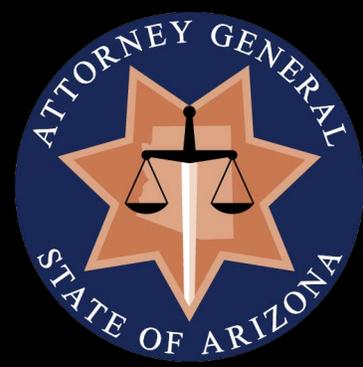




**Arizona Attorney General  
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Serving Arizona's Crime Victims



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*Learn more about  
Victims' Rights at  
[www.azag.gov](http://www.azag.gov)*

# Crime Victims' Guide



# A MESSAGE FROM ATTORNEY GENERAL KRIS MAYES

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Crime impacts us all – our families, communities, and the state. As a victim of crime, you know better than anyone the shattering effects of crime. As Arizona's Attorney General, I am committed to a system of justice that ensures that those who harm others are held responsible. I am equally dedicated to a justice system that remembers, respects and includes the victims of crime.

I am proud to say that Arizona has been at the forefront of its sensitivity to the needs and rights of crime victims. In 1990, Arizona voters passed an initiative amending our State Constitution to provide a Victims' Bill of Rights.

In 1991, the Arizona the legislature passed laws to define the application of these constitutional rights to the criminal justice process and, in 1996, to the juvenile justice process. In 1992, the Arizona Supreme Court amended the Rules of Criminal Procedure to reflect victims' rights in criminal court proceedings.

Due to these legal changes, all state, county, and municipal criminal justice agencies and courts in Arizona are charged with performing many duties and services to ensure a victim's participation and access to justice.

I hope the *Arizona Crime Victims' Guide* is informative and valuable. The *Guide* introduces the Attorney General's Office of Victim Services and describes how a case progresses through the criminal justice system and your rights at each stage.

In addition, it advises you of services that may be available, where to go for help, and how to obtain more information. With your involvement and the continued responsiveness of all who are involved in the administration of justice, we will continue to protect the rights of crime victims.

## Victim Assistance

You may be facing many problems as a result of your victimization. Victims and witnesses often experience trauma resulting from a crime, as well as from their involvement with the criminal justice process. They often feel isolated and confused, and do not know where to turn for practical advice or support. Further, crime victims often need immediate help: food, clothing, or temporary housing.

### AGENCIES AND SERVICES

Agencies such as victim/witness assistance programs, sexual assault centers, child abuse treatment programs and domestic violence shelters are established throughout the state to help crime victims regain control over their lives. Supported by government and private funds, these programs provide emergency and long-term support to victims and their families. If your community has a sexual assault center or domestic violence shelter, services which may be available include: emergency safe homes or shelters; 24-hour crisis telephone lines; follow-up crisis and long-term counseling; advocating for your needs and rights; accompanying you to medical examinations; transportation; and child care.

Each community provides different kinds of crime victim/witness services. The law enforcement agency that has responsibility for investigating the criminal offense against you (typically a police department or sheriff's office) is required by law to inform you of the availability, if any, of crisis intervention services and emergency and medical services, and provide you with the telephone numbers of private and public victim assistance programs, including programs that provide counseling, treatment, and other needed services. In cases of domestic violence, the law also requires that the investigating agency inform victims of the procedures and resources available for their lawful protection, including, how to obtain an *Order of Protection* from a court.

Local victim/witness assistance programs are established in each of Arizona's fifteen counties. They can inform you of other specific services available in your community. (See Guide Insert, "State & County Agency Contact Information" for the phone number of the victim/witness program nearest you.) If you need help in identifying and accessing assistance services, you may want to call your local law enforcement agency or the Attorney General's Office of Victim Services.

### ***Attorney General's Office of Victim Services***

The Attorney General's Office is frequently called upon to prosecute crimes that were it not for some form of existing conflict locally, would be prosecuted by a County Attorney's Office. If you are a victim in such a case, the Attorney General's *Office of Victim Services* is established to assist you in all of the ways that a local victim/witness program would (for information about resources available, visit [www.azag.gov/victim-services/resources](http://www.azag.gov/victim-services/resources).) Program staff also assist victims in criminal matters that originate with the Attorney General which include many white-collar, organized crime and fraud prosecutions. Lastly, because the Attorney General has jurisdiction in almost all criminal direct appeals to state and federal courts, the Attorney General's *Office of Victim Services* ensures that all victims in this stage of the criminal justice process receive their full constitutional and statutory rights, as well as continued services to meet the unique needs of victims following conviction.

## **VICTIM ADVOCACY... *You're Not Alone***

Employed or affiliated with many criminal justice and non-profit agencies, Crime Victim Advocates are trained and caring individuals whose primary purpose is to inform, support and accompany victims or their representatives through the aftermath of crime. Advocates can intervene or act as a liaison on a victim's behalf, ensuring that all rights are afforded and that victims' needs for help and services are met and coordinated. Advocates can also be a visible support and resource to crime victims as a case makes its way through the justice process. By making contacts on victims' behalf, providing case status information and an orientation to the judicial system advocates can minimize the confusion, frustration or further stress that is often felt by victims as participants in the justice process.

### ***Confidentiality***

Victims may have the lawful right to have what they say to the crime victim advocate be kept private and confidential. This means that the advocate cannot divulge information obtained in their service to the victim, with some exceptions,\* unless the victim consents to its release. Upon initial contact between the victim and a victim advocate, it is important that the victim asks the advocate to explain the right to privileged communication, if any, and what it means, including any exceptions.

\*By law, advocate-victim communication is not confidential if an advocate knows that a victim will give, or has given, false testimony, or if the communication contains information that would clear the accused person of blame.

## **FINANCIAL HELP . . . *Crime Victim Compensation Benefits***

If you are a victim or a derivative victim of criminally injurious conduct, you may be eligible for compensation of certain financial expenses through Arizona's *Crime Victim Compensation Program*. Administered in each of the state's fifteen counties, primary funding for the program comes from fines and penalty assessments imposed upon convicted felons. Compensable losses include: medical and dental expenses, mental health counseling, lost wages, and funeral costs. The program does not compensate for loss of property or property damage. The general criteria for eligibility are as follows: 1) your victimization must have occurred in Arizona, 2) the crime has to have been reported to a law enforcement agency within 72 hours of its occurrence, 3) the economic loss which you incurred must have been as a direct result of the crime, 4) as a direct result of the crime, also, you must have sustained physical injury or extreme mental distress, and 5) an application for compensation must be filed within two years of the time the crime occurred. To obtain an application or more information on the *Crime Victim Compensation Program*, contact your county Crime Victim Compensation Administrator (See Guide Insert, "State & County Agency Contact Information" for the phone number of the applicable county program) or visit the Arizona Criminal Justice Commission's website at [www.azcjc.gov](http://www.azcjc.gov).

## Attorney General Victim Services

Victims of crime in Arizona are afforded a wide range of services through the Attorney General's *Office of Victim Services*. If you are a victim of a crime being prosecuted by the Attorney General's Office, available services include:

- Assessing your needs as a result of the crime
- Assisting you in obtaining crisis intervention, counseling services, emergency shelter and follow-up counseling for your emotional, personal, financial and employment problems resulting from the crime
- Information on filing Orders of Protection and Injunctions Against Harassment
- Helping you file for compensation through your local Crime Victim Compensation Board
- Assisting and supporting you through all justice proceedings, we can:
  - Explain the justice system to you
  - Conduct a court visit/orientation with you prior to a scheduled proceeding
  - Escort and support you through court appearances, depositions, or interviews
  - Help you to get back property held for evidence
  - Keep you updated on the case and its disposition
  - Advocate for a court waiting area where you may be secure from the defendant, the defense witnesses and the defendant's family and friends
  - Assist you in completing a Victim Impact Statement for use at the time of sentencing
  - Assisting you in determining your financial losses as a result of the crime and as an aid to the prosecutor in recommending court-ordered restitution
  - Obtain and provide you with a copy of the Pre-Sentence Report.
- Intervening with your employer, landlord, or creditors to minimize additional losses because of the crime's impact on you
- Provide you with information on filing restitution liens
- Advocating your rights as a crime victim with other justice agencies
- Notifying you of all post-conviction relief and direct appeal proceedings, and of the outcome of those proceedings
- Intervening on your behalf with the media to assure your privacy needs and wishes are respected.

To obtain information or inquire further about these services, please call (602) 542-4911 in Phoenix or (520) 628-6456 in Tucson. Any one of the victim advocates in these offices will be able to help you.

## Victim's Bill of Rights

- (A) To preserve and protect victims' rights to justice and due process, a victim of crime has a right:
1. **TO** be treated with fairness, respect and dignity, and to be free from intimidation, harassment or abuse throughout the criminal justice process.
  2. **TO** be informed, upon request, when the accused or convicted person is released from custody or has escaped.
  3. **TO** be present at and, upon request, to be informed of all criminal proceedings when the defendant has the right to be present.
  4. **TO** be heard at any proceeding involving a post arrest release decision, a negotiated plea and sentencing.
  5. **TO** refuse an interview, deposition or other discovery request by the defendant, the defendant's attorney, or other person acting on behalf of the defendant.
  6. **TO** confer with the prosecution, after the crime has been charged, before trial, or before any disposition of the case, and to be informed of the disposition.
  7. **TO** receive a copy of the pre-sentence report relating to the crime against you, when it is available to the defendant.
  8. **TO** receive prompt restitution from the person or persons convicted of the criminal conduct that caused your loss or injury.
  9. **TO** be heard at any proceeding when any post conviction release from confinement is being considered.
  10. **TO** a speedy trial or disposition, and a prompt and final conclusion of the case after the conviction and sentence.
  11. **TO** have all rules governing criminal procedure and the admissibility of evidence in all criminal proceedings protect your rights as a victim, and to have these rules be subject to amendment or repeal by the Legislature to ensure the protection of these rights.
  12. **TO** be informed of your constitutional rights.
- (B) A victim's exercise of any right granted by this section shall not be grounds for dismissing any criminal proceeding or setting aside any conviction or sentence.
- (C) "Victim" means a person against whom the criminal offense has been committed or, if the person is killed or incapacitated, the person's spouse, parent, child or other lawful representative, except if the person is in custody for an offense or is the accused.
- (D) The legislature, or the people by initiative or referendum, have the authority to enact substantive and procedural laws to define, implement, preserve and protect the rights guaranteed to victims by this section, including the authority to extend any of these right to juvenile proceedings.
- (E) The enumeration in the constitution of certain rights for victims shall not be construed to deny or disparage others granted by the legislature or retained by victims.

