

	SECTION:	OPERATIONS	OPR-238
	CHAPTER:	COMMUNITY ORIENTED POLICING	
	DIRECTIVE:	VICTIM ASSISTANCE PROGRAM (VAP)	

1.0 SUMMARY

It is the intention of the Grand Junction Police Department to provide victims of crime their rights under the Victim’s Right Legislation 24-4-302 by creating and maintaining a volunteer organization of Victim Assistance Program volunteers (VAP). It is the intention of this unit to assist law enforcement in comforting, guiding and supporting victims and their immediate families through the crisis and then refer them onto appropriate agencies. Victim Assistance Program volunteers can respond to crime scenes, hospitals, or other locations where the victim is present.

The Victim Services Coordinator is responsible for the overall administration, supervision and coordination of victim assistance and senior victim prevention programs and activities including the recruitment and training of volunteers. Additionally he/she is responsible to provide support, information, referrals and advocacy to victims or witnesses of crime or catastrophic events; and to provide direct services, education and outreach to senior citizen victims of crime or at-risk adults.

2.0 LEGISLATIVE DECLARATION ABOUT VICTIMS

C.R.S. 24-4.1-301 Legislative Declaration) The General Assembly of the State of Colorado declares that the full and voluntary cooperation of victims of and witnesses to crimes with state and local law enforcement agencies as to such crimes is imperative for the general effectiveness and well-being of the criminal justice system of this state. It is the intent of this declaration, therefore, to assure that all victims of and witnesses to crimes are honored and protected by law enforcement agencies, prosecutors, and judges in a manner no less vigorous than the protection afforded criminal defendants. In 1992, the voters of the state of Colorado passed a state constitutional amendment that provides crime victims with certain rights. The passage of Senate Bill 06-177 in the spring of 2006 further strengthened these rights. In 2012 House Bill 12-1053 passed, which added expanded legislative content to the Victim Rights Act.

3.0 DEFINITION OF A VICTIM

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 or plan, as crime is defined under the laws of this state or of the United States, or,

3.0 DEFINITION OF A VICTIM (CONT'D) if such person is deceased or incapacitated, the person’s spouse, parent, child, sibling, grandparent, grandchild, significant other, or other lawful representative.

4.0 DEFINITION OF CRIME UNDER THE VICTIM RIGHTS AMENDMENT For purposes of notification under this law, any person under the age of eighteen years is considered incapacitated, unless that person is legally emancipated. It is the intent of the general assembly that this definition of the term “victim” shall apply only to this law and shall not be applied to any other provision of the laws of the State of Colorado that refer to the term “victim.”

The Constitution of the State of Colorado and the laws of the state [24-4.1-302(1) C.R.S.] guarantee certain rights to the victims of the following criminal acts whether committed by an adult or juvenile:

- Murder in the first degree, in violation of section 18-3-102;
- Murder in the second degree, in violation of 18-3-103;
- Manslaughter, in violation of 18-3-104;
- Criminally negligent homicide, in violation of 18-3-105;
- Vehicular homicide, in violation of 18-3-106;
- Assault in the first degree, in violation of 18-3-202;
- Assault in the second degree, in violation of 18-3-203;
- Assault in the third degree, in violation of 18-3-204;
- Vehicular assault, in violation of,18-3-205;
- Menacing, in violation of 18-3-206;
- First degree kidnapping, in violation of 18-3-301;
- Second degree kidnapping, in violation of 18-3-302;
- Sexual assault in the first degree, in violation of 18-3-402;
- Sexual assault in the second degree, in violation of 18-3-403;
- Unlawful sexual contact, in violation of 18-3-404;
- Sexual assault in the third degree, in violation of 18-3-404;
- Sexual assault on a child, in violation of 18-3-405;
- Sexual assault on a child by one in a position of trust, in violation of 18-3-405.3
- Sexual assault on a client by a psychotherapist, in violation of 18-3-405.5;
- Robbery , in violation of 18-4-301;
- Aggravated robbery, in violation of 18-4-302;
- Aggravated robbery of controlled substances, in violation of 18-4-303.;
- Incest, in violation of 18-6-301;
- Aggravated incest, in violation of 18-6-302;
- Child abuse, in violation of 18-6-401;

