

# NIA's Resource Center for Victims of Violent Death



# STEPPING STONES



Our mission is to bridge the gaps in the availability of information and resources that impede and discourage victims/families trying to deal with the aftermath of violent death, undetermined deaths, questioned suicides, and attempted murders, by taking one step at a time from vulnerability to informed decision making and toward resolution - and a place to know it is OK to smile again

## NEWSLETTER March-April 2016

In February and March we get ready for national *Victim Rights Week*  
*April 10-16-2016*



For more information, contact:



We will have a week of "*Drop-in-for-information & help*" hours at our office at 10701 Lomas NE, Suite 115, Albuquerque, NM 87112  
Mon-Fri, April 12<sup>th</sup> -15<sup>th</sup>, 2016, from noon-3pm

We will answer your questions about victim rights, reparations, the criminal justice system, and how your case is worked.

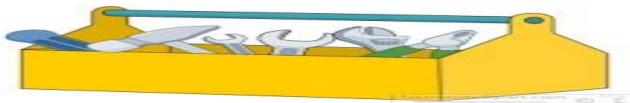
Please come by or call us - 505-243-2222 - with questions

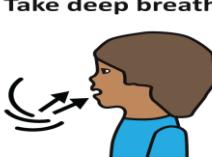
*Also call for updates about other victim events that week.*

*See Pages 3 & 4 for your Victim Rights information sheets.*

In our January *Victim to Victim* edition, Joan Shirley our Victim Advocate, celebrated bravery. But in those times you may not feel brave, try our

### Survivor's Tool Kit



	Mistakes happen (by us and to us) – Erase todays' and start tomorrow on a clean page.		We all need to be "saved" at times and we each can be a "life saver" to others.
	To help hold things together when they seem to be falling apart.		A rubber band can be stretched to its limit and can snap back before it breaks – so you can too.
	For those days when the hurt is just too much – or to repair a hurt we did to others.		To keep your heart soft when it has been so trampled on.
	Take a moment to light a candle to remember that someone and to realize there is light in darkness.		Chew a piece of bubble gum to help release tension – then blow a bubble in a moment of fun (you are "allowed" to have fun again).
	You don't realize it, but you have been holding your breath. Take in a slow deep breath or two or three. It does help.		You got thru a hard day! Celebrate your victory – no matter how small.

*Our open-door hours & our being here by phone are part of your tool kit.*

*We can help! 505-243-2222*

# VICTIM RIGHTS INFORMATION



505-243-  
2222

*Our rights as citizens of the United States originated with the first ten amendments to the US Constitution – called the Bill of Rights. They are present here to remind you:*

## UNITED STATES CONSTITUTION BILL OF RIGHTS

**Amendment I** Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

**Amendment II** A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

**Amendment III** No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

**Amendment IV** The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

**Amendment V** No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

**Amendment VI** In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

**Amendment VII** In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

**Amendment VIII** Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

**Amendment IX** The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

**Amendment X** The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

*Your rights as a victim of crime in New Mexico, upon the arrest of a perpetrator, are presented on the reverse side .....*

# **NEW MEXICO VICTIMS' RIGHTS LAWS**

## **Article II, § 24 – Rights of Crime Victims**

A. A victim of arson resulting in bodily injury, aggravated arson, aggravated assault, aggravated battery, dangerous use of explosives, negligent use of a deadly weapon, murder, voluntary manslaughter, involuntary manslaughter, kidnapping, criminal sexual penetration, criminal sexual contact of a minor, homicide by vehicle, great bodily injury by vehicle or abandonment or abuse of a child or that victim's representative shall have the following rights as provided by law:

- (1) the right to be treated with fairness and respect for the victim's dignity and privacy throughout the criminal justice process;
- (2) the right to timely disposition of the case;
- (3) the right to be reasonably protected from the accused throughout the criminal justice process;
- (4) the right to notification of court proceedings;
- (5) the right to attend all public court proceedings the accused has the right to attend;
- (6) the right to confer with the prosecution;
- (7) the right to make a statement to the court at sentencing and at any post-sentencing hearings for the accused;
- (8) the right to restitution from the person convicted of the criminal conduct that caused the victim's loss or injury;
- (9) the right to information about the conviction, sentencing, imprisonment, escape or release of the accused;
- (10) the right to have the prosecuting attorney notify the victim's employer, if requested by the victim, of the necessity of the victim's cooperation and testimony in a court proceeding that may necessitate the absence of the victim from work for good cause

