

Victims Rights in Colorado



Victims of Crime in Colorado

- # In 1992, Colorado passed a state constitutional amendment that provides crime victims with certain rights.
- # The Colorado Constitution provides that: Any person who is a victim of a criminal act or such persons designee, legal guardian, or surviving immediate family members if such person is deceased, shall have the right to be heard when relevant, informed and present at all critical stages of the criminal justice process.

Definitions

- # Crime - means any of the offenses listed, whether they are committed by a juvenile or adult:
 - Murder - 1st and 2nd Degree
 - Manslaughter
 - Assault - 1st, 2nd, 3rd degree, vehicular, on the elderly or handicapped
 - Criminally negligent homicide and vehicular homicide

Definitions

Crime:

- Menacing
- Kidnapping - 1st and 2nd degree
- Sexual Assault - 1st, 2nd, 3rd degree, on a child, on a child by one in a position of trust, on a client by psychotherapist
- Robbery - aggravated, aggravated of a controlled substance, of the elderly or handicapped

Definitions

Crime:

- Incest and aggravated incest
- Child abuse
- Sexual exploitation of children
- Crimes against at-risk persons
- Domestic violence
- Careless driving that results in the death of another person

Definitions

Crime:

- Failure to stop at the scene of an accident that results in the death of another person
- Harassment by stalking
- Ethnic intimidation
- Any attempt, conspiracy, solicitation, or accessory of the above listed crimes

Definitions

- # **Critical Stage - means the stages of the criminal justice process listed:**
 - The filing of charges against a person accused of a crime
 - The preliminary hearing
 - Any bond reduction or modification hearing in which the request is made:
 - For a bond lower than the schedule or customary amount

Definitions

Critical Stage:

- The arraignment of a person accused of a crime
- Any hearing on motions concerning evidentiary matters or pre-plea or post-plea relief
- Any disposition of the complaint or charges against the person accused
- The trial

Definitions

Critical Stage:

- Any sentencing hearing
- Any appellate review or appellate decision
- Any subsequent modification of the sentence
- Any probation revocation hearing
- The filing of any complaint, summons, or warrant by the probation department for failure to report to probation or because the location of a person convicted of a crime is unknown

Definitions

Critical Stage:

- The request for change of venue or transfer of probation supervision from one jurisdiction to another
- The request for any release from probation supervision prior to the expiration of the original sentence
- Any attack on a judgment or conviction

Definitions

Critical Stage:

- Any parole application hearing
- The parole, release, or discharge from imprisonment of a person convicted of a crime
- Any parole revocation hearing
- The transfer to or placement of a person convicted of a crime in a non-secure facility

Definitions

Critical Stage:

- The transfer, release, or escape of a person charged with or convicted of a crime from any state hospital.

Definitions

- # Lawful Representative - means any person who is designated by the victim or appointed by the court to act in the best interests of the victim.
- # Significant Other - means any person who is in a family-type living arrangement with a victim and who would constitute a spouse if the victim and such person were married.

Definitions

- # **Victim's Immediate Family** - means the spouse, any child by birth or adoption, any stepchild, the parent, the stepparent, a sibling, a legal guardian, significant other, or a lawful representative.

Definitions

- # Witness - means any person:
 - Having knowledge of the existence or nonexistence of facts related to a crime
 - Whose declaration under oath is received or has been received as evidence for any purpose
 - Who has reported any crime to any peace officer, correctional officer or judicial officer; or

Definitions

- # Witness - means any person:
 - Who has been served with a subpoena

Rights

- # To be treated with fairness, respect and dignity
- # To be informed of and present for all “critical stages” of the criminal justice process.
- # To be free from intimidation, harassment, or abuse and the right to be informed about what steps can be taken if there is any intimidation or harassment by a person accused or convicted of the crime or anyone acting on the person’s behalf

Rights

- # To be present and heard in court regarding bond reduction, continuances, acceptance of plea negotiations, case disposition or sentencing
- # To talk with the district attorney before the case is resolved or goes to trial and to be informed of how it is resolved

Rights

- # To be informed of the status of the case and any scheduling changes or cancellation, if known in advance
- # To prepare a Victim Impact Statement and to present and to be heard at sentencing
- # To have restitution ordered and to be informed of the right to pursue a civil judgment against the person convicted of the crime

Rights

- # To a prompt return of the victim's property when no longer needed as evidence
- # To be informed of the availability of financial assistance, community services, and state crime victim compensation
- # To be given appropriate employer intercession services regarding court appearances and meetings with criminal justice officials

Rights



- # To have safe, secure waiting area during court proceedings

Rights

- # Upon written request, to be informed of and heard of any reconsideration of sentence, parole hearing or commutation of sentence
- # To be informed of the process for enforcing compliance with victim's rights.

