

VICTIMS' RIGHTS BRIEF

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

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Victims' Rights: Request or Waive

Victims' rights laws were established in Arizona by policy-makers who believed that victims should have the right to choose whether or not to participate in the justice process. They intended the laws to promote a sense of empowerment for many victims who feel helpless after victimization.

From that point forward, victims of crime in Arizona have a constitutional right to be treated with fairness, respect and dignity, and to be free from intimidation, harassment or abuse throughout the justice process. All state, county and municipal justice agencies and courts in Arizona are required to perform certain duties to ensure victims receive their rights. Additionally, a victim, upon request, may exercise or change his/her decision to request/waive rights at any time during the justice process.

Many victim's rights are automatic. For example, a victim has: 1) *the right to refuse an interview, deposition, or other discovery request by the defendant, the defendant's*

on behalf of the defendant; and, 2) the right to a speedy trial or disposition and prompt and final conclusion of the case after the conviction of the sentence. On the other hand, some victims' rights are not automatic and must be requested by the victim. Once requested, it becomes the justice agency's responsibility to ensure that victim's rights are received.

Further Clarification Victims' Rights

To ensure that a victim is not overlooked in the criminal/juvenile justice process, victims' rights statutes were further clarified by the Arizona Supreme Court when it established "Rules of Criminal and Juvenile Procedures", as well as "Administrative Orders."

Supported by statute, in 1996 the Arizona Attorney General's Office developed the "Victim Request For, Or Waiver Of, Pre-Conviction And/Or Pre-Adjudication Rights" form. This multi-copy form was to be utilized by all law enforcement agencies in Arizona. As of this date, these multi-copy forms are being utilized by 93% of all law enforcement agencies in Arizona. The statutes do allow law enforcement agencies to establish an alternate form provided that the same results are achieved and it is approved by the Arizona Attorney General's Office. According to A.R.S. §13-4405 and §8-386, the form must elicit a victim's designation of a request or waiver of rights and be a means for victims to designate a lawful

representative. Also required is the duty to give victims notice of resources and other assistance information such as names and numbers of service providers.

Victim and Law Enforcement Working Together

Law Enforcement

To ensure that victims of crime are informed of their rights and the choice of exercising their rights, law enforcement agencies are required by statute to initiate the process by providing victims with the aforementioned multi-copy form. The statute also specifies that the form copies accompany a case as it proceeds through the justice system. To further assist victims, the investigating law enforcement officer may indicate a "Request/Waiver Exception" on behalf of a victim who is physically or emotionally unable to request/waive rights at the time of initial contact, thus automatically invoking the rights of the victim.

Victim (or Lawful Representative)

According to Rule 39 of the "Arizona Rules of Criminal Procedure - Victims' Rights," victims have a duty to implement or waive rights. Any victim wanting to claim notification rights and privileges provided by this Rule must provide his/her full name, address and telephone number to the office prosecuting the case and to any other agency from which notice is requested by

The Victims' Rights Brief is published every other month by the Arizona Attorney General's Office of Victim Services who remains wholly responsible for its content. The goal in distributing it is to promote justice and healing for crime victims by sharing information and fostering sensitivity within the justice system.

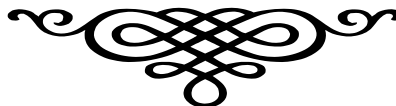
Questions regarding content can be directed to Marna McLendon at (602) 364-3329. To learn more about victims' rights via the internet, visit us at www.ag.state.az.



attorney, or other person acting

the victim. If the victim is a corporation, partnership, association or other legal entity and has requested notice of the hearings to which it is entitled, that legal entity will need to immediately designate a representative and provide the representative's contact information to the prosecutor and to any other agency from which notice is requested by the victim. Thereafter, only the designated representative will be entitled to assert victims' rights on behalf of that legal entity. Any change in designation must be provided in writing to the prosecutor and to any other agency from which notice is requested by the victim. Failure to keep the address and telephone number current or to designate a representative of a legal entity will be considered a waiver of notification rights under this Rule.

support victims' rights to request or waive rights, please call the Office of Victim Services which can provide training to law enforcement agencies and/or provide answers to technical questions: 602-542-4911.



~NEW~



The *Victims' Rights Brief*, is now available via the Arizona Attorney General's official website at www.ag.state.az.us in the Victim Services section.

Victim Service Practitioners Information Section

Masters Program Being Developed

Sam Houston State University, located in Huntsville, Texas, is developing a masters Degree program in Victim Services ?Victim Administration. The development process includes a needs assessment to identify the level of interest in such a program. If you think you might be interested in exploring a masters degree in victim services or victim administration, which would incorporate distance learning, please send an e-mail or letter of support to: Stephanie Frogge, Box 2296, Huntsville, TX 77341-2296 or Frogge@shsu.edu. Please indicate whether an emphasis in victim services delivery or one in agency administration would better meet your educational and professional needs. Your letter of interest/support does not obligate you in any way but you will be kept apprised of the programs development.

Victims' Rights Here To Stay

Victims' rights are here to stay. It is the hope of Arizona policy-makers that the victims' rights statutes, together with the procedures and orders, will ensure that no victim of crime is overlooked throughout the justice system.

Should you have any questions surrounding the statutes that

VICTIMS' RIGHTS BRIEF
A 3-minute update.

ATTORNEY GENERAL'S OFFICE OF VICTIM SERVICES
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TO CHANGE ADDRESS OR DELETE YOUR AGENCY FROM THE VICTIMS' RIGHTS BRIEF MAILING LIST...

Agency: _____
Address: _____

Change Delete