## Who is Protected by Victims' Rights? (And Who Isn't?)

The benefits and protection of victims' rights extends to all persons against whom a *criminal offense* or *delinquent act* has been committed. By legal definition, a person is a victim if the offense or act committed against them is a felony, a misdemeanor, a petty offense, or a violation of a local criminal ordinance.

- A felony is a crime that is punishable by imprisonment in a state prison or death. Crimes that are charged as felonies can include but are not limited to: homicide, organized crime, burglary, sexual assault, and arson.
- A misdemeanor is a crime punishable by a fine or incarceration in a county jail for a maximum period of 364 days, or both. Types of misdemeanor crimes can include but are not limited to: some domestic violence charges, simple assault,
- A petty offense is an offense punishable only by a fine.
- A local criminal ordinance is an offense in violation of a city, municipal or other local ordinance punishable by a fine.

A person who has been victimized, but is also in custody at the time of the victimization or is the accused, is not a victim by legal definition and is therefore not afforded victims' rights. If the person against whom the criminal offense has been committed is killed or is incapacitated, victims' rights are extended to that person's spouse, parent, child, sibling, grandparent, or other lawful representative. A lawful representative is someone who is chosen or designated by the victim, or is appointed by the court in some instances, to act in the best interests of the victims. The person can receive and relay case-related information, express the victim's needs, wishes, and opinions, and make choices on a victim's behalf. If the victim of a criminal offense or delinquent act is a minor, the victim's parent, child, or other immediate family member may exercise all of the victim's rights on behalf of the minor, unless the criminal offense is alleged against a member of the minor's immediate family. In this case, the court may appoint a person to represent the minor's rights as a crime victim. If the victim of a criminal offense is a business, corporation, partnership, association, etc. or is a neighborhood association, the law also provides that certain rights, though limited, be extended to such legal entity or neighborhood association victims.

# The Criminal Justice System

*Your rights as a crime victim begin at the detection of a criminal offense and continue throughout the criminal justice process. To receive the full benefit of your rights and to participate in the criminal justice system, it is important to understand how a criminal case progresses. This simplified overview may not answer all of your questions, but hopefully will address some of your immediate concerns about what to expect.*

*A case progresses through the criminal justice system in many steps, or stages. The overview that follows might suggest that the administration of justice is an orderly flow of decision-making that begins with the investigation of a criminal offense and ends with a prison sentence. However, because the justice process is structured to guarantee due process of law for defendants at each of its many stages, questions of definition and interpretation can complicate criminal procedure and create frustrating delays. In any event, your opportunity to exercise your rights will be enhanced as you learn how the system works.*

Please note: Use of the pronoun “he” is used throughout this Guide for purpose of reader ease and simplicity. Use of this pronoun is in no way intended to convey gender-specific assumptions. Additionally, the phrase criminal offense is used throughout this Guide in reference to both criminal offenses and delinquent acts.

## INTRODUCTION

Criminal justice in the United States exists to control and prevent crime. Criminal cases are those that involve the commission of acts that are prohibited by law and punishable by a jail or prison sentence. Law enforcement agencies are charged with the prevention of crime and the apprehension of criminal offenders. Courts have the duty to assure justice and due process through determining innocence or guilt of the accused and sentencing those who are convicted. The role of correctional and probation agencies in this process involves the control, custody and supervision of persons convicted of crime.

## LAW ENFORCEMENT INVESTIGATION ... THE PROCESS BEGINS

Although the first phase of the criminal justice process would seem logically to be arrest, this is usually the case only when a crime is directly observed by a law enforcement officer. More often, the process begins with a report or complaint made to a law enforcement agency that a crime has occurred, followed by the agency responding with some level of investigation. While an initial investigation is performed in many cases by a police officer responding to a scene shortly after a crime occurs, pre arrest investigations are also initiated when knowledge is received from informers, or through surveillance. Investigative activities include examining the crime scene, searching for physical evidence, interviewing victims and witnesses, and attempting to locate the perpetrator. If a suspect is not taken into custody immediately, an initial report may be turned over to a detective who specializes in investigating the particular type of crime that occurred. The detective's job in furthering the investigation could include contacting victims and witnesses for formal statements and photographic line-ups.

When a suspect is identified and sufficient evidence indicating a criminal offense has occurred, the case is presented to a *prosecutor* for review. Prosecutors are the chief legal officers within their jurisdictions. (The Attorney General is the chief legal officer for the state.) As lawyers for the government, prosecutors represent the interest of the community.

***See Guide Insert, “Rights as a Crime Victim” for a listing of your rights during this stage.***

## PROSECUTORIAL REVIEW AND FORMAL CHARGING

The prosecutor reviews the law enforcement or investigating agency's report and assesses whether there is sufficient evidence to support a conviction. The prosecutor may request additional investigative work. The standard for conviction in criminal matters is that a judge or unanimous jury be convinced *beyond a reasonable doubt* that the alleged offender is guilty of the crime(s) committed. If the prosecutor finds that the report and evidence are sufficient and there is a reasonable likelihood of conviction, he or she will file a *criminal complaint* or seek an indictment from a grand jury. The criminal complaint is a charging document presented to a court magistrate (judge), who will issue either a warrant authorizing the arrest of the suspect or a summons requiring that the suspect appear in court on a specific day for a *preliminary hearing* (in felony matters only).

Turn Down: A prosecutor's decision to decline case prosecution (not to file charges) is commonly referred to as a "turn down." Rules of ethics governing the legal profession prohibit prosecutors from filing charges in cases they do not believe meet the high standard for conviction in criminal matters. In cases where the suspect's alleged conduct could be charged as an offense under more than one law, the prosecutor has discretion to decide what charges to file, if any. Many factors are involved in deciding whether, or how, to prosecute.

***See Guide Insert, "Rights as a Crime Victim – Prosecutorial Review/Charging" for a listing of your rights during this stage.***

### ***Upon Arrest***

An arrest is simply the action of taking a person into custody for the purpose of charging him or her with a crime. A law enforcement officer makes an arrest when he has directly observed the crime committed or at some later time when an investigation suggests that the suspect probably is the offender (called probable cause). When a person is arrested, he is taken to jail and "booked." Booking is the administrative recording of an arrest, conducted at a jail, and can include fingerprinting and photographing the suspect.

When an accused person is arrested, he must be brought before a judge within 24 hours for an *initial appearance*, or be released. At an initial appearance, the judge gives formal notice of the charge(s) to the accused, who may now be referred to as the *defendant*, informs him of his legal rights, appoints legal counsel on his behalf if necessary, and sets the conditions for his release from jail (if not previously released at the booking phase). A defendant may be released on his *own recognizance* or by posting bail. A defendant released on his own recognizance is not required to post any money and is released on the basis of a promise to appear at future court proceedings. Bail is set by the judge according to the seriousness of the offense, prior criminal record, and the likelihood that based on community ties, the defendant will appear in court as required. Bail is forfeited and a warrant issued for the re-arrest of any defendant released on bail, or his own recognizance, who fails to appear at a required proceeding. Defendants released after the initial appearance are ordered to adhere to certain restrictions set by the Judge.

***See Guide Insert, "Rights as a Crime Victim - Criminal Offense" for a listing of your rights during this stage.***

### ***Determining Probable Cause ... Grand Jury/Preliminary Hearing***

A prosecutor may prefer, under some circumstances, to bring charges through the state or county *grand jury* rather than by criminal complaint. The grand jury is a panel of citizens charged with reviewing the evidence of criminal behavior and deciding if *probable cause* exists to believe that the suspect committed the crime. Probable cause is a set of facts, information, circumstances or conditions which would lead a reasonable person to believe that what is presented or alleged is true. If the grand jury determines there is probable cause that a crime was committed and that the suspected perpetrator committed the crime, a criminal “indictment” (charging document) is signed and an arrest warrant or summons to appear for arraignment is issued by the court.

In felony matters that begin with the prosecutor filing a complaint, a *preliminary hearing* is held before a Justice of the Peace to determine if there is probable cause to hold the defendant for trial. (A probable cause determination is not necessary if the offense charged is a misdemeanor). At a preliminary hearing the judge, rather than a grand jury, hears all of the evidence and testimony from the witnesses called by the prosecuting attorney and, if permitted by the Court, witnesses can be called by the attorney for the defendant.

Charges may be dismissed at the grand jury or preliminary hearing stage if the grand jury or Justice of the Peace determines that the evidence is insufficient to justify a trial. If probable cause is present, however, the defendant is “bound over” for trial in the Superior Court, and an arraignment date is set. This step is recorded by a charging document -- either the indictment issued as a result of the grand jury hearing or “information” filed following the preliminary hearing. The court then issues a summons for the defendant to appear at arraignment in Superior Court.

### ***Answering the Charges ... The Arraignment***

The first appearance of the defendant in Superior Court is called an *arraignment*. At an arraignment proceeding, the defendant is officially informed of the formal charges against him (indictment or information). The defendant may plead “guilty” or “no contest” (a plea of neither guilt nor innocence), in which case the judge will set a date to sentence the defendant. If the defendant pleads “not guilty,” a decision is made whether to appoint an attorney for him, and the matter is set for a pre-trial hearing or trial.

Note: Many limited jurisdiction courts (Municipal and Justice of the Peace Courts) combine the initial appearance and arraignment, resulting in one court appearance instead of two.

***See Guide Insert, “Rights as a Crime Victim - Prosecutorial Review/Charging” for a listing of your rights during this stage.***

## **PREPARING AND BUILDING THE CASE . . . PRE-TRIAL ACTIONS/HEARINGS**

After the arraignment but before trial, many activities occur while both the prosecuting and defense attorneys build their case for trial. These activities are guided by Arizona Rules of Criminal Procedure, which define how the pre-trial process must work. For example, each party must disclose information in its possession to the defendant (called discovery). Each side examines the evidence, reviews police reports and other documents, and

interviews witnesses. Victims do not have to consent to interviews with the defense attorney; other witnesses must. There may also be several court hearings scheduled, called Status Conferences or Pre-Trial Conferences or Hearings. These hearings usually focus on legal matters regarding the admissibility and suppression of evidence, modifications to the defendant's pre-trial release, plea negotiations, and other matters of concern to the attorneys or court, including the scheduling and rescheduling of the trial itself.

*See Guide Insert, "Rights as a Crime Victim - Pre-Trial Stage" for a listing of your rights during this stage.*

## RESOLVING THE CHARGES

### *Plea Agreement*

The vast majority of criminal cases making their way through the criminal justice process never go to trial. What occurs more often is a process whereby the prosecutor and the defense attorney work out a mutually satisfactory disposition of the case, subject to court approval. If the attorneys reach an agreement, there is usually some modification to the original charges; the defendant may plead guilty to a lesser charge; some charges may be dismissed; an agreement to not file additional charges may be made, and/or a particular sentence may be agreed upon (called stipulating). If both sides agree to a negotiated settlement, a *change of plea hearing* is scheduled. At a change of plea hearing, the defendant enters a guilty plea and signs a statement that his plea is voluntary and that he agrees to waive certain rights. If the agreement is acceptable to the court, the judge then finds the defendant guilty and schedules a date for sentencing.

