



Arizona Department of Public Safety Arizona Attorney General's Office



Arizona Crime Victims' Rights

AUTOMATIC RIGHTS

Many of the rights provided to victims through legislation and rules of court are automatic. If you are a victim, these include the right:

1. To be advised of all victim rights and how to assert them;
2. To information on the availability of crisis intervention, medical and emergency services, information on victim assistance programs and domestic violence resources;
3. To be advised of the date, time and location of the initial appearance or arraignment if a suspect is arrested or cited;
4. To be provided the police report number, if available, and if the case has been submitted to a prosecutor's office, information on how to contact that office;
5. To be notified if the prosecutor declines to file charges, and notice of what charges are filed;
6. To have your home address, and employer's name and address withheld from the defendant and his representatives;
7. To refuse an interview with the defendant and anyone working on the defendant's behalf. This also applies to the parent or legal guardian of a minor child who exercises victims' rights on behalf of the minor child;
8. To be present at any court proceeding at which the defendant has the right to be present;
9. To name an appropriate support person, who is not a witness, to accompany you to any interview, deposition or court proceeding;
10. To have the Court provide appropriate safeguards to minimize contact between you and the defendant;
11. To be heard at any proceeding concerning release of the accused person, a plea agreement, and the sentencing (with some limitations if the defendant is facing the death penalty);
12. To speak with the presentence investigator before the sentencing, to give a sentencing recommendation, and to read the presentence report when it is available to the defendant;
13. To have the court order restitution, and to receive that restitution promptly;
14. To leave work (if eligible) to attend scheduled legal proceedings, or obtain or attempt to obtain an order of protection or injunction against harassment (in accordance with A.R.S. 13-4439).

For additional information or questions, please contact the Office of Victim Services, Arizona Attorney General's Office at (602) 542-4911.

RIGHTS YOU MUST REQUEST

If you are a victim, you also have the right upon request:

1. To confer with the prosecutor about a decision not to proceed with a prosecution, dismissal of the charges, pretrial diversion programs, any plea or sentencing negotiations, and at any hearing regarding the release of the defendant. You also have the right to confer with the prosecutor prior to trial (these rights do not include the authority to direct the prosecution of the case);
2. To request the prosecutor assert any right to which you are entitled;
3. To receive a free copy of the police report and/or court transcripts (in accordance with A.R.S. 39-127);
4. To receive a copy of the conditions of the suspect's release from custody;
5. To be given notice of the release on bond of the suspect;
6. To receive notice of all court proceedings at which the defendant has the right to be present;
7. To the return of your personal property taken during the investigation, and if the property cannot be returned, be advised of the reason;
8. To be advised of the sentence imposed upon the defendant;
9. To be given notice of any post-conviction release or appeals proceedings;
10. To be given notice of any hearing in which release from prison is being considered, the right to be present and heard at that hearing, and to be advised of the result;
11. To be advised of the earliest possible release date of a prisoner sentenced to the Department of Corrections (if the sentence exceeds six months), and notice before the release of the prisoner or, if the prisoner has died, notice of the death;
12. To receive notice of any probation revocation disposition or probation termination proceeding. You also have the right to be notified of any modification of probation which will substantially affect your safety or the probationer's contact with you, or which will affect restitution or the probationer's incarceration status;
13. To be notified, upon request, of the escape and re-arrest of the accused or convicted person (this includes a person placed by court order in a mental health treatment agency).

If there is any conflict of interest or disagreement between you and the prosecutor, you have the right to:

1. Be directed to the appropriate legal assistance, and
2. Be represented by your own attorney at your own expense.