

# VICTIMS' RIGHTS BRIEF

For Arizona's Justice System Administrators, Practitioners and Advocates



Office of the Arizona  
Attorney General  
Mark Brnovich

1275 West Washington St.  
Phoenix, AZ 85007  
Phone: 602-542-4911  
Fax: 602-542-7453  
Online: [www.azag.gov](http://www.azag.gov)

## INSIDE THIS ISSUE:

**Page 2:** FY2016 Victims' Rights Violations Statistics

**Page 3:** Specific Concerns related to A.R.S. § 13-4423

**Page 4:** General Tips for Compliance

**Page 5:** Attorney General's Office Distinguished Service Awards - Call for Nominations

**Page 5:** Save the Date: 2017 Victims' Rights Week Event

The **Victims' Rights Brief** is published by the Office of the Arizona Attorney General, Office of Victim Services. The goal in generating the Brief is to promote justice and healing for crime victims by sharing information and fostering sensitivity within the justice system.

To learn more about victims' rights visit us at [www.azag.gov/victim-services](http://www.azag.gov/victim-services)

If you have questions, suggestions or an idea for an article, contact **Colette Chapman** at (602) 542-8848 or email [colette.chapman@azag.gov](mailto:colette.chapman@azag.gov).

## Victims' Rights Compliance - FY2016

# A Call to Action!

In 1999, the Victims' Rights Enforcement Officer was established within the Victim Services Section as a result of a recognized need for enforcement of victims' rights laws and accountability of those responsible for providing mandated victims' rights. This position continues today within the Office of Victim Services (OVS) as the State Victims' Rights Administrator for Compliance (Compliance Administrator).

The Compliance Administrator receives and examines victims' rights complaints in a neutral and unbiased manner in order to facilitate resolution in furtherance of the law. The Compliance Administrator assists crime victims by promoting participation in the justice process and ensuring that justice is served through upholding victims' rights. For criminal and juvenile justice agencies, the Compliance Administrator provides support and technical assistance to aid agencies in performing mandated victims' rights services. The Compliance Administrator promotes accountability, provides feedback and recommendations to ensure compliance, and exonerates agencies from unjustified criticism when alleged violations are unfounded.

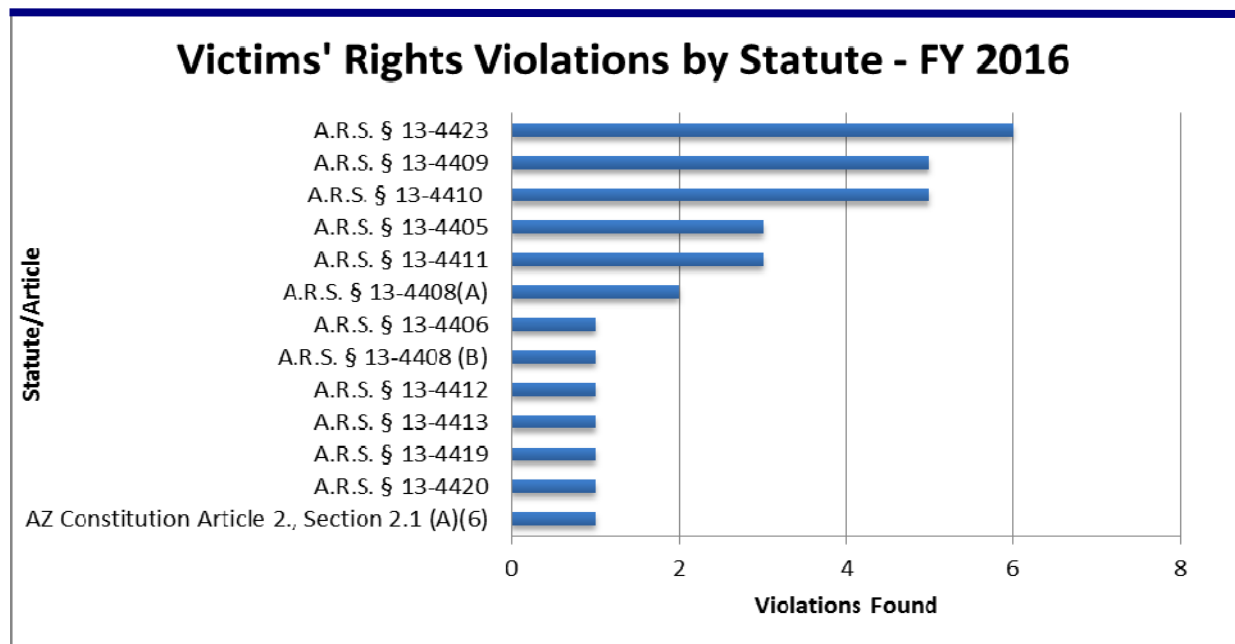
The OVS observed a high number of substantiated victim's rights violations during FY2016. The goal of this Victims' Rights Brief is to bring compliance issues to the forefront as a **call to action** so that agencies and persons responsible for providing mandated victims' rights services will review current practices and take the important steps necessary to ensure victims' rights are upheld.

This edition of the Victims' Rights Brief will review findings of victims' rights violations during the FY2016, address specific concerns related to plea negotiation proceedings, and provide general tips for compliance.

## FY2016 VICTIMS' RIGHTS VIOLATIONS: STATISTICS

The Compliance Administrator responded to 31 complaints that were investigated as alleged victims' rights violations. Of the 31 investigations, 31 violations were found and 14 agencies (courts, law enforcement and prosecutorial) were subsequently issued a letter of findings outlining the complainant's allegation and the agency's violation(s).