### *Trial*

If a plea agreement is not reached, a case may go to trial. The trial will be held before a Superior Court Judge and a panel of jurors unless the defendant waives his right to a jury trial, in which case the trial would be held before the judge alone (called a bench trial). All parties to the case, including witnesses for the prosecution and defense, are subpoenaed in advance to testify (sent a summons to appear); and, if it is to be a jury trial, juror selection (called *voir dire*) must take place before testimony begins. The State, represented by the prosecutor, has the burden of proving beyond a reasonable doubt that the defendant committed the crime(s) as charged.

When the court is ready for trial to begin, the prosecuting attorney gives an opening statement, an overview of the facts to be presented. The attorneys are not allowed to argue the strength of their case at this stage. The opposing (defense) attorney may present opening remarks or may reserve an opening statement until later in the trial when the defendant's side of the case is presented. The prosecutor begins the State's case by calling witnesses and asking them questions under oath (called examining). The prosecutor's evidence is aimed at proving the defendant committed the crime.

Witnesses take an oath that what they will say in court is the truth. All evidence presented in court, including testimony and physical evidence such as documents, items or articles of clothing, must comply with the Arizona Rules of Evidence. The judge decides what evidence and testimony is admissible according to the Rules.

When the prosecution has finished questioning each witness, the defense is allowed to *cross-examine* the witness on any relevant matter. After cross-examination, the attorney who originally called the witness to the stand may wish to ask additional questions of the witness to clarify something touched upon in the cross-examination. This is called re-direct examination, and is followed by an opportunity for the opposing attorney to re-cross-examine. When the prosecution has called all the witnesses for its side of the case and presented all its evidence, the prosecution rests its case.

At this point, the defendant's attorney may ask the court to decide the case in the defendant's favor because the prosecutor has not presented sufficient evidence to prove the case against the defendant. This is called a request for a judgment of acquittal, directed verdict or "Rule 20" motion. If the judge agrees that the State's evidence is insufficient, he rules in favor of the defendant, and the case is at an end. If a judgment of acquittal is not requested, or if the request is denied, the defense then has the opportunity to present its own evidence.

The defense may choose not to present any evidence and is not required to do so. Under our federal and state Constitutions, a criminal defendant is not required to prove his innocence; the prosecution is required to prove the defendant's guilt beyond a reasonable doubt. If the defense does present a case and call witnesses, the same rules and procedures which governed presentation of evidence by the prosecution apply to evidence presented by the defense. The only difference is that the defense calls the witnesses and questions them first. At the conclusion of the defendant's case, the prosecutor may present additional information to rebut, or contradict, evidence offered by the defense. Following this, the defense is given another opportunity to present additional evidence.

When both sides have presented all of their evidence, each is permitted to make *closing arguments*. Closing arguments are different from opening statements, because the attorneys can argue the strength of their cases based on the evidence presented. They provide an opportunity for the attorneys to address the jury (or the judge in a bench trial) one final time. The prosecutor speaks first, usually summarizing the evidence that has been presented and highlighting those items most beneficial to its case. The attorney for the defendant speaks next. The attorney for the defendant will usually summarize the strongest points of the defendant's case and attempt to point out flaws in the State's case. The prosecutor is then given one last opportunity to speak.

At the end of a jury trial, the judge gives instructions to the jurors concerning laws that apply in the case. Jury members are required to follow these instructions in reaching a verdict. The jury goes to a private jury room and elects a foreman to lead the deliberations. Jurors must consider all the evidence, resolve any conflicts about the facts of the case, and reach a verdict of guilt or innocence. When the jury has reached a decision, the court is called back into session. The foreman reports the verdict to the judge, and either the judge or court clerk reads the jury's verdict. The court then enters a judgment according to the verdict, and the jury is released from duty. The defendant is released if found not guilty. If the defendant is found guilty, a date is set for sentencing. If the jurors cannot reach a verdict the case ends in a "hung jury" and the prosecutor may decide to retry the defendant with a new jury.

***See Guide Insert, "Rights as a Crime Victim - Resolving the Charges" for a listing of your rights during the plea and/or trial stage.***

## SENTENCING

A defendant is sentenced after he is convicted. Conviction includes a judge's finding of guilt after a bench trial, a verdict of guilt after a jury trial, or a defendant's change of plea to *guilty* as part of a plea agreement.

The judge will order a *presentence investigation* by the county probation department, an arm of the Superior Court. The product of this investigation is a *presentence report* prepared by a probation officer. The judge receives this report prior to the hearing date and considers all the information contained in it to arrive at a sentencing decision. The report focuses on the defendant and typically includes: the circumstances of the offense, the defendant's history of criminal activity, if applicable, social and employment history, family status, economic and educational status and personal habits. The report is very important to victims too. The report provides the victim an opportunity to express his views regarding the emotional, physical and financial effects and impact of the crime, his opinions about sentencing, and how much restitution the defendant should be ordered to pay.

In some cases, the court may schedule one or more presentence hearings to consider issues related to restitution, aggravating and mitigating circumstances or other issues of concern to the attorneys or the court. At a restitution hearing, the court considers matters relevant to compensating victims for their actual financial losses as a direct result of the crime. At an aggravation/mitigation hearing, the court considers the circumstances of the crime and of the defendant's history that could justify a lesser or greater sentence. Testimony and other evidence can be presented at any presentence hearing.

At a sentencing hearing, the judge hears arguments, and sometimes additional evidence from both the prosecution and defense, regarding the punishment the defendant should receive. Victims may make victim impact statements directly to the judge at this time. The defendant, too, may make a statement to the court. In Arizona, the Legislature has established a range of sentences for various crimes and the judge must impose a sentence within that range. The judge may order the defendant to probation, to jail, to prison, or to a combination of punishments, including fines, and must order payment of any restitution that is owed to the victim(s).

*See Guide Insert, "Rights as a Crime Victim – Sentencing" for a listing of your rights during this stage.*

## CUSTODY, SUPERVISION, AND RELEASE

What happens to a defendant, now a criminal offender, after sentencing depends upon the sentence imposed. An offender's sentence encompasses all of the orders made by the judge at the sentencing hearing. A variety of government agencies and institutions exist to carry out sentencing orders.

### ***Incarceration***

Offenders sentenced to a period of *incarceration* are ordered to serve time in either a county jail or prison. Care, custody and control of the offender (inmate) lies with a county sheriff (jail), or the Arizona Department of Corrections (prison), commonly referred to as DOC. The length of an inmate's incarceration depends primarily upon two factors: 1) the sentence itself, and 2) when the crime occurred and the laws that were in effect at that time. A sentence of *time served* means that an inmate's period of incarceration is equal to the time he has already been held in custody

for the crime. *Credit* for time served reduces the full period of incarceration by the amount of time already served in custody for the same offense.

## ***Release***

Offenders sentenced to prison for crimes committed in 1993 or earlier may at some point in their sentence become eligible for *parole*, a form of early release. In contrast, most defendants sentenced for crimes committed after 1993 are subject to mandatory sentencing laws. These laws require defendants to serve at least 85% of their sentence in prison, followed by a term of *community supervision* equal to 15% of the total prison term. Parole and community supervision are forms of supervised release determined by the Arizona Board of Executive Clemency (formerly the Arizona Board of Pardons and Paroles), in which the offender is required to report on a regular basis to a state parole officer and must abide by strict rules of conduct. Inmates may also be eligible for various types of release, such as work furlough or home arrest, determined solely by the DOC. The sentencing judge has no involvement in release determinations for prison inmates. That is left entirely to the DOC pursuant to specific statutes.

## ***Suspended Sentence/Probation***

In some cases, a judge may decide to *conditionally* suspend a sentence of incarceration, contingent upon the offender's successful completion of a period of *probation*. Probation is a form of community supervision in which the offender is required to report on a regular basis to a county probation officer and abide by specified rules of conduct. If probation, which can be "standard" or "intensive," is completed successfully, the sentence of incarceration is not imposed. If the defendant offender violates probation, it can be revoked and the sentence of incarceration ordered.

Other common sentencing orders include: community service which requires that an offender complete a designated number of hours of work in the community; payment of restitution which is an order for the offender to pay his victim(s) for any financial losses directly resulting from the crime; payment of court fines or penalties; and attendance and participation in individual or group counseling. Enforcement of court sentencing orders is typically incorporated as terms of probation and/or parole/community supervision. Certain crimes, such as financial fraud or elder exploitation, may have specific probation conditions in addition to the standard conditions imposed by the Court.

***See Guide Insert, "Rights as a Crime Victim - Post-Conviction" for a listing of your rights during this stage.***

## **POST-CONVICTION APPEALS**

Defendants convicted of a felony criminal offense after a trial or convicted of a misdemeanor or petty offense have a statutory right to *appeal*. Defendants convicted of a felony criminal offense pursuant to a plea agreement have a right to file a petition for post-conviction relief, which is discussed below. Generally speaking, a direct appeal is an action taken by a defendant that asks a higher court to review the decision of a lower court. The defendant, or the defendant's attorney, is seeking to have the conviction and/or sentence overturned or modified. Appeals from decisions of non-record courts (Justice of the Peace and some Municipal Courts) are made to the Superior Court. Appeals from decisions of the Superior Court, where all state felony convictions occur, are made to the state Court

of Appeals. The Arizona Supreme Court, Arizona's highest court, may choose or decline to review a decision of the Court of Appeals when a party files a petition for review. The Supreme Court hears all direct appeals in cases in which a death sentence is imposed.

### ***Appeals Process***

When a *direct appeal* is filed, the trial court sends the official case records to the next higher court. The appropriate appellate court reviews matters of law in making its decision not whether or not the defendant is guilty. No witnesses are called nor testimony taken in the appellate court. The matters of law reviewed include whether the defendant's due process rights and other applicable laws and procedures were followed during the investigation, trial, and sentencing phases of the criminal justice process. The Attorney General serves as the prosecutor for almost all felony direct appeals filed in criminal cases in Arizona. When the appropriate records and attorneys' written arguments, called briefs, have been received by the court, the case is considered to be *at issue* and is assigned to a panel of three appellate judges for consideration. The defendant's brief contains legal arguments as to why the decision of the trial court should be reversed or modified. The State responds to these issues with arguments and legal authority typically supporting the trial court's decision. After they have reviewed the records, the Court of Appeals judges may hear oral arguments by the attorneys before issuing a written decision. An appellate court does not conduct a new trial on the case it hears. It reviews only the existing papers, exhibits and transcripts from the trial court. The documents are called the record on appeal, and are reviewed to determine whether the trial court made a proper decision.

