

## **Victim Witness Services Unit**

Dave Young  
District Attorney  
Seventeenth Judicial District

For more information about resources available to you as a victim of crime through the District Attorney's Office, please visit our website at:

[www.adamsbroomfieldda.org](http://www.adamsbroomfieldda.org)



### **Administrative Office** **Crime Victim Compensation** **Restitution Division**

1000 Judicial Center Drive, Suite 100  
Brighton, Colorado 80601  
Telephone 303 659-7720

### **Adams County Justice Center**

1100 Judicial Center Drive  
Brighton, Colorado 80601  
Telephone 303 659-7735

### **Broomfield County Justice Center**

Seven Des Combes Drive  
Broomfield, Colorado 80020  
Telephone 720 887-2199

# **VICTIM SERVICES**

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## **17<sup>th</sup> JUDICIAL DISTRICT VICTIM WITNESS SERVICES UNIT**

**Adams County  
City & County of Broomfield**

If you are a victim or a witness to a crime,  
your District Attorney wants to help.



## **DAVE YOUNG**

District Attorney  
Seventeenth Judicial District

[www.adamsbroomfieldda.org](http://www.adamsbroomfieldda.org)  





## FOR YOUR RECORDS

Use this page for future reference.

The COURT CASE Number is: \_\_\_\_\_

The DEPUTY DISTRICT ATTORNEY assigned to my case is:  
\_\_\_\_\_

**17<sup>th</sup> JUDICIAL DISTRICT  
DISTRICT ATTORNEY (DA) OFFICE  
PHONE NUMBERS**

**Adams County** 303 659-7720  
**Broomfield County** 720 887-2199

The name of the DA OFFICE ADVOCATE assigned to my case is:  
\_\_\_\_\_

**VICTIM WITNESS SERVICES UNIT  
PHONE NUMBERS**

**Adams County Justice Center** 303 659-7735  
**Broomfield County Justice Center** 720 887-2199

The name of the POLICE DEPARTMENT who investigated the crime:  
\_\_\_\_\_  
\_\_\_\_\_



PLEASE KEEP THIS BOOKLET TO READ before coming to court. Bring it with you to make notes when you come to court. ***If you have questions or need directions to a courthouse, please call the Victim Witness Services Unit at one of the numbers above.***

## A MESSAGE FROM YOUR DISTRICT ATTORNEY

### DAVE YOUNG

#### SEVENTEENTH JUDICIAL DISTRICT

We are sorry to learn you have been a victim of crime. You may be experiencing feelings of shock, disbelief, fear, vulnerability, anger and frustration about the loss and disruption to your life that this crime has brought about.

The District Attorney's Office hopes that it will be useful for you to have practical information and an understanding about the criminal justice system during the prosecution of the criminal case. This brochure outlines your rights as a crime victim and provides answers to commonly asked questions about the criminal justice system process. It also includes names and contact information for resources and referrals that may be helpful.

The criminal justice system has three important functions: *to protect the innocent, to bring the guilty to justice and to ensure victims are afforded their legal rights.* Both the Colorado Constitution and state laws recognize that **victims have rights.** The Victim Witness Services Unit of the District Attorney's Office works to ensure that you are provided support, assistance and information concerning this case in the criminal justice system.

Please contact the Victim Witness Services Unit in Adams County at 303 659-7735 or in Broomfield County at 720 887-2199 and ask to speak to a victim advocate if the information contained in this brochure does not address your concerns or answer your questions.

With your participation and cooperation, we will work together to see that justice is served.

Sincerely,

Dave Young

# CONSTITUTIONAL RIGHTS of Crime Victims in Colorado

**Through the Victims Rights Act (VRA),  
the Colorado Constitution guarantees certain rights'  
to victims and the families of victims of the following listed crimes:**

- Murder, Manslaughter and Criminally Negligent Homicide;
- Vehicular Homicide and Vehicular Assault;
- Assault;
- Menacing;
- Kidnapping;
- Sexual Assault and Unlawful Sexual Contact;
- Invasion of Privacy for Sexual Gratification;
- Robbery: Aggravated, Aggravated of a Controlled Substance;
- Incest and Aggravated Incest;
- Sexual Assault on a Child and Child Abuse;
- Sexual Exploitation of Children;
- Crimes Against At-Risk Adults and Juveniles;
- Any crime, or act, identified as an act of Domestic Violence;
- Stalking;
- Violation of a Criminal Protection Order issued against a person charged with sexual assault or sexual assault on a child;
- A Bias-Motivated crime;
- Careless Driving Resulting in Death;
- Intimidation – Aggravated Intimidation of a Victim or Witness;
- Retaliation Against a Victim or Witness;

**Denver Center for Crime Victims** **303 894-8000**  
[www.denvervictims.org](http://www.denvervictims.org)  
 Espanol 303 718-8289  
 TTY 303 860-9555  
*May also provide translation services*

**Domestic Violence Initiative for Women with Disabilities** **303 839-5510**  
[www.dviforwomen.org](http://www.dviforwomen.org)

**DOVE** **TTY 303 831-7932**  
[www.deafdove.com](http://www.deafdove.com)

**Maria Droste Counseling Services of Colorado** **303 756-9052**  
[www.MariaDroste.org](http://www.MariaDroste.org)

**Mile High Ministries** **303 839-5198**  
[www.milehighmin.org](http://www.milehighmin.org) Justice & Mercy Legal Aid Clinic