**4.0 DEFINITION OF CRIME
UNDER THE VICTIM
RIGHTS AMENDMENT
(CONT'D)**

- Sexual exploitation of children, in violation of 18-6-403;
- Crimes against at-risk adults or at-risk juveniles in violation of 18-6.5-103;
- Crimes for which the underlying foundation has been determined to be domestic violence in violation of 18-6-800.3;
- Stalking, in violation of 18-9-111 (4);
- Ethnic intimidation, in violation of section 18-9-121;
- Careless driving resulting in death of another person, in violation of 42-4-1402;
- Failure to stop at a scene of an accident, that results in the death of another person, in violation of 42-4-1601;
- Retaliation against a witness or victim, in violation of 18-8-706;
- Aggravated intimidation of witness or victim, in violation of 18-8-705;
- Indecent exposure;
- Tampering with a witness or victim, in violation of 18-8-707;
- Violation of a protection order issued against a person charged with committing sexual assault, sexual assault on a child by a person in position of trust, or sexual assault on a client by a psychotherapist 18-3-405.5;
- Invasion of privacy for sexual gratification, in violation of 18-3-405.6;
- Human trafficking in adults, in violation of 18-3-501;
- Human trafficking in children, in violation of 18-3-502;
- Burglary in the first degree, in violation of 18-4-202;
- Retaliation against a judge, in violation of 18-8-615;
- Retaliation against a juror, in violation of 18-8-706.5
- Child prostitution, in violation of 18-7-401;
- Soliciting for child prostitution, in violation of 18-7-402;
- Procurement of a child for sexual exploitation, in violation of 18-6-404;
- Pimping of a child, in violation of 18-7-405;
- Inducement of child prostitution, in violation of 18-7-405.5;
- Patronizing a prostituted child, in violation of 18-7-406;
- Coercion of involuntary servitude, in violation of 18-3-503
- Failure to stop at the scene of an accident that results in serious bodily injury, in violation of 42-4-1601;
- Violation of criminal protection order in stalking case, in violation of 18-3-602;
- Posting a private image for harassment or pecuniary gain, in violation of 18-7-107 and 18-7-108.

5.0 RIGHTS AFFORDED TO VICTIMS

In order to preserve and protect a victim's rights to justice and due process, each victim of crime shall have the following rights:

- The right to be treated with fairness, respect, and dignity, and to be free from intimidation, harassment, or abuse, throughout the criminal justice process;
- The right to be informed of and present for all critical stages of the criminal justice process;
- The right to appear by phone for critical stages where the victim has a right to be heard but can't appear in person;
- The right to be informed about the criminal protection order and any process to modify or add to the criminal protection order;
- The right to be informed of any relevant protection services;
- The right to be heard at any court proceeding that involves a bond reduction or modification;
- The right to be informed of any rights which the victim has pursuant to the constitution of the United States or the state of Colorado;
- The right to consult with the prosecution after any crime against the victim has been perpetrated, prior to any disposition of the case.
- The right to be informed by local law enforcement agencies or the District Attorney, prior to the filing charges with the court;
- The right to be present at the sentencing hearing;
- The right to have the court determine the amount, if any, of restitution to be paid to a victim;
- The right to be informed of the results of any HIV testing that is ordered by the Court;
- The right to prevent any party at any court proceeding from compelling testimony regarding the current address, telephone number, place of employment, or other location information of the victim unless the victim consents or the court orders disclosure
- The right to exclude or redact a victim's social security number or a witness' social security number from a record or document being released to someone other than the victim, a criminal justice agency or defense counsel
- The right to be informed by Law Enforcement of how the victim may request notification of the offender's status from jail.

6.0 PROCEDURES FOR ASSURING RIGHTS OF VICTIMS OF CRIME

During the initial contact between a victim and a member of the Grand Junction Police Department, the victim shall receive the following in writing;

- A statement of the victim's rights as enumerated in this article.
- Information concerning the availability of victim assistance, medical, and emergency services;
- Information concerning the availability of compensatory benefits pursuant to this article and the name, address, and telephone number of any person to contact to obtain such benefits.
- The availability of protection for the victim from person accused of committing a crime against the victim, including protective order;
- Availability of public records related to the case;
- The right of a victim to request a free copy of the initial incident report (timing of release is at the discretion of law enforcement);

7.0 VICTIM ASSISTANCE PROGRAM

As soon as available, the law enforcement agency shall give to each victim, as appropriate, the following information;

- The business address and business telephone number of the office of the district attorney;
- The file number of the case and the name, business address, and business telephone number of any law enforcement officer assigned to the case;
- Unless such information would be inconsistent with the requirements of the investigation, information as to whether a suspect has been taken into custody and, if known, whether the suspect has been released and any conditions imposed upon such release.
- Law enforcement shall provide the victim in a cold case information concerning any change in the status of the case. Upon written request from the victim the agency shall provide an update at least annually to the victim (crimes for which the criminal statute of limitations is longer than three years).
- Any final decision not to file charges against a person accused of committing any crime specified in 24-4.1-302 (1) against the victim unless law enforcement and the DA's office have developed an alternative policy.

8.0 REQUEST VICTIM ASSISTANCE UNIT RESPONSE

The Victim Assistance Program (VAP) shall be staffed by a full time Coordinator and trained volunteers to assist victims of crime or traumatic incidents 24 hours a day 7 days a week. VAP volunteers shall:

8.0 REQUEST VICTIM ASSISTANCE UNIT RESPONSE (CONT'D)

- View victims as an important constituency who are deserving of services.
- Provide crisis intervention skills to victims of crime or critical incidents
- Provide specific written and verbal information related to victims knowing and exercising their rights guaranteed by the Colorado Victim Rights Amendment (VRA)
- Provide victims with referral information to assist them in the recovery of their victimization.

