LOCAL REFERRAL NUMBERS

For Emergencies, call 9-1-1.

Alachua County Sheriff's Office Non-Emergency Dispatch
(352) 955-1818

Alachua County Sheriff's Office Department of the Jail
(352) 491-4444

Alachua County Sheriff's Office Victim Advocate Unit
(352) 367-4199

8th Judicial Circuit State Attorney's Office
(352) 374-3670

Alachua County Victim Services & Rape Crisis Center
24-hour Sexual Assault Helpline
(352) 264-6760 or
Tollfree (1-866-252-5439)

Catholic Charities
(352) 372-0294

Central Florida Community Action Agency
(352) 373-7667

Gainesville Community Ministries
(352) 372-8162

Peaceful Paths Domestic Abuse Network 24-hour Hotline
(352) 377-8255

United Way Information and Referral
(352) 331-2800
or 2-1-1

Alachua County Sheriff's Office

VICTIMS' RIGHTS BROCHURE

YOUR RIGHTS AS A VICTIM OR WITNESS:

We realize that for many persons being a victim or witness to a crime is their first experience with the criminal justice and juvenile justice systems. As a victim or witness, you have certain rights within the system. This brochure is being provided to assist with questions you may have regarding those rights. For further information regarding these rights, please contact the State Attorney's Office (SAO) and/or the appropriate law enforcement agency (LEA) handling your case.

DEPUTY'S NAME & ID NUMBER: _____

CASE NUMBER: _____

DATE: _____

2621 SE Hawthorne Road
Gainesville, Florida 32641
(352) 367-4000
https://acso.us

ACSO 19-03 (06/26)

WHO IS A VICTIM?

"A victim is a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act or against whom the crime or delinquent act is committed. **The term victim includes the victim's lawful representative, the parent or guardian of a minor, or the next of kin of a homicide victim, except upon showing that the interest of such individual would be in actual or potential conflict with the interests of the victim.** *The term "victim" does not include the accused." Article I, Section 16(e), Florida Constitution.*



This brochure provides an overview of the criminal justice process and your rights within this process. The person providing you this brochure may only handle a portion of the process. The last page of this brochure provides contact information for agencies that can assist you.

official make a good faith effort to ensure that a related professional, such as a mental health counselor, special education instructor, or clinical social worker be present for all interviews of the individual. All expenses related to the attendance of the professional at the interviews are the responsibility of the requesting victim, parent or guardian; however, the defendant shall reimburse the victim for all expenses related to the attendance of the professional at the interivews, in addition to restitution and penalties provided by law. *(sec. 943.0439, Florida Statutes)*

- The right of a victim, if contacted, to obtain information relating to a criminal proceeding by an attorney, investigator, or any other agency acting on behalf of the criminal defendant, to be informed of (1) the person's name and employer, and (2) the fact that such person is acting on behalf of the defendant. *(sec. 960.001(1)(w), Florida Statutes)*

STATEWIDE REFERRAL NUMBERS

Florida Abuse Registry (Elderly and Children)

1-800-962-2873

Florida Attorney General Bureau of Crime Compensation

1-800-226-6667
https://www.myfloridalegal.com/victim-compensation

Florida Bar Lawyer Referral Service

1-800-342-8011

VINE

1-866-277-7477
www.vinelink.com
Vine provides custody status and criminal case information. Registration is required for this service.

National Domestic Abuse Hotline

1-800-799-7233

or civil judgment against the defendant, the Clerk of Court's office shall make available at their office, as well as on their website, 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. *(sec. 960.001(1)(j), Florida Statutes)*