**Moving to End Sexual Assault** **303 443-7300**  
*Espanol / Broomfield County*  
[www.movingtoendsexualassault.org](http://www.movingtoendsexualassault.org)

**Mothers Against Drunk Driving** **303 425-5902**  
[www.madd.org](http://www.madd.org) **1 877 623-3435**

**Parents of Murdered Children** **1 888 818-7662**  
[www.pomc.org](http://www.pomc.org)

**Project Safeguard** **303 863-7233**  
[www.psqhelps.org](http://www.psqhelps.org) **1 888 723-3473**  
 Adams County 303 673-7761  
 Broomfield County 720 887-2179

**Rape Assistance & Awareness Program Counseling Services** **303 329-9922**  
[www.raap.org](http://www.raap.org)

**Rocky Mountain Victim Law Center** **303 295-2001**  
[www.rmvictimlaw.org](http://www.rmvictimlaw.org)

**Safehouse Progressive Alliance** **303 444-2424**  
*Broomfield County*  
[www.safehousealliance.org](http://www.safehousealliance.org)

**Servicios de la Raza** **303 458-7088**  
[www.serviciosdelaraza.org](http://www.serviciosdelaraza.org)

**WINGS Foundation** **303 238-8660**  
[www.wingsfound.org](http://www.wingsfound.org)

# RESOURCES

## COMMUNITY & COUNSELING

<b>ACCESS Housing, Inc.</b> <a href="http://www.acchouse.org">www.acchouse.org</a>	<b>303 289-7078</b>
<b>Adams County Department of Human Services</b> <a href="http://www.adams.state.co.us">www.adams.state.co.us</a>	<b>303 287-8831</b>
TTY	303 227-2305
<b>Alternatives to Family Violence</b> VOICE / TTY Counseling Office Espanol	<b>303 289-4441</b> 303 289-4441 303 657-0064 720 495-9760
<b>Anti-Violence Program (LGBT)</b> <a href="http://www.coavp.org">www.coavp.org</a>	<b>303 852-5094</b> <b>1 888 557-4441</b>
<b>Asian Pacific Development Center</b> <a href="http://www.apdc.org">www.apdc.org</a>	<b>303 393-0304</b>
<i>May also provide translation services</i>	
<b>Aurora Community Mental Health Center</b> <a href="http://www.aumhc.org">www.aumhc.org</a>	<b>303 617-2300</b>
<b>Broomfield County Dept of Human Services</b> <a href="http://www.ci.broomfield.co.us">www.ci.broomfield.co.us</a>	<b>720 887-2200</b>
<b>Broomfield County Mental Health</b> <a href="http://www.mhcbc.org">www.mhcbc.org</a>	<b>303 447-1665</b>
<b>Catholic Charities</b> <a href="http://www.ccdenvr.org">www.ccdenvr.org</a>	<b>303 597-0497</b>
<b>Colorado Coalition Against Sexual Assault</b> <a href="http://www.ccasa.org">www.ccasa.org</a>	<b>303 861-7033</b> <b>1 877 372-2272</b>
<b>Colorado Coalition Against Domestic Violence</b> <a href="http://www.ccadv.org">www.ccadv.org</a>	<b>303 831-9632</b> <b>1 888 778-7091</b>
<b>Community Reach Center</b> <a href="http://www.communityreachcenter.org">www.communityreachcenter.org</a>	<b>303 853-3500</b>
<b>Colorado Organization for Victim Assistance</b> <a href="http://www.coloradocrimevictims.org">www.coloradocrimevictims.org</a>	<b>303 861-1160</b> <b>1 800 261-2682</b>

- Hit and Run Accident Resulting in Death;
- Tampering With a Victim or Witness;
- Intimidating a Victim or Witness;
- Indecent Exposure;
- Trafficking in Adults or Children;
- First Degree Burglary;
- Retaliation Against a Judge or Juror; and
- Any Criminal Attempt, Conspiracy or Criminal Solicitation to Accessory involving any of the crimes specified above.
- Felony crimes reported to law enforcement that have been unsolved for over one year and which the statute of limitations has not expired.

*If the victim is deceased or incapacitated, these rights are guaranteed to the victim's spouse, parent, children, sibling, grandparent, significant other, or other lawful representative.*

***For a complete listing of crimes and statutory rights, please refer to Colorado Revised Statutes 24-4.1-301 through 24-4.1-304***



### **IMPORTANT REMINDER:**

It is your responsibility to keep the appropriate criminal justice agencies informed of your current address and telephone numbers.

**If you move or change telephone numbers, contact the VICTIM WITNESS SERVICES UNIT immediately:**

<b>Adams County</b>	<b>303 659-7735</b>
<b>Broomfield County</b>	<b>720 887-2199</b>

