



Arizona Attorney General Mark Brunovich Office of Victim Services

# Victims' Rights Brief

For Arizona's Justice System Administrators, Practitioners, and Advocates



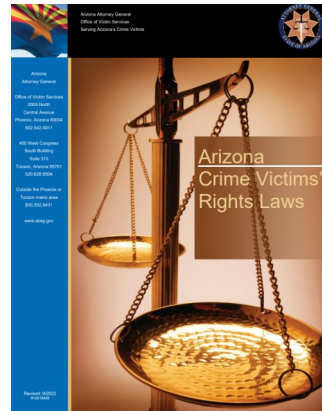
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## 2022 Legislative Update and OVS Complaint Program-Annual Review

This issue of the Victims' Rights Brief (VRB) highlights victims' rights and related laws passed during the 2022 Arizona legislative session. The information below provides a brief summary of changes to the law as they relate to victims' rights and is not inclusive of all statutory provisions. We encourage you to visit the Arizona State Legislature's website at <http://www.azleg.gov> for a complete reading of the statutes and consult with your agency's legal team for further interpretation and direction **on implementation**. Links to the chaptered versions of the laws are also included below.

Please click the link below to view and print the NEW revised 2022/23 Arizona Crime Victims' Rights Law Book: [2022-Arizona Crime Victims Rights LAW BOOK.pdf](#)



### 2022 Victims' Rights Related Legislative Updates

#### HB2709: Amending section 13-4434, Arizona Revised Statutes; Relating to Victims' Rights

<https://www.azleg.gov/legtext/55leg/2R/laws/0100.pdf>

##### A.R.S. § 13-4434. Victim's right to privacy; exception; definitions \*\*

- Provides an exception to the redaction requirements of A.R.S. § 13-4434(B) in that a victim's address that appears in body-worn camera footage, photos or other visual or audio depictions does not require redaction if there is evidence that the defendant knows the victim's address because of a relationship set forth in § 13-3601(A).
- Provides that a court may order the victims' identifying and locating information to be disclosed if it is necessary to protect the defendant's constitutional rights or when the information is not reasonably able to be redacted because of undue burden or expense.
- Requires the victim to be notified and has the right to be heard prior to the court disclosing his/her identifying information.
- Prohibits the defendant's attorney to disclose the information to any person other than the attorney's staff and a designated investigator, if the disclosure is made.
- Requires the defendant's attorney to obtain specific authorization from the court to provide the aforementioned information to the defendant.

\*\* HB2709 did not include a revision to A.R.S. § 8-413. Victim's right to privacy; exception; definitions, the victims' rights for juvenile offenses equivalent of A.R.S. § 13-4434.

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If you have questions, suggestions, or an idea for an article, please contact Colette Chapman at (602) 542-8848 or by email at [Colette.Chapman@azag.gov](mailto:Colette.Chapman@azag.gov)



## 2022 Legislative Update Cont.

Please ensure appropriate updates are made to your agency's policies and procedures, notification letters and in-house trainings as applicable.

**SB1294, Related to Criminal Offense Records, was passed in the 2021 Legislative Session and becomes effective January 1, 2023.** <https://www.azleg.gov/legtext/55leg/1R/laws/0432.pdf>

A.R.S. § 13-911. Sealing of arrest, conviction and sentencing records; requirements; fee; appeal; definition



### A.R.S. § 13-911(D)

- Prohibits the court to grant or deny a petition to seal a person's case records until thirty calendar days after the court receives the petition unless the prosecutor and all victims who have requested post-conviction notice do not object to the petition.
- Permits the court to grant or deny a petition without a hearing, unless the petitioner, prosecutor or victim requests a hearing.
- Specifies that victims have a right to be present and heard at any proceeding in which the defendant has filed a petition to seal case records.
- Requires the prosecutor to provide the victim notice of the defendant's petition and of the victims' rights under this section.

### A.R.S. § 13-911(J)

- Permits sealed case records to be made available to the victim in certain circumstances provided the victim has opted-in for post-conviction notice.

