

INFORMATION FOR VICTIMS OF CRIME

City Prosecutor's Office
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DEFENDANT

CASE NO.:

CHARGES:

This Victim Impact Statement is used by the Prosecutor for evaluating the effect the crime has had on you and your family. Without this information, you may not receive reimbursement and assistance that, by law, is your right. The questions below are suggestions. You may use the provided form and/or attach additional pages as necessary. A copy of this statement will be received by the Prosecutor and possibly the defendant and his/her attorney. If you need assistance completing this form, please call 623-349-6462. **Please return this information as soon as possible.** Asistencia en Español disponible.

VICTIM/LEGAL GUARDIAN: _____

Street Address: _____ City, State, Zip: _____

Home Phone: _____ Work/Cell Phone: _____

Alternate Contact: _____ Phone: _____

- 1. What physical injuries did you or your family suffer?**
- 2. What, if any, psychological or emotional changes have occurred as a direct result of the crime?**
- 3. What recommendations do you have regarding sentencing, punishment and/or treatment for the offender?**
- 4. What specific concerns do you have about the defendant?**

Financial Loss that was a Direct Result of the Charged Criminal Offense:

Copies of ALL receipts or estimates MUST be provided. Failure to provide proper documentation may result in failure to have restitution ordered. Requests for restitution do not ensure that financial compensation is warranted. You may be asked to provide additional proof of loss and a restitution hearing may be ordered.

Please provide a total of your "out of pocket"/ non-covered expenses for the following categories:

Medical/Dental/Counseling: _____

Property Loss/Damages: _____

Wage Loss (Please provide verification of earnings): _____

Other Losses (Please provide explanation): _____

Total Requested: _____

Signature of Victim/Legal Guardian

Date Completed

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The **BUCKEYE CITY PROSECUTOR** prosecutes misdemeanor crimes that are committed within the City of Buckeye. The Buckeye Police Department has **VICTIM ADVOCATES** who provide information to victims about their case. This includes information about court proceedings, victims' rights, restitution, and referrals to other agencies that assist victims. If you have questions, you can contact the Victim Advocates at (623)349-6462. Bilingual assistance for Spanish speaking victims is also available.

ABOUT THE INITIAL COMPLAINT:

The first contact a victim makes regarding a criminal offense should be with the police department. If you are involved in any type of crime, you must contact the police and report the crime, even if the suspect is not in the area of where the incident took place. The police department will determine if there is enough evidence to investigate the matter. If so, the police will then decide whether to continue the investigation, make an arrest, cite and release the suspect or submit the case to the City Prosecutor for consideration of filing charges by way of long-form complaint.

At the time of the incident, the police officer should ask you if you want to exercise your rights as a victim. The officer will present you with a form to sign which indicates that you choose to request or waive (give up) your rights. **If you waive your rights you will not receive any notification from the Victim Advocates.** You can change your mind about whether or not you want to exercise your rights at any time by contacting our office. You will receive notification only if you maintain a current address and phone number with the Victim Advocates.

COURT PROCEDURES:

There will be no court hearings scheduled until a suspect is arrested, a citation is issued or a complaint is filed by the City Prosecutor. If an arrest is made, an **Initial Appearance** will take place within 24 hours of the suspect being taken into custody. The Judge will determine if a defendant will be released on his/her own recognizance (OR) along with a personal promise to return to court. When released OR, defendants are not required to post bail or bond because it is believed that they have sufficient community ties to assure their appearance in court. The Judge may require additional provisions with respect to contact with the victim. You can request to be notified by the police of the defendant's release and the conditions of that release.

ARRAIGNMENT:

When a citation or complaint is issued (without an arrest), the first court date will be the **Arraignment**. If the defendant is in custody, the **Arraignment** will sometimes take place at the same time as the **Initial Appearance**. At the **Arraignment** the Judge will inform the defendant of the exact nature of the charges, the maximum penalties involved, and advise the defendant of his/her rights by law. The Judge may also amend any previously set release conditions and should contact the victim for input regarding changes.

At the **Arraignment** the defendant is asked to make a plea of guilty or not guilty to the charge. In cases that involve victims' rights, the Judge will typically enter a plea of not guilty on behalf of the defendant so that a Pre-Trial Conference can be set. The Pre-Trial Conference will be set for approximately two to four weeks later.

PRE-TRIAL CONFERENCE:

At the **Pre-Trial Conference**, the defendant will be offered a plea agreement or deferred prosecution agreement. If the offer is accepted, the defendant will typically be sentenced that same day and a trial will not take place. If no agreement is reached, the matter will either be set for **Trial** or set for another **Pre-Trial Conference**. As with all court hearings where the defendant can be present, **victims have the right to attend Pre-Trial Conferences**.

TRIAL: Trials are set within thirty days after the final Pre-Trial Conference. **All witnesses in the case, including you, the victim, will be subpoenaed to appear in court for trial.** Most cases will be tried before the Judge but some will be tried in front of a jury. Sometimes it is necessary for the Court to continue trial dates for a number of reasons.

As a victim, you continue to have the right to refuse to talk to anyone you do not wish to, including anyone associated with the defendant. Unless you receive a subpoena for a court hearing, it is your choice whether you talk with defense counsel or the prosecutor.

