



Advocacy Bulletin: Regarding SB16-116

Inspiring Colorado to End Domestic Violence

Effective date: August 10th, 2016

Background:

[SB16-116](#) allows a defendant a simplified process to seal criminal justice records other than convictions.

This law applies to criminal cases concluding in a dismissal of the charges inclusive of adult diversion and deferred judgement agreements.

SB116 does not apply to cases when there has been a conviction in the criminal case.

Once a record is sealed the named Victim on the criminal case may not be able to access court or police records.

Many times, Survivors are on board with the record sealing as it can impact their family economics, but may want to preserve acknowledgement of the incident and arrest as Survivors may need to provide documentation of past incidents of abuse to access services such as Crime Victim's compensation or to document abuse in a future civil court proceedings.

CCADV and others attempted to amend this bill but were unsuccessful in our efforts. Until a solution can be remedied in a future legislative session we are providing the following recommendations and tips.

Advocacy:

Survivors want the violence to stop, but may not be ready to end the relationship

The choice as to the filing of criminal charges rests with the prosecutor. Under the Colorado Victims' Rights Amendment (VRA), **the victim must be informed** of the prosecutor's decision to offer/accept a plea agreement.

Charges filed into a municipal court are not subject to compliance under the VRA, however keeping a victim informed and seeking their input on conditions such as bond and protection orders is considered a best practice.

Based on the Survivor's situation, adult diversion and deferred judgments may present an opportunity for batter's intervention treatment or other interventions and may be an outcome a Survivor can support.

If a Survivor is not comfortable with a decision or outcome, advocates can always assist Survivors in sharing this opinion with the district attorney's office and the court.

Action: Advocates should assist Survivors in obtaining printed copies of police reports and any criminal court documents:

Request reports and/or documents **EARLY** in the process before a diversion has been completed or before the terms of the deferred judgment have been satisfied.

If you are working with someone who may later need documentation of the criminal case it may be helpful to problem, solve with the Survivor locations they can safely keep the printed records.

If you have any questions about this or other domestic violence policy work, please contact Lydia at the Colorado Coalition Against Domestic at lwaligorski@ccadv.org.

Key words: sealing of court records, domestic violence, adult diversion, deferred judgement, SB 116, Vicitms Rights, Survivor, Colorado, court records, police reports, advocacy