

RESOURCES

LOCAL NUMBERS

EMERGENCY	9 - 1 - 1
Colorado Address Confidentiality Program	303-869-4911
(toll free)	888-341-0002
Arapahoe Douglas Mental Health	303-730-8858
Asian Pacific Development Center	303-393-0304
Aurora Mental Health	303-617-2300
Centennial Mental Health—Elbert	303-646-4519
Centennial Mental Health—Lincoln	719-775-2313
Family Tree—Women in Crisis	303-420-0412
Gateway Women’s Shelter	303-343-1851
Poison HELP	800-222-1222
Project Pave	303-322-2382
Project Safeguard	303-863-7233
Rape Assistance and Awareness Program	303-322-7273
(toll free)	888-394-8044
Safe2Tell (Statewide)	877-542-7233
Women’s Crisis Center	303-688-8484

NATIONAL NUMBERS

National Domestic Violence	800-799-7233
National Suicide Hotline	800-273-8255
National Youth Crisis Helpline	800-999-9999

District Attorney Carol Chambers

Office of the District Attorney
18th Judicial District

Serving Arapahoe, Douglas, Elbert, and Lincoln Counties

6450 S. Revere Parkway
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Phone: 720-874-8500
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website: www.DA18.org

CRIME VICTIM RIGHTS



A Summary of
C.R.S. 24-4.1-302



“Victims have the right to be treated with fairness, respect and dignity.”



Your rights as a crime victim

The Victim’s Bill Of Rights Applies to victims of certain violent crimes, including domestic violence.

“Victim” means any natural person against whom any crime has been perpetrated or attempted . . . or, if such person is deceased or incapacitated, the person’s spouse, parent, child, sibling, grandparent, grandchild, significant other, or other lawful representative. For purposes of notification, any person under the age of eighteen years is considered incapacitated, unless that person is legally emancipated. . . .”

C.R.S. 24-4.1-302 (5)

The Office of the District Attorney for the 18th Judicial District of Colorado actively supports the implementation of the Victim Rights Amendment including but not limited to the right:

- to be treated with fairness, respect and dignity
- to be free from intimidation, harassment or abuse
- to be informed of critical stages and present as defined in section 24.4.1-302
- to be informed of decisions to file charges or not to file charges
- to be notified of a subpoena for records concerning the victim’s medical history, mental health, education, or victim compensation, or any other records that are privileged
- to consult with a district attorney prior to any disposition or trial of the case, and the right to be informed of the final disposition of the case
- to prepare a victim impact statement and to be present and/or heard at sentencing
- to have the court determine restitution for actual pecuniary damages
- to pursue a civil judgment against any person convicted of a crime against the victim for damages that are a result of that crime
- to be notified of a referral of an offender to community corrections
- at the discretion of the district attorney, to view all or a portion of the presentence report created by

the probation department

- to promptly receive any property that is being held by a prosecutorial or law enforcement agency unless there are evidentiary reasons for the retention of the property
- to be informed of the availability of financial assistance and community services
- to be informed about the possibility of restorative justice
- to be informed about what steps can be taken if there is any intimidation or harassment by a person accused or convicted of a crime or anyone acting on that person’s behalf
- to be provided with appropriate employer intercession regarding court appearances
- to be assured that the court, the prosecutor and other law enforcement officials will take appropriate action to achieve a swift and fair resolution of the proceedings
- to have a safe, secure waiting area during court proceeding
- to be informed of the results of any court-ordered HIV testing
- to be informed of petitions by sex offenders to cease registration (upon written request)
- to be informed of the process for enforcing compliance with the Victim Rights Act
- to prevent any party at any court proceeding from compelling testimony regarding the current address, telephone number, place of employment or other locating information unless the victim consents or the court orders disclosure
- to have reasonable efforts made to exclude or redact the victim’s social security number from criminal justice documents
- to be notified of how to request protection of

their address

- to receive a copy of the Victim Impact Statement Form
- to be informed of a criminal protection order and, upon request, to be informed about provisions that may be added or modified and the process for requesting such addition or modification

