

 <p>ARIZONA DEPARTMENT OF CORRECTIONS</p> <p>DEPARTMENT ORDER MANUAL</p>	<p>CHAPTER: 500</p> <p>HUMAN SERVICES</p>	<p>OPR:</p> <p>DIR</p>
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## PURPOSE

This Department Order establishes programs and services through the Department's Office of Victim Services, which provides crime victims/survivors with mandated inmate release notifications, resources, and compassionate support throughout inmates' incarceration and community supervision. The Office of Victim Services advocates change within the inmate population by illustrating the real impact of crime victims through restorative justice methods of education, victim impact panels, and dedicated services to the community. This Department Order provides services to and advocates for Department employees who become victims of crime in the workplace.

## RESPONSIBILITY

The Office of Victim Services is responsible to provide all mandated victim services which are required by law in a corrections setting. The Victim Services Administrator and the Victim Advocate are responsible to coordinate and meet with victim advocacy groups, individuals, and organizations to coordinate services and provide education/training about the Department's Office of Victim Services.

## APPLICABILITY

This Department Order is applicable only to the Office of Victim Services and its responsibilities. For information relating to Domestic and Workplace Violence, Domestic Violence Convictions or Redaction of Personal Information see Department Order #523, Domestic and Workplace Violence.

## PROCEDURES

### 526.01 VICTIM NOTIFICATIONS

- 1.1 The Department's Office of Victim Services will receive a Post-Conviction Notification Request (PCNR) form from the victim and/or prosecuting attorney's office after a defendant has been sentenced.
  - 1.1.1 Within 30 calendar days of receiving a PCNR form, the Victim Services staff shall send the victim an acknowledgment of the PCNR form and a notice of the inmate's earliest release date, if the sentence exceeds six months. Arizona Revised Statute (A.R.S.) 13-4413(1)
    - 1.1.1.1 The victim is responsible to fill out the PCNR form and send to the Department to request victims' rights.
  - 1.1.2 Victims' Right Not to Receive Mail – Victims or members of the victim's family or household have the right to request not to receive mail from an inmate on the PCNR form. A.R.S. 13-4411.01
    - 1.1.2.1 The Victim Services staff shall send a notice to the inmate, through the Warden's office, indicating the victim, or members of the victim's family or household have requested to not receive mail. The inmate shall sign the acknowledgement and a copy of signed notice shall be sent back to the Office of Victim Services.

- 1.1.3 Victim's Rights Requests – Only upon receipt of a PCNR form, the Office of Victim Services shall provide a victim notification as follows:
  - 1.1.3.1 Inmate Release - A generated notification letter of the inmate's release shall be sent to the victim, at least 15 days in advance, and called on the day the letter is sent. A.R.S. 13-4413(2)
    - 1.1.3.1.1 As a courtesy, victims may be called on the day of inmate's release.
  - 1.1.3.2 Inmate Death - A generated notification letter of the inmate's death shall be sent to the victim, within 15 days, and called on the day the letter is sent. A.R.S. 13-4413(3)
  - 1.1.3.3 Escape and Subsequent Re-Arrest – A generated notification letter of the inmate's escape and subsequent re-arrest shall be sent to the victim immediately and make every reasonable attempt to call the victim. A.R.S. 13-4412(B)
  - 1.1.3.4 Return to Custody (RTC) - A generated notification letter of the inmate's return to custody shall be sent to the victim and called on the day the letter is sent.
- 1.1.4 Courtesy Victim - Any person requesting services from the Office of Victim Services that shows good cause and is not the legal victim in the criminal case (such as, an individual who may have been a victim of a previous crime; however, they are not the victim of the case in which the inmate is currently serving a sentence) may be provided a notification in accordance with 1.1.3.1 through 1.1.3.4 of this section.
- 1.2 The Office of Victim Services shall send notification(s) to the appropriate agencies, which include the arresting agency, trial judge, and prosecuting attorney in the following manner:
  - 1.2.1 Notice of inmate release through email.
  - 1.2.2 Notice of inmate's death through letter.
  - 1.2.3 Immediate notice of escape and subsequent re-arrest through letter.
- 1.3 Community Corrections - Upon an inmate's release, a victim may have questions/concerns about inmate supervision through community corrections.
  - 1.3.1 Upon request, the Victim Advocate may:
    - 1.3.1.1 Inform the victim of the current Parole Officer's name and contact number.
    - 1.3.1.2 Provide general information regarding supervision and location of release.
    - 1.3.1.3 Inform the Parole Officer of pertinent victim related issues.

