

THE LIMITATIONS OF COLORADO'S VICTIM RIGHTS ACT (VRA): EXAMPLES

While the concerns expressed by victims of crime are important, Colorado's VRA does not apply to all crimes or all concerns identified by victims of crime. **This document is for information purposes only. This document is intended to provide general information about concerns that are not typically covered by Colorado's VRA. This document is not a substitute for a determination by the VRA Subcommittee or the Division of Criminal Justice that your concerns do not fall under the VRA. Your concerns, as are all victim rights concerns, are fact specific.**

In addition, this document is not intended to discourage a victim of a VRA crime from filing a VRA complaint or from contacting the Victim Rights Act Specialist at the Division of Criminal Justice. If you have questions or concerns about your rights as a victim of crime, you are encouraged to contact the Victim Rights Act Specialist. To contact the Victim Rights Act Specialist, click on the link, "Contact the VRA Specialist."

▪ Non-VRA Crimes

The Victim Rights Act only applies to the specific crimes listed in the VRA. For a list of VRA crimes click on the link, "Crimes that Fall Under the VRA."

▪ Co-Defendants

If you have been charged with criminal conduct, you may not be eligible for rights under the VRA. For a copy of Colorado's Victim Rights Act, which includes the definition

of “Victim” under the VRA, click on the link, “Colorado’s Victim Rights Act.”

- **Police misconduct**

Victims of Victim Rights Act crimes have the right to be treated with fairness, respect and dignity. However, police misconduct claims do not fall under the purview of the VRA.

- **The manner in which law enforcement conducts an investigation**

Victims of Victim Rights Act crimes have the right to be informed by the law enforcement agency of the status of the case prior to the filing of charges in the case. If law enforcement agencies determine that the release of information about the investigation will jeopardize the case, law enforcement agencies may decide not to release information to the victim. Law enforcement agencies have the discretion to determine how and whether to investigate an alleged criminal incident.

- **Plea Offers**

A victim of a VRA crime has a right to be consulted about the proposed plea prior to the disposition of the case. However, the District Attorney has the discretion to make the plea offer to the defendant that he or she determines is appropriate given the facts of the case and the relevant law(s).

- **Filing of charges**

The victim of a VRA crime has a right to be notified of the charges that are filed in the criminal case. In addition, the victim has a right to be notified by the law enforcement agency or the District Attorney's Office about decisions not to file charges in misdemeanor and felony VRA cases. However, whether the District Attorney files charges and what charges are filed does not fall under the purview of the Victim Rights Act.

- **Municipalities**

Crimes, even crimes that are listed in the VRA, for which law enforcement writes a municipal ticket and which are prosecuted in city court do not fall under the purview of the VRA.