Basic Principles: The Role of Service Providers

Law Enforcement:

- # Treat victim with fairness, respect, and dignity
- # Provide the following information in writing:
 - # Statement of victims' rights
 - # Information on the availability of victim assistance, medical & emergency services

Basic Principles: The Role of Service Providers

Law Enforcement:

- Provide the following information in writing:
 - Information on the availability of victims compensation benefits & name, address and phone number of persons to contact
 - Availability of protection, including protective court orders
 - Availability of public records related to the case

Basic Principles: The Role of Service Providers

Law Enforcement:

- Ensure victims are periodically informed of status of investigations
- Give high priority to investigating reports of threats or intimidation and forward reports to prosecutors
- Provide each victim the file number of the case, the name, business address and phone number of the law enforcement officer assigned to investigate the case

Basic Principles: The Role of Service Providers

Law Enforcement:

- Provide to each victim, as soon as available:
 - Address and phone number of the District Attorney's Office
 - File number, name address and phone number of officer investigating case
 - Information as to whether suspect is in custody, has been released and any conditions imposed on release

Basic Principles: The Role of Service Providers

Law Enforcement:

- Inform the victim when a case is sent to the prosecutors pending the filing of charges
- Minimizing contact between the victim and their immediate family and the defendant the relatives of the defendant

Basic Principles: The Role of Service Providers

Law Enforcement:

- Inform victim as to the availability of the following services:
 - Follow up support for the victim and the victim's family to assure the necessary assistance is received
 - Transportation, child care, and household assistance to enable participation in the criminal proceedings

Basic Principles: The Role of Service Providers

Law Enforcement:

■ Services:

- Assistance in dealing with creditors and credit reporting agencies
- Translation services
- Informed and knowledgeable referral to local services and programs for victims
- Establish procedures for prompt return of property to victims when no longer needed for evidence.

Basic Principles: The Role of Service Providers

District Attorney:

- Notify of victims rights
- Treat victim with fairness, respect, and dignity
- Inform victim of charges filed and explain charges if necessary
- Inform victim of file number assigned to the case, the name, address and phone number of the deputy district attorney, and the courtroom to which the case is assigned.

Basic Principles: The Role of Service Providers

District Attorney:

- Inform victim of date, time & place of critical stages:
 - Arraignment
 - Preliminary hearings
 - Hearings on motions
 - Disposition of complaint or charges

Basic Principles: The Role of Service Providers

District Attorney:

- Inform victim of date, time & place of critical stages:
 - Trial
 - Sentencing hearing
 - Reconsideration of sentence
 - Probation revocation hearing
 - Attack on a judgment or conviction

Basic Principles: The Role of Service Providers

District Attorney:

- Notify victim of any pending motions that may delay prosecution, inform the court of victim's position on delays. Have objections by victims added to court record.
- Consult with victim regarding reduction of charges, negotiated pleas, diversion, dismissal, seeking death penalty, and other disposition

Basic Principles: The Role of Service Providers

District Attorney:

- Bring to the attention of the court, views of the victims on bail, continuances, plea bargains, dismissals, sentencing and restitution
- Inform victim of function of Pre-Sentence Report, the name and phone number of the probation office preparing the report, and the right to make a Victim Impact Statement

Basic Principles: The Role of Service Providers

District Attorney:

- Inform victim of right to be heard at sentencing, via a written or oral statement
- Inform victim of case status and outcome of appellate reviews
- Minimize contact between victim and victim's immediate family and defendant and defendant's relatives. Whenever possible, provide a waiting area that is separate from the defendant, the defendant's relatives, and any defense witnesses

Basic Principles: The Role of Service Providers

District Attorney:

- Upon request from the victim, return property/evidence within 5 days when no longer required.