Critical Stages

Victims have the right to be informed and present for most critical stages, and the right to be informed but not present for others. "Critical stages" refers to the following stages of the criminal justice process:

To Be Notified, Present and Heard

At any court proceeding involving the following:

- a bond reduction or modification where bond is set lower than the scheduled amount; a change in the type of bond; a change in condition of bond; if defendant receives no bond; or a bond in capital offense
- acceptance of plea agreement or plea of nolo contendere
- sentencing and any sentencing modification
- a hearing at which the defendant requests a modification of no contact provision of the mandatory protection order
- a subpoena for records concerning the victim's medical history, mental health, education or victim compensation or any other privileged records

If a victim or a victim's designee wishes to address the court at one of the proceeds listed above they should inform the District Attorney so the court may be notified. If the victim is unavailable to physically attend court the DA will notify the court so that the victim may appear by phone or similar technology.

To Be Notified and Be Present at:

- preliminary hearing
- arraignment
- any hearing on motions concerning evidentiary matters or pre-plea or post-plea relief
- the trial
- sentencing or sentence modification
- appellate review or appellate decision
- any subsequent modification of the sentence
- attack on a judgment or conviction where a court hearing is set
- a hearing help pursuant to section 18-1-414 (2) (b) loss of biological evidence

To Be Notified

- the decision to file or not to file charges
- the decision to conduct post conviction DNA testing to establish the actual innocence of the person convicted of a crime and the results of the testing

This subsection does not create an obligation to release or transport incarcerated victims to hearings.

Victim's Responsibilities

Victims of crime have the following responsibilities:

- Keep appropriate criminal justice authorities informed of their or their representative's current name, address and telephone number, email and any changes in this information;
- Provide a written request to the appropriate agency if they want to be notified of information regarding the post-sentencing

process. Request forms for enrollment information can be obtained from the Probation Department, the Department of Corrections, the Division of Youth Corrections or the local jail;

- For victims of cold cases for which the crime has a statute of limitations of longer than three (3) years, to request in writing an annual update in the status of the case;

Mandatory Protection Order

In all criminal and juvenile cases, a Mandatory Protection Order (MPO) is issued by the court at the defendant's first appearance in front of a judge. This Mandatory Protection Order restrains a defendant from harassing, molesting, intimidating, retaliating against or tampering with any witness or victim of a crime. The order remains in effect until the final disposition of the case, completion of sentence or acquittal. A victim may request information about provisions that may be added or modified as part of the MPO by contacting the deputy district attorney or the victim witness advocate assigned to the case. A victim or witness may separately apply to the court for a civil protection order.

Victim Impact Statement Form

A copy of the Victim Impact Statement Form (VIS) can be found on our website. Please be advised that a copy of the Victim Impact Statement will be provided to the deputy district attorney, the court, the defendant and the defendant's attorney.

Restitution

Restitution is the repayment of monetary losses to the victim by the offender. Restitution cannot be ordered unless the defendant pleads guilty or is found guilty at trial and a sentence is imposed. The District Attorney is responsible for providing the court with the amount of restitution owed to the victim in a criminal case. This information may be obtained through a Victim Impact Statement, testimony at trial or through testimony by the victim at a restitution hearing.

Victim Compensation

To better protect and assist victims and members of their immediate families, the Colorado General Assembly enacted the *Crime Victim Compensation Act*. The Victim Compensation program is fully funded through money collected from adults and juveniles who have been convicted of crimes, including traffic offenses. Examples of losses which may be compensated include:

- Reasonable medical and hospital expenses
- Mental health counseling
- Funeral expenses
- Loss of earnings
- Replacement of doors, locks or windows

For further information or to request an application contact the Crime Victim Compensation Program at 720-874-8500. An application may also be downloaded from our website at www.da18.org.

Victim Rights Compliance

Victims who feel they have not received the rights afforded by law should contact their assigned victim witness advocate for assistance. If the issue cannot be resolved locally, the victim may contact the Victim Rights Compliance Program for information, assistance or to file a formal complaint.

Office for Victim Programs
Colorado Division of Criminal Justice
303-239-5719
<http://dcj.state.co.us/ovp>