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# **INFORMATION FOR VICTIMS IN PHOENIX MUNICIPAL COURT**

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**Office of the City Prosecutor  
Victim Services  
P.O. Box 4600  
Phoenix, Arizona 85030  
602-261-8192 (Victim Services)  
602-262-6461 (Main)**



**City of Phoenix**

## **HOW TO GET THE PROSECUTOR TO HELP: COMPLETE AND RETURN THIS CARD.**

### **1. Defendant Information**

Defendant Name: \_\_\_\_\_  
Complaint #: \_\_\_\_\_

### **2. Victim Information. If your address or telephone number changes, you must notify the prosecutor to continue to receive notices or assistance.**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Daytime telephone number: \_\_\_\_\_  
Email Address: \_\_\_\_\_

### **3. Check the items below on which you need assistance.**

- Notice of the date, time, & location of each court hearing.
- Conference with the prosecutor.
- Restitution - complete section below.
- Notice of Sentence.

### **4. If requesting restitution, complete the section below and enclose copies of bills for all losses claimed. If damage has not been repaired, enclose two (2) repair estimates.**

Property damage	\$ _____
Vehicle damage	\$ _____
Medical bills	\$ _____
Funeral expenses	\$ _____
Lost wages	\$ _____
Other _____	\$ _____
SUB-TOTAL	\$ _____
Paid by Insurance	\$ _____
Insurance Deductible	\$ _____
TOTAL RESTITUTION	\$ _____

### **5. Detach this form and submit it with copies of bills, receipts or estimates within ten (10) days of receipt of this pamphlet:**

Mail: PHOENIX CITY PROSECUTOR'S OFFICE  
P.O. Box 4600  
PHOENIX, AZ 85030  
ATTN: VICTIM SERVICES UNIT  
Email: vs.web.page@phoenix.gov  
Fax: 602-534-4540

If you have questions concerning how to complete this form, call 602-261-8192, TTY: use 7-1-1, or you can fill it out electronically by visiting our website at <https://www.phoenix.gov/law/victims>.

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# **Victims' Rights**

**IF A CRIMINAL OFFENSE WAS COMMITTED AGAINST YOU, YOU HAVE THE FOLLOWING RIGHTS IN THE CRIMINAL JUSTICE PROCEEDINGS:**

- (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.

## **THESE RIGHTS DO NOT INCLUDE THE RIGHT TO HAVE A CASE DISMISSED.**

You can request these rights by filling out the inside front cover of this pamphlet and returning it to the Victim Services Unit of the Prosecutor's Office or visit our website <https://www.phoenix.gov/law/victims>.

## **Your Right to Notice**

If you are the victim of a criminal offense of a felony, misdemeanor, petty offense or a local criminal ordinance, you should automatically receive notice of the following:

1. The date, time and place of the initial appearance. (If known by the officer, it will be provided to you at the time of arrest.)
2. Notice of escape of an incarcerated defendant.
3. Notice within a week of the decision to file charges against the defendant.
4. If your testimony is needed, you will receive a court subpoena ordering your attendance at a hearing or trial.

## **FAILURE TO OBEY A SUBPOENA COULD RESULT IN CONTEMPT OF COURT AND/OR SEPARATE CRIMINAL CHARGES BEING FILED AGAINST YOU.**

The Prosecutor's Office will send the following notices upon your request.

1. A copy of the terms and conditions of the defendant's release. If the defendant was booked into jail, this notice will be provided by the jail. If the defendant appeared by summons, this notice will be sent upon request by the Prosecutor's Office.
2. The date and time of all criminal proceedings affecting the defendant.
3. The sentence imposed on the defendant.
4. If the defendant is convicted, the date, time and place of any sentencing or pre-sentencing hearing.
5. Notification of any probation revocation proceeding or modification of probation, if the modification will substantially affect the defendant's contact with or safety of the victim, or if the modifications affect restitution.
6. Notification that prosecution is declined and the reason for not charging the defendant with a crime.

**ATTENTION**  
**A DEFENDANT COULD PLEAD GUILTY TO THE CHARGE AND BE SENTENCED AT ANY REGULARLY SCHEDULED COURT APPEARANCE INCLUDING INITIAL APPEARANCE AND ARRAIGNMENT. TO MAKE SURE YOU ARE NOTIFIED OF EACH HEARING AND THAT YOU HAVE AN OPPORTUNITY TO SPEAK TO THE JUDGE IF YOU SO DESIRE, YOU MUST COMPLETE AND RETURN THE FRONT COVER OF THIS PAMPHLET. (See inside front cover of this pamphlet.)**

## Victim Impact Statement

As a crime victim, one of the most important rights you have is to let the Court know, at sentencing, how the crime has affected you and your family. A Victim Impact Statement helps to ensure your right to be heard even if you cannot personally appear at sentencing. This is especially important because a defendant could plead guilty and be sentenced at any court setting. In preparing your statement, you may want to use the following outline or you may want to audiotape or videotape your statement. If you would like the Prosecutor to review the statement you must address it to Judge & Prosecutor. The Court also has forms you can use.