1.4 Interstate Compact - When there is a victim listed in the Adult Information Management System (AIMS), the Interstate Compact Unit shall notify the Victim Advocate via email when an inmate has requested a transfer to a different state.

1.4.1 The Victim Advocate may:

1.4.1.1 Call the victim and ask for input with regard to the inmate's interstate compact request.

1.4.1.2 Respond to the Interstate Compacts Unit with the victim's input.

1.4.1.3 Take the appropriate action to accommodate the victim's concerns.

**526.02 HEARINGS/LEGAL PROCEEDINGS** - Although the Office of Victim Services, services are primarily in the post-conviction stage, support at any relevant legal proceeding may be provided as needed/appropriate. Services to victims are provided only upon request and as a courtesy. Victims are not compelled or required to contact or coordinate with the Office of Victim Services, and may participate on their own or with an independent advocate. Any specific requests, activities or procedures outside the provisions established in this Department Order must be approved by the Director.

1.1 Assistance may include, but are not limited to:

1.1.1 Providing the victim with general information about hearing and relevant victims' rights.

1.1.2 Providing referral or victim contact information to appropriate agency that is responsible for notification.

1.1.3 Working with respective staff to verify hearing date.

1.1.4 Assisting with victim impact statement.

1.1.5 Attending hearings with victim.

1.1.6 Providing emotional support.

1.2 Primary Hearings

1.2.1 Trial Proceedings – The Office of Victim Services may work with the prosecutor's office victim advocates and provide services however deemed appropriate.

1.2.2 Domestic Violence Proceedings – Victims may request additional support if a defendant disputes a protective order. If available, the Victim Advocate may coordinate with a court/legal advocate.

1.2.3 Appellate/Post-Conviction Relief Proceeding – Due to the multiple avenues that may be available for offenders after sentencing, the Victim Services staff may work in conjunction with:

1.2.3.1 The Arizona Attorney General's Office of Victim Services to monitor appeals pending in the Arizona Court of Appeals, the Arizona Supreme Court, and the Federal Courts.

1.2.3.1.1 Original prosecutor's office to monitor Petitions for Post-Conviction Relief status and proceeding.

1.2.4 Arizona Board of Executive Clemency (ABOEC) Hearings

1.2.4.1 Parole, Parole/Community Supervision Revocation Hearings, and Commutation and Reprieve Hearings are held by the ABOEC as inmates are deemed eligible. The Victim Services staff shall:

1.2.4.1.1 Hand-deliver Victim Impact Statements to the front office staff, who signs a delivery receipt.

1.2.4.1.2 Upon victim request, provide a waiting area for victims prior to hearings, when available.

1.2.4.2 The Victim Services Administrator or designee may prepare victims for the possibility of a Commutation, Parole and Reprieve Hearings. The assistance may include, but are not limited to:

1.2.4.2.1 Assisting the victim with a Victim Impact Statement.

1.2.4.2.2 Explaining the hearing structure.

1.2.4.2.3 Arranging victim participation, as outlined in 1.2.4.1.1 and 1.2.4.1.2 of this section.

1.2.4.2.4 Attending the hearing with the victim.

## **526.03 VICTIM ASSISTANCE**

1.1 Restitution

1.1.1 Upon an inmate's incarceration or release, a victim may have questions/concerns related to restitution. Upon request, the Victim Advocate may provide:

1.1.1.1 Information regarding automatic deduction process.

1.1.1.1.1 The Victim Advocate may contact prosecutor's office if restitution needs modification with a court.

1.1.1.2 An explanation of inmate banking and transfer of funds to the respective County Clerk's office.

1.1.1.3 A referral to the County Clerk's office for victim address updates and/or other restitution check distribution questions.

