

# The Stages of The Juvenile Justice System

## Law Enforcement

A case may proceed as follows:

1. Law enforcement arrests the accused at the time of the crime. Law enforcement completes an arrest document, which states the charges against the accused. If there is no arrest at the time of the crime, law enforcement investigates.
2. Law enforcement presents a sworn complaint with evidence to the State Attorney's Office. The State Attorney determines if there is probable cause to believe that the suspect committed the crime (see filing decision).

## Detention Hearing

If the juvenile is held in the detention center the court holds a detention hearing within 24 hours of the arrest. It is usually held the morning after the arrest. The Judge decides whether to release the defendant and if so, what conditions are necessary to protect the victim. The judge can order the defendant to have "no contact" with the victim or witness.

If the Judge does not release the defendant, he or she may remain in the detention center for up to 21 days.

## The State Attorney Investigation

Once the State Attorney's Office receives the formal complaint from law enforcement, an Assistant State Attorney (ASA) will review the case, and when necessary, take testimony (interview under oath) from the victims and witnesses in the case. The victim/witness may receive a subpoena from the ASA requiring the victim/witness to appear at the State Attorney's Office to give testimony. If the ASA determines that there is sufficient evidence, charges may be filed. The formal charging document is called a "petition."

Sometimes the State is unable to file formal charges against the juvenile, and a "no petition" is filed. The reasons for this decision may involve any or all of the following: lack of evidence, the victim's desire to have the case dismissed, inability to locate witnesses, legal defects in the case, etc.

Sometimes after the ASA files a petition, new evidence arises, and the ASA may decide to no longer prosecute the case. This is called a "nolle prosequi." If either a "no petition" or a "nolle prosequi" is filed, the investigation is over and the case is closed.

## Pre-trial Diversion Programs

There are several pre-trial diversion programs available to first-time offenders. Most commonly first-time offenders are referred to Teen Court.

## Arraignment

After filing a petition, the juvenile defendant is entitled to an arraignment hearing. At the arraignment, the defendant is notified of the charges against him/her. The Judge then determines if the defendant needs the assistance of an attorney. If the defendant cannot afford to hire an attorney, the court appoints a public defender to represent them. At this time, either the defendant or their attorney enters a plea of guilty, not guilty or nolo contendere (no contest) to the charge.

If a plea of "not guilty" is entered, the case proceeds through the system. If a plea of "guilty" or "no contest" is entered, the defendant may be sentenced immediately, or the case may be set for a disposition hearing (see below).

## Depositions

Florida law allows the defense attorney to interview witnesses prior to trial. This interview is called a "deposition." The victim/witness may receive a subpoena from the defendant's attorney requiring the victim to appear to have their deposition taken. The victim/witness will be sworn in prior to having their deposition taken, and it will be taken before an official court reporter, the defense attorney and the ASA. This interview will be tape-recorded. The defendant will not be present during the deposition. Victims have the right to have a victim advocate accompany them to the deposition if they so desire.

## Continuances

Cases are usually continued or postponed one or more times before the defendant either pleads to the charge or goes to trial. We try to prevent continuances wherever possible, but please understand that we cannot control all of the circumstances of the case.

## Plea Negotiations & Change of Plea Hearing

In many cases, the defendant will change their previously entered plea of "not guilty" to either "guilty" or "no contest" before going to trial. This plea may be a result of discussions between the ASA and the defendant's attorney. Usually the defendant will plead to the crime in exchange for some concession. The concession may involve a lesser charge, dismissal of other pending charges, or a recommendation by the prosecutor for a reduced sentence.

## Pretrial Conference

The pretrial conference hearing is held one week prior to trial. The Defendant is required to appear in Court, and this is the last chance to plead to the charges.

Before the case proceeds to trial, the Assistant State Attorney may arrange an informal meeting with the witnesses who will be testifying at the trial. The attorney advises the witnesses of trial procedures and the questions that may be asked during the trial.

## Non-Jury Trial

Juvenile cases are tried before a Judge only with no jury. As the trial approaches, you will receive a subpoena from our office announcing the date, time and place at which you need to appear for the trial. Remember that if you do not appear, the Judge may charge you with contempt of court.

At the trial, the Judge will most likely order that all witnesses stay out of the courtroom except during their testimony. Do not discuss the case with anyone other than the ASA. If you do not follow this order, the Court may exclude your testimony.

The defendant may or may not present witnesses on their behalf. The defendant may or may not testify. The defendant does have the right to be in the courtroom during the trial.

## Pre-Dispositional Reports (PDR)

Often the Court request that the Department of Juvenile Justice (DJJ) complete a PDR on the defendant before sentencing. This is an inquiry into the background, criminal history and circumstances of the defendant. The PDR includes a sentencing recommendation for the Judge to review.

## Disposition Hearing

The Judge sentences the defendant in a manner appropriate to the crime and other circumstances related to the case. The Judge may either place the defendant on juvenile probation or commitment to the DJJ.

## Compliance Hearing

If the defendant fails to comply with their probation requirements, they may be set for a compliance hearing. Compliance hearing are generally reserved for failure to payback restitution and/or court costs. If restitution was ordered in your case, and you have questions regarding enforcing your restitution, please call the State Attorney's Office and ask to speak with someone in Project Payback.

