

RESOURCE GUIDE

for Families of Adults

Accused, Charged or Convicted
of Sexual Offenses in Colorado

DRAFT

11/11/2017

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Inside Front Cover

A NOTE TO FAMILIES: The beginning point in the process is one where you may feel totally alone. No one you know has something like this going on. And it's the beginning of a process where you often feel the need to hide from friends and families. But in truth, these people may be an important life line for you. You need as much support as you can get.

One source for support is through advocacy groups available in the area. The people involved with advocacy have a long experience in this area and can help guide you, give you information, and be support for your family. The advocacy groups can't give legal advice but can help you understand the process to help you through the process. You don't have to walk this road alone.

PARTIAL LIST OF COLORADO AND NATIONAL RESOURCES

<p>Advocates for Change (AFC) http://www.advocates4change.org/ PO Box 103392 Denver CO 80250 AFC Response Line: (720) 329-9096</p> <p>Key areas: reform sex offense laws, advocate for those in the system, provide family support</p>	<p>Coalition for Sexual Offense Restoration (CSOR) http://www.csor-home.org/ Susan Walker, M.A. 720-690-7125 SusanCWalker1@gmail.com</p> <p>Key areas:</p>
<p>Colorado Citizens United for the Rehabilitation of Errants (Colorado CURE) http://coloradocure.org/ 3470 S Poplar St Denver, CO 80224-2929</p> <p>Key areas: promote criminal justice reform, improve prison conditions</p>	<p>Colorado Criminal Justice Reform Coalition (CCJRC) http://www.ccjrc.org 1212 Mariposa St., #6 Denver, CO 80204 phone: (303) 825-0122 E-mail: info@ccjrc.org</p> <p>Key areas: fight mass incarceration, racial disparity and a failed drug war</p>
<p>National Association for Rational Sex Offender Laws, Inc. (NARSOL) http://nationalrsol.org/ PO Box 400838 Cambridge, MA 02140. 888-997-7765</p> <p>Key areas: promote effective, fact-based sexual offense laws and policies</p>	<p>Women Against Registry https://www.womenagainstry.org/ P.O. Box 463 Arnold, MO 63010 800-311-3764</p> <p>Key areas: reform punitive registry laws, eliminate damage to families caused by the registry</p>
<p>Sex Offender Resource Website http://www.sexoffenderresource.com/colorado/ Key areas: links to possible sources of information</p>	

WHO PREPARED THIS GUIDE

In response to concerns raised by family members to the Sex Offender Management Board, a committee was convened to focus on family education, engagement and support. The committee is facilitated by family members and includes: family members, registered citizens, advocates for people with sexual offenses, advocates for people who have been sexually victimized, therapists, probation and parole representatives, and Sex Offender Management Board members and staff.

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Inside Back Cover

DISCLAIMERS

LEGAL: This guide does not serve as legal advice. Because sexual offense cases involve complex and technical areas of Colorado criminal law you may wish to consider a lawyer who specializes not only in criminal defense but also has some expertise in handling sexual offense cases.

MENTAL HEALTH: Your family may be impacted significantly by this challenging experience. There will be difficult moments. You are encouraged to reach out to mental health providers who are trained and experienced in working with issues that impact family in which sexual abuse allegations are present.

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Simplified Flowchart of Typical Events

Colorado Felony Procedure – From Arrest to Sentencing

**WORKING TITLE: RESOURCE GUIDE FOR FAMILIES OF ADULTS
ACCUSED, CHARGED OR CONVICTED OF SEXUAL OFFENSES IN COLORADO**

Introduction

When your loved one is accused, charged or convicted of a sex offense and lands in the Colorado justice system, you may feel at a loss as to what to do, how to be supportive, where to go to find answers to your many questions, how to understand the maze of systems your loved one will face, and how to get the emotional support you and your family need. Your family may experience a wide range of feelings. Family members may react differently from each other and their reactions may puzzle you. There are no absolute answers to the many issues that families will face. But this guide is meant to be a starting point.

How to Use this Guide

This guide has been prepared to answer many of your questions, to provide resources, to validate the emotional upheaval that your family may experience, and to guide you as your loved one goes through the justice system. Individuals accused, charged or convicted of a sexual offense in Colorado will face several complex areas of Colorado criminal law. During your loved one's journey through the criminal justice system, you will be introduced to a great deal of information that may be overwhelming and confusing.

This guide consists of two main parts, plus some additional information:

Part 1 – The Journey of Your Loved One from Arrest to Post Sentence has seven chapters written with a family member perspective:

1. The Arrest
2. Jail and Bail Bond
3. Court Proceedings
4. Evaluation and Sentencing
5. The Sex Offender Registry
6. Serving the Sentence
7. Post Sentence

Each chapter in Part 1 addresses:

- Family Impact - What your family may face and feel
- What You Can Do - Opportunities for family engagement
- Where to Find Answers and Help
- More Information (about the system or process)

Part 2 – Information from System Officials provides information from ten sources with an agency point of view:

1. Office of the State Public Defender
2. Colorado Sex Offender Management Board (SOMB)
3. What is Treatment? (A therapist's perspective)
4. Pueblo Police Response to Sexual Assault
5. Evaluation
6. Probation
7. Parole
8. Prison -Colorado Department of Corrections (CDOC)
9. CDOC Sex Offender Treatment and Monitoring Program (SOTMP)
10. Community Corrections
11. Sex Offender Registration Requirements

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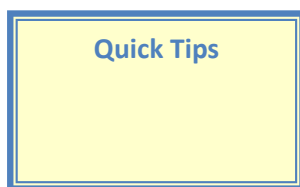
Additional information is included in the Glossary, Appendices, and Flowchart and Call-out Boxes.

