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**INTRODUCTION**

In 2009, we are excited to bring back the Office for Victims Programs *Connections* newsletter. As many of you remember, we published a newsletter for many years before discontinuing it in 2005. We have received numerous requests to “bring the newsletter back.” We are planning on publishing the *Connections* newsletter electronically two to four times a year. It will be posted on our webpage and we will be sending out a link to the people on our email lists letting them know that a new newsletter has been posted. We hope that you will find the *Connections* newsletter helpful and informative. We welcome your suggestions for future articles and please let us know if there is a particular program or agency you would like to have us spotlight in a newsletter. As you will see there are many exciting things happening in Colorado and we are glad to be a small part of strengthening the system for victims of crime. ■■■■

**AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (STIMULUS PACKAGE)**

On Tuesday February 17th, President Obama signed the American Recovery and Reinvestment Act of 2009 in Denver. Included in this legislation are funds for the Justice Assistance Grant (JAG), Stop Violence Against Women Act (VAWA), Victims of Crime Act (VOCA), and Victim Compensation funding. We are very excited that Colorado will be receiving funds to further support our criminal and juvenile justice systems and victim services.

**JAG**

The legislation provides \$2 billion for the Edward Byrne Memorial Justice Assistance Grant program.

**VAWA**

The legislation appropriated \$175 million in violence against women funding. Of that \$175 million, 2.5 percent will be available for state domestic violence coalitions, 2.5 percent will be available for state sexual assault coalitions, 1/56 will be available for tribal coalitions, and 10% will be available for grants to Indian tribal governments. The remaining funds will be available under the STOP Program to states using the usual base award and population formula. **Colorado will receive \$2,306,619 for the S.T.O.P. VAWA program.** ■■■■

The monies provided in the stimulus legislation are in ADDITION to the funds that Colorado receives through its annual formula grants.

The amounts below reflect the full amount appropriated at the federal level as well as Colorado’s awards.



## American Recovery and Reinvestment Act of 2009

(Stimulus Package) continued from page 1

There is an additional \$50 million for the transitional housing assistance grants program.

### VOCA

The Department of Justice—Office for Victims of Crime will be providing \$47.5 million in victim assistance grants to the states and territories using the usual population formula. **Colorado will receive \$827,000 for the VOCA assistance program.**

### Victim Compensation

The Department of Justice—Office for Victims of Crime will be providing an additional \$47.5 million in victim compensation grants to the states.

These funds will be utilized the same way our current federal victim compensation funds are used, which is to pass on these

funds to the local victim compensation programs to reimburse out-of-pocket expenses to crime victims. **Colorado will receive \$882,844 for the compensation program.**

We will post additional information as it becomes available to us. Since the focus for this legislation is to get the money out quickly and to save and retain jobs, this will be OVP's focus as well. We welcome your input.

Please feel free to contact Nancy Feldman at [nancy.feldman@cdps.state.co.us](mailto:nancy.feldman@cdps.state.co.us).



## **NEW SEXUAL ASSAULT SERVICES GRANT PROGRAM WILL PROVIDE FUNDS TO PROVIDE SERVICES TO SEXUAL ASSAULT VICTIMS**

The Sexual Assault Services Program (SASP) was created by the Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA 2005) and is the first federal funding stream solely dedicated to the provision of direct intervention and related assistance for victims of sexual assault. Overall, the purpose of SASP is to provide intervention, advocacy, accompaniment (e.g., accompanying victims to court, medical facilities, police departments, etc.), support services, and related assistance for victims of sexual assault, family and household members of victims, and those collaterally affected by the sexual assault. The focus of the SASP dollars is to assist the establishment, maintenance, and expansion of rape crisis centers and other relevant programs dedicated to assisting those victimized by sexual assault. These funds must be used for programs and activities that provide direct intervention and related assis-

tance. These grant funds cannot be used to support sexual assault forensic examiner projects or criminal justice activities (e.g., law enforcement, prosecution, courts, forensic interviews).

