

VICTIMS' RIGHTS BRIEF

For Arizona's Justice System Administrators, Practitioners and Advocates

Vol. IX No. 3 December 2006

Office of Victim Services (OVS) Updates

These past few months have been very busy for the OVS team. This month's brief will provide updates on statutes, staff, and initiatives for the new calendar year. As always, do not hesitate to contact our office with any questions, concerns, or ideas regarding victims' rights!

Statute information...

With the past legislative session closing, we see the new legislation beginning. With any beginning, there is a struggle for implementation and staff training. The Enforcement Officer's email and phone have been quite busy with questions and victim concerns about what the new statutes mean for them. To provide some general information here are the major questions being asked for both old and new legislation.

1. As a victim, police departments are still charging me when I request a copy of my police report.

Response: Per A.R.S. § 39-127, every victim of a criminal offense involving a felony, sexual offense, or misdemeanor involving physical injury or threat of injury, or the immediate family of the victim (definitions have same meaning as A.R.S. § 13-4401) has the right to receive one free copy of the police report from the investigating law enforcement agency. Please share this information with all applicable persons to ensure victims do not have to track down the statute or contact the Enforcement Officer for support.

2. How is a victim supposed to file a motion if they wish to have a hearing reviewed?

Response: A.R.S. § 13-4436 Effect of Failure to Comply provides victims with the right to exercise their rights to a reexamination proceeding pursuant to said section or to another proceeding based on the failure to perform a duty or provide a right. Each court should have a process established that details how a victim would go about making this request, which all staff should be aware. A reexamination proceeding must occur within 30 days of the appropriate persons being notified of such a request.

3. When should a victim be notified of plea and the right to confer?

Response: While A.R.S. §§ 13-4419 and 13-4423 are written to provide, flexibility the practice that is supported by OVS is to notify a victim of a plea and their right to confer from the very beginning. Many agencies, in their initial letter, provide a statement that cases may be pled at any time and that victims have a right to confer *prior* to a plea being finalized. Ideally, when the prosecutor is drafting a plea agreement, just before or at the same time it is provided to the defendant, the victim should be notified and provided a copy.

4. What is an agency's responsibility for attempting to contact victims of hearings/release/etc.?
Response: Pursuant to A.R.S. § 13-4417, victims are responsible for maintaining current contact information with an agency. However many agencies have established a series of checks and balances to ensure accurate contact information and various ways to contact victims. While this depends on staff size and availability, agencies have found email, cell phones, alternative addresses or contact people, and other alternate means quite useful in maintaining contact with victims. Some agencies, small and large alike, have made it a policy to make home visits if all else fails.

New Staff...

OVS would like to welcome Shannon McReynolds, new Victim Advocate, to the OVS family. Shannon is taking the position that had been held by Rachelle Fugiel. Rachelle has recently relocated to Yakima, Washington and we wish her all of the very best! We are extremely lucky to have Shannon re-joining us, as she served the people of Arizona as a college intern advocate with us not too long ago. Welcome *back* Shannon! We are excited to have you!!!

Happenings...

The Enforcement Officer, more recently, has had an increase in calls from victim's not needing victims' rights support, but who generally feel ignored by the law enforcement/legal agencies they work with. In order to provide comprehensive assistance to all victims please provide as many referrals to victims as possible. Often, after receiving two or three referrals from the Enforcement Officer victims who were experiencing stress become completely at ease. It is every agency's role to support victims in the needs they have dealing with a crime they did not ask for.

Next year, for National Crime Victims' Rights Awareness Week (April 22-28, 2007), OVS is interested in coordinating a statewide effort to enlighten and engage the public about victims' rights. If your agency is interested in joining forces or if you have ideas you need support with, please contact Mel Williams at 602.542.8409.



The Victims' Rights Brief is published by the Arizona Attorney General's Office of Victim Services, which remains wholly responsible for its content. Questions regarding content can be directed to Mel Burton at (602) 542-8409. To learn more about victims' rights via the internet, email us at victimrights@azag.gov or visit us at www.azag.gov