- 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. *(sec. 960.001(1)(n), Florida Statutes)*
- The right of a victim of a sexual offense to have the courtroom cleared with certain exceptions during his or her testimony, regardless of the victm's age or mental capacity. *(sec. 960.001(q), Florida Statutes)*
- 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, 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. *(sec. 960.001(1)(s), Florida Statutes)*
- The right of a victim who is not incarcerated to not be required to attend discovery depositions in any correctional facility. (*sec. 960.001(6), Florida Statutes)*
- The statutory obligation of the victim, parent/guardian of a minor victim, or next of kin of a homicide victim, that any information gained pursuant to Chapter 960, Florida Statutes, regarding any case handled in juvenile court, must not be revealed to any outside party, except as reasonably necessary in pursuit of legal remedies. *(sec. 960.001(8), Florida Statutes.)*
- 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 /or 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 within 48 hours after the charging document is filed or 48 hours from the date of request. *(Sec. 960.003, Florida Statutes)*
- The right of a victim of a sexual offense 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. *(sec. 960.001(1)(u), Florida Statutes)*
- If a victim has been diagnosed with autism or autism spectrum disorder, he or she or the parent or guardian, has the right to request that a public safety

AS A CRIME VICTIM, THE FLORIDA CONSTITUTION GUARANTEES YOU THE FOLLOWING RIGHTS

Article 1, Section 16(b), Florida Constitution

- **The right to** due process and to be treated with fairness and respect for your dignity.
- **The right to** be free from intimidation, harassment, and abuse.
- **The right**, within the judicial process, to be reasonably protected from the accused and any person acting on behalf of the accused. However, this is not intended to create a special relationship between the crime victim and any law enforcement agency or office absent a special relationship or duty as defined by Florida law.
- **The right to** have your safety and welfare as well as your family's considered when setting bail, including setting pretrial release conditions that could affect you or your family's safety and welfare.
- **The right to** prevent the disclosure of information or records that could be used to locate or harass you or your family, or which could disclose your confidential or privileged information.
- **The right to** the prompt return of your property when no longer needed as evidence in the case.
- **The right to** full and timely restitution in every case and from each convicted offender for all losses you suffered, both directly and indirectly, because of the criminal conduct.
- **The right to** proceedings free from unreasonable delay, and to a prompt and final conclusion of the case and any related post-judgment proceedings. (In appropriate cases, the prosecutor may file a good faith demand for a speedy trial. In non-capital cases, all state-level appeals and post-conviction proceedings must be complete within two years, or five years for capital cases, unless the court enters an order with specific findings concerning why the court was unable to do so and the circumstances causing the delay.)
- **The right to** be informed of your state constitutional rights, and to be informed that you can seek the advice of an attorney with respect to your rights.

AS A CRIME VICTIM, YOU ARE AFFORDED THE FOLLOWING CONSTITUTIONAL RIGHTS UPON REQUEST

- **The right to** reasonable, accurate, and timely notice of, and to be present at, all public proceedings involving the criminal conduct, including but not limited to; trial, plea, sentencing, or adjudication, even if you will be a witness at the proceeding, notwithstanding any rule to the contrary. **(For this purpose, consider providing the prosecutor an address, an email address, or a telephone number at which you can be reached quickly, and update this information during the pendency of your case.)** You shall also be provided reasonable, accurate, and timely notice of any release or escape of the defendant or delinquent, and any proceeding during which a right of yours is implicated.

- **The right to** be heard in any public proceeding involving pretrial or other release from any form of legal constraint, plea, sentencing, adjudication, or parole, and any proceeding during which a right of yours is implicated.

- **The right to** confer with the prosecuting attorney concerning any plea agreements, participation in pretrial diversion programs, release, restitution, sentencing, or any other disposition of this case.

- **The right to** provide information regarding the impact of the offender's conduct on you and your family to the individual responsible for conducting any presentence investigation or compiling any presentence investigation report, and to have any such information considered in any sentencing recommendations submitted to the court.

- **The right to** receive a copy of any presentence report, and any other report or record relevant to the exercise of a victim's right, except for such portions made confidential or exempt by law.

- **The right to** be informed of the conviction, sentence, adjudication, place and time of incarceration, or other disposition of the convicted offender, any scheduled release date of the offender, and the release of or the escape of the offender from custody.

- **The right to** be informed of all post-conviction processes and procedures, to participate in such processes and procedures, to provide information to the release authority to be considered before any release decision is made, and to be notified of any release decision regarding the offender. The parole or early release authority shall extend the right to be heard to any person harmed by the offender.