Glossary: The legal system is complex and some of the terms and concepts may be new to you, (such as the difference between parole and probation). These will be designated by *red italic* type throughout the guide. You will find definitions of these terms and concepts in the glossary at the back of the guide.

Appendices: Every situation is different. The appendices provide more detailed information about certain topics that may be of concern to some families, but not others.

Flowchart: A simplified flowchart of many of the most common events in the Justice system is also at the back of this guide. The actual series of events that people experience may be very different.

Call Out Boxes: Throughout this guide you will find **Quick Tips**, **Alerts**, and **Personal Stories** to help you and your family through this journey.



Part 1

Your Loved One's Experience from Arrest to Post Sentence

(working subtitle)

Chapter 1 - The Arrest

An arrest can happen quickly and without warning. Law enforcement (police officers, sheriff deputies, probation/parole officers, prosecutors, etc.) can *arrest* a person anywhere and at any time if there is *probable cause* to believe a crime has been committed by the person under arrest.

Physical Circumstances of Arrest

An arrest may happen during an interview or appointment with law enforcement, as part of a traffic stop, or anywhere else a person may be located including at work or at home. The arrest can be a traumatic event as it may be startling or unexpected. The arrest may involve force, handcuffs or other restraints, and the use of dogs or military style SWAT teams. It may occur in front of children or other vulnerable individuals, relatives, coworkers and employers, and/or other friends and neighbors. Resisting arrest or becoming combative with law enforcement can result in additional charges.

Medical Issues:

The person who is arrested may initially be taken to a medical facility if concerns about that person's physical or mental health arise during the course of the arrest. Some local jail/detention centers have their own medical departments, while others rely on public medical facilities. If the person has been arrested and taken to a medical facility, the person may be handcuffed or restrained, supervised by law enforcement, and be prohibited visitation or other contacts ordinarily allowed in medical buildings. Once cleared by medical personnel, they will be transported to the local jail.



Alert

RE: FINDING OUT ABOUT AN ARREST - Friends and family of a suspect may not find out that the arrest has occurred until after the person has been taken to a local jail/detention center. Even then, it may be hours or days before the arrestee is able to contact concerned parties. As part of being booked into a jail, an arrestee will typically be separated from his/her telephone, wallet, and other sources of telephone numbers and other contact information. Contact the local jail or the website for the jail for rules regarding contact.

Family Impact:

At the time of your loved one's arrest, you may be in a state of confusion and have no idea about what just happened. You may not be aware of the sex offense laws that now have you and your family tied to the judicial system. Many family members are left asking "What do we do now?" Family members may be experiencing disbelief, anger, fear, or paralysis in making decisions to take steps to care for themselves.

When a person is arrested and charged with a sex crime, restrictions that impact the whole family can begin immediately. At this point, a serious *allegation* has been made, which could result either in the accused person being restricted from the home or in *children being removed* from the home. In

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addition, items such as computers, cell phones and other personal items may be seized by law enforcement.

The arrest is just the beginning of what is often a long and challenging process. The stakes are high and the consequences can be very severe for those accused and convicted of a sex offense and for those who support them.



Family Impact
Hearing about the Arrest

The Phone Call

I was in Italy -- in a cathedral -- with a group of six friends, when the call came in on my friend's phone. Only three of us were there when the phone rang.

My sister was calling and she was sobbing -- I thought one of my kids had been hurt. But, the call was about my brother. He had been arrested for a sex offense. My sister warned me to not say anything to anyone or I would become associated with this crime. I said nothing to the other two and nothing to the rest of the group for the remainder of my trip.

One of my friends finally said after we returned home, "You'd better say something or you will explode". I finally did but only to the two who had been with me in the cathedral. My circle of friends who know about my brother is very small because of the way a sex offense tarnishes everyone and everything it touches. This was the beginning of our journey into the judicial system and the multitude of sex offense issues.

--A Sister's Story

See page 10 for possible sources of support.

If Your Family Member's Case Involves a Dependency and Neglect Action

When the person who has been victimized and the person who is accused are members of the same family, your experiences may involve the Department of Human Services/Social Services in Colorado. There may be many reasons why this occurs. See Appendix A of this guide for more information about Dependency and Neglect cases.



Alert

RE: *Mandatory Reporters* - Certain professionals are required by law to make reports to the police or social/human services when they are made aware of suspected abuse and neglect of a child or an at-risk adult. Examples of professionals who must report include doctors, nurses, mental health providers, teachers, school counselors, prosecutors, probation officers and victim advocates. These reports may lead to criminal or civil actions.

What You Can Do:

Find a Lawyer for Your Loved One

Choosing a lawyer may be the most important thing you can do for your loved one. You will want a criminal defense lawyer with experience in dealing with sex offense cases. Sexual offense cases involve complex areas of Colorado criminal law.

Public Defender - Your loved one could qualify for a public defender, if certain financial requirements are met. To find out more, visit the website of the Colorado State Public Defender at <http://www.coloradodefenders.us/> or see the Section on Apply for a Public Defender in Part 2 of this family guide.

Private Attorney - If you have access to the internet, a good place to start is The Colorado Criminal Defense Bar's website at <https://ccdb.org>. The Colorado Defense Bar's website includes a "Find A Lawyer" feature. On the home page you will see a "Find a Lawyer" button. Scroll down to the "Areas of Practice" drop down box to find lawyers with experience in defending those charged with a sex crime.

Another approach is to get referrals from people you trust or people who have been in a similar situation. You might find such people through local advocacy groups listed at the end of this section.

You also might want to talk with lawyers on the phone or in person to see who would be a good fit for your loved one's situation. Most lawyers will not charge for an initial consultation.



Alert

RE: YOUR OWN LAWYER - Be aware that law enforcement may want to interview you and your family members (this may include your children) as witnesses or sources of information.

You may want to consult your own lawyer. The lawyer representing your loved one is not hired to represent your best interests.

