

Criminal & Juvenile 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.

FILING OF FORMAL CHARGE: 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 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 and 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.

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: 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 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.

Your Rights in the Criminal & Juvenile Justice Systems

VICTIM: A person against whom a crime was committed. Some victims suffer physical injury or property damage, while others have psychological injury or both. Victims have certain rights in Florida. Others who can claim these rights are the victim's parents or guardian if the victim is a minor, the lawful representative of the victim, and next of kin of a homicide victim. 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. As a victim of a crime, you have the following rights:

The Right to due process and to be treated with fairness and respect for the victim's 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.

The Right to have the safety and welfare of the victim and the victim's family considered when setting bail, including setting pretrial release conditions that protect the safety and welfare of the victim and the victim's family.

The Right to prevent the disclosure of information or records that could be used to locate or harass the victim or the victim's family, or which could disclose confidential or privileged information of the victim.

A victim shall have the following specific rights upon request:

The Right to reasonable, accurate, and timely notice of, and to be present at, all public proceedings involving the criminal conduct. This includes trial, plea, sentencing, or adjudication.

The Right to be provided reasonable, accurate, and timely notice of any release or escape of the defendant or delinquent.

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 the victim is impacted.

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 the case.

The Right to provide information regarding the impact of the offender's conduct on the victim and the victim's 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 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 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 to the prompt return of the victim's 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 suffered, both directly and indirectly, by the victim as a result of the criminal conduct.

The Right to be informed of these rights, and to be informed that victims can seek the advice of an attorney with respect to their rights.

The Right to proceedings free from unreasonable delay, and to a prompt and final conclusion of the case and any related post judgment proceedings.

The State Attorney may file a good faith demand for speedy trial and the trial court shall hold a calendar call, with notice, within 15 days of the filing demand, to schedule a trial to commence on a date at least 5 days but no more than 60 days after the date of the calendar call unless the trial judge enters an order with specific findings of fact justifying a trial date more than 60 days after the calendar call.

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 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, if you are incarcerated, to be informed and submit written statements at all crucial stages of the criminal and juvenile proceedings.

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 that will affect the victim's appearance.

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.

The Right to submit a written or oral impact statement to the court before the sentencing of the offender.

The Right of the victim to request that a victim advocate be permitted to attend and be present during any deposition.

The Right of the victim of a sexual offense to have the courtroom cleared, with certain exceptions during his/her testimony, regardless of the victim's age or mental capacity.

The Right of the victim who's not incarcerated to not be requested to attend discovery depositions in any correctional facility.

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

The Right to receive reasonable consideration and assistance from employees of the State Attorney's Office and Sheriff's Office. 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 request, in certain circumstances, that the offender be required to attend a difference 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 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. If 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 of a victim of a sexual offense to request the presence of a victim advocate during the forensic medical examination. A victim also has the right to be informed about the status of a sexual assault kit during processing.