

# **Resource Guide**

for Families of Adults

Accused, Charged or Convicted  
of Sexual Offenses in Colorado

## **Part 2**

### **Chapter 6 – Probation**

## **Part 3**

### **Agency Information**

#### **3.6. Probation Supervision**

**DRAFT**

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**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 what is happening to help you through the process. You don't have to walk this road alone.

### PARTIAL LIST OF COLORADO AND NATIONAL RESOURCES

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

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### DISCLAIMERS

**LEGAL:** This guide does not serve as legal advice. Because sexual offense cases involve complex and technical areas of Colorado criminal law that change frequently, 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 a family in which sexual abuse allegations are present.

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# Introduction

When your loved one is accused, charged or convicted of a sex offense and lands in the Colorado legal 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 legal 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 three main parts, plus some additional information:

- Part 1 – Supporting Your Loved One from Arrest to Sentencing
- Part 2 – Serving the Sentence
- Part 3 – Information from System Officials

**Each chapter in Parts 1 and 2** is written from a family member perspective. These chapters are divided into the following sections:

- Key Terms - short definitions of some of the important terms that may be new to you.
- Overview - Factual information on the subject of the chapter
- 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)

**Each Chapter in Part 3** provides information from an agency point of view.

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

Key Terms: At the beginning of each chapter, you will find key terms to help you understand some of the important concepts that will be discussed in that chapter.

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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 and explanatory notes of these terms and concepts and 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 legal 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 2

## Supporting Your Loved One - Serving the Sentence and Beyond

Chapter 5 – The Role of Treatment

### **Chapter 6 – Probation**

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Chapter 8 – Jail

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Chapter 13 – Sex Offender Registry

Chapter 14 – Post Sentence Considerations

## Chapter 6 – Probation

In Colorado, people with felony and misdemeanor offenses can be placed on probation by a judge as an alternative to going to prison. People who are deemed high risk (which includes many people with sex offenses) are often sentenced to intensive supervision rather than regular probation.

This chapter talks about

- What is Probation?
- How does probation work?
- Conditions of probation
- Progression through probation
- Mandatory treatment when on probation

### Key Terms

**Community Supervision Team (CST)** – a team of professionals including therapists, supervising officers, and others who collaborate to make decisions about your loved one.

**Disclosure** – making information about your loved one’s sexual offense known to others.

**Probation Officer** – an officer of the court who enforces the orders and conditions that the court has set forth at sentencing. The probation officer can make recommendations to the court regarding changes to a person’s probation terms, including revocation of probation.

**Revocation Process** – When the court revokes or takes away probation because someone violates one or more conditions of probation.

**Safety Plan** - A required written agreement between a person with a sex offense and the supervision team. The plan specifies steps that the person will take to increase awareness of possible risky situations and to avoid harmful or risky behavior toward others while engaging in a certain social activity.

**Sex Offender Intensive Supervision Program (SOISP)** – A specialized program within probation that is designed to provide a high level of supervision.

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### What is Probation?

In Colorado, probation is an alternative to a sentence to jail or prison that allows your loved one to remain in the community while under supervision of the Probation Department. Probation is under the Judicial Branch of Colorado government.

As part of probation, your loved one must follow a specific set of conditions ordered by the sentencing judge. Your loved one will be assigned a probation officer at the time of sentencing, whose responsibilities include assuring that the conditions set by the court are met. A Probation Officer’s mission is to help protect the victim and community from future sexually assaultive behavior, as well as to assist your loved one to make positive changes and increase the likelihood that your loved one will

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not reoffend. The Probation Officer may recommend revocation or modification of probation for your loved one should the conditions not be met. Revocation of probation may result in a prison sentence.

Probation can be determinate or indeterminate. Indeterminate sentence or Lifetime Supervision is a sentencing law that means your loved one must serve a minimum of 10 or 20 years on probation before they can be released from their probation sentence, and if not ended, the supervision can last for the remainder of your loved one's life. A determinate probation sentence means that there is a definitive time frame (for example 8 years) your loved one must serve before they can be released from their probation sentence. For more information see Part 1 - Chapter 4, section 4.3 on sentencing.

### POLICY DIFFERENCES IN PROBATION DEPARTMENTS ACROSS 22 JUDICIAL DISTRICTS



#### Alert

Probation reports to the judicial system in Colorado. There are 22 judicial districts in Colorado. Although there is a uniform set of Probation Standards for all 22 districts, each of the districts sets their own policies.

Standards and district policies can be updated from time to time, but your loved one's probation conditions do not automatically change. Any changes for individuals must be by court order.

While on probation and until a court order ends the registration, your loved one will be required to register as a sex offender. See Chapter 8 for more information about the Sex Offender Registry.

See **Part 3 - Agency Information: Probation** for information about probation from the Judicial District perspective.

### How Does Probation Work?

Your loved one will be assigned a probation officer (PO). POs are officers of the court and their primary responsibility is to enforce the Judge's sentencing orders, which include the terms and conditions of probation. Meetings with the probation officer can take place at the Probation Department or at your loved one's home or workplace, which may at times include evenings and weekends.

Probation officers also are tasked to work with those they supervise to help them successfully change their behavior. Probation officers assess risk factors, and monitor your loved one's actions in the community and attendance in treatment. Any violation of the Judge's order (but not a criminal act) can be a **technical violation**. A technical violation can result in a sanction, including possible incarceration. The probation officer makes recommendations to the court regarding changes to a person's probation terms, including revocation, extension, or early termination of probation.

Probation officers work with the **Community Supervision Team** (CST), which is a team of professionals including a minimum of the supervising officer, the treatment provider, victim advocate and the

polygraph examiner. The CST members work together to make decisions about the person on probation. The CST may also include family members, other therapists, and other supportive individuals.