- **The right to** be informed of clemency and expungement procedures, to provide information to the governor, the court, any clemency board and other authority in these procedures, and to have that information considered before a clemency or expungement decision is made; and to be notified of such decision in advance of any release of the offender.

- 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 would affect the victim's or witnesses's appearance. *(sec. 960.001(1)(d), Florida Statutes)*

- 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 and any modification of release condition 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 or detention; or juvenile offender from such imprisonment, detention or residential commitment by expiration of sentence or parole and any meeting held to consider such release. *(sec. 960.001(1)(e), Florida Statutes)*

- In addition to the provisions of section 921.143, Florida Statutes, 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 case involving 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 crimes, including their views about:

  The release of the accused pending judicial proceedings.

  Plea Agreements.

  Participation in pretrial diversion programs.

  Sentencing of the accused. *(sec. 960.001(1)(g), Florida Statutes)*

- 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 authorities. *(sec. 960.001(1)(i), Florida Statutes)*

- 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

determine which sanctions to impose on the juvenile. The sanctions could range from community-based sanctions like probation and community service 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.

This is not an exhaustive overview of the criminal justice system, but is meant as an overview for how the process works. Each court and case could have unique components. You may contact your state attorney or law enforcement agency for more information regarding the stages of the criminal justice and juvenile justice processes.

ADDITIONAL VICTIMS RIGHTS UNDER FLORIDA STATUTES

- You have the right to employ private counsel.
- In some cases, you (or relatives where 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, local Witness Coordination Office (where available), law enforcement agency or from the Bureau of Victim Compensation, Office of the Attorney General - 1-800-226-6667, website: https://www.myfloridalegal.com/victim-compensation. 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 at the end of this brochure. *(sec. 960.001(1)(a)1, Florida Statutes)*
- The right to receive information regarding the stages of the criminal justice or juvenile justice processes and the way information about such stages may be obtained. *(sec. 960.001(1)(a)4, Florida Statutes)*
- A victim who is incarcerated has the right, upon request, to be informed and submit written statements at all stages of the criminal and juvenile proceedings. *(sec. 960.001(1)(a)6, Florida Statutes)*
- 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, threaten another person or attempt to do so, 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 approriate agency or any law enforcement officer *(sec. 960.001(1)(c), Florida Statutes)*
- The right of a victim of domestic violence and dating 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 1-800-226-6667. The State Attorney's Office may assist with this paperwork if necessary. *(sec. 960.001(1)(c), Florida Statutes)*

ALL RIGHTS AFFORDED BY THE CONSTITUTION ARE ENFORCEABLE

Article 1, section 16(c), Florida Constitution

The victim, the retained attorney of the victim, a lawful representative of the victim, or the Office of the State Attorney upon request of the victim, may assert and seek enforcement of these rights and any other right afforded to a victim by law in any trial or appellate court, or before any other authority with jurisdiction over the case, as a matter of right. The court or other authority with jurisdiction shall act promptly on such a request, affording a remedy by due course of law for the violation of any right. The reasons for any decision regarding the disposition of your right shall be clearly stated on the record.

ADULT CRIMINAL JUSTICE PROCESS

The stages of the criminal justice system are as follows:

PRETRIAL

After committing a crime:

- An offender may be arrested by a law enforcement officer.
- A court can issue an arrest warrant.
- A State Attorney's Office may file an Information; or
- A grand jury may recommend charges by returning an Indictment or Presentment.

FIRST APPEARANCE - (Following the Arrest) If the defendant cannot post bond within hours of the arrest or has been arrested on a no bond offense, or committed a crime which requires a first appearance, the court holds a "first appearance" hearing. The judge decides whether the defendant can be released, and if so, what conditions are necessary to protect you and the witnesses and the public.

INTAKE - If probable cause is found, the State Attorney's Office may choose to file charges and summons the suspect into court. You may be required to meet with your State Attorney's Office. Law enforcement, prosecuting attorneys, or any other government official cannot ask or require a victim of a sexual offense to submit to a polygraph examination or truth-telling device as a condition of the investigation.

