

VICTIMS' RIGHTS BRIEF

For Arizona's Justice System Administrators, Practitioners and Advocates



Office of the Arizona
Attorney General
Mark Brnovich
2005 North Central Ave.
Phoenix, AZ 85004
602-542-4911
www.azag.gov

INSIDE THIS ISSUE:

Page 1: FY20 Victims' Rights
Complaint Program -
A Year in Review

Page 2: Victims' Rights
Violations by Statute

Page 3: Violations cont'd

Page 3: Victims' Rights
Education /
VOCA requirements

If you have questions,
suggestions or an idea
for an article, contact
Colette Chapman at
(602) 542-8848 or email
Colette.Chapman@azag.gov.



Colette Chapman

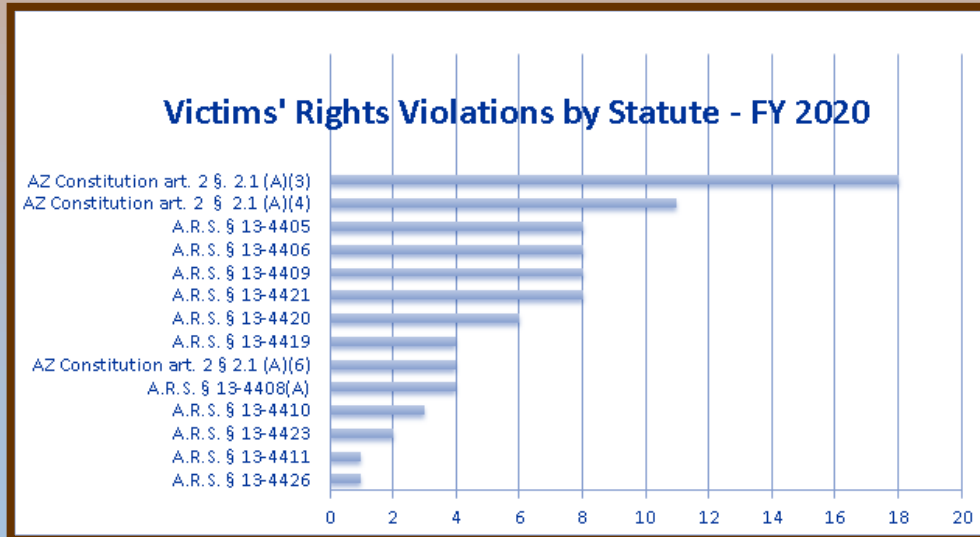
FY 2020 Victims' Rights Complaint Program - A Year in Review

The mission of the Attorney General's Office of Victim Services (AGO/OVS) is to promote justice and healing for people affected by crime in the state of Arizona. The AGO/OVS's nationally recognized multidisciplinary approach, in its work toward this mission, includes the Victims' Rights Complaint Program. True to its commitment to furthering justice inclusive of victims' rights, the Arizona Attorney General's Office of Victim Services employs a State Victims' Rights Administrator for Compliance (Compliance Administrator) who receives and examines victims' rights complaints in a neutral and unbiased manner for the purpose of facilitating resolution in furtherance of the law. The Compliance Administrator position was established in 1999 as a result of a recognized need for enforcement of victims' rights laws and accountability of those responsible for providing mandated victims' rights services. This edition of the Victims' Rights Brief is an overview of the victims' rights complaints that were substantiated during the FY 2020 fiscal year.

In FY 2020, the Compliance Administrator received 35 victims' rights complaints that alleged victims' rights violations occurred in his/her case. Additionally, 20 victims' rights complaints carried over from the previous fiscal year making a total of 55 complaints in the investigative process throughout course of the year. Of the 55 complaints, 42 were completed and 11 victims' rights complaints were substantiated with a total of 86 violations. Twelve agencies were subsequently issued a letter(s) of findings outlining the complainant's allegation(s) and the agency's violation(s). The most frequent findings involved issues relating to the AZ Constitution, art. 2 § 2.1(A) (3), victims' right to be present and informed of all criminal proceedings; and AZ Constitution, art. 2 § 2.1(A)(4), victims' right to be heard at any proceeding involving a post arrest release decision, a negotiated plea and sentencing.

