



Colorado Springs Police Department General Order

122 Treatment of Victims/Witnesses & Victim Rights Notifications

Section 100 – Organizational Values and Structure

Effective Date: 8/10/2023

Supersedes Date: 12/29/2022

.01 Purpose

The purpose of this directive is to establish guidelines for department interactions with victims/witnesses of crime and for providing victims/witnesses with information concerning their rights in accordance with the Colorado Revised Statute.

.02 Cross Reference

[DL-122-15 Colorado Address Confidentiality Program](#)

[DL-1840-01 Callout Criteria for the Investigations Division](#)

[VAU-01 Victim Advocacy Unit](#)

.03 Discussion

The Colorado General Assembly has declared that the full and voluntary cooperation of victims of, and witnesses to, crimes with state, and local law enforcement agencies is imperative for the general effectiveness and well-being of the criminal justice system of this state. Providing victims/witnesses with information about their rights, under the law, is a key part of encouraging their cooperation and participation in the criminal justice system.

The department is committed to the fair and compassionate treatment of crime victims and witnesses, to include providing them with information regarding their lawful rights.

.04 Policy

All department members will treat victims, witnesses, and their families with fairness, dignity, and respect. For Victim Rights Act (VRA) crimes, department members will provide all required notifications and other statutory rights. The sections of this directive that reference notifications and rights apply only to victims of crimes enumerated in the VRA.

.05 Definitions

Crime (as specified under the Victim Rights Act): Includes the following offenses:

- Murder in the 1st or 2nd degree, Manslaughter, Criminally Negligent Homicide
- Vehicular Homicide and Vehicular Assault
- Assault in the 1st, 2nd, or 3rd degree
- Menacing
- Kidnapping in the 1st or 2nd degree
- Sexual Assault, Sexual Assault in the 1st, 2nd, or 3rd degree (as it existed prior to July 1, 2000), Unlawful Sexual Contact, and Indecent Exposure
- Sexual Assault on a Child and Sexual Assault on a Child by One in a Position of Trust
- Sexual Exploitation of Children
- Sexual Assault on a Client by a Psychotherapist
- Robbery, Aggravated Robbery, and Aggravated Robbery of a Controlled Substance
- First Degree Burglary
- Second Degree Burglary
- Incest and Aggravated Incest
- Child Abuse
- Invasion of Privacy for Sexual Gratification
- Posting a Private Image for Harassment or Pecuniary Gain
- Human Trafficking
- Pimping of a Child, Child Prostitution, Procurement of a Child for Sexual Exploitation, Inducement of Child Prostitution, and Patronizing a Prostituted Child
- Crimes Against At-Risk Adults or At-Risk Juveniles
- Sexual Exploitation of Children and Procurement of a Child for Sexual Exploitation
- Any crime identified by law enforcement prior to the filing of charges as domestic violence
- An act identified by a District Attorney in a formal criminal charge as domestic violence
- Any crime which has been found by the court to include an act of domestic violence
- Stalking
- Any bias-motivated crime
- Careless Driving that results in the death of another person
- Failure to Stop at the Scene of an Accident that results in serious bodily injury or the death of another person
- Retaliation Against a Judge, Juror, Prosecutor, or Elected Official
- Retaliation Against a Witness or Victim and Tampering with a Witness or Victim
- Intimidating a Witness or Victim and Aggravated Intimidation of a Witness or Victim
- Violation of a Protection Order against a person charged with Sexual Assault, Sexual Assault on a Child, Sexual Assault on a Child by One in a Position of Trust, or Sexual Assault on a Client by a Psychotherapist
- Violation of a Criminal Protection Order issued against a person charged with Stalking

- First Degree Arson
- Criminal Invasion of Privacy
- Any criminal attempt, conspiracy, solicitation or accessory involving any of the crimes listed above

Lawful Representative: Any person who is designated by the victim or appointed by the court to act in the best interests of the victim.

Significant Other: Any person who is in a family-type living arrangement with a victim and who would constitute a spouse of the victim, if the victim and such person were married.

Victim: Any natural person against whom any crime has been perpetrated or attempted, unless the person is accountable for the crime or a crime arising from the same conduct, criminal episode, or plan as a crime is defined under the laws of this state or of the United States, 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.

Victim's Immediate Family: A victim's spouse, any child by birth or adoption, any stepchild, a parent, a stepparent, a sibling, a legal guardian, significant other, or a lawful representative of the victim.

Witness: Any natural person:

- Who has knowledge of the existence or nonexistence of facts relating to any 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, correction officer, or judicial officer
- Who has been served with a subpoena issued under the authority of any court in this state, of any other state, or of the United States.

