

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. **ARRAIGNMENT-** The accused is formally charged and enters a plea of guilty, not guilty, or no contest.
5. **TRIAL PREPARATIONS-** 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 witnesses 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 aren't available. **OR TRIAL** Judge or jury decides guilt or innocence after hearing arguments.
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 Highlands County Courthouse Room 102 Clerk of Circuit Court at 430 South Commerce Avenue in Sebring. 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 Highlands County Sheriff's Office Department will serve the abuser with the Injunction. In order to verify service please call 699-3737.

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 immediately 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 102 in the Highlands County Courthouse. The affidavit will be forwarded to the appropriate authority. Please contact the Lake Placid Police Department 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 the Lake Placid Police Department Criminal Investigations Unit, 8 am - 5 pm, Monday thru Friday.

____ AN ARREST HAS BEEN MADE:

First appearances after arrests are held daily at 8:15 AM at the Highlands County Sheriff's Office conducted in conjunction with the 2nd Courtroom at the Highlands County Courthouse. On weekends the hearings are conducted in conjunction with Polk County. The State Attorney's Office can best facilitate inquiries regarding weekend situations during week day hours.

As a victim of a crime in which an arrest is made, the Victim/Witness Advocate of the State Attorney's Office must inform you of the prosecution efforts. Contact can be made at 465-2464.

DEFENDANT(S) NAME:

- 1) _____
- 2) _____

VICTIM RIGHTS PAMPHLET



LAKE PLACID POLICE DEPARTMENT

8 North Oak Avenue
Lake Placid, Florida 33852
(863) 699-3757

"CARING ABOUT YOUR SAFETY"

CHIEF OF POLICE PHIL WILLIAMS
BROCHURE EDITION 2002
WEBSITE: WWW.LPPD.COM

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 doesn't 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 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 from the court on enforcement of that order.

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 compelling law enforcement need to retain the property.

THE RIGHT to have their 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, which involves the transmission of bodily fluids, has tested positive for the human immunodeficiency virus (HIV) infection.

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 their 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 414-3500 or 1-800-226-6667 for further information.

Victims in jail 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 in a case involving a juvenile. 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's advocate is on staff with the Highlands County Sheriff's Office. 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 State Attorney's Office at 465-2464.

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 699-3737 to learn if the defendant has been released or if a bond hearing or jail arraignment has been scheduled.

DIRECTORY OF SERVICES

Emergencies	911
Lake Placid Police Department	(863) 699-3757
Victim Advocacy Unit (Highlands S.O.)	(863) 699-3737
State Attorney's Office	(863) 402-6549
Florida Abuse Registry	1-800-96-ABUSE
Crimes Compensation	(863) 386-6549
Sebring Safehouse for Battered Women 24 HOURS	(863) 386-1167
Juvenile Justice	(863) 471-5300
4511 Sun N Lake Blvd., Sebring, Fl.	33852

EXEMPTION FROM PUBLIC INSPECTION

Under the provisions of Florida Statute 918.149(3)(a) 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.