INFORMATION FOR ARIZONA'S VICTIMS OF CRIME

Being the victim of a crime can be traumatic. You may feel isolated and confused, and not know where to turn for practical advice or support. This brochure highlights community resources available to assist you and explains your rights as a victim under Arizona law.

**Esta información en español, se puede obtener en www.azag.gov/victims_rights/*

VICTIM ASSISTANCE

AGENCIES & SERVICES

Organizations such as victim assistance programs, sexual assault centers, child abuse treatment programs, support groups, and domestic violence shelters are established throughout the state to help crime victims regain control over their lives. Some of the services are listed below. They provide emergency and long-term support to victims and their families. Services which may be available include:

- emergency safe homes or shelters
- 24 hour crisis telephone lines
- crisis and long term counseling
- advocacy for your needs and rights
- accompanying you to medical examinations
- transportation
- child care

For certain sexual offenses, costs for medical examinations that are done to preserve evidence may be paid for by the Prosecuting Agency. Check with a victim/witness program advocate in your County for more information.

See "Information and Resource Numbers" on the next page for a list of the agencies that can provide victim assistance services.

VICTIM COMPENSATION

If you are a victim of violent crime or the next of kin of a victim who dies as a result of a criminal act, you may apply to the county's Crime Victim Compensation Program to recover certain expenses. You should file your claim in the county where the crime occurred. Some expenses you may be able to recover include:

- medical and dental expenses
- mental health counseling
- lost wages
- funeral costs
- crime scene clean up

There are conditions which must be met to be eligible for compensation, and eligibility does not guarantee an award. To obtain an application or receive more information on Crime Victim Compensation, contact your county Victim Compensation Coordinator (see "Information and Resource Numbers" for the phone number).

Domestic Violence

If you are a victim of domestic violence, you may seek a protective order. Orders of protection restrain spouses, ex-spouses, persons living together now or in the past, persons with a child in common or pregnant by the other person, persons who are currently or were previously in a romantic or sexual relationship, and close relatives from committing an act of domestic violence or contacting you. Injunctions Against Harassment can be sought where there have been a series of harassing acts. A petition for a protective order (available at any court) can be filed, with or without a lawyer, in any City, Justice, Superior or Tribal Court. If you are a party in an ongoing or pending case involving annulment, legal separation, dissolution of marriage, maternity/paternity, child custody, child/spousal support, or if the juvenile defendant is under the age of twelve, you should apply to any Superior or Tribal Court location. When the court is not open, you may request an Emergency Order of Protection through a law enforcement officer. Emergency Orders of Protection are valid until the close of the next court business day. A protective order can prohibit the abuser/defendant from having any contact with you/plaintiff or other designated persons, going to your residence (even if the defendant has been living at the address), going to other locations, prohibit the defendant from possessing or purchasing a firearm or committing an offense of domestic violence. If you seek a protective order, you may request that your address and/or other locations are kept confidential. There is no court filing fee to request a protective order. There is no service or process fee for Orders of Protection or Injunctions Against Harassment involving dating relationships. A law enforcement agency or constable shall not require the advance payment of fees for service on other injunctions. You may request that the court waive service fees for these other injunctions. You may have your protective order served by a private process server for a fee. If there is a firearm present when there has been an incident of domestic violence and a law enforcement officer believes that the firearm would expose the victim or another person in the household to a risk of serious bodily injury or death, the firearm may be seized and held by the law enforcement agency. To ensure that you, as the victim, are notified of the release of a firearm that has been seized, you must provide the law enforcement agency with any change of address or phone number.

VICTIM RIGHTS

As a victim of crime in Arizona, you have a Constitutional right to be treated with fairness, respect and dignity and to be free from intimidation, harassment or abuse throughout the criminal or juvenile justice process. All state, county and municipal justice agencies and courts in Arizona are required to perform certain duties to ensure that you receive your rights. Your legal rights as a victim don't begin until an arrest has been made or charges have been filed. You will be notified if charges are going to be declined.

Who Is A Victim For Purposes of Exercising Rights?

State law says a victim is a person against whom a criminal or juvenile offense has been committed. This includes any felony or any misdemeanor. If a person is killed or incapacitated, the person's spouse, parent, child, sibling, grandparent or any other person related to the person by consanguinity or affinity to the second degree or any other lawful representative of the person, except if the spouse, parent, child, grandparent, sibling or other person related to the person by consanguinity or affinity to the second degree or other lawful representative is in custody for an offense or is the accused.

