



Victims' Rights Brief

For Arizona's Justice System Administrators, Practitioners and Advocates



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Arizona Rules of Criminal Procedure: **Enhancing Victims' Rights Visibility**

Arizona has recently undertaken a nuanced yet impactful update to its Rules of Criminal Procedure (RCP), marking a subtle shift in the approach to victims' rights within its legal framework. This update, effective from July 2023, does not introduce new victims' rights laws but enhances the visibility and application of existing ones by incorporating them into the rules that govern the conduct of criminal trials. Historically, the RCP focused predominantly on the rights of defendants, with victims' rights consolidated under Rule 39. This modification aims to disperse the awareness and enforceability of victims' rights across various rules, ensuring they are more prominently considered throughout the legal process.

While the essence and scope of victims' rights remain unchanged, this procedural refinement facilitates a more integrated consideration of these rights within the criminal justice system. By embedding existing victims' rights within their relevant procedural contexts, Arizona seeks to improve the consistency and effectiveness with which these rights are upheld. Through interviews with Colleen Clase, the Arizona Victims' Rights Attorney responsible for proposing this change, and Arizona Supreme Court Justice John Lopez IV, Chair of the Committee on Criminal Rules Regarding Victims, we gain insider perspectives on the collective push towards reinforcing the procedural prominence of victims' rights without altering their foundational legal basis.

The Genesis of Integration

The initiative to more prominently embed victims' rights within the RCP was conceptualized by Paul Cassell, who identified a significant need to enhance the visibility and practical application of these rights without modifying their legal substance. Spearheaded by Colleen Clase, Arizona's effort sought to strengthen the representation and enforcement of victims' rights in the system. The aim was to address the perception that, despite being protected under Rule 39, victims' rights were not as front-and-center as they could be in the day-to-day administration of justice. This perception suggested that while victims' rights were legally recognized, their integration into the procedural aspects of criminal trials was seen as an area for improvement.

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Critically, the rights themselves have not changed; instead, the reform focuses on ensuring that these rights are more directly referenced and applied within the rules that guide criminal proceedings. The proposal to integrate victims' rights more prominently arose from a belief in the value of having these rights explicitly considered at each relevant stage of the legal process, thereby reducing the likelihood of oversight or inadvertent neglect.

The proposal experienced significant resistance which stemmed largely from a viewpoint that existing protections under Rule 39 were adequate and that a formal integration into each applicable rule was redundant and would be complicated. However, proponents argued that enhancing the visibility and applicability of victims' rights within the RCP would serve to strengthen the justice system's commitment to these rights. By refining the rules to include specific references to victims' rights, the aim was to foster a legal environment where these rights are more consistently and transparently addressed throughout criminal proceedings, rather than indicating any shortcomings in the previous system.

