

**Victim Rights Act (VRA) Subcommittee Findings on the Complaint Submitted  
By ██████████ ██████████ Against the Westminster Police Department**

On January 22, 2016, the Victim Rights Act Subcommittee reviewed the complaint filed by Ms. ██████████ ██████████ against the Westminster Police Department. The VRA Subcommittee also reviewed the reply from the Police Department and all other relevant information. The purpose of this review was to determine whether there was a Basis in Fact for the allegations in Ms. ██████████ complaint.

**Summary**

On September 27, 2012, ██████████ ██████████ reported to the Westminster Police Department a series of assaults that she sustained from her partner, ██████████ ██████████. The incidents that Ms. ██████████ reported included numerous assaults and threats with a variety of weapons. This case was assigned for further investigation to Detective Chris Pylar. On the same day as the initial report, Ms. ██████████ participated in a pre-text phone call with the suspect in the case, and an interview with Detective Pylar.

On January 3, 2013, Detective Pylar completed an arrest warrant affidavit for Ms. ██████████ for the following crimes: felony menacing; 3rd degree assault; and harassment (these crimes were identified in the police report to be acts of domestic violence). The arrest warrant affidavit was sent to the 17th Judicial District Attorney's Office. According to Detective Pylar's report, as of January 7, 2013, he had not heard back from the District Attorney's Office and the case remained open and inactive pending the District Attorney's Office's filing decision.

Detective Pylar's supervisor, Sergeant Matt Rippy, reviewed Detective Pylar's report for approval and mistakenly believed that a warrant was issued for the suspect in the case. He then classified the case as "cleared by arrest/warrant," which in turn, closed the case. As a result, the usual follow-up for open cases (a prompted and continuous 30-day review) did not occur in this case.

On June 15, 2015, Ms. ██████████ contacted the Westminster Police Department to inquire of the status of her case. Detective Pylar's report indicates that he had not followed up with the District Attorney's Office about the Office's filing decision. Detective Pylar determined that the statute of limitations on the possible charges in this case had expired. On July 2, 2015, Detective Pylar explained to Ms. ██████████ that the case could not be prosecuted and he referred Ms. ██████████ to the Westminster Police Department's Victim Assistance Unit.

On August 25, 2015, Ms. ██████████ met with Victim Advocate Drew Hogan, Detective Pylar, and Commander Gene Boespflug about this case to explain the reason why the Police Department and District Attorney's Office could not pursue charges. According to Ms. ██████████, she feels that she was treated disrespectfully during the meeting.

## Allegations Against the Westminster Police Department

### Allegation 1: Ms. [REDACTED] alleges that she was not treated with fairness, respect, and dignity by the Westminster Police Department.

- a. According to Ms. [REDACTED], Detective Pyler told her that he “dropped the ball” and did not follow-up with the District Attorney’s Office regarding the status of the warrant application in her case before the statute of limitations ran out but that she should “not look into it any further as victims suffer more if they have to go through trial, it’s [trial is] more of a hassel (sic) than an advantage for the victims.” Ms. [REDACTED] felt that Detective Pyler was trying to dissuade her from being upset that he had “dropped the ball,” and this was disrespectful.
- b. Ms. [REDACTED] stated in her complaint that Detective Pyler and the Commander of the Investigations Division blamed her for her case having been dismissed by telling her that: 1) She should have called him sooner to check on the status of her case; and 2) If she “actually wanted to get this taken care of,” she should have reported the offense sooner than she did.
- c. Ms. [REDACTED] stated in her complaint that after meeting with Detective Pyler, Victim Advocate Drew Hogan, and Commander Boespflug, Commander Boespflug gave her two movie tickets and suggested she treat herself to a movie as a way of apologizing that her case was closed because the statute of limitations had run out.

### Finding by the VRA Subcommittee for Allegation #1

When reviewing allegations that a victim may not have been treated with fairness, respect, and dignity, the VRA Subcommittee considers whether the treatment described by the victim and responded to by the criminal agency would be a pattern of unresponsiveness to the victim, or an egregious act. After careful review of the documentation provide by both Ms. [REDACTED] and the Westminster Police Department, the VRA Subcommittee determined there was a **Basis in Fact** for this allegation. The incidents from which the VRA Subcommittee based its decision were determined to be three separate and egregious acts, rather than a pattern of unresponsiveness.

The VRA Subcommittee appreciated the acceptance of responsibility on behalf of the Westminster Police Department regarding both Detective Pyler’s and Sergeant Rippi’s errors in this case. Having an in-person meeting with Ms. [REDACTED], with the presence of a victim advocate for support, to discuss why the case could not proceed is commendable.

However, the Subcommittee also recognized that the crimes which Ms. [REDACTED] reported can never be fairly addressed by the criminal justice system on their merits due to no fault of Ms. [REDACTED]. The Westminster Police Department made a commitment to a victim that they failed to keep and this failure is a violation of the victim’s right to fairness, respect, and dignity.

The VRA Subcommittee does not know whether staff at the Police Department made the comments to Ms. [REDACTED] that she noted in her complaint; The Police Department denied trying to dissuade her from being upset and telling her that she should have called sooner to check on the status of her case.

According to the Police Department's response to this complaint, during the August 25, 2015 meeting, Department staff spoke with Ms. [REDACTED] about the challenges of her case and how these challenges could have hurt the investigation and affected the District Attorney's Office's decision on whether or not to file charges. The VRA Subcommittee could not understand why members of the Police Department would discuss with Ms. [REDACTED] the merits of her case, or lack thereof, after it had already been determined that the case could not proceed due to the statute of limitations having expired. Although unintentional, discussing the problems of the case was an unnecessary diversion to the real issue of the meeting. It is understandable that Ms. [REDACTED] felt as though the Department was telling her that these problems were the reason the case could not proceed as opposed to the Department's own mistakes.