People on probation who are convicted of a sex offense are typically required to undergo **sex offense-specific treatment** which is monitored by the CST. The treatment provider, along with the CST, will determine the length of time your loved one must participate in treatment, which in some cases can last until the end of the supervision period. The CST may also require the your loved one to attend other counseling sessions, such as substance abuse or mental health counseling. For more information on treatment see **Chapter 4 - The Role of Treatment** and also the section in this chapter on **Mandatory Treatment during Probation**.

## Conditions of Probation

The conditions and requirements of probation, handed down by the court, go into effect as soon as your loved one is released into the community.

Some of the initial conditions, requirements, and restrictions can include but are not limited to the following:

- When and how often to meet with probation officer
- Where and when to get an ankle monitor
- Where and when to register on the Sex Offender Registry
- Where and when to provide a UA (urinalysis)
- What time curfew is
- How and when to schedule treatment
- Who your loved one can have contact with (e.g, immediate family only, no minors under age 18)
- Where your loved one can go (e.g., limited to a certain county, shop at a single grocery store, etc.)



### Tip – Probation: No Time to Adjust

Your loved one is facing major changes, with very little time to understand and come to terms with the conditions and requirements that go into effect immediately.

You loved one will receive written information during the first meeting with probation. Family members are expected to get their information from their loved one.

**Everything happens very fast.** It is important to sit down with your loved one as soon as possible to talk about the rules.

## Levels of Supervision

Probation supervision has multiple supervision levels including **Sex Offender Intensive Supervision Probation** (SOISP – for more information, see section below). The level of supervision can be increased or decreased, based on how your loved one is doing in treatment and on supervision.

As your loved one progresses in the program, more privileges to move about the community may be approved. Please note that privileges may be removed if your loved one regresses in the supervision and treatment program. Finally, it is also important to note that your loved one may have different conditions and restrictions from other people on probation.

## **Sex Offender Intensive Supervision Probation (SOISP)**

SOISP is a specialized program within probation. The Judge must, by law, sentence anyone convicted of a felony sex crime to SOISP. It is designed to provide a high level of supervision that can include frequent home and office visits, polygraph testing, risk assessment, ankle monitoring (must be court ordered), urine analysis testing, safety planning, and other possible provisions. There are three phases within SOISP. The level will be adjusted based on your loved one’s progress on supervision.

## **Dual (Courtesy) Supervision**

It is possible that your loved one will be subject to the jurisdiction of more than one agency. For example, your loved one may be on probation and parole at the same time. Others may be on either probation or parole and be required to live in a community corrections halfway house. When this occurs they will have more than one supervising officer (e.g., a probation and parole officer and/or, a community corrections case manager).



**Tip –Dual Supervision is complex**

When there are multiple agencies involved, communication must be clear and consistent so that everyone one knows exactly what is expected of your loved one. It is also very important that your loved one is communicating clearly with all of the agencies involved.

When possible, you and your loved one are encouraged to ask questions of the supervising agencies when there are dual supervision requirements.

It is possible for dual supervision to last for the entire period of supervision. But generally, there is a certain period of overlap and then toward the end of the supervision period there will be only one agency involved as the jurisdiction of the other agency will have ended.

## **Progression through Probation**

There are many rules probationers must follow to progress through and complete probation successfully. Probation officers determine progress by using many methods and tools. Probation officers use information they gather through home visits, office meetings, conversations with family members, disclosures made in polygraphs, and progress in treatment.

## **The Length of Probation Can Change**

The court can extend the length of probation at the request of the probation officer and Community Supervision Team. If probation conditions are violated, the term of probation can be made longer. If the probation termination (end) date is approaching and the probation officer along with the Community Supervision Team determine the person has not met all of the criteria for probation termination, the court may extend a probation sentence beyond the original sentence.

**PROBATION CAN BE EXTENDED**



**Alert**

The court may extend a probation sentence beyond the original sentence if it is determined that your loved one has violated probation conditions or has not met all criteria (including therapy) to finish probation.

**Some people may be asked to extend probation voluntarily. Your loved one may wish to consult an attorney before making such a decision.**

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There are some cases where the length of probation can be shortened. The probation officer may make a request to the court for early termination of probation, as long as it is consistent with district policy. However, not all judicial districts allow early termination.

### Mandatory Treatment when on Probation

Your loved one will be required to attend group and individual sessions regularly with assigned treatment providers. The treatment provider, probation officer, polygraph examiner and your loved one should work as a team toward increasing your loved one's healthy behavior and reducing risky, unhealthy behavior. The members of supervision team will be sharing information with each other about your loved one. This sharing of information is different from traditional psychotherapy, where information is kept confidential between client and therapist.

Tools used by treatment may include

- safety plans
- third party disclosures
- placing restrictions on interpersonal relationships and contact with children
- polygraphs, plethysmographs, urinalysis, ankle monitors
- daily activity reports

### Safety Plans

A safety plan is a required agreement between your loved one and the supervision team that specifies steps that your loved one will take to stay safe (not engage in harmful or risky behavior) while engaging in a certain activity (family reunion, dinner with a partner, sporting event). Each safety plan must be approved by your loved one's treatment therapist and probation officer. Safety plans are granted on a case-by-case basis, taking into account your loved one's progress in treatment and supervision.

### Third Party Disclosures

There may be times when the probation officer feels it is appropriate to notify a third party (such as a potential employer, or neighbor) of the fact that your loved-one is on probation and the nature of your loved one's offense. The probation officer is allowed to disclose only public information, as defined by the Criminal Justice Records Act. Before making a third party notification, the officer is supposed to discuss the notification with your loved one.