.20 Victim Advocacy Unit Mission & Services

The Victim Advocacy Unit (VAU), is responsible for providing assistance to victims of crimes specified under the Colorado Victim Rights Act (VRA) and at-risk elders. The unit's mission is to minimize the impact of crime on victims and to assist with restoring victims' quality of life.

The VAU offers a continuum of law enforcement-based services including:

- Immediate crisis intervention and short-term crisis counseling for victims of certain crimes on a 24/7, on-call basis
- Information for victims regarding their rights under the VRA
- Support during interviews with police
- Education about the investigative process and criminal justice system

- Assistance with victim compensation applications
- Obtaining interpretation services for victims with limited English proficiency, and
- Referrals to a variety of community-based service organizations

The VAU is also responsible for rendering supportive services to at-risk elders who come to the attention of CSPD personnel.

.25 Victim Care

The VAU will be contacted to assist in determining the needs of victims of crimes covered by the VRA and at-risk elders. Victim advocates can assist officers by providing direction for victim care or by assuming responsibility for coordinating victim services. Any utilization of advocacy units, outside the VAU, will be coordinated by the VAU unless other agreements have been agreed to by the VAU chain of command.

.27 VRA Hashtag Notification System

Officers will use the #VRA Crime# notification for calls that do not require immediate on-call advocacy assistance. However, if an officer would like to provide VAU with more information on a case to assist in identifying the victim's needs, they can email or call the VAU.

The VRA hashtag notification system does not replace officers contacting the on-call victim advocate when a VAU immediate response is needed.

When clearing a call in CAD, officers will use the clearance hashtag code #VRA Crime# from the drop-down menu, whenever they have initiated a case report for a crime covered by the VRA. Crimes covered by the VRA are listed on the Crime Victim Rights booklet that officers provide to victims at the time a report is initiated.

.30 Required Victim Notifications & Victim Rights

Law enforcement agencies have a number of requirements under the VRA, including upholding certain rights, and treating each victim with fairness, respect, and dignity.

Written Notification of Rights and Services

Personnel who initiate a case report, summons, or other investigation concerning a violation of a crime covered by the VRA is responsible for providing the victim with a copy of the department's

Crime Victim Rights (CVR) booklet. The booklet will be provided to the victim or their lawful representative at the time the investigation is initiated; unless exigent circumstances exist that preclude the immediate delivery of the booklet to the victim.

If the victim is a juvenile, the officer will give the booklet to the parent or guardian of the child as appropriate. In the event the suspect(s) is/are the parent(s), the officer will give the booklet to another responsible adult family member or a representative from the Department of Human Services, as appropriate. If in doubt about who should receive the booklet, the initiating officer should consult with a supervisor.

The booklet will contain:

- Case number
- Case title
- Officer's name/IBM/contact phone number
- VAU's or if assigned, the victim advocate's contact phone number
- Address and telephone number for the District Attorney's Office
- List of crimes covered by the Victim Rights Act
- Summary of rights provided by the Victim Rights Act
- Information on how to request protection of their address pursuant to the Colorado Rules of Criminal Procedure
- Information on arrest notification and the VINE system
- Contact information for the department's victim assistance resources
- List of referrals and services
- Information related to the Crime Victim Compensation Fund
- Information concerning the process of ensuring the victim's rights

Documentation of Victim Rights Act Compliance

If victims make a complaint alleging their statutory rights have been violated, either to the department or using the state process for enforcing VRA compliance, the department relies upon contemporaneous documentation of contacts with victims to address the complaint.

The MFR reporting process, as described below, serves as official documentation of the initial written notification of rights and that the CVR booklet was provided.

In addition to the initial contact and providing CVR materials, officers **must** document any contact or attempt to contact a crime victim, whether as part of VRA notifications or other official communication.

The officer making or attempting a contact will document the following, **in a case supplement**:

- Date
- Time
- Person contacted
- Method (e.g. phone/phone number)
- Nature of the contact

Such documentation will include sufficient detail of the critical information that was included in the contact. These documentation requirements include attempted contacts if/when an officer is unable to reach the victim.

This process of documentation in a case supplement is intended to apply primarily to patrol officers, because they will not use the VRA Responsibilities for Detectives and Filing Personnel process described below.

VAU advocates will document their contacts in the unit's case management system.

Mobile Field Reporting

Following the initiation of an investigation of a VRA crime, the officer will go to the victim screen in Mobile Field Reporting (MFR). When the *individual* case subject sub-type is selected, the *Victim Rights Given* box will become available for selection, as well as a box to document the date given. The officer will choose from the dropdown box *Yes, VR given, No, Not VR crime, or No, see narrative why*. If the CVR booklet should be given because it is a VRA crime, but it is not, the reason for not giving it must be documented in a narrative.

