

Victim Rights & Corrections

The **Arizona Department of Corrections** (ADC) is committed to providing victims of crime and their families continued dedicated service.

Victim Services Mission Statement

The Office of Victim Services is a change agent that empowers crime victims and survivors, holds offenders accountable through Restorative Justice programming, and generates public awareness through outreach about crime victims' rights and needs. Outreach is accomplished through victim-focused education, training and services; offender involvement in resource development and restorative community service; and integrating victim sensitivity in all aspects of the department's operation by partnering with crime victims and survivors, department staff, allied professionals, elected and public officials, and the community.

What are a Victim's Rights? As a victim of crime, you have the right upon request to receive notice of all post-conviction review/relief and appellate proceedings, and all post-conviction release proceedings. You have the right to receive notice of the outcome arising from these proceedings and the right to be informed of the convicted defendant's release from prison, escape or death.

Who is a Victim?

Pursuant to Arizona Revised Statute 13-4401, a victim is defined as a person against whom the criminal offense has been committed, including a minor, or if the person is killed or incapacitated, the person's spouse, parent, child, grandparent or sibling, any other person related to the person by consanguinity or affinity to the second degree or other lawful representative of the person, except if the spouse, parent, child, grandparent, sibling, other person related to the person by consanguinity or affinity to the second degree or other lawful representative is in custody for an offense or is the accused.

A **Lawful Representative** is a person who is designated by the victim or appointed by the court to act in the best interest of the victim.

Post-Conviction Relief Proceeding

A contested oral argument or evidentiary hearing that is held in open court and involves a request by the defendant for relief from a conviction or sentence. A victim's request for notice of these proceedings must be sent to the Prosecutor's Office.

Post-Conviction Notification Request (PCNR)

When the defendant's sentencing result is prison you have the right upon request to receive notice of all post-conviction review/relief and appellate proceedings, all post-conviction release proceedings. You have the right to receive notice of decisions arising out of these proceedings (outcome), and you have the right to be informed of the convicted defendant's release from prison, escape or death, as well as the right to request not to receive inmate mail. The PCNR form can be obtained through the County Attorney's office or Arizona Department of Corrections Office of Victim Services.

Post-Conviction Release

Defendant is released on parole, work furlough, home arrest, community supervision or any other permanent, conditional or temporary discharge from confinement in the custody of the State Department of Corrections.

Appellate Proceedings

A contested oral argument held in open court before the State Court of Appeals, the State Supreme Court, a Federal Court of Appeals, or the United States Supreme Court. A victim's request for notice must be sent to:

The Attorney General's Office
15 S. 15th Ave.
Phoenix, Arizona 85007
(602) 542-4911

Courtesy Notifications

Notifications to persons other than the victim. The interested party must submit a written request for notification stating the reason for the request. The person in this category receives only written notification. The request must be approved by the Office of Victim Services or designee.

Post-Conviction Victim Rights

- To be treated with fairness, respect and dignity and be free from intimidation, harassment or abuse throughout the criminal justice system – **Arizona Constitution, Article 2, Section 2.1 Victims Bill of Rights**
- To receive prompt restitution from the person or persons convicted of the criminal conduct that caused the victim's loss or injury - **Arizona Constitution, Article 2, Section 2.1 Victims Bill of Rights**
- To be informed, upon request, when the accused or convicted person is released from custody, has escaped or died – **ARS 13-4412 & 4413**
- To be present at, and upon request, informed of all criminal proceedings where the defendant has the right to be present – **ARS 13-4414**
- To be heard at any proceeding when any post conviction release from confinement is being considered – **ARS 13-4414**
- To request not to receive inmate mail – **ARS 13-4411.01**

ADC Office of Victim Services
1-866-787-7233 | 602-542-1853
azvictims@azcorrections.gov

The Arizona Board of Executive Clemency upon request will notify victims and legal representatives of upcoming hearing dates on those inmates eligible by statute for a Board release. Persons choosing to attend a hearing, either to observe or provide input must contact the Board for information regarding the specific date, time and location of the hearing. Persons who do not wish to attend the hearing may provide written input for the Board's consideration prior to the inmate's hearing.

THE FUNCTION OF THE BOARD

The mission of the Arizona Board of Executive Clemency is to ensure public safety by considering and granting parole to inmates certified as eligible by the Department of Corrections and who meet the legal criteria for a grant of parole and by recommending to the Governor appropriate clemency actions.

Each month the Board conducts parole hearings for inmates who have committed offenses prior to January 1994. Parole hearings may include consideration for home arrest, work furlough, rescission, modification, revocation and absolute discharge. The Board also conducts clemency hearings, which include commutation, pardon and reprieve.

In 1993, Legislation passed which eliminated Board releases for inmates whose offense was committed after January 1, 1994. In addition, the Board's name changed from Board of Pardons and Paroles to the Board of Executive Clemency.

INFORMATION FOR VICTIMS

The Board welcomes input from victims. Victims are entitled to notification of hearings on request and are entitled to an opportunity to be heard. Victims may attend and address the Board at hearings and may submit written input as well. Victims may contact the Board to obtain a victim notification request form. For further information on victim's rights you may contact the prosecuting agency.

Arizona Board of Executive Clemency
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Phoenix, Arizona 85007
(602) 542-5656 fax (602) 542-5680
www.azboec.gov