TIP – Consider these questions when looking for an attorney for your loved one or for yourself:

1. Does the attorney have experience in dealing with criminal cases, particularly sex offense cases?
2. Do you feel comfortable talking with the person?
3. Is the attorney in good standing with the Colorado Supreme Court?
<http://www.coloradosupremecourt.us>
4. Does s/he come recommended from someone you trust and who knows about these types of cases?
5. Did the attorney discuss the billing and fee structure, as well as additional costs based on how the case proceeds through the court system? Additional costs can include investigator fees, expert witnesses fees, psychological evaluation costs, and copying fees.
6. Be cautious of promised outcomes. Is the attorney candid about possible outcomes and risks?
7. **Note: A person can change attorneys throughout the process. If one is chosen and it is discovered the lawyer is not a good fit, a person can hire a new lawyer.**

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If you do hire a lawyer for your loved one, remember that no matter who pays the bill, the lawyer is bound to do what is best for the client – the person who is charged with the offense. That means the lawyer may not be able to tell you certain things about the case, if it is not in the client’s best interest to do so.

Other Potential Lawyers in a Criminal Case – In addition to a criminal defense attorney, there may be other lawyers involved when a sexual crime has been alleged. Your loved one may have more than one type of lawyer. Other people or agencies may have lawyers.

Types of lawyers can include

- Civil Domestic Relations or Dependency & Neglect (“D&N”) Attorneys
- ***Guardian ad litem*** (“GAL”):
- ***Prosecutor/District Attorney*** (DA)

See the Glossary for more information about these types of lawyers.

When the Defendant Has Multiple Lawyers - Even when multiple lawyers are representing the defendant in different ways, they will not be allowed to share information with each other without the explicit permission of their client. For example, a criminal defendant who is also a party to a Dependency & Neglect (D&N) case may need to get advice from both lawyers about the rights to remain silent and the consequences of exercising those rights in both the D&N and criminal cases.



Alert

RE: DEPENDENCY & NEGLECT - Events that happen in the domestic / D&N case and/or criminal case may have a direct impact on each other. So, it is important for a defendant to notify each lawyer about the existence of the other case and lawyer because there is no process to automatically alert them.

Care for Yourself and Your Other Family Members

When a family member is accused of a sexual crime, the mental health of family and friends may be impacted. Feelings of confusion, shock, anger, and being powerless are common. When a loved one is arrested you may not be able to talk to that person immediately. As a result, you may not know what to believe, have feelings that are difficult to handle, and do things that may cause you and others more problems.

People wishing to support a loved one who has been arrested may choose to seek legal advice. Even so, it may not be possible to prevent family separation, job loss, illness, money problems, loss of friends, jail, negative feelings, and other issues affecting mental health. Lawyers, police, therapists, and other professionals seek to make sure that victims are protected and that the community is safe. While they

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may be able to provide you certain information, they may not be able to give you all the answers and the emotional support you need.

Try to stay positive as you visit loved ones in jail, see them in Court, hear many opinions, and face tough questions. It will be hard to hear people say harsh things about your loved one. And it will be hard to accept that at times the person you support may not tell the truth, may blame others, or may make excuses. Staying positive will be hard, but going to work and doing things to feel useful may help you through the process.

Family members can learn about bail, bond conditions, community rules, and create a to-do list. You can get information from the Sex Offender Management Board (SOMB) about treatment and supervision required for a person who is convicted of a sex offense. But you should know that many decisions will be made that are beyond your control and ability to influence. This may leave you feeling helpless and anxious which may impact your ability to work and function.

If your loved one is accused or convicted of a sexual crime, you may become involved in the legal process. You may be impacted by the bond conditions set by the court. When supporting a loved one accused of a sexual crime you may be asked questions about your past. This may bring up difficult memories. You may benefit from talking to a therapist. Helping your loved one may require you help yourself first.

There are actions you can take to help you stay grounded. For example, you can gather information, share your story with people you trust, talk to professionals, and let your extended family and friends know you are in a stressful situation.

It may take a while for you to figure out who you feel you can trust. Pay attention to your thoughts, feelings, and behavior. Know that there are people who understand and can help. Other parents, friends, support groups, and help groups are available (see page 10 for suggested resources). You are not alone. Reach out and you can be supported.

TIP - Family members can seek emotional and mental support. Some options include the following:

- Talk with people you trust
- Contact support/advocacy groups for individuals accused/convicted of a sex crime (see page x)
- Check in with your Employee Assistance Program at work for counseling
- Talk to your faith-based leader or spiritual advisor
- Rely on your social support system
- Try to maintain balance in your life
- Find stress busting strategies that work for you (for example, engage in regular exercise or guided meditation)

TIP –When talking to professionals about your feelings,

Keep in mind that certain professionals will have to adhere to the mandatory reporting laws. That means anyone who learns case-specific information can be called into Court to testify. When talking to professionals, speak about your emotions and experiences related to your loved one arrest but not the facts of the case. There may be professionals willing to consult on “what if” situations who are not required to report when they are not provided with specific details. Talking to the professional about his or her duties in advance may be helpful.

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Where to Find Help and Answers:

The beginning point in the process is one where you may feel totally alone. No one you know has something like this going on. And it's the beginning of a process where you often feel the need to hide from friends and families. But in truth, these people may be an important life line for you. You need as much support as you can get.

TIP – Reach out
to support and advocacy groups. You don't have to walk this road alone.

One source for support is through advocacy groups available in the area. The people involved with advocacy have a long experience in this area and can help guide you, give you information, and be support for your family. The advocacy groups can't give legal advice but can help you understand the process to help you through the process. You don't have to walk this road alone.

