



PROSECUTOR'S OFFICE

The City of Tempe Prosecutor's Office provides victim services for victims of misdemeanor crimes committed and charged in the City of Tempe. Victim services provided:

- Provide information to victims regarding rights and invocation procedures.
- Educate victims on the procedures of the criminal justice system.
- Act as a liaison between the victim and prosecutor.
- Connect victims with Tempe's Care 7 Victim Advocates for support and resources

CARE 7 VICTIM ADVOCATES

The Victim Advocates at CARE 7 are available to support. The advocates respond to questions the victim may have, anticipate the victim's needs, and provide support through the criminal justice system.

Advocates can assist victims with understanding their rights, filling out paperwork for court case, obtaining an Order of Protection or Injunction Against Harassment, acting as a liaison between the victim and police, and escorting victims to court. Services provided are free of charge.

To connect with a CARE 7 Victim Advocate, call 480-350-8004 or email care7victimservices@tempe.gov

GENERAL DESCRIPTIONS OF COURTROOM PROCEDURES

The following are basic descriptions of proceedings that may occur during criminal prosecution. However, each case is unique, and the court may combine issues needing to be addressed at any hearing. Please contact Victim Services if you have any questions.

ARRAIGNMENT – The defendant is formally informed of the charges and enters a 'plea of guilty' or 'not guilty'. If the defendant pleads 'not guilty', a pre-trial conference or trial is scheduled. If the defendant is arraigned in custody, the judge decides whether the defendant may be released on bond or their own recognizance. The judge may order certain release conditions, including not to contact the victim(s).

PRE-TRIAL CONFERENCE – A meeting between the prosecutor and defense to review the case and the defendant's options. Typically, options include to enter into a plea agreement, plead guilty to the judge, set for trial, or continue the case.

TRIAL – If the defendant maintains their plea of not guilty, a trial is scheduled to decide the facts. The prosecution and defense may use evidence to prove these facts, including testimony from subpoenaed witnesses and victim(s). The burden is on the State to prove its case beyond a reasonable doubt.

SENTENCING - If the defendant pleads or is found guilty, then the judge imposes any combination of jail, probation, or a fine as part the defendant's punishment. The victim has the right to provide input regarding the sentence, their right to restitution, or impact the crime has had on them.

POST-CONVICTION – The defendant has the right to seek relief or remedy by appeal if found guilty after trial or apply for post-conviction relief if pleading guilty. There may be other post-conviction matters set for proceedings.

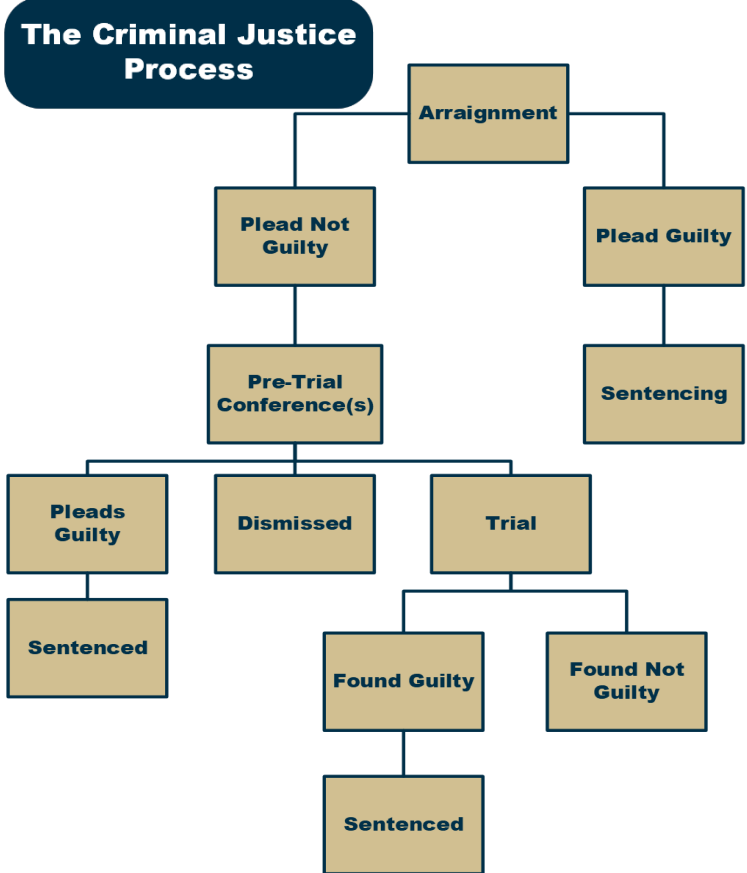
CHANGE OF PLEA – A defendant may decide to change their plea from 'not guilty' to 'guilty' at any criminal proceeding by either pleading to the court or as part of a plea agreement with the prosecution. As part of the plea agreement, the defendant agrees to plead guilty to one or more charges in exchange for reduced charges and/or sentencing.

CONTINUANCE – Delays are common at all stages of the criminal justice process. Continuances are legal postponements of scheduled proceedings and may occur without warning. You may ask the prosecutor in your case to explain any proceedings you do not understand, and you should check for court date changes in advance of any proceeding which you plan to attend.

DISMISSAL - Under certain circumstances the prosecutor may determine that it is necessary or reasonable to ask the court to dismiss the criminal charges. If prosecution is dismissed without prejudice, the charges may be refiled.

SPECIALTY COURTS – City of Tempe offers two specialty courts for defendants who meet certain criteria: Mental Health Court and Veteran's Court. Each court provides individualized treatment plans that focus on rehabilitating the defendant. Charges will be dismissed if the defendant successfully completes all requirements of their treatment plan.

DIVERSION – Certain cases may be eligible for a diversion program. These programs consist of requirements that the defendant must complete within the allotted time. If the defendant successfully completes the program, the charges will be dismissed.



RESTITUTION

If a defendant is charged and convicted, you may be eligible for restitution ordered by the court for repayment of costs incurred as a crime victim. Restitution may include medical expenses, property damage, lost wages and other out-of-pocket expenses. If restitution is ordered, you will be informed of the amount. All payments will be made by the defendant through the court and disbursed to you. You have the right to bring a separate civil action in addition to, or instead of requesting restitution in the criminal proceeding.

Financial compensation for pain and suffering or punitive damages can only be recovered through a civil court action; these cannot be included in restitution.

A written restitution request must be submitted before the defendant is sentenced. You must include the defendant's name and case/docket number(s). Financial losses must be clearly documented, and copies of receipts, estimates, and/or bills must be attached to your request.

Prior to a defendant being charged and convicted, you may request a pre-conviction restitution lien. A pre-conviction restitution lien preserves the property covered by the lien and may prevent the defendant from disposing of or transferring assets.

VICTIM COMPENSATION

Arizona law provides crime victim compensation to U.S. residents. Victims may apply to the Victim Compensation Bureau with the Maricopa County Attorney's Office to be paid for out-of-pocket costs that have not been recovered from other sources.

You may be eligible for compensation if:

- The crime was reported within 72 hours of occurrence.
- A claim is filed within one year of the crime's discovery.
- You willingly cooperate with law enforcement agencies.
- The crime directly resulted in physical injury, extreme mental distress or death.
- Compensable loss was incurred as a direct result of the crime, and.
- You are not serving a sentence of imprisonment in any detention facility

Compensable losses include medical expenses, funeral costs, loss of wages, and mental health counseling.

To obtain information or an application, please contact the Victim Compensation Bureau at (602) 506-4955

VICTIM BILL OF RIGHTS

Arizona Constitution, Article II section 2.1

(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 where 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.