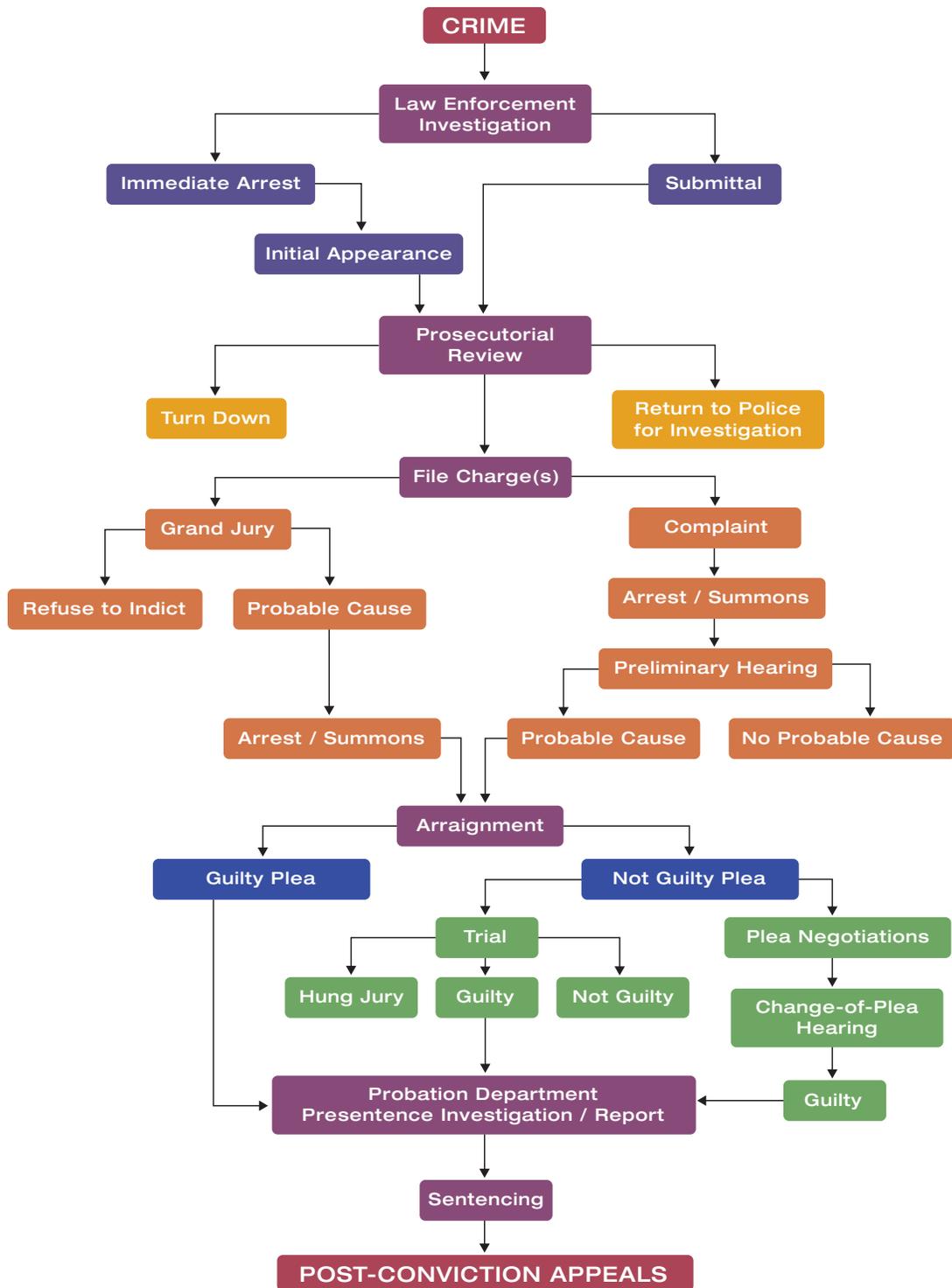
In deciding a case, Court of Appeals judges have several options, which include the following and/or a combination: 1) *affirm* the defendant's conviction(s) and sentence(s); 2) *affirm* the defendant's conviction(s) *but disagree* with the sentence and therefore either change the sentence or remand (send back) the case to the trial court for re-sentencing; 3) *reverse* the defendant's convictions and sentence and remand to the trial court for further action or a new trial.

### ***Post-Conviction Relief (PCR)***

As of November 1992, persons convicted by way of plea agreements are not entitled to a direct appeal as described above. However, these defendants may petition the original trial court for *post-conviction relief* and the original prosecuting agency usually handles such petitions. A petition for post-conviction relief is a request by the convicted defendant to overturn the conviction or sentence based on various, yet specific grounds including, constitutional rights violation(s), new evidence, or excessive punishment. The basis of such petitions usually forms on the defendant's contention he received ineffective assistance of counsel that denied him of his rights. If the trial court denies the petition, the defendant can file a petition for review to a higher court, similar to a direct appeal, except that the higher court has discretion not to accept the appeal.

***See Guide Insert, "Rights as a Crime Victim - Post-Conviction" for a listing of your rights during this stage.***

## CRIMINAL JUSTICE CASE FLOW



## Restitution Overview

Restitution is not punishment, it is a *court order* to a convicted defendant to pay victims for the economic losses incurred as the direct result of the crime(s) committed by the defendant. Restitution is most often ordered at the time of sentencing and may include: medical expenses, funeral costs, travel to court, expenses for counseling, moving and basic living necessities, lost or damaged property, and lost wages. Criminal restitution does not cover pain and suffering or punitive damages. It is important that victims provide the prosecutor an indication of their economic loss(es) early in the prosecution of the case so that restitution can be fully considered and advocated.

Restitution is mandatory. That is, the court is required by law to order the defendant convicted of a crime to reimburse the victim(s) for the victims' economic losses that resulted directly from the crime. The sentencing judge is also required by law to consider the defendant's economic circumstances (ability to pay) when entering an order for restitution. This means, for example, that if a defendant is convicted of stealing a \$9,000 car, the judge must order him to pay \$9,000 in restitution to the victim. Because of the defendant's ability to pay, however, the judge may also order that the defendant's method of paying the \$9,000 be monthly payments of \$30. A monthly court-ordered restitution payment of \$30, on a full restitution order of \$9,000, would require 25 years of regular payments for the economic loss to be fully recovered. Unfortunately, this means that restitution as a reliable form of reimbursement for victim losses, even though it is court-ordered, often becomes improbable.

A defendant who is ordered to jail or prison, with rare exception, will not be required to begin making restitution payments until his release. The Court may order that restitution be paid within a certain period of time, or it may order that payments be made in specified (monthly) installments as noted in the above example. A probation officer, or other agent with responsibility for monitoring restitution payments of a defendant serving a probation sentence, is required to notify the supervising court upon finding that a defendant has become two full (monthly) payments in arrears. This notification (memorandum) must: 1) propose a modification to the monthly payment amount; 2) recommend that probation be revoked; or 3) outline the reasons for the delinquencies and how long it is expected to continue. (Victims have the right, and can request, to receive a copy of this memorandum from the court that explains the delinquency.) If a victim requests post-conviction victims' rights notification, the county Superior Court Probation Department will inform him of any scheduled hearings that relate to, or could impact restitution. A victim has the right to be present and to express his opinion to the court at such hearings. Additionally, the court can require the defendant to show cause as to why a default in the payment of restitution should not be considered contempt. An arrest warrant may be issued for the defendant's appearance.

Defendants are required to make their court-ordered restitution payments to a county's Clerk of the Superior Court. The Clerk's Office is required to process restitution monies making payments (disbursements) to all victims who ordered to receive restitution.

According to law, defendants sentenced to prison may have a portion of their prisoner's spendable account withdrawn each month to pay court ordered restitution. This money is sent from the Department of Corrections to the applicable county Clerk's Office for processing.

### ***Restitution Lien***

If the victim is entitled to restitution by court order, he has the right to file a restitution lien against any assets (personal and real property) held by the defendant. The filing of a lien gives notice to all persons dealing with the defendant or dealing with the property identified in the lien, of the victim's interest in that property, or property later acquired in the name of the defendant. The advocates of the Office of Victim Services can provide victims with information about filing a restitution lien if that victim is a victim in a case handled by the Attorney General's office. The Attorney General's Office will not file a restitution lien on behalf of the victim. It is a personal right, which the victim must pursue.

### ***Criminal Restitution Orders***

A criminal defendant's restitution obligation to you ends when they have served their sentence. When this occurs, and restitution has not been fully paid, the court can enter a "criminal restitution order" for the unpaid balance if one was not entered at the time of sentencing. This order may be recorded and enforced as any civil judgment, never needs to be renewed and is not dischargeable through bankruptcy. Victims should contact the prosecuting attorney to request assistance in obtaining a copy of this order at the time the sentence expires.

## **CIVIL LEGAL REMEDIES FOR CRIME VICTIMS**

In addition to court-ordered restitution and county victim compensation as two means for recovering financial losses resulting from a victimization, civil litigation may be another option for victims. Victims may choose through civil action, which is entirely independent of a criminal prosecution, to bring a lawsuit against the perpetrator(s) or other responsible parties to recover damages for both economic and non-economic losses. With respect to weight of evidence in a civil matter, the victim need only prove his case by a preponderance of the evidence. This means that the victim need only prove that it is *more likely than not* that the defendant is liable for the claims set forth in the complaint. (By comparison, a criminal prosecutor has the burden of proving *beyond a reasonable doubt* that a defendant is guilty of the crimes charged.) While the victim may file a civil lawsuit, it is likely he will find it advantageous to seek the assistance of an attorney. The Attorney General's Office cannot assist victims with a civil lawsuit, nor offer advice on whether or not a victim should pursue a civil suit. The Attorney General's Office of Victim Services can, however, send information prepared by the U.S. Office for Victims of Crime (OVC) that may be useful in making a decision about this course of action. To request information, call the Office of Victim Services at (602) 542-4911 in Phoenix, or (520) 628-6456 in Tucson. You may also find resources by contacting the Arizona State Bar, your local bar association, or by visiting the OVC webpage at [www.ovc.gov](http://www.ovc.gov).

## Common Questions

### ***THE CRIME AGAINST ME HAS BEEN DEVASTATING. WHERE CAN I GET HELP?***

All victims experience some type of psychological distress in the aftermath of crime. Normal immediate reactions are fear, anger, shame, self-blame, helplessness, and depression. Long-term reactions can include sleeplessness, loss of concentration, and fear of being alone. The type of crime does not determine if there is an effect, but often determines the degree of the effect. Help and assistance are available.

