



Founder's Words

Founder Ted Hires

Victims Have Rights but Where's the Teeth

For years, we have been trying to insure innocent crime victims are treated properly by the system. We have tried to guarantee they have someone advocating for them; someone who helps them understand the system and how it works. We have tried to make sure the system is equally concerned with the innocent victim as it is in protecting the rights of the criminal.

In Florida, we have Victims' Rights Legislation on the books. The legislation is explicit. In Florida statute 960-001, crime victims have the following rights:

1. To be informed about proceedings,
2. To be informed about the resources available, the process, and how it progresses,
3. To have inconveniences minimized,
4. To be notified about the trial and all of the court proceedings in their case,
5. To be notified of appeals,
6. To be notified about sentence review hearings and sentence reduction hearings,
7. To be notified of change of status with the perpetrator of the crime in their case,
8. To confer with the prosecution and to be consulted about the disposition of the case, including plea bargaining,
9. To receive restitution and victims rights of enforcement,
10. To appear and make impact statements at the sentencing of the defendant,
11. To have input in the probation pre-sentence report impact statement, and,
12. To be treated with fairness and respect throughout the criminal justice process.

These rights sound great but there is a problem. The problem is very simple. Our legislature passed this statute to help protect crime victims and ensure they have rights. But they did not put any teeth into this legislation; there are no penalties for not following this statute. It would be the same as if I were driving down the road and the speed limit was 40 mph. Let's say I was traveling 60 mph and a police officer stopped me. Because there was not a law stating I could be fined, he would just have to tell me, "Hey, don't speed anymore." He could do nothing to punish me or hold me accountable. This is how the Victims' Rights Legislation is in our state. It has no teeth, because, simply, it has no penalty. There is not anything on the books to say if law enforcement, State Attorneys, or judges violate these rights there would be a price to pay. In reality, this legislation then becomes voluntary. If you decide you want to follow it, you follow it and if you choose not to follow it, you don't and there are no consequences.

I would like to see some penalties when these rights are not adhered by the system. Until legislators hear from citizens, this will not change. We have very stiff penalties, if you violate the rights of the accused; but we have no penalties if the rights of the innocent victim is violated. I believe Florida Statue 960 needs to be addressed by the State Legislature. If you would like to see this changed, I encourage you to be involved during National Victims' Rights month (April 2002); call your Senator and Representative and voice your opinion. The only way our system will change is when citizens want change and become active in promoting change.

There has been headway made regarding the way victims are treated in the Criminal Justice System. But believe me, there's still a lot to do. We encourage you to become involved; support the innocent victims of crime in every way possible — write, call, or e-mail your legislators. A new day is dawning for innocent victims. We can see that glimmer of hope, but before it becomes full light, we can only continue to be there to support victims, to go to court with them, to be sympathetic with them, and to hold the system accountable for their sake.

I look forward to hearing from you.

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