Enclose your Victim Impact Statement with the front page of this brochure before mailing. You can fax your statement to the Victim Services Unit at 602-534-4540 or email vs.web.page@phoenix.gov. **The original will be sent to the Court, one copy will be kept at the Prosecutor's Office, and a second copy will be sent to the defense attorney. Therefore, do not include your address or phone number or any other locating information. Unlike your communication with a Victim Services Advocate (see page 11) a Victim Impact Statement is NOT confidential.**

Defendant's name:

Citation No.:

Your Name:

Dear Judge:

*As the victim in this case, I respectfully request that you take the following into consideration when you sentence the defendant.*

1. *This is what the defendant did to me or my property (extent of physical harm/property loss):*
2. *This is how this crime has impacted me and/or my family (extent of emotional harm):*
3. *This is how the crime affected my ability to earn a living (extent of economic loss, need for restitution, compensation already received):*
4. *This is the type of punishment the Court should impose on the defendant:*

\_\_\_\_\_  
*Signature Date*

# About Domestic Violence . . .

Domestic violence is defined in the law as certain criminal acts committed between persons who live together in the same household (or who have lived together in the past); or persons who have a child in common or are expecting a child (regardless of whether they have resided in the same household); or persons related to one another in the following ways:

Spouse	Child
Grandparent	Former Spouse
Brother	Grandchild
Parent	Sister
Step-parents	Step-grandparent
Court Ordered Relationships (e.g., adoptions, guardianships, foster parents)	

The criminal acts specifically defined in the law are: assault, criminal damage, endangerment, imprisonment, intimidation, kidnapping, trespass and disorderly conduct (by fighting, unreasonable noise, abusive language, or reckless display or discharge of a deadly weapon or dangerous instrument).

## Domestic Violence is a Crime

Domestic violence is not a family problem; it is a crime. You have the right to be safe. No one has the right to hit, threaten, or abuse you. Children are also hurt by seeing domestic violence. Since domestic violence is a crime, the State brings the charges. You are the victim of the crime, not the one bringing charges.

## The Violence

Domestic Violence is usually a part of the abuser's control over you. Control can take the form of forced sex (even if you are married), restrictions on where you go and threats to harm you or others. Domestic violence is not caused by alcohol, other drugs or "stress." These may cause an increase in the abuse, but the need to control is the cause of the violence. The abuser often apologizes and tries to make up. The abuser may even be sincere in wanting to change. However, statistics show that without court involvement and counseling, the violence will only get worse and happen more often.

## If You Are a Victim of Domestic Violence

- a. Call 911.
- b. If you believe that you're in danger, leave the scene immediately. Go to a neighbor, friend, relative, or a domestic violence shelter (see Referral Telephone Numbers, pages 22 & 23).
- c. Seek medical attention immediately if you are injured. Even if your injuries are minor, you should still see a doctor as soon as you can; some injuries may not be obvious to you. Tell the doctor exactly how the injuries happened and make sure it is noted in your medical records.
- d. Save all evidence (proof). If possible, take photographs.
- e. You may want to talk to someone who can advise you on family shelters or give you emotional support. The agencies listed on pages 22 & 23 of this pamphlet can put you in touch with the help you need.
- f. Make a safety plan ahead of time in case it is needed. Include the following items in your plan:
  1. Plan to leave, even if you don't think it will be necessary. Carry change for phone calls at all times. Have duplicate car keys, money for bus/cab fare hidden in a safe place that can be immediately accessed. Also have available all important papers such as birth certificates, passports, Social Security cards, medical insurance cards, bank books, school and immunization records and a copy of your Order of Protection, if you have one.
  2. If an argument is inevitable, try to move to a room where there are no weapons available and where there is more than one exit. Trust your judgment and intuition.
  3. Teach your children how to call the police. Have a code word your children will recognize as a signal to call the police.
  4. Discuss and rehearse the safety plan with your children. Tell your children which neighbors to go to for assistance. Ask your neighbors to call the police if they hear or see anything suspicious.
  5. An Order of Protection can be obtained. Keep a copy of the Order and proof that it has been served with you at all times. Call the police if the abuser violates the Order.
  6. Prepare a safety plan to use when you are at work, or on your way to and from work. Vary your route and if possible, don't drive alone. Alert your employer to the situation.
  7. Help is available. Call Victim Services at 602-261-8192.

## **Confidential Records**

If you are a victim of domestic violence or stalking, you can keep some records confidential.

