

# Attorney General's Complaint System for Victims' Rights

## THE PROCESS

Individuals may file a victims' rights complaint with the Arizona Attorney General's Office of Victim Services if they believe one or more of their rights under the Arizona Victims' Bill of Rights (Article II, Sec 2.1) and Arizona Revised Statutes (A.R.S.) Chapter 40 Title 13 and Title 8, Chapter 3 Article 7 were not provided to them during the course of a criminal prosecution.

The Victims' Rights Enforcement Officer (Enforcement Officer) is not a victim advocate, but an advocate for compliance with victims' rights, who at times can have the same effect as advocating for victims. However, the Enforcement Officer receives and examines complaints in a neutral and unbiased manner and facilitates resolution in furtherance of the law. The Enforcement Officer assists crime victims by addressing victims' complaints and conducting inquiries into alleged violations of victims' rights laws. In doing so, the Enforcement Officer makes initial determinations based on complainants' statements as to whether there appear to have been violations of victims' rights laws.

The complainant must be a crime victim or a victim's lawful representative. All complaints must include:

- name of the person filing the complaint, anonymous complaints cannot be processed;
- contact information for the complainant including address and telephone number;
- a statement that the agency has violated victims' rights, but need not identify the specific law;
- the facts on which the allegation is based; and
- the name and contact information of the agency involved.

***Please note: the information provided in the complaint and provided to the Victims' Rights Enforcement Officer is not privileged or confidential and may be shared with the government or legal agency that is the subject of the complaint or other relevant parties.***

Additional complaint information:

A written complaint should also contain the following information to help facilitate the process:

- a chronological listing of dates and events relevant to the complaint process;
- copies of any relevant documents that should be reviewed;
- case numbers or Police Report numbers; and
- name of the defendant.

A complaint:

- must allege a victims' rights violation that occurred not more than one (1) year prior to the date that the complaint is received by OVS, unless the issue is ongoing;
- may be submitted online at <https://www.azag.gov/complaints/victims-rights> or in writing to the Office of Victim Services, 1275 W. Washington, Phoenix, AZ 85007; and
- may be received by contacting the Office of Victim Services at 602.542.4911.

Within 10 business days of receipt of the complaint by OVS, the Enforcement Officer will contact the complainant to clearly identify the issue(s) presented and to determine whether it appears that a victims' rights violation has occurred. The Enforcement Officer will then contact the agency that is the subject of the complaint to clearly outline the allegation made by the complainant. Accordingly, it is important to make the determination, early on, as to whether the person is a legal "victim" as defined in A.R.S. §13-4401 and A.R.S. § 8-382.

As part of the investigation, the Enforcement Officer will collect relevant documents from both the complainant and agency involved and conduct interviews with key personnel who provide and supervise mandated victim services. Upon request, a copy of the complaint will be forwarded to the agency along with a description of allegations the Enforcement Officer will be investigating. Once the investigation is completed, and if a violation is found, the Enforcement Officer will prepare a letter that will include conclusions specific to the complaint allegations and provide such letter to the agency involved in the inquiry with a copy to the complainant.

### **Investigation Limitations**

The Enforcement Officer takes complaints from individuals who allege violations of their rights under Arizona Revised Statutes (A.R.S.) Title 13 Chapter 40, or Title 8, Chapter 3 Article 7, Arizona's victims' rights laws.

Victims' rights are available to individuals against whom a criminal offense or delinquent act has been committed. Some individuals may or may not be entitled to victims' rights depending on the circumstances of their specific situation. In cases such as these, the Enforcement Officer will forward the information to the Victim Services mailbox within OVS. Victim Services will provide the complainant with necessary resources.

### **Examples of Investigation Limitations:**

Some common complaints received by the Office of Victim Services that the Enforcement Officer does not have authority to investigate include, but are not limited to the following:

1. Civil matters
2. CPS and Child Support Enforcement
3. Consumer Fraud
4. Civil Rights
5. Mortgage issues
6. Specific charges brought against a defendant