## Other Legislation of Interest Related to Victims

**HB2119: Amending sections 13-906, 13-907, 13-908 and 13-910 Arizona Revised Statutes; Relating to the Restoration of Civil Rights.**

<https://www.azleg.gov/legtext/55leg/2R/laws/0199.pdf>

**HB2604: Amending sections 13-3602 and 13-3624, Arizona Revised Statutes; Relating to Family Offenses (Orders of Protection)**

<https://www.azleg.gov/legtext/55leg/2R/laws/0167.pdf>

**HB2397: Amending section 46-451, Arizona Revised Statutes; Relating to Vulnerable Adults.**

<https://www.azleg.gov/legtext/55leg/2R/laws/0379.pdf>

**SB1593- Amending Section 13-1414 Arizona Revised Statutes; Amending Title 36, Chapter 4, Article 1, Arizona Revised Statutes by adding Section 36-420.02; Relating to Sexual Offenses.**

<https://www.azleg.gov/legtext/55leg/2R/laws/0117.pdf>

**HB2594: Amending Title 36, Arizona Revised Statutes, by adding Chapter 40; Relating to Health Care (Trauma Recovery Center)**

<https://www.azleg.gov/legtext/55leg/2R/laws/0249.pdf>

**SB1653: Amending sections 11-445 and 12-1809, Arizona Revised Statutes ;Amending Title 13, Chapter 7, Arizona Revised Statutes, by adding section 13-719; Amending Sections 13-901 and 31-411.01, Arizona Revised Statutes; Relating to Sentencing. (Lifetime Injunctions)**

<https://www.azleg.gov/legtext/55leg/2R/laws/0278.pdf>

## Victim' Rights Complaints—Looking Back at FY2022

The Victims' Rights Complaint Program is a nationally recognized multidisciplinary component of the Attorney General's Office of Victim Services' (AGO/OVS) to ensure victims' rights are upheld in Arizona. True to the mission of promoting justice and healing for people affected by crime in Arizona, the Compliance Administrator promotes victim participation in the justice process, facilitates resolution of victims' rights issues



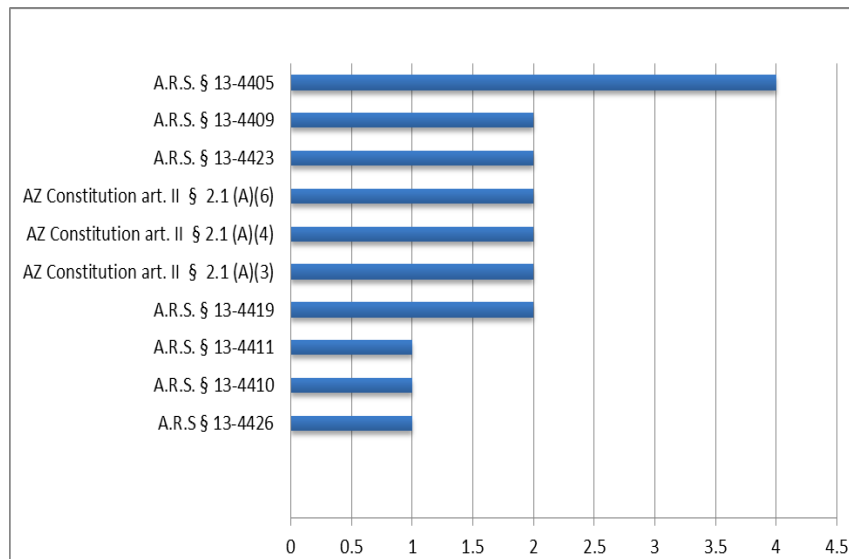
with criminal and juvenile justice entities, and identifies gaps in services and non-uniform interpretation of victims' rights laws. The Compliance Administrator also promotes accountability, provides support and technical assistance to agencies responsible for providing mandated victims services and exonerates agencies from unjustified criticism when alleged violations are unfounded.

### A Year in Review

In FY 2022, the Compliance Administrator received and reviewed 264 complaints alleging victims' rights were violated in his/her case or situation. Of the 264, 26 victims' rights complaints were deemed to meet criteria. Additionally, 25 victims' rights complaints carried over from the previous fiscal year making a total of 51 complaints in the investigative process throughout the course of the year. Of the 51 complaints, 27 were completed and 7 victims' rights complaints

were substantiated with a total of 19 violations. Seven agencies were subsequently issued a letter of findings outlining the complainant's allegation(s) and the agency's violation(s) and often provided recommendations for system improvements. The most frequent findings involved issues related to A.R.S. § 13-4405; information provided to a victim by law enforcement agencies.

