

# THE VICTIM ADVOCATE

Victims of crime in Maricopa County are assigned an Advocate from the County Attorney's Office. The Victim Advocate keeps the victim informed about the progress of their case and works to ensure that the victim's rights are honored throughout the criminal justice process. Victims have the right to confidential communications with an Advocate and must provide written or oral consent before any information they provide can be shared with the prosecutor or law enforcement agency. The County Attorney's Office is required to share any exculpatory information provided by a victim with the defendant's attorney.

## VICTIM RESTITUTION

If you suffered a financial loss as a result of being a crime victim, the court may order the defendant to reimburse you. By paying restitution as part of a criminal sentence, offenders face a constant and significant reminder of the damage they have caused to innocent people.

## VICTIM COMPENSATION

The Victim Compensation Bureau of the Maricopa County Attorney's Office dispenses funds to help victims and their families deal with the financial impacts of a crime. These monies can be used to cover out of pocket medical costs, mental health counseling, funeral costs, and other expenses incurred as a result of a crime.

**For more information on these services, please contact the Victim Services Division at (602) 506-8522.**



## JURISDICTIONAL RESPONSIBILITIES

### Initial Appearance (arrest)

- MCSO Victims' Assistance & Notification Unit  
602-876-8276
- Maricopa County Attorney's Office  
Victim Services Division 602-506-8522

### Charging Information

- Maricopa County Attorney's Office  
Victim Services 602-506-8522

### Jail Release Notice

- MCSO Detention Info 602-876-8276

### In-custody Status

- MCSO Detention Info 602-876-0322

### Hearing Notification

- Maricopa County Attorney's Office  
Victim Services 602-506-8522

### Sentencing Notification

- Maricopa County Attorney's Office  
Victim Services 602-506-8522

### Probation

- Adult Probation  
Victim Services Unit 602-372-8286

### Prison Release Notification

- Department of Corrections  
Victim Services 602-542-1853

### Parole Hearing Notification

- Board of Executive Clemency Victims Unit  
602-542-5656

### Direct Appeals

- Arizona Attorney General's Office  
Office of Victim Services 602-542-4911

### Petitions for Post-Conviction Relief

- Maricopa County Attorney's Office  
Victim Services 602-506-8522

### Mental Health Treatment Facility Release Notification

- Contact facility for information

For more information on Victims' Rights and the Criminal Trial Process please refer to:

[MaricopaCountyAttorney.org/Victims](http://MaricopaCountyAttorney.org/Victims)

[AZleg.gov](http://AZleg.gov)



Maricopa County  
**Attorney's Office**  
Keeping Families Safe

# Victims' Rights

Supporting Victims  
throughout the Criminal  
Justice Process

Understand Your Rights as a Victim  
Learn the Criminal Trial Process  
Discover Available Victim Services



## FROM THE MARICOPA COUNTY ATTORNEY'S OFFICE

It is often said that crime victims are traumatized twice: first by the crime itself and then by the criminal justice process. Fortunately, Arizona has a Victims' Bill of Rights and victim related statutes designed to protect victims from this secondary impact. These rights include the right to be treated with dignity and respect and to be informed of and present at court proceedings where the defendant has a right to be present. Our state also provides a range of support services, including financial assistance, to help crime victims and their families cope with the multiple impacts of a serious crime.

This brochure provides a guide to these important rights and services as well as contact information for agencies and organizations that can help victims get the resources and support to which they are entitled.

Victim Advocates are highly trained and experienced professionals who assist victims and families involved in cases that are currently in the criminal justice system. In addition to providing important emotional support, victim advocates assist with social service needs, serve as a liaison with the prosecutor handling the case and provide case related information/updates or criminal justice related information.

If you are the victim of a crime, please contact the Victim Services Division for further assistance.

# THE CRIME VICTIMS' BILL OF RIGHTS

Arizona's constitution guarantees specific rights for crime victims, including the right to:

- Be treated with fairness, respect and dignity, and to be free from intimidation, harassment or abuse throughout the criminal justice process.
- Be notified when the accused or convicted person is released from custody or has escaped.
- Be present at all criminal proceedings where the defendant has a right to be present.
- Be heard at any proceeding involving a release decision, a plea offer, or sentencing.
- Discuss with the prosecution before trial any disposition, release decision or plea offer.
- Refuse an interview, deposition or other discovery request by the defendant or defendant's representative.
- Receive prompt restitution from a defendant convicted of a crime that caused the victim's loss or injury.
- Be notified and provided the reason(s) for declining prosecution of a case and to confer with the prosecutor.
- Request a pre-conviction restitution lien after the filing of a felony information or indictment if there was an economic loss as a result of the criminal offence.