### ***I'M SCARED THAT THE PERSON WHO DID THIS TO ME IS GOING TO HURT ME AGAIN. WHAT CAN I DO TO PROTECT MYSELF?***

If you have been the victim of domestic violence it is likely that crimes such as assault, abuse and threats could occur again. A law enforcement officer need only have probable cause to believe that an act of domestic violence has occurred to make an arrest of the abuser. You can also obtain a court Order of Protection which orders offending spouses, cohabitants, close relatives, or those in a current or former dating relationship from contacting you. An Injunction Against Harassment orders offenders not to harass you. Both can be filed by any adult without an attorney in any court. (If you are in the process of a legal separation or dissolution of marriage, you must apply to the Clerk of the Superior Court for an Order of Protection). You will be asked to fill out a petition stating why you want the Court to grant the Order or Injunction (you may request that your address be kept confidential). Orders or Injunctions can serve to keep the other party from having any contact with you, your family and friends; prohibit further offenses; and can provide you other relief necessary for your protection. You need to stay alert, however, because some offenders have been known to disregard the orders. If they are disregarded you should call 911 and then seek further court protection.

### ***WILL I HAVE TO TESTIFY?***

As the victim of a crime, you may also be a witness. As a victim/witness you may be called to testify. Either the prosecutor or the defense attorney may subpoena you to testify at trial. The decision whether you will be subpoenaed (required) to testify is determined by the attorneys. They will make this decision after evaluating all relevant facts and case evidence. Your advocate will keep you informed on the progress of your case and contact you if it is determined that your testimony will be needed.

### ***I DISAGREE WITH THE DECISION TO PLEA BARGAIN (OR, THE PLEA OFFER ITSELF). WHAT CAN I DO?***

A victim of a crime has the right to confer with the prosecutor on any plea negotiation and to be present and heard at any plea hearing. The victim does not, however, have the right to direct prosecution of the case. If you disagree with the plea agreement, you are encouraged to exercise your rights to talk to the prosecutor, and to attend the plea hearing and voice your opinion to the judge.

### ***IT SEEMS LIKE THIS CASE HAS GONE ON FOREVER. WHY DOES IT TAKE SO LONG?***

Our country's system of bringing an accused person to justice is very complex. Hearings may be set, rescheduled and/or continued for a variety of reasons pertinent to the process of ensuring a fair and unbiased process. You have a statutory and constitutional right, however, to a speedy trial or disposition, and the court must consider this

right and your views in deciding requests for continuances in criminal proceedings. If a continuance is granted, the court must state the reason for the continuance on the record. Please remember, however, that the defendant also has constitutional rights to a fair trial, which may, at times, take priority over a victims' rights.

### ***WHAT IS THE DIFFERENCE BETWEEN RESTITUTION AND COMPENSATION?***

Restitution is an order by the court that a convicted defendant pay you for the losses you incurred as a result of the crime(s) committed by the defendant. Compensation refers to a state program administered in each county that allows eligible victims of crime to apply and receive money for certain costs that are the direct result of the crime.

### ***THE COURT ORDERED THAT I BE PAID RESTITUTION. WHEN WILL I GET MY MONEY?***

Restitution payments are typically ordered to begin two to four months after sentencing or after the defendant's release from jail or prison. Unless the court directs otherwise, restitution payments are made to the Clerk of the Superior Court, who in turn, disburses payments to the victims. You may contact the county Clerk of Court to inquire about the status of restitution payments owed to you (See Guide Insert, "State & County Agency Contact Information" for the phone number of the applicable Superior Court Clerk).

### ***WILL THE DEFENDANT SERVE THE FULL SENTENCE IMPOSED BY THE JUDGE?***

Defendants ordered to serve a term of incarceration will be eligible for early release unless the Judge orders the defendant to serve the full sentence. A defendant's eligibility for release is based on legislation current at the time the offense was committed. If you have requested post-conviction notification from the Department of Corrections, that agency should inform you of the earliest possible release date. Many defendants are eligible for an early release. One type of early release is parole or community supervision by the Board of Executive Clemency (formerly the Board of Pardons and Paroles). If you have requested post-conviction notification from the Board of Executive Clemency, that agency should notify you of scheduled release hearings. Victims have the right to address the board, in person, in writing or by telephone, about their thoughts on the crime and potential release of the defendant from custody.

### ***WHAT DOES IT MEAN IF THE DEFENDANT IN MY CASE APPEALS HIS CONVICTION?***

If a defendant thinks that the factors used in determining a conviction caused him to be wrongly punished or convicted, or thinks the sentence received is too severe, he can file an appeal. The filing of an appeal means that the defendant is exercising his lawful right to ask that a higher court review the outcome of his case. If you want to remain informed of post-conviction appeals, it is important that you complete the post-conviction notification request form, which is provided by the prosecuting agency after sentencing, and submit a copy to all agencies listed in the form instructions.

### ***IS THE PROSECUTOR MY LAWYER?***

The prosecutor is the lawyer for the State and is required to represent the interests of the State. He is also required to inform the judge of your wishes concerning release of the defendant, the defendant's sentence and your need for

restitution when you have informed the prosecutor and asked him to convey that to the judge. The prosecutor must keep you informed of the progress of the case and afford you the opportunity to confer with you about any plea agreement that may be offered to the defendant. It is important to understand, however, that the prosecutor is not your lawyer and cannot act as your sole legal representative. In most instances, the State's interest (prosecutor's) and your interests will coincide and cause no conflict. In rare instances where there is a conflict between what you want and what the prosecutor intends to do, the prosecutor will inform you of the conflict and advise you that you may get your own attorney.

### ***I FEEL MY RIGHTS AS A VICTIM HAVE BEEN VIOLATED. WHAT CAN I DO ABOUT IT?***

As the victim of a crime, you have the right to seek an order or to bring a special action mandating that you be afforded any right not provided, or to challenge an order denying any right guaranteed to you under the Arizona Constitution, implementing statutes, or court rules. You have the right to recover damages from a governmental entity responsible for the intentional, knowing or grossly negligent violation of your rights. In asserting any right, you may choose to be represented by personal counsel at your expense. It is important to understand that a victims' rights violation is different than disagreeing with a case outcome (disposition) or how a case was handled. An attorney can advise you accordingly. If you disagree with a court's order regarding restitution or a defendant's release, you do have the right to appeal these decisions. The prosecutor can assert these rights on your behalf, at your request.

The Attorney General's Office has a Victims' Rights Enforcement Officer that receives allegations of victims' rights violations and investigates them in a neutral and unbiased manner. If you feel the rights afforded to you by the Arizona Crime Victims' Rights statutes have been violated contact:

#### **Office of Victim Services**

Victims' Rights Enforcement Officer

1275 West Washington

Phoenix, AZ 85007

Ph: (602) 542-8848

Fax: (602) 542-8453

Toll Free: (866) 742-4911

You may file a complaint online by going to <https://www.azag.gov/complaints/victims-rights> or email [victimsrights@azag.gov](mailto:victimsrights@azag.gov).



## Statutory Rules

Under Arizona's Constitution, the Supreme Court is responsible for promulgating court rules. Included in these rules are the requirements for the courts to follow when there are victims in a criminal case.

### Rule 39. Victims' Rights

Arizona Revised Statutes Annotated

Rules of Criminal Procedure

IX. Powers of Court

#### ***a. Definitions.***

1. ***Victim.*** As used in this rule, a "victim" is defined in accordance with the definition provided in the Arizona Revised Statutes. With regard to the rights to be notified and to be heard pursuant to this rule, a person ceases to be a victim upon the acquittal of the defendant or upon the dismissal of the charges against the defendant as a final disposition. If a victim is in custody for an offense, the victim's right to be heard pursuant to this rule is satisfied through affording the victim the opportunity to submit a written statement, where legally permissible and in the discretion of the court. A victim not in custody may exercise his or her right to be heard pursuant to this rule by appearing personally, or where legally permissible and in the discretion of the court, by submitting a written statement, an audiotape or videotape. The victims' rights of any corporation, partnership, association, or other similar legal entity shall be limited as provided by statute.

2. ***Criminal Proceeding.*** As used in this rule, a "criminal proceeding" is defined as a trial, hearing, (including hearing before trial), oral argument, or other matter scheduled and held before a trial court at which the defendant has the right to be present, or any post-conviction proceeding.

#### ***b. Victims' Rights.***

These rules shall be construed to preserve and protect a victim's rights to justice and due process. Notwithstanding the provisions of any other rule in these Rules of Criminal Procedure, a victim shall have and be entitled to assert each of the following rights:

1. The right to be treated with fairness, respect and dignity, and to be free from intimidation, harassment, or abuse, throughout the criminal justice process.
2. The right to be provided with written notice regarding those rights available to the victim under this rule and under any other provision of law.
3. Upon request, the right to be given reasonable notice of the date, time and place of any criminal proceeding.
4. The right to be present at all criminal proceedings.
5. The right to be notified of any escape of the defendant.
6. Upon request, the right to be informed of any release or proposed release of the defendant, whether that release be before expiration of the sentence or by expiration of the sentence, and whether it be permanent or temporary in nature.

7. Upon request, the right to confer with the prosecution, prior to trial when applicable, in connection with any decision involving the preconviction release of the defendant, a plea bargain, a decision not to proceed with a criminal prosecution, dismissal of charges, plea or sentence negotiation, a pretrial diversion program, or other disposition prior to trial; the rights to be heard at any such proceeding and at sentencing.

8. The right to be accompanied at any interview, deposition, or judicial proceeding by a parent or other relative, except persons whose testimony is required in the case. If the court finds, under this subsection 8 or subsection 9 below, that a party's claim that a person is a prospective witness is not made in good faith, it may impose any sanction it finds just, including holding counsel in contempt.

9. The right to name an appropriate support person, including a victim's caseworker, to accompany the victim at any interview, deposition, or court proceeding, except where such support person's testimony is required in the case.

10. The right to require the prosecutor to withhold, during discovery and other proceedings, the victim's date of birth, social security number, official state- or government-issued driver license or identification number, home address, telephone number, e-mail address, the address and telephone number of the victim's place of employment, and the name of the victim's employer; provided, however, that for good cause shown by the defendant, the court may order that such information be disclosed to defense counsel and may impose such further restrictions as are appropriate, including a provision that the information shall not be disclosed by counsel to any person other than counsel's staff and designated investigator and shall not be conveyed to the defendant.

11. The right to refuse an interview, deposition, or other discovery request by the defendant, the defendant's attorney, or other person acting on behalf of the defendant. After charges are filed, defense initiated requests to interview the victim shall be communicated to the victim through the prosecutor. The victim's response to such requests shall also be communicated through the prosecutor. If there is any comment or evidence at trial regarding the victim's refusal to be interviewed, the court shall instruct the jury that the victim has the right to refuse an interview under the Arizona Constitution. For purposes of a pretrial interview, a peace officer shall not be considered a victim if the act that would have made him or her a victim occurs while the peace officer is acting in the scope of his or her official duties.