## **§ 31-26-2 – Purpose of act**

Recognizing the state's concern for victims of crime, it is the purpose of the Victims of Crime Act to assure that:

- A. the full impact of a crime is brought to the attention of a court;
- B. victims of violent crimes are treated with dignity, respect and sensitivity at all stages of the criminal justice process;
- C. victims' rights are protected by law enforcement agencies, prosecutors and judges as vigorously as are the rights of criminal defendants; and
- D. the provisions of Article 2, Section 24 of the constitution of New Mexico are implemented in statute.

## **§ 31-26-4 – Victim's rights**

A victim shall have the right to:

- A. be treated with fairness and respect for the victim's dignity and privacy throughout the criminal justice process;
- B. timely disposition of the case;
- C. be reasonably protected from the accused throughout the criminal justice process;
- D. notification of court proceedings;
- E. attend all public court proceedings the accused has the right to attend;
- F. confer with the prosecution;
- G. make a statement to the court at sentencing and at any post-sentencing hearings for the accused;
- H. restitution from the person convicted of the criminal offense that caused the victim's loss or injury;
- I. information about the conviction, sentencing, imprisonment, escape or release of the accused;
- J. have the prosecuting attorney notify the victim's employer, if requested by the victim, of the necessity of the victim's cooperation and testimony in a court proceeding that may necessitate the absence of the victim from work for good cause;
- K. promptly receive any property belonging to the victim that is being held for evidentiary purposes by a law enforcement agency or the prosecuting attorney, unless there are compelling evidentiary reasons for retention of the victim's property; and
- L. be informed by the court at a sentencing proceeding that the offender is eligible to earn meritorious deductions from the offender's sentence and the amount of meritorious deductions that may be earned by the offender.

**Until there is an arrest in your case, your general victim rights are – to be treated with dignity and respect and to be notified if an arrest has been made - your immigration status should not affect your access to the criminal or juvenile justice systems.**



We serve the many “living victims” dealing with the forever aftermath of violent death (the families & loved ones, neighbors, coworkers, schoolmates, and you, in the community, the city, and state) with availability, information, advocacy, referral, and education. We are a “bridge” in the gaps in victim services.



## Report Card to our clients & directors

In 2015 we received a minimum of 120 requests for information & services from all over New Mexico, New Jersey, Colorado, Arizona, Texas, Virginia, and Florida; as well as from as far away as London, England and South Korea. ***This is what we did to meet requests and needs:***

- ✓ We are actively serving 65 families (we have served 228 family members to date)
- ✓ We sent out 500+ client newsletters and other informational materials
- ✓ We attended family marches and memorial services for loved ones killed by violence
- ✓ We went with families to court and other case meetings
- ✓ We conducted four group support meetings each month; as well as special groups at the Women’s Recovery Academy
- ✓ We advocated with police, court, reparations, and made referral to agencies for clients
- ✓ We provided grief support to RRPD and APD for the officers killed on duty
- ✓ We made 7 presentations and outreaches to community groups; and via radio / TV
- ✓ We participated with *Cold Case Institute of Georgia* on a special investigation
- ✓ We collaborated with other victim services groups and with NM Corrections, Office of Medical Investigator, police, DA’s and FBI victim advocates
- ✓ We did major outreach program for Victim Rights Week in April and our Annual Snowflake Memorial for families in December.

And we did all this work with two part-time paid staff and with donated hours by staff and volunteers – ***for which we are most thankful.***

Our 2015 income was \$62,500.00: 55% of our funds came from *Victim of Crimes Act*, 32% from paid services work under NIA/NM, and 12% of funds came from donations by board members, members of the public, and gifts from families we serve. We are diligent in our program management (we passed two program audits with no findings) and we keep our costs as low as possible; however, expenses still take 100 + percentage of our income.