(See Article 2, § 2.1 of the Arizona State Constitution, and A.R.S. § 13-4401 et seq. and A.R.S. § 13-806)

To exercise notification and other rights, crime victims must "opt in" by completing the appropriate forms. To do so, contact the MCAO Victim Services Division at (602)506-8522.

For more information about Victims' rights or MCAO Victim Services, go to:

[MaricopaCountyAttorney.org/Victims](http://MaricopaCountyAttorney.org/Victims)

## WHEN CHARGES ARE FILED

Once a case is brought against a defendant, the Court is required to provide appropriate safeguards limiting the defendant, the defendant's family and defense witnesses from having unnecessary contact with the victim, the

victim's family and the victim's witnesses. If the count(s) involving a victim are dismissed as part of a plea agreement, victims can still exercise these rights.

## WHEN A DEFENDANT IS SENTENCED

Victims have the right:

- To be notified of the defendant's sentence.
- To be notified of and present at any sentencing related proceeding.
- To receive a copy of the pre-sentence report, if available.
- To be provided the name and number for the probation officer preparing the presentence report.
- To give a written or verbal impact statement to the judge.

## FOR POST-CONVICTION PROCEEDINGS

Victims have the right:

- To be notified, upon request, of the timing and outcome of any post-conviction proceedings or appeal.
- To be present and heard at proceedings where post-conviction release is being considered.
- To be notified, upon request, of any proceedings where the defendant's probation is terminated, revoked or modified.
- To be notified, upon request, of any conduct by the defendant that raises substantial concern for the victim's safety.
- To be notified, upon request, by a custodial agency of a defendant's death, release, discharge or escape.

## TIME OFF FROM WORK

Under A.R.S. § 13-4439, a victim has the right to leave work to exercise their right to be present at proceedings or obtain an Order of Protection/Injunction against Harassment.

## POLICE REPORTS

Victims are entitled to a copy of each police report which lists them as a victim. Reports can be obtained from the law enforcement agency that took the report or investigated the crime. Some information, such as addresses or phone numbers, may be redacted from the report. Depending on the stage of the investigation, all or part of the report may not be available.

## PERSONAL PROPERTY EVIDENCE

If your personal property is used as evidence in a criminal case, law enforcement agencies must keep it throughout the trial and possible appeal. For questions about the return of property that has been used for evidentiary purposes, please contact the detective, prosecutor or Victim Advocate assigned to your case.

## BUSINESS VICTIMS

Businesses that have been victims of crime have the right to request notification of sentencing and restitution proceedings. In addition, business owners and their legal representatives have the right to be present at these proceeding, to be heard by the court and to submit information and their opinions on restitution and sentencing.

*(A.R.S. § 13-4404)*

## NEIGHBORHOOD ASSOCIATION VICTIMS

Under Arizona law, neighborhood associations can invoke victims' rights if they have been negatively impacted by statutory crimes such as prostitution, drug dealing, graffiti, and certain gang-related offenses. These organizations and their lawful representatives have the right to be present at and notified of all criminal proceedings where the defendant has a right to be present, and the right to be heard by the court at sentencing and restitution hearings.

*(A.R.S. § 13-4401.01)*

# THE CRIMINAL TRIAL PROCESS

## CRIME

After a crime is committed the police can arrest the suspect or they can complete an investigation and submit charges to the County Attorney's Office. Ultimately, the County Attorney will decide which charges to file.

## INITIAL APPEARANCE

After arrest, a suspect must have an initial appearance within 24 hours. At an initial appearance a judicial officer will set bond or other release conditions. The suspect is now a criminal defendant.

## PROBABLE CAUSE DETERMINATION

If the defendant is in custody, there must be a finding of probable cause within 10 days of the initial appearance. This can be through a preliminary hearing or the grand jury. If the case goes to preliminary hearing, there is a possibility that the State will offer the defendant a plea after consulting with the victim.

## ARRAIGNMENT

Once probable cause has been found, the defendant will be arraigned. At the arraignment the judge will enter a plea of not guilty and will assign the case to a criminal division.

## TRIAL

The State has a certain time limit to take a criminal defendant to trial. The time varies based on whether the criminal defendant is in or out of jail, whether the case is a "complex case" or the defendant is facing the death penalty. At this stage the State may offer the defendant a plea after consulting with the victim.

## SENTENCING

If the defendant pleads guilty or is found guilty after trial, a sentencing date will be set about 30 days later.

## APPELLATE REVIEW

A defendant who is found guilty after trial has the right to file an appeal to the Court of Appeals. A defendant who pleads guilty does not get an appeal, but may ask the sentencing judge for "Post-Conviction Relief." The claims a defendant can make under Post-Conviction Relief are limited.