12. At any interview or deposition to be conducted by defense counsel, the right to condition the interview or deposition on any of the following:

(i) Specification of a reasonable date, time, duration, and location of the interview or deposition, including a requirement that the interview or deposition be held at the victim's home, at the prosecutor's office, or in an appropriate location in the courthouse.

(ii) The right to terminate the interview or deposition if it is not conducted in a dignified and professional matter.

13. The right to a copy of any pre-sentence report provided the defendant except those parts excised by the court or made confidential by the law.

14. The right to be informed of the disposition of the case.

15. The right to a speedy trial or disposition and prompt and final conclusion of the case after conviction and sentence.

16. The right to be informed of a victim's right to restitution upon conviction of the defendant, of the items of loss included thereunder, and of the procedures for invoking the right.

***c. Assistance and Representation.***

1. The victim shall also have the right to the assistance of the prosecutor in the assertion of the rights enumerated in this rule or otherwise provided for by law. The prosecutor shall have the responsibility to inform the victim, as defined by these rules, of the rights provided by these rules and by law, and to provide the victim with notices and information which the victim is entitled by these rules and by law to receive from the prosecutor.

2. The prosecutor shall have standing in any judicial proceeding, upon the victim's request, to assert any of the rights to which the victim is entitled by this rule or by any other provision of law.

3. In any event of any conflict of interest between the state or any other prosecutorial entity and the wishes of the victim, the prosecutor shall have the responsibility to direct the victim to the appropriate legal referral, legal assistance, or legal aid agency.

4. In asserting any of the rights enumerated in this rule or provided for in any other provision of the law, the victim shall also have the right to engage and be represented by personal counsel of his or her choice.

***d. Victims Duty to Implement Rights.***

Any victim desiring to claim the notification rights and privileges provided by this rule must provide his or her full name, address and telephone number to the entity prosecuting the case and to any other entity from which notice is requested by the victim. If the victim is a corporation, partnership, association or other legal entity and has requested notice of the hearings to which it is entitled by law, that legal entity shall promptly designate a representative by giving notice thereof, including such representative's address and telephone number, to the prosecutor and to any other entity from which notice is requested by the victim. Upon receipt of such notice, the prosecutor shall notify the defendant and the court thereof. Thereafter, only such a designated representative shall be entitled to assert a claim to victims' rights on behalf of that legal entity. Any change in designation must be provided in writing to the prosecutor and to any other entity from which notice is requested by the victim.

***e. Waiver.***

The rights and privileges enumerated in this rule may be waived by any victim. Failure to keep the address and telephone number current or to designate such representative of a legal entity shall be considered as a waiver of notification rights under this rule.

***f. Court Enforcement of Victim Notice Requirements***

1. At the commencement of any proceeding which takes place more than seven days after the filing of charges by the prosecutor and at which the victim has a right to be heard, the court shall inquire of the prosecutor or otherwise ascertain whether the victim has requested notice and been notified of the proceeding.

2. If the victim has been notified as requested, the court shall further inquire of the prosecutor whether the victim is present. If the victim is present and the prosecutor advises the court that the victim wishes to be addressed by the court, the court shall inquire whether the victim has been advised by the prosecutor of the rights conferred by this rule. If the victim has not been so advised, the court shall recess the hearing and the prosecutor shall immediately comply with subsection (c)(1) of this rule. The court shall also provide the victim with a written list of the victims' rights enumerated in subsection (b) of this rule.

3. If the victim has not been notified as requested, the court should not proceed unless public policy, the specific provisions of a statute, or the interests of due process otherwise require. In the absence of such considerations the court shall have discretion to reconsider any ruling made at a proceeding of which the victim did not receive notice as requested.

***g. Appointment of Victim's Representative.***

Upon request, the court shall appoint a representative for a minor victim or a representative for an incapacitated victim, as provided by ARS § 13-4403. Notice of appointment of such representative shall be given by the court to the parties.

Current with amendments received through 7/15/15.

# STATE & COUNTY AGENCY CONTACT INFORMATION

(Information Current as of July 2015)

## **STATE AGENCIES**

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### **ATTORNEY GENERAL'S OFFICE OF VICTIM SERVICES**

- PHOENIX OFFICE (602) 542-4911
- TUCSON OFFICE (520) 628-6456 [www.azag.gov/victim-services](http://www.azag.gov/victim-services)

### **ARIZONA DEPARTMENT OF CORRECTIONS OFFICE OF VICTIM SERVICES**

(602) 542-1853 <https://corrections.az.gov/victim-services>

### **BOARD OF EXECUTIVE CLEMENCY**

(602) 542-5656 [www.boec.az.gov](http://www.boec.az.gov)

### **ARIZONA DEPARTMENT OF JUVENILE CORRECTIONS**

#### **OFFICE FOR RESTORATIVE JUSTICE**

(602) 364-3513 [www.azdjcc.gov/FamilyServices/VictimsRights.asp](http://www.azdjcc.gov/FamilyServices/VictimsRights.asp)

### **ARIZONA DEPARTMENT OF PUBLIC SAFETY (DPS)**

(602) 223-2000 [www.azdps.gov/Services/Crime\\_Victims/](http://www.azdps.gov/Services/Crime_Victims/)

### **ARIZONA DEPARTMENT OF HEALTH**

(602) 542-1025 [www.azdhs.gov](http://www.azdhs.gov)

- ARIZONA STATE HOSPITAL (602) 244-1331 [www.azdhs.gov/azsh](http://www.azdhs.gov/azsh)

### **ARIZONA 211 (FORMERLY COMMUNITY INFORMATION & REFERRAL SERVICES)**

211 (Within AZ) [www.cir.org](http://www.cir.org)  
877-211-8661

## **APACHE COUNTY**

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[www.co.apache.az.us](http://www.co.apache.az.us)

### **APACHE COUNTY ATTORNEY'S OFFICE**

- VICTIMS' SERVICES/VICTIM COMPENSATION (928) 337-7560
- APACHE COUNTY SHERIFF'S OFFICE (928) 337-4321
- DETENTION/COUNTY JAIL (928) 337-7662

### **APACHE COUNTY SUPERIOR COURT**

- CLERK OF THE COURT (928) 337-7555
- ADULT/JUVENILE PROBATION (928) 337-7550
- (928) 337-7571

## **COCHISE COUNTY**

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[www.cochise.az.gov](http://www.cochise.az.gov)

### **COCHISE COUNTY ATTORNEY'S OFFICE**

- VICTIM WITNESS PROGRAM/VICTIM COMPENSATION (520) 432-8700
- COCHISE COUNTY SHERIFF'S OFFICE (520) 432-9505
- DETENTION DIVISION (520) 432-7540

### **COCHISE COUNTY SUPERIOR COURT**

- CLERK OF THE COURT (520) 432-8600
- ADULT PROBATION (520) 432-8800
- JUVENILE PROBATION (520) 432-7523

## **COCONINO COUNTY**

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[www.coconino.az.gov](http://www.coconino.az.gov)

### **COCONINO COUNTY ATTORNEY'S OFFICE**

- VICTIM WITNESS SERVICES/VICTIM COMPENSATION (928) 679-8200
- COCONINO COUNTY SHERIFF'S OFFICE (928) 679-7770
- DETENTION DIVISION (928) 774-4523
- (928) 226-5200

### **COCONINO COUNTY SUPERIOR COURT**

- CLERK OF THE COURT (928) 679-7600
- ADULT PROBATION (928) 679-8400
- JUVENILE PROBATION (928) 226-5400

## **GILA COUNTY**

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[www.gilacountyaz.gov](http://www.gilacountyaz.gov)

### **GILA COUNTY ATTORNEY'S OFFICE**

- VICTIM SERVICES/VICTIM COMPENSATION (928) 402-8630
- GILA COUNTY SHERIFF'S OFFICE (928) 425-4449
- JAIL BUREAU (928) 425-7853

### **GILA COUNTY SUPERIOR COURT**

- (928) 425-3231
- CLERK OF THE COURT (928) 402-8866
- ADULT/JUVENILE PROBATION (928) 425-7971

## **GRAHAM COUNTY**

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[www.graham.az.gov](http://www.graham.az.gov)

### **GRAHAM COUNTY ATTORNEY'S OFFICE**

- VICTIM WITNESS/VICTIM COMPENSATION (928) 428-3620
- GRAHAM COUNTY SHERIFF'S OFFICE (928) 428-4787
- ADULT DETENTION (928) 428-3141
- (928) 428-3955

### **GRAHAM COUNTY SUPERIOR COURT**

- (928) 428-3310
- CLERK OF THE COURT (928) 428-3100
- ADULT/JUVENILE PROBATION (928) 428-3955

## **GREENLEE COUNTY**

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[www.co.greenlee.az.us](http://www.co.greenlee.az.us)

### **GREENLEE COUNTY ATTORNEY'S OFFICE**

- VICTIM SERVICES/VICTIM COMPENSATION (928) 865-4108
- GREENLEE COUNTY SHERIFF'S OFFICE (928) 865-4149
- ADULT DETENTION (928) 865-4149

### **GREENLEE COUNTY SUPERIOR COURT**

- (928) 865-3872
- CLERK OF THE COURT (928) 865-4242
- ADULT/JUVENILE PROBATION (928) 865-4184

## **LA PAZ COUNTY**

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[www.co.la-paz.az.us](http://www.co.la-paz.az.us)

### **LA PAZ COUNTY ATTORNEY'S OFFICE**

- VICTIM SERVICES/VICTIM COMPENSATION (928) 669-6118
- LA PAZ COUNTY SHERIFF'S OFFICE (928) 669-6141
- ADULT DETENTION (928) 669-5816

### **LA PAZ COUNTY SUPERIOR COURT**

- (928) 669-6134
- CLERK OF THE COURT (928) 669-6131
- ADULT/JUVENILE PROBATION (928) 669-6188

# STATE & COUNTY AGENCY CONTACT INFORMATION

(Information Current as of July 2015)

## MARICOPA COUNTY

[www.maricopa.gov](http://www.maricopa.gov)

### **MARICOPA COUNTY ATTORNEY'S OFFICE**

- VICTIM SERVICES DIVISION
- VICTIM COMPENSATION

(602) 506-3411  
(602) 506-8522  
(602) 506-4955  
(602) 876-1011  
(602) 876-0322  
(602) 876-8276