Requesting / Waiving Rights

Some rights are given to victims automatically and some rights need to be requested. The law enforcement officer will provide you with a form that asks you to request or waive (decline) your rights. You will be given a copy of the completed request/waiver form for your records. Following is a list of the "upon request" rights that you may request or waive (these rights apply after arrest):

- To be notified of the suspect's release from custody (see ***When A Suspect Is Arrested*** for instructions on how to exercise this right).
- To receive a copy of the terms and conditions of release.
- To receive notification of scheduled court proceedings.
- To talk with a prosecutor prior to a plea, dismissal or trial.
- To make a Victim Impact Statement.
- To receive a copy of the presentence or predisposition report.
- To receive notice of a defendant's conviction (or adjudication), acquittal, or the dismissal of the charges.
- To receive notice of sentencing or disposition results.
- To have property taken as evidence returned after the case is resolved.

LEGAL ENTITY "UPON REQUEST" RIGHTS

- To receive notice of restitution and sentencing/disposition hearings, and notice of the sentencing or disposition results.

NEIGHBORHOOD ASSOCIATION "UPON REQUEST" RIGHTS

- To receive notification of scheduled court proceedings, and to make a Victim Impact Statement at sentencing/adjudication.

Your decision to request or waive your rights does not mean that you cannot change your mind later. However, if at first you waive your rights and then request them at a later time, you may be giving up some rights that only apply at certain stages of the justice process. There are other important benefits and protections that apply to crime victims as a case proceeds through the system. ***To request a copy of the full text of Arizona's victims' rights laws, you may contact the Attorney General's Office of Victim Services at (602) 542-4911(Phoenix) or 866-742-4911 toll free.*** You can also learn more about Arizona's victims' rights laws and available services by visiting the Arizona Attorney General web page at ***www.azag.gov.***

Your Right To Restitution

If someone is found guilty of the crime(s) committed against you, the court may order that person to re-pay certain financial costs of your victimization. This court-ordered payment is known as restitution. Victims of crime have a Constitutional right to receive prompt restitution. If charges are filed in your case, it is important that you contact the prosecutor's Victim Services program for more information and assistance with the restitution process (see Information & Resource Numbers).

For more resource information, please visit the Supreme Court's victim restitution website at www.azcourts.gov/restitution.

Free Copies Of Police Reports

A victim of a criminal offense that is a part 1 crime or an immediate family member of the victim if the victim is killed or incapacitated has the right to receive one copy of the police report from the investigating law enforcement agency at no charge.

When A Suspect Is Arrested

Box 3 of the request/waiver form provides information to assist you in exercising your rights immediately following the arrest of a suspect; however, you must act quickly.

If the suspect is an adult and has been arrested, you can exercise certain rights by contacting the court prior to the Initial Appearance. You can also exercise your right to be informed of the suspect's release by contacting the custodial agency.

If the suspect is a juvenile and has been detained, you can obtain detention hearing information and exercise certain rights by contacting the juvenile probation department. You can also exercise your right to be informed of the juvenile's release by contacting the detention center.

If an adult or juvenile suspect is cited and released, or a juvenile suspect is referred to the Juvenile Court but not detained, you can exercise certain rights by contacting the court prior to the date and time that the suspect must appear.

If the arrest of a suspect is not immediate and you are not notified of an arrest within 30 days, you can call the law enforcement agency to obtain case status information.

Your employer may be legally required to allow you unpaid leave from work to attend court. Contact the prosecuting agency for more information.

Suspect Is An Adult and Has Been Arrested

Initial Appearance (Court Hearing)

Purposes:
(1) Determine whether to release the accused;
(2) If the accused is released, determine the terms and conditions of release;
(3) Set the next court date(s);
(4) Obtain a plea from the accused (for some misdemeanor offenses)

When Held: Within 24 hours of arrest
Location: Court and Custodial Agency
Contact: (see ***INFORMATION & RESOURCE*** numbers)
Your Rights: To be present and heard at the initial appearance and, upon request, to be informed of the suspect's release.

Suspect Is A Juvenile and Has Been Detained

Detention Hearing

Purposes:
(1) Determine whether to release the accused;
(2) If the accused is released, determine the terms and conditions of release;
(3) Obtain a plea from the juvenile (misdemeanor offenses)

When Held: Within 24 hours of arrest
Location: Detention Screening Section, County Juvenile Probation
Contact: (see ***INFORMATION & RESOURCE*** numbers)
Your Rights: To be present and heard at the detention hearing and, upon request, to be informed of the juvenile's release.