



1 VICTIM SERVICES

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3 **1) Protecting Victims' Rights**

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5 The Utah Attorney General's Office (UAGO) is committed to ensuring victims' rights
6 under Utah law are protected throughout the criminal justice process. Utah victims' rights are
7 found in the Utah Constitution, Article 1 § 28, and Title 77, Chapters 37 and 38, of the Utah
8 Code of Criminal Procedure.

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10 Victims' rights include:

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- 12 • The right to be treated with fairness, respect, and dignity, and to be free from harassment
13 and abuse throughout the criminal justice process;
- 14 • The right, upon request, to be informed of, be present at, and to be heard at important
15 criminal justice hearings related to the victim;
- 16 • The right to notice of filing of felony criminal charges against a defendant and
17 subsequent important criminal hearings, consistent with the procedures outlined in
18 U.C.A. §77-38-3;
- 19 • The right to be present and to be heard at important criminal and juvenile justice
20 hearings, and to file an amicus brief on appeal, consistent with the procedures outline in
21 U.C.A. § 77-38-4;
- 22 • The right to privacy, including protecting location information during court proceedings,
23 consistent with U.C.A. § 77-38-6;
- 24 • The right to a speedy disposition of charges, free from unwarranted delay, and to have
25 their interests considered in trial scheduling, consistent with U.C.A. § 77-38-7 and
26 U.C.A. 77-37-3(1)(h);
- 27 • The right to be informed as to the level of protection from intimidation and harm
28 available to them, and from what sources, including criminal prosecution of witness



- 29 tampering and threats against a victim, and to be timely provided this information in a
30 form useful to the victim (U.C.A. §77-37-3(1)(a));
- 31 • A right to be informed and assisted as to their role in the criminal justice process (U.C.A.
32 § 77-37-3(1)(b));
 - 33 • The right to clear and age-appropriate explanations regarding relevant legal proceedings
34 (U.C.A. § 77-37-3(1)(c));
 - 35 • The right to a secure waiting area that does not require them to be in close proximity to
36 defendants or the family and friends of defendants (U.C.A. § 77-37-3(1)(d));
 - 37 • The right to seek restitution or reparations, including medical costs, and to be informed of
38 this right (U.C.A. § 77-37-3(1)(e));
 - 39 • The right to have any personal property returned as provided in U.C.A. § 77-24-1 through
40 § 77-24-5 (U.C.A. § 77-37-3(1)(f));
 - 41 • The right to timely notice of judicial proceedings they are to attend and timely notice of
42 cancellation of these proceedings (U.C.A. § 77-37-3(1)(g));
 - 43 • The right, for victims of sexual offenses, to be informed of their right to request voluntary
44 testing for HIV infection and mandatory testing of the alleged offender for HIV infection
45 (U.C.A. § 77-37-3(1)(h).

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47 Child victims have additional rights, including:

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- 49 • The right to protection from physical and emotional abuse during their involvement with
50 the criminal justice process;
- 51 • The right not to be questioned, in any manner, nor to have allegations made, implying
52 this responsibility for a crime committed against them;
- 53 • The right to have interviews relating to a criminal prosecution kept to a minimum, and to
54 be interviewed by persons sensitive to the needs of children.



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- The right to be informed of available community resources that might assist them and
- 56 how to gain access to those resources, and to have those services available throughout the
- 57 justice process;
- The right, once an investigation has been initiated by law enforcement or the Division of
- 58 Child and Family Services, to have their investigative interviews that are conducted at a
- 59 Children's Justice Center, including both video and audio recordings, protected,
- Children's Justice Center, including both video and audio recordings, protected,
- 60 consistent with the procedures outline in U.C.A. § 77-37-4(5).
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63 Every Assistant Attorney General and investigator working at the UAGO is responsible

64 for understanding and protecting these rights within the scope of their work. Supervisors within

65 the UAGO are responsible for ensuring those under them understand and protect these rights.

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67 The UAGO also employs victim coordinators to ensure victims' rights are represented

68 throughout the justice process. UAGO victim coordinators: make and maintain contact with

69 crime victims; notify crime victims of important hearings; facilitate victims' right to be heard at

70 important hearings; facilitate communication between prosecutors and victims about important

71 decisions including filing and disposing of charges; and connect victims with available resources

72 and services.

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74 **2) Systems vs. Community-based Victim Service Provision**

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76 UAGO victim coordinators serve within a "systems-based" model, meaning their

77 advocacy for a victim is inherently tied to the criminal justice process. This contrasts with

78 "community-based" victim advocates and service providers, who can provide resources separate

79 from the criminal justice process. The UAGO victim coordinator's role as a systems-based

80 advocate confers certain responsibilities and limitations, including:

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83 1) Limits on Confidentiality

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85 Some courts have viewed systems-based victim service providers as part of the
86 prosecution or law enforcement team, which may place limits on the confidentiality of
87 information victims provide to systems-based advocates. As such, the UAGO victim coordinator
88 shall clearly communicate to victims that their role is tied to law enforcement and prosecution,
89 and that any communications made to the UAGO victim coordinator may be disclosed to
90 prosecutors and law enforcement and are potentially discoverable.

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92 The UAGO victim coordinator must share relevant or potentially exculpatory information
93 with UAGO law enforcement and prosecutors, who must then provide it in discovery as
94 governed by *Brady*, *Giglio*, and other applicable laws.

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96 2) Limits on Direct Service Provision

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98 Although the UAGO is committed to protecting victims' rights throughout the justice
99 process, the UAGO is not a direct provider of victim services. The UAGO is not set up as a
100 victim service organization and does not have the requisite expertise to provide direct services.
101 Furthermore, it is important to draw a clear line between the role of the UAGO from that of a
102 community-based service provider, because victim services should never be tied to or
103 conditioned upon a victim's participation in the justice process. The UAGO is committed,
104 however, to informing victims of all available resources provided by community-based
105 advocates and working to connect victims with those resources.

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107 3) Responsibility to Refer to Outside Agencies

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109 The UAGO victim coordinator is responsible for understanding the landscape of
110 available victim services in the community. The UAGO victim coordinator should maintain
111 contact and working relationships with outside agencies to facilitate victim referrals. The UAGO



112 shall make all reasonable efforts to inform victims of community-based services available to
113 them. The UAGO victim coordinator shall clearly communicate that such community-based
114 services are available regardless of whether the victim participates in the justice process. The
115 UAGO victim coordinator should make reasonable efforts to connect victims to community-
116 based services through direct referrals when possible.