

VRA Complaint Summaries

12TH JUDICIAL DISTRICT ATTORNEY'S OFFICE

Complaint #1

Type of Crime: Assault on a peace officer

Allegation:

1. Right to consult with the prosecutor
2. Not updated on the status of the case
3. Fairness, respect and dignity
 - DA Payne refused to discuss the plea, “it’s my decision”.

Summary

- 12/29/21 – RFI emailed to DA. Response due 1/26/22
- 1/26/22 – Received response from DA.
- 2/25/22 – VRA Subcommittee reviewed - Basis in Fact
 - No contemporaneous documentation. DA referenced dates of contact but did not provide case notes or records.
 - DA spoke with victim right before hearing regarding the plea. Did not allow sufficient notification to attend the hearing.
- **Requirements:**
 - None set due to the prior findings of non-compliance by the VRA Subcommittee and the referral to the Governors Office by the CVS Advisory Board.

Complaint #2

Type of Crime: Vehicular homicide

Allegation:

1. Right to consult with the prosecutor
2. Not updated on the status of the case
3. Fairness, respect and dignity
 - Request for toxicology reports and rights to discovery were denied

Summary

- 12/29/21 – RFI emailed to DA. Response due 1/26/22
- 1/27/22 – Received response from DA.
- 2/25/22 – VRA Subcommittee reviewed - Basis in Fact
 - No contemporaneous documentation. DA referenced dates of contact but did not provide case notes or records.
 - DA refused to assist the family with their request for discovery. DA threatened to leave a meeting with the family because they brought a support person to the meeting.
- **Requirements:**
 - None set due to the prior findings of non-compliance by the VRA Subcommittee and the referral to the Governors Office by the CVS Advisory Board.

Complaint #3

Type of Crime: Domestic Violence

Allegation:

1. Right to consult with the prosecutor
2. Not updated on the status of the case
3. Fairness, respect and dignity
 - DA Payne refused to meet, wouldn't update on the other case, referred to MH when asked for more notification

Summary

- 12/29/21 – RFI emailed to DA. Response due 1/26/22
- 1/27/22 – Received response from DA.
- 2/25/22 – VRA Subcommittee reviewed - Basis in Fact
 - No contemporaneous documentation. DA referenced dates of contact but did not provide case notes or records.
 - DA would not meet with victim regarding the plea because the VA had already spoken to her. Victim was not allowed sufficient time to prepare for the plea hearing or provide input
- **Requirements:**
 - None set due to the prior findings of non-compliance by the VRA Subcommittee and the referral to the Governors Office by the CVS Advisory Board.

Complaint #4

Type of Crime: Sexual assault on a child

Allegation:

1. Right to consult with the prosecutor
2. Not updated on the status of the case
3. Fairness, respect and dignity
 - Multiple voicemails were left unreturned

Summary

- 12/29/21 – RFI emailed to DA. Response due 1/26/22
- 1/27/22 – Received response from DA.
- 2/25/22 – VRA Subcommittee reviewed - Basis in Fact
 - No contemporaneous documentation. DA referenced dates of contact but did not provide case notes or records.
 - Victim’s mother had to find hearing dates on her own
 - DA relayed the offer to the victim’s mother and did not consult with her.
 - Calls were returned by the VA but not the DA
- **Requirements:**
 - None set due to the prior findings of non-compliance by the VRA Subcommittee and the referral to the Governors Office by the CVS Advisory Board.

Next Steps

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3/22/22 – CVS Board considers referral to the Governor's Office for referral to the Attorney General's Office under C.R.S § 24-4.1-303(17).

Future Complaints – Automatic referral to the Attorney General's Office

Questions?

Motion #1:

The Crime Victim Services Advisory Board moves that there is a basis in fact that the 12th Judicial District Attorney's Office is non-compliant regarding the four complaints before the Board and the requirements could not be resolved.

Motion #2

The Crime Victim Services Advisory Board moves that the four complaints before the Board should be referred to the Governor's Office for further action pursuant to statute (C.R.S. 24-4.1-303 (17)).