### **City of Phoenix Municipal Court**

As of July 24, 2014 the Phoenix City Prosecutor's Office automatically omits victim locating information from discovery. If you wish to opt out of this, you may do so by calling your victim advocate in the Victim Services Unit at 602-261-8192

### **Maricopa County Records**

To have your information removed from some county records you can get the forms by logging onto the Supreme Court website at [www.supreme.state.az.us](http://www.supreme.state.az.us). Go to "Public Services" and click on "Self Service Center." Scroll down to "Self-Service Forms" in the Center of the screen and click on "Personal Information Redaction." Print off the forms and follow the instructions.

### **Firearm Seizure**

In a domestic violence case, if a police officer determines there is a firearm present and it could expose the victim or another person in the house to serious bodily injury or death, it may be taken and held by the police. The firearm may be held for as little as 72 hours or as long as six months. The owner of the firearm has a right to a hearing to determine when it will be returned. If a hearing is requested, and you would like to appear, please call Victim Services at 602-261-8192.

### **About Elder Abuse**

Elder abuse is defined as harm done to a person over the age of 65, by a person in a position of trust. This can occur by abusing someone (physically, emotionally, and/or economically) or neglecting to take care of an elderly person in your care. Elder abuse occurs with a rate and frequency only slightly less than child abuse. It is a crime similar to other forms of domestic violence that often goes unreported. The Victim Services program has an Elder Advocate who is assigned to victims that are 50 years or older. If you would like to speak to the Elder Advocate you can contact him/her at 602-261-8192.

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## **Orders Of Protection**

If you have been a victim or are a potential victim of domestic violence, you can seek an Order of Protection from the City of Phoenix Municipal Court, a Justice of the Peace, or any other court in Maricopa County.

Please call the court to make sure the staff will be available to assist you during the time you plan to go (some courts close during the lunch hour). When the courts are closed, **Emergency Orders of Protection** are available through the Phoenix Police Department. Emergency Orders expire at the end of the next business day. You should get a regular Order of Protection from the court before the Emergency Order expires.

An Order of Protection can prohibit the abuser from contacting the victim, committing further offenses, going to the victim's residence (even if the abuser lived at this address), going to the victim's place of work, or any other relief necessary for the protection of the victim or other designated persons.

If you or the abuser have filed for legal separation or a dissolution of marriage, you must contact the Clerk of the Superior Court for an injunction, instead of contacting any other court for an Order of Protection.

## **Injunctions Against Harassment**

If you are not a victim of domestic violence, you can request an Injunction Against Harassment to give you ongoing protection against a defendant. Harassment is defined as a series of acts that occur over any period of time and are directed at a specific person. You can seek an Injunction Against Harassment from the City of Phoenix Municipal Court, a Justice of the Peace, or any other court in Maricopa County.

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# Restitution

If criminal charges are filed and the defendant is convicted, you may be eligible for restitution (repayment for expenses you incurred as a direct result of being a crime victim). This may include lost wages, property damage, mental health counseling, and other uninsured expenses. A judge will determine whether restitution is to be paid and, if so, how much. If you are sending a victim impact statement, please submit any request for restitution separately.

If you would like to request restitution, you must complete the “Restitution” section of this pamphlet located on the inside of the front cover. Send your request along with copies of bills and/or receipts, if any, as proof of your claim to the Phoenix City Prosecutor’s Office Victim Services Unit within 10 days of receiving this pamphlet. You can submit your request to the Victim Services Unit via fax at 602-534-4540, email at [vs.web.page@phoenix.gov](mailto:vs.web.page@phoenix.gov) or by mail. If you do not use the front cover to ensure timely processing, you must include the defendant’s name, case number, and your name on the documents. If you wait to submit your request for restitution until the court date, you must bring the information to the courtroom and give it to the Prosecutor. Please be advised if you do not turn in a request for restitution, the court may assume you did not incur any expenses or do not wish to seek restitution.

**A COPY OF ANYTHING SUBMITTED WILL BE PROVIDED TO THE COURT AND THE DEFENDANT IN FURTHERANCE OF YOUR RIGHTS.**

You will receive a confirmation letter from the Prosecutor’s Office when your restitution information is received.

Pain, suffering, and punitive damages are not recoverable through the Municipal Court and must be recovered in a civil suit. Failure to seek or recover restitution in Municipal Court does not stop you from seeking civil damages in the appropriate civil court.

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Any restitution awarded by a judge will be paid to the Court and then forwarded to you. You will be contacted by the Court if you are awarded restitution. Pursuant to 13-806 you have the right to file a restitution lien, and you may want to contact an attorney to assist you in filing the necessary documents. Additional restitution resources are available at <http://www.azcourts.gov/restitution>.

# Victim Compensation

The Maricopa County Victim Compensation Program can cover some out-of-pocket expenses incurred as a direct result of the crime. Some expenses that may be covered are medical expenses, mental health counseling, funeral expenses and loss of wages. Expenses that cannot be considered under this program are; property loss or damage, pain and suffering, expenses that benefit an offender or to a person serving a sentence of imprisonment. If you would like to find out if you meet the criteria, please call; 602-506-4955 or visit their website at [www.maricopacountyattorney.org](http://www.maricopacountyattorney.org). Then go to the Victims tab and click on Brochures & Forms then click on Victim Compensation for information and application.

