

**VICTIM  
RIGHTS  
PAMPHLET**



**TALLAHASSEE POLICE DEPARTMENT**

234 EAST SEVENTH AVENUE  
TALLAHASSEE, FLORIDA 32303

(850) 891-4200

*or call the Florida Relay Service at  
TDD at 1-800-955-8771*

## **VICTIMS HAVE RIGHTS**

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

THE RIGHT to be present, informed, and heard, when relevant at all crucial stages of the criminal and juvenile justice system as long as that right does not interfere with the rights of the accused.

THE RIGHT to be free from threats, intimidation, or harassment. It is against the law to cause a victim/witness to be placed in fear by force or threats, to make an assault on, or harm any victim/witness. If you are being threatened or intimidated please contact the Police.

THE RIGHT to be notified when a defendant is arrested, escapes or is released from a correctional facility.

THE RIGHT to ask the court for restitution (payment for financial loss as a result of a crime) from the defendant and information on how to enforce the court's order of payment.

THE RIGHT to request assistance from Law Enforcement and the State Attorney's Office in notification to creditors and employers in regards to financial hardship or absences resulting from the crime.

THE RIGHT to a prompt, timely disposition of your case, provided this right does not interfere with the rights of the accused.

THE RIGHT to be notified of scheduling changes in your criminal or juvenile justice system appearances by the scheduling agency or person.

THE RIGHT to be consulted by the State Attorney's Office in certain felony cases in order to obtain you or your family's views about the disposition of any criminal or juvenile case.

THE RIGHT to have a Victim Advocate accompany you to a deposition. Victims who are not incarcerated shall not be required to attend discovery depositions in any correctional facility.

THE RIGHT to review certain portions of a pre-sentence investigation report for an adult and/or youthful offender prior to the sentencing of the accused.

THE RIGHT to submit an oral or written victim impact statement to the court.

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

THE RIGHT to have your rights as outlined in this brochure asserted through the State Attorney's Office.

The right to request and know at the earliest convenience, if the person charged with an offense involving bodily fluids has tested positive for HIV.

If the victim is under 18 or is a disabled adult or elderly person, the right to request in sex offenses, under certain circumstances, that the court order the defendant to be tested for HIV regardless of whether the offense involves transmission of bodily fluids. If requested by the victim, the results of the test shall be made available to the victim no later than 2 weeks after the court receives the results.

THE RIGHT in certain circumstances to request that the offender be required to attend a different school than the victim or siblings.

A victim of a sexual offense has the right to have the courtroom cleared, with certain exception, during his or her testimony, regardless of the victim's age or mental capacity.

A victim of domestic violence has the right to be informed of the Address Confidentiality Program administered by the Office of the Attorney General. Please contact 414-3300 or 1-800-226-6667 for further information.

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

The victim or the next of kin of a homicide victim are obligated by Florida Statute 960 to not release any information about a juvenile offender. The exception to this is if it is necessary in the pursuit of legal remedies.

The victim, next of kin of a victim, or relative of a minor victim must receive advance notification of judicial and post judicial proceedings relating to the case including the arrest, release, work release, or release to community control of the accused; and proceedings in the prosecution of the accused.

The victim or next of kin of a victim can not be excluded from any portion of a hearing, trial or proceeding based solely on the fact that such person is subpoenaed to testify, unless the court determines their presence is prejudicial.

## **VICTIM ASSISTANCE INFORMATION**

### **Victim Advocacy Unit**

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 Counseling \* Personal Advocacy  
Community Information and Referrals \* Emotional Support  
Coordination with Police Officers\* Court Accompaniment  
Follow Up Counseling\* Assistance With Property Return  
Assistance with Crimes Compensation  
Information on Your Role in the Justice System  
Assistance in Filing an Injunction for Protection  
Locating Transportation and Accessible Parking  
Attempt to Locate Translators as Needed

### **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.

### **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.

### **What happens if an arrest is made?**

The defendant(s) may be allowed to post bond and be released immediately. In these instances, you will be notified of a later hearing or conference. In other cases, the defendant(s) may have to appear before a Judge within 24 hours. At this initial hearing, the Judge will decide the conditions of release or the amount of bond, if any. If the defendant enters an immediate plea of "guilty" at the jail arraignment (misdemeanor offense), the case will end there. You have a right to appear at these hearings. If you wish to be present, you may contact the jail at 922-3500 to learn if the defendant has been released or if a bond hearing or jail arraignment has been scheduled.

