

Common Definitions

The Difference Between Civil and Criminal Charges and Cases

- Criminal offenses are considered to be crimes against the state, and are prosecuted by the state instead of the victim of the crime.
 - o Criminal cases may involve jail time and/or fines.
- Civil cases are cases brought by the wronged individual, and the individual must file that case as a plaintiff.
 - o Civil cases generally only result in monetary damages or orders for the offending party to do or not do something (like restraining orders).
- The same conduct can lead to both criminal and civil trials.

Criminal:

If Someone Has Been Physically Harmed

- A **criminal assault** occurs under Colorado statutes whenever someone intended to and successfully harmed someone. If anyone has been physically harmed, they should call the police. The state will prosecute and apply criminal charges.
- If someone has been harmed, and criminal charges have been placed, that person still has to option to pursue the charges in civil court.

If Someone Has Been Threatened With Harm or Harassed

- **Criminal menacing** occurs when someone makes a credible threat that placed someone in fear of upcoming harm is still a crime. If this occurs, the police may be called and criminal charges may be filed.
- **Bias motivated harassment** is also a crime in Colorado. If someone is making threats, harasses or intimidates based on actual or perceived race, color, religion, ancestry, national origin, disability or sexual orientation, 911 can be called as it is a crime.

If Someone Has Had Their Property Damaged

- All property damage can, of course, be reported to police for investigation and criminal charges.
- If someone places someone in fear of imminent property damage, that is a bias motivated hate crime, which can be reported to the police.
- If someone damages property with slurs or harassing language based on actual or perceived race, color, religion, ancestry, national origin, disability or sexual orientation, 911 can be called as it is a state crime.

Civil Cases

- Anyone can bring personal suit against someone for torts committed against them (torts consist of battery, assault, threats, infliction of emotional distress, etc.). However, AAH should not provide any legal advice pertaining to these matters.