



# Your Rights in the Criminal & Juvenile Justice Systems



Case Number: \_\_\_\_\_

Deputy: \_\_\_\_\_

## Message from Sheriff Dawsy

The Citrus County Sheriff's Office is dedicated to helping victims of crime. It's our goal to ensure that crime victims are treated with respect and dignity. With this goal in mind, I created the Victim Resource Advocate Program. Our advocates are there to help victims move through our complex criminal justice system as easily as possible. Some of the services the advocates provide are:



- Assisting with Victims' Compensation programs
- Providing immediate crisis intervention 24-hours a day and continued support services
- Attending court hearings, depositions and other proceedings
- Addressing victims' needs with resources, information and referrals
- Notification to employers and creditors
- Providing emergency 911 cellular phones

You can reach a Victim Advocate by calling (352) 726-4488. For Emergency Victim Advocate assistance, please call 911, 24 hours a day, 7 days a week.

Sincerely,

Jeffrey J. Dawsy, Sheriff

## Mission Statement

The mission of the Citrus County Sheriff's Office is to maintain peace and order by providing law enforcement services that are of the highest professional quality and are responsive to the needs of our community.

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## Your Rights in the Criminal & Juvenile Justice Systems

If you're a victim of a crime or a witness who has seen, heard or knows something about a crime that has been committed, you're 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 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 any 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, 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).

**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.

**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's 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 a criminal or juvenile proceeding, 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 the 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 the State Attorney, shall be notified.

**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's 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're 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 1-800-226-6667. The State Attorney's Office may assist 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 or person scheduling his/her appearance of any change in scheduling that 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 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, detention or juvenile offender from such imprisonment, detention or commitment by expiration of sentence or parole and any meeting to consider such release.

**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 provisions 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

crime, including their views about: The release of the accused pending judicial proceedings, plea agreements, participation in pretrial diversion programs, and sentencing of the accused.

**The Right** to review certain portions of a pre-sentence investigation report for adult and youthful offenders before the sentencing of the accused.

**The Right** to a prompt return of property unless there is a compelling law enforcement need to retain it.

**The Right** to request that the State Attorney or law enforcement agency helps 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.

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 will seek the 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, 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.

**The Right** to submit an oral or written impact statement to the court, pursuant to s.921.143 F.S., before the 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'll 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 locating 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** 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 State Attorney's Office, Sheriff's Office or Municipal Police Department, or a 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's 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 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 HIV testing. In some cases, you may be notified of the results within two weeks of the court's receipt of results.

**The Right** to request, for specific crimes, that your home and work telephone numbers and addresses and personal assets not be disclosed to anyone.

**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.

No law enforcement officer, prosecuting attorney or 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 the investigation.

# Victim Compensation

## Who Qualifies?

Certain victims who have suffered personal physical, psychiatric or psychological injury as the result of a crime.

Elderly and disabled individuals who have suffered a financial or property loss as a result of a felony or misdemeanor crime punishable under federal or state law.

Survivors of a victim who was killed as a result of a felony or misdemeanor crime punishable under federal or state law.

## Available Benefits

Wage loss for an employed victim who missed work as a result of the crime or a parent/guardian who had to care for a minor child victim.

Loss of support for persons who were principally dependent on a deceased victim who was employed or earned income at the time of the crime.

Disability allowance when the victim becomes disabled as a result of the crime.

Funeral/burial and related expenses.

Treatment expenses for medical or non-medical remedial care or other necessary services.

Prescriptions, eyeglasses, dentures or prosthetic devices needed as a result of the crime.

Mental health counseling.

Property loss reimbursement for elderly (age 60 or older) or disabled adults only.

Domestic violence relocation assistance for victims who have an immediate need to escape a domestic violence environment. (The need must be certified by a State of Florida certified domestic violence center.)

# Injunctions

## How Can I Get An Injunction?

A petition (application) for an injunction is available through the Clerk of the Court. The phone numbers for the Crystal River and Inverness Injunction Offices are listed in the back of this brochure. Simply tell the Clerk you are there to file a petition for an injunction and they will point you in the right direction.

There are four different types of injunctions including: Domestic Violence, Dating Violence, Repeat Violence and Sexual Violence.

When applying for an injunction, provide the Clerk with the following:

- A photo ID of yourself
- Where the Respondent can be found. (You are the Petitioner; the other party is the Respondent.)
- Names and ages of those under 18

After you file your petition, if the judge feels you are in immediate danger, the judge can sign a temporary injunction. If granted, the temporary injunction will order the Respondent to have no contact with the Petitioner. A temporary injunction can be obtained on the same day you file your petition, without a hearing and without the respondent present. If granted, the temporary injunction will last only for a stated period of time (not to exceed 15 days) and a hearing date for a permanent injunction will be set.