# Victim Services Advocates

In October 1986, the Phoenix City Prosecutor’s Office established the Victim Services program to provide victims of crimes with a communication link to the criminal justice system.

The Victim Services Unit is here to serve the needs of victims of misdemeanor crimes that occur in the City of Phoenix. The caseworkers assigned to this Unit act as advocates for victims throughout the judicial process. Advocates:

1. Contact victims and explain the judicial system.
2. Act as a link between prosecutors and victims.
3. Advise of the current status of the case within our system.
4. Answer questions regarding the pretrial, trial, sentencing and appeal processes.

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5. Make referrals to other agencies for counseling, shelter, food, etc.
6. Escort victims while they testify.
7. Assist in obtaining Orders of Protection or Injunctions Against Harassment.
8. Provide a safe, private area in which victims can wait before and after testifying.

As a victim you have the right to have all your communications with an advocate (both written and oral) kept confidential. This means that anything a victim says or sends to an advocate, with the exception of a Victim Impact Statement (see page 5) any information sent by e-mail, or information pertaining to restitution or the defendant's innocence, cannot be shared with a prosecutor, or anyone else, without the consent of the victim.

## The Criminal Justice Process

If you are the victim of a crime your assistance is vital to our criminal justice system. The following explains your participation in the system.

### Misdemeanor Crimes

The Phoenix City Prosecutor's Office is responsible for the prosecution of misdemeanor crimes that are tried in Phoenix Municipal Court. Misdemeanors are violations of city ordinances or state statutes ranging from minor traffic offenses to more serious crimes, such as domestic violence, assault, theft, driving under the influence, hit-and-run, and public sexual indecency.

### Arrest/Initial Appearance

When defendants are arrested, either on or about the date of the violation or as a result of an arrest warrant, they are taken to jail. Defendants must then be brought before a judge or commissioner for an Initial Appearance within twenty-four (24) hours of the arrest. Most defendants are released at the Initial Appearance on their own recognizance (OR) and a personal promise to return to court. When released on their own recognizance, defendants are not required to post bail or a bond because it is believed that they have sufficient community ties to assure their appearance in court.

Defendants who have committed multiple crimes, more serious offenses, or those who have a history of not returning to court as required are either held in jail or released on bond. The amount of bond set depends on many factors, including the type of crime for which the person has been arrested.

Terms may also be set to restrict a defendant's behavior upon release. Contact between the defendant and victims or witnesses can be prohibited. Bond and release conditions are ultimately decided by the Judge.

It is against the law for anyone to harass or intimidate a victim or witness. **ANY NEW CRIMES OR HARASSMENT SHOULD BE REPORTED TO THE POLICE IMMEDIATELY.** Remember that if the harassment is not reported, it may not stop and may increase in frequency or severity. The defendant's terms of release can be modified upon a finding that the defendant has not complied with the conditions of his or her release and the release may be revoked.

A victim can petition the Court to revoke the bond or arrest the defendant based on the victim's notarized statement asserting that harassment, threats, physical violence or intimidation against the victim (or the victim's immediate family) by the defendant (or on behalf of the defendant) has occurred.

### Arraignment

If no arrest is made, the first court appearance for the defendant in Municipal Court is called an "arraignment." Victims are not required to appear. The arraignment serves several purposes. First, the defendant is informed of the exact nature of the charge(s). The defendant is also advised of his or her rights, including the right to have an attorney and, if he or she cannot afford an attorney, to have one be provided at public expense. At this time, the defendant pleads guilty or not guilty to the charge(s).

If the defendant enters a plea of "guilty" at arraignment, the judge will either sentence the defendant immediately or set a later sentencing date.

If the defendant enters a plea of "not guilty," a pretrial disposition conference (PDC) date is set. At this conference, the prosecutor gives the defense attorney copies of the State's case file which includes victim and witnesses statements and police reports.

### Diversion

At either the arraignment or pretrial disposition conference the prosecutor may decide, based on the type of crime and the defendant's record, that the case is eligible for diversion instead of prosecution. If the case

is eligible for diversion, the defendant is sent to a counseling or educational program designed to prevent the defendant from committing this type of crime in the future. If the defendant successfully completes the program, the charges are dismissed. You have the right to discuss the decision to allow a defendant to enter a diversion program with the prosecutor. Call 602-262-6461 to do so. If the defendant commits additional crimes or threatens, harms, or harasses you, contact the police (911) or this Office at the number above.

### **Pretrial Disposition Conference (PDC)**

Before the trial, usually at the PDC, it is routine for the prosecutor handling the case to discuss the possibility of a negotiated plea agreement with the defense attorney.

