

TEN (10) QUESTIONS TO ASSIST YOU IN DECIDING WHETHER TO FILE A WRITTEN VICTIM RIGHTS ACT COMPLAINT

1. Have I tried to address my concerns with the criminal justice agencies involved?

It is not required that you try to address your concerns with a criminal justice agency prior to submitting a written Victim Rights Act (VRA) complaint. However, if you raise your concerns with the appropriate individuals at a criminal justice agency, those individuals may be able to directly address your concerns.

2. What are the benefits of trying to address my concerns with a criminal justice agency? Once a written VRA complaint is filed, the resulting VRA compliance process may take from three (3) to six (6) months to complete. Working with the involved agency directly may result in a faster resolution of your concerns. In addition, the goal of the VRA compliance process is two-fold: 1) to determine whether your rights as a victim of a VRA crime have been violated, and if so, 2) to change the system to prevent such violations from occurring in the future.

3. Do I need a more immediate response to my concerns? The VRA compliance process is not designed to address immediate concerns. Because the VRA compliance process takes from three (3) to six (6) months on average, there may be concerns about which you need a more immediate response. For example, if you have questions or concerns about a negotiated plea that is being offered by a deputy district attorney to a defendant and the next court date is a week or two away, the district attorney's office is in the best position to respond to your questions or concerns. While a written VRA complaint can determine if actions were or were not taken that resulted in a violation of your rights, the VRA compliance process is not able to provide you with timely responses to your questions and concerns.

4. What if I don't want to file a complaint but I have questions about my victim rights and/or I feel as if I need help from an outside agency? The staff of the Victim Rights Act Compliance Program at the Division of Criminal Justice can help you resolve your concerns without the filing of a written VRA complaint. You can contact the Office for Victims Programs at the Division of Criminal Justice at 303-239-5719 or toll free at 1-888-282-1080 and ask for assistance with your rights as a crime victim. Staff can talk to you about your concerns and discuss the next steps for resolving your concerns. For example, VRA Compliance Program staff may contact a criminal justice agency on your behalf, discuss the concerns that you presented and assist with the development of appropriate solutions.

5. What if I am worried that I am going to run out of time to submit a written VRA complaint? There is no time limit as to the submission of a written VRA complaint. For

example, a person may wait to submit a written complaint until he or she has attempted to resolve his or her concerns, until after the defendant is sentenced and/or when he or she feels as if he or she has enough distance from the crime that occurred. While there is no time limit as to the submission of a written VRA complaint, it is recommended that complaints are submitted in close proximity to the close of the criminal case. For instance, a written complaint may be submitted several years after a crime has occurred; however, if too many years have passed, some of the documentation that will assist in resolving the complaint may no longer exist.

- 6. If I am interested in changing the system for future victims of VRA crimes, should I file a written complaint?** When considering whether to file a written VRA complaint, it is important to determine whether you are interested in the goals of the VRA compliance process. While the VRA compliance process cannot change what occurred in your individual case, the VRA compliance process can 1) determine whether your rights as a crime victim were violated, and 2) change the system to prevent any identified VRA violations from occurring in the future. The majority of crime victims who file VRA complaints have stated that they wish to prevent any other victim from experiencing the challenges that they have experienced and/or they want a neutral entity to determine whether their rights have been violated. Some victims of crime may determine that these outcomes are not meaningful to them; as a result, they may determine that they do not wish to submit a written VRA complaint. However, they may access the assistance of the Division of Criminal Justice in attempting to resolve their concerns without submitting a written VRA complaint.
- 7. What if I have determined that I want to submit a written VRA complaint? Is someone going to talk me out of filing such a complaint?** No. It is not the role of the VRA Compliance Program staff to tell you not to file a VRA complaint. However, staff will talk to you about your concerns and whether such concerns are likely to fall under the VRA. Staff will also explain the compliance process and what to expect when you submit a written VRA complaint.
- 8. How do I know whether I am eligible to submit a written VRA complaint?** Not all victims of crime have rights under Colorado's Victim Rights Act (VRA). While you may be a victim of crime, you may not be a victim of a crime that is listed in the VRA. If you have a question about the crimes listed in Colorado's VRA, go to the VRA Compliance Program page at <http://dcj.state.co.us/ovp/VRA.html> and click on 24-4.1-302 under Colorado's Victim Rights Act (on the right hand side of the web page). You can also contact a VRA Compliance Program staff person at the Division of Criminal Justice by contacting 303-239-5719 or toll free at 1-888-282-1080. Examples of crimes that do not fall under the VRA (unless the crimes are determined to involve domestic violence) are: theft, criminal mischief, DUI, burglary, arson, careless driving resulting in injury, identity theft and any crime that is a violation of a municipal (city) ordinance.

9. If I am the victim of a VRA crime, do all of my concerns fall under the VRA? Some of your concerns may not fall under Colorado's VRA. For example, while a victim of a VRA crime has the right to be informed about the charges that are filed in a criminal case; the VRA does not provide a crime victim with the authority to change the charges if he or she disagrees with the charges that are filed. In addition, while a victim of crime who has signed up with the Department of Corrections to receive his or her rights under the VRA may speak to the Colorado Board of Parole regarding the release of an offender on parole; it is the decision of the Board as to whether to release the offender.

10. I am concerned about my privacy. Is the VRA compliance process confidential?

While VRA Compliance Program staff takes steps to preserve victim privacy, the compliance process is not a confidential process. In general, it is an open process. An appointed Board will review all written VRA complaints. In addition, the agencies identified in a complaint will be provided with a copy of a written VRA complaint. Individuals who submit written VRA complaints are provided with the information submitted by the criminal justice agency (ies) in response to the written complaint. Moreover, the Division of Criminal Justice, a government agency, is subject to Colorado laws concerning criminal justice records and open records. As a result, members of the public may request records kept at the Division of Criminal Justice.