The Division of Criminal Justice – Office for Victims Programs will be administering these funds. It is not known when Colorado will receive these funds or the amount of funds Colorado will receive as part of this program. The Office for Victims Programs will be working with the Colorado Coalition Against Sexual Assault to develop a plan for the implementation of this grant program.

## COLORADO HOSTS CHINESE SUPREME COURT DELEGATION

Colorado was one of four states (New York, Maryland and California were the others) selected to host members of the Chinese Supreme Court studying various aspects of, among others, victim rights, restitution and victim compensation. The eight-member delegation, which included one interpreter, visited Colorado on December 8th and December 9th, 2008. The delegation heard presentations and discussed important issues with Coloradans including Governor Bill Ritter; Justice Ben Coats from the Colorado Supreme Court; Chief Judge Larry Naves from Denver District Court; Judge Anne Ollada from Arapahoe County Court; Department of Public Safety Director Peter Weir and Deputy Director Kathy Sasak; Division of Criminal Justice Director Jeanne Smith, Meghan Saleebey and Tony Tilger from the Division of Criminal Justice; District Attorney Mitch Morrissey, Steve Siegel, Linda Ferry and Michelle Adams from the Denver District Attorney's Office; Kelly Kissell from the 4<sup>th</sup> Judicial District Attorney's Office; Pat Morel from the 4<sup>th</sup> Judicial District Administrators Office; local attorney John Clune and survivor Rebecca Gershten. A report from the delegation should be available from Beijing later this year.



### SAVE THE DATE—2010 VALE/Victim Compensation Conference

Attention Victim Compensation and local VALE Administrators and Board members. The next conference date has been set. SAVE THE DATE!!!

2010 VALE and Victim Compensation Conference will be held 5/11/10 to 5/13/10 at the Beaver Run Resort & Conference Center in Breckenridge, Colorado.

## 2009 LEGISLATION

SB 09-047 is the bill that the Department of Public Safety, Division of Criminal Justice, Office for Victims Programs is proposing to streamline the federal and state grant process for victim services funds. It is sponsored by Senator Newell and Representative Roberts. SB 09-047 has already passed the Senate and will be heard in the House Judiciary Committee on March 12, 2009.

### What does the Bill do?

The legislation seeks to streamline funding for services to crime victims in Colorado by merging the three existing state-wide advisory Boards that make recommendations for this type of funding to the Division of Criminal Justice, including: 1) The Victims' Compensation and Assistance Coordinating Committee (Coordinating Committee); 2) the Stop Violence Against Women Act (VAWA) Board; and 3) the State Victim Assistance and Law Enforcement (State VALE) Board. The legislation will combine these 3 boards into one board called the Crime Victim Services Advisory Board. The Coordinating Committee currently makes funding recommendations on the federal Victim of Crime Act (VOCA) grants, the State VALE Board currently makes recommendations for State VALE grant funding, and the VAWA Board cur-

rently makes funding recommendations for the federal Violence Against Women grants. The membership and responsibilities of the Coordinating Committee and the State VALE Board are currently defined in statute. The VAWA Board is a non-statutory board.

### Why combine the 3 Boards?

Combining the 3 boards and the 3 grant programs will provide a more user-friendly process for grantees, streamline the funding process, help ensure the effective use of available grant dollars, and reduce board cost expenses. Grant applicants will be able to apply for grant funds from VOCA, VAWA and State VALE through one application process. In some cases, grantees will be able to reduce the number of reporting requirements they have to submit to the Division of Criminal Justice (DCJ). Combining the 3 boards will provide a more efficient grant process and reduce administrative duplication that currently occurs with 3 different boards.

### Highlights of significant changes to statute

► The Executive Director of the Department of Public Safety, rather than the Governor, will appoint the new board. The new board appointments will be made by August 1, 2009.

► Establishes the Victim Rights Act Subcommittee in statute. The Subcommittee is currently authorized by the bylaws of the Victims Compensation and Assistance Coordinating Committee. This Subcommittee was created in 1995 to review and respond to formal Victim Rights Act complaints.