**The Victims Rights Act provides victims of  
the crimes listed the following  
basic rights to:**

- **Be treated with dignity, fairness and respect and to be free from intimidation, harassment or abuse; throughout the criminal justice process;**
- *Be informed of the filing of charges*, provided an explanation of those charges, and the name of the deputy district attorney assigned to handle the case;
- *Be informed of the decision not to file* felony charges;
- *Be informed of all identified critical stages* in the criminal justice process, including the date, time and place of court proceedings;
- *Be present at specified critical stages* in the criminal justice process;
- *Be present and heard* at specific bond reduction or modification hearings including defendant's request to modify the no-contact provision of the mandatory criminal protection order, acceptance of a plea agreement, the sentencing, reconsideration or modification of a sentence;
- *Be informed of the criminal case status and any scheduling changes or cancellations* if known in advance;
- *Be informed of any pending motion that may substantially delay* the prosecution and to have the deputy district attorney inform the court of the victim's position on the motion;
- *Request alternate arrangements* to address the court for critical stages if the victim or victim's designee is unavailable to be present;
- *Be informed, present and heard at any court proceeding involving a subpoena for records* concerning the victim's medical history, mental health, education or crime victim compensation or any other records that are privileged pursuant to statute;
- *Consult with the deputy district attorney*, where practicable, prior to the disposition or any trial of the case regarding the reduction of charges, negotiated pleas, diversion, dismissal or other final case disposition;
- *Prepare and / or present a Victim Impact Statement* to the court at the sentencing hearing;

**Northglenn Police Department** 303 450-8892

[www.northglenn.org](http://www.northglenn.org)

Victim Services Unit 303 450-8759

**Thornton Police Department** 720 977-5140

[www.cityofthornton.net](http://www.cityofthornton.net)

Victim Services Unit 720 977-5172

Espanola 720 977-5176

**Westminster Police Department** 303 658-2400

[www.ci.westminster.co.us](http://www.ci.westminster.co.us)

Victim Services Unit 303 658-4210

**17<sup>th</sup> Judicial District Coroner's Office** 303 659-1027

**Community Corrections** 720 322-1381

Victim Notification 720 872-8316

**Juvenile Detention Facility** 303 659-4450

**Combined Court Clerk's Office**

[www.17thjudicialdistrict.com](http://www.17thjudicialdistrict.com)

Adams County 303 659-1161

Broomfield County 720 887-2100

**17<sup>th</sup> Judicial District Probation Department** 303 451-5555

Victim Services 303 255-4225

**Colorado Division of Youth Corrections**

[www.cdhs.state.co.us](http://www.cdhs.state.co.us)

Victim Notification Program 303 866-7852

Juvenile Parole Board 303 866-2320

**Colorado Department of Corrections**

[www.doc.state.co.us](http://www.doc.state.co.us)

Inmate Locator 719 226-4880

Victim Notification Program 303 307-2225

1 800 886-7688

Time Computation 719 269-4170

Parole Officers 1 800 426-9143

**Parole Hearings**

[www.doc.state.co.us](http://www.doc.state.co.us)



# RESOURCES

## CRIMINAL JUSTICE SYSTEM

<b>Adams County Sheriff's Office</b>		<b>303 654-1850</b>
<a href="http://www.co.adams.co.us">www.co.adams.co.us</a>		
Victim Advocate Program	720 322-1242	
<b>Adams County Detention Facility</b>		<b>303 655-3490</b>
Inmate Information	303 655-3494	
<b>Arvada Police Department</b>		<b>720 898-6900</b>
<a href="http://www.arvadapd.org">www.arvadapd.org</a>		
Victim Outreach Information	303 202-2196	
<b>Aurora Police Department</b>		<b>303 627-3100</b>
<a href="http://www.auroragov.org">www.auroragov.org</a>		
Victim Services Unit	303 739-6087	
<b>Brighton Police Department</b>		<b>303 655-2300</b>
<a href="http://www.brightonco.gov">www.brightonco.gov</a>		
Victim Services Unit	303 655-2308	
<b>Broomfield Police Department</b>		<b>303 438-6400</b>
<a href="http://www.broomfield.org">www.broomfield.org</a>		
Victim Services Unit	303 438-6429	
Detention Facility	720 887-2000	
<b>Colorado State Patrol</b>		
<a href="http://www.csp.state.co.us">www.csp.state.co.us</a>		
Adams County	303 289-4760	
Broomfield County	303 469-1966	
Victim Assistance Program	303 688-3115 x 207	
<b>Commerce City Police Department</b>		<b>303 287-2844</b>
<a href="http://www.ci.commerce-city.co.us">www.ci.commerce-city.co.us</a>		
Victim Services Unit	303 289-3655	
<b>Federal Heights Police Department</b>		<b>303 428-8538</b>
<a href="http://www.ci.federal-heights.co.us">www.ci.federal-heights.co.us</a>		
Victim Advocate Program	303 412-3541	
<b>Intervention, Inc.</b>		<b>303 450-6000</b>
<a href="http://www.intervention-inc.com">www.intervention-inc.com</a>		

- *Be informed of the right to pursue a civil judgment* against any convicted person for any damages incurred as a result of the crime;
- *Have the court determine the amount of restitution* to be paid by the convicted person(s), if any;
- *Be informed* about the *possibility of restorative justice practices*;
- *Have a separate and secure waiting area in the courthouse* that the defendant cannot enter before, during and after court proceedings;
- *Be informed* about the steps that 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;
- *Be informed* of the mandatory criminal protection order and how to request protection of their address pursuant to the Colorado rules of criminal procedure;
- *Prevent any party at any court proceeding from compelling testimony* regarding a victim's address, telephone number, place of employment or other locating information;
- *Be notified of how to request protection of a victim's address* pursuant to the Colorado rules of criminal procedure;
- *Be informed of the Pre-Sentence Investigative Report (PSI) function*, including contact information for the probation officer preparing the PSI;
- *Be notified of the referral of the defendant to community corrections* and to provide a written Victim Impact Statement to the Community Corrections Board;
- *Be informed of the final disposition* of the case;
- *Request and receive the prompt return of property* when it is no longer needed for evidentiary reasons;
- *Be informed of the steps necessary to receive information from correctional officials* concerning the imprisonment and release of the convicted defendant;
- *Be informed of the availability of benefits pursuant to Colorado law* and contact information to obtain these benefits;
- *Be informed of the process for enforcing compliance* with the Victim Rights Act.