If an agreement is reached, the attorneys and the defendant appear before a judge. The defendant changes his plea to guilty or no contest, signs a form declaring that he or she is knowingly giving up various rights, including the right to cross-examine witnesses. The judge will usually sentence the defendant according to the terms of the agreement.

If an agreement is not reached, the defendant could plead guilty to the court. Each side will then recommend a sentence but the Judge decides the sentence.

### **Pretrial Proceedings**

If a plea agreement cannot be reached, trial preparation begins. The Arizona Rules of Criminal Procedure require the prosecutor and defense attorney to exchange information. This process, called discovery, includes providing the defense attorney with a copy of the police report and any other written information and may include interviews with prospective witnesses. In Arizona, the defense has the right to interview all of the State's witnesses unless they are also victims.

**AS A VICTIM OF A CRIME, YOU HAVE THE ABSOLUTE RIGHT TO REFUSE TO BE INTERVIEWED OR DEPOSED.** If you decide to be interviewed, you can set the terms for the interview. Neither the defendant nor the defense attorney (nor anyone associated with either) are allowed to contact you except by going through the prosecutor's office; they cannot contact you directly. If you are so contacted, you should not discuss the case at that time but should notify the prosecutor's office as soon as possible. You should request that anyone contacting you about the case identify himself or herself.

During discovery, there may be several court hearings scheduled before trial. At the court hearings, called pretrial hearings, motions may be heard regarding the admissibility of evidence, pretrial release of the defendant or other matters of concern to the attorneys or the court. Unless you are subpoenaed for a pretrial hearing, you do not need to be present. However, as a victim, you have a right to be present and, upon your request, to be informed of all proceedings where the defendant has the right to be present.

## Trial

If a negotiated plea agreement is not reached and the defendant does not plead to the court, the case is set to trial. As a victim you will receive a subpoena for the trial ordering you to appear in court.

If you need any assistance or information concerning your subpoena or wish to limit or avoid contact with the defendant in or around the courtroom, please call the Victim Services Unit at 602-261-8192.

Depending on the type of crime committed, the trial will be heard by either a judge or jury. The trial usually begins with opening statements by the prosecutor and defense attorney. The prosecution then presents its evidence. It is the responsibility of the prosecution to prove each element of the crime beyond a reasonable doubt. Witnesses are required to testify under oath and may be cross-examined by the defense attorney.

After the prosecution presents its evidence and rests its case, the defense has an opportunity to present its evidence. The defendant has a right against self-incrimination and may or may not testify. In fact, since the prosecution has the burden of proof, the defense need not call any witnesses or present any evidence.

When the defense rests, rebuttal witnesses may be called by the prosecutor to discredit testimony or other evidence presented by the defense. At the end, the prosecutor and the defense attorney make final arguments. If there is a jury, the judge then instructs the jury on the law to apply and their duty to deliberate.

A jury verdict, whether guilty or not guilty, must be unanimous. A jury that is unable to agree on a verdict is said to be "hung." The prosecution may then request the case be retried. If the jury returns a verdict of "not guilty," it means that the prosecution has failed to prove its case beyond a reasonable doubt and the defendant is acquitted and released.

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## Sentencing

If the defendant is found guilty, the judge may set a future date for the defendant to be sentenced. In most misdemeanor cases, sentencing may occur the same day the defendant is found guilty. The defendant has the right to postpone sentencing for up to thirty days from the date of conviction. If the defendant is placed on probation, you have the right to receive a copy of the terms of probation. If any of the terms of probation are violated and you learn of it, you should contact the police or prosecutor.

## Appeal

A defendant has the right to appeal a conviction and/or sentence. An appeal is a formal request asking for review of the case by a higher court to determine if all of the defendant's rights were observed and that the procedures and laws were followed. In some cases, oral arguments of the attorneys are heard by the court; testimony is not allowed.

You have a right to receive notice of any memorandum, decision or opinion issued by the Court of Appeals or Supreme Court. You can request this information by completing the appropriate form at:

Court of Appeals-[www.cofad1.state.az.us/](http://www.cofad1.state.az.us/) Click on the section on the far left entitled "Especially for Crime Victims."

Supreme Court-  
<http://www.azcourts.gov/Portals/89/PDFs/Victim%20request%20form.pdf>

This is a very simplified explanation of how the Criminal Justice System operates and does not explain all the complexities of the system. If you have additional questions, a Victim Services advocate can assist you. Call 602-261-8192 or visit our website at <https://www.phoenix.gov/law/victims>.

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# Questions

## Who is the Defendant (suspect)?

### The Suspect Was Arrested . . . What Happens Now?

If the suspect was arrested and booked into jail, he or she will appear before a judge within 24 hours of the arrest. This is called the Initial Appearance. During this hearing the judge decides whether the suspect should be released and, if so, under what conditions. See below for more information about the Initial Appearance.

