



## Crime Victims' Bill of Rights

### **Arizona State Constitution: Article 2, Section 2.1**

(A) To preserve and protect victims' rights to justice and due process, a victim of crime has a right:

1. To be treated with fairness, respect, and dignity, and to be free from intimidation, harassment, or abuse, throughout the criminal justice process.
2. To be informed, upon request, when the accused or convicted person is released from custody or has escaped.
3. To be present at and, upon request, to be informed of all criminal proceedings where the defendant has the right to be present.
4. To be heard at any proceeding involving a post-arrest release decision, a negotiated plea, and sentencing.
5. To refuse an interview, deposition, or other discovery request by the defendant, the defendant's attorney, or other person acting on behalf of the defendant.
6. To confer with the prosecution, after the crime against the victim has been charged, before trial or before any disposition of the case and to be informed of the disposition.
7. To read pre-sentence reports relating to the crime against the victim when they are available to the defendant.
8. To receive prompt restitution from the person or persons convicted of the criminal conduct that caused the victim's loss or injury.
9. To be heard at any proceeding when any post-conviction release from confinement is being considered.
10. To a speedy trial or disposition and prompt and final conclusion of the case after the conviction and sentence.
11. 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.
12. To be informed of victims' constitutional rights.

(B) A victim's exercise of any right granted by this section shall not be grounds for dismissing any criminal proceeding or setting aside any conviction or sentence.

(C) "Victim" means a person against whom the criminal offense has been committed or, if the person is killed or incapacitated, the person's spouse, parent, child or other lawful representative, except if the person is in custody for an offense or is the accused.

(D) The legislature, or the people by initiative or referendum, have the authority to enact substantive and procedural laws to define, implement, preserve and protect the rights guaranteed to victims by this section, including the authority to extend any of these rights to juvenile proceedings.

(E) The enumeration in the constitution of certain rights for victims shall not be construed to deny or disparage others granted by the legislature or retained by victims.

See A.R.S. § 13-4401 et seq. and A.R.S. § 13-806 for additional rights afforded to victims.

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](https://www.maricopaattorney.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 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.

## 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](https://www.maricopaattorney.org/victims)  
[AZleg.gov](https://www.azleg.gov)

# 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.

