



VICTIMS OF JUVENILE OFFENSES

Crime Victims' Bill of Rights

The Arizona Constitution provides the following rights for crime victims:

- To be treated with fairness, respect, and dignity, and to be free from intimidation, harassment, or abuse, throughout the juvenile justice process.
- To be informed, upon request, when the accused or adjudicated juvenile is released from custody or has escaped.
- To be present at and, upon request, to be informed of all juvenile proceedings where the juvenile has the right to be present.
- To be heard at any proceeding involving a decision regarding release from detention, a negotiated plea, and disposition.
- To refuse an interview, deposition, or other discovery request by the juvenile, the juvenile's attorney, or other person acting on behalf of the juvenile.
- To confer with the prosecution, after the crime against the victim has been charged, before adjudication or before any disposition of the case and to be informed of the disposition.
- To read pre-disposition reports relating to the crime against the victim when they are available to the juvenile.
- To receive prompt restitution from the person or persons convicted of the criminal conduct that caused the victim's loss or injury.
- To be heard at any proceeding when any post-adjudication release is being considered.
- To a speedy adjudication or disposition and prompt and final conclusion of the case after the adjudication and disposition.
- To have all rules governing criminal procedure and the admissibility of evidence in all criminal proceedings protect victims' rights and to have these rules be subject to amendment or repeal by the legislature to ensure the protection of these rights.
- To be informed of victims' constitutional rights.



Victims' Rights for Juvenile Offenses

Arizona Revised Statutes 8-381 through 8-421 provides in detail victims' rights for juvenile offenses. Most important are the rights contained under 8-389, preliminary notice of rights.

- A. If the victim has requested notice and if the accused is in custody at the time of charging, or seven days after the prosecutor charges a criminal offense if the accused is not in custody, the prosecutor's office shall give the victim notice of the following:
1. All the victim's rights through disposition under the victims' bill of rights, article II, section 2.1, Constitution of Arizona, any implementing legislation and court rule.
 2. The charge or charges against the accused and a clear and concise statement of the procedural steps involved in a delinquency prosecution.
 3. The procedures a victim shall follow to invoke the victims' right to confer with the prosecuting

attorney pursuant to section 8-399.

4. The person within the prosecutor's office to contact for more information.

B. Notwithstanding subsection A of this section, if a prosecutor declines to proceed with a prosecution after the final submission of a case by a law enforcement agency at the end of an investigation, the prosecutor, before the decision not to proceed is final, shall notify the victim and provide the victim with the reasons for declining to proceed with the case. The notice shall inform the victim of the victim's right on request to confer with the prosecutor before the decision not to proceed is final.

Business Victims' Rights

8-385. Limited rights of a legal entity.

Any corporation, partnership, association or other legal entity, would be included in the definition of victim in section 8-382, shall be afforded the following rights:

1. Within a reasonable time after arrest, the prosecutor shall notify the legal entity of the right to appear and be heard at any proceeding relating to restitution or disposition of the delinquent.
2. The prosecutor shall notify the legal entity of the right to submit to the court a written statement containing information and opinions on restitution and sentencing in its case.
3. On request, the prosecutor shall notify the legal entity in a timely manner of the date, time and place of any proceeding relating to restitution or disposition of the delinquent.
4. A lawful representative of the legal entity has the right, if present, to be heard at any proceeding relating to the sentencing or restitution of the delinquent.

Neighborhood Associations Rights

A neighborhood association may register with the city, town or county in which the neighborhood association is located to invoke the rights that are afforded pursuant to this article. The city, town or county shall establish procedures for the registration of neighborhood associations pursuant to this section. The procedures shall require the neighborhood association to provide to the city, town or county the name and telephone number of one person who shall act on behalf of the neighborhood association and who may receive notice or invoke rights pursuant to this section. The neighborhood association shall notify the city, town or county of any changes to this information. If the neighborhood association fails to keep this information current, the neighborhood association is deemed to have waived its rights under this section.



Resources

Maricopa County Juvenile Probation Department

MCJPD Main Line (Reception)602-506-4011
MCJPD Victims' Rights Line602-506-4471
MCJPD Detention (Durango)602-506-4280

Arizona Department of Juvenile Corrections - Victims' Rights Unit

Toll Free.....800-387-3062
Main Office602-364-3513

Juvenile Justice Process

Crime

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

Detained Advisory

After arrest, a detained juvenile must have an advisory within 24 hours. At an advisory a judicial officer will determine whether the juvenile is detained or released. If the juvenile is detained, there must be a finding of probable cause. Probable cause is based on allegations in the referral along with a properly executed affidavit. The State does not offer plea agreements at detained advisories. The juvenile can admit to all charges.

Released Advisory

The arresting agency will submit the case to MCAO, referred to as a "basket case." The MCAO has 45 days to review the case in order to make a charging decision and an additional 30 days for further investigation. For released or "basket cases" Advisory Hearings are set within 30 days. The State may offer a plea agreement at the advisory hearing after conferring with the victim. The juvenile's release conditions are addressed at every hearing.

Non-Witness Hearing

Many cases are resolved through plea agreements. At a non-witness hearing, a juvenile may plead delinquent to charges rather than proceed to an adjudication.

Adjudication

The State has a certain time limit to take a juvenile to adjudication. The time varies based on whether the juvenile is in or out of detention.

Disposition/Restitution

If the juvenile pleads delinquent or is found delinquent after an adjudication, a disposition date will be set about 30 days later. Restitution may be addressed at the same time or set for a future hearing 30 to 45 days later.

Appellate Review

A juvenile who is found delinquent after adjudication has fifteen days to file an appeal with the Court of Appeals.

