

SPONSORED BY: COUNCIL MEMBER LINDSEY

COUNCILMAN'S RESOLUTION

RESOLUTION NO.

No. CR-07
Series of 2005

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A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF THORNTON AND THE CITY OF NORTHGLENN FOR A SHARED VICTIM SERVICES PROGRAM

WHEREAS, the cities of Thornton and Northglenn have since 1987 annually participated in a Shared Victim Services Program providing critical and timely support to victims and witnesses of crimes in their respective communities; and

WHEREAS, the program is funded through the sharing of expenses by the City of Thornton, the City of Northglenn, the 17th Judicial Victim Assistance Law Enforcement (V.A.L.E.) funds and Victims of Crime Act (V.O.C.A.) funds.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

The intergovernmental agreement between the City of Thornton and the City of Northglenn for a Shared Victim Services Program, attached hereto, is hereby approved and the Mayor is authorized to execute same on behalf of the City of Northglenn.

DATED, at Northglenn, Colorado, this _____ day of _____ 2005.

KATHLEEN M. NOVAK
Mayor

ATTEST:

APPROVED AS TO FORM:

DIANA L. LENTZ, CMC
City Clerk

HERBERT C. PHILLIPS
City Attorney

INTERGOVERNMENTAL AGREEMENT
SHARED VICTIM SERVICES UNIT
THORNTON/NORTHGLENN – 2005

THIS AGREEMENT is made and entered into by and between the City of Thornton, Colorado (Thornton) and the City of Northglenn, Colorado (Northglenn) this _____ day of _____, 2005.

I. PREAMBLE

The Cities of Thornton and Northglenn (Cities) have since 1987 annually participated in a Shared Victim Services Unit (“the Unit”) providing critical and timely support to victims and witnesses of crime in their respective communities, through the use of a shared employee entitled Victim Services Supervisor, three shared Career Services employees entitled Victim Advocate Specialists, and citizens volunteering to assist with the Unit.

1. The Unit is funded through the sharing of expenses by the Cities, 17th Judicial Victim Assistance Law Enforcement (V.A.L.E.) funds and Victims of Crime Act (V.O.C.A.) funds. The proposed 2005 budget for the Unit is hereto attached as Exhibit A.
2. Thornton has administered the Unit since 1990. During the term of this Agreement, Thornton shall maintain the administration of the Unit.

II. VICTIM SERVICES

1. The Cities have designated a Victim Services Supervisor to supervise employees, volunteer staff and coordinate the scope of services herein identified during the term hereof.
2. The Victim Services Unit shall provide the following services to the citizens of Thornton and Northglenn through assistance to victims and members of the immediate families of such victims, protecting the rights of such persons and lessening the financial burden upon victims due to the commission of crimes.

III. VICTIM RIGHTS

Victims have the right to be treated with fairness, respect, and dignity, and to be free from intimidation, harassment, or abuse, throughout the criminal justice process. The Colorado State Constitution and the laws of this state guarantee rights to the victims of the following crimes. If the victim is deceased or incapacitated, these rights are guaranteed to the victims spouse, parent, child, sibling, grandparents, significant other or lawful representative.

1. Definitions:

“Crime” means any of the following offenses as defined by the statutes of the State of Colorado, whether committed by an adult or juvenile:

- a. Murder in the First Degree
- b. Murder in the Second Degree
- c. Manslaughter
- d. Criminal Negligent Homicide
- e. Vehicular Homicide
- f. Assault in the First Degree
- g. Assault in the Second Degree
- h. Assault in the Third Degree
- i. Vehicular Assault
- j. Menacing
- k. First Degree Kidnapping
- l. Second Degree Kidnapping
- m. Sexual Assault in the First Degree
- n. Sexual Assault in the Second Degree
- o. Sexual Assault in the Third Degree
- p. Sexual Assault on a Child
- q. Sexual Assault on a Child by One in a Position of Trust
- r. Sexual Assault on a Client by a Psychotherapist
- s. Robbery
- t. Aggravated Robbery
- u. Aggravated Robbery of Controlled Substances
- v. Incest
- w. Aggravated Incest
- x. Child Abuse
- y. Sexual Exploitation of a Child
- z. Crimes of at Risk Adults
- aa. Crimes of Juveniles
- bb. Domestic Violence
- cc. Stalking
- dd. Ethnic Intimidation
- ee. Careless Driving that results in the Death of Another
Failure to Stop at the Scene of an Accident, where the Accidents results in
the Death of Another Person
- ff. Any Criminal Attempt as described in section 18-2-101, C.R.S., any
Conspiracy, as described in section 18-2-201, C.R.S., any Criminal
Solicitation as described in section 18-2-301, C.R.S., and any Accessory
to a Crime, as described in section 18-8-105, C.R.S. involving any of the
Crimes specified above.