### Approval of Interpersonal Relationships

Once on probation, your loved one must get approval from the supervising officer and the therapist before being allowed to associate with other people in their lives. This includes family members, friends, romantic interests, and support people from the community. Individuals who want to support their loved one in a formal way may have to meet with therapists or attend special training sessions before being allowed to provide that support to their loved ones. Someone new coming into your loved one's life in a significant personal way usually must receive a **disclosure** from your loved one and understand the nature of the crime of conviction.

### **Limits on Contact with Children**

Your loved one typically will not be permitted to have contact with any child under the age of 18 until meeting certain criteria and until the CST approves the contact. These criteria are detailed in the SOMB Standards and Guidelines. The only exception to this is that the judge may permit a probationer to have contact with his or her own child (1) as long as the child was not a victim (but not any other children including other relatives) at the time of sentencing and (2) if there are have not been any identified risk factors that may pose a risk to harm the child.

There are different levels of contact with children that can be allowed including phone contact, letter writing, supervised contact, and unsupervised contact. The level of contact may increase as your loved one progresses in treatment and supervision. Please note that the CST might require an **approved supervisor** who has received training to “chaperone” or “supervise” the probationer at family functions. It takes time to be approved for contact with children, and your loved one and family should request information about the steps necessary to reach that point. Refer to Part 1 – Chapter 4 for more information about Child Contact Considerations.

### **Polygraphs, Ankle Monitors, Urinalysis, Psychological and Physiological Tests**

Your loved one most likely will be required to submit to regular polygraph exams. Polygraph exams (also called lie detector tests) measure and record several physiological indicators such as blood pressure, pulse, respiration, and skin conductivity while a person is asked and answers a series of questions. Polygraph exams can be uncomfortable, intrusive and intimidating for your loved one. Polygraph testing contributes information for CST decision making related to treatment and supervision.

If your loved one is under intensive supervision, an ankle monitor may be required to track their location. In addition, your loved one may be required to submit to random urinalyses for drug and alcohol testing.

Your loved one may also be required to participate in and pay for certain psychological and physiological tests such as Abel screening or plethysmography. Plethysmographs (PPGs) measure your loved one’s level of sexual arousal when looking at certain pictures or hearing certain sounds. These tests may feel intrusive and make your loved feel uncomfortable. The test results provide information for CST decision making related to treatment and supervision.

### **Daily Activity Planning and Reporting**

Your loved one may be required to keep a log of daily activities and report on those activities to a therapist and/or probation officer on a daily or weekly basis.

### **Completion**

Probationers who successfully complete probation have complied with the terms and conditions of their probation sentence set forth by the court. They have successfully progressed through the requirements of their treatment and have accepted responsibility for their sexual offense behavior(s), as well as increased their skills to remain safe in the community.



Family Impact  
A Letter to Family and Friends who  
Have a Loved One on Probation

### **Success Story**

*Please find below a recap of my time on my SO probation.  
After I plead guilty, I was sentenced to 8 years SO probation that I had earned.*

*I started on SO ISP1. My SO PO did not know me and visa versa. The only thing my PO knew about me was what I was guilty of doing. Of course, there was going to be a time to get to know each other. She did not know if she could trust me to not hurt another victim(s). Her job was to protect the public from me.*

*At first, I kept the offending attitude, lots of denial. What did I do that was so bad? Why all these people treating me like I am dirt? Why all these stupid restrictions? I did not want to change my attitude or my life. I had lived it for 60+ years. What is the big deal? I saw no need to change.*

*I thought about taking my own life because I did not want to face what I had done and who I was. Then I realized that was the easy way out and would impact my family and friends again. I realized that I was not a happy person and I wanted to be happy with me.*

*My turning point was when I accepted what I had done and to get out of all the denial. Looking forward in my life was very powerful to me. Yes, I did look ahead knowing that my SO probation would not last forever and I needed to get my head screwed on correctly to not offend ever again. What was I so afraid of by looking inside me? What might I find inside me? I needed to trust these POs around me. They know a lot more than I do.*

*Then I decided that my PO knew a lot more about Sex Offenders, specifically me, than I did. Talking with her each week made me realize that she knew her stuff. So, I decided to listen to her and try living her restrictions. Gradually I started to see how my life and my attitude was indeed a Sex Offender's life and attitude. I am glad that I was given the opportunity to stop offending, and get my head screwed on correctly.*

*My PO was very supportive allowing me to attend outside therapy from the beginning (outside of SO required treatment). I realized that I needed help to improve myself and she supported me all the time.*

*My PO supported me while I attended the required SO treatment helping me get back to living a life not hurting people. She allowed me more freedoms. She allowed me to attend group discussions with other SO's at the SO probation area. This interaction helped me realize that, maybe, I can help other SO's and they can help me. Then I realized - you get out of SO probation what you put into it! If I did not become open, transparent to my life, then I have wasted all this time, money, and effort. And I could go back to my old ways.*

*I realized that I might as well get the most out of my 8 years on probation that I can. Why not? I am living the time, spending the money and being given the opportunity to learn so much about myself. The SO PO's, SO therapists, and peers know so much more than I did, and I could learn so much more. So, I did.*

*I completed my SO treatment successfully in 5 years. I completed SO probation successfully after 5 years, 4 months.*

*Now I look back on those years of my life. Being arrested (stopping my offending behavior) was the best thing that has happened to me! I finally stopped my offending behavior. I think that I finally have my head screwed on correctly to live a rewarding life and not hurt anyone. I am the happiest I have ever been. I do not like what I did but I do really like myself now. I still use a lot of the techniques that I learned in SO treatment and SO PO's group sections on how to live a life not hurting anyone. They do know what they are talking about!*