Supervisors are responsible for ensuring CVR booklets have been properly provided to the victim as part of reviewing and approving the report. If the reviewing supervisor discovers the initiating officer failed to complete and/or provide the CVR booklet to the victim, the supervisor will take prompt action to ensure that the booklet is provided to the victim as soon as possible. This may include directing another officer to complete and/or deliver the booklet if the initiating officer is unavailable.

VRA Responsibilities for Detectives and Filing Personnel

Detectives or civilians who file investigations involving VRA crimes will document their victim contacts or attempted contacts using the case activity manager in LERMS.

To complete the case activity manager, select:

- The *Activity* button located in the top toolbar of the LERMS case
- Once open, select on the *New* tab to open a case activity entry to document victim contact or attempted victim contact

- Select the activity type drop down menu and select *Victim-VRA/Support*.
 - The text added in the “Description” field must contain sufficient detail to document the critical information that was provided in the contact. This includes, but is not limited to, the following:
 - Name of victim
 - Method of contact; include phone number used if that is the method of contact
 - Name of suspect notification applies to (if more than one listed suspect in case)
 - Detail of the content of the notification if contact was made; two examples of minimum requirements below:
 - Contacted [victim first and last name] at [phone number]. Notified of arrest of one suspect, [suspect first and last name]
 - Notified [victim first and last name] at [phone number] that SANE kit results were received. Explained the results showed presence of male DNA, but there were no matches in CODIS. Notified case will remain open for further investigation.
 - If contact was not made, document the circumstances (e.g., left voicemail, voicemail full, no answer at the door)

The applicable dates and times should be added, and the activity marked as *Completed*.

Each entry provides contemporaneous documentation of VRA compliance and precludes the necessity of completing a written supplement for these contacts.

The activity manger is not intended to contain pertinent investigation information gained during victim contacts. That information should still be documented in a case supplement after filling out the case activity entry.

When assigned lead in the investigation of a VRA crime, the employee will ensure all required notifications have been made and documented appropriately. They will note the outcome of their review in the activity tab. If required notifications have not occurred, the investigator is responsible for making the needed notifications.

Forensic Medical Examination Evidence in Sexual Assault Investigations

The Victim Rights Act includes additional notification requirements in sexual assault investigations.

Victims of sexual assault related crimes who undergo a forensic medical examination in which evidence was collected will be provided with additional notifications under the following circumstances:

- The crime took place in the jurisdiction of this department
- The case did not result in a conviction or a guilty plea

If requested by the victim, the assigned investigative unit/detective will notify the victim of the status and location of the victim's forensic medical evidence, including:

- When evidence from the forensic medical examination has been submitted to an accredited crime lab for testing
- When the results of the crime lab testing have been received by the department
- Whether a DNA sample was obtained from the testing, whether or not there was a DNA profile match in any state or federal database

The stipulations listed in this section require the victim to elect to receive the notifications (opt-in). In the interest of service to the victim, the assigned investigative unit/detective will provide the victim, either verbally or in writing, with directions as to how to opt-in to this process. The assigned detective will be responsible for documenting the victim's selection in the assigned case report.

Evidence Destruction Notification

At least sixty days prior to the destruction of forensic medical evidence held in a sexual assault case, a representative from the department's evidence unit will notify the victim in writing that the evidence from the forensic medical examination will be destroyed. Prior to the expiration of the 60-day period, the victim may object to the destruction of the evidence by communicating that information to the evidence unit, either verbally or in writing. The evidence unit will upload any written objection into the department's records management system, as well as in the department's evidence tracking database. Verbal objections will be documented by the evidence unit in the evidence tracking database case record.

The department retains forensic medical evidence pursuant to C.R.S. § 18-1-1103 Duty to Preserve DNA Evidence unless the victim objects to its destruction, pursuant to C.R.S. § 24-4.1-303 Procedures for Ensuring Rights of Victims of Crimes.

In the case of such an objection, the department will maintain the forensic medical evidence for an additional ten years.

Case Status Notification Requirements

In addition to the notifications made to victims immediately following the incident, officers will provide the following notifications:

- **Prior to Filing Charges** – Officers will inform the victim of the status of any case concerning a crime against the victim.
- **Changes in Status** – Victims must be informed of formal status change in their case, unless there is an investigative reason not to provide the notification. Status changes include when a case is changed to inactivated, reactivated, unfounded, and cleared by arrest, closed, or exceptionally cleared as reflected in LERMS.
- **Case Developments** – Officers should strongly consider informing victims of other significant progressions in a case. When determining whether to inform a victim of developments in the case, as well as how much detail to provide, officers should use discretion, giving consideration to both the victim’s right to updates as well as how such a notification could impact the investigation. The VAU can assist with decisions in how to make notifications to victims given the facts of the case.
- **Suspect Custody Status** – The officer is responsible for informing the victim whether a suspect has been taken into custody and, if known, whether the person has been released, unless such information would be inconsistent with the requirements of the investigation.
 - More specific information regarding the local agreement about these notifications is found below, under “Arrest and Jail Notification.”
 - If known, officers must notify the victim as to the existence of a criminal protection order.
 - If a victim requests information about how provisions of the order can be added or modified, the officer should refer the victim to the VAU, who will be responsible for explaining the process for requesting such an addition or modification to the victim.
- **Not Filing Charges** – Officers will notify a victim regarding any decision not to file charges against a person accused of a VRA crime.
- **Cold Cases** – In cold cases (as defined in the VRA statute), the VAU sends annual notification to victims regarding updates on their case.
 - The VAU must update the victim at least annually concerning the status of a cold case involving one or more crimes for which the criminal statute of limitations is longer than three years.
 - The VAU will consult with the appropriate detective or detective sergeant regarding the update.

Arrest and Jail Notification

Officers must notify victims of VRA crimes of the suspect’s arrest in the event that;

- An arrest occurs immediately after the case is initiated and the offender is going to be booked into the Criminal Justice Center (CJC)
- An arrest has been immediately made and the offender is going to be released on a summons, or
- A pick-up is initiated for the offender, **and** they will be released on a summons.

If an e-Warrant or pick-up is initiated for the offender **and** they will be booked at CJC, upon arrest, the El Paso County Sheriff's Office personnel will notify the victim when the offender is in their custody.

Victim Information Notification Everyday (VINE) System

Once an offender is placed into custody, CJC will register the victim in the *Colorado Victim Information Notification Everyday* (VINE) system; a jail notification system that sends the victim an automatic alert anytime an offender's custody changes. Once the victim is registered for this system, they will be notified about the release, transfer, escape, or death of an offender by phone, email, text, and/or TTY.

When the victim is provided with the CVR booklet, officers will provide the victim with the department's universal PIN number for VINE access (7777). This PIN will also be provided on the pumpkin sheet when a suspect is booked into CJC. Officers will determine the method in which the victim prefers to be notified (e.g., phone, email, text message, and/or TTY).

If a victim wants to use a PIN number different than the CSPD universal PIN number, officers will advise them to contact the 24-hour VINE service line (888-263-8463) to reset a different pin. Victims may also use this service to change the telephone number registered or other contact information in order to best receive offender status notifications.

Investigative Considerations

During the follow-up investigation (if any), officers will, if feasible, schedule line-ups, interviews, and other required appearances at the convenience of the victim/witness. Department members will make all reasonable efforts to keep victims informed about the status of their case and will respond as promptly as practical to inquiries made by victims about their case.

Officers and/or victim advocates will provide appropriate assistance and/or guidance to victims/witnesses who have been threatened or who express specific, credible reasons for fearing intimidation or further victimization. This assistance may include initiating an additional case report and investigation. Victim advocates will provide victims/witnesses with safety planning, which may include assisting with locating safe housing, coordinating assistance from other

community agencies, and advising the victim/witness about what to do if they experience intimidation or threats by a suspect or associates of a suspect.

CSPD personnel should not arrange for victim care without first contacting a CSPD advocate. CSPD victim advocates will coordinate efforts with all appropriate private or non-profit advocacy agencies when determining the best care for victims.

Release of Property/Evidence to VRA Victims

When a victim's property is no longer needed for evidentiary purposes, the law enforcement agency will, upon request by the victim, return such property to the victim within five working days unless the property is contraband or subject to forfeiture proceedings.

Release of Information

The victim of a VRA crime is entitled to receive a free copy of the initial incident report, however the release is at the discretion of the investigating agency based upon the status of the case and other investigative considerations.

In addition to other laws that may govern release of personal identifying information, victims are entitled, under the VRA, to have a law enforcement agency make all reasonable efforts to exclude or redact the victim's or witness's social security number from a criminal justice document or record created or compiled as a result of a criminal investigation when the document or record is released to anyone other than the victim, the defense attorney of record, the defense attorney's agent, or a criminal justice agency with duties under the VRA.

Victims have a right to receive video and audio recordings that fall under C.R.S. § 24-31-902 upon their request. All video and audio recordings depicting a death must be provided to the victim's family members at least 72 hours prior to public disclosure.

Press Releases

In the event that a press release is prepared by department personnel regarding a case involving a VRA crime, department personnel should make reasonable efforts to ensure the victim is notified of the content of the release **prior** to it being released to the public.

The VAU should be notified of the content of the press release and the date and time the information is scheduled to be released. A victim advocate will make arrangements to meet in-person with the victim and/or the victim's family members prior to the news release to assist in preparing them for any impact they might experience due to the release of incident/investigative

information. If an in-person meeting is not feasible, the advocate may contact the victim or victim's family by phone.