

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

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

2018 Victims' Rights Compliance A Year in Review

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.

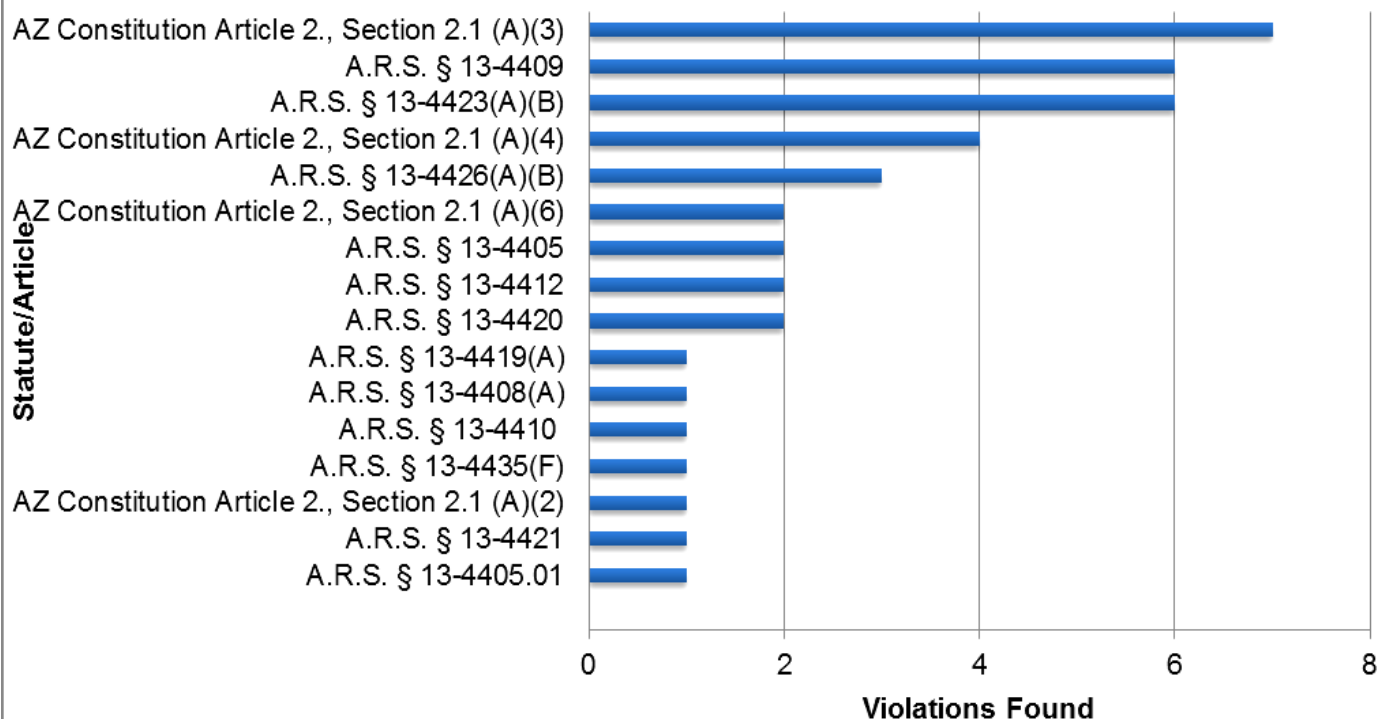
This edition of the Victims' Rights Brief is an overview of the complaints received by the Office of Victim Services and the violations that occurred during FY2018.

The Compliance Administrator received 37 complaints that were investigated as alleged victims' rights violations in FY2018. Additionally, 11 victims' rights complaints carried over from the previous fiscal year making a total of 48 complaints in the investigative process during the year. Of the 48 complaints, 33 investigations were completed and 11 victims' rights complaints were substantiated with a total of 41 violations. Nine 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; A.R.S. § 13-4409, notice of criminal proceedings; and, A.R.S. § 13-4423, plea negotiation proceedings.

The OVS 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 interaction with criminal justice system personnel.