- 1.1.1.4 A referral to Parole or Probation Officer, if victim has remaining questions about restitution payments during supervision.
- 1.1.1.5 An explanation of Criminal Restitution Orders.
  - 1.1.1.5.1 The Victim Advocate may follow-up with the County Clerk, prosecutor's office or community corrections regarding filing of Criminal Restitution Orders if not filed.
- 1.2 Execution Assistance
  - 1.2.1 Upon receipt of Warrant of Execution, the Victim Services Administrator or designee shall contact the Arizona Attorney General's Office of Victim Services to obtain current victim contact information, in accordance with Department Order #710, Execution Procedures.
    - 1.2.1.1 Victim contact regarding the execution process shall be provided by the Department's Office of Victim Services; however, the Arizona Attorney General's Office of Victim Services will notify the victims of the appellate activity.
  - 1.2.2 The Victim Services Administrator or designee shall:
    - 1.2.2.1 Send an initial letter to the victims regarding the Warrant of Execution and gather victim attendance preference, in accordance with Department Order #710, Execution Procedures.
    - 1.2.2.2 After the execution process has been completed, send the victim a letter notification informing them of the outcome.
  - 1.2.3 The Victim Services Administrator or designee may:
    - 1.2.3.1 Provide a general explanation of the execution process, along with any necessary emotional support.
    - 1.2.3.2 Prepare victims for the possibility of an ABOEC Commutation, Parole and Reprieve Hearings, as outlined in Section 526.01 of this Department Order.
    - 1.2.3.3 Provide follow-up services as necessary.
- 1.3 Victim Services Web Page Link – A Web Page link provided through the Department's internet website ([www.azcorrections.gov](http://www.azcorrections.gov)), which provides victims with information about victim-related materials, referrals, and activities.
- 1.4 Statewide 1-800 Number – A toll-free number for victims to access the Office of Victim Services during business hours. Victim calls received after business hours will take messages for the Victim Services staff who will respond the next business day.

## **526.04 RESTORATIVE JUSTICE**

### **1.1 Victim/Offender**

1.1.1 Conferencing – In a safe setting and in the presence of a neutral third party, provide victims and offenders, when appropriate, with the opportunity to meet and discuss the impact and circumstances of that crime. Victims may ask questions of the offender about the victimization and talk to the offender about the impact of the crime on the victim and his family.

1.1.2 Letter Correspondence – Victim/Inmate may contact the Office of Victim Services with request to send letter to the other party. The Victim Services Administrator or Victim Advocate may discuss with the victim or inmate through the assigned Correctional Officer III about option and provide appropriate support. For further information regarding inmate mail, see Department Order #914, Inmate Mail.

1.2 Victim/Survivor Participant in Impact Panels/Classes – Recruit and provide training to victims willing to participate in panel presentations and discussions with inmates about the impact of crime on victims and their families.

## **526.05 INTER-DEPARTMENTAL SERVICES**

1.1 The Office of Victim Services may provide support services to Department employees who are crime victims, whether or not they are victims of workplace violence.

1.1.1 When an employee is victimized during work, the Victim Notification Request, Form 526-1 shall be provided to the employee for consideration. The Victim Notification Request form must be filled out by the employee and returned to the Office of Victim Services to receive victim services support, such as:

1.1.1.1 Notification regarding defendant’s release from confinement.

1.1.1.2 Other resources/referrals for prosecutorial information, counseling, or support services.

1.1.2 The Office of Victim Services may act as the legal representative for victim notification from the prosecutor’s office, when the Department is the legal entity in the case.

1.1.2.1 The Victim Services Administrator or designee may maintain notifications in case and respond to requests from prosecutor’s office, such as obtaining restitution information or Victim Impact Statements.

1.1.3 When employees are victimized outside of work, the Office of Victim Services may act as a resource or liaison to prosecutorial agents or other support services in the victim advocacy community.

1.1.4 For further information relating to employee assistance see Department Order #521, Employee Assistance Program and Department Order #523, Domestic and Workplace Violence.