A defendant's attorney, investigator, or another employee from the defense attorney's firm may contact you without first notifying the Buckeye City Prosecutor. If you are contacted by a defense attorney, then please let me know. However, a defendant cannot directly contact you without the court's permission, so please call the Buckeye Police Department if a defendant is trying to contact you. The Buckeye City Prosecutor will not give your personal or contact information to the defendant, or anyone working with the defendant.

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SENTENCING: If the defendant is found guilty at trial, the Judge will likely impose sentence on the same day. Sometimes a Sentencing Hearing may be scheduled for a separate date.

RESTITUTION HEARING: You may be entitled to restitution if you suffered economic loss attributable to the criminal offense. This- could be in the form of lost wages, medical expenses, damaged property, etc. Please prepare to provide documentation of your economic loss as soon as possible. ***It is your responsibility to make sure the City Prosecutor has all information and receipts regarding any restitution claims.*** The Prosecutor will need this documentation in order to request restitution. If restitution is deemed to be appropriate it may be ordered at the time of sentencing or a separate hearing may be necessary. If a separate hearing is set it will typically be scheduled for two to four weeks later and you will be required to attend.

If the restitution is ordered, the Court will set up a plan for payment. Depending on the defendant's financial resources, restitution payment(s) may be made over a period of several months. The defendant will make payment(s) to the Court and the Court will then issue restitution payment(s) to you, the victim. If restitution is court ordered in your case and the defendant fails to comply, you have a right to file a restitution lien against the defendant.

COMMONLY ASKED QUESTIONS:

Dismissal of Charges:

The Plaintiff in this complaint is the State of Arizona versus the defendant. Therefore, the decision to prosecute lies with the State (the City Prosecutor), not the victim. A victim does not have the right to have a complaint dismissed. However, the victim's input is very important to the City Prosecutor in determining what the outcome of the case should be.

Repeat Offenses:

Any repeat criminal offenses will need to be reported to the Buckeye Police Department; **IF IT IS AN EMERGENCY, CALL 9-1-1 IMMEDIATELY.**

Case Status:

Except for notice of Initial Appearances and some Arraignment dates (which would be provided through the police department), you will be informed of court proceedings through the Victim Advocates. If at any time you haven't received notification, contact our office as soon as possible.

Conditions of Release:

You may request a change in the defendant's release conditions by calling the Victim Advocates at (623)349-6462 or the Buckeye Municipal Court at (623) 349-6510. For your protection, you may be asked to appear in person to discuss any changes.

Additional Assistance:

If you need assistance with locating a place to stay, food, counseling or any other referrals, information was provided on the "Information For Arizona's Victims of Crime" form provided by the Police Department.

Additional resources may be obtained by contacting the Buckeye Police Department Victim Advocates at (623)349-6462. In cases of domestic violence, shelter and counseling referral sources are available.

If you need assistance with paying medical bills, counseling costs or have lost wages as a result of this crime, you may be able to obtain assistance through the Victim Compensation Program. Funds are not guaranteed, but a victim of any violent crime may apply for this compensation. To obtain more information, please contact the Victim Advocates at (623)349-6462 or the **Arizona Crime Victim Compensation Program at (602) 506-4955.**

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CRIME VICTIMS' BILL OF RIGHTS

ARIZONA CONSTITUTIONAL RIGHTS FOR CRIME VICTIMS ARTICLE II, SECTION 2.1, VICTIMS' BILL OF RIGHTS

A. TO PRESERVE AND PROTECT VICTIMS' RIGHTS TO JUSTICE AND DUE PROCESS, A VICTIM OF CRIME HAS A RIGHT:

1. To be treated with fairness, respect and dignity, and to be free from intimidation, harassment or abuse, throughout the criminal justice process.
2. To be informed, upon request, when the accused or convicted person is released from custody or has escaped.
3. To be present at and, upon request, to be informed of all criminal proceedings when the defendant has the right to be present.
4. To be heard at any proceeding involving a post-arrest release decision, a negotiated plea and sentencing.
5. 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.
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.
7. To read pre-sentence reports relating to the crime against the victim when they are available to the defendant.
8. To receive prompt restitution from the person or persons convicted of the criminal conduct that caused the victim's loss or injury.
9. To be heard at any proceeding when any post-conviction release from confinement is being considered.
10. To a speedy trial or disposition and prompt and final conclusion of the case after the conviction and sentence.
11. 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.
12. To be informed of victims' constitutional rights.

B. A victim's exercise of any right granted by this section shall not be grounds for dismissing any criminal proceeding or setting aside any conviction or sentence.

C. "Victim" means a person against whom the criminal offense has been committed or if the person is killed or incapacitated, the person's spouse, parent, child or other lawful representative, except if the person is in custody for an offense or is the accused.

D. The legislature, or the people by initiative or referendum, have the authority to enact substantive and procedural laws to define, implement, preserve and protect the rights guaranteed to victims by this section, including the authority to extend any of these rights to juvenile proceedings.

E. The enumeration in the constitution of certain rights for victims shall not be construed to deny or disparage others granted by the legislature or retained by victims.