**As a crime victim, you have the right.**

- ❖ To assert Victim's rights as provided by law or the State Constitution. The victim of a crime and the State Attorney, with the consent of the victim, have standing to assert the rights of a crime victim which are provided by law or s. 16(b) Art. 1 of the State Constitution.
- ❖ To information concerning services available to victims of adult and juvenile crime.
- ❖ To information regarding the availability of funds through the Florida Crimes Victim Compensation Program, when applicable. 1-800-226-6667
- ❖ To information about community -based victim treatment programs, crisis intervention services, counseling, and social service programs.
- ❖ To inform the victim of their role in the criminal or juvenile justice process.
- ❖ To information about the stages in the criminal or juvenile justice process which are of significance to the victim and how such information can be obtained.
- ❖ To be informed, to be present, and to be heard when relevant, at all crucial stages of a criminal or juvenile proceeding, to the extent that right does not interfere with constitutional rights of the accused.
- ❖ To be informed and to submit written statements at all crucial stages of the criminal, juvenile justice and post conviction relief proceedings, if the victim is incarcerated.
- ❖ To the prompt and timely disposition of the case, to the extent that this right does not interfere with the constitutional rights of the accused.
- ❖ To information concerning the steps available to law enforcement and the State Attorney to protect the victim or witness from intimidation.
- ❖ To be notified as soon as possible, by the agency scheduling your appearance in a criminal or juvenile justice proceeding, of any change in scheduling which will effect your appearance.
- ❖ To receive notification of the arrest, the release or modification of the release conditions, including community work release, community control and the proceedings in the prosecution or petition for delinquency of the accused.
- ❖ To be consulted by the State Attorney in order to obtain the views of the victim or family about: the release of the accused pending a judicial proceeding, plea agreements, participation in pretrial diversion programs and the sentencing of the accused, in those felony and juvenile cases that involve physical or emotional injury or trauma.
- ❖ To have your property returned to you as soon as possible after the investigation and/or prosecution is completed unless there is a compelling reason for retaining it.
- ❖ To have your employers, creditors or school informed that your cooperation with a criminal prosecution might cause absences or financial hardship.
- ❖ To request restitution and to be notified if restitution is ordered by the court and to receive information regarding the victims' right to enforce the court's order.
- ❖ If an order of restitution is converted into a civil lien or civil judgement 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, of the Florida Bar on enforcing the civil lien or judgement.
- ❖ To submit an oral or written Victim Impact Statement describing how the crime affected you and/or your family. The State Attorney shall assist in the preparation of such statement if necessary.
- ❖ To have any special needs accommodated as is practicable. (for instance: physical handicaps, parking or translator services.)
- ❖ To receive a victim's rights information card or brochure which explains your rights as a crime victim and services available to you.
- ❖ To be notified if the offender escapes from a state correctional facility, county jail, juvenile detention facility, or involuntary commitment facility.
- ❖ To have a victim advocate present during any depositions of the victim.
- ❖ To inform victims and witnesses who are not incarcerated that they shall not be required to attend discovery depositions in any correctional facility.
- ❖ To request that the State Attorney permit the victim to review a copy of the pre-sentence investigation report prior to the sentencing hearing, for adults,

- ❖ To request that the court order that the courtroom of all persons, with certain exceptions, during his or her testimony regarding a sexual offense, regardless of the victims age or mental capacity.
- ❖ To request, for specific crimes, an exemption prohibiting the disclosure of information to the public which reveals the victims name, home and work phone numbers, addresses, and personal assets not otherwise held confidential under the Public Records Law.
- ❖ To know, at the earliest possible opportunity, if the person charged with the offense, which involves the transmission of body fluids, has tested positive for human immunodeficiency virus (HIV) infection.
- ❖ To request, under certain circumstances, if the victim is under the age of 18 or is a disabled adult or an elderly person, that the court order the accused to undergo HIV testing regardless of whether the offense involves the transmission of bodily fluids. If requested by the victim, the results of the testing shall be made available to the victim no later than two weeks after the court receives such results.
- ❖ To request that the offender be required to attend a different school than the victim or the siblings of the victim. (under certain circumstances)
- ❖ To provide domestic violence victims with information regarding the address confidentiality program.
- ❖ To be advised that information gained by the victim pursuant to Chapter 960, regarding any case handled in juvenile court must not be revealed to any outside party except as is reasonably necessary in pursuit of legal remedies.
- ❖ To be notified that the victim or next of kin of the victim may not be excluded from any portion of any hearing, trial or proceeding based solely on the fact that such person is subpoenaed to testify unless the court determines that such person's presence to be prejudicial.

**Your Victim/Witness Advocate**

You will be working with a Victim/Witness Advocate. Your advocate will provide you with information and guidance concerning your case.

The Victim/Witness Services Division of the State Attorney's Office provides the following services:

- ❖ Information on case status
- ❖ Emotional support to victims and witnesses of crime
- ❖ Information and referral to community agencies
- ❖ Assistance with filing for Crime Victim Compensation
- ❖ Assistance with requesting restitution
- ❖ Courtroom orientation and accompaniment
- ❖ Help with Victim Impact Statements

If you have any questions, please feel free to contact the State Attorney's Office and ask to speak with a Victim/Witness Advocate.

**Important Names & Numbers**

Defendant: \_\_\_\_\_  
 Case Number: \_\_\_\_\_  
 Attorney: \_\_\_\_\_  
 Victim Advocate: \_\_\_\_\_

**The  
 Juvenile Justice System  
 &  
 Victim's Rights  
 Information for victims and  
 witnesses of juvenile  
 offenders**



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**Serving the following counties:**

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