At the permanent injunction hearing, you have the option of representing yourself or you may chose to be represented by a private attorney. The Respondent will likely be present at the injunction hearing. Both sides will have the opportunity to present evidence and witness testimony. If a permanent injunction is granted at the court hearing it can extend for an indefinite period of time and may restrict any physical, verbal

or written contact between the Petitioner and Respondent.

There is no fee. All injunctions are free of charge.

Any violation of conditions to any injunction should be reported to law enforcement. In some cases, an arrest can be made. Violations of a permanent injunction should also be reported to the Clerk of the Court.

## Criminal Justice Process

**CRIME COMMITTED:** After a crime is reported to law enforcement an investigation will be conducted. If probable cause exists an arrest may be made.

**ARREST:** Suspect is taken to jail, fingerprinted and photographed. Some are immediately released or some have to post a bond to ensure they will show up in court.

**FIRST APPEARANCE:** Each suspect kept in jail must appear before a judge within 24 hours of arrest. The judge will deny or set bond and conditions of release. As a victim of the crime you have the right to attend this hearing.

**INTAKE:** This is the victim's opportunity to tell the State Attorney's Office how the crime occurred. If enough evidence exists, the State Attorney's Office may choose to file charges and summons the suspect into court. An intake date may be given to you by the arresting officer or you may contact the State Attorney's Office to schedule one.

**FILING OF FORMAL CHARGES:** The State Attorney's Office may file formal charges after reviewing law enforcement arrest reports and evidence presented.

**ARRAIGNMENT:** The accused is formally charged and enters a plea of guilty, not guilty or no contest.

**PLEA:** Defendant pleads guilty or no contest without a trial.

**TRIAL PREPARATIONS:** The prosecutor and defense attorney interview witnesses and exchange evidence in preparation for trial. At this point the victim(s) may be subpoenaed for deposition.

**VICTIM IMPACT STATEMENT:** A written or spoken statement to the judge explaining the physical, emotional and financial impact the crime had on you. You may also state what sentence you hope the offender to receive.

**TRIAL:** The prosecutor presents evidence to either the judge or a jury about the case. Victims may be called to testify. 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 will impose his sentence. At this point, victims have the right to address the court with their victim impact statement.

## Juvenile Justice Process

The Department of Juvenile Justice explains on their website that they provide "a recommendation to the state attorney and the court regarding appropriate sanctions and services for the juvenile. The recommendation is based on interviews and information from the arresting law enforcement officer, the victim, the juvenile and his or her family, and other sources (school, for example)." The following terms are commonly used in the juvenile justice system.

**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.

**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).

**DISPOSTIONAL 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.

*If you have any questions regarding the criminal justice system or civil court proceedings, please contact the Citrus County Sheriff's Office Victim Advocates or the State Attorney's Office.*

**Important Numbers**

- Abuse Hotline . . . . . 800-962-2873
- American Red Cross . . . . . 564-8455
- Annie Johnson Center . . . . . 489-8021
- Blinds Americans . . . . . 637-1739
- Childhood Development . . . . . 795-2667
- CASA . . . . . 344-8111  
*(Domestic Violence/Rape Crisis)*
- The Centers *(Mental Health)* . . 628-5020
- After-Hours Crisis Line . . . . . 726-7155
- Citrus Detention Center . . . . . 527-3332
- Citrus Co. Info Line . . . . . 211
- Citrus Co. Sheriff's Office . . . . . 726-4488
- Citrus Memorial Hospital . . . . . 726-1551
- Citrus United Basket . . . . . 344-2242
- Consumer Credit Counseling . 637-2227
- County Transportation (Bus) . 527-7630
- Courthouse . . . . . 341-6400
- Daystar Life Center . . . . . 795-8668
- Dept. of Children & Families . 860-5000
- Dept. of Juvenile Justice . . . . . 860-5105
- Family Resource Center . . . . . 344-1001
- Family Visitation Center . . . . . 637-3154
- FL Bar Lawyer Referral . . 800-342-8011
- FL Highway Patrol . . . . . 866-369-4613
- Health Department (LEC) . . . . 527-0068
- Health Department (INV) . . . . 726-1731
- Health Department (CR) . . . . . 795-6233
- Hospice of Citrus Co. . . . . 527-2020
- Injunction Office (CR) . . . . . 563-2900
- Injunction Office (INV) . . . . . 341-6417
- Jessie's Place *(Child Advocacy)* . . . 422-6042
- Lecanto Govern. Complex . . . . 527-5200
- MADD . . . . . 800-772-6233
- The Path (Homeless Shelter) . . 527-6500
- Sanctuary (Homeless Shelter) . 621-3277
- Seven Rivers Hospital . . . . . 795-6560
- State Attorney's Office . . . . . 341-6670
- United Way . . . . . 795-8844
- Victim Compensation . . . . . 800-226-6667
- Withlacoochee Legal Services . 726-8512

—SHERIFF—  
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