## DIRECTORY OF SERVICES

Emergencies	911
Tallahassee Police Department	891-4200
Victim Advocacy Unit	891-4331
Sex Crimes and Juvenile Unit	891-4273
Homicide/Assault Unit	891-4297
Crimes Against Property	891-4556
Crime Prevention Unit	891-4251
Will provide a free security survey of your home.	
Crimes Compensation	414-3300
Refuge House/Rape Crisis	681-2111
Mothers Against Drunk Driving	386-6233
Tallahassee Urban League	222-6111
Telephone Counseling and Referral	224-6333
State Attorney's Office	488-6701
Florida Abuse Registry	1-800-96-ABUSE
FSU Victim Advocacy Program	644-7161

## EXEMPTION FROM PUBLIC INSPECTION

Under the provisions of Florida Statute 119.07 (3)(s) any information which reveals the home or employment telephone number, address, or personal assets of a person who has been the victim of a sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery, or domestic violence is exempt from public inspection and examination. You must make a written request for your information to be held confidential.

## STAGES OF CRIMINAL JUSTICE SYSTEM

1. **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.
2. **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.
3. **FILING OF FORMAL CHARGES** - The State Attorney's Office will file formal charges after reviewing law enforcement reports within 21 days.
4. **ARRAINGMENT**- The accused is formally charged and enters a plea of guilty, not guilty, or no contest.
5. **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 can not be reached, the attorneys will interview more witness and prepare for trial.
6. **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.
7. **SENTENCING**- If the defendant is found guilty, the Judge reviews sentencing guidelines and determines what type of sentence the defendant should receive.

## **WHAT IF I AM A VICTIM OF DOMESTIC VIOLENCE?**

Domestic Violence is a crime. Florida Statute 741.28 defines domestic violence as any assault, aggravated assault, battery, aggravated battery, sexual assault/battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another who is or was residing in the same single dwelling unit. Domestic violence includes physical, emotional, verbal, and sexual abuse.

If you have been the victim or are afraid you will become a victim of domestic violence you may ask the State Attorney's Office to file a criminal complaint. You also have the right to request an Injunction for Protection.

## **WHAT IS AN INJUNCTION?**

An injunction is a court order signed by a Judge that orders the abuser to have no further contact with you. This includes your place of employment, residence, and telephone contact. An Injunction may also give you temporary sole use of your residence, temporary custody of your children, temporary child support and court ordered counseling for the abuser.

To obtain an Injunction for Protection go to the Clerk of Circuit Court in the Leon County Courthouse, room 153. Once you have completed the forms a Judge will review them and either grant or deny your petition. If granted, you will be given a Temporary Injunction and a court date to appear before the Judge. **YOU MUST ATTEND THIS HEARING OTHERWISE THE JUDGE WILL DISMISS YOUR INJUNCTION.** The Leon County Sheriffs Department will serve the abuser with the Injunction. In order to verify service please call 922-3454.

You do not have to have visible injuries or be married to apply for an Injunction. If you are unable to pay the filing fee you can complete a form to have the fee waived. Make sure you bring a picture identification card with you when you go to the courthouse. Keep a copy of the Injunction with you at all times.

## **WHAT HAPPENS IF THE ABUSER VIOLATES THE ORDER?**

In the event that the abuser violates the order you should contact the Police for assistance. If an arrest cannot be made right away you may also file an Order to Show Cause Affidavit with the Clerk of the Circuit Court, room 153, in the Leon County Courthouse. The affidavit will be forwarded to the appropriate authority. Please contact the Victim Advocacy Unit if you have any further questions about obtaining an Injunction.

## YOUR CASE INFORMATION

_____	_____
Offense	Case Number
_____	_____
Officer Name	ID 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: 2<sup>nd</sup> 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 488-6701.

DEFENDANT(S) NAME:

1) \_\_\_\_\_

2) \_\_\_\_\_

**Revised 10/2002**