



A note from Joan Shirley to you as one victim to another,

April 21-27 is National Crime Victims' Rights Week. In celebration of these rights, I am dedicating much of this Victim to Victim article on your rights, both at the Federal and NM state level, as a victim of crime. New Mexico is one of 31 states that have amended their constitution to include rights for crime victims. A New Mexico amendment was ratified by voters in 1992. The Fourteenth Amendment to the US Constitution guarantees everyone in the United States something called "due process of law," which means you have the right to be treated fairly by people who are in positions of authority -- teachers, school administrators, -- and the police. Your victim rights expand as you go further into the criminal justice system, **but let's start at the beginning.**

First off, let's start where you are waiting for an arrest; unfortunately, many of you are waiting. At this point, you have general victim rights. Your rights include the right to a meaningful role in the criminal or juvenile justice process, to be treated with dignity and respect, and to be reasonably protected from the accused. Your immigration status should not affect your access to the criminal or juvenile justice systems. If your case involved physical harm or death, you may be able to get financial help for counseling, medical or death-related costs through an application process with the NM Crime Victims Reparation Commission. These factors must be present in your victimization;

- Did the crime occur in New Mexico?
- Was the crime reported to Law Enforcement?
- Did you cooperate fully with Law Enforcement?
- Did you have expenses as a result of the crime?
- Did the crime occur within the last two years?

You can apply within 2 years of the crime. Pat and I will be happy to help you fill out your application, then submit it and your receipts to the NMCVRC. You can get the application online, CVRC@state.nm.us, we can send it to you, or we have the applications in our office.

Because so many of our victims are still waiting for an arrest, there is some information I'd like to share with you before we go on to expanded rights. It is hoped that until there is an arrest that you and your family will be treated with dignity and respect by the law enforcement agency that is investigating your case. Understandably, emotions can be "high" as a case goes unsolved. Victims can become totally frustrated, fearing that the killer/s or attempted killer will never pay for the agony your family is going through, we get impatient, we may doubt the efforts of our investigators, and we get angry. Remember, everybody wants to be treated with dignity and respect so realize that your investigator needs the same treatment from you. That's not to say that, sadly sometimes, things might go awry with your investigator. I suggest that you give us a call to see if there is anything we can possibly do to make things easier between you and your investigator. Good communication between you and your investigator will make the waiting tolerable and as positive as possible for everyone. We can't guarantee anything, but sometimes; it helps when someone else tries to help.

I sincerely hope that your investigator is keeping you as informed as possible about your case; but, sometimes it's difficult. Remember, I waited 7.5 years before we had an arrest in our case; that was a very worrisome time for our family. Sometimes we went several months between calls from our detective. When I chose to call, just to check in or give them some information I had been told about the case, I wanted them to tell me something! From my years of experience with detectives, I

had to understand that the answer most likely would be “no,” and that the conversation would be short. Patience can sometimes be difficult for both the investigator and victim. Your investigator has other cases to solve. Every victim wants and needs the same attention that you want for your case. However, in our minds though, our case is the ONLY case that should matter. Also, there will likely be times when your investigator will not be able to share much with you; keeping information about your case “close to the vest” is an important tool for your investigator’s best case outcome. However, it is hard for us to understand why they won’t give us information.

If your perpetrator is bothering you; you have the right to be reasonably protected. Fear is a normal part of being a victim. As I told you last time, it is a fear that the perpetrator will bother you, hurt someone else in your family, or that they may leave the area. If you feel that they are threatening you in any way, let your investigator know.

If you are still waiting for an arrest in your case, I sincerely hope that you are being treated with dignity and respect, being kept informed, kept safe, and I hope that an arrest will take place ASAP.

Now there is an ARREST...Your Victim Rights are E X P A N D E D!

Many victims have no idea that they do have rights in the criminal justice system or how to assert and protect those rights if there is ever a violation of your rights. **If you request**, you can get notice of any and all court hearings, you can attend any court hearing that the accused can attend, and you can speak at certain hearings regarding your safety concerns, entry of a plea agreement, or change of a plea, at sentencing and at all post sentencing hearings; probation and parole.

You have the right to:

- Be treated with fairness and respect for your dignity and privacy throughout the criminal justice process;
- Timely disposition of the case;
- Be reasonably protected from the accused throughout the process;
- Notification of court proceedings;
- Attend all court proceedings the accused has the right to attend;
- Confer with the prosecution, especially if it involves a plea bargain of any kind;
- Make a statement to the court at sentencing and at any post-sentencing hearings;
- Restitution;
- Information about the sentencing, imprisonment, escape or release of the accused;
- Request that the prosecuting attorney notify your employer of the necessity of your cooperation and testimony in a court proceeding that may require absence from work;
- Prompt return of property held for evidentiary purposes unless there are compelling reasons for retention of the property (like court appeals by the offender ;)
- To be informed at sentencing that the offender is eligible to earn meritorious deductions from the sentence and the amount of deduction the offender may earn

Usted tiene el derecho a:

- Ser tratado con justicia, respeto y dignidad durante el proceso criminal;
- Que su caso concluya puntualmente;
- Ser protegida(o) razonablemente de la persona acusada durante el proceso criminal;
- Recibir notificaciones de procedimientos que realiza la corte;
- Estar presente ante todo procedimiento criminal al cual la persona acusada tiene el derecho de

