

Resource Guide

for Families of Adults

Accused, Charged or Convicted

of Sexual Offenses in Colorado

April 7, 2023

Download the Guide



WHO PREPARED THIS GUIDE

In response to concerns raised by family members to the Colorado Sex Offender Management Board (SOMB), the SOMB Family Education, Engagement & Support Workgroup was convened to focus on family education, engagement and support. The work group is facilitated by family members and includes family members, registered citizens, advocates for people who have been accused, charged or convicted of sexual offenses in Colorado, advocates for people who have been sexually victimized, community and prison-based therapists, parole and probation representatives, and SOMB 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.

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 lifeline 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>Advocates for Change (AFC) http://www.advocates4change.org/ PO Box 103392 Denver CO 80250</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: education, mentoring, re-entry, support, care management</p>
<p>Colorado Citizens United for the Rehabilitation of Errants (Colorado CURE) Website: http://coloradocure.org/ Facebook: https://www.facebook.com/ColoradoCure 3470 S Poplar St Unit 406 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 Email: 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/</p> <p>Key areas: links to possible sources of information</p>	<p>Colorado Sex Offender Management Board (SOMB) Website https://dcj.colorado.gov/boards-commissions/sex-offender-management-board</p> <p>Key areas: SOMB Standards; possible source of information on treatment providers</p>

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Introduction

When your loved one is accused, charged or convicted of a sexual offense and becomes involved 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.

AN IMPORTANT NOTE TO FAMILY MEMBERS ABOUT SUICIDE



When someone is accused of a sex offense – no matter how small the offense – and they begin to realize of how this is going to impact their life, often the first thought is suicide.

This is where family engagement is essential. We are not defined by our worst moment or offense. We are defined about the totality of who we are. Someone arrested for a sex offense needs to know that they are loved and their lives have value.

This knowledge needs to be reinforced over and over until the person with an offense understands and accepts the idea that they do have value. The family is essential to an individual maintaining self-value and self-esteem. Building on family support, an individual can weather the storms of the legal system and after serving whatever sentence comes their way; they have the opportunity of rejoining society in a meaningful way.

If you are concerned that your loved one may be thinking about suicide, reach out for help and encourage your loved one to do so as well. If your loved one is in jail, you can contact the jail medical staff directly and request that your loved one be put on suicide watch.

Need help now? Call 1-844-493-TALK (8255), text TALK to 38255, or access chat via <http://www.coloradocrisiservices.org/> Help is available 24/7, 365 days/year.

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 – Agency Information (from System Officials)

Appendices

Each chapter in Parts 1 and 2 is written from a family member perspective. These chapters (except Chapter 11) are divided into the sections listed below.

- 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

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

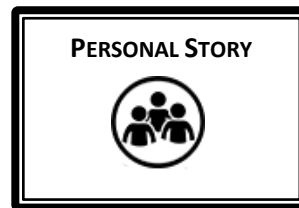
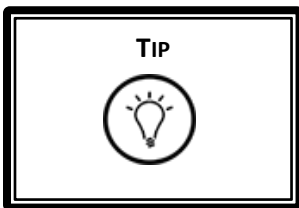
Additional information is included in Key Terms, the Glossary, Appendices, and Call-out Boxes.

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.

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.

Definitions: 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 ***bold italic*** type throughout the guide. You will find definitions and explanatory notes of many of these terms and concepts in Appendix B.

Call Out Boxes: Throughout this guide you will find **Tip**, **Alert**, and **Personal Story** boxes, each marked with its related icon, to help you and your family through this journey.



Putting Impacts into Perspective: Proposed Language for a Guiding Principal for the SOMB Standards and Guidelines

Even though the SOMB declined to adopt the following proposed language as a principal for the SOMB Standards & Guidelines, the SOMB Family Education, Engagement & Support Workgroup (authors of the Resource Guide for Families of Adults Accused, Charged or Convicted of Sexual Offenses in Colorado) embrace this important language and believe it should be shared.