## VICTIM WITNESS SERVICES UNIT

<b>Adams County Justice Center</b>	<b>303 659-7735</b>
<i>Court Advocates for Adams County cases</i>	
<b>Broomfield County Justice Center</b>	<b>720 887-2199</b>
<i>Court Advocates for Broomfield County cases</i>	
<b>Administration Building</b>	<b>303 659-7720</b>
<i>Crime Victim Compensation and Restitution Advocates</i>	

The Victim Witness Services Unit of the District Attorney's Office is staffed by professional victim advocates that care about you. During the time this criminal case is going through the court process, the Unit serves as your link to the District Attorney's office. It is our commitment to you and your family to provide direct and personal service. The following services are available to you, and your family, through the Unit:

- Practical information about the *criminal justice system process* in language that is understandable;
- Support, help and information about *meetings with the deputy district attorney* to discuss the criminal case;
- Support and help to *attend critical stage court hearings* and /or make alternate arrangements to address the court, if necessary;
- Help in preparing and / or presenting your *Victim Impact Statement* for the sentencing hearing;
- Help in preparing documentation necessary for the court to determine *restitution and / or applying for Crime Victim Compensation* ;
- Information and support to help you prepare a *safety plan* that will work for you and your children;
- A *separate and secure waiting area* during court proceedings at both the Adams and Broomfield County Justice Centers that the defendant or defense witnesses cannot come into;
- Help in *making transportation arrangements to court hearings* when no other means of transportation is available.
- *Information regarding the availability* of financial assistance, community and counseling services;
- *ON-CALL and CALL-OFF Notifications*. These services allow you to be contacted by phone rather than wait long periods at the courthouse.

## RESOURCES

### 24-HOUR CRISIS HOTLINES

<b>Alternatives to Family Violence</b>	<b>303 289-4441</b>
<i>Adams County</i>	
<b>Asian Pacific Development Center</b>	<b>303 393-0304</b>
<b>Broomfield County Mental Health</b>	<b>303 466-3007</b>
<b>Community Reach Center</b>	<b>303 853-3500</b>
<i>Adams County Mental Health</i>	
<b>Denver Center for Crime Victims</b>	<b>303 894-8000</b>
	Espanol 303 718-8289
	TTY 303 860-9555
<b>DOVE</b>	<b>TTY 303 831-7874</b>
<b>Moving to End Sexual Assault</b>	<b>303 443-7300</b>
<i>Espanola / Broomfield County</i>	
<b>Rape Assistance &amp; Awareness</b>	<b>303 322-7273</b>
	Espanol 303 329-0031
	TTY 303 329-0023
<b>Safehouse Progressive Alliance</b>	<b>303 444-2424</b>
<i>Broomfield County</i>	
<b>Servicios de la Raza</b>	<b>303 458-5851</b>
<b>SUICIDE PREVENTION HOTLINE 1 800 784-2733</b>	
<b>National Domestic Violence Hotline</b>	<b>1 800 799-7233</b>
	TTY 1 800 787-3224
<b>National Teen Dating Abuse Hotline</b>	<b>1 866 331-9474</b>
	TTY 1 866 331-8453
<b>Rape, Abuse &amp; Incest National Network</b>	<b>1 800 656-4673</b>





## RESTITUTION

This is money the judge can order to be paid back to anyone that might have lost money because of the crime. This can include out-of-pocket expenses, loss of wages, expenses paid by other sources such as insurance or Victim Compensation that is determined to have happened because of the defendant's actions in a crime. The judge decides what can or cannot be ordered to be paid back. The judge needs copies of bills, receipts, invoices, etc. in order to decide what restitution will be ordered.

## SENTENCING HEARING

This is the hearing where the judge decides, and tells the defendant, what the consequences will be for committing a crime. This hearing can happen up to three months after a trial, or after the defendant has entered a guilty plea. These months are required for you to return the Victim Impact Statement, to gather bills / receipts / invoices to ask for restitution and /or for the probation department to complete the Pre-Sentence Investigative Report. As a victim, you have the right to speak to the judge at the sentencing hearing, or you can just write what you want the judge to know in your Victim Impact Statement.

## SEQUESTRATION

This is an order from the judge that means only one witness can be in the courtroom at a time, and all witnesses cannot talk to each other about what they are testifying about. Sequestration orders are to make sure that each witness tells the judge and jury only what he / she remembers and not any other information he / she heard from someone else.

## SUBPOENA

This is an order by the judge for someone to come to court and testify. If a person does not come to court after getting a subpoena, the judge could decide to find that person in contempt of court and give the police / sheriff to make an arrest.

## TESTIMONY

This is the information that a witness gives to the judge and /or jury after making a promise to tell the truth.

## TRIAL

This a court hearing that usually takes more than one day. The judge and / or jury gets to decide if the defendant is guilty of committing a crime after hearing and seeing the evidence available. Watching a trial is like putting together a puzzle – that are lots of pieces and every piece helps to put the whole picture together.