► Provides that records submitted to the Advisory Board or Victim Rights Act Subcommittee will not be released until the Board resolves the report of non-compliance alleged in a Victim Rights Act complaint and that all victim information will be redacted from any information released to the public.

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## GOOD NEWS— UPDATE ON THE VOCA FUND

For the past several years, Congress has imposed a cap on the funds disbursed each year, in part to promote a steady and predictable level of funding. In recent years the cap has hovered around \$625 million, but in 2008 it decreased to \$590 million. On February 23, 2009 the 2009 VOCA cap was set at \$635 million dollars. This is good news, better than we expected. At this time our unofficial estimate, subject to final OVC calculations, is that Colorado will receive a 2009 award of \$5,913,000! Colorado's past awards are as follows:

◆ 2006 Colorado VOCA Award .....	\$6,190,000
◆ 2007 Colorado VOCA Award .....	\$5,825,000
◆ 2008 Colorado VOCA Award .....	\$4,831,691

With regard to the National VOCA fund itself, the balance of the fund has grown to an estimated \$1.9 billion. Approximately \$896 million was collected during FY08 alone. That was the third largest amount deposited in one year in the history of the VOCA Fund, and it is \$186 million above what was anticipated. There are indications that FY09 will be another high year for collections into the VOCA Fund. For example, the media has reported additional high-dollar criminal fines to be imposed in negotiated federal sentencing agreements.

Therefore, Congress can release additional VOCA funds for 2010 with no impact on the overall budget figures and with no fear of draining the fund. These additional VOCA funds would provide Colorado with another increase ensuring VOCA funded agencies current funding levels and possibly allowing for increases in the next funding cycle. Crime victims' organizations are currently working in Washington to make this increased funding a reality. □□□□

## FORENSIC EXAMS — HOUSE BILL 1217 UPDATE

The Violence Against Women Act (VAWA) was enacted in 1994 and authorized by Congress in 1995. The purpose of the VAWA program is to address violence against women, specifically domestic violence, sexual assault, stalking and dating violence.

There are many programs under VAWA, one of which is the S.T.O.P. (Services, Training, Officers, Prosecutors) program. S.T.O.P. money is provided to the states based on population. Colorado receives approximately 1.6 – 1.8 million dollars annually. Colorado's S.T.O.P. money is currently distributed to law enforcement, prosecution, courts and victim services agencies through the VAWA Advisory board.

VAWA was reauthorized by Congress in 2005 which resulted in several changes to the legislation. One of those changes was that by January 2009 victims of sexual assault be allowed to receive a forensic exam without having to cooperate with law enforcement. In Colorado, we updated our statute through House Bill 08-1217 to meet this federal VAWA requirement.

House Bill 08-1217 very simply says that victims of sexual assault can receive a forensic exam without cooperating with law enforcement or the criminal justice system. It also says that DCJ will pay only the cost

of the forensic exams in cases in which a victim elects not to cooperate with law enforcement or the criminal justice system and that law enforcement will pick up the evidence from the exam and keep it for a minimum of two years. House Bill 08-1217 went into effect on March 31, 2008.

To implement House Bill 08-1217, DCJ staff met with SANE programs, law enforcement, and victim advocates across the state to develop policies and procedures. These policies and procedures were distributed in June & July 2008 to law enforcement agencies, victim services agencies, hospitals and SANE programs throughout the state and are also posted on DCJ's website.

From August 2008 through December 2008, DCJ received requests for payment of forensic exams for 15 victims. Payment for these exams comes from the VAWA program monies.

DCJ intends to gather data so that an accurate dollar figure and number of requests can be established.