### Victims' Rights Violations by Statute



#### Graph Key:

- A.R.S. § 13-4405. Information provided to victim by law enforcement agencies
- A.R.S. § 13-4409. Notice of criminal proceedings
- A.R.S. § 13-4423. Plea negotiation proceedings
- AZ Const. art. II § 2.1(A)(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.
- AZ Const. art. II § 2.1(A)(4) To be heard at any proceeding involving a post arrest release decision, a negotiated plea, and sentencing.
- AZ Const. art. II § 2.1(A)(3) To be present at and, upon request, to be informed of all criminal proceedings where the defendant has the right to be present.
- A.R.S. § 13-4419. Victim conference with prosecuting attorney
- A.R.S. § 13-4411. Notice of post-conviction review and appellate proceedings
- A.R.S. § 13-4410. Notice of conviction, acquittal or dismissal; impact statement
- A.R.S. § 13-4426. Sentencing

## Results Driven Data

The Compliance Administrator bases findings and conclusions of victims' rights complaints on the documentation provided or otherwise discovered during the investigation including, but not limited to: court documents, police reports, notification letters, file notes review and information obtained through interviews. Data is collected each year to identify issues and areas of concern throughout the state and is then used to inform state-wide training priorities and committee actions.

For example, in addition to incorporating common victims' rights issues into Basic and Advanced victims' rights trainings, the OVS Director and Compliance Administrator were invited to present the AZOVS Complaint Process at the National Center of Victims of Crime, National Training Institute in Atlanta, GA., and as a plenary at the Arizona Prosecuting Attorney Advisory Council (APAAC) Annual Conference. Attended by almost 400 people, these interactive trainings provided an opportunity for participants to examine scenarios with common violations and consider how those violations can be prevented in their workplace. Below is a sample of comments by attendees:

- ◆ "Very Informative"
- ◆ "Very useful to hear from the State's [Compliance] Office how it works and what it does"
- ◆ "Very useful and good scenarios to get you thinking"
- ◆ "I found the presentation very useful in identifying my duties under the Victims' Bill of Rights."

Pictured to the right:

Blaine Gadow, Section Chief Counsel: Fraud and Special Prosecutions; Colette Chapman, Compliance Administrator; and Kirstin Flores, OVS Director, at the annual APAAC Conference



## Impact

What victims are saying:

*"Thank you again for your efforts on my behalf"*

*"This was the only place I was able to get info"*

- AZ Crime Victims

Individual criminal justice agencies who were contacted during the course of the investigations were responsive to OVS recommendations and expressed their commitment to make improvements in their efforts to serve victims. Many agencies revisited daily practices, revised policies and procedures, and requested victims' rights training for staff. Additionally, victims were appreciative of the complaint process. The Complaint Program ultimately benefits all victims, not just the victims who have filed a complaint with our office. Criminal justice agencies that make improvements to their programs as a result of a complaint (whether substantiated or not) have broad ranging, relevant effects for all victims.

Our office recommends that all criminal justice agencies take the opportunity to review your agency's policies and procedures, daily practices, and notification letters against the statutory requirements, regardless if a victims' rights complaint has been filed or not.

## OVS Outreach and Education



Registration for the new year of Victims' Rights Basic and Advanced presentations will begin in the coming weeks. We anticipate the start of presentations in late October. This year, we're excited to present our Advanced presentation "Navigating Victims' Rights in the Juvenile Justice System"

To register for Basic and/or Advanced please visit our website or the link below.

**VOCA Requirements:** As a reminder for VOCA recipients, both system-based and community-based practitioners are required to take the Basic Victims' Rights course every 5 years. Systems-based practitioners are required to take the Advanced Victims' Rights course yearly, and community-based practitioners are suggested to attend yearly, as well. You can view other webinar requirements on our website.

### *OVS Outreach and Education Website:*

To register and view schedule, please click the link below:

<https://www.azag.gov/criminal/victim-services/training>

#### **Phoenix Victim Service's Office:**

Mainline: 602-542-4911

Fax: 602-542-8453


2005 N. Central Avenue, Phoenix, AZ, 85004

#### **Tucson Victim Service's Office**

Mainline: 520-628-6459

Fax: 520-628-6566

400 W Congress, S-315, Tucson, AZ, 85701



**Arizona Attorney General's Office of Victim Services Information**

*The Arizona Attorney General's Office is dedicated to a system of justice that is inclusive of crime victims and will remain vigilant in striving to provide the most efficient and effective service to the people of Arizona. The services provided to crime victims and the technical assistance and support provided to criminal justice agencies and other service providers is the responsibility of the Office of Victim Services.*

For more information and resources about the Arizona Attorney General's Office, please visit: [azag.gov](http://azag.gov)