The Compliance Administrator received numerous complaints that were determined to not involve actual victims' rights violations. These complaints were forwarded to the Victim Services general inbox where staff provided information and resources related to the issue presented. These issues encompass a wide range of topics that are not within the Compliance Administrator's authority to investigate including, but not limited to the following: civil matters, DCS and Child Support Enforcement, consumer fraud, Civil Rights violations, and mortgage issues.

Victims' Rights Violations by Statute - FY 2018



LEGEND:

- ▲ AZ CONSTITUTION ARTICLE 2., § 2.1 (A)(3) - RIGHT TO BE PRESENT AND INFORMED OF ALL CRIMINAL PROCEEDINGS
- ▲ A.R.S. § 13-4409 - NOTICE OF CRIMINAL PROCEEDINGS
- ▲ A.R.S. § 13-4423(A)(B) - PLEA NEGOTIATION PROCEEDINGS
- ▲ AZ CONSTITUTION ARTICLE 2., § 2.1 (A)(4) - RIGHT TO BE HEARD
- ▲ A.R.S. § 13-4426 - SENTENCING
- ▲ A.R.S. § 13-4405 - INFORMATION PROVIDED TO VICTIM BY LAW ENFORCEMENT AGENCIES
- ▲ A.R.S. § 13-4412 - NOTICE OF RELEASE
- ▲ A.R.S. § 13-4420 - CRIMINAL PROCEEDINGS; RIGHT TO BE PRESENT
- ▲ A.R.S. § 13-4419(A) - VICTIM CONFERENCE WITH PROSECUTING ATTORNEY
- ▲ A.R.S. § 13-4408(A) - PRETRIAL NOTICE
- ▲ A.R.S. § 13-4410 - NOTICE OF CONVICTION, ACQUITTAL OR DISMISSAL IMPACT STATEMENT
- ▲ A.R.S. § 13-4435(F) - SPEEDY TRIAL; CONTINUANCE; NOTICE
- ▲ AZ CONSTITUTION ARTICLE 2., § 2.1 (A)(2) - RIGHT TO BE INFORMED OF WHEN THE ACCUSED OR CONVICTED PERSON IS RELEASED FROM CUSTODY OR HAS ESCAPED
- ▲ A.R.S. § 13-4421 - INITIAL APPEARANCE
- ▲ A.R.S. § 13-4405.01 - ISSUANCE AND EXECUTION OF ARREST WARRANTS

**Honoring
Our Past.
Creating Hope
for the Future.**

**2019 Arizona Victims'
Rights Week Event**

Wednesday, April 10, 2019

You're Invited ! Register Today!

Register online by Wednesday,
March 27 at:

2019vrwevent.eventbrite.com

(Registration is required. Seating is limited)

This year's theme celebrates the progress made by those before us as we look to a future of crime victim services that is even more inclusive, accessible, and trauma-informed.

Join us at our annual event commemorating National Crime Victims' Rights Week. This event is held to honor and remember victims of crime and recognize those agencies and individuals who assist them in their journey.

Special Guest

Former U.S. Senator Jon Kyl will be the keynote speaker for the event.

Positive Changes - Victims' Rights Complaints

As a direct result of the victims' rights complaint investigations, the OVS has been able to identify and address systemic victims' rights issues throughout Arizona. Every complaint, whether substantiated or not, creates an intensified focus on victims' rights. The Office of Victim Services notes this attention and effort through agency responses and actions taken as a result of a complaint. Such changes include: increased awareness of procedural issues in limited jurisdiction courts related to misdemeanor cases; training for personnel; review and revision of agency policy and procedures and training documents; and changes in daily practices related to the provision of victims' rights.

VOCA Requirements for the Attorney General's Office of Victim Services, Basic and Advanced Victims' Rights presentations.

- 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 every year. Advanced training is optional, but encouraged for nonprofit sub-recipients.

To register for a presentation: <https://www.azag.gov/criminal/victim-services/training> or complete the request form at <https://www.azag.gov/criminal/victim-services/training/request>

Please note that a minimum of 20 attendees are required to schedule a session.