Proposed Language

Because most sexual offending occurs within families or is committed by friends and acquaintances, and because sexual crimes carry significant social stigma for both defendants and their loved ones¹, the people in the support system a client enjoyed prior to arrest may also be victimized or traumatized by his/her sexual offending and its legal consequences. These supporters may also experience a sense of betrayal when their previous impressions of the client are shattered. Additionally, it is natural for clients to experience discomfort incidental to coming to terms with their own offending behaviors. Furthermore, clients themselves may have a personal history of victimization and be challenged to process it in the context of their own wrongdoing². Where indicated, clients and their supporters should be encouraged to access resources to help them cope with and recover from their personal traumas. Moreover, therapists and supervisory officers should attend to practices that permit the client to develop new healthy social supports or, mindful of victim impact, to attempt to repair relationships within prior support systems. Where the same individuals shoulder the responsibility of supporting both the defendant and the victim, special care should be taken to encourage support in ways that will not be experienced as harmful or alienating to either part.

¹ Levenson, J. S., & Tewksbury, R. (2009). Collateral damage: Family members of registered sex offenders. *American Journal of Criminal Justice*. Available online: <http://dx.doi.org/10.1007/s12103-008-9055-x> (family members living with a registered sexual offender (“RSO”) were more likely to experience threats and harassment by neighbors and children of RSO’s suffered adverse consequences including stigmatization and differential treatment by teachers and classmates).

² Jespersen A., Lalumiere M & Seto M. (2009). Sexual abuse history among adult sex offenders and non-sex offenders: A meta-analysis. *Child Abuse and Neglect* 33: 179–192 (although a large majority of sexually abused children do not go on to sexually offend, there is a higher prevalence of sexual abuse history among both adults and juveniles who have sexually offended than among non-sex offenders); Levenson, J. S., Willis, G. & Prescott, D. (2014) Adverse Childhood Experiences in the Lives of Male Sex Offenders: Implications for Trauma-Informed Care. *Sexual Abuse* 1-20 (Compared with males in the general population, sex offenders had more than 3 times the odds of child sexual abuse, nearly twice the odds of physical abuse, 13 times the odds of verbal abuse, and more than 4 times the odds of emotional neglect and coming from a broken home.)

Part 1

Supporting Your Loved One from Arrest to Sentencing

Chapter 1 - The Arrest

Chapter 2 - Jail and Bail Bond

Chapter 3 - Moving through the Court System

Chapter 4 - Evaluation, Child Contact Considerations, and Sentencing

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.

This chapter talks about

- Some things that can happen during an arrest
- What happens if there is suspected abuse and neglect of a child or an at-risk adult
- Finding a Lawyer
- More detailed information about the arrest process

Key Terms

Law Enforcement – Refers to a large group of people with the legal power to make an arrest or execute a search warrant.

Mandatory Reporter – Certain professionals who 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.

Miranda Rights – An advisement of legal rights including the right to have a lawyer present and the right to refuse to say anything to the police or other law enforcement officers and not have that silence used against you at trial.

Probable Cause – When facts and circumstances within the arresting officer's knowledge are sufficient to support a reasonable belief that a crime has been or is being committed by the person arrested.

Warrant – A written court order

- An **arrest warrant** is a written court order requiring any law enforcement officer to arrest the person named in the order.
- A **search warrant** is a written court order requiring any law enforcement officer to search the person, premises, place, property, or thing described in the search warrant and to seize any property described or identified in the search warrant.

Summons – A written order or notice directing that a person appears before a designated court at a stated time and place and answer to a charge or charges against that person.

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.



TIP – IT CAN BE HARD TO GET INFORMATION AFTER AN ARREST

Friends and family may not find out that the arrest has occurred until after their loved one has been taken to a local jail/detention center. Even then, it may be hours or days before the arrestee (person who was arrested) is able to contact concerned parties. As part of being booked into a jail, an arrestee will typically be separated from their 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.

What Do We Mean by the Term Law Enforcement?

This term *law enforcement* is used to refer to a large group of people with the legal power to make an arrest or execute a search warrant. Law enforcement includes but is not limited to police officers, sheriff deputies, probation and parole officers, prosecutors. Members of law enforcement may or may not carry a gun or other weapons as part of their job. If you cannot determine whether someone is law enforcement, you may want to ask to see their badge and/or call 9-1-1 to confirm their identity.