2. Rights afforded to victims. In order to preserve and protect a victim's rights to justice and due process, each victim of a crime shall have the following rights:
 - a. The right to be treated with fairness, respect, and dignity, and to be free from intimidation, harassment, or abuse, throughout the criminal justice process;
 - b. The right to be informed of and present for all critical stages of the criminal justice process;
 - c. The right to be informed, upon request by the victim, when a person who is accused, or convicted of a crime against the victim is released or discharged from custody, is paroled, escapes from a secure or nonsecure correctional facility or program, or absconds from probation or parole;
 - d. The right to be heard at any court proceeding which involves a bond reduction or modification, the acceptance of a negotiated plea agreement, or the sentencing of any person accused or convicted of a crime against such victim;
 - e. The right to consult with the prosecution after any crime against the victim has been charged, prior to disposition of the case, or prior to any trial of the case, and the right to be informed of the final disposition of the case;
 - f. The right to be informed by local law enforcement agencies, prior to the filing of the charges with the court, of the status of any case concerning a crime against the victim;
 - g. The right to be present at the sentencing hearing, the right to present in writing a victim impact statement, or in person by an oral statement, of the harm that the victim has sustained as a result of the crime;
 - h. The right to have the court determine the amount, if any, of restitution to be paid to a victim by any person convicted of a crime against such victim, for the actual pecuniary damages that resulted from the commission of the crime;
 - i. The right to be informed of the victim's right to pursue civil judgment against any person convicted of a crime against the victim as a result of the crime regardless of whether the court has ordered such person to make restitution to the victim;
 - j. In a case of domestic violence, the right to be informed of the violation of any condition of probation and the right to receive copies of all reports submitted to the court and notice of probation revocation hearings;

- k. The right to be informed, upon written request from the victim, of any proceeding at which any post conviction release is being considered;
- l. The right to receive any property belonging to a victim which is being held by prosecutorial or law enforcement agency unless there are evidentiary reasons for the retention of such property;
- m. The right to be informed of the availability of financial assistance and community services for victims, the immediate families of victims, and witnesses, which assistance and community service shall include, but shall not be limited to, crisis intervention services, victim compensation funds, victim assistance resources, legal resources, mental health services, social services, medical resources, rehabilitative services, and financial assistance services, and the right to be informed about the application process for such services;
- n. The right to be informed about what steps can be taken by a victim or a witness in case there is any intimidation or harassment by a person accused or convicted of a crime against the victim, or any other person acting on behalf of the accused or convicted person;
- o. The right to be provided with appropriate employer intercession services to encourage the victim's employer to cooperate with the criminal justice system in order to minimize the loss of employment, pay, or other benefits resulting from a victim's court appearance or other required meetings with criminal justice officials;
- p. The right to be assured that in any criminal proceedings the court, the prosecutor, and other law enforcement officials will take appropriate action to achieve a swift and fair resolution of the proceedings;
- q. The right to be provided, whenever practicable, with a secure waiting area during court proceedings that does not require a victim or a witness to be seen, or to be in close proximity to the person accused, or convicted of a crime against the victim, or such person's family or friends; and
- r. The right to be informed, upon written request by the victim, when a person who is or was charged with, or convicted of a crime against the victim escapes, or is permanently or conditionally transferred, or released from any state hospital.