Basic Principles: The Role of Service Providers

Probation:

- Notify of victims rights
- Treat victim with fairness, respect, and dignity
- Provide each victim with a request for notification form regarding offender information
- Keep address and phone number of victim confidential

Basic Principles: The Role of Service Providers

Probation:

- Include Victim Impact Statement in Pre-Sentence Report
- Inform victims of:
 - Location & phone number of probation department
 - Date of probation supervision termination
 - Probation officer and contact information
 - If offender is incarcerated, the location of incarceration
 - Information regarding terms and conditions of probation

Basic Principles: The Role of Service Providers

Probation:

- Inform victim of date, time & place of:
 - Probation revocation hearing
 - Probation modification hearing
- Explanation to victims of disposition following hearing
- Notify victim of filing any complaint, summons or warrant issued by probation for failure to report or because location is unknown

Basic Principles: The Role of Service Providers

Probation:

- Inform victim of request for any release from probation prior to the expiration of the original sentence
- Inform victim of death of the person while on probation
- Give restitution a high priority when developing a supervision plan

Basic Principles: The Role of Service Providers

Probation:

- Inform victim of availability of benefits/services:
 - Transportation to court
 - Referral to community services
 - Child care, elderly care and disabled assistance
 - Intercession with creditors and employers
 - Translation services
- Information on what to do in case of intimidation or harassment

Basic Principles: The Role of Service Providers

Corrections:

- Upon request by victim, keep confidential the address, phone number, place of employment and other personal information of the victim and immediate family members
- Notify victim of the institution where person is incarcerated
- Provide projected release date to the victim

Basic Principles: The Role of Service Providers

Corrections:

- Notify victim in advance of release on furlough, work release, or to community corrections
- Notify victim of escape, transfer or release from any state hospital or corrections facility
- Notify victim of discharge and conditions of release from incarceration

Basic Principles: The Role of Service Providers

Corrections:

- Notify victim of parole hearings and Parole Board decisions
- Notify victim of death while confined.


Compliance

- # The victim must first attempt to obtain rights at the local level prior to bringing a compliance to the Coordinating Committee. This may include, but not limited to:
 - Contact the person you feel has not provided you with your rights and specifically explain what has not been done

Compliance



- Seek assistance from victim advocates or other persons such as counselors
- Seek assistance from the elected official or head of the agency you feel has not provided your rights.



***An Example: The Denver
Police Department Victim
Assistance Unit***

Brochure Offers: If you Need:

- **Advocacy.**
- **Referrals.**
- **Information on Your Case.**
- **Someone to Talk With.**

Contact

Victims Assistance Unit
Denver Police Department
1331 Cherokee Street
Room 306-D
Denver, Colorado 80204
(303) 640-3834

The Need:



"The Victim Assistance Unit of the Denver Police Department can help victims, family and friends cope with the immediate crisis and initial shock following a crime or sudden death. The Victim Assistance Team members can also further aid the victim in the recovery process by providing follow-up, support and appropriate referrals.

The victim is our primary focus. We want to help the victim with the short and long-term consequences of victimization."

Overview:



"The Victim Assistance Unit of the Denver Police Department provides crisis intervention, support and advocacy to family and friends of homicide, suicide, traffic or sudden death victims; as well as survivors of assault, robbery, domestic violence and crimes against the elderly or handicapped."

Overview:



"If immediate intervention is not needed, crime victims will be sent a letter detailing available community resources and offense report information."

Overview:



"The Victim Assistance team is available 24 hours a day, 7 days a week. The Unit has 3 full-time Victim Assistance members available to the five police districts Monday through Friday, 8:00 a.m. to 5:00 p.m. A six-member team provides after-hours and weekend coverage."

We Provide:

✓ *Crisis Intervention*

- 24 hour on-scene crisis intervention for victims of violent crime or incidents relating to sudden death or serious injury to which the Denver Police Department has been called.
- Respond to crime scenes, hospitals, police stations or to other designated areas.

We Provide:

✓ **Support and Referral**

- Immediate support for a victim: listening to the account of victimization, exploring options, notifying family and friends to build a strong support network for the victim and initiating community resources, if needed, including victim compensation, counseling and or safe shelter.
- Follow-up support is always provided to help victims get their lives back together after a crime or tragedy.

We Provide:



✓ **Advocacy**

- The Unit can provide updated case information about the crime and act as a liaison with law enforcement, criminal justice and community agencies.

Victim Information



The Constitution of the State of Colorado and the laws of this state guarantee certain expanded rights to the victims of the following crimes:

Any serious crime of violence-murder, kidnapping, robbery, assault, sexual assault, harassment by stalking, ethnic intimidation, any domestic violence-related crime, the death of a person in a hit and run traffic accident or an accident caused by careless driving; any serious crime of violence or theft against an elderly person or a person-at-risk.

Victim Information



Victims of these crimes may call the VINE (Victim Information and Notification Everyday) System at 1-800-247-1866 for information on the custody status of an arrested adult suspect. You may also register to be notified upon the suspect's release. A touch tone phone is required. This service is provided at no charge.

Victim Information



The Victim Assistance Unit of the Denver Police Department is available to assist victims of crime and their families. They may be reached at 720-913-6035.