TALKING WITH LAW ENFORCEMENT

ALERT

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 before talking to law enforcement.

Medical Issues

The person who is arrested initially may 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, they may be handcuffed or restrained, be 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.

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 for their protection. In 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 sexual 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 sexual 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

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. For more information on this topic, see **Appendix A – Dependency and Neglect** of this guide.



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 sexual 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 or if your loved one is in jail and unable to post bail. To find out more, visit the website of the Colorado State Public Defender at <http://www.coloradodefenders.us/> or see **Part 3 – Section 1. Applying for a Public Defender** of this 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 MAY WANT YOUR OWN LAWYER

Be aware - as a family member, you may want to consult your own lawyer. The lawyer representing your loved one is not hired to represent you or your best interests.



TIP—CONSIDER THESE QUESTIONS WHEN LOOKING FOR AN ATTORNEY FOR YOUR LOVED ONE OR YOURSELF:

1. Does the attorney have experience in dealing with criminal cases, particularly sex offense cases?
2. Does the attorney have experience with the judge, prosecutor, jurisdiction, jail, law enforcement, and/or probation department where your case was filed?
3. Do you feel comfortable talking with the person?
4. Is the attorney in good standing with the Colorado Supreme Court?
<http://www.coloradosupremecourt.us>
5. Do they come recommended from someone you trust and who knows about these types of cases?
6. 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 witness fees, psychological evaluation costs, and copying fees.
7. Be cautious of promised outcomes. Is the attorney candid about possible outcomes and risks?

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.

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. 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, even if you are paying for the lawyer, if it is not in the client’s best interest to do so or if there are other court orders, privileges, or ethical rules that prevent them from sharing information with you.

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)**

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.



DEPENDENCY & NEGLECT (D&N) CASES

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. See **Appendix A – Dependency & Neglect** for additional information on D & N cases.

Take Care of Yourself and Your Other Family Members

When a family member is accused of a sexual crime, the mental health of family and friends can 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, or 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 these professionals 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.

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.

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.

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 that you help yourself first.



TIP – FAMILY MEMBERS CAN SEEK EMOTIONAL AND MENTAL SUPPORT

Some options:

- Talk with people you trust
- Contact support/advocacy groups for individuals accused/convicted of a sex crime (see page 1-7)
- 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 (e.g., engage in regular exercise or guided meditation)



TIP – TALKING WITH MANDATORY REPORTERS

Keep in mind that certain professionals are **mandatory reporters**. That means anyone who learns case-specific information can be called into Court to testify.

When talking to professionals, speaking about your emotions and experiences related to your loved one's 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 their duties in advance may be helpful.

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.

Where to Find Help and Answers:

In the beginning, you may feel totally alone. No one you know has something like this going on. And it's during the beginning of a process where you often feel the need to hide from friends and family. 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

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.

PARTIAL LIST OF COLORADO AND NATIONAL RESOURCES

<p>Advocates for Change (AFC) http://www.advocates4change.org/ PO Box 103392 Denver CO 80250</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: education, mentoring, re-entry, support, care management</p>
<p>Colorado Citizens United for the Rehabilitation of Errants (Colorado CURE) http://coloradocure.org/ 3470 S Poplar St Unit 406 Denver, CO 80224</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 Email: 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.womenagainstregistry.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/</p> <p>Key areas: links to possible sources of information</p>	<p>Colorado Sex Offender Mgt. Board (SOMB) Website https://dcj.colorado.gov/boards-commissions/sex-offender-management-board</p> <p>Key areas: SOMB Standards; possible source of information on treatment providers</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.



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 themselves 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 officials are allowed to conduct a limited search of the suspect and surroundings **incident to arrest** but some searches of people, objects, or places require a warrant or the consent of the owner or 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.

If someone believes a warrant is invalid or based on false information, the individual should seek advice from a lawyer about whether there is a remedy. However, it may be impossible to stop law enforcement from executing the warrant immediately. If property is seized or damaged or a person is injured during the execution of a warrant, it may be helpful to get legal advice about whether there is any recourse since it may or may not be possible to sue law enforcement in a civil lawsuit. 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 a lawyer.