*The required SO probation restrictions were fairly easy – I needed to stop whining about it and just do it. There was sound support behind the restrictions. What was really hard was to look inside of me to see what made me do the offending. And then work on that with my PO and therapist. I still take time to look at myself to feel where my life is going.*

*I hope this recap can help.*

*--A Former Probationer*

## Revocation

A revocation of probation means the probation sentence has been removed or cancelled by the court. A revocation of probation can occur for technical violations which include

- failure to comply with probation terms and conditions set forth by the court
- failure to progress through their treatment

Some probationers may commit a new crime while on probation and this can trigger a revocation of their probation sentence. A probation officer may initiate revocation proceedings by requiring your loved one to attend a probation violation hearing. The court will decide what sentencing to impose, which may include a re-grant to another (longer) probation sentence or incarceration (jail or prison).

## Family Impact:

Being on probation is challenging for the person serving the sentence (the probationer), but it can also be challenging and confusing to friends and family members who are not familiar with the system, especially when there is a sexual offense involved. Even though they may have good intentions, family members who do not understand the rules of probation can make things harder for their loved one.



### Family Impact What You Don't Know Can Hurt Your Loved One

### Good Intentions

*Our entire family was in the court room the day my younger brother was given probation. My brother's lawyer said that probation for a sex offense is one of the hardest things a person could go through in Colorado. But we were confident that with our love and support, my brother would make it through the eight-year probation.*

*First stop for my brother after court was to get an ankle monitor. Then he met his probation officer (PO). My parents wanted to meet the PO, but they were told my brother was on probation, not them, and they would have to wait to meet the PO during a home visit. So my folks went home and I waited for my brother.*

*He came out of the PO's office with several pages of paperwork and a long list of probation conditions. My brother was very quiet and said he felt totally overwhelmed. He was told it was his responsibility to inform family and friends about all of those conditions of probation. My brother had asked his PO if it was OK to have a few friends over to the house. The PO said he'd get back with my brother on that, but never did.*

*In the meantime, my mom had invited a few close friends and family to the house that afternoon for pizza. She wanted my brother to know that we were there to support him and help him through the tough times ahead. My brother told Mom that he could not have alcohol, but that didn't mean everyone else couldn't. So she served beer and wine with the pizza.*

*While everyone was sitting around, talking and eating pizza there was a very loud pounding on the door. It was my brother's PO and his first home visit.*

*The PO told my brother he was already in violation of his probation because he was in possession of alcohol, just because alcohol was there – even though he was not drinking. He also said my brother was in violation because people in the room were not on an approved list. We didn't know there was such a list. Then the PO had my brother give a disclosure on the spot, without knowing what a disclosure was. Everyone in the room was in shock. Because we didn't understand the rules, my brother was off to a rocky start.*

*--A Brother's Story*

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Here are some important things to keep in mind.

- Your loved one is expected to comply with all terms and conditions immediately
- Your loved one will be treated as high risk (ISP) until proven otherwise
- The long list of conditions and restrictions can be overwhelming for loved ones and family members.
- Your loved one is expected to be the one to tell family members and friends about the conditions of probation.
- From time to time, it is likely that your loved one will be assigned to a new probation officer who may have a different way of supervising.



### Tip –Technical Violations Should Be Taken Seriously

Certain things, which someone who is not on probation can do, may be probation violations for your loved one. Here are some examples of things that can be violations for someone on probation:

- failing to report for a scheduled office visit with the PO
- missing a curfew
- lack of employment
- testing positive for drugs or alcohol
- contacting a victim
- failing to progress in treatment

These violations may not seem serious, but they can be very serious. These violations and many others can result in loved ones again facing the very same sentence as they were before they were placed on supervision. There is one major and drastic difference, and that is that there is no longer the presumption of innocence, nor is there a right to a jury trial. If probation is revoked because of a technical violation, your loved one could go to prison.

Under Colorado Law, the length of probation can range anywhere from a few years to lifetime. If your loved one violates conditions, probation may be extended for more time or revoked by the court. There are times when a loved one could be asked to extend probation voluntarily. This can be a difficult decision for your loved one, causing stress for the entire family.

### Family Members May Experience Uncertainty and Anxiety

While your loved one is on probation, family members may feel they, too, are on probation, especially if the loved one is living with family. Family members may feel uncertainty about what probation looks like for their loved one and be anxious about unknowingly doing something that might jeopardize their loved one's probation. There also may be fear of consequences if they raise concerns to their loved one's probation officer. For suggestions about addressing these feelings, see the ***What You Can Do*** section in this chapter.



**Family Impact**

**Love One Asked to Voluntarily Extend Probation**

### **A Stressful Decision**

*Early one November evening, my friend called me, somewhat troubled about a decision his therapist asked him to make. He was almost at the end of his 4 year probation sentence and he was being asked to voluntarily extend his probation.*

*He had been in sex offense specific treatment for the entire time with the same treatment provider. He was compliant with his probation requirements and had completed every treatment assignment on time with no criminality, write-ups, or infractions of any kind. He had passed his last polygraph the previous month and he had paid for all of his treatment and probation responsibilities on time as required.*

*During the call, my friend told me his treatment provider said that he “had not internalized sufficiently to complete treatment” and they wanted him to voluntarily extend his probation beyond the 4-year, court imposed sentence so they could put him in “aftercare.”*

*The treatment provider indicated he would possibly face revocation and if he refused would not successfully complete treatment. He asked if he could finish treatment with them after his 4 years was completed, so he could earn a discharge summary of successful completion. Their answer was no. When he told them he could look for another therapist to do this, he told me the therapist said they could “probably staff” his request—meaning they could look into it.*

