



STATE of ARIZONA

**RECOMMENDED GUIDELINES
FOR A COORDINATED COMMUNITY
RESPONSE TO SEXUAL ASSAULT**

November 2001

Office of the Attorney General

Janet Napolitano

MESSAGE FROM ATTORNEY GENERAL JANET NAPOLITANO

The crime of sexual assault affects us all — our families, communities and state. One of the most under reported crimes in Arizona, it's estimated that only 16% of all sexual assaults ever come to the attention of law enforcement; fewer cases, still, are ever prosecuted or result in conviction.

The statistics are chilling: One in five women will be the victim of a completed or attempted sexual assault in her lifetime. A majority of these women will be under the age of 18. Additionally, one in thirty-three men have experienced attempted or completed rape as a child or as an adult. These *Recommended Guidelines for a Coordinated Community Response to Sexual Assault* are intended to guide community responses for both female and male victims in opposite and same sex relationships.

In the face of a low number of sexual assault cases, our justice system is not only failing victims, but far too often, these victims also face barriers to effective and compassionate treatment. The difficulties they encounter may be the result of insufficient resources, a lack of collaboration among agencies, or a combination of both. One response to the problems has been the development of these *Guidelines*. Countless individuals from multiple disciplines throughout the state, including professionals from law enforcement, prosecution, the judiciary, the medical community, victim advocates — and sexual assault victims as well — have worked tirelessly to craft these guidelines, which offer a context for thinking about how to improve our response to sexual assault. I greatly appreciate their efforts and commitment to the process.

The *Guidelines* aim to help communities develop more effective responses to victims of sexual assault, from the inception of a case through post-conviction. The *Guidelines* provide a framework for local communities and, at the same time, offer the flexibility necessary to tailor a response that is considerate of local needs and issues. I invite, indeed encourage, communities across Arizona to use the collective thought reflected in this document as a spring board to adopt and implement a plan for responding to sexual assault in their communities that is highly effective and compassionate. And, as part of that endeavor, I trust that communities will remain equally committed to holding sexual assault offenders accountable, through consistent and efficient investigation, prosecution and management of these types of crimes.

These *Guidelines* are a mere beginning. We must continue to foster attitudes that reflect system-wide intolerance for sexual offenses in any form. We must also continue to promote and support community-based sexual assault services, including Family Advocacy Centers which provide a compassionate response to those who are victimized by sexual assault crimes. Finally, we must focus our efforts on prevention, education and public awareness so that we may begin to address the roots of the problem, as well as create lasting improvements in our united response to victims of sexual assault.

MESSAGE FROM BRIDGET RICECI THE SOUTHERN ARIZONA CENTER AGAINST SEXUAL ASSAULT

The Southern Arizona Center Against Sexual Assault —SACASA— is extremely pleased to have received a contract from the Office of the Attorney General to lead a statewide project that resulted in these *Recommended Guidelines for a Coordinated Community Response to Sexual Assault*.

In 1999, a Sexual Assault Task Force appointed by the Governor made policy recommendations including that the State develop guidelines for addressing sexual assault. These *Guidelines* are the result of the work of many committed individuals in communities throughout the State of Arizona. I want to acknowledge and thank our partners in law enforcement, victim-survivor services, the medical community, academia, mental health, tribal communities, prosecution, the judiciary, and probation for their tireless and unselfish efforts over the past year in producing these guidelines.

I also want to thank the project director and the four regional managers. Their leadership and skills in community development resulted in a set of guidelines that are truly community driven.

The product of these statewide collaborations will indeed allow for a coordinated community response to the victims and survivors of sexual assault. By doing so, the *Guidelines* will greatly enhance the delivery of sexual assault services.

We extend our thanks to the Office of the Attorney General for giving the Southern Arizona Center Against Sexual Assault the opportunity to direct a project of this magnitude. SACASA has a long history of successfully addressing the incidence of sexual assault and reducing its traumatic effects by providing treatment and by promoting the prevention of sexual abuse, incest, molestation, and rape. We want to be able to continue to offer our services and work collaboratively with others.

Let us all embrace our vision that we live in a world where all people feel safe and are free from all forms of sexual violence.

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INTRODUCTION

Managing sexual assault cases for adult victims requires an increasingly complex array of services by disparate law enforcement and community agencies. Few other crimes require the victim to undergo such extensive and intrusive examinations to collect the evidence needed to bring perpetrators to justice.

We offer these *Recommended Guidelines for a Coordinated Community Response to Sexual Assault* to provide a framework to communities to manage and prosecute sexual assault crimes in a coordinated systems approach that is both collaborative and sensitive to the complex needs of traumatized victims. The *Guidelines* are a resource to those who investigate and prosecute sexual assault crimes, as well as those who treat victims of sexual assault. As their title implies, the *Guidelines* are not mandated practices and communities should tailor them to fit their particular needs. The ultimate goals of these *Guidelines* are to: ensure victim safety, dignity, and informed decision-making; increase the number of perpetrators held criminally accountable; and promote responsibility and accountability among all systems designed to respond to the crime of sexual assault.

While the *Guidelines* are intended to guide communities as they respond to sexual assault among adults, we must not lose sight of the need for sensitive, appropriate community response to child victims of sexual assault and abuse. Communities are urged to adopt practices and procedures in keeping with the Multidisciplinary Protocol for the Investigation of Child Abuse. This document is available through the Arizona Department of Economic Security.

METHODOLOGY

The *Guidelines* were created through the leadership of Arizona Attorney General Janet Napolitano, who secured funds from the legislature for this project. The Attorney General's Office contracted with the Southern Arizona Center Against Sexual Assault (SACASA) to develop the *Guidelines*. SACASA named a five-member Project Team to facilitate eleven Regional workgroups throughout the state. The workgroups represented all 15 counties, as well as several Indian nations. Appendix A identifies project participants. Each workgroup developed its own regional protocols and had extensive input into the *Guidelines*.

The Project Team gratefully acknowledges the dedication and commitment of all workgroup members from across the state. Additionally, many others donated or contributed countless hours to this work, including Bridget Riceci, President and CEO for Southern Arizona Center Against Sexual Assault; Lisa Glow, Attorney General's Office for Women; Teena Olszewski, Director, Attorney General's Office of Victim Services; Dennis Coon, editor; Chris Groninger, Funding Resources; Melody Schneider, administrative support; Barbara Ratner, Final Concept and Spectrum Printing.

IMPLEMENTATION

These *Guidelines* are printed and distributed statewide for community-based, locally adopted implementation. Fifty individuals from law enforcement, medicine, victim services, prosecution, courts, probation, and Indian Nations received training on the *Guidelines*, and in turn offered regional orientations throughout the State. More than 150 agency representatives and service providers participated in the orientation process.

For the readers' convenience, relevant state sexual assault statutes are listed in Appendix B. Sources of potential funding for further implementation are listed in Appendix C. Members of the Navajo and Hopi Nations developed their own recommended practices for addressing sexual assault in their nations. Their guidelines are found in Appendix D.

COMMUNITY AND VICTIM SERVICES

Victim service providers are uniquely qualified to prevent sexual assault victims from experiencing further trauma. In the wake of a sexual assault, law enforcement agencies, prosecutors, and medical facilities have specific responsibilities. The role of victim services is much broader: In some instances, community and victim service providers remain in contact with sexual assault victims, their families, and other agencies from the time of the initial report until their services are no longer needed. Thus, victim services often span the entire life of a case, through its final disposition and beyond. Even when victim service providers only address part of a case, they facilitate the healing process by supplying crucial support to sexual assault victims.

PROGRAMS AND PROVIDERS

In Arizona, system-based programs and community-based agencies help sexual assault victims regain control of their lives. The term *victim service provider* refers to individuals in a wide range of programs, agencies, and disciplines. Providers offer emergency assistance and long-term support to victims and their families. Skilled providers are found:

- In victim/witness programs or victim assistance units in police departments and prosecutors' offices
- In community or regional sexual assault centers and/or family advocacy centers
- Among the ranks of independent mental health practitioners
- Within organizations that provide victim support services and advocacy

Range of Services Available to Victims of Sexual Assault

Services for victims of sexual assault vary in different regions, and some Arizona communities lack a full range of services. Local needs, issues, problems, and resources often affect the spectrum of available services, which may include any or all of the following:

- Crisis response
- Individual and/or community advocacy
- Legal advocacy
- Justice system advocacy
- Mental health services

Arizona Crime Victim Compensation Program Sexual assault victims may be eligible for financial assistance for certain expenses they incur as a direct result of the crime. The Victim Compensation Program is administered through county attorneys' offices. Victim service providers should be familiar with the program so they can inform victims about eligibility requirements and how to apply for compensation. Note: Legal residency in the United States is not an eligibility requirement under the Compensation Program.

Advocacy Services

Service providers act as advocates for victims, keeping the victim's needs prominent in the minds of justice personnel. Arizona laws define a "crime victim advocate" as a person who primarily provides counseling, treatment, or other supportive assistance to crime victims. Crime victim advocates may be employed (or authorized) by public entities or by private services that receive public funding. Whatever their affiliation, a victim advocate's primary purpose is to inform, support, and accompany victims and their families through the aftermath of a crime.

The Advocate's Role Advocates may provide support at crime scenes, medical facilities, forensic exam sites, advocacy centers, victim service agencies, on crisis hotlines and telephone help lines, or during legal proceedings. Communities that don't have a rape crisis/sexual assault advocacy center may rely on county victim/witness advocates for their primary victim services. In any case, the role of the advocate is to empower victims in order to:

- Facilitate the healing process
- Allow victims to make informed decisions
- Help victims develop strategies and formulate requests for action
- Allow victims to proceed intelligently through the justice system

To be effective, advocacy services must be victim directed, strategic, skillfully executed, well articulated, and culturally competent. Those who serve crime victims should be thoroughly trained and highly skilled.

Advocacy Victim service providers should be familiar with *Victim Services Program Standards and Procedures: Guidelines for Arizona*. This document was prepared and adopted by the Arizona Coalition for Victim Services, a nonprofit organization dedicated to improving the quality of victim services through education, training, and advocacy. The *Guidelines* define minimum standards and model responses for a wide range of victim services, including community referrals, accompaniment, and supportive counseling. Some key elements of advocacy services include the following:

- Providers should be qualified to make referrals for any victim who requests assistance. Providers should maintain up-to-date lists of community service agencies and the services they provide.

- The advocate or agency coordinator should meet with representatives from human service agencies to ascertain whether their programs could benefit victims of sexual assault. A contact list of useful programs and services should be developed.

- Advocates making referrals should provide receiving agencies or mental health professionals with basic information about the victim. However, only essential information should be shared, and the victim should give written consent for the release of personal information.

- For each referral, the advocate should have the name of a contact person and telephone numbers that will allow the advocate and/or the victim to readily access the agency or service.

- At the least, referral lists should include services that address the following issues: sexual assault, domestic violence, child abuse or sexual assault, aging, financial assistance, and housing. The list should also include family, child, and youth services; medical/health providers; legal assistance; mental health services; and developmentally disabled services.

- On-going counseling and/or therapy should always be part of a support service referral package.

- Victims of sexual assault who request personal support should be accompanied to hearings, interviews, trials, and sentencing proceedings. Advocates may directly provide accompaniment or they may arrange for other agencies to provide it.

Crisis Intervention

Crisis intervention is an effective and appropriate response to the immediate needs of sexual assault victims. It validates the victim's emotional reactions to the assault, including the victim's feelings of powerlessness, loss of dignity, and humiliation. By offering immediate support, empowerment, and information, crisis intervention facilitates:

- The victim's ability to make informed decisions about medical care, the criminal justice system, and emotional care.

- Reduction of the emotional trauma that the victim is experiencing.

- Reduction of the risk of negative, long-term behavioral impacts, such as substance abuse by the victim, depression, or suicide.

Primary Interventions The two most immediate concerns in responding to a sexual assault crisis are to:

- Determine the immediate safety of the victim.
- Address any urgent medical needs.

Secondary Interventions After immediate concerns have been addressed, effective crisis intervention involves the following steps:

- Build rapport with the victim.

- Ask victims to identify *their primary concern*; don't assume that you know what concerns them the most.

- Develop a plan of action with the victim that addresses his or her short-term goals.
- When possible, long-term goals should also be established, but only if the victim is emotionally ready to address them.
- Empower the victim by providing information and options. Support the victim's efforts to make informed decisions.
- Validate the victim's experiences and emotional reactions.
- Let victims know that what happened is not their fault.
- Provide resources and make referrals.

Additional Considerations Providers who participate in crisis intervention should be prepared to:

- Address any questions the victim has about the present situation, procedures, victim rights, legal concerns, and your evaluation of the victim's immediate needs for shelter, moral support, counseling, transportation, and so forth.
- Collect statistical information, as appropriate.
- Assist victims with all paperwork, including voluntary statement forms and amendments. Assist the police department if the victim is unable to complete such paperwork on her/his own.
- Inform victims that they can request or waive certain rights by completing a form available from the responding law enforcement agency. This form allows the victim to designate a lawful representative and it provides specific legal information.
- Do a follow-up session with victims to ensure that they are aware of all available resources. This additional contact gives victims a chance to have their questions answered and to enhance their understanding of the court system, advocacy programs, and other services.

Responding at Crime Scenes

The responding law enforcement officer should appraise the level of danger at the crime scene. As soon as the scene is stabilized, the officer should have a victim advocate dispatched in all cases of sexual assault.

Crime Scene Response Recommendations Upon arrival at the scene, crisis responders should:

- Wear an identification badge.

- Contact the person in charge of the scene (an officer or detective).
- Obtain case information, including the status of the victim, the investigation, and the suspect.
- Evaluate the immediate needs of the victim.
- Locate any secondary victims who may be at the scene.
- Assist in arranging for childcare, if needed.
- Work with the responding officer to obtain a brief history and/or background information about the victim and the perpetrator, when possible.
- Develop a plan of action with the victim that includes immediate and short-term goals, victim safety, an assessment of lethality, and provisions for alternative housing. Also make any initial referrals, as needed.

Additional Considerations When responding to a sexual assault at the crime scene, keep in mind that:

- The advocate may be asked to meet the victim at a neutral location or a hospital if the original scene of the assault is not safe.
- The advocate's first level of assistance should be on-scene crisis intervention and victim stabilization.
- The type of crime or crisis that occurred should determine the type of intervention provided, including the nature of the referrals that are made.

Responding at a Medical Facility and/or Forensic Exam Site

In some communities, advocates are available to respond directly at medical facilities or forensic exam sites. Under these circumstances, the following recommendations should be kept in mind:

- Victims should have a sheet or blanket available so they can cover themselves between medical procedures.
- Victims should be allowed to decide if they would like someone present in the room during and after medical treatment.
- It is imperative that victims have as much privacy as possible.
- Traffic in the victim's room should be held to a minimum.

- Advocates should be aware that victims receiving medical care may have a heightened sense of modesty.

Community-Based Response and/or Telephone Interventions

The following recommendations apply to situations in which victims seek assistance over the telephone:

- When a sexual assault victim seeks help, the advocate should assess the caller's needs for shelter, safety, medical care, and similar concerns. The advocate should follow the agency's protocol and provide referrals when appropriate.
- The advocate should provide crisis support and helpful resources. If necessary, help the victim arrange for additional support.
- If the victim needs medical care, or wants to report the assault to law enforcement, she or he should be accompanied by an advocate, if possible. If necessary, contact other advocacy services to arrange for someone to accompany the victim.
- Crisis responders should help the victim find shelter, if she or he needs it.
- If an adult or child reports sexual abuse or sexual assault of a minor, the crisis responder should immediately notify law enforcement or Child Protective Services.
- Victim assistance/service agencies in Arizona should have a bilingual or multilingual advocate available.
- It is important to tell individuals who disclose a sexual assault about the reporting obligations of social service agencies, law enforcement agencies, and hospitals.

VICTIM RIGHTS AND JUSTICE SYSTEM ADVOCACY

Survivors of sexual assault, whether the crime is a felony or a misdemeanor, are legally defined as victims by state statutes and the Arizona Constitution. Being a legal victim imparts certain rights to information and access to the justice system. A victim's rights begin when a crime is reported, and they remain in effect throughout the criminal prosecution or the juvenile justice process.

It is important for all service providers to know the rights to which victims of sexual crimes are entitled, including how and when a victim's rights begin and end (A.R.S. 13-4402 and A.R.S. 8-383).

Victim Rights Services

State laws mandate that justice entities and the courts ensure that victims have full access to the rights defined by victim rights statutes. Typically, system-based victim assistance programs are responsible for facilitating the exercise of victim rights. For example, a county attorney's office

may delegate victim notification to advocates from a victim witness program or to its own support staff.

It is important for victim service providers to have at least a general knowledge of how cases proceed through the criminal and/or juvenile justice system. Providers should also be aware of the duties various entities have for ensuring that victim rights are properly bestowed.

Interagency Relationships Community-based agencies that wish to accompany victims to court and assist them until case conclusion should coordinate their services with the prosecutor's victim assistance program. Cooperating agencies should develop a memorandum of understanding that reflects prosecutorial practices designed to safeguard victims' rights.

Lawful Representative Victims of sexual offenses who are unable to exercise their rights, or who choose not to do so, may designate a person (lawful representative) to make decisions on their behalf. Victims may change that designation of a lawful representative at any time. If a victim is incapable of designating a representative, the court may appoint one [A.R.S. 13-4403(A)(B) and A.R.S. 8-384(A)(B)].

Requesting and Asserting Rights Upon initial contact with a victim of sexual assault, the responding law enforcement agency must provide a multi-copy form that allows victims to request or waive their "upon request" rights. This form allows the victim to designate a lawful representative. It also informs the victim about the following:

- The Constitutional right to be treated with fairness, respect, and dignity and to be free from intimidation, harassment, or abuse throughout the justice process.
- Victim services available, including the names and phone numbers of service providers, and information about the Crime Victim Compensation Program.
- A name and phone number the victim can use to obtain information about the case, including a report number.
- Whether a suspect has been arrested or cited and released.
- The date, time, and place of the suspect's initial appearance, and the victim's right to be heard at the initial appearance [A.R.S. 13-4405(A) and A.R.S. 8-386(A)].

At the time of contact with a law enforcement agency, victims of sexual assault may be physically or emotionally unable to request or waive their rights. In such instances, the responding officer must indicate this fact on the rights request/waiver form. By law, such designations give notice to other agencies that they should assume victim rights have been invoked, unless the victim later waives his or her rights [A.R.S. 13-4405(B) and A.R.S. 8-386(B)].

Victims of sexual offenses can assert their rights through representation by personal counsel, at the victim's expense. Alternately, at a victim's request the prosecutor may assert any right to which the victim is entitled [A.R.S. 13-4437(A)(C) and A.R.S. 8-416(A)(C)]. Victims must keep their address and phone number current with each agency responsible for providing information (notices) and other services [A.R.S. 13-4417(A) and A.R.S. 8-398(A)].

Victim Rights Highlights

Victims are entitled to many well defined rights. The following provisions are particularly relevant to crimes involving sexual offenses.

- If a suspect is arrested, victims of sexual offenses have the right to be informed of the arrest and to be told if the accused is released or escapes.
- If an assigned prosecutor declines to proceed with a case, victims of sexual offenses have the right to be informed of the reason(s) why, and the right to be given an opportunity to confer before the decision is final.
- Victims of sexual offenses also have the right to confer with the prosecuting attorney (by request) about the disposition of the offense. This right includes conferring about dismissal of charges, pre-trial diversion programs, plea or sentencing negotiations, and prior to the beginning of a trial.
- On a victim's request, the prosecutor must petition the Court for an order requiring that the defendant be tested for the human immunodeficiency virus if the defendant has been charged with a sexual offense, or an offense involving significant exposure (physical contact), as defined by A.R.S. 13-1415(G)(2). The prosecutor must also petition for consent to release the test results to the victim, pursuant to A.R.S. 13-1415.
- Victims of sexual offenses have the right to have their statements to a crime victim advocate [as defined in A.R.S. 13-4401(5) and A.R.S. 8-382(5)] kept private and confidential, with some exceptions.
- Victims of sexual offenses have the right to attend all court proceedings in which the defendant has the right to be present. Under certain circumstances, victims have the right to take an unpaid leave from work in order to attend.
- Victims of sexual offenses have the right to refuse a defense interview. If victims agree to such an interview, they have the right to select its time and place. Victims can also impose other conditions on the interview and they can refuse to answer any question.
- At any court proceeding, victims of sexual offenses have the right to refuse to testify regarding their address, telephone number, place of employment, or other locating information.

- Victims of sexual offenses have the right to make a Victim Impact Statement in writing or orally to the probation officer for use in the Presentence Report, and the right to speak at the sentencing hearing.

- Victims of sexual offenses have the right to be present and heard at any post-conviction release hearing.

Recommendations for Justice System Advocacy

As advocates, providers can help victims negotiate the justice system by supplying the support services described here.

- Help victims understand their rights by explaining the written information supplied by various justice entities.

- Listen and offer feedback about the criminal and civil legal remedies victims may be considering.

- Fully support victims who choose to exercise their rights to participate in the justice process.

- Explain to victims, early on, their right to privileged communication, if applicable, and what it means, including any exceptions.

- Assist victims in completing compensation applications and impact statements.

- Help victims prepare for interviews and/or court proceedings.

- Accompany victims to defense interviews, prosecutor conferences, and court proceedings.

- Identify and help resolve any problems that may impede victims' receipt of timely and accurate notification.

- Help victims make sure that their voices are heard at various case decision points, such as releases, charging, pleas, and sentencing.

- At court proceedings, urge the court to impose appropriate safeguards to minimize contact between the victim and the defendant and the victim's family and friends, as is the victim's right.

- Promote the issuance and enforcement of court orders that incorporate the protections and outcomes desired by victims.

- Assist victims with obtaining Orders of Protection, Injunctions Prohibiting Harassment, emergency financial assistance, alternative housing, and similar services.

- Learn or promote the establishment of prosecutorial policies and procedures regarding the victim's right to confer with the prosecutor. Support or assist victims in exercising this right.
- Accurately document services delivered and maintain case files and records.
- Develop a comprehensive referral system and seek to establish rapport and good working relationships with personnel from law enforcement, prosecution, and corrections agencies and courts.

MENTAL HEALTH SERVICES

Mental health treatment is an interpersonal process in which a professional relationship is used to systematically and purposefully resolve psychological trauma and to promote personal growth. The mental health professional's primary goal in working with sexual assault victims is to facilitate their psychological healing.

Responsibilities of Mental Health Professionals

Every victim's healing process following a sexual assault is unique. Whenever possible, all victims of sexual assault should receive treatment without a time limit. This allows the individual needs of each victim to be optimally addressed. Effective treatment should be based on a treatment plan that includes:

- A reassessment of any ongoing treatment in order to focus on the immediate sexual assault-induced crisis or related issues.
- Support and validation for victims as they emotionally respond to the assault and make any necessary life changes.
- Assistance in minimizing secondary trauma during the legal process.
- Support for the victim in finding and following up on community health and legal resources and victim services organizations.
- Providing a safe, attuned, facilitating office environment in which a victim may cognitively, behaviorally, emotionally, and spiritually work through and heal the trauma of sexual assault.

Community Resource Procedures for Mental Health Providers

If a victim is referred to a human service organization, she or he should be given sufficient information to contact a specific person. In addition providers should be aware that:

- To be effective, referrals must be appropriate. Inappropriate referrals frustrate the victim, the receiving organization or individual, and the advocate.

- The victim's feelings about the referral should be explored prior to making the referral.
- Consider contacting the local public health department for information about HIV/AIDS, STI (sexually transmitted infections) testing, and victim counseling for STIs, including HIV/AIDS.

Confidentiality

Except as otherwise required by law, confidentiality must be preserved when making referrals or discussing a case. No names should be mentioned when a provider explores potential services, and no identifying information can be shared without the client's written consent, except as otherwise required by law. With regard to confidentiality, mental health professionals must at the very least:

- Keep clear and accurate records.
- Know they may be called as a witness. Mental health professionals are advised to consult with their agency lawyer (therapists in private practice should also seek legal counsel) regarding confidentiality, privilege issues, and other legal matters.
- Be aware that a client's file (progress entries, treatment plans, and notes) can be subpoenaed. Mental health professionals who are asked to give an interview or deposition or appear in court should contact the County Attorney or the on-call attorney for the County Attorney's office concerning any questions they may have.
- Advise clients that their right to confidentiality is not absolute because their case files can be subpoenaed.
- Advise clients that in a court of law, the prosecutor or plaintiff may attempt to reveal information about the client that she or he does not want revealed.

Recommendations

For optimal delivery of services in cases involving sexual assault victims, it is recommended that mental health professionals:

- With the victim's consent, refer her or him to appropriate community resources available to sexual assault victims. Professionals who lack experience with sexual assault cases can contact their local Information and Referral Services organization to ensure the best possible referral.
- Respect victims' decisions regarding reporting an assault, pressing charges, and participating in the legal process.

- Educate themselves concerning the logic, discourse, and agenda of legal processes, and be knowledgeable about differences that might exist between therapeutic and legal goals.
- Receive specialized training in the treatment of sexual assault victims.
- Participate in on-going education related to post-traumatic stress disorder issues, assessment of co-morbidity, impact of pre-morbid conditions, and Axis II risks.
- Provide support as the sexual assault victim progresses through the legal process. Mental health professionals who are unfamiliar with the legal process can refer victims to an advocate through local advocacy centers, law enforcement, or the County Attorney's office.
- Provide information to the victim regarding obtaining a medical examination following a sexual assault. Victims who do not want to undergo a sexual assault forensic evidence examination, should still be advised about sexually transmitted infections and pregnancy testing.
- If the victim has not reported the assault to law enforcement, provide information about how to make a report. Explore the client's thoughts and feelings about reporting the incident. Support the victim's decision.

Therapeutic Assistance and Treatment Because victims often require immediate therapeutic assistance after a sexual assault, the following are recommendations for mental health professionals who are treating the victim:

- Be particularly sensitive to the boundaries ethically mandated for working with all clients.
- Assess and evaluate current psychological trauma and related symptoms. Take a history of trauma and/or previous victimizations.
- Check to see what medical considerations may apply to the case.
- Administer appropriate tests, inventories, and evaluations.
- Keep clear and complete records.
- Co-create an individualized treatment plan that includes specific goals, objectives, and discharge criteria.
- Consider specific strategic interventions such as anxiety management training, cognitive-behavioral treatment for depression, and cognitive processing treatment for sexual assault.

Additional Considerations

Mental health service providers should receive adequate support and supervision from a qualified professional or through peer review.

Mental health providers should make every effort to be involved in and to support a coordinated community response to sexual assaults. They can do this by participating in task forces and by educating others about the importance of collaboration.

Counselors, social workers, psychologists, and psychiatrists who provide sexual assault recovery therapy must have the necessary advanced training and expertise to do such work. Mental health providers should demonstrate competency in the following areas:

- Cultural awareness training as it relates to providing trauma recovery interventions to victims of sexual assault and their families.
- Arizona's legal processes and what a victim may experience when choosing to become involved with the legal system.
- Familiarity with existing community resources, such as legal advocacy, crime victim compensation, community support groups, advocacy centers, and other resources that may benefit sexual assault victims.
- Knowledge and awareness of secondary victim issues and the importance of not discounting the therapeutic needs of family members or others with whom the client relates.

LAW ENFORCEMENT RESPONSE

Law enforcement officers should respond to and investigate sexual assault allegations in a consistent and timely manner, demonstrate sensitivity to victim needs, collect and preserve physical evidence, and coordinate their efforts with other agencies. Law enforcement departments must comply with Arizona's victims' rights laws (Title 13, Chapter 40 and Title 8, Chapter 3, Article 7) and Adult Protective Services statutes (A.R.S. 46-454).

Sexual assault cases present unique challenges, therefore, law enforcement officers should be highly trained in conducting sexual assault investigations. Law enforcement departments should consider practices that encourage some officers to specialize in this area, and they should develop an interdisciplinary approach to sexual assault investigations. Interdisciplinary teams should include law enforcement, medical personnel, prosecution staff, and victim advocates.

DISPATCH / 911 RESPONSE

As with other calls, the 911 operator determines whether the victim is in need of emergency medical attention and is in a safe environment. The operator ascertains pertinent case information and accurately relays this information to the responding officer in a timely manner. Dispatchers are encouraged to receive on-going training in how to manage calls regarding sexual assault. They should also be aware that 911 tapes may be subpoenaed.

Special Considerations

Circumstances may call for a variety of different responses to sexual assault incidents. The guidelines that follow should be observed by 911 operators and dispatchers.

Declining Law Enforcement Involvement Regardless of who places the 911 call, a victim may decline law enforcement involvement. Although victims may not want legal action, they may still want police intervention at the scene. The dispatcher should inform the victim that requesting law enforcement response at the scene does not commit the victim to pursuing legal action.

If the victim declines to have an officer respond, the dispatcher should follow these procedures:

- Do not insist on obtaining the victim's identity.
- Even if no report is made, refer the victim to a family advocacy center or a community-based agency for further assistance.

Hospital-initiated Calls When hospital personnel call to report a sexual assault, the dispatcher should obtain only initial information (the victim's name and location, the reporter's name and

job title, and the victim's condition). A law enforcement officer should be dispatched to the hospital to initiate the investigation.

Victim-initiated Calls If the victim wants a law enforcement response, the dispatcher should observe the following procedures (in addition to the usual local-response procedures):

- Attend to the victim's safety and medical needs.
- If the assault just occurred, explain to the victim the necessity of not performing the following activities: washing the body or clothes, brushing teeth, eating, drinking, chewing gum, smoking, combing hair, putting on makeup, going to the toilet, and touching or moving anything at the crime scene. Instruct female victims not to douche or change sanitary supplies. If the victim has already destroyed some evidence, reassure the victim, but ask her or him not to do any more "cleanup."

PATROL RESPONSE

The responding officer's first duty is to secure the crime scene and learn whether the suspect may still be at the scene. When it is safe to do so, the law enforcement officer should attempt to tape-record all initial statements made by the victim. The officer should be calm, listen carefully to the victim, and take special caution not to contaminate evidence. Do not leave the victim alone, and reassure the victim that she or he is safe.

Responding Officer: Procedures and Preliminary Investigation

In some communities, the responding officer must serve as the investigator if a sexual assault is reported. In such instances, responding officers may follow the investigation procedures described in this document.

Assaults During the Previous 72 Hours Time is of the essence in cases involving reports that an assault occurred within the previous three days.

- The responding officer should follow appropriate department investigative procedures and policies.
- The officer should contact a local victim advocate.
- If the sexual assault just occurred, advise the victim not to bathe, change clothes, urinate, defecate, eat, chew gum, or drink until the forensic exam has been completed. Instruct female victims not to douche or change sanitary supplies.
- The responding officer should be aware of signs and/or statements that imply chemical impairment. In these cases, ensure that blood and urine samples are obtained and preserved for future examination.
- Responding officers should assure the victim's confidentiality by interviewing her or him in an area away from all other people involved.

- With the victim's consent, the officer should transport the victim to a family advocacy center or an appropriate medical facility for a medical-forensic examination. The responding officer or victim advocate should explain the medical and legal necessity of conducting this exam, and inform the victim that she or he will need to take along a change of clothes. (Existing clothing will probably be retained as evidence.) The officer may provide transportation back to the victim's home after the exam if other options are not available.
- If an advocacy center is not available, or if emergency treatment is required, the victim should be transported to the nearest emergency department.
- Pursuant to A.R.S. 13-4405 and A.R.S. 8-386, officers advise victims of their lawful rights and facilitate the victim's request or waiver of rights. Officers fill out the victim rights form and provide victims with a brochure on their rights and information regarding available resources. If an immediate arrest is made, the officer notifies the victim of the suspect's arrest and provides victim contact information to the custodial agency at the time of booking.
- If the victim is a vulnerable or incapacitated adult, and the responding officer and/or other agencies believe that the victim is in need assistance from Adult Protective Services, make a referral using APS central intake procedures.

Assaults Occurring More Than 72 Hours Prior to Report of the Incident Keep the following points in mind when responding to sexual assaults that occurred more than three days prior to any report.

- Delayed disclosure does not mean that the incident was not traumatic.
- The victim may be hesitant to talk about the assault.
- Document the reason for the delay, but be aware that questions about the delay may cause victims to feel that they are being blamed in some way.
- Contact a local victim advocate.
- A forensic exam may still be appropriate, based on specific information the victim discloses about the assault.
- Obtain the clothing the victim was wearing at the time of the assault. It may still yield relevant evidence.
- If the suspect is known, it may still be possible to obtain physical evidence from the suspect. Confirmation of the identity of the suspect is a priority.

United States Border Patrol

When Border Patrol agents, in the course of their duties, become aware that a sexual assault has occurred, they should determine who has primary jurisdiction and refer the case to the

appropriate law enforcement agency. When Border Patrol agents come upon the scene of a sexual assault in progress, they should respond and then refer the case to the appropriate local law enforcement agency.

Federal Bureau of Investigation

The FBI becomes involved in cases of sexual assault when the crime occurs within the jurisdiction of the federal government (federal correctional institutions, international waters, Indian nations and military installations). The FBI also investigates crimes involving active-duty members of the military, even if the crime does not take place on a military base.

The FBI should work closely with local law enforcement agencies and coordinate the investigation with them, as appropriate.

Post-Secondary Education Institutions

Campus law enforcement officers (campus police) at post-secondary education institutions that participate in federal student aid programs are expected to work with local law enforcement agencies in cases involving sexual assault. Campus police are responsible for carrying out all of the responding officer's duties described above. In addition, campus police may refer victims to the campus health center, Student Life Office, campus counseling center, Office of Residence Life, or other services. Campus law enforcement officers should also notify campus officials of the incident. For more information, see the discussion in this document under the heading "Post-Secondary Education Institutions."

ONGOING INVESTIGATION

When responding to reports of sexual assault, the investigating officer should:

- Evaluate the crime scene for collection of all pertinent evidence.
- Ensure that the crime scene is adequately secured until all evidence and potential evidence is properly documented and collected. In sexual assault cases, there may be more than one crime scene (such as a house and a car).
- Transport victims who elect to undergo a medical-forensic exam to the appropriate medical facility.
- Request that a SAFE/SANE examiner or designated medical professional complete a forensic examination of the victim by using the Arizona Sexual Assault Evidence Kit. Maintain the chain of custody of the evidence kit and ensure that proper impounding procedures are followed.
- Obtain a medical release form from the victim in order to obtain copies of all medical examination results and hospital reports.

- In a timely manner, submit any physical, scientific, or medical evidence to an appropriate crime lab for analysis.
- In cases of delayed arrest, notify the victim that the suspect has been arrested and retrieve victims' rights request (contact information) to submit to the custodial agency at booking.
- Conduct investigational research on the following:
 - Prior criminal history of the suspect, including information available through the sex offender registry.
 - Prior police reports involving the suspect, victim, or witnesses.
 - Prior unreported allegations involving the suspect, victim, or witnesses.
 - Current and prior Adult Protective Services (APS) reports, if applicable.

Contact with the Victim

Prepare the victim for each step of the investigation by explaining what will be done and why each phase must be done. Explain the interview process, and establish rapport with the victim. Minimize the number of interviews with the victim. Advise victims of their victim rights under Arizona law (Title 13, Chapter 40 and Title 8, Chapter 3, Article 7).

Victim Interview Coordinate the interview with APS if this agency is involved in the case. Doing so will reduce the number of interviews the victim must face.

Contact with the Suspect

Law enforcement personnel are concerned with the safety of the victim and with the identification and apprehension of the suspect. Suspects can only be arrested based on probable cause. Therefore, emphasis should be placed on developing probable cause. **Evidence** Suspects may have on them, or at a separate location, evidence that is critical to solving the case. Officers should be familiar with search warrants that have been specifically written for sex crime cases. When the suspect is located, the investigating officer should prevent the suspect from engaging in any activity that might destroy perishable evidence on the body or clothing. Restricting the suspect's activities can be based on probable cause and/or investigative detention.

Obtaining, collecting, and analyzing biological evidence that links the suspect with the victim should be a law enforcement priority in sex crime investigations. Evidence can be obtained through consent, court order, or a search warrant. If identification of the suspect is an issue, the investigating officer should ensure that DNA samples have been obtained during crime scene processing.

The Arizona Sexual Assault Suspect Evidence Collection Kit, or similar materials and methods, may be used to collect evidence from the suspect's body (detailed instructions are included in the kit). Even if a suspect consents to evidence collection from his or her body, obtaining a search warrant should be considered. A search warrant is valuable because the suspect may withdraw consent at any time during the collection procedures. If chemical impairment (such as alcohol and/or drugs) is suspected, the investigating officer should ensure that appropriate descriptive information is in the search warrant.

When the Suspect Is Known to Victim If the victim knows the suspect, corroborating evidence is essential in presenting a prosecutable case. Without such evidence, law enforcement officers should be familiar with the use of pretext phone calls or communication with the suspect. Ensure that such calls can be monitored and recorded.

The investigating officer should identify and document the level and nature of the relationship between the victim and the offender. For example, the officer should ask how long they have known each other, the type of contact they have had, and the nature of their relationship. This information will help to determine if a photo line-up or other identification of the suspect is needed.

Consent may become the primary issue in cases in which the offender is known to the victim. Officers should identify and document any evidence that indicates a lack of consent. For example, collect any evidence concerning the use of force, the victim's resistance efforts, physical injuries, lack of precautions to protect the victim from disease, and witnesses who can corroborate the victim's story.

When the Suspect Is Unknown to Victim Identifying the offender is the primary focus in sexual assault cases involving an assailant who is not known to the victim. Immediate follow-up is critical because biological indicators and other items of evidence fade as time passes. In the first hours after disclosure by the victim, officers should make every effort to identify and locate the suspect. Complete and accurate processing of the crime scene (including evidence on the victim) is extremely important in order to tie any potential suspects to the crime.

The investigating officer should obtain as much information as possible to identify a suspect or suspects. The aid of a police-trained sketch artist may be useful for developing a suspect composite. Also, the possibility that other victims have been assaulted by the same perpetrator should be considered. In this respect, it is helpful to share information with other jurisdictions.

Apprehension To protect public safety, once a suspect has been identified, locating the suspect should be a high priority. It is essential that law enforcement agencies communicate and coordinate their efforts to apprehend the suspect. All available resources, such as bulletins, fliers, and teletypes, should be used during the search for the suspect. Agencies should consider seeking public assistance in obtaining the identity of all suspects and their possible locations.

Interview Law enforcement agencies should have trained interviewers available for sexual assault crimes. Before beginning an interview, the investigating officer should become completely familiar with the case, the evidence, all witness statements, and any background information available about the suspect. The officer should develop a strategy for approaching the suspect. The best approach will vary, depending on the type of suspect and the nature of his or her offense.

WRITTEN REPORTS

If they have not already done so, law enforcement agencies should establish procedures for documenting sexual assaults and complaints, in compliance with the Uniform Crime Reports. Every officer who responds to a sexual assault call must complete a written report. This document should be clearly identified as a sexual assault case report.

Report Retention Periods

Reports concerning sexual assault and domestic violence should be retained long enough to allow for enhanced sentencing, where it is warranted. Many domestic violence incidents also include sexual assault. In domestic violence cases, offenders who have multiple offenses within 60 months qualify for enhanced sentencing (A.R.S. 13-3601).

Report Distribution

When appropriate, send a copy of the medical examination report to APS. Provide a copy of all medical records and reports to the County Attorney's Office.

AGENCY SEXUAL ASSAULT POLICY

Each law enforcement agency that manages sexual assault cases should have a policy for investigating and dealing with their own employees when they are involved in a sexual assault (either as victims or as perpetrators).

INTERAGENCY ASSISTANCE

Larger agencies may often serve as a resource for smaller agencies. In addition to assisting with investigations, larger agencies may be able to provide ongoing training, seminars, internships, or mentoring programs.

INTERAGENCY COORDINATION OF SEX CRIME INVESTIGATIONS

All agencies that handle sexual assault cases should use the **Sex Crime Analysis Network (SCAN)** after the fall of 2002 to coordinate, enhance, and co-investigate sexual crimes. The objectives of SCAN are to:

- Collect, store, and analyze sex-crime information statewide.
- Analyze cases and submitted information and identify case linkages.

- Identify trends and problems and disseminate information about both.
- Provide technical and investigative assistance to law enforcement, when requested.
- Interface with VICAP and other intra-state databases.
- Distribute sex-crime information statewide, including bulletins.
- Assist with seminars and sex crime related training.

Cases to Submit to SCAN

Information concerning all of the following topics should be sent to SCAN:

- All solved and unsolved sexual assaults, including cold cases
- Any sexually motivated crimes, including murder, burglary, indecent exposure, and stalking
- Police reports of suspicious activity which may be sexually motivated
- False allegations of sexual assaults
- Cases where an offender has been arrested or identified, for linkage to other crimes

Management of SCAN

The Arizona Department of Public Safety will administer the SCAN project. All sex-crime cases in the state of Arizona will be submitted to the project. Submittals can be made by telephone, by written report (in booklets provided by SCAN), or through a website. The SCAN project team includes data entry personnel and crime analysts. Information gathered from various agencies will be entered, categorized, and analyzed by project personnel. When requested, SCAN will be available to provide on-site technical and investigative assistance to agencies during the course of any high-profile incident.

MEDICAL RESPONSE

A medical-forensic examination addresses the safety and well-being of the patient and provides an opportunity to collect evidence and document the presence or absence of injury.

MEDICAL-FORENSIC EXAMINATION

Obtaining a patient history is part of all medical-forensic exams. Examiners should remain objective and not speculate about the nature of injuries or confront other persons associated with the patient.

Family advocacy centers have been established in some areas of Arizona. Unless sexual assault patients have injuries that require emergency treatment beyond the scope of the medical-forensic examiner, patients should be examined at a family advocacy center, if one is available in the community. If a patient does require emergency treatment outside the family advocacy center, emergency personnel should contact a medical-forensic examiner.

SANE/SAFE Professionals

Specialized training is highly recommended for medical professionals performing sexual assault examinations. Medical professionals who provide medical-forensic examinations include physicians, physician's assistants, registered nurses, nurse practitioners, Sexual Assault Nurse Examiners (SANE), and Sexual Assault Forensic Examiners (SAFE). More information about specialized training is available through Scottsdale Healthcare or Southern Arizona Center Against Sexual Assault.

Sexual Assault Nurse Examiners (SANE) and Sexual Assault Forensic Examiners (SAFE) are specifically trained to perform medical-forensic examinations and have the ability to provide expert testimony in court. To maintain and enhance their skills, SANE/SAFE professionals should participate in on-going specialized continuing education.

Responsibilities The responsibilities of SANE/SAFE professionals include performing the sexual assault examination, pregnancy risk evaluation and prevention, referring to additional support and care, and reporting as required by law. SANE/SAFE professionals may also be involved in the prevention of sexually transmitted infections. For further information, refer to the Centers for Disease Control website at:

<http://wonder.cdc.gov/wonder/prevguid/p0000480/p0000480.asp>.

Conducting a Medical-forensic Examination

Law enforcement personnel authorize and request medical-forensic examinations. Law enforcement personnel provide forensic examiners with state of Arizona Sexual Assault Evidence Collection kits. The Arizona Department of Public Safety provides these kits to law enforcement agencies. In many cases, law enforcement personnel interview the victim prior to

the medical-forensic examination. In such instances, care should be taken to avoid altering a victim's physical state.

Guidelines for Adults The following guidelines may influence the decision to perform a medical-forensic examination:

- An examination should be completed as soon as possible if the sexual assault occurred during the previous 72 hours.
- An examination should be considered if the sexual assault occurred during the previous 72-96 hours. In this time range, decisions about how soon to do an examination are made on a case-by-case basis.
- An examination may be scheduled, if needed, for assaults that occurred more than 96 hours before they were reported. For example, an examination might be indicated if visible injuries are present. However, the likelihood of collecting usable physical evidence decreases significantly after 96 hours.

Examination and Evidence Collection

A medical-forensic examination provides a comprehensive evaluation of the sexual-assault patient. When possible, the patient should provide written consent for the examination. The exam may include the elements described below.

History A patient history is obtained for purposes of diagnosis and treatment. If possible, the history should include a patient's general medical history, current medications, medication allergies, immunization status, vital signs, and information about the sexual assault. The history should be obtained from the patient in a private setting without others present unless a translator is required. If the patient is unable to verbalize the history, it may be obtained from a caretaker. Contacting a caretaker should be done only with approval of a law enforcement agency or protective service agency (when they are involved).

Physical Examination A head to toe examination is completed to identify all injuries or signs of abuse. Photographic and/or video documentation of all findings is recommended. SAFE/SANE professionals may request that law enforcement personnel photo-document bodily injuries. The medical-forensic examiners may assist with that documentation. It is important to have a support person or advocate available to sexual assault victims. A patient may decline to have an advocate present.

Detailed Genital and/or Anal Examination The genital and anal examinations are completed to identify areas of injury. This must be done with good illumination and it may involve the use of magnification. A colposcope can provide the needed light and magnification, as well as photographic documentation. Photographic documentation (still or video) of the genital/anal areas is recommended.

Additional Considerations The medical-forensic examiner should test for pregnancy and provide emergency contraception as indicated. The examiner should also test for sexually transmitted infections and provide treatment as indicated. When appropriate, the examiner should refer victims to the Health Department for HIV testing and counseling.

Further Evidence Collection and Documentation

Systematic gathering of evidence should be part of any examination that is done within 72 hours (and occasionally up to 96 hours) after sexual assault or abuse. The collection of evidence may include, but is not limited to:

- Collecting the victim's clothing and packaging it in separate paper bags.
- Scanning the patient's body with an ultraviolet light to look for fluorescent areas.
- Collecting biological standards (reference samples of the patient's DNA) of blood and/or buccal swabs.
- Collecting specimens to detect perpetrator body fluids or DNA. This is done by swabbing oral and anal cavities, as well as genital and body-surface areas.
- Collecting other debris (trace evidence) that may be present (for example, grass, leaves, fiber, hair).
- Proper specimen drying, handling, and preservation.
- Proper packaging and labeling of specimens.
- Maintaining the chain of custody.

Sexual Assault Evidence Collection Kit

A State of Arizona Sexual Assault Evidence Kit should be used in cases where an assault occurred. The Arizona Sexual Assault Evidence Kit contains a medical-forensic report form. Additional injury report forms may be required by protective service agencies. Injury documentation and diagnosis should be fact-based and clearly derived from the patient's history, physical examination, and any laboratory results.

Payment for Evidence Collection State Statute (A.R.S. 13-1444) mandates that Arizona counties authorize payment for the collection of evidence related to sexual assault crimes. Under certain circumstances, other agencies may authorize and pay for evidence collection in cases of sexual assault (for example the Federal Bureau of Investigation, the United States Attorney's Office, the State of Arizona Department of Economic Security, Arizona Department of Corrections).

Vulnerable Adults and the Elderly (A.R.S. 46-454)

Additional considerations for elderly or vulnerable adult victims may include:

- **Reporting a history of sexual abuse.** Elderly or vulnerable adults who report a history of sexual abuse, regardless of how long ago the abuse occurred, may receive a medical-forensic exam. Even if the patient mentions only minimal sexual contact, be aware that elderly or vulnerable adults tend to under-report abuse during initial disclosure. Thus, failure to conduct an examination may fail to reveal physical signs of abuse or treatable diseases. If a patient's history raises questions about whether sexual contact was consensual, a medical-forensic examination may provide corroborative evidence.

- **Delayed report.** If sexual abuse occurred 3-14 days prior to being reported, the victim may show evidence of healing trauma. Thus, a medical-forensic examination should be done as soon as possible. Beyond 14 days, a medical-forensic exam may be done by appointment. Nevertheless, the examination is still an essential component of any post-report investigation.

- **Genital/anal pain or bleeding.** Elderly persons or vulnerable adults with these symptoms need to be examined as soon as possible so that the site of the bleeding or cause of the pain can be identified. If sexual abuse is suspected or disclosed, a medical-forensic examination may be conducted.

- **Sexually transmitted infections (with no disclosure of abuse).**

- *HIV, Gonorrhea, syphilis, chlamydia, trichomonas, genital herpes and genital warts.* Older persons or vulnerable adults who have these infections should to be questioned by their healthcare professional regarding the source of the infection. If sexual abuse is reported or suspected, these patients may need a medical-forensic examination, even if initial diagnosis and treatment occurred elsewhere. Any lab reports that exist must be provided to the medical-forensic examiner.

- *Gardnerella or monilia.* If there is no history or other sign of sexual abuse, older persons or vulnerable adults with these infections do not need a medical-forensic examination.

- *Other Genital Infections.* For less common infections, the primary healthcare provider or a medical-forensic examiner can determine the need for an exam. Older or vulnerable women who have a vaginal discharge need to be medically evaluated as soon as possible.

Deceased Victims

In order to perform a sexual assault medical-forensic exam on a deceased victim, law enforcement or SAFE/SANE professionals must obtain authorization from the county medical examiner (A.R.S. 11-596).

MEDICAL RESPONSE OPTIONS

The medical response to sexual assault may involve advocacy centers, hospital emergency departments, or private physicians and their staff. Information about each of these options follows.

Advocacy Centers

Most advocacy centers in Arizona are designed to provide on-site services to victims of sexual assault. Referrals to centers typically come from community service providers, Adult Protective Services, law enforcement personnel, or through self-referral by victims per local operating procedure. Professionals from many disciplines are typically involved in responding to sexual assault incidents. These include medical professionals, law enforcement personnel, protection services staff, victim advocates, prosecutors, and behavioral health professionals.

Hospital Emergency Departments

Cases of acute sexual assault are medically urgent even in the absence of physical injury. During intake, hospital personnel should provide a private setting to assure confidentiality. The intake process should include notification of victim services organizations on the victims' consent. Crisis intervention is most often effective when it is offered as quickly as possible following the victim's request for services. Medical professionals performing medical-forensic examinations should meet SAFE/SANE criteria. Emergency department personnel must manage victims' intake and transfer in accordance with state and federal law.

Private Physicians' Offices

Unless private physicians meet SAFE/SANE criteria, they should refer sexual assault victims to a facility where SAFE/SANE may conduct a medical-forensic examination. However, in communities where such medical-forensic examiners are not available, private physicians should notify law enforcement and advocacy services and obtain a State of Arizona Sexual Assault Evidence Kit from law enforcement.

The private physician should obtain a patient history and physical examination, including completion of a detailed genital and/or anal examination. Document all findings, test for pregnancy and provide emergency contraception as indicated. When appropriate, refer patients to the Health Department for HIV testing and counseling. Every attempt should be made to follow the guidelines outlined in this document.

POST-SECONDARY EDUCATION INSTITUTIONS

When students encounter sexual violence, their trust and sense of safety are violated. This violation can potentially interfere with their lives and educational goals. Institutions of higher learning should be committed to providing a caring, effective, and consistent response to any student who has been sexually assaulted. Unless otherwise required by law, institutions of higher learning must also carefully guard confidentiality when students report a sexual assault.

GUIDELINES FOR INSTITUTIONS OF HIGHER LEARNING

An array of law enforcement (campus police), medical, psychological, administrative, and disciplinary services must be readily available to students who have been sexually assaulted. Recommended services should be provided in a manner consistent with the institution's own organizational structure and policies, and assignment of responsibility may vary from campus to campus. This document provides guidelines for coordinating the efforts of various agencies and services.

Role of Faculty Members and Staff

Students who need assistance often turn to faculty or staff members with whom they feel comfortable. Should a student seek assistance, or ask to talk about an incident of sexual violence, faculty and staff should recognize that the victim is showing a great deal of trust in them.

As someone the student trusts, faculty and staff members have a unique opportunity to help by listening, lending emotional support, and by providing vital information. Faculty and staff should be prepared to explain which services the college or university offers students to address the situation.

Institutional Websites

Websites are an excellent way to provide campus-wide information about sexual assault. To be most effective, a website should identify various audiences, such as students, faculty, and staff, and guide them to appropriate information through multiple links.

The website can identify resources and offices that serve students and employees who have been victimized. Links can describe available options, victim rights, personal safety measures, and legal options. For example, the website can tell students: (1) how to report a sexual assault to the campus police or local law enforcement; and (2) how to report an assault to the Student Life Office, under the Student Code of Conduct. Other links can explain what to do if a friend or colleague reveals that she or he has been sexually assaulted.

Victim Rights

Anyone can be a victim of sexual violence. Students who report sexual assault should be taken seriously, regardless of their gender, race, ethnicity, sexual orientation, or socioeconomic status. Naturally, students must be granted the victim rights noted in the Arizona Constitution, under Article (II) (Section 2.1). In addition, students should have the following rights:

- The right not to be required to attend a student conduct proceeding for the perpetrator. However, victims should also be aware that their testimony may be important to a finding of responsibility by the perpetrator.
- The right to have an advisor or counselor accompany her or him during student conduct proceedings.
- The right to request immediate changes to prevent contact with the accused—especially when contact is likely to cause emotional distress or place the victim in physical danger. Such changes may include relocation in on-campus housing, transfer to different classes, or other steps to limit contact with the accused.
- The right to know the final results of any institutional disciplinary proceeding. The final result of any disciplinary proceeding includes only the name of the accused, the violation committed, and any sanction imposed against the accused. Otherwise, all student conduct proceedings and outcomes are considered to be confidential, in accordance with the Family Educational Rights and Privacy Act of 1974 and A.R.S. 15-141. Such information should not be shared outside the proceeding, unless the proceeding has been declared open to the public.
- The right not to have their past sexual conduct discussed during student conduct proceedings. Questions of relevancy shall be decided by the hearing officer.

On-campus Services

Institutions should provide on-campus services as described below. Such services are especially valuable for students who are victims of sexual assault.

Office of Residence Life Provides crisis intervention through on-call Resident Assistants or Residence Hall Directors. The primary services available include discussing options, making referrals, and doing follow-up. Housing reassignments can be coordinated for victims who live on campus.

Office of Student Life Helps students achieve maximum educational, social, and personal benefits from attending a state university. It should have an open-door, walk-in policy, with all staff available to students. In addition to consulting with students on various matters, including disciplinary procedures, and the Student Code of Conduct, the Student Life office collects and stores Anonymous Sexual Assault Report Forms.

Counseling and Testing Center Provides individual, group, and couples counseling for all enrolled students. Students can come to the Counseling Center with a variety of concerns, including sexual assault.

Campus Health Center Provides medical exams to identify and treat physical trauma. Tests can also be done for sexually transmitted infections and pregnancy. Campus health centers generally do not provide medical-forensic examinations; sexual assault victims should be referred to appropriate facilities for these examinations.

Special Responsibilities of the Office of Residence Life

Maintaining confidentiality is an important concern of the Office of Residence Life. However, concerns about campus safety may dictate notification of the institution's designated crisis response center. The federal Cleary Act (20 USC 1092 (f); 34 CFR668.46) may require the release of confidential information. Because of such exceptions, the Office of Residence Life should be prepared to explain the limitations of confidentiality to sexual assault victims.

When a sexual assault is reported, the Office of Residence Life should:

- Offer the student the option of talking to the Residence Hall Director or other Residence Life personnel.
- Suggest to the student that she or he may want to call family members or loved ones for support.
- Discuss with the student how to file a report with the campus police. (Residence Life staff members must report incidents of sexual assault to law enforcement.)
- Help the student obtain needed professional services, such as specialized community sexual assault services.
- Encourage the student to go to the on-campus health center or a local hospital emergency room for medical care.
- Advise the student that time is of the essence for medical care and the retrieval of evidence.
- Advise the student against inadvertently destroying evidence by showering or changing clothes.
- Advise the student that when a medical-forensic examination is performed, _the evidence gathered will be held by police.
- Encourage the student to take advantage of counseling services available through the Counseling and Testing Center, other campus resources, and other community agencies.

- Inform the student that the Office of Student Life can help manage his or her academic demands. For example, Student Life can contact professors to ask for excused absences from classes or incomplete grades. If necessary, the Office of Residence Life can help relocate a student.
- Assist the student in finding a safe place to go.
- Inform the student that she or he has the option to file a report under the Student Code of Conduct in the Office of Student Life.
- If the Office of Residence Life is the first department contacted by the student, the Resident Assistant or the Residence Hall Director should file an anonymous sexual assault incident report with the Office of Student Life within 24 hours.

Law Enforcement Agencies (Campus Police)

The role of an education institution's law enforcement should be to:

- Conduct a full investigation upon student request, and complete a departmental report, which will be stored in the Records Division of the campus Police Department.
- Advise the student that her or his statements may not be confidential if a danger to the campus community appears to exist, because the Cleary Act requires notification to the institution's designated crisis response center or similar entity. The case may also be forwarded to the County Attorney's Office and/or the Office of Student Life for review.
- If a peace officer has probable cause to believe a sexual offense occurred, the officer must act in accordance with victims' rights mandates pursuant to A.R.S. 13-4405. (See Law Enforcement Response Section)
 - Present the following options to the student:
 - Seek review by the County Attorney's Office and make a criminal complaint
 - Defer or refer the case to the university's or college's disciplinary proceedings
 - File an information-only report if the student wants no further action taken
 - Explain the evidence gathering process and the importance of timeliness in obtaining evidence.
 - Encourage the student to go to a hospital emergency department or a local family advocacy center for a sexual assault examination that makes use of the Arizona Sexual Assault Evidence Collection Kit. Explain the examination process and offer additional victim support services.
 - Refer the student to the campus health center for medical care (other than a medical-forensic examination).

- Give the student the option of speaking with a victim advocate on campus and/or elsewhere.
- Advise the student that actions taken under the guidance of the institution's Student Code of Conduct may affect the outcome of criminal or civil proceedings and vice versa.
- Inform the student that the law enforcement agency will retain evidence until the courts have reached a final disposition.
- Emphasize that counseling services are available through the institution's counseling and testing center, other campus resources, and local community agencies.
- If necessary, contact the Office of Residence Life to review the student's housing situation, especially if personal safety or emotional distress becomes an issue.
- Notify institution officials that a sexual assault has been reported.

Additional Suggestions

When dealing with students who have encountered any form of sexual violence, it is important for faculty and staff members to keep the following suggestions in mind:

- **Believe** what the student tells you.
- Be a patient and active **listener**.
- Offer **comfort**.
- **Reassure** the student that what happened is not okay and that she or he is not alone.
- Allow the student to take personal **control** of the situation; don't try to make decisions for her or him.
- Offer information on available **resources**.
- Remind the student that she or he has **options**.
- Offer **support**. Faculty members are not expected to serve as therapists if they are not trained for the role. However, the student will need the faculty member's continued support.
- **Find** information if you don't know all the answers. You may not be an expert on sexual assaults, but be sure to help the student find someone who is.
- **Educate yourself**: Ask questions, seek out information, and utilize the resources available to you on campus and in the community.

PROSECUTION

The purpose of this section is to establish general guidelines for prosecutors and prosecution agencies to follow in the handling of sex crime cases.

GENERAL PRINCIPLES

Prosecution of sex crime cases requires special attention to issues involving sensitivity to the victim, prosecutor access, prosecutor continuity, and the coordination of various services.

Victim-sensitive Approach

The prosecutor's office should facilitate victim participation, promote treatment that is compassionate and respectful of the victim, and ensure offender accountability. To accomplish this, prosecutors are encouraged to receive specialized training to understand the unique issues that arise in sex crime cases.

On-call Prosecutors

Whenever possible, prosecutors should be available on a 24/7 basis to assist in the investigation of sex crime cases. The on-call attorney may visit the scene, answer legal inquiries, attend the initial appearance, and observe interviews.

Prosecutor Continuity

Prosecuting agencies should strive, as a matter of policy, to assign a prosecutor in the beginning of the case who will be able to see the case through disposition. This will increase victim trust and confidence and foster stability in the prosecution.

Team Approach

The prosecuting agency should strive for a team approach that includes the victim, the victim advocate, legal assistants, investigators, law enforcement, and medical personnel. In addition:

- A victim advocate should serve as a liaison between the prosecutor and the victim or victim's representative. Both the prosecutor and the advocate should work with the victim, parent, or the victim's attorney.
- The prosecutor should encourage the assigned detective to maintain an active role in the case during the trial by providing feedback, completing follow-up when called on, and assisting the prosecution as needed.

PROSECUTORIAL REVIEW

Prosecutors reviewing sex crimes should be aware of the importance of making timely decisions, they should carefully consider whether declining to prosecute is advisable, and they should be aware of how the statute of limitations applies to sexual assaults cases in Arizona.

Submittals Declined for Prosecution

The prosecutor should not reject a case solely on the basis that the victim or the victim's family is opposed to, or refuses to cooperate with prosecution. Based on the likelihood of repeat offending in sexual assault cases, as well as recidivism, victim fear, and ongoing danger to the victim and others, a decision may still be made to file a sexual assault case.

Before a case is declined for prosecution, a prosecutor must notify the victim and/or the victim's lawful representative and provide the victim with an opportunity to confer with the prosecutor. Prosecutors should be available to discuss with victims the reason(s) why the decision was made not to prosecute.

Statute of Limitations for Sexual Assault and Attempted Sexual Assault

All cases that are turned down may be re-evaluated if new evidence is presented. Beginning August 9, 2001, (A.R.S. 13-107) the statute of limitations for sexual assault and attempted sexual assault has been eliminated. Prior to August 9, 2001, the statute of limitations was seven years from reporting of the crime to law enforcement or other government agencies, as defined in A.R.S. 13-107(B). However, pursuant to A.R.S. 13-107(E), the time "does not run" during the time in which the identity of the alleged perpetrator is unknown.

SPECIAL CONSIDERATIONS IN CHARGING DECISIONS

Prosecutors should consider filing separate counts for each separate act of sexual assault. Additional counts should be filed for any non-sexual crimes committed in association with a sexual assault.

Multiple Victims

- If charges are submitted on one suspect which involve more than one victim, and the charging standard is met as to each victim, the prosecutor should consider filing charges involving each victim.
- -ach act committed should be set forth in a separate count.
- Separate and distinct acts occurring during the same or overlapping time periods should be distinguished in the charging document.

Additional Counts

- It is important to charge the full array of crimes in order to cover the extent of victimization by sexual and assaultive behavior. For example, if a defendant threatens and rapes a victim in her/his home, it may be charged as burglary, threatening, and sexual assault.
- If the defendant is charged with non-sex offenses (for example, burglary, kidnaping, trespass, or surreptitious viewing), but the offenses are sexually motivated, the prosecutor should consider filing an allegation of sexual motivation, if appropriate (A.R.S. 13-118).

CASE DISPOSITIONS AND PLEA AGREEMENTS

General Considerations

- Once a case is assigned to a prosecutor, the victim advocate or the prosecutor should contact the victim as soon as practicable to discuss the prosecution process and obtain the victim's views about input on possible disposition(s).
- Although the right of the victim to confer with the prosecuting attorney does not include authority to determine disposition of the case, the prosecutor should expect that sexual assault victims will generally have strong feelings about their cases.
- In some cases, a plea disposition may be advantageous, in part, because it ensures a conviction, eliminates the need for victims to testify, and eliminates the right to an appeal.
- Explaining charging decisions, weaknesses in evidence, and the truth about what is (and is not) being "given up" by a proposed plea, will go far in enlisting victims' support for pleas, and contribute to their sense that justice is being served.
- The victim should be advised by the victim advocate or prosecutor that she/he has the right to attend plea and sentencing hearings. Moreover, victims have the right to tell the Court their views regarding the plea (including any objections they may have) and the right to state what impact the crime(s) has had on their lives.

Plea Guidelines

The prosecution agency may want to develop plea guidelines to achieve consistency among similar cases. The following should be considered in developing these guidelines:

- In any plea offer, prosecutors are strongly urged to consider stipulating to lifetime probation on at least one count to ensure that the offender is adequately supervised. Lifetime probation stipulations are encouraged even where a defendant is to serve a period of incarceration. Such stipulations ensure supervision of the offender after the incarceration period.

- The prosecutor is strongly urged to consider stipulating to sex offender probation terms in any plea involving probation.
- If the defendant pleads to a non-sex offense, the prosecutor should consider requiring the offense to be pled to as a sexually-motivated offense in order for the Court to require the defendant to register as a sex offender pursuant to A.R.S. 13-3821.
- Prosecutors should consider pleading an offender to at least one count for each victim named in the indictment to ensure retention of valuable post-conviction rights for all victims.
- To the extent possible, prosecutors should ensure that restitution is part of the plea agreement for total losses to all victims (whether dismissed in the plea or not).
- Prosecutors should strive to obtain guilty pleas and limit acceptance of no-contest or Alford pleas, unless circumstances warrant otherwise.
- If the defendant pleads to an offense that does not require DNA testing, the prosecutor should consider entering into a stipulation that the defendant will undergo DNA testing. However, a plea to an offense requiring DNA testing or a plea that stipulates to DNA testing should stipulate that the defendant must pay for the testing.

HIV/AIDS Testing

If a defendant (including a defendant who is a minor) is charged with a sexual offense or an offense involving significant exposure, as defined by A.R.S. 13-1415(G)(2), upon victim request the prosecutor must petition the Court for an order requiring the defendant to be tested for the human immunodeficiency virus pursuant to A.R.S. 13-1415.

VICTIM'S RIGHTS IN PROSECUTION

Arizona Law and the Victims Bill of Rights

Under Arizona law, victims have the right to be notified about the following information and rights. (The law does require the victim to request notification to exercise these rights).

- All court proceeding dates, times and outcomes.
- That the victims may be present for all proceedings where the defendant has the right to be present.
- That the victim may be heard by the court at all release, plea, and sentencing proceedings.
- To receive a copy of the pre-sentence report.
- To make a victim impact statement.

- Request for post conviction rights.
- Right to refuse a defense interview.

Victims Leave Law

Under victims' rights laws, A.R.S. 13-4439 allows persons who work for employers who have 50 or more employees to take unpaid leave from work to attend court proceedings. An employee may use vacation time for this leave and an employer may limit an employee's leave if it creates an undue hardship on the employer.

Efforts to Contact the Victim

- If notices mailed to the victim are returned, other reasonable attempts (such as telephone calls) should be made to contact the victim.
- If the prosecutor's office is unable to contact the victim prior to the pretrial conference, the prosecutor may consider filing a motion to continue the pretrial conference in order for further attempts to be made to contact the victim.

Duties of Victim Witness Offices within Prosecutorial Agencies

- Notify the victim of her/his rights as required by statute.
- Provide information to the victim about the criminal justice system and the victim witness advocate's role in the criminal justice process.
- Provide information to the victim on any change in the case status and of final disposition.
- Provide advance notice to the victim of the date, time and place of the defendant's initial appearance before a judicial officer (as appropriate), submission to the court of any plea agreement, the trial and sentencing and all other court proceedings.
- Take the victim to the courtroom so that she/he is familiar with this setting before she/he actually has to testify at a jury trial.
- Advise the victim on appropriate dress for court.
- Inform the victim of sentencing procedure options, such as:
 - The defendant may seek a continuance in order to present mitigating evidence or to request a restitution hearing.

- The State may seek a continuance in order to present aggravating evidence or to request a restitution hearing. The prosecutor should consult with the victim or victim's representative as to aggravation witnesses to be called or subpoenaed.
- Either side may request a mental health hearing of the defendant under Rule 26.5, Arizona Rules of Criminal Procedure.
- The right to be present at the sentencing hearing, and to address the court.
- Assist the victim in addressing the court. At the victim's request, the prosecutor may ask the Court to close the courtroom. The prosecutor may assist the victim in preparing a written statement to present to the Court.
- If requested to do so, the victim/witness advocate should assist the victim in selecting a support person to be present during the victim's testimony. The support person should not otherwise be a witness in the case.

General Duties of Prosecutor

When working with victims of sexual assault, prosecutors should observe the following guidelines:

- Confer with the victim early in the case to explain the criminal justice process and the likely route of prosecution.
- Speak with the victim about the disposition of the case before a formal offer is made and consider the views of the victim when deciding how to proceed with the case.
- Let the victim know she/he will have to testify if the case goes to court.
- Victims have the right to be present throughout the trial, although their presence is not always necessary. Provide advance notice to the victim regarding when her/his presence in court may not be necessary.
- Inform the victim they have the right to decline an interview request from the defense.
- If the victim agrees to be interviewed, the prosecutor should do the following:
 - Inform victims they that may set reasonable conditions for the interview.
 - At the victim's request, be present at the interview and actively participate.
 - Stop the defense interview if the victim is not being treated with respect, fairness, and dignity, and/or when she or he feels intimidated, harassed, or abused.
 - Make necessary arrangements for any reasonable conditions requested by the victim, including the presence of an advocate or a non-witness support person.

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Trial Apprehension by the Victim

If the case is not disposed of by plea agreement, the prosecutor should recognize that the victim may experience trial apprehension, the causes of which include the following:

- Unfamiliarity with the process
- Uncertainty regarding whether or not the case is proceeding to trial
- Delays
- Fear of testifying
- Fear of seeing the suspect in close proximity

To reduce the victim's trial apprehension, the prosecutor may do the following, depending on the facts:

- Discuss the victim's trial testimony.
- Meet with the victim in order to acquaint the victim with courtroom procedures. (Note: The prosecutor should take care not to point out where the defendant sits.)
- Strive to develop rapport with the victim. The prosecutor, along with the victim/witness advocate, may initially meet with the victim in her/his home or another place where the victim feels comfortable. It is recommended that the prosecutor meet with the victim with the assistance of the advocate or support person.

TRIAL CONSIDERATIONS

Case Continuances

When delays such as continuances are necessary, procedures should be established to ensure that cases are continued to dates agreeable to the victim and witnesses. Whenever possible, these dates should be secured in advance. In addition, the reasons for the continuances should be adequately explained to the victim. Victims' rights law requires the Court to consider the victim's views and right to a speedy trial whenever a continuance is requested [A.R.S. 13-4435(B)].

Expert Witnesses

Sexual assault cases often require retention of expert witnesses, including experts in the following areas:

- Rape trauma syndrome/post-traumatic stress disorder
- Victimology
- Offender/offense cycle
- Spousal rape
- DNA evidence
- Drug recognition expert
- Criminalist
- SANE/SAFE nurse
- Medical doctor
- Crimes, Wrongs, or Other Acts (404(B) and 404(C) evidence).

Special Evidentiary Considerations with Sex Crimes Cases

The prosecutor should recognize that sexual assault cases often require the filing of certain motions, including the following:

- Motion to Admit Evidence of Other Acts under Rule 404(b)(other crimes, wrongs, or acts) and (c)(character evidence in sexual misconduct cases), Arizona Rules of Evidence.
- Motion to Preclude Evidence of Victim's Sexual History, pursuant to A.R.S. 13-1421, and State ex rel. Pope v. Superior Court, 113 Ariz. 22, 545 P.2d 946 (1976).

Jury Verdicts

The prosecutor or the advocate should inform the victim of her/his right to be present at the reading of the verdict. The victim may need instruction or help on appropriate demeanor. If the jury is not able to reach a verdict as to any count, the prosecutor or advocate should consider the victim's wishes on the disposition of those counts.

SENTENCING

Preparing the Victim

- Whether a conviction is obtained either through a plea or at trial, the prosecutor should prepare the victim for the sentencing hearing.
- Let victims know that their input can impact the sentence imposed by the judge in a variety of ways and can help the judge to make a more-informed decision. Victims can write letters, get support from friends and community members, cooperate with the probation department when the pre-sentence report is prepared, and they can make a victim impact statement at sentencing.
- Let victims know that they have the right to address the court or provide a statement (oral, written, or by video tape or audio tape) at the hearing.

Special Sentencing Considerations in Sex Crime Cases

- Introduce evidence of aggravating circumstances when appropriate. Consider using a suspect's prior convictions and prior sexual acts, including uncharged incidents and uncertified priors that may show a propensity toward sexual deviancy or sexual violence.
- As a condition of probation, include no contact with victim when appropriate. Also, consider asking for jail time as an initial term of probation to be imposed at the time of sentencing.

- Ask for restitution, including restitution to third party payers such as the County Crime Victim Compensation Program, friends or family who paid expenses on behalf of the victim, insurance companies, and moving expenses, if applicable. Restitution amounts may remain open to pay for future counseling or other medical services.

- Counseling or therapy for the defendant should be ordered, even if the defendant continues to deny responsibility.

- Avoid seeking fines in situations where it may negatively impact the victim.

- Seek input from law enforcement, victim advocates, Adult Protective Services, and therapists for sentencing recommendations.

POST-CONVICTION RELIEF AND APPEALS

The prosecutor and/or the victim advocate should explain to the victim and her/his representative the possibility of review via petition for Post-conviction Relief or an appeal. The prosecutor's office must supply the victim with a form in order to request post-conviction rights.

COURT PROCEDURE

Courts seek to treat all persons equally, with dignity and respect. However, the criminal justice system can be intimidating, and testifying in court may be a frightening or emotional experience. It is important for judges to take a proactive approach to help reduce courtroom trauma and ensure that the Rules of Evidence are enforced.

PRE-TRIAL PROCEDURES

The following pre-trial procedures are recommended for handling sexual assault cases.

Pre-Trial Release (Arraignment)

- Order the defendant to have no contact with the victim or the victim's family members.
- Order pre-trial supervision services for the defendant.
- Designate who the victim is and if she or he is the primary victim or a secondary victim due to a homicide (next of kin).
- Advise victims that they have the right to be present and heard at the pre-trial release hearing.

Preliminary Hearings and Motions

- Consider the defendant's flight risk.
- Impose appropriate release conditions. For example, consider the use of a pre-trial service assessment or electronic monitoring.
- Consider extending the order that no contact shall take place between the defendant and the victim and/or the victim's family.
- Explain court procedures and rules. Establish a realistic calendar for discovery, trial, and DNA cases.
- Establish appropriate lines of communication. Only in limited circumstances are victims and defendants permitted to communicate directly with the court. Attorneys should normally handle all court communication. If the victim is represented by private counsel at the proceedings, all communication must go through that counsel.
- Explain any admonitions to all interested parties. For example, explain any cautionary statements that the court addresses to counsel.

- Encourage Motions in Limine to prevent surprises or embarrassments in open court. Motions in writing usually are made before or after the beginning of jury trials. Typically, they provide a basis for protective orders against prejudicial questions and statements.

TRIAL PROCEDURES

Trials involving charges of sexual assault raise a variety of special issues. The following guidelines are recommended for such proceedings.

- Establish a victim-friendly courtroom environment and pay special attention to the needs of children.
- Be familiar with the authority to implement control procedures (Rules of Criminal Procedure and Rules of Evidence).
- Consider clearing the courtroom of spectators as permitted under the Rules of Criminal Procedure and when appropriate.
- Show sensitivity to all parties by being fair and respectful.
- Be alert for any signs that participants in the trial are becoming distressed, emotional, or embarrassed.
- Be familiar with non-traditional means of taking testimony. For example, it may be necessary to accept video testimony, child-witness interviews, or confrontational pretext conversations.

Post-conviction or Post-plea Guidelines

- Order psychosexual evaluation of the offender prior to sentencing.
- Consider victim statements before imposing the sentence.

Sentencing Considerations

- Review all issues raised in pre-sentence reports.
- Order lifetime registration of the perpetrator as a sex offender.
- Order sex offender treatment for perpetrators who are placed on probation.
- Consider the suitability of prison or probation for the offender by reviewing the pre-sentence report. Also consider any other relevant information, such as a Community Risk Assessment, if one seems necessary. (Please see the section on probation.)

- Consider requiring the offender to undergo a diagnostic evaluation and/or a mental health examination prior to sentencing.
- Determine if any mitigating or aggravating factors exist in the case.
- Consider the victim's impact statement and any financial losses, emotional trauma, or physical damages suffered by the victim and/or the victim's immediate family.
- Define and impose a specific sentence and specify any appropriate conditions (for example, counseling, jail, fines, fees, or the duration of probation and prison terms).

Specialized Training for Judges

Because judges play a crucial role in the disposition of criminal cases, specialized training is encouraged. Such training can help judges stay current with applicable laws and better meet the needs of all concerned parties. Some of the more important specialty areas to consider are:

- Propensity Testimony
- Rules of Evidence, especially 404(b) and 404(c)
- DNA technologies and evidence
- Use of expert testimony

PROBATION

The primary duty of adult probation departments is to hold offenders accountable for the terms and conditions of probation. Probation officers monitor offenders' behavior and ensure that offenders comply with all state requirements, terms, and conditions. Adult probation departments also interact with victims to ensure their safety.

PROBATION ROLES AND RESPONSIBILITIES

Team supervision and surveillance are key elements of probation. Offender behavior patterns and the violations that lead to probation revocation suggest that increased supervision can reduce risk to the community. A surveillance officer's primary job is to be in the community checking on the sex offender.

Field Officer's Responsibilities

Many probation departments have specialized sex-offender units and specific policies and procedures for monitoring sex offenders. These offices are made up of field officers and surveillance officers. The practices listed below are common to most sex offender units.

- Acquaint the sex offender with all the rules and regulations of probation.
- Verify that the sex offender has fulfilled all statutory requirements for sex offenders.
- Assess the risk that the sex offender poses to the community and maintain appropriate contact and surveillance.

Surveillance Officer's Responsibilities

All Surveillance Officers are expected to follow county policies and procedures. The Surveillance Officer's primary responsibilities are:

- Monitoring the offender's environment and activities.
- Assisting the Field Officer in monitoring the phase level for each offender.
- Communicating effectively to keep the Field Officer apprised of any progress, problems, or changes affecting the offender.
- Consulting with the supervisor about the sex offender's Case Management/Strategic Service Plan.

Sex Offender Maintenance Caseload

Sex offenders who have been on probation for an extended time may be assigned to maintenance status if they are stable and appear to be a minimal risk to others. Maintenance caseloads provide

ongoing specialized supervision, thereby reducing the need for in-office supervision of sex offenders. The primary criteria for moving an offender to maintenance status are:

- The sex offender should be stable in regard to probation terms and conditions.
- The sex offender should be stable in employment and residence.
- The sex offender should be in the maintenance phase of treatment and in good standing with the probation department.
- The sex offender should have an identified support network of family, friends, and associates who are aware of the offender's status. It is important to verify that the offender has disclosed his or her status to these people.
- The sex offender's two most recent polygraph tests (which are discretionary if there have been admissions) must be resolved. In addition, the offender must demonstrate healthy sexual interests during phallometric testing, if any is done.

PRE-SENTENCE REPORT

After an offender has been found guilty, or has pled guilty to an offense, the probation department prepares a pre-sentence report for the judge. This report provides essential information to aid judicial decisions about sentencing.

Plea Agreement

The pre-sentence probation officer should thoroughly review the offender's plea agreement. If sex offender probation is an option, it should be explained to the offender, including the requirements for Intensive Probation Supervision. The explanation should cover lifelong probation, sex-offender therapy, "no contact" rules, and the reunification policy, if it applies.

Report Contents

The pre-sentence report can have a major impact on sentencing or the terms and conditions of probation. A well-constructed report provides an overview of the case, including all of the elements described below.

Description of the Offense The first section of the report should be a concise, comprehensive description of the offense. This section, which is derived from police reports, should include:

- The age and sex of the victim, the age and sex of the offender, and the relationship between the victim and the offender (if any exists).
- A description of the assaultive behavior(s).

- The location and setting of the assault(s).
- The time span during which the assaultive behavior occurred.
- Weapons that were used or present during the assault.
- The methods the offender used to coerce, threaten, manipulate, or force the victim to submit.
- The methods the offender used to try to keep the victim from disclosing the abuse.
- How the assault was disclosed, and the offender's reaction to the victim.
- Information from the police report about any physical or emotional trauma the victim suffered.

This section of the report should conclude with a summary of any significant remarks the offender made to the arresting officers or caseworkers. It may also include information about the offender's attitude at the time of arrest.

Offender's Statement Summarize any statements the offender made (in person or in writing) regarding the circumstances of the offense. Note any differences between these assertions and what the offender told the arresting officer or investigator.

Victim's Statement The purpose of this section is to reveal the impact the offense had on the victim(s). It should note whether the victim has had counseling, how much it has cost, and the victim's current views regarding sentencing the offender.

It is highly advisable to accommodate the victim and make the interview as easy as possible. It may help victims to know that they will probably not have to talk to someone from the court again until sentencing takes place.

Interested Parties Every effort should be made to contact all agencies and professionals involved in the case so that their records can be included in the report. If psychologists or psychiatrists evaluated the offender, or provided therapy, their opinions and conclusions should be noted. If opinions are not available in writing, contact the psychologist or psychiatrist directly. The report should also state the professional's qualifications for evaluating sex offenders.

Prior Criminal History Thoroughly research any prior sex-offense arrest dispositions the offender may have, in Arizona and out of state. If possible, order police reports on all prior arrests or, at least, all prior sex related arrests.

If the offender has a juvenile history, order the file and carefully examine the record, taking special note of any psychological reports. If the offender was incarcerated or on probation as a juvenile, attempt to obtain information about any treatment that he or she received.

If the offender is being sentenced for failure to register as a sex offender, the pre-sentence report should include information about any prior sex offenses. It is possible that the offender has not previously received treatment or dealt with the issues related to his or her deviancy.

Social History Obtain a family history, paying special attention to family members with whom the offender is presently involved. Include the names, ages, and addresses of the offender's spouse, partner, or former spouse—particularly if any of these people are parents of the victim.

- Interview family members about the offender's history.
- Obtain a sexual history that includes the offender's earliest sexual experiences, the ages of the offender's partners, and any history of deviant behaviors, such as exhibitionism, voyeurism, or extensive use of pornography.
- Examine the offender's employment history for signs of instability, long periods of unemployment, and access to children. Obtain and verify the details of the offender's present job, including the employer's name, address, and phone number, the number of hours worked, and the type of work performed.
- If the offender claims to have significant health problems, attempt to verify them. If the offender has received mental health treatment, try to arrange a release of information to the relevant facilities or therapists, in Arizona and other states. Individual therapists should be contacted, if possible. Any medications the offender is taking should be listed.
- Try to obtain a complete history of the offender's use of alcohol and other drugs. Does the offender blame alcohol for the offense? Do drugs appear to contribute to his or her offense cycle? If the offender has been treated for substance abuse, obtain the name of the treatment facility and the therapist. Also note the type of facility involved, the dates and duration of treatment, and whether treatment was completed.
- Assess the offender's ability to make financial restitution to the victim. Also, determine if the offender can pay for court fees, sex offender treatment, testing, and family therapy. Discuss the costs of maintaining two separate residences if family reunification is a goal.
- Every attempt should be made to research prior sex-offense arrest dispositions, in Arizona and out of state. If possible, order police reports on all prior arrests or, at least, all prior sex-related arrests.

Final Discussion, Evaluation, and Recommendations Give an objective picture of the offender's case, based on facts presented in the report. Summarize the essence of the crime by describing the offender's actions during the assault and trauma suffered by the victim.

In discussing the initial stage of probation, stress that all sex-offender terms and conditions should be imposed. This will allow the supervising probation officer to further evaluate the case and determine if any of the special sex offender conditions can be removed.

MONITORING THE SEXUAL ASSAULT OFFENDER

Managing sex offenders in the community requires diligent attention to the regular terms and conditions of probation. In addition, sex offenders require special oversight. Probation officers must monitor numerous legal requirements mandated by recent legislation. These requirements are described in the discussion that follows.

Initial Interview

Begin by interviewing the offender according to probation guidelines. Provide an overview of the standard terms and conditions of probation. In addition, explain all sex-offender conditions and define "no contact." Advise the offender that psychological and physiological testing may be ordered, and discuss the issues related to testing. Also, advise the offender that only limited confidentiality exists between therapists and probation officers.

Contact and Probation Status

Several factors must be considered when determining contact criteria for sex offenders. Typically, sex offenders are monitored with a three-phase system. Each phase is based on an appraisal of the offender's risk factors.

High Risk A sex offender who is new to the caseload should be monitored more frequently than those regarded low or medium risk (for example, four times a month). The initial goals are to achieve: (1) stable employment, (2) stable housing, and (3) entry into sex offender treatment.

This period may last six or more months. However, it may last longer if the offender doesn't comply with probation conditions or if significant risk factors are observed. Offenders may be returned to high risk designation whenever they fail to comply with probation terms and conditions and/or their risk level increases. Incest offenders who appear to be at a low risk level may find themselves in a high risk situation if they move into a residence where children are present.

Medium Risk Offenders who have successfully completed the high risk period may be designated medium risk. The Field Supervision Risk Supplement should be completed before considering such moves. Offenders considered to be medium risk may be seen less frequently than those considered to be high risk (for example, three times a month). This phase may also last six months or more.

Low Risk Offenders designated as low risk have met all the terms and conditions of probation. These offenders may, for example, be seen in the probation office at least once a month and in the field once a month. This period should continue until the offender passes a confirmation polygraph, a pre-treatment MSI-2 (diagnostic evaluation), an ABEL Screen, or other appropriate testing.

Sex offenders designated as low risk should be able to identify their paraphilias and recognize the dynamics of their offense cycles. In addition, offenders must take responsibility for the offenses they committed and they must complete a frame-by-frame analysis and an assault script. The offender's employment and residence must remain stable, and he or she must continue to comply with all conditions of probation.

Residential Approval

Within five days after a sex offender case is assigned to the probation officer, the offender's residence should be verified. Carefully observe inside and outside the house. Check for any signs of children's clothing, toys, or photographs. Visit the area late in the afternoon and on weekends when children are home from school. Check the immediate neighborhood for the presence of schools or parks.

Limiting Access to Children As a term of probation, defendants may be ordered to have no contact with children. Specific instruction should be provided concerning the no contact restrictions.

Other Persons at the Offender's Residence Obtain the names, addresses, and ages of all persons living at the offender's residence and learn their relationships to one another. Ask all residents if they are aware of the offender's conviction and the terms of probation. At the next field visit, verify that all co-residents have retained this information.

Other Social Contacts Obtain the addresses and telephone numbers of the offender's spouse or partner. Identify everyone in the offender's social group who has children. Obtain the names and ages of all children in the offender's and/or partner's extended family.

Explain to the offender that it may be several months or years (perhaps never) before he or she can have any approved contact with children. If the offender requests reunification in an incest case, he or she will have to follow the reunification procedure, which can take two years or more.

Lifetime Probation

In 1987, the Arizona State Legislature authorized lifetime probation for certain sex offenders. Most adult probation departments have programs that combine specialized terms and caseloads with a legislative grant that subsidizes treatment, testing, and surveillance officers. Through this

process, probation departments have been able to extend services to many sex offenders, victims, and family members.

Travel Permits for Sex Offenders

For various reasons, sex offenders may need to travel within Arizona or elsewhere. Before authorizing travel, the supervising officer should consider the purpose of the travel and the offender's probation and treatment status.

Travel Permit Process Determine why the offender wishes to travel and review the offender's specific travel plans. Many common reasons for travel, such as a death in the family or a family reunion, can be inappropriate for sex offenders.

Approved travel plans must include relapse prevention components. Such plans help to reduce risks to potential victims while the offender is away from supervision. Consider developing a "what-if list" so the offender can anticipate how to avoid trouble in various high risk situations.

Call the receiving state's Interstate Compact Office (ISC) to determine state and local requirements for each specific offender (per information from the Arizona ISC office).

Complete the travel permit and a sex offender-specific cover sheet addressing all of the listed topics. Specific offenses should be noted and directives (such as mandatory registration upon arrival) must be included. Fax the completed travel permits and sex offender cover sheet to the receiving state. Send additional copies to all states the offender plans to drive through, or to locations where significant layovers in public transportation will occur. Respond as needed when state agencies reply with details about their legal requirements for the offender.

VICTIMS' RIGHTS AND PROBATION

Victims have the right to be informed of hearings to modify probation if it affects their safety, restitution, or incarceration status.

Probation Modification

If the victim has made a request for postconviction rights (by way of a "PCNR" form), the probation department must notify the victim of a modification of the term of probation (or intensive probation) if the modification will substantially affect the probationer's contact with, or safety of the victim, or if the modification affects restitution or incarceration status.

Termination or Revocation

If the victim has made a request for postconviction rights (by way of a "PCNR" form), the probation department must notify the victim of any probation revocation disposition proceeding or any proceeding in which the court is asked to terminate probation (including intensive probation) of the person who is convicted of committing the criminal offense against the victim. In addition, probation must notify victims if the probationer is arrested on a warrant issued for probation violation.

TREATMENT

All sex offenders should receive treatment from providers who have specialized training and experience. Primary referrals of sex offenders should not be to religious counselors or substance abuse counselors. However, such services may be useful supplements to specialized sex offender treatment.

Treatment Standards and Evaluation

Treatment providers should follow the best-practice standards of the cognitive-behavioral model, as defined by the Association for the Treatment of Sex Abusers.

Polygraph Testing For evaluation and treatment, all sex offenders should complete a polygraph test (or tests) administered by a provider approved by the probation department. The supervision team should decide when polygraph testing is needed. Follow-up polygraphs should occur on a regular basis (after six months to one year) as indicated by situational factors and consultation with the offender's therapist.

Risk Factors When evaluating treatment, review the static risk factors listed in the Community Notification Risk Assessment. Also, consider dynamic risk factors that may change if the offender's environment changes. For example, the offender's status may be affected by job loss, behavioral improvement, lack of progress in treatment, substance use or abuse, changes in relationships, and so forth.

Maintenance After they have completed primary treatment, offenders should be moved into maintenance treatment. During this transition, offenders may risk relapse if they let down their guard. That is, many seemingly insignificant thoughts, acts, or decisions can lead to behaviors that rekindle the offense cycle.

Reunification

The offender's partner should participate in partners and/or couples treatment before reunification is considered. If the victim was a child, and the child's parent chooses to stay with the offender, the parent should be educated about reunification. A partner or spouse who is aware of the problem and who supports the treatment process will be better equipped to protect the child from further abuse. Children and other affected parties should also receive appropriate therapy before reunification is considered.

PROBATION VIOLATIONS

Holding sex offenders accountable for their actions is central to supervision and essential for the enforcement of probation conditions. Appropriate responses from the probation department and the criminal justice system demonstrate to the offender and others that sex crimes are unacceptable criminal behavior.

Options

If a sex offender violates the terms and conditions mandated by the court, the probation officer has the right to document the violation and consider several options, including the following:

- Keep the documentation in the file for future reference.
- Increase supervision of the sex offender.
- Arrest the offender and have him or her taken to jail.
- Document the violation, complete a Probation Revocation form, and file it with the court.

When a Probation Revocation form is filed, the court will order the offender to appear on a specific day and time. If the offender does not appear in court on the designated day, a warrant will be issued for his or her arrest.

STATUTORY REQUIREMENTS

The State of Arizona has specific requirements for community notification, and the registration and identification of sex offenders.

Community Notification

According to A.R.S. 13-3821, the chief law enforcement officer shall notify the community of the presence of eligible, high-risk sex offenders. The pre-sentence officer and the local law enforcement agency must prepare a Community Notification Risk Assessment for all sex offenders, as outlined in A.R.S. 13-3821. This assessment should remain in the offender's file.

The probation department and law enforcement agencies should coordinate their efforts and follow established guidelines when submitting community notification documents. Law enforcement agencies have the primary responsibility for notifying all necessary individuals of a sex offender's status.

Offenders sentenced on or after June 1, 1996, those who were released from custody by the Department of Corrections or the Maricopa Sheriff's Office, and those returned to jail after June 1, 1996 must undergo a Community Notification Risk Assessment.

Registration and Identification of Sex Offenders

According to A.R.S. 13-3821, sex offenders must register with the local sheriff's department within 72 hours after conviction. Registration is also required after a change in residence. Sex offenders must obtain a special driver's license or an identification card from the Arizona Motor Vehicle Department within 30 days after sentencing or release from custody. The license or identification card must be renewed annually.

APPENDIX A

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APPENDIX B

ARIZONA STATE STATUTES

8-382 . DEFINITIONS

In this article, unless the context otherwise requires:

5. “Crime victim advocate” means a person who is employed or authorized by a public entity or a private entity that receives public funding primarily to provide counseling, treatment or other supportive assistance to crime victims.

8-383 . IMPLEMENTATION OF RIGHTS AND DUTIES

A. Except as provided in sections 8-385 and 8-386, the rights and duties that are established by this article arise on the arrest or formal charging of a juvenile who is alleged to be responsible for a delinquent act against a victim. The rights and duties continue to be enforceable pursuant to this article until the final disposition of the charges, including acquittal or dismissal of the charges, all postadjudication release, review and appellate proceedings and the discharge of all proceedings related to restitution. If a delinquent is ordered to pay restitution to a victim, the rights and duties continue to be enforceable until restitution is paid or a judgment is entered in favor of the victim pursuant to section 8-344.

B. After the final termination of a delinquency proceeding by dismissal or acquittal, a person who has received notice and has the right to be present and be heard pursuant to the victims’ bill of rights, article II, section 2.1, Constitution of Arizona, this article or any court rule is no longer entitled to those rights.

8-384 . INABILITY TO EXERCISE RIGHTS; DESIGNATION OF OTHERS; NOTICE; REPRESENTATIVE FOR A MINOR

A. If a victim is physically or emotionally unable to exercise any right but is able to designate a lawful representative who is not a bona fide witness, the designated person may exercise the same rights that the victim is entitled to exercise. The victim may revoke this designation at any time and exercise the victim’s rights.

B. If a victim is incompetent, deceased or otherwise incapable of designating another person to act in the victim’s place, the court may appoint a lawful representative who is not a witness. If at any time the victim is no longer incompetent, incapacitated or otherwise incapable of acting, the victim may personally exercise the victim’s rights.

8-386. INFORMATION PROVIDED TO VICTIM BY LAW ENFORCEMENT AGENCIES

A. As soon after the detection of an offense as the victim may be contacted without interfering with an investigation or arrest, the law enforcement agency responsible for investigating the offense shall provide the victim with a multicopy form:

1. That allows the victim to request or waive applicable rights to which the victim is entitled, on request, under this article.

2. That provides the victim a method to designate a lawful representative if the victim so chooses pursuant to section 8-384, subsection A or section 8-385.

3. That provides notice to the victim of all of the following information:

(a) The victim’s right under the victims’ bill of rights, article II, section 2.1, Constitution of Arizona, to be treated with fairness, respect and dignity and to be free of intimidation, harassment or abuse throughout the criminal or juvenile justice process.

(b) The availability, if any, of crisis intervention services and emergency and medical services and, if applicable, that medical expenses arising out of the need to secure evidence may be reimbursed pursuant to section 13-1414.

(c) In cases involving domestic violence, the procedures and resources available for the protection of the victim pursuant to section 13-3601.

(d) The names and telephone numbers of public and private victim assistance programs, including the county victim compensation program and programs that provide counseling, treatment and other support services.

(e) The police report number, if available, other identifying case information and the following statement:

If within thirty days you are not notified of an arrest in your case, you may call (the law enforcement agency’s telephone number) for the status of the case.

(f) Whether the suspect is an adult or juvenile, the victim will be notified by the law enforcement agency at the earliest opportunity after the arrest of a suspect.

(g) If the suspect is a juvenile and the officer requests that the accused be detained, a statement of the victim's right, on request, to be informed if the juvenile will be released or will be detained pending the detention hearing and of the victim's right to be present and heard at the detention hearing and that, to exercise these rights, the victim must contact the detention screening section of the juvenile probation department immediately to request notice of all of the following:

(i) The juvenile's release.

(ii) The date, time and place of the detention hearing and any changes to that schedule.

(iii) If the victim chooses to exercise the right to be heard through a written statement, how that statement may be submitted to the court.

B. If at the time of contact with a law enforcement agency the victim is physically or emotionally unable to request or waive applicable rights, the law enforcement agency shall designate this on the multicopy form and the entities that may be subsequently affected shall presume that the victim invoked the victim's right to request applicable rights to which the victim is entitled, on request, unless the victim later waives those rights.

C. The law enforcement agency shall submit one copy of the victim's request or waiver of predisposition rights form to the detention center, if the arresting officer is requesting that the accused be detained, at the time the juvenile is taken to detention. If detention is not requested, the form copies shall be submitted to the juvenile probation intake section at the time the case is otherwise referred to court.

The probation intake section shall submit a copy of the victim's request or waiver of predisposition rights form to the prosecutor and the departments or governmental agencies, as applicable, that are mandated by this article to provide victims' rights services upon request.

D. If the accused juvenile is cited and released by an Arizona traffic ticket and complaint form pursuant to section 8-323, the law enforcement agency shall inform the victim how to obtain additional information about subsequent proceedings.

E. Law enforcement agencies within a county may establish different procedures designed to efficiently and effectively provide notice of the victim's rights pursuant to this article and notice to affected entities of victim request or waiver information. If different procedures are established, the procedures shall:

1. Be reported to the entities within a county affected by the procedures and reported to the attorney general.

2. Be designed so that detention centers within a county receive notice of the victim's request or waiver of the victim's predisposition rights at the same time that an accused juvenile is detained.

3. Be designed so that the juvenile probation intake section of the county receives notice of the victim's request or waiver of the victim's predisposition rights at the same time that the case is referred to court.

4. Provide that the notice to affected entities of a victim's request or waiver of the victim's predisposition rights includes information that allows the affected entity to contact the victim.

5. Be supported by the use of brochures, forms or other written materials developed by the law enforcement agencies within a county and reviewed by the attorney general pursuant to section 8-398, subsection B.

8-398 . REQUEST FOR NOTICE; FORMS; NOTICE SYSTEM

A. The victim shall provide to and maintain with the law enforcement agency that is responsible for providing notice to the victim a request for notice on a form that is provided by that agency. The form shall include a telephone number and address. If the victim fails to keep the victim's telephone number and address current, the victim's request for notice is withdrawn. At any time the victim may request notice of subsequent proceedings by filing on a request form provided by the agency the victim's current telephone number and address.

8-416 . STANDING TO INVOKE RIGHTS; RECOVERY OF DAMAGES

A. The victim has standing to seek an order or to bring a special action mandating that the victim be afforded any right or to challenge an order denying any right guaranteed to victims under the victims' bill of rights, article II, section 2.1, Constitution of Arizona, this article or court rules. In asserting any right, the victim has the right to be represented by personal counsel at the victim's expense.

C. At the request of the victim, the prosecutor may assert any right to which the victim is entitled.

11-596 . REMOVAL OR DISTURBANCE OF BODY OR EFFECTS OR WEAPONS WITHOUT CONSENT PROHIBITED

No human body or body suspected of being human shall be removed from the place where the death, if the death is of a nature requiring investigation occurred without first obtaining permission of the county medical examiner or the person performing the duties of a county medical examiner. No embalming, cleansing of the surfaces of the body or other alteration of the appearance or state of the body, clothing or personal effects shall be performed until the permission of such official has been obtained. No person, except a law enforcement agent in the performance of his or her duties, shall remove from the place of death or from the body of the deceased any of the effects of the deceased, or instruments or

weapons that may have been used in the death requiring investigation, unless prior permission of the county medical examiner, the person performing the duties of a county medical examiner or the investigating law enforcement agent has been obtained.

13-107. TIME LIMITATIONS

A. A prosecution for any homicide, any offense listed in title 13, chapter 14 or chapter 35.1 that is a class 2 felony, any violent sexual assault pursuant to section 13-1423, any misuse of public monies or a felony involving falsification of public records or any attempt to commit an offense listed in this subsection may be commenced at any time.

B. Except as otherwise provided in this section, prosecutions for other offenses must be commenced within the following periods after actual discovery by the state or the political subdivision having jurisdiction of the offense or discovery by the state or the political subdivision that should have occurred with the exercise of reasonable diligence, whichever first occurs:

1. For a class 2 through a class 6 felony, seven years.

2. For a misdemeanor, one year.

3. For a petty offense, six months.

C. For the purposes of subsection B of this section, a prosecution is commenced when an indictment, information or complaint is filed.

D. The period of limitation does not run during any time when the accused is absent from the state or has no reasonably ascertainable place of abode within the state.

E. The period of limitation does not run for a serious offense as defined in section 13-604 during any time when the identity of the person who commits the offense or offenses is unknown.

F. The time limitation within which a prosecution of a class 6 felony shall commence shall be determined pursuant to subsection B, paragraph 1 of this section, irrespective of whether a court enters a judgment of conviction for or a prosecuting attorney designates such offense as a misdemeanor.

G. If a complaint, indictment or information filed before the period of limitation has expired is dismissed for any reason, a new prosecution may be commenced within six months after the dismissal becomes final even if the period of limitation has expired at the time of the dismissal or will expire within six months of the dismissal.

13-118 . SEXUAL MOTIVATION SPECIAL ALLEGATION; PROCEDURES; DEFINITION

A. In each criminal case involving an offense other than a sexual offense, the prosecutor may file a special allegation of sexual motivation if sufficient admissible evidence exists that would justify a finding of sexual motivation by a reasonable and objective finder of fact.

B. If the prosecutor files a special allegation of sexual motivation, the state shall prove beyond a reasonable doubt that the defendant committed the offense with a sexual motivation. The trier of fact shall find a special verdict as to whether the defendant committed the offense with a sexual motivation.

C. For purposes of this section "sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant's sexual gratification.

13-1414 . EXPENSES OF INVESTIGATION

Any medical expenses arising out of the need to secure evidence that a person has been the victim of a dangerous crime against children as defined in section 13-604.01 or a sexual assault shall be paid by the county in which the offense occurred.

13-1415 . HUMAN IMMUNODEFICIENCY VIRUS TESTING; VICTIM'S RIGHTS; PETITION; DEFINITIONS

A. A defendant, including a defendant who is a minor, who is alleged to have committed a sexual offense or another offense involving significant exposure is subject to a court order that requires the defendant to submit to a test for the human immunodeficiency virus and to consent to the release of the test result to the victim.

B. Pursuant to subsection A of this section, the prosecuting attorney, if requested by the victim, or, if the victim is a minor, by the parent or guardian of the minor, shall petition the court for an order requiring that the person submit a specimen, to be determined by the submitting entity, for laboratory testing by the department of health services or another licensed laboratory for the presence of the human immunodeficiency virus. The court shall, within ten days, determine if sufficient evidence exists that indicates that significant exposure occurred. If the court makes this finding or the act committed against the victim is a sexual offense it shall order that the test be performed in compliance with rules adopted by the department of health services. The prosecuting attorney shall provide the victim's name and last known address of record to the department of health services for notification purposes. The victim's name and address are confidential, except that the department of health services may disclose the information to a local health department for victim notification purposes.

C. After a specimen has been tested for the presence of human immunodeficiency virus pursuant to subsection B of this section, the laboratory that performed the test shall report the results to the submitting entity.

D. The submitting entity shall provide the results to the department of health services or a local health department. The department of health services or a local health department shall notify the victim of the results of the test conducted pursuant to subsection B of this section and shall counsel the victim regarding the health implications of the results.

E. The submitting entity or the department of health services shall notify the person tested of the results of the test conducted pursuant to subsection B of this section and shall counsel the person regarding the health implications of the results. If the submitting entity does not notify the person tested of the test results, the submitting entity shall provide both the name and last known address of record of the person tested and the test results to the department of health services or a local health department for notification purposes.

F. Notwithstanding any other law, copies of the test results shall be provided only to the victim of the crime, the person tested, the submitting entity and the department of health services.

G. For the purposes of this section:

1. "Sexual offense" means oral sexual contact, sexual contact or sexual intercourse as defined in section 13-1401.

2. "Significant exposure" means contact of the victim's ruptured or broken skin or mucous membranes with a person's blood or body fluids, other than tears, saliva or perspiration, of a magnitude that the centers for disease control have epidemiologically demonstrated can result in transmission of the human immunodeficiency virus.

3. "Submitting entity" means one of the following:

(a) A local health department.

(b) A health unit of the state department of corrections.

(c) A health unit of any detention facility.

(d) A physician licensed pursuant to title 32, chapter 13, 17 or 29.

13-1421 . EVIDENCE RELATING TO VICTIM'S CHASTITY; PRETRIAL HEARING

A. Evidence relating to a victim's reputation for chastity and opinion evidence relating to a victim's chastity are not admissible in any prosecution for any offense in this chapter. Evidence of specific instances of the victim's prior sexual conduct may be admitted only if a judge finds the evidence is relevant and is material to a fact in issue in the case and that the inflammatory or prejudicial nature of the evidence does not outweigh the probative value of the evidence, and if the evidence is one of the following:

1. Evidence of the victim's past sexual conduct with the defendant.

2. Evidence of specific instances of sexual activity showing the source or origin of semen, pregnancy, disease or trauma.

3. Evidence that supports a claim that the victim has a motive in accusing the defendant of the crime.

4. Evidence offered for the purpose of impeachment when the prosecutor puts the victim's prior sexual conduct in issue.

5. Evidence of false allegations of sexual misconduct made by the victim against others.

B. Evidence described in subsection A shall not be referred to in any statements to a jury or introduced at trial without a court order after a hearing on written motions is held to determine the admissibility of the evidence. If new information is discovered during the course of the trial that may make the evidence described in subsection A admissible, the court may hold a hearing to determine the admissibility of the evidence under subsection A. The standard for admissibility of evidence under subsection A is by clear and convincing evidence.

13-3601. DOMESTIC VIOLENCE; DEFINITION; CLASSIFICATION; SENTENCING OPTION; ARREST AND PROCEDURE FOR VIOLATION; WEAPON SEIZURE; NOTICE; REPORT; DIVERSION

A. "Domestic violence" means any act which is a dangerous crime against children as defined in section 13-604.01 or an offense defined in section 13-1201 through 13-1204, 13-1302 through 13-1304, 13-1502 through 13-1504 or 13-1602, section 13-2810, section 13-2904, subsection A, paragraph 1, 2, 3 or 6, section 13-2916 or section 13-2921, 13-2921.01, 13-2923, 13-3019, 13-3601.02 or 13-3623, if any of the following applies:

1. The relationship between the victim and the defendant is one of marriage or former marriage or of persons residing or having resided in the same household.

2. The victim and the defendant have a child in common.

3. The victim or the defendant is pregnant by the other party.

4. The victim is related to the defendant or the defendant's spouse by blood or court order as a parent, grandparent, child, grandchild, brother or sister or by marriage as a parent-in-law, grandparent-in-law, stepparent, step-grandparent, stepchild, step-grandchild, brother-in-law or sister-in-law.

5. The victim is a child who resides or has resided in the same household as the defendant and is related by blood to a former spouse of the defendant or to a person who resides or who has resided in the same household as the defendant.

B. A peace officer may, with or without a warrant, arrest a person if the officer has probable cause to believe that domestic violence has been committed and the officer has probable cause to believe that the person to be arrested has committed the offense, whether such offense is a felony or a misdemeanor and whether such offense was committed within or without the presence of the peace officer. In cases of domestic violence involving the infliction of physical injury or involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument, the peace officer shall arrest a person, with or without a warrant, if the officer has probable cause to believe that the offense has been committed and the officer has probable cause to believe that the person to be arrested has committed the offense, whether such offense was committed within or without the presence of the peace officer, unless the officer has reasonable grounds to believe that the circumstances at the time are such that the victim will be protected from further injury. Failure to make an arrest does not give rise to civil liability except pursuant to section 12-820.02. In order to arrest both parties, the peace officer shall have probable cause to believe that both parties independently have committed an act of domestic violence. An act of self-defense that is justified under chapter 4 of this title is not deemed to be an act of domestic violence. The release procedures available under section 13-3883, subsection A, paragraph 4 and section 13-3903 are not applicable to arrests made pursuant to this subsection.

C. A peace officer may question the persons who are present to determine if a firearm is present on the premises. On learning or observing that a firearm is present on the premises, the peace officer may temporarily seize the firearm if the firearm is in plain view or was found pursuant to a consent to search and if the officer reasonably believes that the firearm would expose the victim or another person in the household to a risk of serious bodily injury or death. A firearm owned or possessed by the victim shall not be seized unless there is probable cause to believe that both parties independently have committed an act of domestic violence.

D. If a firearm is seized pursuant to subsection C of this section, the peace officer shall give the owner or possessor of the firearm a receipt for each seized firearm. The receipt shall indicate the identification or serial number or other identifying characteristic of each seized firearm. Each seized firearm shall be held for at least seventy-two hours by the law enforcement agency that seized the firearm.

E. If a firearm is seized pursuant to subsection C of this section, the victim shall be notified by a peace officer before the firearm is released from temporary custody.

F. If there is reasonable cause to believe that returning a firearm to the owner or possessor may endanger the victim, the person who reported the assault or threat or another person in the household, the prosecutor shall file a notice of intent to retain the firearm in the appropriate superior, justice or municipal court. The prosecutor shall serve notice on the owner or possessor of the firearm by certified mail. The notice shall state that the firearm will be retained for not more than six months following the date of seizure. On receipt of the notice, the owner or possessor may request a hearing for the return of the firearm, to dispute the grounds for seizure or to request an earlier return date. The court shall hold the hearing within ten days after receiving the owner's or possessor's request for a hearing. At the hearing, unless the court determines that the return of the firearm may endanger the victim, the person who reported the assault or threat or another person in the household, the court shall order the return of the firearm to the owner or possessor.

G. A peace officer is not liable for any act or omission in the good faith exercise of the officer's duties under subsections C, D, E and F of this section.

H. Each indictment, information, complaint, summons or warrant that is issued and that involves domestic violence shall state that the offense involved domestic violence and shall be designated by the letters DV. A domestic violence charge shall not be dismissed or a domestic violence conviction shall not be set aside for failure to comply with this subsection.

I. A person arrested pursuant to subsection B of this section may be released from custody in accordance with the Arizona rules of criminal procedure or any other applicable statute. Any order for release, with or without an appearance bond, shall include pretrial release conditions necessary to provide for the protection of the alleged victim and other specifically designated persons and may provide for additional conditions which the court deems appropriate, including participation in any counseling programs available to the defendant.

J. When a peace officer responds to a call alleging that domestic violence has been or may be committed, the officer shall inform in writing any alleged or potential victim of the procedures and resources available for the protection of such victim including:

1. An order of protection pursuant to section 13-3602, an injunction pursuant to section 25-315 and an injunction against harassment pursuant to section 12-1809.

2. The emergency telephone number for the local police agency.
3. Telephone numbers for emergency services in the local community.

K. A peace officer is not civilly liable for noncompliance with subsection J of this section.

L. An offense included in domestic violence carries the classification prescribed in the section of this title in which the offense is classified. If the defendant committed a felony offense listed in subsection A of this section against a pregnant victim and knew that the victim was pregnant or if the defendant committed a felony offense causing physical injury to a pregnant victim and knew that the victim was pregnant, the maximum sentence otherwise authorized shall be increased by up to two years.

M. If the defendant is found guilty of an offense included in domestic violence and if probation is otherwise available for that offense, the court may, without entering a judgment of guilt and with the consent of the defendant, defer further proceedings and place the defendant on probation or intensive probation, as provided in this subsection. The terms and conditions of probation or intensive probation shall include those necessary to provide for the protection of the alleged victim and other specifically designated persons and additional conditions and requirements which the court deems appropriate, including imposition of a fine, incarceration of the defendant in a county jail, payment of restitution, completion of a domestic violence offender treatment program that is provided by a facility approved by the department of health services or a probation department or any other counseling or diversionary programs that do not involve domestic violence and that are available to the defendant. On violation of a term or condition of probation or intensive probation, the court may enter an adjudication of guilt and proceed as otherwise provided for revocation of probation. On fulfillment of the terms and conditions of probation or intensive probation, the court shall discharge the defendant and dismiss the proceedings against the defendant. This subsection does not apply in any case in which the defendant has previously been found guilty under this section, or in which charges under this section have previously been dismissed in accordance with this subsection.

N. If a defendant is diverted pursuant to this section, the court shall provide the following written notice to the defendant: You have been diverted from prosecution for an offense included in domestic violence. You are now on notice that:

1. If you successfully complete the terms and conditions of diversion, the court will discharge you and dismiss the proceedings against you.

2. If you fail to successfully complete the terms and conditions of diversion, the court may enter an adjudication of guilt and proceed as provided by law.

O. If the defendant is found guilty of a first offense included in domestic violence, the court shall provide the following written notice to the defendant: You have been convicted of an offense included in domestic violence. You are now on notice that:

1. If you are convicted of a second offense included in domestic violence, you may be placed on supervised probation and may be incarcerated as a condition of probation.

2. A third or subsequent charge may be filed as a felony and a conviction for that offense shall result in a term of incarceration.

P. The failure or inability of the court to provide the notice required under subsections N and O of this section does not preclude the use of the prior convictions for any purpose otherwise permitted.

13-3821. PERSONS REQUIRED TO REGISTER; PROCEDURE; IDENTIFICATION CARD

A. A person who has been convicted of a violation or attempted violation of any of the following offenses or who has been convicted of an offense committed in another jurisdiction which if committed in this state would be a violation or attempted violation of any of the following offenses or an offense that was in effect before September 1, 1978 that, if committed on or after September 1, 1978, has the same elements of an offense listed in this section shall, within ten days after the conviction or within ten days after entering and remaining in any county of this state, register with the sheriff of that county:

1. Unlawful imprisonment pursuant to section 13-1303 if the victim is under eighteen years of age and the unlawful imprisonment was not committed by the child's parent.

2. Kidnapping pursuant to section 13-1304 if the victim is under eighteen years of age and the kidnapping was not committed by the child's parent.

3. Sexual abuse pursuant to section 13-1404 if the victim is under eighteen years of age.

4. Sexual conduct with a minor pursuant to section 13-1405.

5. Sexual assault pursuant to section 13-1406.

6. Sexual assault of a spouse pursuant to section 13-1406.01.

7. Molestation of a child pursuant to section 13-1410.

8. Continuous sexual abuse of a child pursuant to section 13-1417.
 9. Taking a child for the purpose of prostitution pursuant to section 13-3206.
 10. Child prostitution pursuant to section 13-3212.
 11. Commercial sexual exploitation of a minor pursuant to section 13-3552.
 12. Sexual exploitation of a minor pursuant to section 13-3553.
 13. Luring a minor for sexual exploitation pursuant to section 13-3554.
 14. A second or subsequent violation of indecent exposure to a person under the age of fifteen years pursuant to section 13-1402, subsection B.
 15. A second or subsequent violation of public sexual indecency to a minor under the age of fifteen years pursuant to section 13-1403, subsection B.
 16. A third or subsequent violation of indecent exposure pursuant to section 13-1402.
 17. A third or subsequent violation of public sexual indecency pursuant to section 13-1403.
 18. A violation of section 13-3822 or 13-3824.
- B. Before the person is released from confinement the state department of corrections in conjunction with the department of public safety and each county sheriff may complete the registration of any person who was convicted of a violation of any offense listed under subsection A of this section. Within three days after the person's release from confinement, the state department of corrections shall forward the registered person's records to the department of public safety and to the sheriff of the county in which the registered person intends to reside. Registration pursuant to this subsection shall be consistent with subsection E of this section.
- C. Notwithstanding subsection A of this section, the judge who sentences a defendant for any violation of chapter 14 or 35.1 of this title or for an offense for which there was a finding of sexual motivation pursuant to section 13-118 may require the person who committed the offense to register pursuant to this section.
- D. The court may require a person who has been adjudicated delinquent for an act that would constitute an offense specified in subsection A or C of this section to register pursuant to this section. Any duty to register under this subsection shall terminate when the person reaches the age of twenty-five.
- E. A person who has been convicted of or adjudicated delinquent and who is required to register in the convicting state for an act that would constitute an offense specified in subsection A or C of this section and who is not a resident of this state shall be required to register pursuant to this section if the person is either:
1. Employed full time or part time in this state, with or without compensation, for more than fourteen consecutive days or for an aggregate period of more than thirty days in a calendar year.
 2. Enrolled as a full-time or part-time student in any school in this state for more than fourteen consecutive days or for an aggregate period of more than thirty days in a calendar year. For the purposes of this paragraph, "school" means an educational institution of any description, public or private, wherever located in this state.
- F. Any duty to register under subsection D or E of this section for a juvenile adjudication terminates when the person reaches the age of twenty-five.
- G. The court may order the termination of any duty to register under this section upon successful completion of probation if the person was under eighteen years of age when the offense for which the person was convicted of was committed.
- H. At the time of registering, the person shall sign a statement in writing giving such information as required by the director of the department of public safety, including all names by which the person is known. The sheriff shall fingerprint and photograph the person and within three days thereafter shall send copies of the statement, fingerprints and photographs to the criminal identification section within the department of public safety and the chief of police, if any, of the place where the person resides.
- I. Upon the person's initial registration and every year after the person's initial registration, the person shall obtain a nonoperating identification license or a driver license from the motor vehicle division in the department of transportation. Notwithstanding sections 28-3165 and 28-3171, the license shall be valid for one year from the date of issuance, and the person shall submit to the department of transportation proof of the person's

address. The motor vehicle division shall make a copy of the photograph available to the criminal identification section of the department of public safety or to any law enforcement agency.

J. Except as provided in subsection E or K of this section, the clerk of the superior court in the county in which a person has been convicted of a violation of any offense listed under subsection A of this section or has been ordered to register pursuant to subsection C or D of this section shall notify the sheriff in that county of the conviction within ten days after entry of the judgment.

K. Within ten days after entry of judgment, a court not of record shall notify the arresting law enforcement agency of an offender's conviction of a violation of section 13-1402. Within ten days after receiving this information, the law enforcement agency shall determine if the offender is required to register pursuant to this section. If the law enforcement agency determines that the offender is required to register, the law enforcement agency shall provide the information required by section 13-3825 to the department of public safety and shall make community notification as required by law.

L. A person who is required to register pursuant to this section because of a conviction for the unlawful imprisonment of a minor or the kidnapping of a minor is required to register, absent additional or subsequent convictions, for a period of ten years from the date that the person is released from prison, jail, probation, community supervision or parole and the person has fulfilled all restitution obligations. Notwithstanding this subsection, a person who has a prior conviction for an offense for which registration is required pursuant to this section is required to register for life.

13-3914 . EXAMINATION ON OATH; AFFIDAVITS

A. Before issuing a warrant, the magistrate may examine on oath the person or persons seeking the warrant, and any witnesses produced, and must take his affidavit, or their affidavits, in writing and cause the affidavit to be subscribed by the party or parties making the affidavit. Before issuing the warrant, the magistrate may also examine any other sworn affidavit submitted to him which sets forth facts tending to establish probable cause for the issuance of the warrant.

B. The affidavit or affidavits must set forth the facts tending to establish the grounds of the application, or probable cause for believing the grounds exist.

C. In lieu of, or in addition to, a written affidavit, or affidavits, as provided in subsection A, the magistrate may take an oral statement under oath which shall be recorded on tape, wire or other comparable method. This statement may be given in person to the magistrate or by telephone, radio or other means of electronic communication. This statement is deemed to be an affidavit for the purposes of issuance of a search warrant. If a recording of the sworn statement is made, the statement shall be transcribed at the request of the court or either party and certified by the magistrate and filed with the court.

13-4401. DEFINITIONS

In this chapter, unless the context otherwise requires:

1. "Accused" means a person who has been arrested for committing a criminal offense and who is held for an initial appearance or other proceeding before trial.

2. "Appellate proceeding" means a contested oral argument that is held in open court before the state court of appeals, the state supreme court, a federal court of appeals or the United States supreme court.

3. "Arrest" means the actual custodial restraint of a person or the person's submission to custody.

4. "Court" means all state, county and municipal courts in this state.

5. "Crime victim advocate" means a person who is employed or authorized by a public entity or a private entity that receives public funding primarily to provide counseling, treatment or other supportive assistance to crime victims.

6. "Criminal offense" means conduct that gives a peace officer or prosecutor probable cause to believe that a felony or that a misdemeanor involving physical injury, the threat of physical injury or a sexual offense has occurred.

7. "Criminal proceeding" means any hearing, argument or other matter that is scheduled by and held before a trial court but does not include any deposition, lineup, grand jury proceeding or other matter that is not held in the presence of the court.

8. "Custodial agency" means any law enforcement officer or agency, a sheriff or municipal jailer, the state department of corrections or a secure mental health facility that has custody of a person who is arrested or in custody for a criminal offense.

9. "Defendant" means a person or entity that is formally charged by complaint, indictment or information of committing a criminal offense.

10. "Final disposition" means the ultimate termination of the criminal prosecution of a defendant by a trial court, including dismissal, acquittal or imposition of a sentence.

11. "Immediate family" means a victim's spouse, parent, child, sibling, grandparent or lawful guardian.

12. "Lawful representative" means a person who is designated by the victim or appointed by the court and who acts in the best interests of the victim.

13. "Post-arrest release" means the discharge of the accused from confinement on recognizance, bond or other condition.

14. "Post-conviction release" means parole, work furlough, community supervision, probation if the court waived community supervision pursuant to section 13-603, home arrest or any other permanent, conditional or temporary discharge from confinement in the custody of the state department of corrections or a sheriff or from confinement in a municipal jail or a secure mental health facility.

15. "Post-conviction relief proceeding" means a contested argument or evidentiary hearing that is held in open court and that involves a request for relief from a conviction or sentence.

16. "Prisoner" means a person who has been convicted of a criminal offense against a victim and who has been sentenced to the custody of the sheriff, the state department of corrections, a municipal jail or a secure mental health facility.

17. "Release" means no longer in the custody of a custodial agency and includes transfer from one custodial agency to another custodial agency.

18. "Rights" means any right that is granted to the victim by the laws of this state.

19. "Victim" means a person against whom the criminal offense has been committed, or if the person is killed or incapacitated, the person's immediate family or other lawful representative, except if the person is in custody for an offense or is the accused.

13-4402 . IMPLEMENTATION OF RIGHTS AND DUTIES

A. Except as provided in sections 13-4404 and 13-4405, the rights and duties that are established by this chapter arise on the arrest or formal charging of the person or persons who are alleged to be responsible for a criminal offense against a victim. The rights and duties continue to be enforceable pursuant to this chapter until the final disposition of the charges, including acquittal or dismissal of the charges, all post-conviction release and relief proceedings and the discharge of all criminal proceedings relating to restitution. If a defendant is ordered to pay restitution to a victim, the rights and duties continue to be enforceable until restitution is paid or a criminal restitution order is entered in favor of the victim pursuant to section 13-805.

B. If a defendant's conviction is reversed and the case is returned to the trial court for further proceedings, the victim has the same rights that were applicable to the criminal proceedings that led to the appeal or other post-conviction relief proceeding.

C. After the final termination of a criminal prosecution by dismissal with prejudice or acquittal, a person who has received notice and the right to be present and heard pursuant to the victims' rights act, article II, section 2.1, Constitution of Arizona, any implementing legislation or court rule is no longer entitled to such rights.

13-4403 . INABILITY TO EXERCISE RIGHTS; LAWFUL REPRESENTATIVES; NOTICE; DEFINITION

A. If a victim is physically or emotionally unable to exercise any right but is able to designate a lawful representative who is not a bona fide witness, the designated representative may exercise the same rights that the victim is entitled to exercise. The victim may revoke this designation at any time and exercise the victim's rights.

B. If a victim is incompetent, deceased or otherwise incapable of designating a representative to act in the victim's place, the court may appoint a lawful representative who is not a witness. If at any time the victim is no longer incompetent, incapacitated or otherwise incapable of acting, the victim may personally exercise the victim's rights.

13-4405. INFORMATION PROVIDED TO VICTIM BY LAW ENFORCEMENT AGENCIES

A. As soon after the detection of a criminal offense as the victim may be contacted without interfering with an investigation or arrest, the law enforcement agency that has responsibility for investigating the criminal offense shall provide the victim with a multicopy form:

1. That allows the victim to request or waive applicable rights to which the victim is entitled, on request, under this article.

2. That provides the victim a method to designate a lawful representative if the victim chooses pursuant to section 13-4403, subsection A or section 13-4404.

3. That provides notice to the victim of all of the following information:

(a) The victim's right under the victims' bill of rights, article II, section 2.1, Constitution of Arizona, to be treated with fairness, respect and dignity and to be free of intimidation, harassment or abuse throughout the criminal or juvenile justice process.

(b) The availability, if any, of crisis intervention services and emergency and medical services and, where applicable, that medical expenses arising out of the need to secure evidence may be reimbursed pursuant to section 13-1414.

(c) In cases of domestic violence, the procedures and resources available for the protection of the victim pursuant to section 13-3601.

(d) The names and telephone numbers of public and private victim assistance programs, including the county victim compensation program and programs that provide counseling, treatment and other support services.

(e) The police report number, if available, other identifying case information and the following statement:

If within thirty days you are not notified of an arrest in your case, you may call (the law enforcement agency's telephone number) for the status of the case.

(f) Whether the suspect is an adult or juvenile, a statement that the victim will be notified by the law enforcement agency at the earliest opportunity after the arrest of a suspect.

(g) If the suspect is an adult and has been arrested, the victim's right, on request, to be informed of the suspect's release, of the next regularly scheduled time, place and date for initial appearances in the jurisdiction and of the victim's right to be heard at the initial appearance and that, to exercise these rights, the victim is advised to contact the custodial agency regarding the suspect's release and to contact the court regarding any changes to the initial appearance schedule.

(h) If the victim chooses to exercise the right to be heard through a written statement, how that statement may be submitted to the court.

B. If at the time of contact with a law enforcement agency the victim is physically or emotionally unable to request or waive applicable rights, the law enforcement agency shall designate this on the multicopy form and the entities that may be subsequently affected shall presume that the victim invoked the victim's right to request applicable rights to which the victim is entitled, on request, unless the victim later waives those rights.

13-4417. REQUEST FOR NOTICE; FORMS; NOTICE SYSTEM

A. The victim shall provide to and maintain with the agency that is responsible for providing notice to the victim a request for notice on a form that is provided by that agency. The form shall include a telephone number and address. If the victim fails to keep the victim's telephone number and address current, the victim's request for notice is withdrawn. At any time the victim may request notice of subsequent proceedings by filing on a request form provided by the agency the victim's current telephone number and address.

13-4435 . SPEEDY TRIAL

B. In any criminal proceeding in which a continuance is requested, the court shall consider the victim's views and the victim's right to a speedy trial. If a continuance is granted, the court shall state on the record the reason for the continuance.

13-4437 . Standing to invoke rights; recovery of damages

A. The victim has standing to seek an order or to bring a special action mandating that the victim be afforded any right or to challenge an order denying any right guaranteed to victims under the victims' bill of rights, article II, section 2.1, Constitution of Arizona, any implementing legislation or court rules. In asserting any right, the victim has the right to be represented by personal counsel at the victim's expense.

C. At the request of the victim, the prosecutor may assert any right to which the victim is entitled.

13-4439 . RIGHT TO LEAVE WORK; SCHEDULED PROCEEDINGS; COUNSELING; EMPLOYMENT RIGHTS; NONDISCRIMINATION; CONFIDENTIALITY; DEFINITION

A. An employer who has fifty or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, and any agent of that employer, shall allow an employee who is a victim of a crime to leave work to exercise the employee's right to be present at a proceeding pursuant to sections 13-4414, 13-4420, 13-4421, 13-4422, 13-4423, 13-4426, 13-4427 and 13-4436.

B. A employer may not dismiss an employee who is a victim of a crime because the employee exercises the right to leave work pursuant to subsection A of this section.

C. An employer is not required to compensate an employee who is a victim of a crime when the employee leaves work pursuant to subsection A of this section.

D. If an employee leaves work pursuant to subsection A of this section, the employee may elect to use or an employer may require the employee to use the employee's accrued paid vacation, personal leave or sick leave.

E. An employee who is a victim of a crime shall not lose seniority or precedence while absent from employment pursuant to subsection A of this section.

F. Before an employee may leave work pursuant to subsection A of this section, the employee shall do all of the following:

1. Provide the employer with a copy of the form provided to the employee by the law enforcement agency pursuant to section 13-4405, subsection A or a copy of the information the law enforcement agency provides to the employee pursuant to section 13-4405, subsection E.

2. If applicable, give the employer a copy of the notice of each scheduled proceeding that is provided to the victim by the agency that is responsible for providing notice to the victim.

G. It is unlawful for an employer or an employer's agent to refuse to hire or employ, to bar or to discharge from employment or to discriminate against an individual in compensation or other terms, conditions or privileges of employment because the individual leaves work pursuant to subsection A of this section.

H. Employers shall keep confidential records regarding the employee's leave pursuant to this section.

I. An employer may limit the leave provided under this section if the employee's leave creates an undue hardship to the employer's business.

J. The prosecutor shall inform the victim of the victim's rights pursuant to this section. A victim may notify the prosecutor if exercising the victim's right to leave under this section would create an undue hardship for the victim's employer. The prosecutor shall communicate the notice to the court during the scheduling of proceedings where the victim has the right to be present. The court shall continue to take the victim's schedule into consideration when scheduling a proceeding pursuant to subsection A of this section.

K. For purposes of this section, "undue hardship" means a significant difficulty and expense to a business and includes the consideration of the size of the employer's business and the employer's critical need of the employee.

15-141 . EDUCATIONAL RECORDS; INJUNCTION; SPECIAL ACTION

A. The right to inspect and review educational records and the release of or access to these records, other information or instructional materials is governed by federal law in the family educational and privacy rights act of 1974 (20 United States Code sections 1232g, 1232h and 1232i), and federal regulations issued pursuant to such act.

B. In addition to the enforcement procedures provided in the family educational and privacy rights act of 1974, the superior court may grant injunctive or special action relief if any educational agency or institution or an officer or employee of an agency or institution fails to comply with the act regardless of whether the agency or institution is the recipient of any federal funds subject to termination pursuant to the act or whether administrative remedies through any federal agency have been exhausted.

C. Notwithstanding any financial debt owed by the pupil, the governing board of a school district shall release to the department of juvenile corrections all educational records relating to a pupil who is awarded to the department of juvenile corrections within ten working days after the date the request is received.

D. A juvenile court may require a school district to provide the court with the educational records of a juvenile who is accused of committing a delinquent or incorrigible act before the juvenile is adjudicated. The educational records shall include the juvenile's cumulative file and discipline file and, if applicable, records that are compiled pursuant to the individuals with disabilities education act (P.L. 91-230; 84 Stat. 175; 20 United States Code section 1400) and the rehabilitation act of 1973 (P.L. 93-112; 87 Stat. 394; 29 United States Code section 794). The presiding judge of the juvenile court shall adopt procedures for the transmission of the educational records from the school district to the juvenile court. The disclosure of the educational records shall comply with the family educational and privacy rights act of 1974 (20 United States Code section 1232g) and shall ensure the ability of the juvenile court to effectively serve, before adjudication, the juvenile whose records are released. Nothing in this subsection shall be considered to prevent the juvenile court from adjudicating a juvenile prior to receiving educational records pursuant to this subsection.

46-454 . DUTY TO REPORT ABUSE, NEGLECT AND EXPLOITATION OF INCAPACITATED OR VULNERABLE ADULTS; DUTY TO MAKE MEDICAL RECORDS AVAILABLE; VIOLATION; CLASSIFICATION

A. A physician, hospital intern or resident, surgeon, dentist, psychologist, social worker, peace officer or other person who has responsibility for the care of an incapacitated or vulnerable adult and who has a reasonable basis to believe that abuse or neglect of the adult has occurred or that exploitation of the adult's property has occurred shall immediately report or cause reports to be made of such reasonable basis to a peace officer or to a protective services worker. The guardian or conservator of an incapacitated or vulnerable adult shall immediately report or cause reports to be made of such reasonable basis to the superior court. All of the above reports shall be made immediately in person or by telephone and shall be followed by a written report mailed or delivered within forty-eight hours or on the next working day if the forty-eight hours expire on a weekend or holiday.

B. An attorney, accountant, trustee, guardian, conservator or other person who has responsibility for preparing the tax records of an incapacitated or vulnerable adult or a person who has responsibility for any other action concerning the use or preservation of the incapacitated or vulnerable

adult's property and who, in the course of fulfilling that responsibility, discovers a reasonable basis to believe that exploitation of the adult's property has occurred or that abuse or neglect of the adult has occurred shall immediately report or cause reports to be made of such reasonable basis to a peace officer, to a protective services worker or to the public fiduciary of the county in which the incapacitated or vulnerable adult resides. If the public fiduciary is unable to investigate the contents of a report, the public fiduciary shall immediately forward the report to a protective services worker. If a public fiduciary investigates a report and determines that the matter is outside the scope of action of a public fiduciary, then the report shall be immediately forwarded to a protective services worker. All of the above reports shall be made immediately in person or by telephone and shall be followed by a written report mailed or delivered within forty-eight hours or on the next working day if the forty-eight hours expire on a weekend or holiday.

C. Reports pursuant to subsections A and B shall contain:

1. The names and addresses of the adult and any persons having control or custody of the adult, if known.
2. The adult's age and the nature and extent of his incapacity or vulnerability.
3. The nature and extent of the adult's injuries or physical neglect or of the exploitation of the adult's property.

4. Any other information that the person reporting believes might be helpful in establishing the cause of the adult's injuries or physical neglect or of the exploitation of the adult's property.

D. Any person other than one required to report or cause reports to be made in subsection A who has a reasonable basis to believe that abuse or neglect of an incapacitated or vulnerable adult has occurred may report the information to a peace officer or to a protective services worker.

E. A person having custody or control of medical or financial records of an incapacitated or vulnerable adult for whom a report is required or authorized under this section shall make such records, or a copy of such records, available to a peace officer or adult protective services worker investigating the incapacitated or vulnerable adult's neglect, exploitation or abuse on written request for the records signed by the peace officer or adult protective services worker. Records disclosed pursuant to this subsection are confidential and may be used only in a judicial or administrative proceeding or investigation resulting from a report required or authorized under this section.

F. If reports pursuant to this section are received by a peace officer, he shall notify the adult protective services of the department of economic security as soon as possible and make such information available to them.

G. A person required to receive reports pursuant to subsection A, B or D may take or cause to be taken photographs of the abused adult and the vicinity involved. Medical examinations including radiological examinations of the involved adult may be performed. Accounts, inventories or audits of the exploited adult's property may be performed. The person, department, agency, or court that initiates such photographs, examinations, accounts, inventories or audits shall pay the associated costs in accordance with existing statutes and rules. If any person is found to be responsible for the abuse, neglect or exploitation of an incapacitated or vulnerable adult in a criminal or civil action, the court may order the person to make restitution as the court deems appropriate.

H. If psychiatric records are requested pursuant to subsection E, the custodian of the records shall notify the attending psychiatrist, who may excise from the records, before they are made available:

1. Personal information about individuals other than the patient.
2. Information regarding specific diagnosis or treatment of a psychiatric condition, if the attending psychiatrist certifies in writing that release of the information would be detrimental to the patient's health or treatment.

I. If any portion of a psychiatric record is excised pursuant to subsection H, a court, upon application of a peace officer or adult protective services worker, may order that the entire record or any portion of such record containing information relevant to the reported abuse or neglect be made available to the peace officer or adult protective services worker investigating the abuse or neglect.

J. A person who violates any provision of this section is guilty of a class 1 misdemeanor.

K. A licensing agency shall not find that a reported incidence of abuse at a care facility by itself is sufficient grounds to permit the agency to close the facility or to find that all residents are in imminent danger.

APPENDIX C

Funding

Introduction

Statewide, sexual assault service providers have expressed the need for resources to assist in identifying potential funding sources. This guide is not to be used as an exhaustive directory, but as a tool identifying the various types of potential funding sources that may assist your organization.

The information contained in this guide pertains to sexual assault service providers and community development. In an effort to keep the material provided in this resource as timeless as possible, general information has been provided about each potential funding source's guidelines. As with any potential funder, be sure to thoroughly research each potential candidate further for appropriateness to the service you provide, requirements for funding, and deadlines before deciding to submit a proposal. We hope you will find this guide useful.

In this guide you will find:

- An overview of government funding, including contact and program information.
- Information about some of the private foundations and corporations who have contributed to Arizona organizations and identified “social services”, “women’s issues” and “community development” as funding priorities.
- Resources on the web to assist in all aspects of grant-seeking, grant-writing, and nonprofit support.

About Government Funding

In the fiscal year 2001, Arizona will receive approximately \$10 million in federal funds aimed at stopping violent crimes against women and improving services for victims. The primary provider of federal funds to sexual assault service providers is the U.S. Department of Justice, Office of Justice Programs. The Office of Justice Programs supports a large division of programs such as the Violence Against Women Office, which administers VAWA (Violence Against Women Act) funds, and the Office of Victims of Crime, which directs VOCA (Victims of Crime Act) funds.

VAWA FUNDS

The Violence Against Women Act 2000 provides over \$270 million a year to assist states, tribes, and their local communities improve criminal justice systems and programs confronting domestic violence, sexual assault, and stalking. Violence Against Women Office grant programs include:

- Legal Assistance for Victims Grant Programs
- STOP (Services*Training*Officers*Prosecutors) Violence Against Women Formula Grants
- STOP Violence Against Indian Women Discretionary Grants
- Grants to Reduce Violent Crimes Against Women on Campus Program
- Rural Domestic Violence and Child Victimization Enforcement Grants
- Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program

The Justice Department has awarded Arizona over \$23.1 million under the VAWA grant programs since the enactment of VAWA legislation in 1994. Since 1995, Arizona has been awarded over \$11.2 million in STOP Violence Against Women Formula Grants. The STOP Violence Against Women Formula Grants Program (herein referred to as STOP) encourages the development and implementation of effective, victim-centered law enforcement, prosecution, and court strategies to address violent crimes against women and the development and enhancement of victim services in cases involving crimes against women. The STOP grants are awarded by the Office of Justice Programs' Violence Against Women Office to the Governor's Division for Prevention of Family Violence, which must award 25 percent of the funds received to law enforcement, 25 percent to prosecution, 30 percent to victims services, 5 percent to courts and 15 percent at their discretion for other STOP program purposes.

For more information about VAWA funding, including the STOP program, visit the Violence Against Women Office's website at www.ojp.usdoj.gov/vawo.

For information about the Arizona STOP grant program: STOP Formula Grants

Address: Governor's Division for Prevention of Family Violence
1700 W. Washington, Suite 101
Phoenix, AZ 85007

Phone: (602) 542-1773
Fax: (602) 542-5522
Email: dirwin@az.gov

Program Uses: 25% to law enforcement, 25% to prosecution, 30% to victim services, 5% to courts and 15% at their discretion for other STOP program purposes.

Eligibility: Varies

Initial Address: Potential recipients must be registered as a vendor with the State Procurement Office (<http://sporas.ad.state.az.us>) to receive solicitation notice of request for proposal.

Deadline: Varies

Other: The Governor's Division for the Prevention of Family Violence awards only STOP funds. Other funds through VAWA such as Legal Assistance, Grants to Encourage Arrests, Grants to Reduce Violent Crimes Against Women on Campus, and Rural Communities Domestic Violence Grants are available through the Violence Against Women Office (www.ojp.usdoj.gov/vawo). Grant Application Kits are available through the Grants Management System online. For more information visit https://grants.ojp.usdoj.gov/Help/gms_index.html.

VOCA FUNDS

Derived from fines, penalty assessment, and bail forfeitures collected from federal criminal offenders, the Crime Victims Fund, established by the Victims of Crime Act of 1984 (VOCA), provides funding for approximately 4,100 victim assistance programs serving approximately 2.5 million crime victims each year; state victim compensation programs that serve an additional 200,000 victims; and training and technical assistance on crime victims issues to thousands of professionals nationwide, including federal criminal justice personnel and tribal organizations. The Office of Victims of Crime administers the Crime Victims Fund. Approximately 90 percent of the funds are distributed to states and territories for two formula grant programs: victim compensation and victim assistance. State victim compensation programs provide reimbursement to, or on behalf of, crime victims for crime-related expenses (such as medical costs, mental health counseling, funeral and burial costs, and lost wages or loss of support). State victim assistance programs fund local victim assistance services such as crisis intervention, counseling, emergency shelter, and criminal justice advocacy.

The Office of Victims of Crime also provides support to Native American Tribes to improve the investigation and prosecution of child abuse cases in Indian country through discretionary grants under the Children's Justice Act.

In the fiscal year 2000, Arizona received over \$6.3 million in victim assistance grant awards and over \$350,000 in victim compensation awards. Administered through the Arizona Department of Public Safety, the victim assistance grant awards have provided support to 72 victim service providers in over 33 cities throughout the state.

VOCA FUNDS

Address: Grants Administration Arizona Department of
Public Safety
P.O. Box 6638
Phoenix, AZ 85006-6638
Phone: (602) 223-2480
Fax: (602) 223-2943
Email: azvictims@dps.state.az.us
Website: www.azvictims.com

Program Uses: Programs which serve victims by providing (one or more): crisis intervention services, information and referral, emergency services, support services such as counseling and advocacy, court related direct services, notification services (case status), temporary protection services, training to professionals that provide services to victims, printing and distribution of brochures about services available to victims.

Eligibility: Direct crime victims service providers, not for protocol development, prevention; cannot offer offender services. Check VOCA guidelines:

www.whitehouse.gov/wh/eop/omb/html/ombhome.html.

Initial Address: Email for request for application, check website for updates, call to be on mailing list for notification

Deadline: Annual notification at first of year, early spring deadline

Other: Funds are competitive, multi-year. Must match funds: 20% match for non-tribal areas, 5% for tribal areas.

ARIZONA CRIMINAL JUSTICE COMMISSION

The Arizona Criminal Justice Commission is the state agency that is responsible for the acquisition of several formula criminal justice grants each year and for the management, administration, and reporting on these federal grants. The Commission awards funds to private not-for-profit or government agencies for the provision of direct services to victims of crime.

Address: Victim Services
3737 N. 7th Street, Suite 260
Phoenix, AZ 85014
Phone: (602) 230-0252 x208
Website: www.acjc.state.az.us

Program Uses: Programs which serve victims by providing (one or more): crisis intervention services, information and referral, emergency services, support services such as counseling and advocacy, court related direct services, notification services (case status), temporary protection services, training to professionals that provide services to victims, printing and distribution of brochures about services available to victims.

Eligibility: Local government agencies and private non-profit entities who have qualified crime victim assistance programs and activities

Procedure: Call for details

Deadline: Call for details

Other: The ACJC also distributes funds to one County Attorney and one law enforcement agency as pass-through grants to improve the detection and prosecution of offenses involving violations of A.R.S. 13-3508, 3552, 3554 (Sexual Exploitation of Children). Grant monies must be matched by the grantee four to one dollar.

ARIZONA DEPARTMENT OF HEALTH SERVICES

The Arizona Department of Health Services Rape Prevention Education Program administers approximately \$700,000 of federal monies to non-profit agencies, through a competitive request for proposal process, to provide general and targeted rape prevention programming throughout the state of Arizona. These funds are restricted to non-profit, community based organizations and rape crisis centers and can only be used to provide prevention services; medical, legal, and professional services to victims of sexual assault are not permitted. Twenty five percent of funds must be used to provide services to youth. Monies for rape prevention education were appropriated by VAWA in 1994 and were given to each state according to a population-based formula.

Address: Rape Prevention Education Program
Arizona Department of Health Services
1400 W. Washington
Phoenix, AZ 85007

Phone: (602) 542-7340

Website: www.hs.state.az.us

Program Uses: General and targeted rape prevention education, state sexual assault coalitions and crisis lines.

Eligibility: Non-profit community based organizations and rape crisis centers that only provide prevention services. 25% of funds must be used to provide services to youth, but will change in 2002.

Procedure: Potential recipients must be registered as a vendor with the State Procurement Office (<http://sporas.ad.state.az.us>) to receive solicitation notice of request for proposal.

Deadline: Varies

Other: Program will be expanding in 2002 to reflect prevention services to more diverse populations and college campus issues.

ARIZONA ATTORNEY GENERAL'S OFFICE

To support the costs to render victims' rights services, the Arizona Legislature established the Victim's Right Fund and designated the Attorney General as Fund Administrator. The Victim's Rights Fund consists of monthly deposits of a percentage of Criminal Justice Enhancement Fund monies, supplemented by a State General Fund appropriation and deposits from collections of a Juvenile Parental Assessment fee. The Victim's Rights Fund provides financial relief for the direct costs incurred by local and state entities to implement victims' rights laws. Disbursement of Victim's Rights Fund monies is

accomplished through the Attorney General's Victims' Rights Program, which provides both financial assistance and other forms of support to criminal and juvenile justice entities in administering victims' rights services and programs.

Address: Arizona Attorney General's Office
Office of Victim Services
1275 W Washington
Phoenix, AZ 85007
Phone: (602) 542-4911
Website: <http://www.attorneygeneral.state.az.us/>

Program Uses: For criminal justice and law enforcement entities to improve or ensure victim's rights are met
Eligibility: Must be criminal justice or law enforcement.
Procedure: Can call for information and to receive 'Victim's Rights Briefs' where notification is made.
Deadline: Initial contact should be made at first of the year, early spring deadline
Other: The Attorney General's Office will sometimes administer support for special projects. For example, in 2000, state leaders, legislators, and community representatives recognized a need for a more uniform and efficient treatment of sexual assault victims. A legislative decision awarded the state \$1.1 million to improve services to victims by developing statewide uniform guideline to ensure a continuum of care; a statewide training opportunity for sexual assault service providers of all disciplines; increasing forensic medical equipment, particularly in rural areas; emergency capital needs for existing service providers; and a public awareness media campaign.

About Corporate or Foundation Funding

According to the American Association Fundraising Counsel Trust for Philanthropy, in the year 2000, approximately \$203.45 billion in charitable contributions were made.

One of the benefits to receiving funds support from a foundation, corporation or trust is the flexibility in its use. An award received can be utilized for a specific project or for general support. The following is a sample of the funding sources available.

The following information should be used as a reference or starting point. Information about foundations and/or corporations has been provided to show the type of support donated in the past. Additionally, for the purposes of this publication, foundations and/or corporations who contribute to "women's issues" have been included. This is not intended to imply that sexual violence is strictly a "women's issue" but to identify potential funders. As with all potential funders, be certain to thoroughly research each possible candidate for appropriateness to your program or service, current information, and availability before submitting requests.

Supplemental information in the following section is reprinted with permission from GrantsUSA, LLC, (623) 412-8650.

ARIZONA CARDINALS CHARITIES

Address: P.O. Box 888 Phoenix, AZ 85001-888
Phone: (602) 379-1840
Fax: (602) 379-1819
Website: www.azcardinals.com

Locations: Statewide
Procedure: Submit written request for application on organization letterhead.
Program Uses: Operating expenses; multi-year/continuing support; project grants; challenge grants; merchandise for fundraising events; player appearances
Other: Special interest in children, education, women and minorities, family and social services.

ARIZONA COMMUNITY FOUNDATION

(14 statewide locations, those relevant listed)

ARIZONA FOUNDATION FOR WOMEN

Address: 201 N. Central Ave, Suite CC5
Phoenix, AZ 85073
Phone: (602) 221-4666
Fax: (602) 221-4838
Email: afw@azfoundationforwomen.org
Website: www.azfoundationforwomen.org

Locations: Statewide
Requests: Send letter of inquiry first
Program Uses: Endowment; seed or startup money
Other: Supports programs benefiting women and children in Arizona, dealing with domestic violence, child abuse and teen pregnancy

THE ARIZONA REPUBLIC CHARITIES

Address: 200 E. Van Buren
Phoenix, AZ 85004
Phone: (602) 444-8071
Fax: (602) 444-8242
Website: www.azcentral.com/relations

Locations: Maricopa County, Statewide (secondary)
Request: Review guidelines on website
Program Uses: General support (see website for qualifying services)
Other: Support given through The Arizona Republic Charities

ARIZONA SOCIAL CHANGE FUND

(Affiliate of Arizona Community Foundation)
Address: 6211 N. 20th St.
Phoenix, AZ 85016
Phone: (602) 957-3088

Fax: (602) 271-7071

Locations: Statewide

Requests: Phone call or letter of inquiry

Program Uses: Project grants

Other: Supports social justice, services advocating for legislative or public policy change

COCHISE COMMUNITY FOUNDATION

(Affiliate of Arizona Community Foundation)

Address: P.O. Box 1166
Bisbee, AZ 85603-2166

Phone: (520) 432-4903

Locations: Southern and southeastern Arizona

Requests: Letter of inquiry

Program Uses: Project grants

Other: Assists rural communities and family services

FLAGSTAFF COMMUNITY FOUNDATION

(Affiliate of the Arizona Community Foundation)

Address: P.O. Box U
Flagstaff, AZ 86002

Phone: (928) 526-1956

Fax: (928) 213-9911

Website: www.azfoundation.org

Locations: Flagstaff

Request: Phone call, letter of inquiry, letter proposal

Program Uses: Project grants; challenge grants; seed or startup money; program development

Other: Supports social service and victim service programs

GRAHAM COUNTY COMMUNITY FOUNDATION

(Affiliate of Arizona Community Foundation)

Address: P.O. Box 387
Safford, AZ 85548

Phone: (928) 348-9649

Locations: Graham County

Request: Letter of inquiry, phone call

Program Uses: General support; operating expenses; project grants; capital/building

Other: Supports services for women

GREATER SEDONA COMMUNITY FOUNDATION

(Affiliate of Arizona Community Foundation)

Address: P.O. Box UU
Sedona, AZ 86339

Phone: (928) 399-1487

Fax: (928) 282-9438

Locations: Sedona area

Request: Letter of inquiry, phone call

GREEN VALLEY COMMUNITY FOUNDATION

(Affiliate of Arizona Community Foundation)

Address: P.O. Box 785
Green Valley, AZ 85614

Phone: (520) 399-1487

Locations: Southern Pima County

Request: Letter of inquiry, phone call

Program Uses: General support; operating expenses; project grants; capital/building

Other: Works in close conjunction with Patagonia Regional Community Foundation

GREENVILLE FOUNDATION

Address: 283 Second Street East, Suite A
Sonoma, CA 95476

Phone: (707) 938-9377

Fax: (707) 939-9311

Email: grnville@sonic.net

Website: www.greenville-foundation.org

Locations: West of the Rockies (has contributed in Arizona)

Request: See website for complete guidelines first, submit letter of inquiry.

Program Uses: Project grants; challenge grants; conferences/seminars; seed or startup money

Other: Supports social services, community development, services for women.

HELLER FOUNDATION (MAX T.)

Address: 4425 N. 24th St., Suite 250
Phoenix, AZ 85016

Phone: (602) 274-9900

Location: Funding limited to Phoenix, AZ

Request: Written request

Other: Has funded sexual assault programs previously

HONEYWELL FOUNDATION

Address: P.O. Box 21111
Phoenix, AZ 85036

Phone: (602) 436-5301

Fax: (602) 436-3000

Email: duane.yourko@honeywell.com

Locations: Primarily Maricopa County
Request: Letter of proposal; 1-2 page full proposal
Program Uses: General support; operating expenses; project grants
Other: Support for public safety, crisis intervention, community development

MACARTHUR FOUNDATION

Address: 140 S. Dearborn St., Suite 1100
Chicago, IL 60603-5285
Phone: (312) 726-8000
Fax: (312) 920-6258
Email: 4answers@macfound.org
Website: www.macfound.org
Locations: National
Request: Contact foundation for application guidelines, then submit 2-3 page letter of inquiry
Program Uses: General support; operating expenses; challenge grants; program development; research. See website for details.
Other: Foundation seeks the development of healthy individuals and effective communities; peace within and among nations. Supports research, policy development, dissemination, education and training and practice.

OTTOSEN FAMILY FOUNDATION

Address: 105 S. 28th St.
Phoenix, AZ 85034
Phone: (602) 275-8514
Fax: (602) 275-8594
Location: Statewide
Request: Letter of proposal
Program Uses: General support; operating expenses; multi-year/continuing support; project grants; research.
Other: Emphasis on children and women's issues

PAGE/LAKE POWELL COMMUNITY FOUNDATION

(Affiliate of Arizona Community Foundation)
Address: P.O. Box 850
Page, AZ 86040-850
Phone: (928) 645-6378
Fax: (928) 645-7298
Locations: Page and surrounding areas
Requests: Letter of inquiry
Other: Guidelines available

PHELPS DODGE CORPORATION

Address: 2600 N. Central Ave.
Phoenix, AZ 85004
Phone: (602) 234-8000
Fax: (602) 234-8082
Website: www.phelpsdodge.com

Locations: Near Arizona operations (Morenci; Phoenix; Ajo; Safford; Bisbee; Tucson/Green Valley; Bagdad; Miami)
Requests: Letter of inquiry; Letter proposal
Program Uses: Multi-year/continuing support; project grants; challenge grants; employee matching gifts; in-kind services; conferences/seminars; seed/startup money
Other: Focus on community and public safety; safety training; violence prevention

THERESA'S FUND

Address: McMurry Campus Center
1010 E. Missouri Ave
Phoenix, AZ 85014
Phone: (602) 395-5855
Fax: (602) 395-0736
Website: www.mcpub.com
Locations: Arizona
Request: Letter of Inquiry; phone; letter proposal; full proposal
Types: Challenge grants; capital/building; in-kind services; fund raising management; board development; employee matching gifts; loaned executives; project grants; endowment
Other: 100% of giving supports domestic violence and child abuse prevention, intervention, refuge and shelter

UNITED WAYS OF ARIZONA

Consult with United Way for funding availability and requirements.

Mesa United Way
225 E. Main St., Ste 301
Mesa, AZ 85201-7435
(480) 969-8601
www.mesaunitedway.org

Navajo Way, Inc.
P.O. Box 309
Window Rock, AZ 86515-0309
(928) 871-6661

United Way of Graham County, Inc.
P.O. Box 811
Safford, AZ 85548-0811
(928) 428-2648

United Way of Lake Havasu
P.O. Box 966
Lake Havasu City, AZ 86405-0966
(928) 855-6333

United Way of Northern Arizona
2821 N. 4th St.
Flagstaff, AZ 86004-1808
(928) 773-9813
www.nazunitedway.org

United Way of Pinal County
P.O. Box 10541
Casa Grande, AZ 85203-0541
(520) 836-0736

United Way of Sierra Vista and Cochise County
P.O. Box 1868
Sierra Vista, AZ 85636-1868
(520) 458-3288
www.hometown.aol.com/uwayofsv/uway.html

United Way of Tucson and Southern Arizona
P.O. Box 86750
Tucson, AZ 85754-6750
(520) 903-9000
www.unitedwaytucson.org

United Way of Yuma County
477 S. Orange Ave.
Yuma, AZ 85364-2268
(928) 783-0515

Valley of the Sun United Way (Maricopa County and Rim Country)
P.O. Box 10748
Phoenix, AZ 85064-0748
(602) 631-4800
www.vsuw.org

WALLACE FOUNDATION

Address: 3370 N. Hayden Rd. Suite 123-287
Scottsdale, AZ 85251-6632
Phone: (480) 563-5506
Fax: (480) 585-4129
Email: wallacefound@qwest.net

Locations: Statewide
Requests: Phone call, letter of inquiry
Program Uses: General Support; operating expenses; multi-year/continuing support; project grants; challenge grants; seed/startup money
Other: Supports social services, women's issues

WELLS FARGO ARIZONA

Address: 100 W. Washington St.
MAC S4101-248
Phoenix, AZ 85003
Phone: (602) 378-1791
Fax: (602) 378-5971
Email: sperdubl@wellsfargo.com
Website: www.wellsfargo.com

Locations: Arizona
Requests: Full Proposal
Program Uses: General support; operating expenses; project grants; capital/building; employee matching gifts to educational institutions

Other: Priority given to requests of community development, human services, education

YAVAPAI COUNTY COMMUNITY FOUNDATION

(Affiliate of Arizona Community Foundation)

Address: P.O. Box 3894
Prescott, AZ 86302
Phone: (928) 708-9632
Fax: (928) 708-0135
Website: www.azfoundation.org

Locations: Yavapai County area
Requests: Call or write for application
Program Uses: General support; emergency grants; multi-year/continuing support; project grants; operating expenses; capital/building
Other: Supports social service programs that benefit serve a variety of ethnic, economic, and cultural backgrounds; demonstrate interagency collaboration

YUMA COMMUNITY FOUNDATION

(Affiliate of Arizona Community Foundation)

Address: P.O. Box 6835
Yuma, AZ 85366
Phone: (928) 539-5343
Fax: (928) 783-3544
Email: yuma@azfoundation.org

Locations: Yuma County
Requests: Call for information, full proposal
Program Uses: Project grants; endowment; new or continuing programs; service expansion
Other: Supports social, human services

About Funding Resources

The technological boom of the past decade has created a wealth of resources and information for grant-seekers available on the internet.

The internet has become an invaluable tool for nonprofit organizations, saving time and opening doors to funding opportunities.

Funding Opportunities

AZ Guide to Grants & Giving www.azgrants.com
-*The Arizona Guide to Grants and Giving* is an excellent, must-have resource for those seeking alternatives to government funding. The website is comprehensive, a "how-to" for beginners and novices alike. Also publishes an annual funding resource directory, web database for easy searches (both for a fee) and free email newsletter.

Arizona Rape Prevention
Education Project
www.u.arizona.edu/~sexasslt/arpep

The City of Tucson/Pima County Public Library
www.lib.ci.tucson.az.us/grants
A wealth of information about nonprofits, grants,
foundations, and more.

Arizona Community Foundation
www.azfoundation.org

The Foundation Center
www.fdncenter.com

GuideStar-The National Database of
Nonprofit Organizations
www.guidestar.org

GrantSmart
www.grantmart.org
About.com Internet
Guide to Grants
<http://nonprofit.about.com/mbody>

Better Business Bureau
Wise Giving Alliance
www.give.org

Rape, Abuse & Incest
National Network
www.rainn.org

Government Sites

Arizona Department of Administration,
State Procurement Office
<http://sporas.ad.state.az.us>

Arizona Department of Public Safety
www.azvictims.com

Arizona Department of Health
<http://www.hs.state.az.us>

Arizona Criminal Justice Commission
www.acjc.state.az.us

Arizona Office of the Governor
www.az.gov

Arizona Office of the Attorney General
<http://www.attorneygeneral.state.az.us>

U.S. Department of Justice,
Violence Against Women Office
www.ojp.usdoj.gov/vawo/

Office for Victims of Crime
www.ojp.usdoj.gov/ovc

Grants Management System
https://grants.ojp.usdoj.gov/Help/gms_index.html

Catalog of Federal Domestic Assistance
(search the federal register)
<http://www.cfda.gov/>

Recommended Reading

Arizona Guide To Grants and Giving
Marilyn M. Boess, Editor
Published Annually

APPENDIX D

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Addendums

- Navajo Nation Child Sexual Abuse Protocol (Draft)
- Navajo Nation Law Enforcement Sexual Assault Supplement Curriculum
- Title 17: Navajo Nation Violence Against Family Act (Draft)

Addendums available upon request from:

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NAVAJO AND HOPI NATIONS TEAM

VICTIM ASSISTANCE/SERVICES

BEST PRACTICE RESPONSE TO SEXUAL ASSAULT

MISSION, VALUES, GOALS

• This “best practice response” to sexual assault is a result of the work of victim service professionals within the Navajo and Hopi nations, and other professionals within Arizona. We would like to share this document as a resource to other Native American nations dealing with the difficulties and trauma of sexual assault.

Understanding that victims may be reluctant to participate in the legal system and will not achieve the remedies they seek, victim assistance service providers are committed to treating victims with respect, asking victims to specify the outcomes they desire, and ensuring to the fullest extent possible, that victims are protected during the pendency of legal and administrative proceedings.

- Provide emergency assistance and support to victims of sexual assault
- Take the lead in educating the public about sexual assault
- Improve the quality of services provided to crime victims by providing education, training and advocacy
- Improving collaborative professional services for sexual assault survivors

WHAT IS SEXUAL VIOLENCE?

Sexual violence is an umbrella term used to cover a broad spectrum of abuse. In this ideal response, sexual violence refers to sexual assault, relationship violence, and stalking. It is important to note that many forms of relationship violence and stalking are not sexual in nature but would fall within the realm of what this response discusses. For example, two non-romantic roommates can be involved in relationship violence without that relationship including sexual components.

Lack of consent can take many forms including impairment due to mental disorder, voluntary or involuntary drug or alcohol consumption, sleep, age an/or a power differential.

Sexual assault programs vary in the range of services they provide to survivors, depending on resources and personnel available. Most services are free or are provided on a sliding fee scale, confidential and available to survivors, whether or not they choose to report the assault to law enforcement.

Victims Needs

- Sexual assault victims need to know what services are available to them and who provides them. They also need to know that such providers will stay safely in their roles. Victims' need clearly defined choice points and options.

- Time is of the essence to ensure immediate support for a victim who is in crisis and in order to secure evidence for possible prosecution.

- Service providers must be clear about the victim's confidentiality because any outside communication may be experienced by the victim as another violation of trust.

- The victim needs to move at his or her own pace through the process of recovery.

- Victims and their witnesses need to be prepared for trial.

For advocacy to effectively serve victims of sexual assault, it must be informed, victim-directed, strategic and well-articulated. Legal and community advocates must be knowledgeable about law and legal practice. They should be skilled communicators, able to work with diverse clientele and agencies. Advocates must be engaging.

Advocates must be diplomats, as well as students and teachers. They should set the standard for ethical practice. They have to be both certain and humble in their approach to change. Advocates should be well-trained and/or certified as appropriate.

Advocates must respect the victims they serve, colleagues in the legal and public policy arenas, and the systems they seek to change.—Barbara Hart, Pennsylvania Coalition Against Domestic Violence

Victim Assistance Activities

- Provide victims with information about legal options or remedies
- Teach victims how to assess the risk posed by perpetrators
- Engage victims in critical thinking about strategies to avert further violence (i.e. safety planning)
- Assist victims in identifying the array of problems arising from the violence
- Offer feedback on the criminal and civil remedies being considered by victims
- Assist victims with resources for full victim participation in the legal system
- Assist women in legal pleadings, impact statements and victim compensation claims
- Help victims prepare for interviews with legal professionals and court proceedings

- Provide accompaniment and support to victims in administrative and court hearings
- Ensure that victims receive notification about all pending legal matters
- Insist that all victims have the opportunity of being heard with regard to all legal proceedings wherein they are involved

Help victims overcome barriers in the legal system that impeded safety and justice

- Act to promote the issuance and enforcement of court orders that incorporate the protections and outcomes desired by victims
- Sexual Assault Response Team (SART) sites should be used as appropriate

Victim Rights/Compensation

The Navajo and Hopi nations believe that victims should be granted certain rights. Some of those are as follows:

- To be treated with fairness, respect and dignity and to be free from intimidation, harassment or abuse
- To be informed, upon request, when the accused or convicted person is released or escaped
- To be present at and, upon request, to be informed of all criminal proceedings
- To be heard at a post-arrest release, negotiated plea, and sentencing,
- To refuse an interview or discovery request
- To confer with prosecution
- To read pre-sentence reports
- To receive prompt restitution
- To be heard at any proceeding when any post-convictions release is considered
- To a speedy trial or disposition
- To have all rules protect victims rights
- To be informed of victims' constitutional rights

The victim should decide whether to make her statement orally, in writing, or by audio or videotape.

It is also important to remember that confidentiality applies with regard to victim's medical, counseling, and advocacy records.

Who Is Eligible to Apply For Crime Victim Compensation Funding Through the Navajo and Hopi Nations:

A person who has been a victim or a secondary victim of a crime or an act of international terrorism, they may apply for financial help if they have:

- Suffered physical injury or mental distress and experience economic loss as a direct result of the crime or act of international terrorism
- Are victimized in Arizona, or are a border town resident who has been a victim of international terrorism
- Reported the crime or act of international terrorism to a police agency within 72 hours unless good cause is shown to justify a delay
- Willingly and fully cooperated with the appropriate law enforcement agencies
- Submitted an application within one year from the discovery of the crime or act of international terrorism unless good cause is shown to justify a delay

Allowable/Unallowable Expenses for Crime Victims through the Navajo and Hopi Nations:

A victim may be eligible to receive money for crime related expenses:

- Traditional/wellness ceremony for Native Americans
- Job search expenses
- Child Care
- Traditional Counseling
- Transportation
 - Medical expenses
 - Mental health counseling expenses
 - Loss of wages
- Funeral expenses
 - In addition to having victim advocacy representation, a victim can have her attorney representation paid for (vertical prosecution).

When Considering Reimbursable Expenses For Crime Victims, the Navajo and Hopi Nations Cannot Consider Claims For:

- Property loss and damage
- Pain and suffering
- Expenses that would benefit an offender
- A person serving a sentence of imprisonment in a detention facility or who has escaped imprisonment in a detention facility, home arrest, or work furlough program
- Expenses paid by other resources

Victim/Witness & Community Advocacy

In many communities the Victim/Witness agency often serves as the primary agency to serve victims and their families. Law enforcement, medical, and court communities often ask Victim/Witness agencies to provide services for the victims they entities serve. Victim/Witness agencies provide a variety of services. Some of those services are as follows:

- *Sexual Assault:* Victims and family members will be assisted
- *Response to Homicides:* Victim's survivors will be assisted
- *Completed Suicide:* Family members, friends, and co-workers/associates will be assisted
- *Fatality or Serious Injury:* Victims and survivors will be assisted
- *Death Notification:* Survivors and co-workers/associates will be assisted
- *All major crimes (including domestic violence, aggravated assault, armed robbery and other crimes against persons:* Victims and family members (including children) will be assisted

Victim/Witness Services crisis response is generated through the Navajo and Hopi Nation's Police Department's dispatch via Victim/Witness Services system.

Upon arrival on scene (location provided by dispatch), the crisis team will contact the person in charge (officer, detective, etc.) and will be briefed on case including status of investigation, suspect, etc. Crisis team members will be wearing V/WS identification badges. Intervention method (including referrals) is determined by the type of crime/crisis that has occurred.

Additionally other community victim service agencies work diligently to provide a variety of stellar services for victims. The following are some of the services and procedures provided by community victim service agencies (as well as Victim/Witness Services).

Accompaniment:

Advocates should provide personal support and accompaniment to hearings, interviews, trial and sentencing proceedings upon request of victims of violent crime.

Procedures for Accompaniment:

- Notify victims, witnesses and family members of criminal proceedings pursuant to appropriate tribal codes.

- Coordinate victim, witness and family member appearances at hearings, interviews, trial and sentencing with the goal of minimizing appearances, as the courts and victim's time is precious.

- Coordinate provision of accompaniment services with other agencies, e.g. sexual assault crisis center, domestic violence programs to avoid duplication of service.

- Victim(s) and witnesses should be prepared for trial:

- Coordination should be made with Victim/Witness services

- County Attorney representative should be present at interviews/depositions of witness by defense council

- Provide information or assistance with regard to transportation from or to hearings as needed.

- When accompanying victims to various proceedings, explain the purpose of the proceeding, including what to expect and what is expected of them.

- Provide information and referral to victims in need of counseling

- Inform victims, witnesses and family members of the right to restitution

- Maintain accurate records and documentation of all cases and the status thereof, and keep all records and documentation confidential.

- Develop a comprehensive referral system and establish a rapport with prosecutorial and police agencies.

Crisis Intervention Services:

Effective and appropriate crisis intervention means responding immediately to the emotional, medical, legal and social consequences of sexual assault. A primary principle of crisis care is validation of the victim's experience of assault and the emotional consequences of powerlessness, loss of dignity, and humiliation.

By offering immediate opportunity and a safe environment to deal with the impact of the recent sexual assault, victims may be provided with information and support to facilitate informed decision making with regard to legal options, medical consequences to the experience of sexual assault, and the emotional consequences of the trauma.

Crisis Intervention Procedures (Shelter and General Advocacy Programs):

- When a victim calls law enforcement dispatch following a sexual assault, the advocate will assess whether or not the caller needs shelter and respond accordingly.

- If the caller does not need shelter, the advocate should provide crisis support by telephone as needed, as well as provide resource and referral information as needed.

- If caller needs shelter, advocate should complete phone intake with caller and assist caller in making arrangements for shelter as needed

- If client needs medical care or wants to report assault to law enforcement, advocate should accompany client or contact. If community agency cannot accompany client, Victim/Witness Services and/or an advocate should be contacted.

- Advocacy agencies in the Navajo/Hopi Nations should have available to them a bi-lingual advocate, as the population of the state has a high rate of Native-speaking residents.

- If adult or child caller is reporting child sexual abuse/assault, the advocate should immediately notify law enforcement first and then Child Protective Services. Referrals/transportation arrangements can be made in conjunction with law enforcement and Child Protective Services to appropriate agencies (social services, shelter, etc.). It is important to inform the caller of the reporting obligations of the advocate's agency, law enforcement, and or the hospital.

The advocate should be careful to document any call regarding sexual assault, however, extra care should be taken when documenting calls regarding child abuse. The advocate should not attempt to conduct an interview with the child. Advocate should be sure that law enforcement and CPS are coordinating the interview.

Counseling and Behavioral Health Service Referrals:

Some victims of sexual assault suffer emotional harm; others do not. If the advocate believes the victim could possibly benefit from counseling, the advocate can present counseling services as part of the "service" package along with other services the agency provides, being careful not to make personal judgments about the client's emotional state based on bias, thus causing embarrassment or further emotional harm to the client. If a client asks for counseling assistance, the advocate should refer or assist in the referral process to a counseling service that has been trained in the areas of sexual assault and child sexual abuse trauma.

If victim identifies a need for counseling services, advocate should make referral to local counseling service. If victim asks for assistance in making the call, the advocate should assist in the scheduling of a session for the client.

Therapist's Responsibilities:

The therapist's primary goal in working with sexual assault victims should be to facilitate the healing of that victim. This may include suspending the current course of treatment in order to focus on the immediate sexual assault induced or related crisis, providing validation and emotional support while the victim makes any necessary practical life changes, assisting in minimizing secondary trauma during the legal process, and supporting the victim in finding and following up on community health and legal resources and victim services organization.

- Mental health professionals who prefer not to work with sexual assault victims or lack expertise in this area, may also contact Community Information and Referral, local Advocacy Centers or Sexual Assault Crisis Centers to seek referrals to mental health professionals who specialize in working with sexual assault victims.

- Therapists should have some basic knowledge of community resources available to sexual assault victims, and be willing to refer the victim to the appropriate organization.

- Mental health professionals should respect the victim's decision regarding whether or not to press charges.

- Therapists should provide support to the sexual assault victim through the legal process, as therapeutically appropriate. If a therapist is unfamiliar with the legal process, he/she can refer the victim to an advocate through local Advocacy Centers, the Police Department or the County Attorney's Office.

- Therapists should be prepared to be called as a witness, although this will not always be necessary. This may be done by interview, deposition, and/or appearance in court. Therapists should be aware that there may be legal limitations regarding the content and scope of their testimony.

When writing treatment plans and clinical notes, therapists should be aware of the possibility that their client's file may be subpoenaed. Therapists should contact the County Attorney or "on call" lead attorney for the County Attorney's office concerning any questions regarding requests for interviews, depositions or court appearances. Therapists are advised to consult with their agency lawyer (therapists in private practice should also seek legal counsel), regarding privilege issues and other legal matters.

GENERAL COUNSELING SERVICE PROCEDURES:

In addition to providing counseling services, the counselor should:

- Provide information to the client regarding procuring a medical examination following a sexual assault (for STD and pregnancy testing if client does not want rape kit done).
- Provide information to the client on how to report to law enforcement, and the benefits thereof. Client does not have to report to law enforcement to receive services.

Community Resources:

Advocates should be qualified to make appropriate referrals for any victim who requests assistance within and without the criminal justice system. The advocate should have a list of community service agencies and the services those agencies provide. Such agencies should include, but are not limited to: sexual assault, domestic violence, child sexual assault, family, children and youth services, Indian Health Services, tribal social services, and financial/housing assistance, and mental health/developmentally disabled organizations, or traditional counseling. For each agency, the advocate should have the name of a contact person and one or more telephone numbers that will enable the advocate and/or the victim to contact that individual.

Community Resource Procedures:

- Advocate or agency coordinator should meet with representatives of agencies to discover what if any programs they conduct that may be beneficial to victims of crime. Develop Multi-disciplinary Team contact list.
- When making referrals, provide agencies with basic information on the individuals being referred, and whenever possible, provide the individuals who are being referred with necessary information to make contact with a particular agency.
- In order to be effective, referrals must be appropriate. It is important that the needs of each victim are addressed before making any referrals. Inappropriate referrals only create frustration for both victim and the agency.

Supportive Advocacy Counseling:

The advocate shall be aware of victim and witness needs and be able to offer supportive (not necessarily certified) counseling at all points before, during and after prosecution of the case. The advocate should seek training in effective techniques for providing supportive counseling and empathetic listening. Victims who require therapeutic counseling should be referred to the appropriate qualified agency.

Supportive Advocacy Counseling Procedures:

- Advocate should obtain training in supportive counseling by attending seminars and/or workshops conducted by qualified trainers.
- Advocate should actively “listen” to the victim and hear the emotion expressed through the words as well as through body language.

- Advocate should remain nonjudgmental about the thoughts expressed by the victims and/or witnesses.
- Advocates should utilize knowledge of qualified agencies for sexual assault cases when referring clients to counseling.
- Advocates should assist the victim in clarifying the options available within the criminal justice systems and situations that develop extemporaneously.

Conferring With Prosecutor:

Victim advocacy agencies, specifically those that accompany clients to court and assist during the entire court process, should develop a close inter-agency relationship with the prosecutor's. Both agencies should work together to develop written policy and procedure that speak to prosecutorial practices related to implementing the victim's right, upon request, to confer with the prosecutor about the disposition of a criminal offense, including the victim's views about a decision not to proceed with a criminal prosecution, dismissal, plea or sentencing negotiations, pretrial diversion program, and the right to confer before the commencement of a trial.

Conferring With Prosecutor Procedures:

- The advocacy agency should work with the prosecutor to establish written policies and procedures regarding timely victim conferences with the prosecutor.
- The advocate, upon request, should accompany the victim through the conference and shall accompany all victims of sexual offenses.
- The advocate should ensure that the victim receives a courtesy contact prior to the conference as a reminder of the appointment.
- Advocates should ensure that appointments will be changed at the earliest known date to prevent unnecessary trips and inconvenience to victims.

RESOURCES

Edna Scott, Chair of Domestic Violence Coalition, Navajo Nation: Drafter, Reviewer

Maxine Wadsworth, Victim Advocate, Hopi Prosecutor's Office: Drafter, Reviewer

Leanne Guy, Director, ADABI Services, Chinle, AZ: Drafter, Reviewer

Department of Public Safety Website

New Jersey Standards for Providing Services to Survivors of Sexual Assault

Southern Arizona Center Against Sexual Assault —
Sexual Assault Resource Service Protocol

Barbara Hart, Pennsylvania Coalition Against Domestic Violence

Texas Department of Health Services, Sexual Assault Prevention and Crisis Intervention

**SEXUAL ASSAULT CAN STRIKE ANYONE
FOR COUNSELING, HELP, ASSISTANCE, OR ANY OTHER NEED
CALL ONE OF THE RESOURCES LISTED BELOW**

CENTER FOR THE PREVENTION OF ABUSE AND VIOLENCE (CASA)

24 hour crisis hotline (602) 254-9000 1-888 446-2272

SOUTHERN ARIZONA CENTER AGAINST SEXUAL ASSAULT

24 hour crisis hotline (520) 327-7273 1-800-400-1001

MOUNT GRAHAM SAFE HOUSE — SAFFORD

24 hour crisis hotline 1-888-269-9104

RAPE ABUSE & INCEST NATIONAL NETWORK (RAINN)

RAINN is the nations only toll free sexual assault hotline. It operates 24-hours per day and will route each call to a rape crisis center closest to the caller. All calls are confidential. Call from anywhere in Arizona.

• 1-800-656-4673 • 1-800-656-HOPE

SEXUAL ASSAULT INFORMATION

Arizona Rape Prevention Education Project	(520) 626-9509
Arizona Sexual Assault Network (AzSAN)	(602) 258-1195
*Center for the Prevention of Abuse and Violence (CASA)	(602) 254-6400
*Northern Arizona University Counseling & Testing Center	(928) 523-2261
Oasis Center for Sexual Assault and Relationship Violence	(520) 626-2051
Sexual Assault Recovery Institute	(602) 235-9345
*Southern Arizona Center Against Sexual Assault	(520) 327-7273/1-800-400-1001
*24 hour emergency services	

CHILD AND FAMILY ADVOCACY CENTERS

Provide services within a safe, comforting and supportive environment to victims and their families who are affected by crime.

Coconino County	(928) 779-6163	City of Phoenix Center	(602) 534-2120
Kingman-Sarah's House	(928) 718-5522	Phoenix-Childhelp	(602) 271-4500
Lake Havasu Center	(928) 453-5800	Children's Advocacy Center	(520) 741-6931
Mesa Center	(480) 644-4075	Yavapai Center	(928) 775-0669
Northwest Valley Center	(623) 930-3720	Yuma-Amberly's Place	(928) 373-0849

ARIZONA ATTORNEY GENERAL JANET NAPOLITANO • OFFICE OF VICTIM SERVICES

Provides support, advocacy, victims' rights information and referrals for crime victims.

(602) 542-8453 • www.ag.state.az.us

Sexual Assault Website • www.azsexualassault.com

ARIZONA DEPARTMENT OF PUBLIC SAFETY • SEX OFFENDER INFOCENTER

The site provides information to the public about the location of sex offenders within Arizona. This site does NOT supplant the community notification process, but rather it allows the criminal justice community to promote public awareness concerning the potential threat that sex offender's pose to Arizona citizens.

• www.azsexoffender.com

It is important to remember that no matter what you and your loved one may be feeling, do not forget—

You're not alone... it's not your fault... we believe you