

# VICTIMS' RIGHTS BRIEF

For Arizona's Justice System Administrators, Practitioners and Advocates



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The **Victims' Rights Brief** is published by 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).

## 2019 VICTIMS' RIGHTS COMPLAINT PROGRAM OVERVIEW

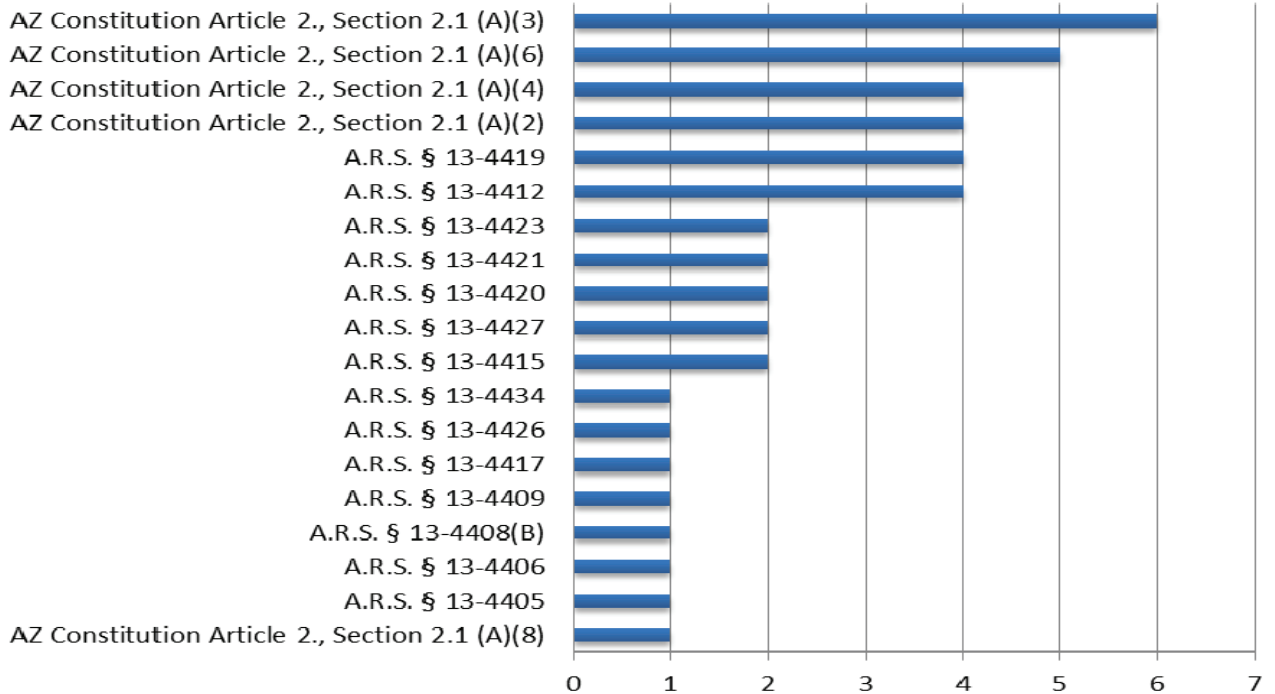
Especially committed to furthering justice inclusive of victims' rights, the Arizona Attorney General's Office employs a State Victims' Rights Administrator for Compliance (Compliance Administrator) within the Office of Victim Services (OVS) section of the Criminal Division. The Compliance Administrator receives and examines victims' rights complaints in a neutral and unbiased manner for the purpose of facilitating resolution in furtherance of the law. This position was established in 1999 in response to a recognized need for a meaningful recourse for victims when their rights have been violated; accountability of those responsible for providing mandated victims' rights; and someone to whom victims could turn to for help when their rights have been violated.

This edition of the Victims' Rights Brief provides an overview of the findings from the Complaint Program.

The Compliance Administrator received 41 complaints that were investigated as alleged victims' rights violations in FY2019. Additionally, 15 victims' rights complaints carried over from the previous fiscal year making a total of 56 complaints in the investigative process during the year. Of the 56 complaints, 36 were completed and 15 victims' rights complaints were substantiated with a total of 45 violations. Fourteen 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)(6), victims' right to confer with the prosecution.

The Compliance Administrator resolved complaints by contacting the complainant and involved agencies, reviewing pertinent documents, offering resources to the agencies, and offering information and resources to the complainant. Unfounded complaints usually involve perception issues with law enforcement procedures, plea agreements, case turn downs for prosecution, and subjective opinions about personal interactions with criminal justice system personnel.