The Subcommittee addressed the issue of the movie tickets offered to Ms. [REDACTED] and appreciated their positive intention. However, in this case the timing of the gift was inappropriate and the offer appeared to be insensitive to Ms. [REDACTED] situation at that particular moment.

The failure by Detective Pyler to follow-up on the filing request on this case, the insensitive discussion of the challenges of the case, and the inappropriate and untimely offer of movie tickets led the VRA Subcommittee to its determination that Ms. [REDACTED] was not treated with fairness, respect, and dignity by the Police Department.

**Allegation 2: Ms. [REDACTED] alleges that she was not provided with financial or community resources by the Westminster Police Department.**

**Finding by the VRA Subcommittee for Allegation #2**

The VRA Subcommittee determined there was **no Basis in Fact** for this allegation.

The documentation provided by the Police Department indicated that Ms. [REDACTED] was given a Victim Rights brochure by Officer Roberts when he took her initial report on September 27, 2012. Officer Robert's report read, in part, "[REDACTED] refused Westminster Police Victim services but was provided a pamphlet and Victim Services was notified." The Westminster Police Department provided copies of the Victim Services pamphlet and the Victim Rights pamphlet that are used by the Department. Both brochures contain information about available resources for crime victims.

The VRA Subcommittee was concerned that the Victim Services Unit of the Police Department did not provide typical follow-up services in this case due to the belief that Ms. [REDACTED] had a victim advocate from a different law enforcement agency providing her assistance. The Subcommittee appreciated that the Victim Services Coordinator stated that they should not have communicated through another advocate nor assumed that Ms. [REDACTED] was receiving the information and support that she needed, rather it would have been better had the Westminster Victim Services Unit attempted to provide follow-up services directly to Ms. [REDACTED]. In this case, a failure by the Victim Services Unit to provide follow-up services to Ms. [REDACTED] was not a violation of Ms. [REDACTED] rights because Officer Roberts gave Ms. [REDACTED] resources in a pamphlet when she initially filed her report.

**Allegation 3: Ms. [REDACTED] alleges that she was not updated about the status of her case while it remained open for two-and-one-half years. Ms. [REDACTED] told DCJ staff that she had not heard from Detective Pylar for over a year and so she called him to learn the status of her case. This was when she learned that there had been no activity on her case for many months and the case would have to be closed because the statute of limitations had run out.**

### **Finding by the VRA Subcommittee for Allegation #3**

The VRA Subcommittee determined there was a **Basis in Fact** that Ms. [REDACTED] was not provided a case-status update in her case. At the time Sergeant Rippi mistakenly closed this case, the status of the case changed and Ms. [REDACTED] should have been informed of the status change at that time. The VRA Subcommittee recognized that the Department has a policy for criminal investigations which defines the closure of a case as a “status change.” The Department also has a policy that states detectives will notify the victim every time there is a status change in the case. Prior to the filing of this complaint, the Department provided its staff additional direction stating *“We cannot close out / inactivate a case merely due to detective advising that the DA’s office is reviewing an affidavit. Arrest warrant must be issued prior to closing a case.”* In this case, Sergeant Rippi made a mistake in closing the case and not ensuring victim notification was made. As a result, Ms. [REDACTED] was not afforded her right to be informed of a change of status in the case.

### **Requirements**

The goal of the VRA compliance process is systemic change. Upon finding a Basis in Fact for a violation of the VRA, the Subcommittee may set forth requirements to help facilitate a system change and prevent such a violation from happening in the future. In this case, the VRA Subcommittee determined that the Police Department maintains the necessary policies to prevent similar VRA violations. The Department also reprimanded the officers involved in this case whose mistakes resulted in the lack of prosecution of Ms. [REDACTED] case.

The VRA Subcommittee requires that all staff at the Police Department receive training offered by DCJ or the Ending Violence Against Women (EVAW) Project at the Colorado District Attorney’s Council on Victim Empathy.

Written confirmation of these requirements should be sent to the attention of F. Michael Goodbee, Chair of the Victim Rights Subcommittee, in care of Andi Martin at the address below by April 13, 2016.

### **Requesting a Reconsideration of the Findings of the Subcommittee**

Per the Procedures for Reviewing and Responding to Requests for the Enforcement of Compliance, either party may request that the Subcommittee reconsider its findings. Reconsideration may be requested for any of the following reasons:

1. The complainant or identified party provides information demonstrating that the materials the Victim Rights Act Subcommittee utilized to make its findings are in error; or
2. The complainant or identified party provides information showing there was insufficient documentation to support the Subcommittee's decision; or,
3. The complainant or identified party provides additional information, material to the allegations in the case, which was not available to the complainant or identified party at the time the Subcommittee reviewed the original complaint. The Subcommittee will not consider information in a reconsideration that was available at the time of the Subcommittee hearing but was not provided to the Subcommittee.

The request for a reconsideration of the finding of the VRA Subcommittee must be received in writing by February 23, 2016. If you choose to submit a request for consideration, please send it to the attention of F. Michael Goodbee, Chair of the Victim Rights Subcommittee, in care of Andi Martin, at the following address: Division of Criminal Justice, 700 Kipling Street, Suite 1000, Denver, CO 80215.