

## **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, the victim's rights continue but apply to different areas. This brochure explains victims' rights once formal prosecution begins in Glendale City Court. City Court handles misdemeanor (less serious) cases and the rights being discussed here cover all misdemeanors.

Once formal prosecution has begun, victims can exercise their rights by completing and returning the Victim's Rights Update Form to either Victim Assistance or the Prosecutor.

### **These rights include:**

- Receiving notification of all court appearances
- Confering with the Prosecutor
- Right to leave work
- Giving input to the Court prior to sentencing with a Victim Impact Statement
- Refusing interviews with anyone acting on behalf of the defendant
- Receiving emotional support during the process
- Confirming interest or lack of interest in monetary restitution



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

6835 North 57th Dr. | Glendale, AZ 85301  
[www.glendaleaz.com/police/victimassistance](http://www.glendaleaz.com/police/victimassistance)

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

5711 W. Glendale Ave. | Glendale, AZ 85301  
[www.glendaleaz.com/court](http://www.glendaleaz.com/court)

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

**Victim Services Unit**  
(623) 930-3323

6815 N. 57th Ave. | Glendale, AZ 85301  
[www.glendaleaz.com/prosecutor](http://www.glendaleaz.com/prosecutor)

# **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 both pre-trial and post-conviction proceedings.

## **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 victim's input and concerns into consideration, along with the circumstances of the case, the law and the policies of the Prosecutor's Office. To discuss this case with a Prosecutor, please call (623) 930-3475 at least three working days prior to the next scheduled court date. 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 proceeding calendar year shall allow an employee who is a victim of a crime to leave work to exercise the employees' 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 employees' 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 proceedings provided to the victim by the notifying agency.

## **RIGHT TO BE PRESENT AND HEARD**

Victims have the right to be present at all proceedings involving the defendant. This includes the right to attend the whole trial even if the victim is not one of those who is going to testify. The victim has the right to be heard at all proceedings involving a post-arrest release decision, a negotiated plea agreement, and sentencing. This includes the victim's 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 has 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**

The victim has the right to have the defendant, or any agent of the defendant, make contact with them only through the Prosecutor. The victim has 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. The victim's journal or diary is also protected.

## **RIGHT TO EMOTIONAL SUPPORT**

The victim has 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.

## **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 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. The court deposits restitution funds with the city. The city disburses the funds to victims. This process may take two or more weeks once the defendant has paid restitution to the Court. The Court attempts to consult with the victim prior to setting the defendant's method of paying the restitution. Victims have the right to file a Restitution Lien against the defendant's property once restitution has been ordered. 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 can exercise the forementioned rights by completing and returning the Victim's Rights Update Form to either Victim Assistance or the Prosecutor.

Victims planning to exercise their rights to be present and heard at any court proceeding should alert Victim Assistance or the Prosecutor so that their presence will be acknowledged and their opportunity to be heard will not be overlooked.

Victim Assistance and the Prosecutor 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 crime victims is available by calling the Office of the Arizona Attorney General at 1-800-458-4911 or [www.azag.gov/victims\\_rights](http://www.azag.gov/victims_rights). For further information or assistance on a Glendale City Court case, please call the Glendale City Prosecutor's Office at (623) 930-3475 or Glendale Victim Assistance at (623) 930-3030.