*My friend said his probation officer listened quietly during the meeting and the therapists were the ones making the recommendation to extend. During the next 60 days, he told me he called his probation officer on numerous occasions to try and get better clarification with no success.*

*Finally, he consulted an attorney and made the decision not to voluntarily extend his probation, though he was nervous about the outcome. His last meeting with his probation officer was seven days before his sentence was completed. The probation officer did not mention the voluntary extension and told him he would be done at midnight in seven days.*

*My friend told me he was “on pins and needles the next seven days, waiting for an ax to fall.” Thankfully, the seven days passed and he completed his sentence as required by the court. He was not given a copy of his discharge summary even though he asked for one.*

*My friend is doing well now and he has told me more than once he feels he made the right decision for himself and his family. I am glad to see he is working hard to get on with his life.*

*Should your loved one be faced with this, consult legal advice and don’t let the decision be emotionally based.*

*--A Friend’s Story*

## **DRAFT WORK PRODUCT—NOT FOR GENERAL DISTRIBUTION**

### **Impacts on Your Loved One Can Also Impact Family Members**

Under a sentence of probation, your loved one may be allowed to live in the community under supervision. Or your loved-one may be required participate in a work release program (in jail at night), while continuing to work in the community.

To remain on probation, your loved one must abide by very strict rules. If the person on probation is allowed to live in your home, these rules can impact family members and disrupt the household in many ways. For example, your friend or loved one most likely will not be allowed to have contact with children, at least during the beginning of probation. In this case, children would not be allowed to live in or visit the home without special permission. You may be asked to take down any pictures of children you have in your home an anything related to children may have to be removed (e.g. your antique doll collection, toys for the grandchildren). Alcohol and firearms may not be allowed in the house, or at the very least would have to be locked up.

### **When Families Are Split Apart**

In some cases, a loved one on probation may not be allowed to return home and may be required to live elsewhere. This is especially true if the person with the offense and the victim of abuse are both family members. If the person with the offense is allowed to stay, minor children might be removed from the home.

In other cases, the influence of family members (even well-meaning family members) may be regarded as an obstacle to your loved one's progress, resulting in your loved one being required to leave the home. Regardless of the reason, this tearing apart of families adds to the hurt and trauma felt by family members.

### **PO Home Visits (if your loved one lived in your home)**

Under standard probation, probationers are required to report to probation officers on a schedule and to receive visits from officers at reasonable times. These visits can feel unsettling and may feel intrusive to family members, even though they are not the ones on probation.

Probation officers are required to check on probationers:

- Are they home when they are supposed to be?
- Are they going to places that have not been approved?
- Are they associating only with people on their approved list?
- Are they engaging in activities/behaviors that are not allowed by their probation contact?

Friends and family members may feel awkward, upset, or even angry when the person they care about is being questioned or their loved one's belongings are being searched.



**Tip –Don't Leave Cell Phones, Tablets, or Other Electronics Laying Around**

Family members can also help avoid misunderstandings by not leaving their electronics lying around in common living areas. When POs conduct home visits and family members are not home at the time to answer questions, POs will not know who owns various cell phones, tablets, laptops, etc. These items can be confiscated if your loved one has access to them, even if the items belong to other family members and even if the items are password protected.

### **Intensive Supervision**

**Sex Offender Intensive Supervision Probation** (SOISP), which is common during early probation, may include severely restricted activities. For example, your loved one can be limited to associating only with people on an approved list. In addition, your loved one will most likely have a curfew. Even though these restrictions technically apply only to your loved one, they can have impacts on family gatherings and activities.

### **Costs Associated with Treatment**

While under supervision, your loved one will incur many costs. If your loved one is unable to pay, you may asked by your loved one to help with those expenses.

Your loved one could be required to do one or more of the following:

- attend sex offense specific treatment from once to several times each week
- undergo required polygraph exams
- wear an ankle monitor
- submit to drug and alcohol testing (urinalysis)
- take anger management, substance abuse, or other classes
- submit to monitoring of cell phones or computers

Part or all of the payment for treatment and services is the responsibility of the person with the offense. When the loved one is the breadwinner of the family or when other family members are asked to help out, these costs can place a large financial burden on the family.

### **Difficulty Finding Work**

Finding good paying work is very challenging for a person with a sex offense. When applying for a job, applicants will most likely be asked whether they have a felony on their record, and if so what the nature of the felony is. Many employers will not hire individuals who have a sex offense on their records. Companies may have policies that come from concerns about the safety of other employees and customers. They may have fears that business will suffer if they hire someone with a sex offense. Other employers need their employees to be there full time, do not have flexible schedules, and cannot afford to give their employees enough time off every week to meet with their PO and attend treatment during the work day.

## DRAFT WORK PRODUCT—NOT FOR GENERAL DISTRIBUTION

Even if an employer is willing to hire your loved one, probation conditions and/or treatment restrictions may prevent your loved one from being able to take a particular job. Your loved one most likely will not be allowed to have a job where children are regularly present. Your loved one's probation officer will need to approve whatever job your loved one is considering. Probation officers keep community safety in mind when considering job approval. They also want to avoid approving employment that may put your loved one in a situation where they could violate probation conditions, face public scrutiny, or face unfounded accusations by angry co-workers or members of the community.



