

SIGNIFICANT STAGES IN THE CRIMINAL

JUSTICE PROCESS

The stages in criminal and juvenile proceedings which are of significance to the crime victim are:

1. the arrest of the accused
2. the release of the accused pending judicial proceedings
3. the filing of formal charges
4. the trial or adjudicatory hearing of the accused, and
5. the sentencing or disposition hearing of the accused

CRIMES COMPENSATION FOR VICTIMS

In some cases, the victims of crimes (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 Office of the State Attorney, local Witness Coordination Office (where available), or from the Bureau of Crimes Compensation, Office of the Attorney General 1-800-226-6667.

DEPOSITIONS

At the request of the victim, the victim advocate designated by state attorney's office, sheriff's office, or municipal police department, or one 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 shall be permitted to attend and be present during any deposition of the victim.

Victims who are not incarcerated shall not be required to attend discovery depositions in any correctional facility.

RESTITUTION

Law enforcement agencies and the State Attorney shall inform the victim of the victim's right to request and receive restitution pursuant to FS 775.089 and of the victim's rights of enforcement under FS 775.089(5) in the event an offender does not comply with a restitution order. The State Attorney shall seek the assistance of the victim in the documentation of the victim's losses for the purpose of requesting.

In addition, the State Attorney shall inform the victim if and when restitution is ordered.

NOTIFICATION OF SCHEDULING

Each victim or witness who has been scheduled to attend a criminal or juvenile justice proceeding shall be notified as soon as possible by the agency or person scheduling his appearance of any change in scheduling which will affect his appearance.

RETURN OF PROPERTY

As a victim, you have the right to a prompt return of personal property. Victims property shall be retained only when necessary for successful investigation and prosecution. Property shall be returned as soon as possible after completion of the investigation or prosecution.

NOTIFICATION TO EMPLOYERS AND

EXPLANATION TO CREDITORS

A victim or witness who so requests shall be assisted by the State Attorney's Office in informing employers of the need of his/her cooperation in the prosecution of the case which may also necessitate some absences on the part of the employee from his/her place of employment. A victim or witness who, as a result of a crime or of his/her cooperation with law enforcement agencies or a state attorney, is subject to serious financial strain shall be assisted by such agencies and the state attorney in explaining to creditors the reason for such financial strain.

ESCAPE BY PERPETRATOR

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.

SOCIAL SERVICE PROGRAMS

In many instances, victims of crimes require professional assistance in dealing with problems arising from their victimization. These needs may include counseling, shelter, legal assistance, or other types of help, depending on the particular circumstances. Referral numbers are provided in this brochure for your assistance.

REFERRAL NUMBERS

Plant City Police Department

(813) 757-9200

Hillsborough County State Attorney Office

(813) 272-5400

Victim Assistance Program

(813) 272-6472

Florida Abuse Hotline

1-800-342-9152

Witness Aid Center

(813) 272-5050

Bay Area Legal Service

(813) 223-2525

Domestic Violence Hotline

1-800-500-1119

The Spring of Tampa Bay

(Shelter)

(813) 247-7233

Crisis Center

(813) 238-8400

Hillsborough County Jail

(813)247-8300

(REVISED 08/12/2011)
PLANT CITY
POLICE DEPARTMENT
ED DUNCAN, CHIEF OF POLICE



VICTIMS RIGHTS BROCHURE

YOUR RIGHTS AS A VICTIM OR WITNESS:

For many persons, being a victim or witness of a crime is their first experience with the criminal justice system. The following information is furnished in an effort to introduce victims and witnesses to the criminal justice process.

OFFICER: _____

CASE# _____

**How did we do? Please complete our
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www.plantcitygov.com

GENERAL VICTIM ASSISTANCE

Plant City Police Department personnel are always ready to assist victims and witnesses whenever possible. The Victim Assistance Program can assist victim and witnesses in locating accessible parking and transportation to court proceedings.

ROLE OF THE VICTIM

The role of the victim in criminal and juvenile justice proceedings is essentially that of a witness. The criminal justice system expects that the victims will cooperate and will follow appropriate instructions from police, prosecutors and the court. In return, the victim can expect to be advised about the progress of their case and to be given the opportunity to be heard when relevant.

CRIMINAL JUSTICE PROCESS

Often there will be questions concerning the criminal justice process. As a victim or witness, you have certain rights within the system. This brochure is being provided to assist you with those questions. The Plant City Police Department can assist you in understanding the system as it relates to:

1. 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.
2. The stages of the criminal or juvenile justice process which are of significance to the victim and the manner in which information about such stages may be obtained.
3. The right of the victim, who is not incarcerated, including the next of kin of a homicide victim, 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.
4. The right of the incarcerated victim to be informed and to submit written statements at all crucial stages of the criminal proceedings.
5. The right of a victim to a prompt and timely disposition of the case in order to minimize the period during which the victim must endure the responsibilities and stress involved to the extent that this right does not interfere with the constitutional rights of the accused.

6. The right of any victim, relative of a minor who is a victim, or relative of a homicide victim 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 held to consider such release.

7. In addition to the provisions of FS 921.143, 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.
- Sentencing of the accused.

8. The right of a victim to review certain portions of a pre-sentence investigation report for adult and youthful offenders prior to the sentencing of the accused.

9. The right of a victim and the State Attorney's Office, with the consent of the victim, to assert the rights of the victim.

10. The right of a victim, or the next of kin of a victim, not to 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, upon motion, the court determines such person's presence to be prejudicial.

11. 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.

12. The right of the victim of domestic violence to be informed of the address confidentiality program administered through the Attorney General's Office,

13. The right of a victim 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 addition, in certain cases, if requested by the victim, the right of the victim to receive information on the results of the testing within two weeks of the court's receipt of such results.

14. The right of a victim to request, for specific crimes, an exemption prohibiting the disclosure of information to the public which reveals the victim's home and work telephone numbers, home and work addresses, and personal assets not otherwise held confidential under the Public Records Law.

15. The right of a victim, in certain circumstances, to request that the offender be required to attend a different school than the victim or siblings.

16. 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.

17. The right of the victim 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.

18. 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.

19. The right of a victim or the victim's legal guardian, or the parent or legal guardian of a victim, if the victim is a minor, to request that a person who is charged with any offense enumerated in section 775.0877(1)(a)-(n), Florida Statutes, that involves the transmission of body fluids from one person to another, undergo hepatitis and HIV testing.

FREEDOM FROM INTIMIDATION

Victims and witnesses have the right to be free from fear and intimidation. Florida statutes provide that it is unlawful to threaten or harm a witness with the intent to cause the witness to withhold information, testimony or evidence. Similarly, statutes make it unlawful to retaliate against a witness who has already provided information, testimony or evidence. Violation of these statutes is a felony, punishable by imprisonment or a fine.

If you believe you are a victim of intimidation, you should promptly contact the Plant City Police Department.

NOTIFICATION OF ARREST AND RELEASE OF SUSPECT

When an arrest is made in a reported case, the arresting officer will make every effort to notify 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 Police Department.

Due to overcrowding in the jails, many arrested persons are released from jail shortly after being taken into custody. You have the right to be notified of the release of the accused in certain cases. To determine if the subject has been released, you may contact the Hillsborough County Jail at (813) 247-8300.

STATEMENTS

The State Attorney shall inform the victim of the victim's right to submit an oral or written impact statement pursuant to FS 921.143 and shall assist in the preparation of such statement if necessary.