If you have questions about the payment of forensic exams for victims who choose not to cooperate with law enforcement, please contact Debbie Kasyon at 303-239-5703 or toll-free at 1-888-282-1080. [www.dco.state.co.us](http://www.dco.state.co.us)

## ASK THE GRANT GEEK



Dear Grant Geek,

I run a domestic violence shelter on the front-range and I've been hearing rumors that you folks in the DCJ Office for Victims Programs are going to make some big changes in the way grant money is given out. I wasn't able to go to any of the regional meetings you had last fall where you explained this "consolidation process". I gotta admit, I'm pretty nervous about this whole thing. Is it going to be harder to get grant money? Will there be more or less money available? How will I know when to apply? Will I have to learn how to fill out a completely different application? My agency has a VOCA grant and a VAWA grant to help fund our victim services. Will I still apply for both types of funds? We are very dependent on grant funding so significant changes in the grant processes are really scary. Can you help me understand what's going on?

Sincerely,

**"FLUMMOXED ON THE FRONT-RANGE"**

Dear "Flummoxed",

I'm glad you asked about the Office for Victims Programs (OVP) grant "consolidation process". I'm sure a lot of other folks have the same questions you do.

Here's what's going on... Over the next two years, OVP will consolidate the funding cycles and allocation processes of three grant programs – Victims of Crime Act (VOCA), S.T.O.P. Violence Against Women Act (VAWA), and the State Victim Assistance and Law Enforcement (State VALE). The result will be a single, consolidated application form and allocation process for the OVP grant funds. The grant award cycle will be a 2-year, calendar-year award period.

Why is OVP doing this? Some of the more important reasons are to improve services to subgrantees, to maximize the use of OVP's available grant dollars, to streamline the complicated funding processes, to stabilize funding levels, to alleviate fluctuations in grant fund availability, and to establish an improved "user-friendly" administrative process that will let you spend more time serving victims and less time applying for and reporting on multiple sources of grant funding.

There won't be more or less total money available because of the consolidation, but we're hopeful that by reducing duplication in the application and administration processes a greater percentage of grant funds can be concentrated on programs and services. Many of OVP's subgrantees receive both VOCA and VAWA grants now. The good news is that under the consolidated process, you'll only have to submit one application and the staff at OVP will figure out which "pot" of funds can be used to support your proposed project! The other good news is that OVP staff are re-doing the application form and instructions to make it as clear and simple as possible to apply for funds!

We will do the best we can to make up-to-date information about these changes available on our website at <http://dcj.state.co.us/ovp>. It's a good idea to check the website periodically over the next year or so to stay current with developments and the announcement of critical dates. And don't worry - lots of technical assistance will be provided when we get around to implementing the new application and allocation process!

Hope this information helps. Thanks for your questions - the Grant Geek is always at your service!

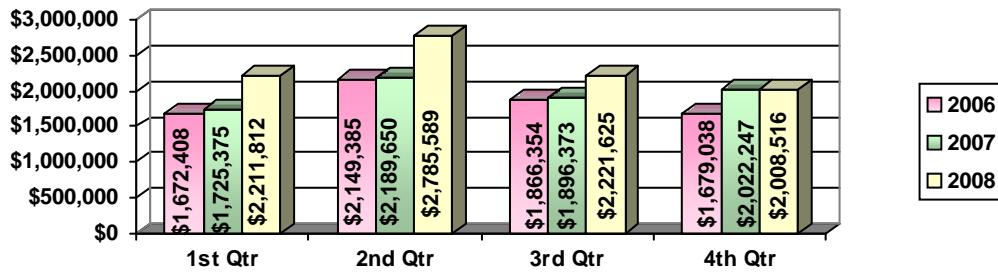
Sincerely,

The Grant Geek

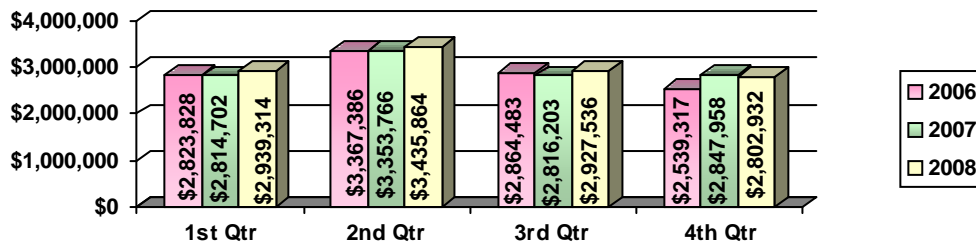
2007 SENATE BILL 55 STARTING TO MAKE AN IMPACT