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<p>Colorado Citizens United for the Rehabilitation of Errants (Colorado CURE) http://coloradocure.org/ 3470 S Poplar St Denver, CO 80224-2929 Key areas: promote criminal justice reform, improve prison conditions</p>	<p>Colorado Criminal Justice Reform Coalition (CCJRC) http://www.ccjrc.org Director: Christie Donner 1212 Mariposa St., #6 Denver, CO 80204 phone: (303) 825-0122 E-mail: info@ccjrc.org Key areas: fight mass incarceration, racial disparity and a failed drug war</p>
<p>National Association for Rational Sex Offender Laws, Inc. (NARSOL) http://nationalrsol.org/ PO Box 400838 Cambridge, MA 02140. 888-997-7765 Key areas: promote effective, fact-based sexual offense laws and policies</p>	<p>Women Against Registry https://www.womenagainstry.org/ P.O. Box 463 Arnold, MO 63010 800-311-3764 Key areas: reform punitive registry laws, eliminate damage to families caused by the registry</p>

More about When an Arrest and/or Investigation Can Occur

An arrest or investigation may occur long after the alleged crime, especially for crimes of a sexual nature as many have lengthy or no statute of limitations. This means charges may be brought many decades after the events in question. Sometimes a long investigation happens before an arrest and sometimes there is a finding of probable cause based upon bare allegations. Occasionally, a new arrest occurs based on previous allegations that did not result in an earlier arrest or trial.



Alert

RE: TALKING WITH LAW ENFORCEMENT - Be aware that law enforcement may want to interview you and your family members (this may include your children) as witnesses or sources of information. You may want to consult your own lawyer. The lawyer representing your loved one is not hired to represent your best interests.

Arrest Warrants

Sometimes an arrest is authorized by a warrant obtained by law enforcement in advance. If the warrant includes a *bail* amount, it is possible for a person to *bond* out of jail immediately by posting the necessary bail. Occasionally, there may be an opportunity for a person to turn him/herself in on the warrant by reporting to law enforcement thereby avoiding a public arrest.

If there is no arrest warrant, law enforcement may arrest someone first and then must provide a sworn written summary to the courts explaining why they believe there was probable cause for the warrantless arrest. A judge or magistrate will then review the probable cause statement to decide whether it is sufficient to justify the arrest and the continued *detention* of the person.

This probable cause review occurs when a person first appears before a judge following arrest and is often done at the same time as an initial bail hearing. It is generally a paper review and the judge considers the claims in the sworn statement rather than taking testimony from live witnesses. Local practices vary on how quickly the arrestee will be seen by a judge but it is usually within 72 hours of the arrest. Although not common, a person is sometimes released from custody based on lack of probable cause. If additional evidence is generated to substantiate probable cause, the person may be subject to re-arrest later for the same crimes. If probable cause for the continued detention of the arrestee is found, the court will set a deadline for the filing of formal charges by the prosecutor.

Searches and Search Warrants

Law enforcement are allowed to conduct a limited search of the suspect and possibly his/her surroundings *incident to arrest* but some searches of people, objects, or places require a warrant or the consent of the owner/occupant. Law enforcement may have a search warrant and execute it before, after, or during an arrest. Warrants and other court orders may permit searches of mobile devices including smartphones and computers, residences, vehicles, and even the seizure of bodily fluids and other forensic evidence. They may authorize the seizure of items that belong to someone other than the arrestee. Questions about the legality of searches should be directed to a criminal defense lawyer.

Miranda Rights

Law enforcement may or may not be required to read a suspect *Miranda rights* at the time of arrest but an arrestee has a right to remain silent and to request the presence or appointment of counsel.

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Summons

Although less common in cases involving claims of harm to other people, a prosecution may also be initiated by the service of a *summons* without arrest or the need for a bail. If that happens, the person will be ordered to report to the courthouse at a particular date and time to commence the criminal case. A failure to appear at that time will result in the issuance of a warrant for his/her arrest.

Chapter 2 - Jail and Bail Bond

2.1 County Jail

Your first exposure to the justice system may very well be the phone call from your loved from a county *jail* in some areas it is called a detention facility which is under the control of the local *sheriff*. Jails house inmates and pretrial detainees who have been arrested and committed to the custody of the sheriff.



RE: PHONE CALLS FROM JAIL – Jail phone calls to non-attorneys are recorded so it may be unwise for your loved one to share any information about his or her case or charges over the recorded phone line. For safety in jail, where sexual offense charges may make some inmates more vulnerable, it may be wise to not discuss charges or any facts related to the case in a public setting (including on the family side of a telephone conversation).

Conversations with friends, family, and relatives are usually not considered privileged or confidential – so if you discuss the case with your loved one or other witnesses, you may become a witness in the case and be questioned and/or subpoenaed to court hearings or at trial. Your possessions, including computers and other devices and phone and email records, may also be subject to a subpoena or seized with a warrant.

Family Impact:

When you get the phone call from jail and this is your first experience with the judicial system, you will probably be in shock, confused about what to do, and anxious about the safety of your loved one.

The family member who receives the call may enlist the support of other family members while others may choose to go it alone or keep the arrest within the immediate family. With sex offense crimes, family members may experience shame, denial, self-criticism, and the shunning of the family by others in their social circle.



Family Impact
Custody/Bail/Bond

Kicking into Survivor Mode

Phone Call from Jail

It's a beautiful springtime in the Rockies sort of day when I get a call from my adult son who tells me he's in county jail, arrested for a sexual assault. He sounds panicky and says "his life is over". After three hours of questioning, he is exhausted, desperate, and alone in his cell and has been placed on suicide watch.

What do I do?

As I try to talk him down and reassure him that we will help him, my mind spins out of control. I have no idea what help looks like. No one in our close family has ever been touched by the criminal justice system; never needed a lawyer for anything other than setting up our wills. But I tell him I will rally the family and show up at the county jail to see what can be done. I kick into survivor mode.