- 1.2 Prison Rape Elimination Act of 2003 - The Office of Victim Services shall establish a contact list of victim advocates from a rape crisis center, a qualified staff member from a community based organization, or a qualified Department employee. Efforts to secure services from rape crisis centers shall be documented.
  - 1.2.1 The Office of Victim Services may act as a liaison between inmates and prosecutorial agents and may:
    - 1.2.1.1 Arrange interviews with prosecutors or trial victim advocates.
    - 1.2.1.2 Maintain notification about trial proceedings and provide to the inmate through the assigned Correctional Officer III.
- 1.3 The Victim Services Administrator or designee may distribute monthly victim services bulletins to Department employees, which provide pertinent victim-related topics.
- 1.4 Internship and Volunteer Program – The Office of Victim Services shall offer internship and volunteer opportunities for qualified applicants. Recruitment shall place through the internship coordinator from Arizona State University, Arizona Interns-In-Action Program, and other applicable programs. Interns/volunteers shall be supervised by the Victim Services Administrator or designee. For further information regarding volunteers, see Department Order #204, Volunteer Services.

## IMPLEMENTATION

Within 90 days of the effective date of this Department Order, the Victim Services Administrator shall update and maintain the Victim Services Technical Manual, which addresses the activities outlined in this Department Order.

## DEFINITIONS

**CRIMINAL RESTITUTION ORDER** – Order that the court issues when the defendant completes his/her sentence and still owes restitution. The Criminal Restitution Order lists the recipient(s) of restitution and the amount that is still owed. It does not expire until paid in full. A.R.S. 13-805

**POST-CONVICTION NOTIFICATION REQUEST FORMS** - Forms are distributed through the prosecuting attorney's office after a defendant has been sentenced. Form includes post-conviction agencies responsible for services according to the type of sentence received by the defendant. The victim is responsible to fill out this form and send to the corresponding agencies to request victims' rights.

**PRISON RAPE ELIMINATION ACT (PREA) OF 2003** - Supports the elimination, reduction, and prevention of sexual abuse and sexual harassment within corrections systems.

**RESTITUTION** – For the purpose of this Department Order restitution is defined as, upon a defendant's conviction for an offense causing economic loss to any person, the court, in its sole discretion, may order that all or any portion of the fine imposed be allocated as restitution to be paid by the defendant to any person who suffered an economic loss caused by the defendant's conduct. A.R.S. 13-804

**VICTIM** – person against whom the criminal offense has been committed, including a minor, or if the person is killed or incapacitated, the person's spouse, parent, child, grandparent or sibling, any other person related to the person by consanguinity or affinity to the second degree or any other lawful representative of the person, except if the person or the person's spouse, parent, child, grandparent, sibling, other person related to the person by consanguinity or affinity to the second degree or other lawful representative is in custody for an offense or is the accused. A.R.S. 13-4401(19)

**VICTIM ADVOCATE** – A person who is employed or authorized by a public or private entity to provide counseling, treatment or other supportive assistance to crime victims. A.R.S. 13-4401(5)

**VICTIM IMPACT CLASSES** – Cognitive instruction that conveys to offenders the harm they have caused others. Curriculum provided by the U.S. Department of Justice, Office for Victims of Crime.

{Original Signature on File}

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Charles L. Ryan  
Director

#### **FORMS LIST**

526-1, Victim Notification Request

## **CROSS-REFERENCE INDEX**

Department Order #523, Domestic and Workplace Violence  
Department Order #710, Execution Procedures  
Department Order #905, Inmate Trust Account/Money System

## **AUTHORITY**

A.R.S. 13-804, Restitution for Offense Causing Economic Loss; Fine for Reimbursement of Public Monies  
A.R.S. 13-805, Jurisdiction  
A.R.S. 13-4401, Definitions  
A.R.S. 13-4405, Information Provided to Victim by Law Enforcement Agencies  
A.R.S. 13-4411, Notice of Post-Conviction Review and Appellate Proceedings  
A.R.S. 13-4412, Notice of Release or Escape  
A.R.S. 13-4413, Notice of Prisoner's Status  
A.R.S. 13-4430, Consultation between Crime Victim Advocate and Victim; Privileged Information; Exception