In 2007, the Legislature passed SB-55. As a result, the fines and assessments for local Victim Assistance and Law Enforcement funds and Victim Compensation funds were increased. Below, the charts are showing the collections for Victim Compensation and Victim Assistance and Law Enforcement (Local VALE) funds over the past 3 years.

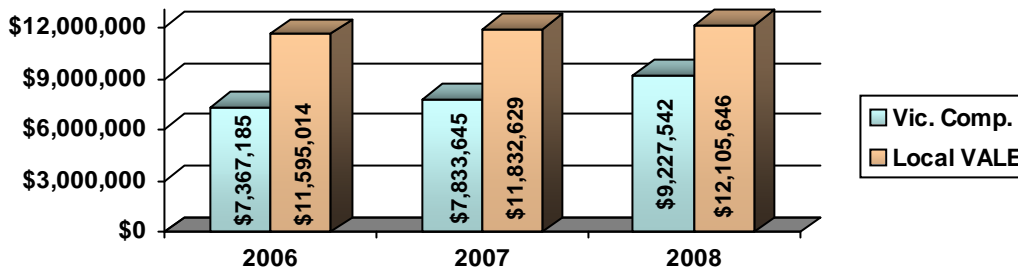
Victim Compensation collections



Local VALE collections



Total Collections by calendar year



The increase for Victim Compensation assessments from 2006 to 2008 was approximately 25%. The average increase for local VALE for the same period was approximately 4.4%. ■■■■

### THINGS YOU MAY NOT KNOW ABOUT THE VICTIMS RIGHTS ACT (VRA) COMPLIANCE

- **Approximately 90% of Calls or Contacts by Victims Do Not Result in a VRA Complaint**

In both 2006 and 2007, fifteen (15) VRA complaints were filed. In 2008 sixteen (16) VRA complaints were filed. The vast majority of calls from victims to the Division of Criminal Justice do not result in VRA complaints. For example, in 2008, assistance was provided by Division of Criminal Justice (DCJ) staff to 140 VRA victims who did not file a VRA complaint. In addition, in 2008 DCJ staff provided resources and referrals to 109 individuals whose concerns did not fall under the purview of the VRA.

- **A VRA Complaint Is Not A Conversation**

A VRA complaint occurs when an individual submits a written complaint alleging that his or her rights under the VRA have been violated.

- **DCJ Staff Does Not Encourage Individuals to File VRA Complaints**

DCJ staff is neutral throughout the VRA compliance process. DCJ staff does not suggest, encourage or bolster the efforts of an individual to file a VRA complaint. In addition, DCJ staff cannot and does not prevent an individual from filing a VRA complaint.

- **Complaints Do Not Equal Violations of the VRA**

The fact that an individual files a VRA complaint DOES NOT mean that the Subcommittee will find that the VRA was violated. In 2008, of the 16 complaints filed, six (6) resulted in findings by the Subcommittee that there was a basis in fact for a violation of the VRA.

- **All Complaints Must Be Reviewed by the Victim Rights Act Subcommittee**

Division of Criminal Justice (DCJ) staff does not have the authority to make the final determinations and findings as to a VRA complaint.

## VICTIMS RIGHTS ACT: CASE SUMMARIES

The following are summaries of Victim Rights Act (VRA) Subcommittee cases. These cases focus on the Subcommittee's determination as to whether a basis in fact exists for a victim's allegation that his/her Victim Rights have been violated. The cases are not presented in their entirety. Specific allegations and findings have been extracted from each case in order to illustrate a range of applications of the VRA. In order to protect confidentiality, the names of individuals and agencies have been changed.