Family Impact  
Finding Work

### Disclosure to a Potential Employer

*I am a manager for a company that regularly hires people who have been in prison for a variety of crimes, including those who are registered sex offenders. The company believes in giving people second chances, regardless of the crime.*

*Recently I was contacted by a probation officer who was checking on a registered sex offender, one of our most recent hires in my department, to see if he had disclosed his offense. The probation officer asked if the new hire had disclosed that he was a sexually violent predator (SVP) and the details of his sexual crime. The new hire had. The probation officer also asked if there was any chance the new hire would come into contact with children in what he was hired to do. I couldn't say never, but it would be unlikely.*

*The probation officer listed all of the restrictions the new hire had, including places like drive through fast food places, and asked if that was going to be a problem for his work place. I said it was inconvenient but not an issue.*

*I've had several contacts by POs checking on the disclosure of a new hire. This one was particularly thorough.*

*--An Employer's Story*

### Sex Offender Registry

People with sexual offenses who are on probation must register on the Sex Offender Registry. Registration is dependent of the classification of the crime. It can range from short term to lifetime. In some cases, having a registered citizen living in your home may have unforeseen consequences on other members of your family. (See additional information under 3.3 Sex Offender Registration in this document).

### What You Can Do:

#### Provide Positive Support

While probation can last many years, people can and do make it through their probation period and are released from probation and treatment. **Positive engagement** by family members and friends can make a huge difference in a loved one's successful completion of probation.

## DRAFT WORK PRODUCT—NOT FOR GENERAL DISTRIBUTION

Your loved one will be held accountable for every term and condition of probation. Positive support begins with family members understanding the terms and conditions of probation your loved one must meet to be successful.



### TIP – There Are Different Ways You Can Support Your Loved One

Things you can do include the following things:

- providing housing, transportation and finances
- providing positive social support, healthy social interaction, encouragement and role modeling
- participating in individual or family therapy sessions as agreed upon by your loved one and therapist
- attending supervision meetings as agreed upon by your loved one and **supervising officer**
- providing peer support or mentoring to your loved one
- becoming an **Approved Supervisor** (see Section 5.770-5.776 in SOMB Standards and Guidelines)
- becoming an **Approved Community Support Person** (see definition in glossary)
- becoming **CDOC Approved Support Person** (see CDOC Administrative Regulation 700-19)

### Take Care of Yourself First

Sometimes family members need help with their own issues before they can be in a position to offer support to a person with a sexual offense. This can be especially true if the person with the offense and the victim of abuse are both family members.

For those who feel they can offer support, a good place to start is to talk with your loved one and agree on what support you can give and what support they will accept. Take the time to learn about sex offender treatment and the system (see section below for sources of information) so that you know what is expected of your friend or loved one. Offer to meet with their probation officer and/or sex offense treatment therapist.

Support can include help with transportation, job leads, or finding housing. It can also include becoming a **Community Support Person** which means you escort your friend or family member out in the community to places on your loved one's approved list.

### When Your Loved One Gets a New Probation Officer

It is very likely that your loved one will have more than one probation officer over time. A newly assigned probation officer may be different from your loved one's former probation officer in personality and approaches to enforcing the conditions and terms of the probation. Those old feelings of uncertainty and anxiety may return.

## DRAFT WORK PRODUCT—NOT FOR GENERAL DISTRIBUTION

Communication is key to understanding the relationship between your loved one and the new probation officer. See the box below for key questions/comments you and your loved one can ask the new probation officer.

Family members can keep on hand a list of previously approved electronic devices in their home and share this list with the new PO if the loved one lives with the family. Family members can also help avoid misunderstandings by not leaving their electronics unattended in common living areas. In the case of the loved one living with family, it might be helpful to share with the new PO any family situation or circumstances that would help the PO understand the probationer's living situation.



### TIP - Encourage Your Loved One to Have a Plan for Dealing with Change

Changes to your loved one's circumstances will happen from time to time. When your loved one is assigned to another probation officer, it will take time for the probation office and your loved one to get to know each other. During this time of change, it sometimes may feel like progress is slowing down or coming to a standstill.

Things to encourage your loved one to do include the following:

- As soon as your loved one is informed about the change, ask if the current PO would be willing to document particular things that your loved one would like the new PO to know.
- Keep a copy of approved safety plans and the dates when the plans were approved. Even if your loved one cannot get a photocopy of a signed plan, at least there will be a starting point for talking with the new PO.
- Keep a list of electronics (cell phones, tablets, computers,) that belong to other household members and share that list with the new PO.
- Keep a list of people approved for contact and the dates when approval was granted.
- Talk with the new PO about progress and privileges that have been earned and ask the PO if there are any concerns about certain activities.
- Try to keep an open mind and try to keep the lines of communication open. This can be challenging when people first meet and do not know what to expect from each other.

### When It Seems Like Probation Officers and Therapists Are Not on the Same Page

Sometimes your loved one may feel that the therapist and the probation officer are giving different directions or seem at odds with one another. The therapist's mission is therapy. The Probation officer's mission is holding your loved one accountable to the court's conditions and terms of probation. These two different missions can create situations where the therapist may be ready to allow your loved one to do something that, based on other factors from the court side, probation may not be comfortable

## DRAFT WORK PRODUCT—NOT FOR GENERAL DISTRIBUTION

allowing. Family members need to know that the probation officer and treatment provider should be communicating on a regular basis. Your loved one can request a meeting with the CST to clarify expectations and directions.