I call the only lawyer I know who says he doesn't handle criminal cases and suggests that my son will be safer in jail where he can be watched than released on bond. I'm not reassured. Fortunately a family member recommends a criminal lawyer who is contacted and strongly urges the family to secure bond for his release because he believes he is safer surrounded by family. That turns out to be a good call. He takes his case and recommends a bondsman. Family members scurry to round up the 10% of the total bond amount in cash.

Concern, fear, and bewilderment are rampant among the family, as we hover outside the jail. We are in shock. Our world has just been turned upside down.

Coping as a Family

As the news goes public on TV and in the newspaper, family members are not only dealing with their own emotions but also with negative and positive responses from relatives and friends. Our family reacted individually in so many different ways, all normal, I suppose, but it was difficult to go through. These early days in the system are raw, brutal, exhausting, and at times debilitating for family members. Ultimately, a support group and therapy would ultimately be a lifesaver for us as a family.

-- One Mom's Story

What You Can Do:

Maintain Contact with Your Loved One in Jail

During this period of custody in jail, your loved one may be in shock, depressed, or panicked. If you feel you can be supportive, (meaning if you feel emotionally strong enough, are not too angry to deal with the situation, or are not limited by legal matters) it is extremely important for family members to maintain contact with their loved one in jail for your loved one's mental and emotional health. The longer a person is in custody without support, the more vulnerable that person may be to violence, self-harm or suicide. If your loved one says things like "my life is over", "I have nothing to live for", or actually talks of hurting himself, consider asking the jail to put your loved one on suicide watch.

TIP – Consider these questions, when trying to assist a person in jail:

Legal Matters

1. Has an attorney been retained in case this circumstance occurred and what were the specifics?
2. What is the procedure for finding out why the person was arrested? Is there a bond set? When is the Court Hearing?
3. Does the person have access to a notary?

Personal Matters

4. What happens to a vehicle that is on a meter or parked on the street? Does someone have instructions and a key to take care of this?
5. Does someone have access to bank accounts, power of attorney, personal financial obligations, etc. for this person?
6. What about access to the place of residence to take care of personal property?
7. Has the employer been contacted? What should the employer be told?
8. Who else should be contacted? Where is the contact information for those people?
9. Who is their doctor? Are they on prescription medications?
10. Who can take access of personal items in jail property, such as cell phone, house keys?
11. Who has access to electronic items, such as a personal computer? Are there passwords that limit access?
12. Who is the *Go-to-person* and what is their phone number?

Where to Find Help and Answers:

Each county/city jail has its own website with rules of contact, hours for visits, how to schedule visits, and the process for putting money on the adult's spending account. It is best to check online or in-person at the jail for their rules. There may be a phone number for the jail, but in larger cities you may

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be put on hold for a long time before you can talk to a person. Keep in mind that some days or certain times of day can be busier than others. Information on the jail's website may be helpful as well, including how to post bail.

2.2 Bail Bond

During this period of custody, while the adult waits to see if **bail** has been granted, family members may have contact with their loved one in the county jail.

If your loved one is granted bail, there may be conditions of **pre-trial supervision** such as GPS ankle monitoring or urinalyses (UA's) required. Sometimes there may be a fee for the GPS, and the urinalyses test.

Violation of bail conditions may result in going back to jail and loss of the posted bond. Your loved one may not be allowed to drink alcohol or use marijuana. There may be **protection orders** preventing your family member from having **contact** with children or an alleged victim. In addition, violations could result in new criminal charges being filed.

Family Impact:

The impact of the bail/bond process on the family may include providing money to cover the cost of the bond and/or collateral, booking fees, and pre-trial supervision related costs.

Impact may also include being present at a bond court hearing. Family members and supporters are allowed to attend court hearings and are encouraged to do so. This might mean taking time off from work and arranging daycare. There may be many delays in the court and the bond process. It may take several hours or days of your time.



Alert

RE: MEDICAL NEEDS - It is important to make sure the court is made aware of serious medical needs to make sure your loved one's needs are met if they return to jail.

What You Can Do:

At a bond hearing, it may be useful to the defense attorney to know if there are family members and supporters of the accused person in the courtroom. It is especially good to know if those individuals can provide security or stability to your loved one while waiting for the case to come to court.

Additionally, family members can bring documentation of support such as:

- A letter from your loved one's employer;
- Proof of residence;
- Proof of income; and/or
- Any records related to ongoing medical care, including medications.

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Bringing such documentation to the court hearings shows the court your family member is stable and has ties to the community. Documents showing that your loved one has stable housing, a job, can maintain sobriety, or will be receiving mental health care shows the court that your relative will attend the court hearings. This information may be important when the court decides what to do about bond conditions.

If the full bail amount can be paid to the court, then that person can be released from jail until the court hearing. If the bail cannot be paid, they must remain in custody. Once all requirements set by the court are met and the case is over, then the bail money is returned.

If you cannot pay the bond amount in cash, another option is to get a bail bond company to post the bond and secure your family member's release from jail until the court hearing. There is a set fee, usually 10% of the bail amount, as well as a *collateral* requirement. The bail bondsman then pays the court the bail money.

If the accused person fails to appear in court, any cash/collateral is at risk of being forfeited to the bail bond company, even if that individual returns for later court hearings.

If the court orders things like *GPS tracking* or *urinalysis* as a condition of bond, your loved one will be required to pay for it. Family members may be asked to pick up these costs if their loved one is unable to do so.

Where to Find Help and Answers:

- Most jail or detention centers post information on finding a bondsman.
- The internet is a good place to search for bondsman.
- You can also ask your loved one's lawyer.

Consider asking the questions listed in the box below.

