



Office of Arizona Attorney General Mark Brnovich

VICTIMS' RIGHTS BRIEF

For Arizona's Justice System Administrators, Practitioners, and Advocates

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Legislative Update and OVS Complaint Program -A Year in Review-

This issue of the Victims' Rights Brief highlights victims' rights and related laws passed during the 2021 legislative session. The information below provides a brief summary of statute changes as they relate to victims' rights and is not inclusive of all provisions of the statutes. We encourage you to visit the Arizona State Legislature website at <http://www.azleg.gov> for a complete reading of the statute. This edition of the Victims' Rights Brief also provides an overview of victims' rights complaints that were substantiated during the FY 2021 fiscal year.

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Arizona Revised Statutes –Victims' Rights Law

SB1256: Amending section 13-4434, Arizona Revised Statutes; Relating to Victims' Rights

A.R.S. § 13-4434. Victims' right to privacy; exception; definitions

~Amended to require law enforcement and prosecuting agencies to redact a victim's locating and identifying information from records, including discovery disclosed to the defendant, the defendant's attorney, or any of the attorney's staff.

~Previously this statute only prohibited the defendant from obtaining this information.



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

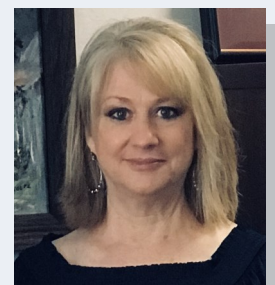
Other Legislation of Interest

SB1660: crimes against children; dependencies; omnibus

A.R.S. § 13-4254. Pro se defendant; prohibited questioning of minor victim

~Permits the court to prohibit a pro se defendant in any case that includes charges involving a child under Title 13 Chapters 14, 35.1, and A.R.S. §§ 13-3206, 13-3212 or 13-3623 from directly questioning the minor victim if

the court determines that direct questioning by the pro se defendant would prevent the minor victim from being able to reasonably communicate.



SB1412: Amending sections 12-1809, 13-901 and 31-411.01, Arizona Revised Statutes; Relating to Protective Orders

A.R.S. § 13-901. Probation

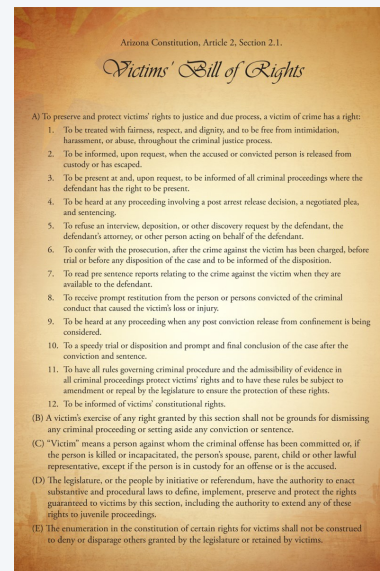
~On the petition of the victim, and before early termination of probation or intensive probation, the court shall determine, after hearing from the victim, whether to prohibit the defendant from contacting the victim; and if necessary, issue an injunction against harassment against the defendant. If an injunction against harassment is issued, the injunction must be served on the defendant before termination of probation.

A.R.S. § 31-411.01. Parole or community

supervision for person previously convicted of possession or use of marijuana, a dangerous drug or a narcotic drug; treatment; prevention; education; termination of parole or community supervision

~Directs the Board of Executive Clemency to order, as a condition of parole or community supervision, that the prisoner be prohibited from contacting the victim, on request of the victim.

~The Board of Executive Clemency may inform the victim of his/her ability to petition the court for an Injunction Against Harassment pursuant to § 12-1809.



* Please ensure appropriate updates are made to your agency's policies and procedures, notification letters and in-house trainings as applicable.

Victims' Rights Complaints

The Victims' Rights Complaint Program is one component of the Attorney General's Office of Victim Services' (AGO/OVS) nationally recognized multidisciplinary approach to ensure victims' rights are upheld in Arizona. True to the mission of promoting justice and healing for people affected by crime in Arizona, the Compliance Administrator promotes victim participation in the justice process,

facilitates resolution of victims' rights issues with criminal and juvenile justice entities, and identifies gaps in services and non-uniform interpretation of victims' rights laws. The Compliance Administrator also promotes accountability, provides support and technical assistance to agencies responsible for providing mandated victims services and exonerates agencies from unjustified

"Thank you from the bottom of my heart for taking the info provided, investigating and following through, protecting victims in Arizona."
-AZ Crime Victim/Complainant

criticism when alleged violations are unfounded.