### Where to Find Help and Answers:

- **Ask your loved one:** Your first place to have your probation questions answered is by your loved one. Sometimes, this is easier said than done. If you have a comfortable enough relationship, you might consider asking to see your loved one's probation contract.
- **May be possible to speak with PO:** Through official training, the state encourages probation officers (PO) to engage with family members. However, be aware that POs are individuals and have different styles of engagement.
- **Changes in Probation Terms and Conditions:** Even if there is a change in district policy about probation conditions, your loved one's conditions stay the same unless modified by the court. Seek legal assistance if your loved one wishes to try to have probation conditions updated to be in line with district policies.
- **Public Defender may be able to help:** If your loved one has a public defender, the public defender can help with liaison with probation
- **To be a support person:** If you are trying to take an active role as a support person, your first place to have your treatment questions answered is your loved one's therapist.
- **Treatment Information:** Read the SOMB's Standards and Guidelines, available online at <https://cdpsdocs.state.co.us/dvomb/SOMB/Standards/SAdult.pdf>.
- **Public law libraries:** Libraries at CU Boulder and the Supreme Court are available and open to the public. Librarians are available to assist members of the public in their research.



#### TIP – Probation Chain of Command for each of 22 districts

- Chief Judge
- Chief Probation Officer
- Deputy Chief Probation Officer  
(in larger metro districts)
- Probation Manager  
(in larger metro districts)
- Probation Supervisor
- Probation Officers

#### Information on Probation Departments by County

<https://www.courts.state.co.us/Probation/County/Choose.cfm>



#### Alert

#### CHANGING PROBATION CONDITIONS REQUIRES THE COURT APPROVAL

For probation officers to change you loved one's conditions, there should be papers to change those conditions. Your loved one may wish to seek legal counsel for information about how to ask the court to change those conditions.



### **What Probation Officers Would Like Family Members to Know**

*Several Colorado probation officers were asked to provide responses to the three questions below. Their answers were provided as personal reflections. Their answers were not intended to represent thoughts of other POs and their answers were not intended to be official answers for any department or agency. What follows is a blended summary of their answers to these questions:*

**What would POs like family members to know when:**

- 1) a new probation officer is assigned to their loved one and it seems “the rules change”?**
- 2) it seems to family members that treatment providers and POs are not on the same page?**
- 3) a probation officer feels that a particular job position is not appropriate for their loved one?**

#### **When a new probation officer is assigned to their loved one and it seems “the rules change”**

When different probation officers take over a case load, particularly the sex offender caseload, they bring with them their own personality, views on supervision and interpretation of what community safety looks like. Standards of supervision and research on people who commit sexual offenses are constantly evolving, and Probation Officers must adjust their methods of supervision accordingly.

If a probation officer begins to supervise previously supervised sex offenders, the PO may take a very cautious approach in the beginning in order to ensure the person on probation is in compliance with all requirements and is adhering to treatment and probation rules/conditions. An officer new to the caseload may see situations in a different light and may ask more of a client or may require a client to do things differently with safety plans, etc. The rules should not change, but every officer is different and reestablishing a rapport between a client and a new supervising officer may take time and may create situations that are different than what the client may be used to.

Changing conditions can be really frustrating and confusing for the client, the family, and even for the Probation Officer. See if the client or the family member can sit down for a meeting with the probation officer to understand what the different expectations might be for the rules. Different PO’s have different perspectives on our roles within the system, and what our jobs are comprised of. If the client and family are able to understand that perspective, they may be more likely to understand why “the rules change” from PO to PO.

**continued on next page...**



### **What Probation Officers Would Like Family Members to Know (continued)**

#### **When it seems to family members that treatment providers and POs are not on the same page**

Oftentimes, treatment and probation (the courts) are looking at the same situation through different lenses. On the one hand, treatment is using a therapeutic approach to many issues and situations. On the other hand, probation is taking a community/victim safety approach and also ensuring that what the client can and cannot do is in line with the standards for probation, special conditions for sex offenders and court orders. These two approaches/views may certainly create situations where treatment may be ready to allow something that, based on other factors from the court side, probation may not be ready to or comfortable allowing that certain something. The most important thing for families to remember or know is that if they are in compliance with SOMB standards then both Probation and Treatment are communicating on a very regular and very meaningful level at all times when it comes to offenders.

If the client/family feel like the team is not on the same page, they can see if it is possible to setup a meeting together. In the meeting, they can try to get on the same page and see what the client can do to facilitate better communication with the agencies where possible.

#### **When a PO feels that a particular job position is not appropriate for a person on probation**

Probation has a responsibility to the courts and to the community/victim safety. Therefore, there may be times when outside factors (such as the nature of the offense, the defendant's criminal history, substance abuse/use history and current compliance or lack thereof with treatment and probation requirements) may drive the decision making that goes into deeming a particular job as appropriate or not. Certain jobs may not be appropriate for a client to work if it violates Court orders. Other jobs might be rejected by the supervising officer if it exposes the client to vulnerable populations, high risk situations, or provides an environment which presents a high level of contact with the general public.

If a job, activity, contact or anything else is deemed inappropriate for a client there is always a reason behind it that can be articulated by probation, the courts and or treatment. As far as the job situation, I would encourage the client and family to have an open dialogue with the PO about why they're recommending/not recommending things. Is there a district policy that prohibits certain work? Is there something specific to that client that would make it a bad situation? The PO usually should be able to detail their reasoning when asked appropriately. Something like, "Could I get a better understanding of why you feel this would not be appropriate for so-and-so?"

# Part 3

## Agency Information

Note:

This information has been provided by a representative of the Colorado Probation Department to provide an agency perspective.