TIP – Consider these questions when looking for a bondsman:

1. Do they have a current bail license?
Check online at Colorado's Department of Regulatory Agency.
<https://www.colorado.gov/pacific/dora>
2. Do they come recommended from someone you trust?
3. Do they have a good reputation?
4. What locations do they serve?
5. Are they available 24/7?
6. How long have they been in business?
7. How many bonds have they written?

Chapter 3 – Moving through the Court System

This section provides an overview of court proceedings. This is not meant as legal advice, and is not intended to cover all possible outcomes in a case. For specific issues that arise with regard to your loved one please consult an attorney who is knowledgeable in these matters.

3.1 Common Criminal Court Settings

The Colorado Judicial Branch houses the Colorado Court System and the Probation Departments. There are 22 Judicial Districts in Colorado; all of which are independently governed and under the purview of their Chief Judge and Chief Probation Officer. The Chief Judge oversees the court proceedings of that judicial district and the Chief Probation Officer oversees the probation department. Typically, the case remains within the trial court and jurisdiction where the charges were filed and the same trial court determines next steps along with sentencing. If at end of the case the your family member is found guilty and convicted and the court grants a probation sentence, the your loved one will be supervised by the probation department in the jurisdiction in which s/he was convicted. But if sentenced to the CDOC (prison), the facility where your loved one will be incarcerated will be determined by CDOC.

Trial Courts

District Courts hear civil cases in any amount, as well as domestic relations, felony criminal, juvenile, probate, and mental health cases. District court decisions may be appealed to the Colorado Court of Appeals (in some cases directly to the Colorado Supreme Court).

County Courts handle civil cases under \$15,000, misdemeanors, traffic infractions, felony complaints (which may be sent to district court), protection orders, and small claims. County court decisions may be appealed to the district court.

Appellate Courts

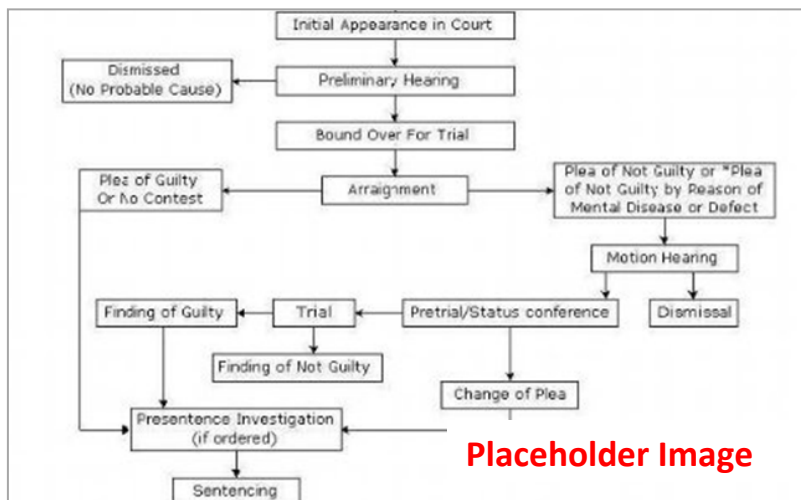
The **Colorado Supreme Court** is the court of last resort in Colorado's state court system. The court generally hears appeals from the Court of Appeals, although in some instances individuals can petition the Supreme Court directly regarding a lower court's decision.

The **Colorado Court of Appeals** is usually the first court of appeals for decisions from the district courts, Denver Probate Court, and Denver Juvenile Court. The Court of Appeals also reviews decisions of several state administrative agencies. Its determination of an appeal is final unless the Colorado Supreme Court agrees to review the matter.

Common Criminal Court Events

Moving through the court system involves several steps or events:

- Advisement Hearing (Initial Appearance in Court)
- Hearings for Felony Cases
 - Preliminary Hearing
 - Mandatory Dispositional Hearing
- Arraignment



Advisement

At a hearing called an advisement, there are many topics that may be handled by the court. For example, when someone is arrested or charged with a crime they must be advised of certain rights such as the right to counsel and the right to remain silent. This hearing is often the first time the defendant will appear before any judge on the case. The advisement judge may or may not be the same judge who ultimately hears the case.

Hearings Specific to Felony Cases

Preliminary Hearing

If charges have been filed on a felony case, the defendant is often entitled to a preliminary hearing in which a judge hears testimony and if there is probable cause for all of the crimes charged.

Mandatory Dispositional Hearing

In some felony cases, the defendant is not entitled to a preliminary hearing. In those cases, the law requires a setting where the parties will begin a plea negotiation process. The “dispo” hearing allows the court to monitor the status of the case but usually takes no substantive steps.

Court Presiding over the Advisements, Preliminary and Mandatory Dispositional Hearings

In many jurisdictions, these early hearings are heard by Magistrates are appointed by the judges or they may be heard by County Court Judges. Once these hearings have been conducted, however, felony charges must be handled by a District Court Judge.

Arraignment

An “Arraignment” is a hearing in which the defendant may enter a plea of “guilty” or “not guilty.” No evidence is presented at an arraignment.

Family Impact

The court proceedings leading up to sentencing can stretch the emotional and financial limits of families. While your loved one should be able to get information from his or her lawyer, you may feel left in the dark. Keep in mind that attorney-client privilege extends only to your loved one. It does not extend to

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you, even if you are the person who is paying for the legal defense. If you are called on to testify in court, you could be asked about any information that has been shared with you.



Family Impact
Not Allowed in the Courtroom

Please Wait Outside

The trips to the courthouse were almost starting to feel routine. There seemed to be one hearing after another. We knew what time to leave the house, where to park, how to go through security, how to get to the right court room, and where to sit in the courtroom.