### **MARICOPA COUNTY SHERIFF'S OFFICE**

- COUNTY JAILS
- VICTIMS' ASSISTANCE & NOTIFICATION UNIT

### **MARICOPA COUNTY SUPERIOR COURT**

- CLERK OF THE COURT (602) 372-5375
- ADULT PROBATION/VICTIM SERVICES UNIT (602) 372-8286
- JUVENILE PROBATION/VICTIM SERVICES (602) 506-4471

## MOHAVE COUNTY

[www.mohavecounty.us](http://www.mohavecounty.us)

### **MOHAVE COUNTY ATTORNEY'S OFFICE**

- VICTIM WITNESS PROGRAM/ VICTIM COMPENSATION

(928) 753-0719  
(928) 718-4967  
(928) 753-0753  
(928) 753-0759

### **MOHAVE COUNTY SHERIFF'S OFFICE**

- JAIL DETENTION

### **MOHAVE COUNTY SUPERIOR COURT**

- CLERK OF THE COURT (928) 753-0713
- ADULT/JUVENILE PROBATION: VICTIMS' RIGHTS (928) 753-0741

## NAVAJO COUNTY

[www.navajocountyaz.gov](http://www.navajocountyaz.gov)

### **NAVAJO COUNTY ATTORNEY'S OFFICE**

- VICTIM SERVICES DIVISION/VICTIM COMPENSATION

(928) 524-4026  
(928) 524-4050  
(928) 524-4450

### **NAVAJO COUNTY SHERIFF'S OFFICE**

- DETENTION CENTER

### **NAVAJO COUNTY SUPERIOR COURT**

- CLERK OF THE COURT (928) 524-4188
- ADULT/JUVENILE PROBATION (928) 524-4144

## PIMA COUNTY

[www.pima.gov](http://www.pima.gov)

### **PIMA COUNTY ATTORNEY'S OFFICE**

- VICTIM SERVICES DIVISION/VICTIM COMPENSATION

(520) 740-5600  
(520) 740-5525  
(520) 351-4600  
(520) 351-8111

### **PIMA COUNTY SHERIFF'S OFFICE**

- COUNTY JAIL

### **PIMA COUNTY SUPERIOR COURT**

- CLERK OF THE COURT (520) 724-3200
- ADULT PROBATION (520) 724-3800

## PINAL COUNTY

[www.pinalcountyaz.gov](http://www.pinalcountyaz.gov)

### **PINAL COUNTY ATTORNEY'S OFFICE**

- VICTIM ADVOCACY UNIT/VICTIM COMPENSATION

(520) 866-6271  
(520) 866-6813

### **PINAL COUNTY SHERIFF'S OFFICE**

- ADULT DETENTION

(520) 866-6800  
(520) 866-5180

### **PINAL COUNTY SUPERIOR COURT**

- CLERK OF THE COURT (520) 866-5400
- ADULT PROBATION (520) 866-5600

### **PINAL COUNTY JUVENILE COURT**

- JUVENILE PROBATION (520) 866-7065

## SANTA CRUZ COUNTY

[www.santa-cruz.az.us](http://www.santa-cruz.az.us)

### **SANTA CRUZ COUNTY ATTORNEY'S OFFICE**

- VICTIM SERVICES PROGRAM/VICTIM COMPENSATION

(520) 375-7780  
(520) 281-5868  
(520) 761-7869  
(520) 761-7875

### **SANTA CRUZ COUNTY SHERIFF'S OFFICE**

- DETENTION CENTER

### **SANTA CRUZ COUNTY SUPERIOR COURT**

- CLERK OF THE COURT
- ADULT/JUVENILE PROBATION (520) 375-7700  
(520) 375-7600

## YAVAPAI COUNTY

[www.yavapai.us](http://www.yavapai.us)

### **YAVAPAI COUNTY ATTORNEY'S OFFICE**

- VICTIM SERVICES/VICTIM COMPENSATION

(928) 771-3344  
(928) 771-3485

### **YAVAPAI COUNTY SHERIFF'S OFFICE**

- DETENTION SERVICES

(928) 771-3260

### **YAVAPAI COUNTY SUPERIOR COURT**

- CLERK OF THE COURT (928) 771-3483  
(928) 771-3312
- ADULT PROBATION (928) 771-3332
- JUVENILE PROBATION (928) 771-3156

## YUMA COUNTY

[www.co.yuma.az.us](http://www.co.yuma.az.us)

### **YUMA COUNTY ATTORNEY'S OFFICE**

- VICTIM SERVICES DIVISION/VICTIM COMPENSATION

(928) 817-4300  
(928) 817-4303  
(928) 783-4427  
(928) 782-9871

### **YUMA COUNTY SHERIFF'S OFFICE**

- ADULT DETENTION

### **YUMA COUNTY SUPERIOR COURT**

- CLERK OF THE COURT (928) 817-4083  
(928) 817-4222
- ADULT PROBATION (928) 329-2210
- JUVENILE PROBATION (928) 314-1832



## Rights as a Crime Victim of an Adult Offense\*

### Responsible Party

Victim	Law Enforcement (Police/Sheriff)	Custodial Agency (Short/Trial)	Prosecutor	Court	Probation	Corrections	Board of Executive Clemency	Health Dept./ Mental Health Facility
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	Victim	Law Enforcement (Police/Sheriff)	Custodial Agency (Short/Trial)	Prosecutor	Court	Probation	Corrections	Board of Executive Clemency	Health Dept./ Mental Health Facility
<b>THROUGHOUT THE CRIMINAL JUSTICE PROCESS, a victim has the right...</b>									
To be treated with fairness, respect and dignity, and to be free from intimidation, harassment or abuse. Ariz. Const., Art. 2, § 2.1(A)(1)		✓	✓	✓	✓	✓	✓	✓	✓
To ask the prosecutor in certain kinds of cases to petition the court for an order requiring the defendant to be tested for Human Immunodeficiency Virus (HIV) and other specified sexually transmitted diseases, and, if so ordered, to be notified of the results. A.R.S. § 13-1415	✓			✓	✓				✓
To designate a lawful representative or have the court appoint a lawful representative to exercise rights and to revoke this designation at any time. A.R.S. § 13-4403	✓				✓				
To be present throughout all court proceedings in which the defendant has the right to be present. Ariz. Const., Art. 2, § 2.1(A)(3); A.R.S. § 13-4420	✓			✓					
To safeguards before, during, and immediately after any court proceeding to minimize contact from suspect. A.R.S. § 13-4431					✓				
To have all identifying and locating information obtained by law enforcement agency or prosecution agency protected. Including victim's DOB, SSN, DL or ID number, address, telephone number, e-mail address, and place of employment. A.R.S. § 13-4434		✓	✓	✓	✓	✓	✓	✓	
To a speedy trial or disposition. Prompt conclusion of case. Ariz. Const., Art. 2, § 2.1(A)(10) & A.R.S. § 13-4435(A)		✓		✓	✓				
To expect that reasonable efforts are made in notification of requests for a continuance. A.R.S. § 13-4435(B)				✓	✓				
To expect that in granting a continuance in any proceeding, reasons will be stated for the continuance on record and the victim's views and right to a speedy trial shall be considered. A.R.S. § 13-4435 (F)					✓				
To request of a reexamination proceeding within ten days of the proceeding at which a victim's right was denied or with leave of the court for good cause shown. A.R.S. § 13-4436(A)	✓				✓				
To have standing in a trial court or appellate proceeding to enforce a right. To recover damages from a governmental entity responsible for the intentional, knowing or grossly negligent violation of right(s). A.R.S. § 13-4437(A)(B)	✓				✓				
To have victims' rights posted and/or read in court. A.R.S. § 13-4438					✓				
To leave work, if employer has 50 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, to: A.R.S. § 13-4439(A) 1. Exercise right to be present at a proceeding. 2. Obtain or attempt to obtain a protective order or any other injunctive relief to help ensure the health, safety or welfare of the victim or the victim's child.	✓			✓					
<b>At the detection of a CRIMINAL OFFENSE, a victim has the right...</b>									
To be provided an electronic form, pamphlet, information cards or other materials by law enforcement, to request or waive rights, designate a lawful representative, and be informed of the following: A.R.S. § 13-4405 <ul style="list-style-type: none"> <li>Constitutional right to be treated with fairness, respect and dignity and to be free of intimidation, harassment or abuse;</li> <li>Availability of crisis intervention services, emergency and medical services, and reimbursement for medical expenses arising out of the need to secure evidence;</li> <li>In cases of domestic violence, procedures and resources available for protection;</li> <li>Names and telephone numbers of public and private victim assistance programs, including the county victim compensation program and programs that provide counseling, treatment, and other supportive services;</li> <li>The police report number, if available, other identifying case information, and the following statement: If within thirty days you are not notified of an arrest in your case, you may call (the law enforcement agency's telephone number) for the status of the case.</li> <li>Notification by the law enforcement agency at the earliest opportunity after the arrest of a suspect;</li> <li>Upon arrest, can request to be informed of the suspect's release, schedule for initial appearance and right to be heard, and that, to exercise these rights, victim is to contact custodial agency regarding the release and contact the court regarding any changes to the initial appearance schedule.</li> <li>If exercising the right to be heard through a written statement, how statement may be submitted to the court.</li> <li>Victim or immediate family member of the victim, if victim is killed or incapacitated, has the right to receive copy of the police report, including supplements to the report, from the investigating law enforcement agency at no charge for Part 1 crimes.</li> </ul>		✓							
To be informed of the date, time and place of the initial appearance of the accused. A.R.S. § 13-4406		✓							
Upon request, to receive a copy of the terms and conditions when the accused is released. A.R.S. § 13-4407	✓		✓						
To receive notice when the accused has been released or has escaped and subsequent re-arrest. Ariz. Const., Art. 2, § 2.1(A)(2); A.R.S. § 13-4412(B)			✓						
To be present and heard at any proceeding in which the court considers the accused's post-arrest release or release conditions, including the suspect's initial appearance. A.R.S. §§ 13-4421; 13-4422	✓				✓				
To be informed of right to petition the court if the prosecutor decides not to move to revoke the bond or personal recognizance of the defendant based on a notarized statement asserting the harassment, threats, physical violence or intimidation (against victim or immediate family) by the defendant or on behalf of the defendant has occurred. A.R.S. § 13-4432	✓			✓	✓				
Upon request, to receive one copy of the police report for part I crimes from the investigating law enforcement agency at no charge and the court or the clerk of the court shall provide, at no charge, the minute entry or portion of the record of any proceeding in the case that arises out of the offense and that is reasonably necessary for the purpose of pursuing a claimed victim's right. A.R.S. § 39-127	✓	✓			✓				
<b>At the PROSECUTORIAL REVIEW/CHARGING stage, a victim has the right...</b>									
To be informed of the date, time, and place of the suspect's initial appearance if it is in response to a summons or writ of habeas corpus. A.R.S. § 13-4406				✓					
Upon request, to receive a copy of the terms and conditions of the accused's release if appeared in response to a summons. A.R.S. § 13-4407	✓			✓					
To be informed within seven days of criminal charges, including: A.R.S. § 13-4408(A) <ul style="list-style-type: none"> <li>Victims' rights;</li> <li>Charge(s) against the defendant and clear explanation of the criminal justice process;</li> <li>Procedures to invoke right to confer with prosecuting attorney; and</li> <li>Person in prosecutor's office to contact for more information about the case.</li> <li>Right to request a pre-conviction restitution lien</li> </ul>				✓					
To be informed if the prosecuting attorney declines to proceed with the case before the decision is final, including: Ariz. Const., Art. 2, § 2.1(A)(6); A.R.S. § 13-4408(B) <ul style="list-style-type: none"> <li>Reason(s) for declination; and</li> <li>Opportunity to confer with the prosecutor before the decision is final, upon request.</li> </ul>				✓					
<b>At the PRE-TRIAL stage, a victim has the right...</b>									
To receive notice of all scheduled proceedings and any changes in that schedule. A.R.S. § 13-4409				✓	✓				
Upon request, to confer with the prosecuting attorney before a trial begins. Ariz. Const., Art. 2, § 2.1(A)(6); A.R.S. § 13-4419(B)	✓			✓					
Upon request, to have property returned taken in the course of the investigation or receive an explanation as to why the property cannot be returned. A.R.S. § 13-4429(A)	✓	✓		✓	✓				
To refuse an interview by the defendant, deposition, or any other discovery request by the defense. If consenting to a defense interview, to select a time and place, impose other conditions, refuse to answer any question(s), or terminate the interview at any time. Ariz. Const., Art. 2, § 2.1(A)(5); A.R.S. § 13-4433(A)(D)	✓			✓					