### 3.6. Probation Supervision

In general, the primary objective of every Probation Department is to help protect the victim and community from future sexually assaultive behavior as well as to promote behavioral change within the probationer. Probation officers do this by monitoring the probationer's actions in the community. Probation officers also work with probationers to make sure they are accountable for their behavior and taking the steps necessary to be successful in their treatment and supervision program. There are a few different levels of probation supervision for sex offenders and they can move up or down through the supervision levels depending on their level of engagement with treatment and supervision. For example, some may require more intensive supervision in the beginning. As they progress through treatment and demonstrate that they can hold themselves accountable for their behavior, they may be moved to a lower supervision level. In the beginning, community movement will be limited and as the probationer demonstrates his/her ability to engage in treatment and progress through the program, more privileges to move about the community will be approved. Some probationers may regress, meaning that they may have achieved privileges to move about the community and then lost those privileges as a result of a violation of some sort.

Of course, every probationer is different. Some probationers require a higher level of supervision, with limitations on where they can live, who they can see, or activities they may pursue. Others may earn more privileges, typically in the later stages of the treatment process. The Probation Officer's job is to ensure that the probationer follows the requirements set by the court and also provide tools to the probationer to assist with reshaping the probationer's behavior to lead a positive, healthy lifestyle. Because every probationer is different, supervision restrictions will vary from person to person. One probationer may have progressed to have contact with his/her child, while another may be working toward having contact but not yet permitted to do so.

Most sex offenders are required to undergo intensive offense specific treatment, monitored by their Supervision Team which consists of the probation officer, treatment provider and sometimes the polygraph examiner. In some cases, determined by a probationer's risk, need, engagement in treatment and length of sentence, attendance of offense specific treatment sessions may be required throughout the duration of their probation. They may also be required to attend other counseling sessions, such as substance abuse or mental health counseling. Not all probation meetings are held in the office. Probation Officers will also meet with the probationer in a variety of

## **DRAFT WORK PRODUCT—NOT FOR GENERAL DISTRIBUTION**

locations, at an office, home, or place of employment. Home visits are conducted randomly and can occur at night and on weekends.

Probation officers use rewards and sanctions to promote behavioral change. If a probationer violates his/her probation without committing a new crime, it is referred to as a technical violation. Not every technical violation will result in a revocation and return to court. Probation officers make every effort to keep probationers in the community to hopefully successfully complete treatment and probation. Keep in mind that the Judge decides the length and conditions of the probation sentence, not the probation officer.

### **Approved Treatment**

In this section we would like to explain a little about what the probationer will do in treatment and how Supervision Teams work together.

Supervision teams are only permitted to refer probationers to those treatment providers who have been licensed by DORA and are approved by the Colorado Sex Offender Management Board.

When probationers enter into treatment, the goal is to work with them to reduce and eliminate their sexually abusive/inappropriate sexual behavior. In collaboration, the treatment provider, probation officer and polygraph examiner and probationer work toward enhancing healthy behavior and reducing risky, unhealthy behavior. The supervision team will be sharing information about the probationer unlike traditional psychotherapy.

The probationer will be required to attend group and individual sessions regularly with his/her treatment provider.

Another goal of treatment is to provide the probationer with strategies and tools to manage and control his/her thoughts and feelings. These thoughts and feelings could be stemming from anger, depression, deviant thoughts or something else. Treatment is designed to minimize unhealthy thoughts and feelings and replace them with healthy thoughts and feelings. Treatment is a process and is conducted in stages. Probationers can progress or regress in different increments depending on their level of accountability, effort and family support.

### **Contact with Children**

The probationer will not be permitted to have contact with any child under the age of 18 until the probationer has met certain criteria and the Community Supervision Team agrees that the probationer has reached the point in treatment where contact may be appropriate. Contact may occur in gradations or stages. It may start out as supervised contact and progress to unsupervised contact. This typically involves many small, supervised steps. For example, the supervision team might require a family member who has received training to “chaperone” or “supervise” the probationer at family functions. As he/she progresses, they may earn additional privileges. The criteria to have child contact are lengthy and very involved and can take up to three years to complete depending on progress of the probationer. The probationer’s ability to disclose information relating to past victims, and offending behaviors plays a significant role in progressing forward and is crucial to his/her ability to have contact with children.

## **DRAFT WORK PRODUCT—NOT FOR GENERAL DISTRIBUTION**

### **Safety Planning**

Part of the community safety aspect to community supervision and treatment is safety planning. A safety plan is essentially an agreement between the probationer and the supervision team that specifies steps that the probationer will take in order to stay safe while engaging in a certain activity (family reunion, dinner with a partner, sporting event). Safety plans are granted on a case by case basis and individualized based on risk and strengths of the probationer. Approved safety plans are typically used as reward for positive behavior and progression in treatment and supervision. Safety plans must be unanimously approved by the community supervision team.

### **Polygraph**

Most probationers are required to submit to regular polygraph exams. Polygraph exams are not easy and can be uncomfortable, intrusive and intimidating. The purpose of polygraph exams is to assist the supervision team with approaches that promote honesty and transparency within the probationer.

Information gathering is a very useful aspect of the polygraph. Other benefits of polygraph testing include improved decision making by the supervision team, deterrence of problem behavior and access to information that might not otherwise be obtained. Polygraph testing can also assist the supervision team with ensuring the proper placement for treatment. Not all probationers are the same and should be treated according to risk to reoffend. A juvenile offender who has one victim will most likely need a different level of supervision and treatment than an adult offender who has offended against multiple victims. One way to find out which type of individual probation is monitoring is through the use of the polygraph. Another very useful aspect of the polygraph is helping individuals reduce any denial. Many times when someone enters probation, they're still in denial about their offense or significant aspects of the offense. A probationer may make disclosures right after the polygraph exam itself and if not then, shortly thereafter, by talking with the probation officer or treatment provider. One more thing to keep in mind about the polygraph it is only one tool to use throughout treatment and in probation. It should never be used in isolation. It's just one of the tools available for the supervision team that can be used along with psychological tests and other testing done while offenders are in treatment.