The Compliance Administrator bases findings and conclusions of victims' rights complaints on the documentation provided or otherwise discovered during the investigation, court documents, and information obtained through interviews.

VICTIMS' RIGHTS BRIEF



- ◆ **AZ Const. art. 2 § 2.1(A)(3)** To be present at and, upon request, to be informed of all criminal proceedings where the defendant has the right to be present.
- ◆ **AZ Const. art. 2 § 2.1(A)(4)** To be heard at any proceeding involving a post arrest release decision, a negotiated plea, and sentencing.
- ◆ **A.R.S. § 13-4405.** Information provided to victim by law enforcement agencies
- ◆ **A.R.S. § 13-4406.** Notice of initial appearance
- ◆ **A.R.S. § 13-4409.** Notice of criminal proceedings
- ◆ **A.R.S. § 13-4421.** Initial Appearance
- ◆ **A.R.S. § 13-4420.** Criminal proceedings; right to be present
- ◆ **A.R.S. § 13-4419.** Victim Conference with prosecuting attorney
- ◆ **AZ Const. art. 2 § 2.1 (A)(6)** To confer with the prosecution, after the crime against the victim has been charged, before trial or before any disposition of the case and to be informed of the disposition.
- ◆ **A.R.S. § 13-4408(A).** Pretrial Notice
- ◆ **A.R.S. § 13-4410.** Notice of conviction, acquittal or dismissal; impact statement
- ◆ **A.R.S. § 13-4423.** Plea negotiation proceedings
- ◆ **A.R.S. § 13-4411.** Notice of post-conviction review and appellate proceedings
- ◆ **A.R.S. § 13-4426.** Sentencing



VICTIMS' RIGHTS BRIEF

A review of the past three years revealed that the AZ Const. art. 2 § 2.1(A)(3) "... [t]o be present at and, upon request, to be informed of all criminal proceedings where the defendant has the right to be present" had the **most violations**. The violations cannot be attributed to one agency type as prosecuting agencies, law enforcement and probation departments alike were all identified as violating this section.

There are other issues that are revealed during the course of an investigation that are significant and demand attention. One such issue that arose more than once during this reporting period is that of A.R.S. 13-4403(C)(D) related to **lawful representatives of minors**. Prosecuting agencies and the courts need to carefully consider the guidelines in this statute to determine whether or not an immediate family member is the best one to serve as a lawful representative for a minor child when DCS is not involved. Advocates can play a key role as well, by alerting prosecutors to any concern that the lawful representative may not be acting in the best interest of the minor.

The OVS provides a **yearly account of substantiated victims' rights violations** in an effort to make those providing mandated victims' rights aware of issues and areas of concern throughout the state. Our office recommends that all agencies, regardless if your agency had a victims' rights complaint filed, take the opportunity to review your agency's policies and procedures, daily practices, and notification letters against the statutory requirements.



It should be noted that criminal justice agencies are responsive to OVS recommendations provided in the letter of findings.

One example is that of a law enforcement agency requesting and receiving victims' rights training from the OVS for its entire sworn staff.

As a result of a complaint, whether substantiated or not, agencies gain an increased awareness of victims' rights and evaluate how their agency is devoting efforts in serving victims.

OVS Education and Outreach



The OVS Outreach Team is excited to announce that OVS victims' rights presentations* (including the VOCA required Basic and Advanced Victims' Rights) are now being offered as webinars through BigMarker.com. Participants must have video capabilities to receive attendance credit. The webinars are highly interactive to maintain the quality presentations you have all come to expect from OVS. For more details, including current webinar dates and registration, please visit <https://www.azag.gov/criminal/victim-services/training>

**AZPOST & COJET certified*

VOCA Requirements

- All governmental and nonprofit sub-recipient VOCA and match staff, along with their first line supervisor(s), must attend the BASIC training at least once every five years.
- All governmental sub-recipient VOCA and match staff, along with their first line supervisor(s), must attend the ADVANCED class each year. Advanced training is optional for nonprofit sub-recipients.