The right to be informed of any rights, which the victim has pursuant to the Constitution of the United States, or the State of Colorado; and the right to be informed of the process for enforcing compliance with this article pursuant to Section 24-4.1-303 (17). Any affected person may enforce compliance with this article by notifying the Victims Compensation and Assistance Coordinating Committee created pursuant to Section 24-4.1-117.5 (2)(a) of any noncompliance with this article. Such Committee shall review any report of noncompliance and if the Committee determines that such report, if noncompliance has a basis of fact and cannot be resolved, the Committee shall refer such report of noncompliance to the Governor, who shall request that the Attorney General file suit to enforce compliance with this article. No person, corporation, or other legal entity shall be entitled to claim or to receive any damages or other financial redress for any failure to comply with this article.

IV. PROCEDURES FOR ASSURING THE RIGHTS OF VICTIMS:

All reasonable attempts shall be made to protect any victim or victims' immediate family from harm, harassment, intimidation, or retaliation arising from cooperating in the reporting, investigation, and prosecution of a crime.

When a victim's property is no longer needed for evidentiary reasons, the district attorney or any law enforcement agency shall, upon request of the victim, return such property to the victim unless the property is contraband or subject to forfeiture proceedings.

The law enforcement agency shall inform each victim as to the availability of the following services:

1. Follow-up support for the victim and the victim's immediate family in order to assure that the necessary assistance is received by such persons;
2. Services for child victims and elderly victims, and services for victims who are persons with disabilities, which are directed to the special needs of such victims;
3. Referral to special counseling facilities and community agencies by providing names and telephone numbers of such facilities or agencies, whether public or private, which provide such services as crisis intervention services, victims compensation funds, victim assistance resources, legal resources, mental health services, social services, medical resources, rehabilitative services, financial assistance, and other support services;
4. Transportation and household assistance to promote the participation of any victim or the victim's immediate family in the criminal proceedings;
5. Assistance in dealing with creditors and credit reporting agencies to deal with any financial setbacks caused by the commission of a crime;

6. Translation services and information printed in languages other than the English language; and
7. Childcare services to enable a victim or victim's immediate family to give testimony or otherwise cooperate in the prosecution of a criminal proceeding;
8. After the initial contact between a victim and a law enforcement agency responsible for investigating a crime, such agency shall promptly give the victim the following information in writing;
9. A statement of the victim's rights as enumerated in this article:
 - a. Information concerning the availability of victim assistance, medical and emergency services;
 - b. Information concerning the availability of compensatory benefits pursuant to this article and the name, address, and telephone number of any such persons to contact to obtain such benefits;
 - c. The availability of protection for the victim from the person accused of committing a crime against the victim, including protective orders and the availability of public record related to the case;
 - d. As soon as available, the law enforcement agency shall give to each victim, as appropriate, the following information; the business address and business telephone number of the office of the district attorney;
 - e. The file number of the case and the name, business address, and business telephone number of the any law enforcement officer assigned to investigate the case; and
 - f. Unless such information would be inconsistent with the requirements of the investigation, information as to whether a suspect has been taken into custody and, if known, whether the suspect has been released any conditions imposed upon such release;

V. CHILD VICTIM OR WITNESS – RIGHTS AND SERVICES

In addition to all rights afforded to a victim or witness, law enforcement agencies, prosecutors, and judges are encouraged to designate one or more persons to provide the following services on behalf of a child who is involved in criminal proceedings as a victim or witness;

1. To explain, in language understood by the child all legal proceedings in which the child will be involved;
2. To act, as a friend of the court, to advise the judge, whenever appropriate, of the child's ability to understand and cooperate in any court proceeding;
3. To assist the child and the child's family in coping with the emotional impact of the crime and any subsequent criminal proceedings in which the child is involved;
4. To advise the district attorney concerning the ability of a child witness to cooperate with the prosecution and concerning the potential effects of the proceedings on the child;

VI. ADMINISTRATION OF UNIT – COMPENSATION

Thornton shall, during the term of this Agreement, receive and administer V.A.L.E. Grant money awarded to the Unit for the year 2005 in the amount of forty eight thousand, one hundred and twelve dollars (\$48,112.00) and V.O.C.A. Grant money awarded to the Unit for the year 2005 in the amount of twenty three thousand and seventy three dollars (\$23,073.00) along with additional Unit contributions provided by the Cities as contemplated herein.