## Rights as a Crime Victim of an Adult Offense\*

	Responsible Party							
	Victim	Law Enforcement (Police/Sheriff)	Custodial Agency (Sheriff/Jail)	Prosecutor	Court	Probation	Corrections/Clemency	Health Dept./ Mental Health Facility
<b>At the stage of RESOLVING THE CHARGES, a victim has the right...</b>								
Upon request, to confer with the prosecuting attorney and provide view about the disposition of a criminal offense, decision not to proceed with a criminal prosecution, dismissal, plea, or sentence negotiations and pretrial diversion programs. A.R.S. § 13-4419(A)	✓			✓				
To be present and heard at a hearing regarding a plea, and to be notified of the right to be present and heard. Ariz. Const., Art. 2, § 2.1(A)(4); A.R.S. § 13-4423(A)(B)(2)	✓			✓	✓			
To expect that a plea shall not be accepted unless reasonable efforts have been made to comply with victims' rights. A.R.S. § 13-4423(B)				✓	✓			
To have facility dog, if available, accompaniment while testifying in court if the victim is under eighteen years of age. If eighteen or older, the court may allow the use of the facility dog. A.R.S. § 13-4442	✓				✓			
<b>At the SENTENCING stage, a victim has the right...</b>								
To receive notice within 15 days after the conviction, acquittal, or dismissal of the charge(s) against the defendant. A.R.S. § 13-4410(A)				✓				
To be informed within 15 days, upon the defendant's conviction, of the function of a Pre-Sentence Report and the name and phone number of the probation department preparing the report. A.R.S. § 13-4410(B)(1)(2)				✓				
To make a Victim Impact Statement in writing or orally to the probation officer for use in the Presentence Report. A.R.S. §§ 13-4410(B)(3); 13-4424(A)	✓			✓		✓		
Upon request, to review portions not excised by the court, of the Pre-sentence Report and receive notice that the defendant has the right to view. Ariz. Const., Art. 2, § 2.1(A)(7); A.R.S. §§ 13-4410(B)(4)(5); 13-4425	✓				✓			
To be present and heard at any proceeding involving sentencing or disposition. Ariz. Const., Art. 2, § 2.1(A)(4); A.R.S. §§ 13-4410(B)(6); 13-4426	✓				✓			
To receive notice of the time, place, and date of the sentencing proceeding. A.R.S. § 13-4410(B)(7)				✓	✓			
If the court orders restitution, to be informed of the right to file a restitution lien and the right to request a payment history from the Clerk of Court. A.R.S. §§ 13-4410(B)(8); 13-806(A); 13-810; 31-412				✓				
To present evidence, information, and opinions that concern the offense, defendant, sentence or the need for restitution at any aggravation, mitigation, presentence, or sentence proceeding. A.R.S. §§ 13-4410(C); 13-4426	✓				✓			
To provide a Victim Impact Statement in writing, orally, video or any other digital media that is available to the court at the sentencing proceeding. A.R.S. § 13-4428(B)	✓				✓			
<b>At the POST-CONVICTION stage, a victim has the right...</b>								
To receive prompt restitution from the convicted that caused loss or injury. Ariz. Const., Art. 2, § 2.1(A)(8); A.R.S. § 13-804(E)					✓	✓		
To bring a separate civil action for damages in excess of the amount of restitution. A.R.S. § 13-807	✓							
Upon request, to receive a copy of the terms and conditions of the accused's release. The copy of the terms of conditions of release may be provided to the victim in an electronic form, pamphlet, information card or other material. A.R.S. § 13-4407			✓				✓	
To receive notice of the sentence imposed on the defendant within 15 days of sentencing. A.R.S. § 13-4411(A)				✓				
To receive a form that allows post-conviction notice request of all: A.R.S. § 13-4411(B)					✓			
<ul style="list-style-type: none"> <li>Post-conviction review and appellate proceedings;</li> <li>Post-conviction set-aside applications;</li> <li>Post-conviction release proceedings;</li> <li>Probation modification proceedings that impact the victim;</li> <li>Probation revocation or termination proceedings;</li> <li>Any decision(s) that arise out of these proceedings; and,</li> <li>All releases and escapes.</li> </ul>				✓				
To receive notice of any post-conviction or appellate proceeding and the decisions arising out of those proceedings. A.R.S. § 13-4411(D)				✓				
To be informed of how to request not to receive mail from an inmate. Should this be requested, the inmate shall be notified. A.R.S. § 13-4411.01	✓			✓			✓	
To receive notice when the convicted person has escaped and subsequent re-arrest has been made. Ariz. Const., Art. 2, § 2.1(A)(2); A.R.S. § 13-4412(B)			✓				✓	
To receive notice of the defendant's earliest release date, if the sentence exceeds six months within 30 days of receiving the post-conviction notice request. A.R.S. § 13-4413(A)(1)							✓	
To receive notice when the convicted person is released at least 15 days prior to release. Ariz. Const., Art. 2, § 2.1(A)(2); A.R.S. § 13-4413(A)(2)(B)			✓				✓	
To receive notice at least 15 days after the death of a convicted person. A.R.S. § 13-4413(A)(3)(B)			✓				✓	
To be heard at any proceeding where post-conviction release from confinement is being considered. Ariz. Const., Art. 2, § 2.1(A)(9); A.R.S. § 13-4414	✓				✓			✓
To receive notice of any post-conviction release hearing at least 15 days prior to a hearing, and to receive notice of the decision within 15 days after. A.R.S. § 13-4414(B)(C)								✓
To receive any electronic recordings that are made during a post-conviction release hearing, on request, free of charge. A.R.S. § 13-4414 (D)								✓
To receive notice of the following proceedings where there is a(n): A.R.S. § 13-4415(A)**								
<ul style="list-style-type: none"> <li>Probation revocation disposition;</li> <li>Court is asked to terminate the probation;</li> <li>Proposed modification of terms are presented; and,</li> <li>Arrest of a person on supervised probation who is arrested pursuant to a warrant issued for a probation violation.</li> </ul>					✓	✓		
To receive notice of: A.R.S. § 13-4415(B)**								
<ul style="list-style-type: none"> <li>Any proposed modification to terms of probation if the modification affects restitution, incarceration status, or the safety;</li> <li>Right to be heard at a hearing that is set to consider any modification to be made to any term of probation;</li> <li>Any violation of any term of probation that results in filing of a petition to revoke probation;</li> <li>Petition to revoke probation alleging that defendant absconded; and,</li> <li>Any conduct by the defendant that raises a substantial concern for safety.</li> </ul>					✓	✓		
To be heard at any probation revocation disposition or termination hearing. A.R.S. § 13-4427	✓				✓			
To receive notice of the defendant's discharge from a mental health hospital at least ten days prior to release. A.R.S. § 13-4416(A)								✓
To receive notice when the accused or convicted person escapes from a mental health hospital and to be informed of subsequent readmission. A.R.S. § 13-4416(B)								✓
Upon request, to have property released if a photograph can be substituted. A.R.S. § 13-4429(B)	✓	✓		✓	✓			
To seek to set aside the post-conviction release if not afforded the opportunity to be present or heard, and shall be afforded a reexamination proceeding after the parties are given notice. A.R.S. § 13-4436(C)(D)	✓				✓		✓	✓
To be present, heard, and notified at a proceeding in which a person's factual innocence is being considered, and to receive notice of the determination within 15 days after the order is entered. A.R.S. § 13-4440	✓			✓				
To be present, heard, and notified at least 15 days in advance of a proceeding in which the defendant has filed a petition to restore the right to possess a firearm. A.R.S. § 13-4441	✓			✓				

\*Chart is based on victim opting in for rights pursuant to A.R.S. §§13-4405; 13-4411(B).

\*\*For felony crimes, probation is responsible for notification to victims; for misdemeanor crimes, the court is responsible for notification to victims.

## Case Information

Offense Date: \_\_\_\_\_

Agency Reported to: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Police Report Number: \_\_\_\_\_

Suspect/Defendant Name(s): \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Initial Appearance Date: \_\_\_\_\_

Cause (CR) Number: Preliminary Hearing Date: \_\_\_\_\_

Prosecuting Agency: Internal Agency Case Number: \_\_\_\_\_

Prosecuting Attorney Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Crime Victim Advocate Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Defense Attorney Name: \_\_\_\_\_

Judge: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Courtroom: \_\_\_\_\_

Pretrial Hearing Date(s): \_\_\_\_\_

Trial Date: Presentence Hearing Date: \_\_\_\_\_

Presentence Investigator: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Aggravation/Mitigation Hearing Date: \_\_\_\_\_

Sentencing Date: County Clerk's Office: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Probation Officer: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Inmate (ADC) Number: Prison Unit: \_\_\_\_\_

Parole Officer: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Other Names and Numbers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Information in this Guide is general and subject to change. If you have questions, please contact the Attorney General's Office of Victim Services at (602) 542-4911, or toll free at (866) 742-4911.