## WITNESS

This is any person who knows anything about the crime. Not all witnesses are subpoenaed to testify, but the police / sheriff need information from all witnesses to decide what crime has been committed.

# JUDICIAL RESPONSIBILITIES Regarding the Victims Rights Act

The Victim Rights Act has established specific responsibilities for law enforcement, prosecution and the Courts.

## Courts have the responsibility to:

- *State on the record* a victim's objection to any motion that may substantially delay the prosecution and state that the objection was considered prior to granting any delay;
- *Acknowledge that a victim may be present* at all critical stages of a criminal proceeding unless exclusion of the victim is deemed necessary;
- *Inquire as to whether the victim is present and allow the victim to be heard* at any court proceeding which involves a bond reduction or modification including defendant's request to modify the no-contact provision of the mandatory criminal protection order, the acceptance of a plea negotiated plea agreement, sentencing, reconsideration or modification of a sentence;
- *Make sure that a victim has received notice of any subpoena for records* concerning the victim's medical history, mental health, education or crime victim compensation or any other records that are privileged pursuant to statute;
- *Inform the victim* of the results of any court-ordered HIV testing;
- Make arrangements to *provide alternate means for a victim to address the court* at a critical stage, when provided reasonable notice and resources are available;
- Make all reasonable efforts to *accommodate the victim* upon the return of a jury verdict;
- Determine the amount, if any, of *restitution* to be paid to a victim by the defendant upon conviction;
- *Provide victim information* to any institution responsible for victim notification after the defendant is sentenced; and
- *Upon request*, notification of petitions filed by sex offenders to stop sex offender registration (see C.R.S. 15-22-113(2)(c)).



# THE CRIMINAL JUSTICE SYSTEM: Frequently Asked Questions



## What happens after the crime is reported?

- The police investigate the crime, including interviewing witnesses;
- The police review all the evidence and the laws of Colorado;
- The police identified the “suspect”- the person who did the crime;
- The police believe they have enough evidence that follow the laws of Colorado to prove that the suspect committed the crime;
- The police present the evidence to the District Attorney’s office for filing of charges.

The District Attorney represents the state of Colorado, not individual victims, when taking a case to court in the criminal justice system. Under Colorado law, only the District Attorney can decide whether charges should be filed and what those charges should be when a crime has been committed. The District Attorney makes the decision about what charges to file after reviewing the evidence that the police have provided.



## What if there are no charges filed?

When the police are not able to identify a suspect, or there are no charges filed, it is still important for you to remain in contact with the police or sheriff’s department. There are many reasons that charges may not be able to be filed. You can still receive help with putting together a safety plan for yourself and your family; receive information about community and counseling help; your damaged or stolen property may be recovered and returned to you. It may be that the bills, expenses and /or losses that you have related to the crime are eligible for help from the Crime Victim Compensation Program. The police or sheriff’s department may find more evidence that will help them to file charges at another time. *If you find out any more information about the case, please contact the police or sheriff’s department.*



## What is a Criminal Protection Order?

A *Criminal Protection Order* is automatically in effect after a suspect (defendant) is charged with breaking the laws that are listed in the Colorado Criminal Code. This protection order is to put into place to make sure that victims and witnesses are safe from being bothered, threatened, harmed or scared by the person (defendant) charged with breaking the law, or by anyone else doing that for the defendant. If the defendant does contact a victim or witness, the defendant may be charged with another crime. The criminal protection order may end after the sentencing of the defendant or it can be continued by the judge to be in effect.

## **PERJURY**

This is when a person lies in court, in front of a judge, after promising to tell the truth. When a person lies in front of a judge, he / she is breaking the law and can be charged with a crime.

## **PERSONAL RECOGNIZANCE BOND**

This is when someone who is charged with a crime can get out of jail by promising the judge that he / she will appear for scheduled court hearings.

## **PLEA**

When the judge asks the defendant “How do you plead to the charges that have been filed against you?” the defendant’s answer is called a plea. The answer may be “guilty”, “not guilty”, or “nolo contendere” (no contest).

## **PRELIMINARY HEARING**

Sometimes the defendant is allowed, or can ask, for the judge to decide if the prosecution has enough of the right evidence for the charges that have been filed. This is not a hearing where the judge decides if the defendant is guilty or not guilty. This hearing may also be called a probable cause hearing. If the judge decides that there is enough evidence, then another court hearing date will be set.

## **PRE-SENTENCE INVESTIGATION**

After the defendant enters a guilty plea or is found guilty at a trial, the judge may order the probation department to investigate the past history of the defendant. This includes work, school and family background. Medical and psychological testing or reports may also be included.

If you have not yet returned a Victim Impact Statement to the District Attorney’s Office, the probation department might contact you to ask you in what ways, if any, the crime has changed your life. This would include information about any money matters related to the crime, such as losing a job, having to pay for medical bills or counseling, etc. It is important that the probation department have up-to-date and correct information from you, especially about money matters. Without this information, the judge cannot order any restitution.

## **PRESUMPTION OF INNOCENCE**

According to the United States Constitution, a defendant is presumed (considered ) to be innocent of all charges until the defendant pleads guilty or is found guilty by either a jury or the judge.

