

INTRODUCTION

The participation of crime victims is essential to our criminal justice system. Crime victims have rights under the Arizona Constitution as well as under various state laws and under the Rules of Criminal Procedure. At the time of the initial police report, victims receive information concerning their rights up to the time of the defendant's initial appearance.

Once this initial appearance is concluded and formal prosecution has begun, victims' rights continue but apply to different areas. This brochure explains victims' rights once formal prosecution begins in Glendale City Court. Glendale City Court handles misdemeanor cases and the rights being discussed here cover all misdemeanors.

Victims have the right:

- To be treated with fairness, respect, and dignity, and to be free from intimidation, harassment, or abuse, throughout the criminal justice process.
- To be informed, upon request, when the accused or convicted person is released from custody or has escaped.
- To be present at and, upon request, to be informed of all criminal proceedings where the defendant has the right to be present.
- To be heard at any proceeding involving a post arrest release decision, a negotiated plea, and sentencing.
- 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.
- 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.
- To read pre-sentence reports relating to the crime against the victim when they are available to the defendant.
- 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-conviction release from confinement is being considered.
- To a speedy trial or disposition and prompt and final conclusion of the case after the conviction and sentence.
- 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.



**Glendale Police Department
Victim Assistance
(623) 930-3030**

**6835 North 57th Dr. | Glendale, AZ 85301
www.GlendaleAZ.com/GFAC**

**Glendale City Court
(623) 930-2400**

**5711 W. Glendale Ave. | Glendale, AZ 85301
www.glendaleaz.com/court**

**Glendale City Prosecutor's Office
Victim Services Unit
(623) 930-3475**

**6815 N. 57th Ave. | Glendale, AZ 85301
www.glendaleaz.com/prosecutor**

The City of Glendale Police Department does not discriminate on the basis of race, color, national origin, religion, sex, disability or age.

If you are a victim as defined by A.R.S. §13-4401(19) and you believe your rights have been violated during the criminal or judicial process, the first step is to contact the agency in question and request the relief you believe is appropriate. If you are unsuccessful in resolving the issue, you may file a complaint with:

**Arizona Attorney General's Office
Office of Victim Services
2005 N. Central Ave.
Phoenix, AZ 85004
(602) 542-4911 | www.azag.gov**

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VICTIMS' RIGHTS IN CITY COURT PROSECUTIONS



GLENDALE POLICE DEPARTMENT

RIGHT TO NOTICE

Victims have the right to know about all proceedings where the defendant (the person charged with committing the crime) has the right to be present. This includes post-conviction proceedings when the victim has opted in for post-conviction notification.

RIGHT TO CONFER

Victims have the right to discuss their case and a possible plea agreement with the prosecutor. When formulating a plea agreement, the prosecutor will take the victims' input and concerns into consideration, along with the circumstances of the case, the law and the policies of the Glendale Prosecutor's Office. Victims who wish to discuss their case with a prosecutor should call (623) 930-3475 prior to the next scheduled court date. Please be prepared to repeat the case number when calling. Victims may also confer with the prosecutor in the courtroom before the scheduled hearing begins by introducing themselves as the victims in the case.

RIGHT TO LEAVE WORK

Victims of crimes have the right to be present at legal and court proceedings. The law requires that employers who have fifty or more employees for each working day, in each of twenty or more calendar weeks in the current or preceding calendar year, shall allow an employee who is a victim of a crime to leave work to exercise the employee's right to be present at proceedings.

The employer shall also allow the employee to leave work to obtain or attempt to obtain an Order of Protection, an Injunction Against Harassment or any other injunctive relief to help ensure the health, safety or welfare of the victim or the victim's child. Absent an undue hardship to the business, these laws allow for employees who are victims to leave work and not fear for the security of their employment, seniority, or precedence, due to proceedings they are legally entitled to attend.

The employer is not required to compensate the employee to attend proceedings, and may require the employee to use accrued paid vacation, personal leave or sick leave. The employer is required to protect the employee's right to confidentiality.

The law requires the employee to provide their employer a copy of the victims' rights form provided by the law enforcement agency, and if applicable, a copy of the notice of each scheduled proceeding provided to the victim by the notifying agency.

RIGHT TO BE PRESENT AND HEARD

Victims have the right to be present at all proceedings where the defendant has the right to be present. This includes the right to attend the whole trial even if the victim is not one of those who is going to testify. Victims have the right to be heard at all proceedings involving a post-arrest release decision, a negotiated plea agreement, and sentencing. This includes the right to ask the judge to reject a plea agreement if the victim believes it to be unjust. Victims have the right to a speedy trial, and the court will consider the victim's views in deciding whether or not to grant a continuance. Victims can also ask the court to revoke bond or personal-recognizance release if the prosecutor has not made such a request and there have been threats of harassment by, or on behalf of, the defendant.

Victims can exercise their right to be heard through either an oral, written, or taped (audio or video) statement. To protect their privacy, victims have a right not to testify regarding their address, telephone numbers, place of employment or other locating information unless the court finds a compelling need for the information.

RIGHT TO REFUSE AN INTERVIEW

Victims have the right to have the defendant, or any agent of the defendant, make contact with them only through the prosecutor. Victims have the right to refuse to participate in any out-of-court interview by the defendant, the defendant's attorney, or any other person acting on behalf of the defendant. If the victim voluntarily agrees to such an interview, the victim can decide when and where it is to take place, who is to be present, and can terminate the interview at any time.

RIGHT TO EMOTIONAL SUPPORT

Victims have the right to be accompanied, for the purpose of emotional support, to any voluntary interview or court proceeding, by a parent, relative, or other person of the victim's choosing including a victim assistance caseworker, provided that such person is not a witness on the same case. Communications between the victim and victim assistance caseworker are confidential and information related to these communications cannot be released without the victim's consent, unless otherwise indicated.

RIGHT TO RESTITUTION

Victims have the right to have the court order the defendant to pay restitution for any economic loss directly related to the crime. Victims have the right to have the prosecutor present information or evidence to the court concerning restitution. Therefore, it is important to let the Glendale City Prosecutor's Office know about restitution concerns and to provide any documentation requested in a timely manner prior to sentencing. Victims have the right to receive prompt payment of restitution and to request a copy of the defendant's restitution payment history from the clerk of the court. The court deposits restitution funds with the city. The city then disburses the funds to victims. This process may take two or more weeks once the defendant has paid restitution to the court. Victims have the right to file a restitution lien against the defendant's property, either pre-conviction or post-conviction. Victims also have the right to bring a separate civil action in addition to or instead of requesting restitution in criminal proceedings.

EXERCISING YOUR RIGHTS

Victims planning to exercise their rights to be present and heard at any court proceeding should alert a victim assistance caseworker or the prosecutor so that their presence will be acknowledged and their opportunity to be heard will not be overlooked.

A victim assistance caseworker and the prosecutor may also assist victims in exercising their other rights as needed.

All crime victims are encouraged to exercise their rights. A copy of the text detailing all of the rights of a crime victim is available at www.GlendaleAZ.com/Prosecutor or www.azag.gov. For further information or assistance, please call the Glendale City Prosecutor's Office at (623) 930-3475.