- asistir;
- Conferir con la fiscalia;
 - Prestar declaracion a la corte durante la audiencia de condena y durante audiencias posteriores a la condena;
 - Restitucion;
 - Recibir informacion sobre sentencia, aresto, liberacion, o fuga del acusado(a);
 - Que la fiscalia notifique a su patron sobre su cooperacion y testimonio en ciertos procedimientos criminales si requieren que usted se ausente del trabajo;
 - Recuperar sus pertenencias de haber sido detenidas como parte de la evidencia del crimen a menos que haya razones convincentes de haber sido detenidas como parte de la evidencia del crimen a menos que haya razones convincentes para retenerles;
 - Ser informado durante la condena sobre las deducciones meritorias (ej. Credito por Buena conducta, etc.) que la persona acusada puede obtener.

The district attorney offices in NM are very aware of these rights and will uphold them to the best of their abilities. The court should give at least seven working days' notice to the prosecutor's office in order to give you timely notice of scheduled hearings. Understand that victim advocates will do their best to let you know when there is a court proceeding; please make sure that they have your current, most available, telephone number by which to notify you of proceedings or if a proceeding has had a date or time change. It is your right as well to tell the victim advocate if you do or do not want to speak to the media before or after any proceeding; you do not have to speak to the media at any point in your case if you don't want to talk with them. I am available to accompany you to any court proceeding within Valencia, Sandoval, or Bernalillo Counties. The criminal justice system is a difficult system to understand. I will be happy to help you learn more about it; call me with your questions. Pat is very knowledgeable in this area as well, so she can help as well.

There is assistance in the unfortunate event that you may have to assert your victim rights, that is, if you cannot remedy the situation with your district attorney's office. **The NM Crime Victims Advocacy Center and the NM Victim Rights Project** will assist you within NM should you need assistance.

NM Crime Victims Advocacy Center
505-629-4285

NM Victim Rights Project
505-292-2838 or 1-888-410-1084

Pat, our survivor volunteers, and I are happy to walk alongside of you any time during this process and will give you understanding, education, a listening ear, many types of support, and referrals to helpful resources that will assist you so that you will survive as well as possible through your long journey through the criminal justice process. Survivors of crime are strong people, we have to be, but even the strongest of survivors can use a little help along the way. Please seek out resources; there are many available to you if you just ask and we all know that being victimized can bring the strongest person to their knees.

You have rights, you have questions, and we have answers, so give us a call!

I give full credit to Linda Atkinson and her staff of the NM Victim Rights Project for much of the content of this victim to victim letter; her knowledge and the information that she provides victims of crime within her agency brochure has been invaluable to me in writing this letter.

APRIL 21st to 27th, 2013 is National Crime Victim's Rights Week.

The national theme is *New Challenges – New Solutions*.

There will be a town hall event on 4/20/13 from 1pm-3pm at the South Broadway Cultural Center 1025 Broadway SE, Albuquerque. NM 87102

The Resource Center will have an information booth at this event and Joan Shirley our Victim Advocate will be a speaker; and Gabino Venegas, a Spanish-speaking victim will be at our table to speak to you in Spanish. Childcare will be provided

The Resource Center for Victims of Violent Death will have open-door hours during the Victim Rights Week

Drop in Monday through Friday 4/22-26th, 2013

Noon – 3pm

MONDAY - How to read/understand Police reports **TUESDAY** - Attorney Paul Becht – will answer questions about access to case records and other such issues **WEDNESDAY** - Crime victim reparations information **THURSDAY** - Our Board of Directors will be here and may be available to meet with you about our mission, etc. **FRIDAY** - Dr. Gail Feldman will be here to answer questions about dealing with grief and Attorney Victoria Amada will offer answers to about your rights and legal issues in your case.

Our guests' schedules are subject to change; please call us at [505-243-2222](tel:505-243-2222) for information on the featured programs each day of that week.

Come by, enjoy some treats, watch information videos, meet with staff and guest experts, ask questions and get more information about the resources and services available

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| <p><i>NIA/NM Resource Center for Victims of Violent Death 10701 Lomas NE, Suite 115 Albuquerque, NM 87112 (just east of Eubank on Lomas)</i></p> <p>Drop in hours: Monday thru Friday Noon – 3pm <i>You may call for an individual or after-hours appointment</i></p> <p>Victim Groups meet: ✓ 2nd Tuesdays from 1pm- 3pm ✓ 3rd Wednesday from 6pm-8pm.</p> | <p>505-243-2222 & 1-855-430- 2232</p> <p>After hours contacts:</p> <p>✓ Pat Caristo – 505-299- 8712 Exec Dir./Intake /Case Mgr.</p> <p>✓ Joan Shirley 505-238- 1663 Victim Advocate</p> <p><i>We can set up a conference call so you can join in if you can't get into Albuquerque.</i></p> | <p>E-mail: pacnia@usa.net</p> <p>Website: www.bridgesforvictimsofviolentdeath.com</p> <p>Facebook – our F/B page is being constructed</p> <p><i>We are a 501© (3) organization, so your donations are tax-deductible. Thank you, in advance.</i></p> |
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