

Union County Sheriff's Office

Brad Whitehead, Sheriff



Victim Rights Brochure

Your Rights as a Victim or Witness



Sheriff Brad Whitehead

We realize that for many persons, being a victim or witness to crime is their first experience with the criminal and juvenile justice system. As a victim or witness, you have certain rights within the system.

This brochure is being provided to assist you with certain questions you may have regarding those rights. For further information on these rights please contact the State Attorney's Office and/or appropriate law enforcement agency handling your case.



Victim/Witness Rights

As a victim or witness you are ensured certain rights which include:

Restitution

- 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 shall seek 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 was made.

Crime Compensation

- In some cases, victims (or their relatives where the victim was 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), Union County Sheriff's Office or from the Bureau of Crimes Compensation, Office of Attorney General.

Victim/Witness Protection

- 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 is 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 are being threatened or intimidated, please contact the Union County Sheriff's Office or any other 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 and they can assist with this paper work if necessary.
- The right to request, for specific crimes, that your home and work telephone numbers, home and work addresses, and personal assets not to be disclosed to anyone.
- The right to request, in certain circumstances that the offender be required to attend a different school than the victim or siblings of a victim. If the victim of a offense committed by a juvenile is a minor, and the victim or any siblings of a victim attends or is eligible to attended the same school as that of the offender, the Department of Juvenile Justice or the Department of Corrections shall notify the victims parent or legal guardian of the right to attend the sentencing or deposition of the offender and request that the offender be required to attend a different school.

Right to be Informed

- The right to receive information regarding the stages of the criminal or juvenile justice process in the manner in which information about the stages may be obtained. Note: You cannot be notified if we cannot locate you. It is 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 review certain portions of pre-sentence investigation report for adult and youthful offenders prior to the sentencing of the accused.

Notification

- 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, relatives of minor victims and witnesses and relatives of homicide victims, where those persons have provided current addresses and telephone numbers to the Union County Sheriff's Office shall be notified.
- The right to receive advanced 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 the 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 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.
- The right to be notified when the offender escapes custody. The State Attorney shall make every effort to advise the victim, material witness, parents or legal guardian of 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.

Consultation

- 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 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 homicide, the guardian or the 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

Impact Statement

- The right to submit an oral or written impact statement to the court, pursuant to s. 921.143 F.S., prior to 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, 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.

Timely Disposition and Return of Property

- 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 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 which will affect the victim’s appearance.
- 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 help 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.

Community Based Services

- 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. Telephone numbers of these services are provided at the end of this brochure.

State Attorney and Sheriff’s Office Services

- The right to receive reasonable consideration and assistance from employees of the State Attorney’s Office and Sheriff’s Office. When requested, you will 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 attempting to locate translators when practicable.

- The right of a victim to request that a victim advocate be permitted to attend and be present during any deposition. The victim advocate may be designated by the State Attorney's Office or Sheriff's Office, 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.

You as a Victim or Witness

- 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 statutory obligation of the victim, or next of kin of a homicide victim, that any information gained pursuant FS Chapter 960, regarding any case handled in juvenile court, must not be revealed to any outside party, except as reasonably necessary in the pursuant of legal remedies.
- 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 to require a victim of a sexual offense to submit to a polygraph examination or other truth-telling device as a condition of the investigation.

HIV Testing

- The right to know in certain cases and at the earliest possible opportunity, if the person charged with the offense has tested positive for human immunodeficiency virus (HIV) infection and hepatitis. 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 and hepatitis testing. In some cases, you can be notified of the results of the test within two weeks of the court's receipt of the results.

Trial

- The right to not be excluded from any portion of a 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.
- 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 of the victim who is not incarcerated to not be required to attend discovery depositions in any correctional facility.

The Criminal Justice Process

The stages of the criminal justice system are as follows:

Stage I - Crime Committed

After a crime is reported to law enforcement an investigation will be conducted. If law enforcement is able to collect enough evidence, they may make an arrest.

Stage II - Arrest

Stages of the arrest include:

- Charges being filed
- Investigation by the Sheriff's Office
- Fingerprinting, photographed, and booking in the jail

An investigation during this time will be conducted by either a Sheriff's Office Deputy or Investigator who specializes in a particular category of crimes. The Deputy or Investigator handling your case may need to contact you for additional information or to provide you with updated status of your case. If the suspect(s) has been identified or arrested, the case(s) will be forwarded to the State Attorney's Office for legal action.

Stage III - First Appearance and Arraignment

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 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 cannot afford one.

The arraignment is when the accused is formally charged and enters a plea of guilty, not guilty or no contest.

Some defendants will post bond immediately after arrest and will be released. You will not be advised if the defendant posts bond, unless the person arrested was charged with homicide, a sex offense, stalking, domestic violence, or violations of an injunction for protection. Otherwise, you must contact the Union County Sheriff's Office to determine if the defendant has been or may be released, if that information is needed.

Stage IV - Trial Preparations

The prosecutor and defense attorney interview witnesses and exchange evidence in preparation for trial.

Stage V - Trial

The prosecutor presents evidence to either the judge or a jury about the case. The defendant may be found guilty or not guilty. The process ends if the defendant is found not guilty.

Stage VI - Sentencing

If the defendant is found guilty, the judge reviews sentencing guidelines, plea agreements, etc., and determines what type of sentence the defendant should receive.

Referral Numbers

Emergency (Police, Fire, and Medical) ————— 911

Abuse Registry (Elderly and Children) ——— 1-800-962-2873

Law Enforcement Offices

Union County Sheriff's Office ————— 386-496-2501

Florida Highway Patrol ————— 904-695-4115

Crimes Compensation (Attorney General) - 1-800-266-6667

Legal Referrals

Florida Bar Lawyer Referral Service ——— 1-800-342-8011

Three Rivers Legal Services ————— 1-800-372-0936

Domestic Violence Assistance and Shelters

Peaceful Paths ————— 1-800-393-7233

Another Way Inc. ————— 1-800-500-1119

Hubbard House ————— 904-354-3114

Victim Assistance Programs

Union County Sheriff's Office ————— 386-496-2501

State Attorney's Office ————— 386-496-2832

Union County Clerks of the Court ————— 386-496-3711

Victims Compensation Program ————— 1-800-266-6667

VINE (Victim Information & Notification Everyday) —————
————— 1-877-846-3435

Counseling Services

Crisis Center—24 Hour ————— 352-264-6760

UF Counseling Center ————— 352-392-1579

Mental Health—Union County ————— 386-496-2347

Union County Sheriff's Office

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