### Fairness, Respect & Dignity (Case #1)

#### Case Summary:

In the summer, Suzie reported to law enforcement that she had been sexually assaulted by William. William was arrested for the sexual assault and placed into custody. Several days later William was released from custody pursuant to the Deputy District Attorney (DDA) informing jail staff that she would not be filing charges.

The Deputy District Attorney met with Suzie after William had been released. Suzie reported to the Division of Criminal Justice (DCJ) that the tone of this meeting was hostile as well as uninformative. As a result of this interaction, Suzie alleged that her victim rights were violated by the District Attorney's Office.

#### Allegation:

**C.R.S. § 24-4.1-302.5(1)(a) The right to be treated with fairness, respect, and dignity and to be free from intimidation, harassment, or abuse, throughout the criminal justice process.**

Suzie believed that her right to be treated with fairness, respect, and dignity was violated by both the tone and the words used by the Deputy District Attorney in their meeting. Suzie alleged that the Deputy District Attorney told Suzie that she had "pissed her off" and that the Deputy District Attorney chased her down the hall and yelled, "Get out" when Suzie became angry and left the meeting. Suzie stated that the Deputy District Attorney utilized profanity with her during their only meeting related to the case.

In addition, Suzie alleged that the Deputy District Attorney informed her that she would not take the case to trial because Suzie had been drinking; however, Suzie stated that the Deputy District Attorney did not have any knowledge of her blood alcohol content. Suzie felt as if the Deputy District Attorney's comments made it seem like she deserved to be sexually assaulted if she were drinking. Suzie stated that the Deputy District Attorney had written two apology letters but Suzie felt as if the Deputy District Attorney was forced to write these letters. Suzie stated that she was still uncomfortable meeting with the Deputy District Attorney.

Suzie stated that two other individuals were witnesses to this conversation with the Deputy District Attorney; a victim advocate from a District Attorney's Office and a victim advocate from an outside agency.

## OFFICE FOR VICTIMS PROGRAMS CONNECTIONS

## VICTIMS RIGHTS ACT: CASE SUMMARIES (CONTINUED)

Fairness, Respect & Dignity (Case #1)  
(continued)**District Attorney Response:**

The Deputy District Attorney admitted to the alleged conduct and conceded that the corroborating accounts of the two victim advocates were accurate. The Deputy District Attorney met with and apologized to the victim in person, and the elected District Attorney informed the Deputy District Attorney that she would need to attend training regarding appropriate communications and behavior with respect to victims. The elected District Attorney stated that there would be no tolerance for another complaint of this kind.

**Finding of the VRA Subcommittee:**

The VRA Subcommittee found a basis in fact for Suzie's allegation that her right to be treated with fairness, respect and dignity was violated. The VRA Subcommittee found the conduct by the Deputy District Attorney to be a violation of the Victim Rights Act.

The Subcommittee appreciated the remedial steps taken by the District Attorney but determined that training was warranted for both the Deputy District Attorney and the entire District Attorney's Office.

**DCJ Staff Comment:**

In the vast majority of circumstances, the VRA compliance process works toward a resolution to address formal complaints; however, the more egregious a Victim Rights Act violation, the more limited the options are for resolution. Whereas a pattern of unreturned phone calls might be remedied by improving communication between the advocate and the victim, using abusive language toward a victim is difficult to address because the right to fairness, respect and dignity has been dramatically undermined.

**VRA Subcommittee Requirements:**

- ◆ The District Attorney's Office was required to assess the needs of the office related to providing victims their rights. This assessment included a review of supervisory and training needs, and a plan to prevent incidents similar to the one in this case.
- ◆ All Attorneys in the District Attorney's Office were required to attend a training related to victims' rights, communication with victims, ethics and empathy training.