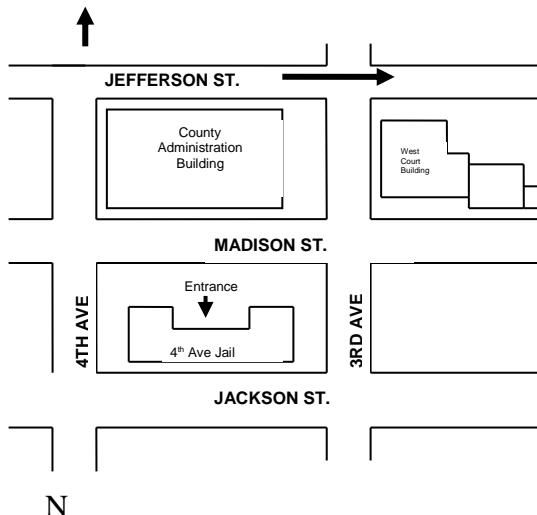
### Do I Have a Say About Whether the Suspect is Released?

IF THE SUSPECT WAS ARRESTED AND BOOKED INTO JAIL, he or she will appear before a judge within 24 hours of the arrest this is known as the Initial Appearance. THE DEFENDANT MAY BE RELEASED. You have a right to be heard as to whether the defendant should be released and the terms of the release, including whether the defendant should return home in domestic violence cases, whether he or she should stay away from an address or have no contact with you, and whether he or she should be ordered to not possess a weapon or to not consume any alcohol or drugs.

**TO BE HEARD ON THE CONDITIONS OF THE DEFENDANT'S RELEASE, YOU MUST APPEAR BEFORE THE JUDGE WHO WILL BE REVIEWING THE DEFENDANT'S CONDITIONS OF RELEASE.** The hearing will be at the 4<sup>th</sup> Avenue Jail Facility, located at 201 S. 4<sup>th</sup> Ave., Phoenix AZ. You will need to advise the court staff of your presence before the hearing. You must show a picture I.D. to be admitted. This hearing may also serve as the defendant's arraignment. For more information see Arraignment, page 12.

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City of Phoenix Municipal Court Initial Appearances are held at the following location, seven days a week, at 10:00 a.m. and 4:00 p.m.:  
4<sup>th</sup> Avenue Jail  
201 S. 4<sup>th</sup> Ave.  
Phoenix, Arizona 85003  
602-876-0322 (Jail Information Line)  
602-876-8276 (Victims' Rights Line)



### The Suspect Hasn't Been Arrested . . . What Happens Now?

If the suspect was cited by the officer, but not taken into custody, he or she will be required to appear before a judge within a few weeks at a hearing known as an **Arraignment**. At that time, the judge will decide whether he or she should be taken into custody or be required to post a bond to ensure his appearance for other hearings. In addition, the court will make determinations about the terms of his release. For more information about the Arraignment, see page 12.

### As Far as I Know, the Suspect Hasn't Even Been Cited: Now What?

You should be notified by the police of an arrest or of the issuance of a citation. If you have not been notified, you should contact the detective detail at 602-262-6141.

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You do not need an attorney to participate in the process. If you would like to have an attorney to represent you, you can hire one at your own expense. Your attorney will be permitted to attend all bench conferences and in chamber meetings about victim rights issues.

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## **I Don't Want the Suspect to Come Near Me . . . What Do I Do?**

If you have been a victim or are a potential victim of domestic violence, you can seek an Order of Protection from the City of Phoenix Municipal Court, a Justice of the Peace, or any other court in Maricopa County. Victims of crimes other than domestic violence can seek an Injunction Against Harassment. For more information, see Orders of Protection and Injunctions Against Harassment, pages 8 & 9.

## **What Can I Do if the Charge Is Not Filed?**

Call 602-495-7500 and ask to speak with the prosecutor who reviewed the case. The prosecutor who reviewed the charge will call you back. You must call within 30 days of receiving the notice informing you of the decision not to prosecute.

## **I Want the Charges Dismissed . . . Does That Matter?**

Although you have many rights as a victim, you do not have the right to have a charge dismissed. The prosecutor, not the victim, decides whom to charge.

## **How Can I Find Out What is Going On?**

You may automatically be informed of certain hearings and can request notice of others. See Your Right to Notice, page 3.

## **I Have Lost Money or Have Been Injured . . . Do I Have to Cover My Own Losses?**

If criminal charges are filed and if the defendant is convicted, you may be eligible for restitution (repayment for expenses you incurred as a direct result of being a crime victim). For more information, see Restitution, page 9 and Victim Compensation, page 10.

## **Do I Need an Attorney to Represent Me?**

## Where Do I Find the Court?

MISDEMEANOR ADULT FLOWCHART

For your convenience, there is a map to the Phoenix Municipal Court, page 21.