## **PROBABLE CAUSE**

This means that the prosecution has proven to a judge that there is enough of the right evidence that a normal person could believe that this crime happened and that the defendant was the person that committed the crime.

## **PROBATION**

This is when an offender gets to follow certain rules and be supervised for a certain amount of time instead of going to jail.

## DISTRICT ATTORNEY

The District Attorney is elected by the voters of Adams and Broomfield counties. The District Attorney hires lawyers to represent the People of the State of Colorado when a crime has been committed. The lawyers hired by the District Attorney are called deputy district attorneys. A deputy district attorney is assigned to handle your case in court. Deputy district attorneys are also called prosecutors. There sometimes is an investigator that helps the prosecutor. This person is called a DA Office Investigator.

## EVIDENCE

This is anything that the police / sheriff find during an investigation that may related to the facts of the crime. It can include physical property, written or verbal statements, pictures and test results of expert witnesses.

## FELONY

This is a crime that the judge can sentence a defendant to a long time on probation and / or to go to prison and / or to pay a fine. In Colorado, there are six classes of felonies. The judge has guidelines to use when deciding a sentence for each class of felony crime. The guidelines used by the judges are decided by the elected representatives in the Colorado State Legislature.

## MISDEMEANOR

This is a crime that the judge can sentence a defendant to a shorter time on probation and / or to go to jail and /or to pay a fine. The judge also has guidelines to use when deciding a sentence for a misdemeanor crime.

## MOTIONS HEARING

This is a hearing where the judge listens to the lawyers in the case ask for a decision on legal issues, such as what evidence the jury can see or hear at a trial.

## “NO CONTACT” BOND PROVISION

This is a condition of bail / bond that means the defendant cannot have ANY direct contact with a victim by phone, text, email, write a letter or in person until there is a court hearing and the judge makes a different decision. This includes the defendant asking someone else to contact the victim by phone, text, email, write a letter or in person.

## OFFENDER

This is what the Probation Department, Department of Corrections, Parole Board, Division of Youth Corrections call the defendant after the defendant has been sentenced by the judge for committing a crime.

## PAROLE

This is when an offender gets out of prison but still has to follow rules and be supervised for a certain amount of time.

## PAROLE BOARD

This is the group of people that the Governor has chosen to decide what offenders can get out of prison and what rules an offender has to follow on parole when leaving prison.



## What if someone threatens me?

It is a serious crime for anyone to threaten, bother, try to scare or harm a victim / witness about a criminal case. **If you have been threatened, bothered, harmed or scared by the defendant or by anyone else doing these things for the defendant, CALL 911 IMMEDIATELY to report an act of witness intimidation.** Tell the police officer the number of the criminal case that you are a victim / witness of. This number is printed on every letter you receive from the District Attorney's Office, and will have a letter in it such as 13CR456 or 14M567. After the police or sheriff take a report, it is helpful if you call the District Attorney's Office and speak to the deputy district attorney assigned to your case and the victim advocate. They can work with you to come up with ideas and resources for a plan that could help keep you and your family safe while this case is going through the criminal justice process.



## What is Crime Victim Compensation?

Victims of crimes that are listed in the Victim Rights Act may be eligible to apply to the Crime Victim Compensation Program for bills, expenses or other financial losses that happened as a result of a crime. The money in this fund comes from surcharges paid by persons who are either found guilty or pled guilty of a crime. Only certain expenses can be considered by the program and all bills that are turned in have to be directly related to the crime that was reported to the police. Monies help with expenses such as medical bills, counseling expenses, loss of earnings, funeral expenses, rehabilitation services, damage to residential locks and exterior windows or doors and medically necessary devices such as dentures, hearing aids and eyeglasses.

*You may turn in an application to the Crime Victim Compensation Program even if the police have not found a suspect, if charges were not filed or the defendant was found not guilty.* In order to be considered for Crime Victim Compensation, you will be expected to be truthful with the police and the District Attorney's office about the crime. **To see if the losses you have are eligible for compensation or for help in getting an application turned in, contact the Victim Witness Services Unit.**



## What is Court School?

Court School is a service provided to victims and witnesses who may have to testify at a court hearing and is for victims and witnesses of all ages. Court School includes parents when the victim is a child or teenager. Court School explains legal terms used in the criminal justice system process, what usually happens at a court hearing and gives the victim or witness a chance to see a courtroom before the day of the hearing. *No particulars of any specific criminal case are discussed.* Parents are given information and resources about how to support their child or teenage victim / witness through the criminal justice process; help can be provided with filling out Crime Victim Compensation applications and Victim Impact Statements. Court School is held at the Adams and Broomfield County Justice Centers. *For further information regarding times and dates, contact the Victim Witness Services Unit.*



## **What is a Victim Impact Statement?**

The *Victim Impact Statement* is given to the judge to use at the sentencing hearing after the defendant. As the victim, relative or survivor, this is one way you can describe directly to the court your financial losses, physical injuries and the emotional effect that this crime has had on you. The advocates at the Victim Witness Services Unit can assist you in preparing your written statement, as well as provide you with support if you wish to speak at the sentencing hearing. It is your right, and your choice, to speak at the hearing.