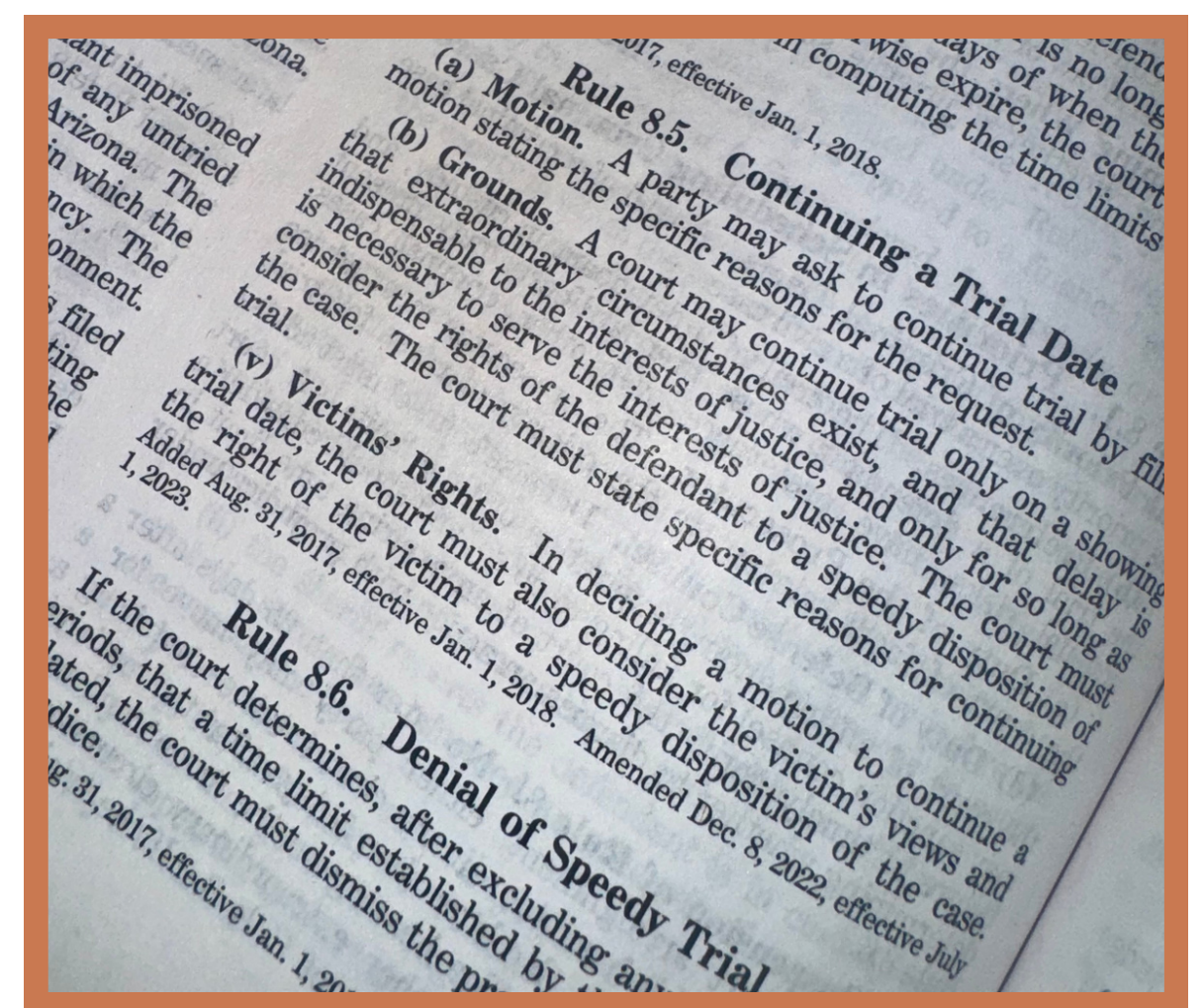
A Judicial Perspective

The Administrative Office of the Court recognized the importance of evaluating the proposal comprehensively which led to the formation of a diverse committee. This committee, comprising prosecutors, defense attorneys, judges, and victims' rights advocates, was tasked with exploring the practicalities and implications of this procedural enhancement. The initiative to make victims' rights more prominent within the Rules of Criminal Procedure (RCP) was met with a thoughtful yet cautious approach by committee chairman, Justice Lopez.

Justice Lopez, along with the committee, undertook a detailed examination to ensure that the integration of victims' rights did not represent a drastic overhaul, but a refinement aimed at enhancing the procedural acknowledgment and application of existing rights. The central challenge was to achieve this goal without unsettling the balance of the established legal process.

The introduction of the “section (v) concept” offered a solution to this challenge. This pragmatic approach focused on making victims' rights more prominent within each relevant rule without altering their core substance. By adding a dedicated subsection (v) where applicable, the committee aimed to enhance the visibility and enforceability of these rights, ensuring they were readily accessible to practitioners while retaining a central repository in Rule 39. This streamlined approach aligned with recent restyling conventions of legal text while also emphasizing clarity and accessibility without requiring a complete overhaul of existing rules.

Justice Lopez found the logic of these changes compelling, recognizing that while the procedural rights of victims were already protected, their enhanced visibility would further reduce the risk of oversight. He believed the benefits of this procedural refinement—ensuring that victims' rights are more explicitly considered throughout the criminal process—outweighed concerns regarding redundancy.



The Significance of Change

The procedural enhancement of victims' rights in Arizona's RCP may seem incremental, but it holds substantial significance within the legal community and beyond. This initiative does not introduce new rights or radically alter the legal landscape. Instead, it serves as a model for how existing rights can be made more accessible and prominent within the procedural rules that govern criminal justice proceedings. By doing so, Arizona sets a precedent that could inspire similar refinements in other jurisdictions, potentially influencing a broader shift towards the more explicit consideration of victims' rights in criminal procedures.

This enhancement acknowledges the importance of victims' roles in the criminal justice system and seeks to ensure their rights are not just present but actively and visibly integrated into every stage of legal proceedings. It represents a shift towards a more inclusive approach to justice, where the procedural prominence of victims' rights is seen as complementary to the protection of defendants' rights, rather than a seismic shift in focus.