## I Have More Information About the Crime . . . Whom Do I Talk To?

Page 22 contains the telephone number of the detective detail that will assist you.

If new facts come to light that may affect a judge's decision whether to allow a defendant to remain free without bond, or that affect the defendant's terms of release, contact the Prosecutor's Office at 602-261-8192. Be prepared to provide the defendant's name and citation number.

## I Need Emotional Support . . . Where Do I Turn?

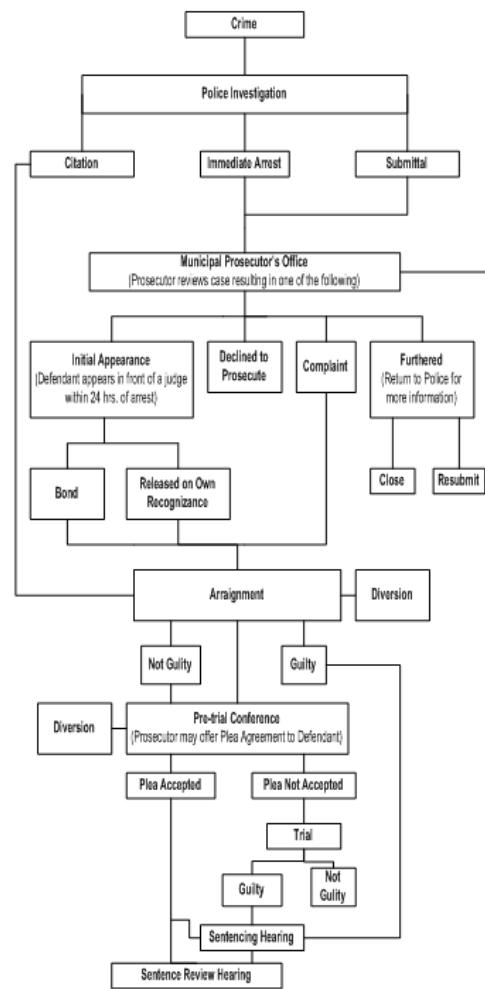
The Victim Services Unit is here to serve the needs of victims of misdemeanor crimes that occur within the City of Phoenix. The caseworkers assigned to this Unit act as advocates for victims throughout the judicial process. For more information, see Victim Services Advocates, page 10.

## I Would Like to Confer with a Prosecutor . . . How Do I Do That?

Call 602-262-6461 and ask to speak with the prosecutor who is handling your case. The receptionist will need the defendant's name and case number which is located on the front page of this pamphlet. Due to court appearances and duties, the prosecutor may not be immediately available to confer with you, but will call you back.

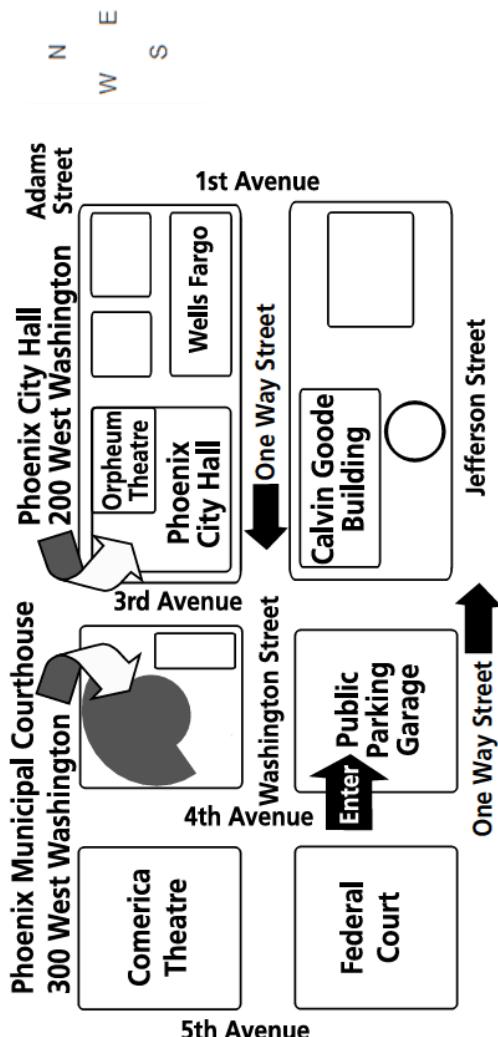
## I Need a Referral . . . Whom Do I Ask?

A list of referrals has been included on pages 22 and 23 of this pamphlet. You can also call the Victim Services Unit at 602-261-8192.