9.0 OFFICER /VAP CALL-OUT PROTOCOL

Officers shall use judgment and discretion, regardless of the type of incident, in the best interest of the Department, Officer handling the incident, and the victim. Officers shall request the VAP response via the Communications Center paging system in the following incidents:

- Domestic Violence
- Sexual Assault, Sexual Assault on a Child
- Homicide
- Suicide
- Assault - 1st and 2nd degree
- Unattended Death –where survivors need assistance.
- Death Notifications- when accompanied by officer
- Crimes against At-Risk Adults or At-Risk Juveniles.
- Injury Traffic Accidents – when survivors or witnesses need assistance.

The following protocol is established in order to facilitate providing victim services in the most efficient means possible.

- All VAP response requests will be facilitated through dispatch. Dispatch will page out a Victim Assistance Unit volunteer.
- The volunteer on duty will respond to the call from dispatch immediately. Once the information is obtained from dispatch about the call-out, a volunteer's ETA should be no longer than fifteen to twenty minutes to arrive on the scene.
- In the event the VAP that is on duty does not respond to the page from dispatch, an additional page will be sent out for back up. Additional VAP volunteers can be paged out by dispatch should more resources be needed on scene.
- When the Victim Assistance Unit volunteer arrives on scene, the volunteer will notify dispatch on their cell phone of their arrival. If for some reason it is necessary for the volunteer to move from the original designated scene to assist the victim, the Victim Assistance Unit

**9.0 OFFICER /VAP CALL-
OUT PROTOCOL (con't)**

volunteer will continue to keep dispatch appraised of their location.

- If it is not clear to the volunteer where the incident is located or if it seems unsafe, the volunteer will ask dispatch to notify the officer that they are on scene. Officers are asked at that point to come outside and acknowledge their location to the volunteer. A VAP volunteer will not be provided if the victim is also a suspect.
- The Officer will remain on-scene until the arrival of the VAP volunteer, who shall be briefed by the Officer of the particulars of the incident. The Officer will also introduce the VAP to the victim. In those situations where a suspect is still at large or when circumstances exist that may put the volunteer at risk, the Officer will be asked to remain on the scene with the VAP volunteer.
- At the completion of duties on a scene, the VAP volunteer will notify dispatch when they are clearing or have returned home.

**10.0 ON CALL
REQUIREMENTS FOR
VICTIM ASSISTANCE
UNIT VOLUNTEERS**

VAP volunteers are expected to be on call 48 hours a month. That is equivalent to 4 twelve hour shifts. Additional requirements include:

- While on shift a VAP volunteer must carry their assigned cell phone
- When paged out a VAP volunteer must respond to the scene in a timely fashion. ETA should be no more than fifteen to twenty minutes.
- A VAP volunteer must never respond to call under the influence of alcohol, prescription or non-prescription drugs.
- In the event that illness or emergency prohibits completion of a VAP volunteer's scheduled shift, he/she must arrange for a replacement or request the VAP Coordinator to do so.
- A VAP Incident Report is required to be completed and submitted to the VAP Coordinator no later than the next business day following the incident.
- On some occasions it may be appropriate for contact with the victim the day following the incident. During this contact it is appropriate to check on the condition of the victim and any secondary victims, make additional referrals, or answer any questions.
- For the mental health of both the VAP volunteer and the victim, on-going communication with the VAP Coordinator is required to ensure that any follow-up contact remains appropriate.

**11.0 VICTIM ASSISTANCE
UNIT VOLUNTEER
SELECTION AND
TRAINING**

Individuals wishing to become a VAP volunteer shall be required to submit a volunteer application and undergo extensive background checks prior to admittance into the training.

- VAP volunteers must satisfactorily complete a 35-hour training academy. This training equips volunteers with the skills and information needed and acquaints them with community resources to become proficient in serving victims of crime.
- Upon completion of the VAP Academy a volunteer-trainee will remain “in-training” status with the program until successfully completing call-outs with a senior VAP volunteer. This “in-training” status may last from one to three months.
- It will be the Coordinator’s decision as to when the VAP volunteer-trainee shows an understanding of the skills and protocol needed in helping a victim of crime and may be allowed to begin to take calls on his own.
- New VAP volunteers shall be required to complete one ride-a-long with Officers in order to acquaint them with the duties of a Police Officer.
- Ongoing training will be provided to the VAP volunteers at monthly meetings. These meetings are mandatory.
- During the time in the VAP Program, should a volunteer show poor judgment or inappropriate actions during a call-out, the Coordinator shall remove the VAP volunteer from service. The Coordinator will prepare a written memo describing the circumstances and reason(s) for removal and submit the memo through the chain of command to the appropriate Deputy Chief.

