

Colorado Probation Victim Notification Program



This brochure provides information for victims of a crime in which the offender was sentenced to be supervised by State Probation. Victims have the right to be treated with fairness, dignity and respect throughout the criminal justice process. Probation recognizes that victims of crime, their families, and communities are important recipients of our services.

Provided by:
The Colorado Judicial Department
Office of the
State Court Administrator
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COLORADO REVISED STATUTES, SECTIONS 24-4.1-301 – 304, STATE THAT AS A VICTIM OF CRIME, YOU HAVE THE RIGHT TO:

- Be treated with fairness, respect and dignity and to be free from intimidation, harassment or abuse
- Be informed of the steps to be taken if you are intimidated or harassed, including information regarding protection services
- Be informed of the status of your case and any scheduling changes or cancellations, if known in advance
- Pursue a civil judgment against anyone who has committed a crime against you and to have restitution ordered
- Information about financial assistance and community services
- Be kept informed and be present during the critical stages of the criminal justice process

For Probation these stages are:

- Any modification of the terms and conditions of the probation sentence
- Probation revocations
- Filing of any complaint, summons or warrant by probation or because the location of the defendant is unknown
- Change of venue or transfer of probation supervision from one jurisdiction to another or interstate compact transfer
- Any request for the defendant's early release from probation
- Probation termination and death
- In Domestic Violence cases only, any conduct by the defendant that results in an increase in the probation supervision level

For a complete listing of your rights, please refer to Colorado Revised Statutes, Sections 24-4.1-101 through 24-4.1-304

"...TO BE INFORMED, PRESENT AND HEARD..."

As a victim, or a member of the victim's family, your rights are guaranteed by the Colorado Constitution. Too often, people feel victimized by the criminal defendant and the legal system. Assisting you in understanding your rights and helping you exercise these rights is a top priority. Our goal is to make sure that victims of crime are treated with fairness and compassion throughout the probation process.

CRIMES WHICH APPLY ARE:

- Murder, Manslaughter
- Criminally negligent homicide
- Vehicular homicide, Vehicular assault
- Menacing, Stalking, Assault
- Kidnapping, Robbery, 1st degree burglary
- Incest, Child abuse , Indecent exposure
- Sexual assault, Unlawful sexual contact
- Sexual assault on a child or client
- Sexual exploitation of children
- Invasion of privacy for sexual gratification
- Crimes against at-risk adults and juveniles
- Crimes involving domestic violence
- Careless driving resulting in death
- Bias motivated crimes
- Failure to stop at the scene of an accident that results in death of another person
- Violation of a protection order where the crime has underlying factual basis of sexual assault
- Retaliation against, intimidation of or tampering with a victim/witness/judge/ juror
- Trafficking in adults and children
- Any criminal attempt, conspiracy and/or accessory to any of these crimes

If you have any questions or concerns regarding your rights as a victim, call the Probation Victim Assistance Program in your district. If all local efforts to obtain your rights have failed, you may request assistance from the Governor's Victims Coordinating Committee. For additional information, call the Office for Victims Programs at the Division of Criminal Justice (303) 239-4442.

REQUEST FOR NOTIFICATION (By submitting this form, I am requesting notification from the Probation Department)

Offender's Name

Case #

County of Conviction

Third Party Contact / Phone Number

Victim/Designee Requesting Information (Your Name)

Home Address

Work Address*

Home Phone ()

Work Phone* ()

Signature

Count Number

**Only complete the work address and phone number if you wish to be contacted at work. It is your responsibility to notify probation of any change in address or phone number.*

FREQUENTLY ASKED QUESTIONS

WHAT IS PROBATION?

The two primary functions of Probation are to supervise offenders sentenced to community programs and to provide assessment and pre-sentence information to the Courts. Reducing the incidents and impact of crime is the goal of Probation and all criminal justice agencies in Colorado.

Probation is responsible for providing supervision and service to offenders in the community. This is accomplished by developing programs which involve a balance between protection of the community, containment and rehabilitation of the offender, and satisfying the concerns of the victim.

WHAT IS A PRE-SENTENCE INVESTIGATION?

In some cases, Probation is asked by the Court to prepare a Pre-Sentence Investigation Report (PSIR) to be used in sentencing. A PSIR includes input from victims and law enforcement officers as well as a social history and other pertinent information about the offender. Victim input, through the Victim Impact Statement, is important in determining the crime's impact and in making a sentencing recommendation.

WHAT IS SUPERVISION?

The purpose of supervision is to assist the offender in following the orders of the Court within a community setting so that a balance is achieved between the offender's rehabilitation, the rights of victims and the protection of the community. The scope of supervision is governed by statute.

HOW DOES AN OFFENDER GET OFF PROBATION?

Usually in one of three ways:

- **Early termination:** The court may reduce a probationer's period of supervision for good behavior and following the conditions of Probation.
- **Expiration of Sentence:** The full sentence is completed by the probationer.
- **Revocation:** If probationers choose not to follow the orders of the Court, they are at risk of having to go back to Court and being re-sentenced by the Judge. Once the violations are brought before the Court, offenders are entitled to a hearing.

HOW CAN I BE INFORMED?

Victims, immediate family members or appointed representatives may request notification of status changes at critical stages. Requests must be made in writing. You may make your request by returning the attached form to the Probation Department. If you move or change your phone number, it is your responsibility to notify Probation of any changes in your contact information.

HOW DO I FIND OUT ABOUT RESTITUTION?

A defendant may be ordered to pay the victim for damages which occurred as a result of the crime committed. This is called restitution. The Victim Impact Statement helps in determining this amount. In many cases, the defendant cannot pay all of the restitution immediately, so the Judge may order the defendant to make payments. If you have questions regarding restitution payments, call the Probation Department for specific information.

CAN I QUALIFY FOR VICTIMS' COMPENSATION?

Recognizing the impact of crime on innocent victims, the State of Colorado has enacted the Crime Victim Compensation Act. Funds are collected as fines from adults and juveniles convicted of crimes. Awards to victims are made by the Crime Victim Compensation Board of each district. Losses which may be compensated include:

- Reasonable medical expenses and hospital expenses
- Mental health counseling
- Loss of earnings
- Homemaker and home health services
- Burial expenses
- Loss of support to dependents
- Eyeglasses, hearing aids and other prosthetic or medically necessary devices
- Replacement of doors, locks and windows damaged as part of the crime

To find out how to apply, call the Victim Compensation Coordinator at the District Attorney's Office

Per Colorado Revised Statutes section 24-4.1-302.5(b.5) for victims to receive Post-sentence Notification, you must request it in writing.

If you would like to be notified of the critical stages in the defendant's probation, please complete the other side of this form.

Mail the completed form to the Probation Department listed below.