# MAPS

## City of Phoenix Municipal Court Location



**4<sup>th</sup> Avenue Jail**  
(See page 17)

# REFERRAL TELEPHONE NUMBERS

Emergencies: 911

Phoenix City Prosecutor's Victim Services Unit  
602-261-8192, TTY: use 7-1-1

Email: [vs.web.page@phoenix.gov](mailto:vs.web.page@phoenix.gov)  
FAX: 602-534-4540

**City of Phoenix Prosecutor's Office Website**  
<https://www.phoenix.gov/law/victims>

Links:

- [Contacting your Advocate or Victim Services](#)
- [Domestic Violence Crimes](#)
- [Invoking your Rights](#)
- [Protection Orders](#)
- [Requesting Restitution](#)
- [Updating Victim Contact Information](#)
- [Victim's Bill of Rights](#)
- [Victim Impact Statement](#)
- [Victim Survey](#)

## PHOENIX POLICE DEPARTMENT

Copy of Police Report	602-534-1127
Crime Stop	602-262-6151
Violent Crimes Bureau	602-262-6141

## Burglary/Theft/Criminal Damage

Northern Division (N. of Thomas Rd)	602-495-5001
Property Crimes	602-534-2606
Southern Division (S. of Thomas Rd)	602-495-5003

## Family Investigations Bureau

Family Advocacy Center (FAC)	602-534-2120
Sex Crimes Detail, Missing Persons, Crimes against Children, Domestic Violence Squad	602-534-2121

## Domestic Violence Shelters

Autumn House/Mesa	480-835-5555
Chrysalis/Phoenix	602-944-4999
Chrysalis/Scottsdale	480-481-0402
DeColores/Phoenix	602-269-1515
DV Shelters	480-890-3039
Faith House/Glendale	623-939-6798
My Sister's Place/Chandler	480-821-1024
New Life Shelter/Litchfield	623-932-4404
Phoenix Rescue Mission-(Men's Shelter)	602-233-3000
Salvation Army	602-267-4130
Sojourner Center/Phoenix	602-244-0089

## WHERE TO OBTAIN AN ORDER OF PROTECTION

Clerk of the Superior Court	602-506-3676
Family Advocacy Center	602-534-2120
Justice of the Peace Precinct	602-506-8530
www.justicecourts.maricopa.gov	
Maricopa County Court Information	602-506-7353
Phoenix Municipal Court	602-262-7120

## 24 Hour Hotline Information and Referral

Center Against Sexual Abuse	602-254-6400
Child Abuse Protective Services Hotline	602-530-1800
Child Crisis Arizona	602-273-7363
Community Bridges (Addiction Recovery)	
	480-962-7711
Community Help Services	602-264-3881
Community Information and Referral	602-263-8856
Crisis Response Network	602-222-9444
MADD (Mothers Against Drunk Driving)	
	602-234-1754
National Human Trafficking Hotline	1-888-373-7888
National Domestic Violence Hotline	1-800-799-7233

## Other Services

Al-Anon (Families of Alcoholics) Phx.	602-249-1257
Al-Anon/Mesa	480-969-6144
Arizona Coalition Against DV	602-279-2900
Beyond the Hurt	480-886-1846
Child Help USA	602-271-4500
Community Legal Services	602-258-3434
Crimes Against Children	602-534-3200
Family Lawyers Assistance Program	602-506-7948
Fresh Start Women's Resources Center	602-252-8494
Friendly House Immigration Attorney	602-416-7230
Lawyer Referral Services	602-257-4434
Maricopa County Attorney's Office	602-506-8522
Maricopa County Court Information	602-506-3011
Maricopa County Jail Victim Notification Unit	602-876-8276

Maricopa County Juvenile Courts Victim Services  
602-372-4000

Maricopa County Victim Compensation 602-506-4955  
Mercy Maricopa Behavioral Health 602-222-9444

Restitution Resource	<a href="http://www.azcourts.gov/restitution">http://www.azcourts.gov/restitution</a>
Self Service Center (Superior Court)	602-506-7353
Senior Helpline	602-264-4357
Sexual Assault Recovery Institute	602-235-9345
UMOM New Day Centers	602-275-7852

**NOTES  
AND IMPORTANT PHONE NUMBERS**

Upon request, the Prosecutor's Office will make this publication available through appropriate aids or services to accommodate an individual with a disability. For voice telephone 602-262-6461; TTY: use 7-1-1; Fax 602-534-4540; or visiting our website at <https://www.phoenix.gov/law/victims> Email vs.web.page@phoenix.gov

We do not discriminate on the basis of race, color, national origin, religion, sex, disability or age. If you have concerns regarding the services you received from the Prosecutor's Office please contact the Law Department at 602-262-6461, Monday – Friday between 8:00 am and 5:00 pm and request to speak with the Equal Opportunity Liaison or contact the City of Phoenix Equal Opportunity at 602-534-9276 (voicemail), TTY: use 7-1-1. You may also contact the Department of Justice, Office for Civil Rights Division at [www.ojp.gov/about/orc/complaint.html](http://www.ojp.gov/about/orc/complaint.html) or may contact the DPS Civil Rights Coordinator at [www.azdps.gov/services/government/crime-victims](http://www.azdps.gov/services/government/crime-victims).