## Victims' Rights Violations by Statute - FY 2019



- ◆ AZ CONSTITUTION ARTICLE 2., § 2.1 (A)(3) – RIGHT TO BE PRESENT AND INFORMED OF ALL CRIMINAL PROCEEDINGS
- ◆ AZ CONSTITUTION ARTICLE 2., § 2.1 (A)(6) – RIGHT TO CONFER WITH THE PROSECUTION
- ◆ AZ CONSTITUTION ARTICLE 2., § 2.1 (A)(4) – RIGHT TO BE HEARD AT ANY PROCEEDING INVOLVING A POST ARREST RELEASE DECISION, A NEGOTIATED PLEA, AND SENTENCING
- ◆ AZ CONSTITUTION ARTICLE 2., § 2.1 (A)(2) – RIGHT TO BE INFORMED OF RELEASE FROM CUSTODY OR ESCAPE
- ◆ A.R.S. § 13-4419(A) VICTIM CONFERENCE WITH PROSECUTING ATTORNEY
- ◆ A.R.S. § 13-4412 - NOTICE OF RELEASE
- ◆ A.R.S. § 13-4423- PLEA NEGOTIATION PROCEEDINGS
- ◆ A.R.S. § 13-4421 – INITIAL APPEARANCE
- ◆ A.R.S. § 13-4420- CRIMINAL PROCEEDINGS; RIGHT TO BE PRESENT
- ◆ A.R.S. § 13-4427 –PROBATION MODIFICATION,REVOCAION DISPOSTION OR TERMINATION PROCEEDINGS
- ◆ A.R.S. § 13-4415-NOTICE OF PROBATION MODIFICATION, TERMINATION, OR REVOCATION DISPOSITION
- ◆ A.R.S. § 13-4434 – VICTIM’S RIGHT TO PRIVACY
- ◆ A.R.S. § 13-4426 - SENTENCING
- ◆ A.R.S. § 13-4417 – REQUEST FOR NOTICE; FORMS; NOTICE SYSTEM
- ◆ A.R.S. § 13-4409 - NOTICE OF CRIMINAL PROCEEDINGS
- ◆ A.R.S. § 13-4408(B) – DECLINATION
- ◆ A.R.S. § 13-4406 NOTICE OF INITIAL APPEARANCE
- ◆ A.R.S. § 13-4405 - INFORMATION PROVIDED TO VICTIM BY LAW ENFORCEMENT AGENCIES
- ◆ AZ CONSTITUTION ARTICLE 2., § 2.1 (A)(8) – RIGHT TO RECEIVE PROMPT RESTITUTION

## Office of Victim Services

### MISSION

Promote justice and healing for people affected by crime in the state of Arizona.

### MOTTO

Victims' Rights: Every case, every time.

### VALUES

Compassion. Teamwork.

Integrity. Commitment.

Flexibility. Trust.

### VISION

Everyone in Victims' Rights will be informed, trained, motivated, monitored, and accountable.

As a direct result of the efforts of the Victims' Rights Complaint program, the OVS has been able to identify and address systemic victims' rights issues throughout Arizona. The OVS has observed positive changes and heightened awareness of victims' rights throughout the criminal justice system in Arizona. Such changes include: victims' rights training for personnel; review and revision of agency policies and procedures; revision of notification letters, review and revision of training curriculum; and changes in daily practices related to the provision of victims' rights.

In one case, the OVS received a victims' rights complaint alleging victims' rights violations occurred related to a domestic violence case. The victim reported that despite opting in for her rights, she was not notified of the defendant's release; instead, she learned of the release from the defendant's family members. Upon review of the documents and interviews with law enforcement staff, it was found that the agency failed to notify the victim of the defendant's release in violation of the AZ Constitution art. 2. § 2.1(A)(2)

and A.R.S. § 13-4412(A) which provides, "[t]he sheriff or municipal jailer, on request, shall notify the victim and the prosecutor's office of the release of the accused." As a result of the complaint, the Lieutenant reported that he looked into the issue and noticed that their agency had not been consistent with notices of release. Consequently, the custodial agency revised their policies and procedures to reflect that two attempts by telephone will be made to notify the victim of the release. As an added measure, the agency will mail written notices of release regardless if contact was made by phone, and they have added tracking mechanisms to their agency database system.

The Compliance Administrator received numerous complaints that were determined to *not* involve actual victims' rights violations. These complainants were provided information and resources related to the issue presented by other staff in the office. These issues encompassed a wide-range of topics that were not within the Compliance Administrator's authority to investigate including, but not limited to, civil matters, DCS and Child Support Enforcement, consumer fraud, and Civil Rights violations.

**Victims experience an increased sense of empowerment and validation through the complaint process. Agency responses and actions that take place as a result effect change and improve direct services for victims.**

### Conclusion

Every year the OVS provides a yearly account of substantiated victims' rights violations. This is done in an effort to make those providing mandated victims' rights aware of issues and areas of concern throughout the State. We hope you take the opportunity to review your agency's policies and procedures, daily practices, and notification letters against the statutory requirements.

## Victims' Rights Education and Outreach

The OVS provides victims' rights education and outreach to agencies in every county at no cost.

For more information, go to

<https://www.azag.gov/criminal/victim-services/training>

# GETTING READY FOR NATIONAL CRIME VICTIMS' RIGHTS WEEK

APRIL 19–25, 2020

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2020 AG Distinguished Service Awards  
Seek Justice | Ensure Victims' Rights | Inspire Hope

Below you will find the link to the announcement and nomination form for the *2020 Attorney General's Distinguished Service Awards*. Please share the link with your agency's employees and contacts. Please help identify the many deserving and dedicated individuals and teams who are committed to serving victims of crime.

**Announcement and Nomination Link:**

<https://www.azag.gov/dsa-nomination-form>