*But today was different. Our son's attorney came out of the courtroom and met us at the door. He told us the judge had written a **sequestration** order. He said that because there was a possibility my wife and I might be called on to testify in the future, we would have to wait outside of the courtroom. The court did not want us to be influenced by what other witnesses said. This took us completely off guard.*

We wanted to be there for our son, in the courtroom, sitting in silent support. Instead, we found a hard bench in the hall, as close to the courtroom as possible and waited for the hearing to end. Since we couldn't be in the courtroom, we wanted to be where our son could see us as he exited the courtroom.

We weren't the only ones. Some members of the victim's family had to leave the courtroom, too. But they had a room where they could go to sit in private. When the hearing was over, the rest of the people on the victim's side left the courtroom first. The attorney had warned us that the victim's family would be leaving first and that we would have to wait in the building until they had left. Even though we tried to look the other way, we could feel their angry stares. It was hard not to glare back, but our son's attorney told us not to do anything that could be considered aggressive.

Finally, our son came out of the courtroom with his attorney. He nodded and smiled when he saw us. It was his way of saying, "Thanks for being here."

--A Dad's Story

What You Can Do

During court proceedings, family members may be limited to showing support for their loved one by attending various hearings and court appearances while your loved one works with his or her attorney to resolve the case. Depending on your situation, your loved one's attorney may encourage family members to attend hearings or urge them not to come. You must make the decision about what feels right for you and your family. Keep in mind that the judge can order that potential witnesses not be allowed in the courtroom, if evidence is being presented. See the detailed information provided in Section 3.3 If There Is a Trial –What You Can Do.

Where to Find Help and Answers

Depending upon the nature of the crime, penalties can be severe. For details about sexual offense consequences, please consult an attorney. You may be able to talk with others who have been through the process to get a general feel for what can happen. But every situation is different and what others experience can be very different than what you experience.

3.2 Plea Bargain or Trial

If charges are not dropped, your loved one will face a difficult decision: Take a **plea bargain** or go to **trial**. Accepting a plea bargain involves pleading guilty in exchange for reduced charges or punishment. The laws governing sentencing for people with sex offenses are very complicated and can be very confusing. For this reason, your loved one should consult a lawyer at the earliest possible time in the process. This is your loved one's decision to make, but that decision will impact the family.

TIP – These are questions for your loved one to consider when deciding whether to take a plea bargain or go to trial:

Note: Legal representation will protect your loved one's rights.

Family Considerations

1. Is there a need for precautions for personal safety?
2. What is the emotional and mental health impact on the person accused and family?
3. How does trial or plea impact the primary victim(s) and their families?
4. How does trial or plea impact your family, friends, employers and acquaintances?
5. What personal responsibilities need to be addressed (paying bills, power of attorney, wills, etc.)?
6. How will my family relationships be impacted? Child custody issues?

Legal Questions

7. What legal representation is needed?
8. Are the charges truthful and accurate?
9. What is the cost of a trial versus plea bargain?
10. What are the potential sentences? For example, **indeterminate** vs. **determinate**?
11. Is there an understanding of probation/parole rules and requirements?
12. Are there deadlines I need to make a decision by?
13. Can I make a counter-offer?
14. How much time is involved?

Other Impacts

15. Should I start **treatment** before sentencing?
16. What is the cost and length of time for treatment?
17. What are the immigration consequences?
18. Will I be required to register as a sex offender?
19. Is there an impact on employment, housing and travel?

Family Impact:

The only way a person can clear his or her name is to go to trial and be found not guilty. However, the outcome of a trial is uncertain. The trial and the time leading up to that trial can take many months. When the time frame stretches out, the emotional toll on the family can increase and legal expenses can mount-up.

If the person charged with the sex offense takes the plea bargain (usually for a lesser charge) and the judge accepts the plea agreement, there will be tradeoffs. Accepting a plea bargain may take less time and cost less in legal fees than going to trial. In some cases, felony charges

may be reduced to misdemeanors. However, your loved one will be labeled a sex offender, be sentenced according to legislative mandate, and most likely be required to register on the **Sex Offender Registry**. In addition, by accepting a plea bargain, your loved one will be giving up certain rights to **appeal** in the future and may be subject to immediate detention.



Alert

RE: Possibility of Immediate Detention -

Be aware that for some offenses requiring jail or prison time, the law requires that the person taking the plea be taken into custody from the courtroom, immediately after accepting the plea agreement.

TIP – Consider these questions, when helping your loved put a back-up plan in place :

1. Who is the *Go-to-person* and what is their phone number?
2. Does someone have access to bank accounts, power of attorney, personal financial obligations (bills), etc. for this person?
3. What about access to the place of residence to take care of personal property?
4. Does someone have instructions and a key to take care of your loved one’s vehicle?
5. Has the employer been contacted? What should the employer be told?
6. Who else should be contacted? Where is the contact information for those people?
7. Who is their doctor? Are they on prescription medications?
8. Who has access to electronic items, such as a personal computer? Are there passwords that limit access?

Regardless of which path your loved one chooses (plea bargain or trial), the court proceedings leading up to sentencing can stretch the emotional and financial limits of families.

Where to Find Help and Answers

Depending upon the nature of the crime, penalties can be severe. For details about sexual offense consequences, please consult an attorney. You may be able to talk with others who have been through the process to get a general feel for what can happen. But every situation is different and what others experience can be very different than what you experience.

3.3 If There Is a Trial

When the trial court sets a date for a case to go to trial, the judge expects both the prosecution and defense to do all they can to be ready to go to trial as scheduled. It is very common, however, for trials to be continued and rescheduled for a later date. A typical felony jury trial in Colorado lasts for most of one work week, although the jury is allowed to deliberate for any amount of time.