FILING OF FORMAL CHARGES - The State Attorney's Office may file formal charges after reviewing law enforcement arrest reports, and within 21 days in certain circumstances. The State Attorney's Office has discretion whether to prosecute a person for a crime. The State Attorney's Office must inform any victims of its decision.

ARRAIGNMENT - The accused is formally charged and enters a plea of guilty, not guilty, or no contest. The State Attorney's Office will notify you of the

arraignment date. You have the right to be present at the arraignment. In some cases, there will not be a formal arraignment hearing in court.

RELEASE HEARING (SETTING BOND) - If the defendant was unable to post bond after the initial arrest, or if bond was not set, the defendant is entitled to a bond hearing. The State Attorney's Office will notify you of the scheduled hearing and you will have an opportunity to speak regarding the defendant's release and conditions or have the State Attorney make known your wishes.

PRETRIAL CONFERENCE - There may be numerous pretrial conferences (including case status conferences) that allow the court to ensure the case is progressing in a timely manner. You, as a victim, will receive notice of the hearing dates. You are not required to attend these hearings, unless subpoenaed, but you have a right to be present and a victim advocate or your attorney can accompany you or attend these proceedings on your behalf, if you choose.

DISCOVERY (PREPARATION FOR TRIAL) -

Subpoenas. You may receive a subpoena for trial, a deposition and/or other hearings. A subpoena summons a person to appear at the time, date, and location specified.

Depositions. The defendant's attorney can issue a subpoena for you to appear for a deposition. You have the right to request a victim advocate from the government or non-profit sector to attend the deposition with you. You have the right, as a victim who is not incarcerated, to not be required to attend discovery depositions in any correctional facility.

PLEA NEGOTIATIONS - Many cases are settled through a plea negotiation where the defendant pleads guilty or no contest without a trial. The State Attorney's Office must consult with the victim before finalizing the plea agreement with the defendant.

PRETRIAL INTERVENTION/DIVERSION PROGRAM - According to their discretion and office policy, the State Attorney's Office may agree to utilize pretrial intervention and diversion programs.

Pretrial Intervention Program. A defendant with no more than one nonviolent misdemeanor, who is charged with any misdemeanor or any third degree felony, is eligible for release to the pretrial intervention program on approval of the administrator of the program and the consent of the victim, the State Attorney, and the judge. Successful completion of the program results in a dismissal of the charges.

Diversion Program. Diversion is similar to probation where the defendant accepts responsibility for the offense and is released under supervision for six months to a year. During the program, the probation office supervises the defendant. You have a right to provide the State Attorney with your opinion on the defendant's participation in the pretrial diversion program.

TRIAL

Generally, the prosecutor presents evidence to either the judge or a jury about the case. The defendant may be found guilty or not guilty. The process ends if the defendant is found not guilty. You, as a victim, may be called to testify.

The State Attorney's Office will assist you during this process. You cannot be excluded from any hearing, trial, or proceeding relating to the offense. Your rights involving the trial stage are listed in this brochure.

SENTENCING

PRESENTENCE INVESTIGATION (PSI) - You have the right to provide information regarding the impact of the offender's conduct on you and your family to the individual responsible for conducting and/or compiling the presentence investigation. You have a right to review the non-confidential portions of the presentence investigation prior to the sentencing hearing.

SENTENCING HEARING - If the defendant is found or pleads guilty, the judge reviews sentencing guidelines, plea agreements, and other factors and determines what type of sentence the defendant should receive. You have a right to provide an oral and/or written victim impact statement (VIS) to the State Attorney's Office at any time before the court imposes the sentence.

NOTE: If the victim and the offender attend the same school, the victim's parents have the right to attend the sentencing or disposition of the offender and request that the offender be required to attend a different school. *(sec. 960.001(1)(s), Florida Statutes)*

JUVENILE JUSTICE PROCESS

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 - This is 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 charges 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.

ADJUDICATORY HEARING - The trial of the juvenile, 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