As indicated in the graph below, the most frequent findings involved issues surrounding A.R.S. § 13-4423, plea negotiation proceedings; A.R.S. § 13-4409, notice of criminal proceedings; and A.R.S. § 13-4410 notice of conviction, acquittal or dismissal.



- ◆ A.R.S. § 13-4423 - **Plea negotiation proceedings**
- ◆ A.R.S. § 13-4409 - **Notice of criminal proceedings**
- ◆ A.R.S. § 13-4410 - **Notice of conviction, acquittal or dismissal; impact statement**
- ◆ A.R.S. § 13-4405 - **Information provided to victim by law enforcement agencies**
- ◆ A.R.S. § 13-4411 - **Notice of sentence imposed, post-conviction review and appellate proceedings**
- ◆ A.R.S. § 13-4408(A) - **Pretrial Notice**
- ◆ A.R.S. § 13-4406 - **Notice of initial appearance**
- ◆ A.R.S. § 13-4408 (B) - **Declination**
- ◆ A.R.S. § 13-4412 - **Notice of release**
- ◆ A.R.S. § 13-4413 - **Notice of prisoner's status**
- ◆ A.R.S. § 13-4419 - **Victim conference with prosecuting attorney**
- ◆ A.R.S. § 13-4420 - **Criminal proceedings; right to be present**
- ◆ AZ Constitution Article 2., Section 2.1 (A)(6) - **Right to confer with the prosecution**

## SPECIFIC CONCERNS RELATED TO A.R.S. § 13-4423, PLEA NEGOTIATION PROCEEDINGS

The violations related to plea negotiation proceedings are especially concerning because these cases were clearly victim cases and the victims had opted-in to receive victim rights. In reviewing audio and written transcripts of these proceedings, there was mention of a victim; but not related to whether or not reasonable attempts were made to give notice to the victim of the plea proceeding or to confer with the prosecutor. In one case, the prosecutor did confer with the victim prior to the plea proceeding but the victim was not provided notice of the plea proceeding. In another case, there was no evidence of notice or attempts to confer with the victim. In these cases, plea agreements were accepted by the court.

---

**When a plea proceeding is scheduled or when another proceeding transitions into a plea proceeding, prosecutors should know the answers to the questions below:**

- ◇ Were reasonable efforts made to give the victim notice of the plea proceeding?
- ◇ Were reasonable efforts made to confer with the victim?
- ◇ Can you avow to the court that to the best of your knowledge notice requirements have been complied with and can you inform the court of the victim's position, if known, regarding the negotiated plea?
- ◇ Are agency and prosecutor efforts clearly documented?

As the assigned prosecutor in a case, are you advising the prosecutor who is standing in for you of the agency's efforts to comply with A.R.S. § 13-4423?

Conversely, if you are a prosecutor standing in for another prosecutor at a plea proceeding, do you know the answers to the aforementioned questions?

Do you know if there is a victim in the case?



***If you don't know, inform the court! Get it on the record!***

## GENERAL TIPS FOR COMPLIANCE

- 1) **Develop policies and procedures.** The development of policies and procedures will guide decisions and direction, identify daily practices, and evidence compliance of victim services. Overall, procedure should include the following:
  - ◇ Statutory requirements and associated timelines
  - ◇ Daily practices
  - ◇ The responsible party (by title) to carry out the provision of mandated services
- 2) **Communication is key!** Effective communication between prosecutors and victim advocates/victim service units is essential when serving victims. Hopefully, this isn't an "ah-ha" statement. It is also important to evidence compliance by documenting the agency's efforts to meet the requirements of victims' rights statutes.
- 3) **Take that extra step!!** Sometimes, while reviewing complaints it becomes so clear that if an agency or person would have just taken an extra step, dug a little deeper, asked a few more questions, been more curious and not been content with the status quo, fewer violations would occur.
- 4) **Ongoing Training.**
  - ◇ Highlight one or two victims' rights statutes a month at staff meetings, research and write about it, discuss it, share with all agency staff.
  - ◇ Be clear on your agency's responsibilities related to victims' rights.
  - ◇ Attend or host the Basic Victims' Rights and Advanced Victims' Rights Training provided by the OVS on an annual basis to receive legislative updates and information on case law.

**To locate training near you, or to request training, please visit our website at:**  
<https://www.azag.gov/victim-services/victims-rights-training-schedule>

---

**It should be noted that through the victims' rights complaints filed with our office, the OVS was able to identify and address systemic victims' rights issues throughout Arizona. Agency responses and actions taken as a result of a complaint have effected positive changes and will continue to do so through an elevated awareness and concentrated efforts in serving victims of crime.**

# ATTORNEY GENERAL'S OFFICE OF VICTIM SERVICES

## 2017 DISTINGUISHED SERVICE AWARDS

### Now Accepting Nominations!

It is time, once again, to nominate and formally acknowledge the work of those in the victims' rights field during the National Crime Victims' Rights Week held April 2 - 8, 2017.

Nomination forms must be postmarked or received by our office by Friday, February 3, 2017.

Nomination forms can be found at: <https://www.azag.gov/victim-services/victim-services-0>

Awards will be presented during the multi-agency  
Victims' Rights Week Recognition event on April 4, 2017

★ ★ NATIONAL CRIME VICTIMS' RIGHTS WEEK ★ APRIL 2-8 ★ 2017 ★ ★

**STRENGTH ★ RESILIENCE ★ JUSTICE**

★ **SAVE THE DATE** ★

Join us as we recognize

**National Crime Victims' Rights Week**

**Tuesday April 4, 2017 at 11:30 AM**

**RSVP Required - More Details Coming Soon**

**A JOINT COLLABORATION OF:**