## **What if the defense attorney contacts me?**

You might be contacted by the defense attorney or a defense investigator concerning your testimony or the testimony of your child / teenager, if you are the parent or the guardian of the child / teenager. It is the job of both the defense attorney and the prosecutor to attempt to interview all persons who may be witnesses in a case. *You have the right to consent or to refuse to be interviewed.*

### **As a parent or guardian, you have the right:**

- ❖ To **be present** if your child or teenager says it is okay to be interviewed;
- ❖ To **ask for identification** from anyone that wants to talk with your child or teenager BEFORE agreeing to an interview;
- ❖ To **know if the interview is being recorded** AND to ask that the interview not be tape or video recorded.
- ❖ To **end any interview at any time**, even if you or your child / teenager has agreed to have an interview.

If you are asked to be interviewed, you also have the right to ask for identification, know if the interview is being recorded and to end the interview at any time.

*If you have any concerns about talking with a defense attorney or a defense investigator, please contact the deputy district attorney handling your case.*



## **What if I want to come to a court hearing but can't?**

If you want to come to a court hearing, but are unable to, please contact the advocate assigned to your case. If it is a court hearing which you have the right to speak to the Judge, it may be possible to make arrangements with the Court to allow you to still do that. It is always a good idea to call the advocate before court hearings to make sure that everything is still scheduled to happen.

## **COMMUNITY CORRECTIONS**

This may be an option for an inmate who has been in prison (Department of Corrections) to make the change from being in prison to being back in the community. Sometimes a judge will decide that a defendant can serve their sentence time at a Community Corrections facility instead of in a prison. All offenders in Community Corrections are closely supervised and must follow specific rules, including going to treatment programs.

## **CONTINUANCE**

This is when a court hearing is changed to another, and later, date than the court hearing was originally scheduled for. A continuance can be requested by either attorney in the case, but only if the judge approves the request can the court hearing date be changed.

## **COUNTY COURT**

County court is the court division where judges handled cases in which the defendants have been charged with committing misdemeanor and traffic crimes. These are also the same courtrooms where preliminary hearings will happen for defendants who have been charged with felony crimes.

## **DEFENDANT**

This is the person who has charged with committing a crime.

## **DEFENSE ATTORNEY / PUBLIC DEFENDER**

This is the lawyer that is representing the defendant in the criminal case. If the defendant tells the judge that he / she cannot afford a lawyer, the judge will appoint a lawyer that is being paid by the state to represent the defendant. Lawyers paid by the state are called "public defenders". If there is a public defender on a case, there will often also be an investigator who will be helping the public defender. These investigators are called State Investigators, and are not the same people as the investigators that work for the District Attorney's office.

## **DEFERRED JUDGMENT AND SENTENCE**

This is when a defendant enters a guilty plea to a criminal charge but sentencing is postponed for a certain amount of time. The judge will set out certain things that the defendant will have to do for a certain amount of time. If the defendant does all these things, and the judge says it is okay, then the case is dismissed.

## **DISPOSITION**

This is when the criminal case comes to an end in the court system after the defendant pleads guilty or a judge or jury decides the defendant is not guilty or is guilty AND the defendant is sentenced by the judge. Sometimes a disposition may mean the case was dismissed.

## **DISTRICT COURT**

District court is the court division where judges handled cases in which the defendants have been charged with committing felony crimes.



# COMMONLY USED WORDS in the Criminal Justice System

## ACQUITTAL

A *Not Guilty* decision by a judge or jury.

## ADVISEMENT

This is when the judge tells the defendant what their rights are and what charges are going to be filed against them. The judge will also tell the defendant what rules the defendant has to follow if they are paying a bail / bond to get out of jail. When the defendant is a juvenile, sometimes he/she may enter a guilty plea at this event.

## APPEAL

The defendant or the District Attorney's Office has a right to ask that a case be reviewed by a higher (appellate) court. This usually happens after the end of a case. The appellate court reviews cases to consider if legal mistakes made by the attorneys or by the judge. *The appellate court does not review all the cases that they are asked to review.* If your case is going to be reviewed by the appellate court, you will be notified by the Victim Advocate at the Colorado Attorney General's Office.

## ARRAIGNMENT

This when the defendant "enters" a plea to the charges that have been filed against him / her by telling the judge in a courtroom. If the defendant "enters" a plea of not guilty, a trial date may be set.

## ARREST WARRANT

This is a court order issued by a judge that gives the police or sheriff permission to make an arrest.

## BAIL OR BOND

This is the dollar amount that a defendant must pay to get out of jail after being arrested. The purpose of bail / bond is to make sure that the defendant comes back for court hearings. It is also to keep the public, and victims / witnesses, safe. The judge decides what type of bail and what rules the defendant must follow to stay out of jail.

## BURDEN OF PROOF

This is the job of the deputy district attorney. This means that he / she has to prove to a judge / jury that the defendant committed the crime because of facts (evidence) that are true and real.

## CLOSING ARGUMENT

This is the final time during a trial that lawyers are allowed to talk to the judge or jury about the facts of the case before the judge or jury starts to consider what verdict to find.



## What is a plea agreement?

Each case is reviewed by the deputy district attorney to see what outcome will have the best justice for everyone involved. This includes you as the victim, the defendant and the community. Plea agreements are used in the criminal justice system as a different way to resolve a court case that may be better and could happen sooner than waiting to take the case to trial. It can take a longer time to have a trial because there are not enough judges and courtrooms for all the cases that are filed with the District Attorney's Office every year. If there will be a plea agreement offered to the defendant in your case, the deputy district attorney will explain to you what might be included in the plea agreement before talking with the defendant. After a plea agreement is accepted by the defendant, the plea agreement will be presented to the judge for the judge's approval. The judge will decide what sentence to give in the case.



