

## Juvenile Justice Process

**Intake:** The process of determining where a child under the age of 18 will be placed until the case is resolved: home, non-secure, or secure.

**Formal charges:** The filing of a petition in court by the State Attorney's Office in either juvenile 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.

**Diversion programs:** In lieu of trial or plea, the juvenile is placed in a community-based program, e.g., juvenile arbitration, juvenile alternative services program (JASP), or a treatment plan (Walker plan). Upon successful completion, charges are generally dismissed.

**Adjudicatory hearing:** The juvenile's trial conducted before a judge who 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 which may 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 and may be sentenced to adult or juvenile sanctions.

## Exemption from Public Records

Florida Statutes provides that any information which reveals the identity of a victim of a sexual offense or child abuse is automatically exempt from public examination and inspection. To protect their privacy, victims of other offenses must complete a Non-Disclosure Request Form by calling 1-833-623-5364 or visiting our Victims' Rights website at <http://www.myfloridacfo.com/division/DIFS/VictimsRights/DFSVictimsRights.htm>.



## Crime Compensation

Victims (or their relatives where the victim is deceased) may be eligible for 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 Crimes Compensation, Office of the Attorney General (1-800-226-6667).

## Helpful Contact Information

Florida Attorney General's Office Division of Victim Services (800) 226-6667

Florida Department of Children and Families Abuse Hotline (800) 96-ABUSE

DFS Division of Investigative & Forensic Services, Victims' Rights Unit (833) 623-5364

**Detective:** \_\_\_\_\_

**Case #:** \_\_\_\_\_



Division of Investigative and Forensic Services  
200 East Gaines Street  
Tallahassee, Florida 32399-0342  
850-413-3115

# VICTIMS' RIGHTS



# Your Rights as a Victim

A victim is a person who suffers direct or threatened physical, psychological, or financial harm resulting from the commission of or attempted commission of a crime/delinquent act or against whom the crime/delinquent act is committed.

The term victim includes the victim's lawful representative, parent or guardian of a minor, or next of kin of a homicide victim but does not include the accused.

In Florida, a victim has certain statutory and Constitutional rights. This pamphlet is being provided to you by the Florida Department of Financial Services, Division of Investigative and Forensic Services, as a summary of your constitutional rights pursuant to Article I, Section 16 of the Florida Constitution, also known as "Marsy's Law". You may also access this information at <http://www.myfloridacfo.com/division/DIFS/VictimsRights/DIFSVictimsRights.htm>

## Victims' Legal Rights Under the Florida Constitution and Statutes

As a victim, your rights under the Florida Constitution, Article I, Section 16, include the following:

- Due process and to be treated with fairness and respect for the victim's dignity;
- To be free from intimidation, harassment, and abuse;
- To be reasonably protected from the accused and any person acting on behalf of the accused;
- To have the safety and welfare of you and your family considered when setting bail, including setting pretrial release conditions that protect the safety of you and your family; and
- To prevent the disclosure of information or records that could be used to locate or harass you and your family or which could disclose your confidential or privileged information.

You have the following rights upon request:

- 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, notwithstanding any rule to the contrary;
- To be provided reasonable, accurate, and timely

notice of any release or escape of the defendant or delinquent, and any proceedings during which a right of the victim is implicated;

- 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 the victim is implicated;
- To confer with the prosecuting attorney concerning any plea agreements, participation in pretrial diversion programs, release, restitution, sentencing, or any other disposition of the case;
- 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;
- To receive a copy of any presentence report, and any other report or record relevant to the exercise of your right, except for such portions made confidential or exempt by law;
- 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;
- 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;
- 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;
- To the prompt return of your property when no longer needed as evidence in the case;
- To full and timely restitution in every case and from each convicted offender for all losses suffered, both directly and indirectly, as a result of the criminal conduct;
- To proceedings free from unreasonable delay, and to a prompt and final conclusion of the case and any related post-judgment proceedings;

## What You Should Know About Your Constitutional Rights:

- You may seek the advice of an attorney regarding these rights.
- You may assert and seek enforcement of these rights in a trial or appellate court as may your attorney, your lawful representative, or the State Attorney's Office upon your request.
- You have the right for the court or other authority to act promptly on your request.

## The Criminal Justice Process

After a crime is reported to law enforcement, an investigation will be conducted. If law enforcement develops sufficient evidence, an arrest may be made. Once the suspect is processed (fingerprinted, photographed, etc.), she or he may be immediately released, may have to post bond to ensure her appearance at future court proceedings, or may be held without bond.

**First appearance:** Each suspect kept in jail must, within 24 hours, appear before a judge who determines whether probable cause supports the charges. The judge will determine whether a bond should be set, the bond amount, if any, and other release conditions and will appoint a defense attorney for indigent suspects.

**Charging Decision:** After reviewing law enforcement's reports and evidence, the State Attorney's Office or other prosecuting agency will determine which charges, if any, to file.

**Arraignment:** After an accused is formally charged, she or he is arraigned and enters a plea of guilty, not guilty, or no contest.

**Discovery:** The process through which the prosecutor and defense attorney exchange evidence and interview each other's witnesses.

**Pretrial Diversion:** A process through which a defendant may complete certain requirements, such as restitution, counseling, community service, in exchange for having her or his charges dismissed.

**Plea:** Defendant pleads guilty or no contest without a trial pursuant to a plea agreement or pleads "straight up," which puts the entire outcome of the case in the judge's hands.

**Trial:** The prosecutor presents testimony and evidence to either the judge or a jury about the case, and the defense has an opportunity to cross-examine witnesses and present its own evidence. The defendant may be found guilty or not guilty. The process ends if the defendant is found not guilty.

**Sentencing:** If the defendant is found guilty, the judge reviews sentencing guidelines, plea agreements, and arguments from each side and determines what punishment the defendant should receive.