permanency of the injunction. **YOU MUST BE PRESENT** at the designated time or the petition for injunction will be dismissed.

KEEP A COPY OF THE INJUNCTION WITH YOU
AT ALL TIMES AND SECURE ADDITIONAL COPIES
IN SAFE PLACES.

DIRECTORY OF SERVICES

| | |
|--|----------|
| Emergencies | 911 |
| Leon County Sheriff's Office | 606-3300 |
| Tallahassee Police Department | 891-4200 |
| Tallahassee Police Department Criminal Investigations | 891-4331 |
| Victim Advocacy Unit | |
| Sex Crimes / Juvenile Unit | |
| Homicide / Assault Unit | |
| General Property Crimes | |
| Financial Crimes | |
| Community Relations Unit | 891-4251 |

**The Community Relations Unit
will provide a free security survey of your home.**

| | |
|---|--------------|
| Florida Office of Attorney General Crime Victim Compensation | 414-3300 |
| Florida Abuse Registry | 800-96-ABUSE |
| Florida Department of Corrections Victims Services | 488-9166 |
| Center for Independent Living | 575-9621 |
| Florida MADD | 681-0061 |
| Tallahassee Urban League | 222-6111 |
| Big Bend 211(TCRS) | 617-6333 |
| Refuge House / Rape Crisis | 681-2111 |
| State Attorney's Office | 606-6000 |
| FSU Victim Advocacy Program | 644-7161 |
| FAMU Victim Advocacy | 599-3145 |
| TCC Counselor | 201-6200 |

CRIME VICTIMS' PROTECTION ACT

As the victim of an offense described in Chapter 794, Chapter 800, Chapter 827, Florida Statutes, I have the right to request the trial court to issue an order prohibiting disclosure of any information or records which reveal my name, address, or photograph, if the requirements detailed in Section 92.56, Florida Statutes are met. I understand that the State Attorney's Office will assist me with the required legal paperwork.

- I wish to Apply for this court order.
- I **Do Not** wish to apply for this court order.

Name of Victim: _____

Signature of Victim: _____

VICTIM REQUEST FOR CONFIDENTIALITY

Section 119.071(2)(j)(1) Florida Statutes states:

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.

By my signature, I am requesting the Tallahassee Police Department not release any information that reveals my home or employment telephone number, home or employment address, or any personal assets. **I understand this information will be kept confidential for a period not to exceed five years.**

Print Name

Signature

Issuing Officer/ID Number

Case Number