Reflecting on the procedural refinement of victims' rights in Arizona's RCP, it becomes clear that this development, although subtle, is a meaningful step forward in the ongoing effort to ensure victims' rights are respected. The initiative underscores the value of collaborative problem-solving and evidence-based advocacy in legal reform. It demonstrates that significant improvements to the legal system can come through the thoughtful integration of existing principles into the procedural fabric of justice, rather than solely through sweeping legislative changes. And despite their collective reservations regarding the necessity of this change, the concerted efforts of the committee

“Everything in this job is a privilege and an honor. This is certainly an example of that. If this meaningfully reduces the risk of victims' rights violations, I would proudly claim this as a meaningful accomplishment.”
– Justice John Lopez IV –

highlight the potential of nuanced legal reform to enhance the application and visibility of victims' rights. This procedural enhancement serves not only as an affirmation of Arizona's commitment to victims within the criminal justice system but also as a testament to the power of constructive dialogue and collaboration among legal professionals.

In essence, the integration of victims' rights into Arizona's RCP reflects a broader recognition of the importance of ensuring that these rights are not just recognized but are an integral and visible part of the criminal justice process. As the legal community continues to evolve, this initiative stands as a beacon of what can be achieved through dedication, collaboration, and a steadfast commitment to justice for all.

National Crime Victims' Rights Week Arizona Awards Ceremony Event

2024 NATIONAL CRIME VICTIMS' RIGHTS WEEK



Arizona Awards Ceremony Event

MONDAY, APRIL 22ND, 2024
11:00 AM

THE ORPHEUM THEATRE
203 W ADAMS ST. PHOENIX, AZ

For registration, visit the link below:

[National Crime Victims' Rights Week 2024 | Arizona Attorney General](https://www.azag.gov)
([azag.gov](https://www.azag.gov))

Featuring:

Valaura Imus-Nahsonhoya

Keynote Speaker

Valaura is the Missing or Murdered Indigenous People (MMIP) Coordinator for the Arizona Governor's Office on Tribal Relations. With decades dedicated to serving communities through her advocacy work for victims of human trafficking, domestic violence, sexual assault, and other violent crimes in the indigenous community, Valaura will share insight into the efforts of several AZ tribes to include victims' rights in their tribal codes.

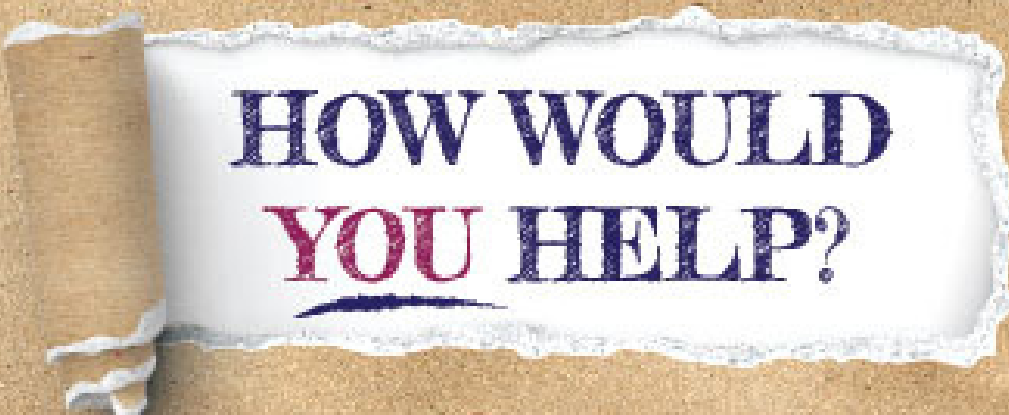


Please register for the event using the following link:

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

**NATIONAL CRIME
VICTIMS' RIGHTS WEEK**

April 21-27, 2024



**Options, services
and hope for
crime survivors.**

Victims' Rights Education

The OVS Victims' Rights Education Program currently has open registration for Basic and Advanced presentations. Please see the upcoming dates below.

<p>Basic Victims' Rights: March 25th, 2024 April 18th, 2024</p>	<p>Advanced Victims' Rights: March 26th, 2024 April 19th, 2024</p>
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As a reminder for VOCA recipients, both systems-based and community-based practitioners must take the Basic Victims' Rights course every 5 years. Systems-based practitioners must take the Advanced Victims' Rights course yearly, and community-based practitioners should attend yearly as well. You can view other webinar requirements on our website.



To register click the link below:
<https://www.azag.gov/criminal/victim-services/training>

Arizona Attorney General's Office of Victim Services Information



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

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.

For more information and resources about the Arizona Attorney General's Office, please visit: azag.gov