

# INFORMATION FOR ARIZONA'S VICTIMS OF CRIME

Being the victim of a crime is 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. It will help you to understand your rights, the procedures for exercising them, and who may assist you further.

## 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
- follow-up crisis and long-term counseling
- advocating for your needs and rights
- accompanying you to medical examinations
- transportation
- child care

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 a violent crime or the next of kin of a victim who has died as the result of a criminal act, you may apply to the county's Crime Victim Compensation Board to recover certain expenses. Some expenses you may may be able to recover include:

- medical and dental expenses
- mental health counseling
- lost wages
- funeral costs

The Crime Victim Compensation Board does not compensate for loss of property or property damage. 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).

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

## **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 suspect'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.

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## **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.

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## **Suspect Is A Juvenile And Has Been Detained**

### ***Detention Hearing***

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

When Held: Within 24 hours of detention

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.

## **Domestic Violence**

If you are the victim of domestic violence, you may seek an Order of Protection. Orders of Protection prohibit spouses, persons living together, and close relatives from harming each other. Injunctions Prohibiting Harassment can be obtained when the relationship is not covered under the domestic violence law and when there is a series of harassing acts.

Orders and Injunctions can be filed by any adult without a lawyer in a Justice of the Peace Court or City Court. If you are in the process of a legal separation or dissolution of marriage, or if the Order or Injunction is filed on behalf of, or against a juvenile, you may have to apply to the Clerk of the Superior Court. You will be asked to fill out a petition stating why you want the Court to grant the Order or Injunction.

When the court is not open, an Emergency Order, good until 5 PM the next business day, may be obtained through a law enforcement officer.

An Order or Injunction can serve to keep the abuser from having any contact with you, committing further offenses, going to your residence (even if the abuser has been living at this address), going to your workplace, or provide any other relief necessary for your protection. An Order of Protection can also prohibit the abuser from possessing or purchasing a firearm.

If there is a firearm present in a domestic violence matter, and a law enforcement officer determines that you or others could be exposed to serious injury or death, the firearm may be taken 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.

The person seeking an Order or Injunction may request that her/his address be kept confidential, and may request that filing and service fees be waived. The court may or may not waive the fees; however, an agency that is serving the Order of Protection MAY NOT require prepayment of service fees.

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## **VICTIMS' 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. Please carefully read the overview that follows

### **Who Is A Victim For Purposes of Exercising Rights?**

State law says a victim is a person against whom a criminal offense has been committed. This includes any felony, or any misdemeanor involving physical injury, the threat of physical injury, or a sexual offense. If a person is killed or incapacitated, the person's spouse, parent, child, or

other lawful representative is the victim. Legal entities and neighborhood associations may also be victims of felony offenses, though rights for these entities are limited. Rights do not apply to persons in custody for an offense, or to persons accused of crimes.

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## 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 888-377-6108 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.az.ag.state.us](http://www.az.ag.state.us).

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## 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 the 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).

VICTIM REQUEST FOR, OR WAIVER OF, PRE-CONVICTION AND/OR PRE-ADJUDICATION RIGHTS

Who is A Victim?

You are considered a victim if the offense committed against you is a felony, or a misdemeanor involving a physical injury, the threat of physical injury, or a sexual offense.

1 <<FORM USE>>
[ ] Initial Contact [ ] By Phone/Mail DATE:
[ ] Victim-Initiated Change(s) [ ] In Person

2 <<CASE IDENTIFYING INFORMATION>>

REPORTING AGENCY: Phone #:
Reporting Officer(s): SAMPLE FORM Report/Citation ID #:
Location: Report/Citation Date/Time:
Offense/Type of Crime:

3 <<ARREST / DETENTION STATUS >>

SUSPECT NOT IN CUSTODY: [ ] UNKNOWN [ ] KNOWN ADULT JUVENILE
SUSPECT #1 #2 #3
SUSPECT CITED AND RELEASED/REFERRED: [ ] ADULT JUVENILE
SUSPECT #1 #2 #3
SUSPECT IN CUSTODY - ADULT: [ ] INITIAL APPEARANCE:
SUSPECT #1 #2 #3
SUSPECT IN CUSTODY - JUVENILE: [ ] DETENTION HEARING:
SUSPECT #1 #2 #3
If an arrest/detention in this case is made, you will be notified at the earliest opportunity...
If a citation is issued, the accused may appear at any time prior to the date and time shown.
The adult suspect in custody will appear in court for an Initial Appearance within 24 hours of arrest.
The juvenile suspect in custody will appear for a Detention Hearing at the county Juvenile Court or Detention Center within 24 hours of detention, but may be released at any time prior to this hearing.

4 <<VICTIM OR VICTIM'S LAWFUL REPRESENTATIVE>>

A. Who was the crime or offense committed against?
Name: Birth Date:
B. Are you the victim / lawful representative? (CHECK BOX THAT APPLIES)
[ ] Yes, the crime was committed against me. I am the Victim.
[ ] Yes, because one of the following applies to me. I am the victim's Lawful Representative. (CHECK ONE)
[ ] The victim has designated me as his/her lawful representative
[ ] The victim is minor child and I am a parent, an immediate family member or legal guardian
[ ] The victim is incapacitated (severely disabled) or deceased
[ ] The victim is a legal entity (corporation, partnership or business).
Name: Birth Date:
C. How can you be contacted?
Name:
Mailing Address: Apt:
Home Address (if different): Apt:
City: State: Zip Code:
Telephone: (Home) Other number(s) where I may be reached:
(Work)

D. [ ] I REQUEST my rights in this case. OR [ ] I WAIVE (DECLINE) my rights in this case.
I understand that I must keep my mailing address and phone number current with the agency or court responsible for providing my rights. Failure to do so can mean that my rights are waived. I also understand in order to make any changes to the information supplied on this form, I must contact the appropriate agency or court.
[ ] REQUEST / WAIVER exception per A.R.S. § 13-4405(B) and § 8-386(B)
Victim or Lawful Representative Signature / Date:
NOTES / COMMENTS: