



AZ Crime Victim Rights Law Group

Background

Personal Story- A Capital Case- A survivors' story

20 + years working with homicide survivors in many capital cases

15 years combined Executive Director and National Board President Parents of Murdered Children, Inc

6 years Arizona Governor Janet Napolitano's Adviser for Victims

Director of the Arizona Attorney General's Office of Victim Services

National Organization for Victim Assistance National President

Co-Founder of Arizona Crime Victim Rights Law Group-Az nonprofit 501c3

Homicide Survivors Common Reactions



Focus for survivors is typically on punishment & accountability



Shock



Anger



Disbelief



The feeling that the murderer, if found, has rights and protections but survivors of homicide victims have few rights.

Courts and Delay for Victims

In [*Boyer v. Davis*](#) *US Supreme Court* Justice Stephen Breyer argued that long delay undermines the retributive interest served by, and any deterrent value of, the death penalty.

In *Bucklew v. Precythe*, the Court recognized the harmful effects of delays in capital cases on victims' families and called on lower courts to prevent dilatory tactics.

"Both the State and the victims of crime have an important interest in the timely enforcement of a sentence." *Hill*, 547 U. S., at 584.

State appeals and separate state and federal habeas challenges drag out the process.

Death Penalty Impact on Victims

Violent crime extracts an unspeakably cruel toll on its victims.

Long delays carry out pain and suffering of victims.

Continued appeals (many frivolous) w opening reply briefs, oral arguments, and constant reminders of what they must endure.

Violates a victims' right" ... to a prompt and final conclusion of the case after the conviction and sentence" Ariz, Constitution 2.1 (A)(10)

Capital Cases Delays: Impact on victims



Courts frequently overlook the impact of long delays on victims.



Scheduling conflicts, continuances, and other unexpected delays throughout the course of the trial create additional anxiety for victims. E.g. a week or two to pick a jury



Physical Illness



Psychological- PTSD Post-traumatic Stress Disorder ("PTSD") is a commonly documented consequence of violent crime.



Also depression, substance abuse, panic disorder, agoraphobia, social phobia, obsessive-compulsive disorder, and even suicide. Parsons & Bergin, *The Impact of Criminal Justice Involvement on Victims' Mental Health*, 23 J. TRAUM. STRESS at 182.



Delay in death penalty cases means that "[c]hildren who were infants when their loved ones were murdered are now, as adults, still dealing with the complexities of the criminal justice system." Dan S. Levey, *Balancing the Scales of Justice*, 89 JUDICATURE 289, 290 (2006)



Financial toll

Prosecutors and Victims in Capital Cases

Working
together for
Justice

No such thing as “closure” for a crime victim—perhaps “judicial closure”

The prosecution can become so involved in the protection of the victim that attorneys miss the opportunity to help discern the best interests of justice for society and the family.

DIVO-Defense Initiated Victim Outreach Programs- Defense team reaching out to the victim with a “victim advocate”

Victims want a “voice not a veto”

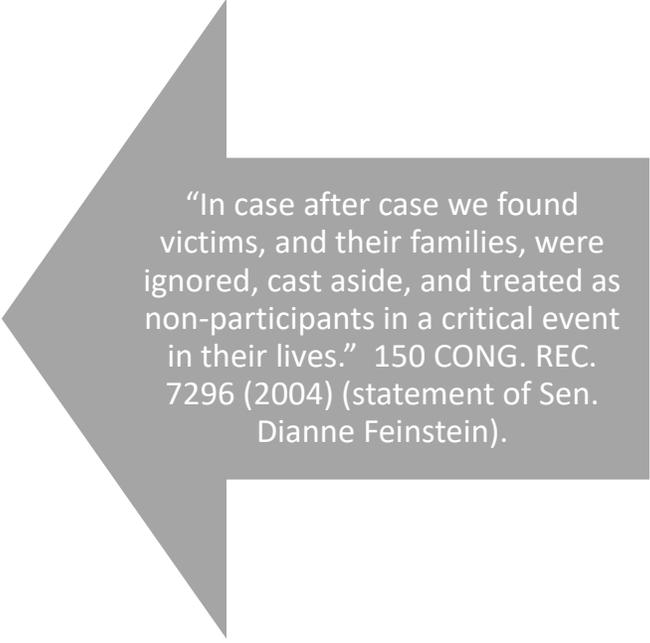
Victim Rights Attorney’s can be extremely helpful

Victims want to typically be Informed, Involved and Included in the CJS

Crime Victim Rights Act



Sen. Dianne Feinstein, a CVRA sponsor, explained the need for the legislation as follows:



“In case after case we found victims, and their families, were ignored, cast aside, and treated as non-participants in a critical event in their lives.” 150 CONG. REC. 7296 (2004) (statement of Sen. Dianne Feinstein).

Victim Feelings about Death Penalty

Some victims say they feel they are treated differently by the state if they are against the DP-adversarial relationship.

Victims should be told up front about the delays to expect and realistic expectations.

Explain the reasons why it is or is not a capital case.

Impact Statement at sentencing- Lynn v. Reinstein, 68 P.3d 412 (AZ 2003)

Another Area to Consider is Restitution

Another way of holding murderer's
accountable

A monthly reminder to the inmate of
the horrible crime they committed

Possibly a therapeutic benefit

A carrot to encourage prisoner
accountability

Supplements the punishment

Questions?

For further information,
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Thank you



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