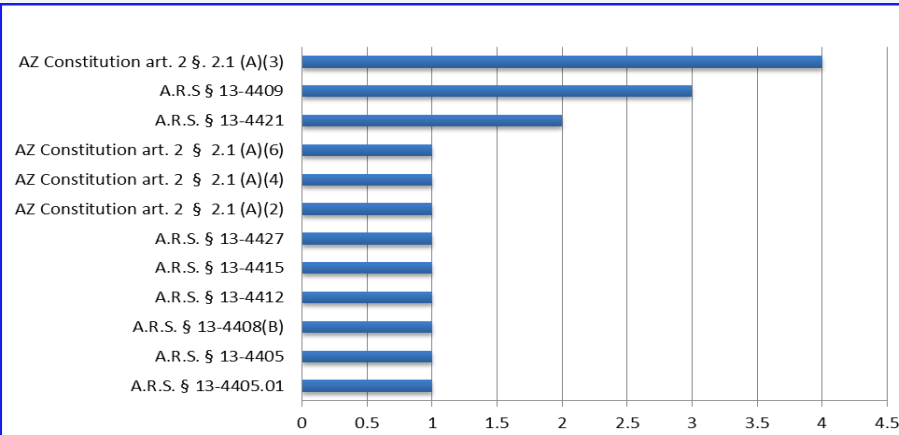
A Year in Review

In FY 2021, the Compliance Administrator received 35 victims' rights complaints that alleged victims' rights violations occurred in his/her case. Additionally, 13 victims' rights complaints carried over from the previous fiscal year making a total of 48 complaints in the investigative process throughout the course of the year. Of the 48 complaints, 23 were completed and 7 victims' rights complaints were substantiated with a total of 18

violations. Seven agencies were subsequently issued a letter of findings outlining the complainant's allegation(s) and the agency's violation(s) and often provided recommendations for system improvements. 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 A.R.S. § 13-4409, notice of criminal proceedings.



Victims' Rights Violations by Statute



Graph Key

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.

A.R.S. § 13-4409. Notice of criminal proceedings

A.R.S. § 13-4421. Initial Appearance

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.

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.

AZ Const. art. 2 § 2.1(A)(2) To be informed, upon request, when the accused or convicted person is released from custody or has escaped.

A.R.S. § 13-4427. Probation modification, revocation disposition or termination proceedings

A.R.S. § 13-4415. Notice of probation modification, termination or revocation disposition matters, arrest

A.R.S. § 13-4412. Notice of release or escape

A.R.S. § 13-4408(B) Declination

A.R.S. § 13-4405. Information provided to victim by law enforcement agencies

A.R.S. § 13-4405.01. Issuance and execution of arrest warrants

Results Driven Data

The Compliance Administrator bases findings and conclusions of victims' rights complaints on the documentation provided or otherwise discovered during the investigation including, but not limited to: court documents, police reports, notification letters, file notes review and information obtained through interviews. Data is collected each year to identify issues and areas of concern throughout the state and is then used to determine state-wide training priorities and committee actions. Individual criminal justice agencies were responsive to OVS recommendations and expressed their commitment in making improvements

Improvements:

- ~Review and revision of policies and procedures
- ~Revision of victim notification letters
- ~Agency wide communication reinforcing the need to process victims' request for notice in a timely manner
- ~Assurance that staff was accurately communicating changes to court schedule and procedures due to COVID-19
- ~Creation of post-conviction workgroup to address post-conviction/adjudication notification request form confusion

in their efforts to serve victims.

As you can see, the Complaint Program ultimately benefits several victims, not just the victims who have filed a complaint with our office. Criminal justice

agencies that make improvements to their programs as a result of a complaint, whether substantiated or not, have widely applicable effects for all crime victims.

Our office recommends that all criminal justice agencies, regardless if a victims' rights complaint has been filed or not, take the opportunity to review agency policies and procedures, daily practices, and notification letters against the statutory requirements.



OVS Outreach and Education



FY22 Dates Now Available

The OVS Outreach Team presentations (including the VOCA required Basic and Advanced Victims' Rights) are 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:

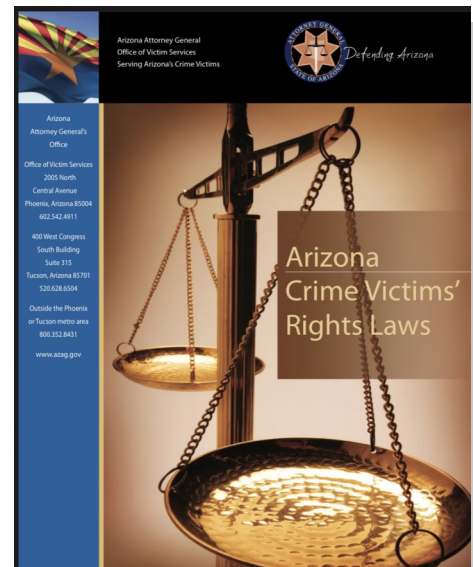
<https://www.azag.gov/criminal/victim-services/>

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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.

**Check Out
Arizona Crime Victims' Rights
Law Book Update!**



https://www.azag.gov/sites/default/files/docs/criminal/victim-services/brochures/2022_law_book_FINAL.pdf

The Arizona Attorney General's Office is dedicated to a system of justice that is inclusive of crime victims and will remain vigilant in striving to provide the most efficient and effective service to the people of Arizona. The services provided to crime victims and the technical assistance and support provided to criminal justice agencies and other service providers is the responsibility of the Office of Victim Services.



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