The typical stages of a trial include

1. **Jury selection.** Also known as Voir dire, the attorneys on both sides choose the jurors.
2. **Opening statements.** Both sides present an outline of their arguments.
3. **Presentation of evidence and witnesses.** The state presents its case first. Then, the defense can cross-examine the state's witnesses before putting forth its own.
4. **Closing arguments.** Both sides summarize the evidence presented and the points that have been made.
5. **Jury instructions and deliberation.** At the end of closing arguments, the judge gives the jury instructions on the law and how to reach a verdict. The jury reviews the evidence during deliberations.
6. **Verdict.** If the jurors can reach a decision, the jury will return a verdict of not guilty or guilty. A not-guilty verdict means that your loved one is acquitted of the crime and is free to go. A guilty verdict moves the proceedings into the sentencing phase.
7. **Sentencing.** The judge can sentence your loved one at the trial or set sentencing for another date.

Family Impact

By the time the trial date arrives, family members trying to support their loved one have already experienced emotional and financial strain. During the trial, both the emotional and financial strain continue.

[Need Specifics here.]

Know that Things Can Change at the Last Minute

Plan for the trial date like it's real but understand that things may change, even on the morning of the trial.



Family Impact
Many Costs of a Trial

The Many Costs of a Trial

A Trial is Public

When my younger brother decided to go to trial in his sex assault case, my heart sank. Somehow, I knew that a trial would be incredibly painful for our family...and cost a lot. All of the dirty details would be out there -- for all the world to see. And I was right. Already the family was taking sides. And the trial was several months away. Even many years after the trial, there is a split in our family that may never be fixed. I decided to be there for him at the trial even though I was pissed that he had caused so much pain for so many...and it was going to go on and on. He was my brother and this was the first time in his life he had been accused of a major screw up.

A Trial is Expensive

My brother couldn't afford a lawyer so my parents took out a second mortgage on their house so that they could get a lawyer who had handled sex assault cases. Trials can be very expensive. My parents paid not only for the lawyer's time, but also had to pay for copying, subpoenas, and other court costs. Looking back, my parents paid out close to \$100,000.00. My brother thought about taking a plea deal, but decided against it when he found out that if he took a plea, he would give up any chance to appeal. Appeals are expensive, too, but that's another story.

A Trial Is Emotionally Exhausting for the Family

The trial lasted several agonizing days. I wish someone had prepared us for the things that happen in a trial, things that tear your heart apart and leave you feeling raw. The hardest part was sitting through the prosecution's portrayal of my brother as a monster, an evil person, a predator. I worried about my parents as they listened to the prosecutor rip my brother to shreds. It was especially hard on my dad since my brother is his namesake and worked with him in his business. The business carries the family name. My Dad has not been the same ever since. The other hard part was sitting opposite the victim, her family and supporters, feeling their anger, pain and resentment directed toward my brother and us as well. I went home every night exhausted and depressed.

We kept to ourselves during the trial, staying inside, not answering phone calls or emails. My family sat on the defendant's side and the reporters sat right behind us to watch our reactions and listen to our comments. So, the family wrote notes to each other

A Trial Changes You

I thought I knew how the system worked – that the trial was about finding the truth but I was wrong. It's about winning and doing whatever possible to make the other side lose. Now many years after the trial, I still get sick to my stomach when certain sounds, sights, and stories trigger those miserable days at trial. I can't watch TV trials, fake or real, in the same way as before. I know in my heart I will never be able to serve on a jury.

What You Can Do

Attending the trial is a way that you can show support for your loved one. But, remember that everything you do or say reflects on the person you care about. If there is a complaint about your expression or behavior – even if it is a misinterpretation – the judge may order you to leave the courtroom. You can be additional eyes and ears for your loved one’s attorney. Pay attention to the behavior of others in the courtroom and notify lawyers who cannot see what is happening in the gallery. If you have difficulty hearing, you might be able to order transcripts of what is said during the trial.

TIP – Things to know when attending the trial

Communicating with the Lawyers

- If possible, talk to the trial lawyer(s) in advance so they know you will be there and find out if they have any specific preferences or advice about the trial. You will not be able to talk the lawyer during the trial proceedings and they may be busy attending to other matters on breaks. Be respectful and patient; write a note or ask the lawyer(s) in advance about the best way to communicate. If they have an investigator, paralegal or other staff supporting their work, it may be best to communicate with that person.
- If you have a question about the sequestration order or believe you have witnessed a violation of the order, talk to your loved one’s lawyer or his/her staff.

What to Wear

- Business clothes. Lawyers will be in suites. Family and friends should wear nice, clean clothes. Some people think of it what to wear for church.
- Avoid clothes with words on them. Anything that could be offensive to anyone could hurt your loved one’s case.

Electronic Devices in the Courtroom

- Turn off ringers for cell phones or other devices.
- Generally no photography is permitted. Bring Kleenex
- Avoid sending text messages, email or using internet-based apps.

How to Behave in the Courtroom

- Be on time.
- If possible, get advice on where you should sit from your loved one’s attorney. Under no circumstance do you want your choice of seating location or behavior in the courtroom to be interpreted as threatening, intimidating, or hostile to anyone.
- Look serious in the courtroom, especially in front of the jury. The time to joke or relax is at night, when you are away from the courtroom or at least during breaks when jury is gone.
- Do not talk or make faces in court or people will accuse you of trying to influence witnesses.
- Stand up when judge or jury comes in or leaves

How to Behave in the Courthouse and Nearby Community

- Avoid contact with witnesses or jurors in restroom or cafeteria
- If you are a witness, you may be under a sequestration order
- Tell the lawyer if anything strange happens
- Members of the public may be able to attend the trial. If you have questions about this, ask at clerk’s office or your loved one’s lawyer

Where to Find Help and Answers

Depending upon the nature of the crime, penalties can be severe. For details about sexual offense consequences, please consult an attorney. You may be able to talk with others who have been through the process to get a general feel for what can happen. But every situation is different and what others experience can be very different than what you experience.