

## ***FREQUENTLY ASKED QUESTIONS***

### ***WHAT IS PROBATION?***

The two primary functions of probation are to supervise individuals sentenced to probation supervision and to provide assessment and pre-sentence investigation information to the courts.

### ***WHAT IS A PRE-SENTENCE INVESTIGATION?***

In some cases, probation is ordered by the court to prepare a pre-sentence investigation report (PSIR) to be used at sentencing. A PSIR includes input from victims, as well as a description of the offense, social history, assessment results and other pertinent information about the defendant. Victim input, through the Victim Impact Statement, is important in determining the crime's impact and providing sentencing options.

### ***WHAT IS SUPERVISION?***

The purpose of supervision is to assist the probationer in following the orders of the court within a community setting, so that a balance is achieved between the probationer's rehabilitation, the rights of victims, and the safety of the community. This is accomplished by developing a case management strategy that addresses containment and rehabilitation of the probationer, community safety, and the concerns of the victim. The scope of supervision is governed by statute and based on risk and needs of the probationer.

## ***HOW DOES A PROBATIONER GET OFF OF PROBATION?***

Usually in one of three ways:

- **Completion of Sentence:** The sentence is completed by the probationer and supervision is terminated.
- **Revocation:** If probationers choose not to follow the orders of the court, they may be required to return to court. Once the violations are brought before the court, probationers are entitled to a hearing. If the violations are substantiated, they could result in a re-sentence by the judge.
- **Early Termination:** The court may reduce a probationer's period of supervision for good behavior, completion of court obligations, and compliance with the conditions of probation.

### ***HOW CAN I LEARN MORE ABOUT RESTITUTION?***

A probationer may be ordered to pay the victim for damage or loss of property and medical costs, etc., which occurred as a result of the crime committed against the victim. This is called restitution. The Victim Impact Statement, completed with the District Attorney's office, helps in determining this amount, and the judge will order the amount of restitution owed. In many cases, the probationer cannot pay all of the restitution immediately and may be required to arrange a payment plan. If you have questions regarding restitution payments, call the probation department for specific information.

## ***WHAT IS VICTIMS' COMPENSATION?***

Recognizing the impact of crime on victims, the State of Colorado enacted the Crime Victim Compensation Act. These funds are collected as fines from adults convicted and juveniles who are adjudicated 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 for medical purposes
- 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 if you qualify and how to apply, call the Victims' Compensation Coordinator at the District Attorney's Office

### ***HOW CAN I STAY INFORMED?***

Victims may request to be notified of critical stages. Per Colorado Revised Statutes section §24-4.1-303(13.5)(a), 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 or email address, it is your responsibility to notify probation of any changes in your contact information.

# **Colorado Probation Victim Notification Program**



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

**“...TO BE INFORMED,  
PRESENT AND HEARD...”**

As a victim, your rights are guaranteed by the Colorado Constitution. 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, respect, and dignity throughout the probation process.

**CRIMES WHICH APPLY ARE:**

- Murder, Manslaughter
- Criminally negligent homicide
- Vehicular homicide, Vehicular assault
- Menacing, Stalking, Assault
- Kidnapping, Robbery, 1<sup>st</sup> 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 the serious bodily injury or death of another person
- Violation of a protection order where the crime has underlying factual basis of sexual assault, domestic violence or stalking
- Retaliation against, intimidation of or tampering with a victim/witness/judge/juror/prosecutor
- Posting a private image for harassment or pecuniary gain
- Trafficking in adults and children
- Child prostitution/soliciting for child prostitution/procurement of a child for sexual exploitation/pimping of a child/inducement of child prostitution/patronizing a prostituted child
- Any criminal attempt, conspiracy and/or accessory to any of these crimes

**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 certain critical stages of the criminal justice process

**During probation supervision, the following critical stages may occur:**

- Any motion filed by probation, or by the probationer if probation is aware of the motion, requesting permission to modify the terms and conditions of probation unless the court denies the motion without a hearing
- Any court-ordered modification of the terms and conditions of probation
- Any probation revocation or modification hearing, including the victim’s right to be present and heard and to be notified of the court’s ruling. If the court is considering granting relief without a hearing, the victim has the right to be notified and provide input
- Filing of any complaint, summons or warrant by probation for failure to report to probation or because the location of a person convicted of a crime is unknown
- Change of venue or transfer of probation supervision from one jurisdiction to another or interstate compact transfer

- Any request by probation, or by the probationer, if probation is aware of the request, for the release of the person in advance of the person’s imposed sentence or period of probation, including the victim’s right to be present and heard and to be notified of the court’s ruling. If the court is considering granting relief without a hearing, the victim has the right to be notified and to provide input
- Probation termination and/or death
- In domestic violence cases only, any conduct by the probationer that results in an increase in the supervision level by the probation department
- Absconding from probation

**For a complete listing of your rights, please refer to Colorado Revised Statutes, Sections 24-4.1-101 through 24-4.1-305**

*If you have any questions or concerns regarding your rights as a victim, call the probation victim services 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) 239-4497.*

**Provided by:  
The Colorado Judicial Department  
State Court Administrator’s Office  
Division of Probation Services**

<b>REQUEST FOR NOTIFICATION (By submitting this form, I am requesting notification from the probation department)</b>
Probationer’s Name
County of Conviction
Case#
Victim / Victim Designee Requesting Information (Your Name)
Home or Mailing Address
Email Address
Home Phone (    )    )
Cell Phone (    )    )
Work Phone (    )    )