The V.A.L.E. Grant will cover eighteen percent (18%) and V.O.C.A. eight percent (8%) of the total 2005 budget. The remaining (74%) of the budgeted amount shall be shared by Thornton and Northglenn with a (60-40) sixty/forty split. As a result, Thornton shall participate in and pay forty-four percent (44%), Northglenn shall participate in and pay thirty percent (30%) of the total funding required for the Unit, as reflected in the 2005 Budget. The Cities each respectively represent that funds are available to provide payments as contemplated by this agreement.

Northglenn shall remit its financial share of participation in the Unit for the year 2005 in the amount of eighty thousand, seven hundred and seven dollars and sixty cents (\$80,707.60) to be paid in equal quarterly payments of twenty thousand and one hundred and seventy six dollars and ninety cents (\$20,176.90) due on January 1, April 1, July 1, and October 1, 2005. At the end of the 2005 fiscal year, Thornton will account for all expenditures to Northglenn and return all unexpended funds.

The Supervisor of the Unit shall be an employee of Thornton. The Supervisor will receive those benefits provided to an employee not eligible to receive or occupy the status of Career Services Employee under the City Charter and Ordinances of Thornton, such status commonly known as an "FLSA Excluded Employee".

1. Three full-time Victim Advocate Specialist Positions shall be shared employees of the Cities. These are "Career Services" Positions within the City of Thornton. These Employees will receive those benefits provided to employees eligible to receive or occupy the status of Career Service Employee under the City Charter and Ordinances of Thornton.
2. The Supervisor and Victim Advocate Specialists of this Unit will additionally receive reimbursement for any reasonable and necessary automobile mileage expenses incurred in the performance of assigned duties, and the rate currently established for employees of Thornton. Thornton shall administer the shared funds paid to defray such expenses. The Cities will also provide office equipment, training and other necessary materials required to carry out the services to be provided by the Victim Services Unit.

VI. TERM OF AGREEMENT

This Agreement shall commence operation from January 1, 2005, and shall terminate December 31, 2005, unless this Agreement is renewed or extended by intergovernmental agreement between the Cities.


VIII. Termination

Either party may terminate this IGA by providing 60 days notice of termination to the other party. Upon receipt of such notice, the other party may continue the Victim Services Unit at its expense.

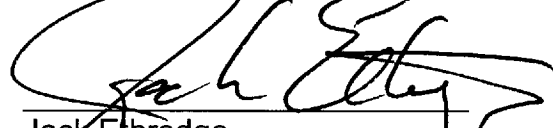
IX. SEVERABILITY

Should any court of competent jurisdiction declare any provision of this agreement invalid, the remaining provisions hereof shall remain in full force and effect regardless of such declaration.

APPROVED AS TO FORM:


Margaret Emerich
City Attorney

CITY OF THORNTON, COLORADO


Jack Ethredge
City Manager

ATTEST:


Nancy Vincent, City Clerk

APPROVED AS TO FORM:

Herbert C. Phillips
City Attorney

CITY OF NORTHGLENN, COLORADO

Kathleen M. Novak
Mayor

ATTEST:

Diana Lentz, City Clerk

Thornton-Northglenn Victim Services Unit
2005 Budget

Category	Budget	Thornton 44%	Northglenn 30%	VALE Grant 18%	VOCA Grant 8%
Regular Salaries	186,000.00	73,936.20	49,290.80	39,700.00	23,073.00
Benefits	59,601.00	30,713.40	20,475.60	8,412.00	
Overtime Pay	2,875.00	1,725.00	1,150.00		
Stand-By Pay	4,528.00	2,716.80	1,811.20		
Training & Travel	8,645.00	5,187.00	3,458.00		
Awards & Incentives	1,339.00	803.40	535.60		
Dues, Subs & Pub.	617.00	370.20	246.80		
Communications Pager & Cell Phones	665.00	399.00	266.00		
General Supplies	1,236.00	741.60	494.40		
Supplies for Crime Vtms.	7,448.00	4,468.80	2,979.20		
TOTAL	\$272,954.00	\$121,061.40	\$80,707.60	\$48,112.00	\$23,073.00