## When can I get my property back?

The police or sheriff's department may have taken your property for evidence in the crime. After finishing the investigation, your property may not be needed and can be returned to you. Each police or sheriff's department has a different procedure, so the best thing to do is to call the Victim Services Unit of the department that investigated the crime. The District Attorney's Office may need to use your property as evidence in court hearings. If that happens in your case, you may have to wait until the court case is over before you can get your property back. Sometimes, property that is taken for evidence cannot be returned. *Please talk with a victim advocate at the District Attorney's Office if you have questions about your property.*



## What if the defendant is not convicted?

It may seem that the criminal justice system has failed if the defendant is found "Not Guilty". It is important to remember that taking a case to trial involves the testimony of many people. **Your truthful testimony as a victim / witness is always a very important part of the criminal justice process.** A "Not Guilty" verdict does not mean that the defendant is innocent; it means that the evidence that the deputy district attorney is able to use in a trial did not convince a judge or jury "beyond a reasonable doubt" that this defendant was the one that committed the crime. *Please talk with your victim advocate about resources that are available to provide you support and help after the verdict in a case is delivered by the judge or jury.*

It is important to remember that the criminal justice system requires *proof of guilt beyond a reasonable doubt* in order to convict someone. However strong the evidence seems to you, it simply may not be enough to remove reasonable doubt from the minds of the judge or jury.



### What is restitution and how do I get it?

The laws in Colorado allow a judge to order restitution to victims of crime as a condition of a defendant's sentences after defendants are convicted or plead guilty. The judge can order restitution for things related to the crime such as the value of damaged or stolen property, medical bills, mental health counseling or burial expenses. For the judge to consider ordering restitution, you have to give **documentation** to the District Attorney's Office. The judge wants to see bills for repairs, receipts for replaced property and /or copies of medical bills or written estimates of the value of items that have been stolen and not recovered. The deputy district attorney will give this documentation to the judge. The judge must consider restitution as part of the sentence, but it is not always possible in all cases. If the judge does order restitution, in many cases the probation or parole department will supervise the payment of restitution. In other cases, the defendant will make restitution payments to the court clerk's office and then those payments will be forwarded to you. ***It is important that you keep the District Attorney's office informed of your current address.*** You also have a right to pursue a civil case against the defendant no matter how the criminal case turns out. If you have questions, or want help with documentation to request restitution, contact ***the Victim Witness Services Unit Restitution Division at 303 659-7720.***



### How will I know what happens after sentencing?

You will receive a written letter from the District Attorney's Office that will include what the judge's sentence was for the defendant in this case. This letter will include a form for you to complete in order to continue to receive information about what is happening with the defendant during the time he / she is serving their sentence. If you do not notify the appropriate criminal justice agency by returning this form, or by going online to register for victim notification, you may not find out about future court hearings in the case such as probation revocations, sentence modifications, parole hearings, community corrections board hearings or if the defendant is being considered for early termination from probation. You may also have safety concerns if the judge did not order the criminal protection order to continue after the sentencing date. Please call the deputy district attorney and the victim advocate at any time to answer any questions that you may have about the sentence, about continuing to get information about the case after the sentence or to talk about your safety concerns.

### **Your Rights As a Victim In Colorado**

It is the goal of the District Attorney's Office to seek justice for all victims of crime. If you have any questions or concerns regarding your rights as a victim, please call the Victim Witness Services Unit Director at 303 835-5562. If you have contacted the District Attorney's office and still have concerns regarding your rights as a victim, you can call the Office for Victims' Programs (OVP) at the Colorado Division of Criminal Justice 303 239-4442 or 888 282-1080 [www.dcj.state.co.us](http://www.dcj.state.co.us)

## **TESTIFYING**

It is very normal to feel nervous, upset and even scared when you get a subpoena to testify in court. Please call your advocate - she is there to listen to your concerns and answer your questions about coming to court. She can explain to you how real court is not like television court and help you figure out what will be helpful to you before, during and after the court hearing. Most court hearings are calm and quiet events. **Here are some suggestions that you might find helpful when thinking about coming to court to testify.**

- **BREATHE. BIG DEEP BREATH. REPEAT as needed.**
- **Have WATER close by to drink.** Your brain works better and you can think more clearly when you are drinking water.
- **ALWAYS tell the truth.** The judge will ask you to take an oath to *tell the truth*. **This is your most important job as a witness: TO TELL THE TRUTH.**
- **LISTEN carefully to the question the lawyer is asking.** If you do not understand a question, it is OKAY to ask for the lawyer to REPEAT THE QUESTION.
- **THINK before you answer** a question. You can only tell the judge / jury about what YOU know / saw / heard. If you can only give a guess for a time, distance, etc., then tell the judge / jury that it is your guess.
- **ANSWER only the questions** you are asked. Do not give the judge / jury information or opinions or conclusions that were not asked for.
- **STOP** when an attorney stands up and says **OBJECTIO** Wait to answer the question until the judge tells you to.
- **SPEAK clearly, slowly, and loudly** when answering a question. *Answer out loud.* Try not to nod your head for answers.
- **REMAIN calm.** Arguing and losing your temper with a lawyer or the judge is not the best choice to keep the courtroom calm.
- **DRESS neatly and be comfortable.**