The District Attorney's Office was required to report on the specific workshops attended by the Deputy District Attorney at the COVA Conference. In particular, the Subcommittee recommended workshops focusing on Sexual Assault and victim empathy. [REDACTED]

The Right to Consult with the Prosecution (Case #2)**Case Summary:**

In March, Jeff reported that his vehicle had been damaged and that someone, whom he believed to be his estranged wife Mary, had thrown a brick at his vehicle. At the time of this report, Jeff was a police officer with the ABC Police Department – the same department that responded to and investigated his allegations concerning Mary. On May 3rd, law enforcement contacted Mary who confessed to taking part in the crime.

**Allegation:**

Jeff stated he received a letter, in September, from the District Attorney's Office that charges had been dismissed against Mary. Jeff alleged he was not informed that they were planning on dismissing the charges, nor was he consulted. Jeff stated he then learned the case was dismissed in August and he was not notified until September of the dismissal of the case.

**District Attorney Response:**

The District Attorney acknowledged that Jeff was not informed as to the dismissal of the case; however, the District Attorney stated that Jeff was asked to provide his input on the case via the victim impact statement provided to him by the District Attorney's Office. The District Attorney stated that Jeff chose not to provide input on the case through a victim impact statement, that Jeff did not appear in court the day that the case was dismissed and that Jeff had not initiated contact with the District Attorney's Office to inquire about the case.

The District Attorney asserted that a District Attorney's Office would not be in violation of the right of a victim to consult with the prosecution unless the District Attorney's Office obstructed the victim from exercising of that right.

**VRA Subcommittee Finding:**

**The VRA Subcommittee found a basis in fact that the District Attorney's Office violated Jeff's right to consult under the Victim Rights Act.** The Subcommittee disagreed with the statement of the District Attorney's Office, stating that the District Attorney's Office has an affirmative duty to consult with a victim prior to the disposition of the case, including dismissal.

**C.R.S. § 24-4.1-302.5(e) The right to consult with the prosecution after any crime against the victim has been charged, prior to any disposition of the case, or prior to any trial of the case, and the right to be informed of the final disposition of the case.**

**C.R.S. § 24-4.1-303(4) states: After a crime has been charged, unless inconsistent with the requirements of investigative activities, the district attorney shall consult (emphasis added), where practicable, with the victim concerning the reduction of charges, negotiated pleas, diversion, dismissal, seeking of death penalty, or other disposition. Failure to comply with this subsection (4) shall not invalidate any decision, agreement, or disposition. This subsection (4) shall not be construed as a restriction on or delegation of the district attorney's authority under the constitution and laws of this state.**

## OFFICE FOR VICTIMS PROGRAMS CONNECTIONS

## VICTIMS RIGHTS ACT: CASE SUMMARIES (CONTINUED)

[The Right to Consult with the Prosecution](#) (Case #2)  
(continued)

The Subcommittee understands that District Attorneys' Offices have a legal and ethical duty to dismiss cases that cannot be proven beyond a reasonable doubt. At the same time, the Subcommittee is also aware that the decision to dismiss a case may, on occasion, change when the District Attorney learns about additional facts and evidence as a result of consulting with the victim about the dismissal in the case.

**DCJ Staff Comment:**

The District Attorney is **not relieved** of the affirmative duty to consult with the victim due to circumstances such as: 1) the victim recanting, 2) the victim requesting the dismissal of the case, 3) the victim submitting a victim impact statement. **The Victim Impact Statement, while a useful**

**tool for obtaining victim input, is NOT a substitute for the DA's affirmative duty to consult with the victim prior to the disposition of the case.**

If a victim waives his/her right to notification under the Victim Rights Act, be sure to DOCUMENT this waiver of his/her rights. If a victim rescinds his/her waiver of Victim Rights, document the rescission of the waiver and ensure that District Attorney staff is aware that the victim has elected to be notified regarding their rights under the VRA.

If you have any questions or concerns about the information contained in this document, please contact Meghan Saleebey, VRA Specialist, at 303-239-4497 or toll free at 1-888-282-1080 or by email at [meghan.saleebey@cdps.state.co.us](mailto:meghan.saleebey@cdps.state.co.us)



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