Usually, law enforcement is supposed to provide this advisement when a person is under arrest or in the custody of law enforcement and before the person is questioned about a possible crime. If the person refuses to waive their *Miranda* rights, all questioning about any criminal behavior must stop.



MIRANDA RIGHTS ARE NOT ALWAYS REQUIRED

There are times when law enforcement officials may not be required to give a Miranda advisement.

For example

- when they are talking to someone over the telephone or
- if the person starts talking without being asked any questions

This is a technical area of law and failure to give a *Miranda* advisement may or may not prevent the government's use of certain evidence at trial. It will be necessary to get advice from a lawyer to determine whether there are any legal issues related to *Miranda* rights in a specific case.

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 that person's arrest.

Chapter 2 - Jail and Bail Bond

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

This chapter talks about

- 2.1 Supporting a loved one in county jail
- 2.2 Arranging for bail bond.

Key Terms

Bail – Means a security required by a court for the release of a person in custody set to provide reasonable assurance of public safety and court appearance.

Bond – Means a promise entered into by a person in custody by which that person binds themselves to comply with the conditions of the bail bond.

Collateral Requirement – Is financial requirement attached to a bail bond by a judge. The judge may specify that the bond be posted with cash, property, and/or surety (through a bail bondsperson).

Pretrial Supervision – In some counties in Colorado, the court will order as a condition of the bail bond that a person be supervised by the Pretrial Supervision unit, meaning that the person may have to meet with or call the unit as required and follow their rules.

Protection Order – In Colorado, at the first appearance in any criminal case, the court is required to issue a Mandatory Protection Order (MPO). The MPO is a temporary court order issued to prohibit an individual from carrying out a particular action, especially approaching or contacting a specified person.

2.1 Supporting a Loved One in County Jail

Your first exposure to the legal system may very well be the phone call you get from your loved one in a county **jail** (in some areas it is called a detention facility). The county jail is under the control of the local **sheriff**. Jails house inmates serving misdemeanor sentences and pretrial detainees who have been arrested and committed to the custody of the sheriff.

It is important to know that 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.



KICKING INTO CRISIS 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 crisis 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 bondsperson. 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 be a lifesaver for us as a family.

-- One Mom's Story



PHONE CALLS FROM JAIL ARE NOT CONFIDENTIAL

Jail phone calls to non-attorneys are recorded. Be aware that any information about your loved one's case or charges shared over the recorded phone line can be used against your loved one.

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).

Family Impact:

Finding out that a loved one or family member is in jail can be an emotional and confusing time. It can put some families into a state of upheaval. 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.

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" or "I have nothing to live for", or actually talks of hurting themselves, consider asking the jail to put your loved one on suicide watch.

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. As of May 2022, these links were current.

- [Colorado Dept of Corrections](http://www.doc.state.co.us/oss/) (<http://www.doc.state.co.us/oss/>)
- [Arapahoe County](https://www.arapahoe.gov/1175/Inmate-Charges-and-Bonds) (<https://www.arapahoe.gov/1175/Inmate-Charges-and-Bonds>)
- [Adams County](http://search.adamscountysheriff.org/inmatesearch.php) (<http://search.adamscountysheriff.org/inmatesearch.php>)
- [Denver County](https://www.denvergov.org/InmateSearch) (<https://www.denvergov.org/InmateSearch>)
- [El Paso County - Colorado Springs](https://www.epcsheriffsoffice.com/inmate-search#!/search) (<https://www.epcsheriffsoffice.com/inmate-search#!/search>)
- [Jefferson County](https://inmatelookup.jeffco.us/inmate) (<https://inmatelookup.jeffco.us/inmate>)

There may be a phone number for the jail, but in larger cities you may 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 and information about additional jail booking fees that must be paid before a person can be released on bail.



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. Are there pets that need care?
8. Has the employer been contacted? What should the employer be told?
9. Who else should be contacted? Where is the contact information for those people?
10. Who is their doctor? Are they on prescription medications?
11. Who can take possession of personal items in jail property, such as cell phone, house keys?
12. Who has access to electronic items, such as a cell phone or personal computer? Are there passwords that limit access?
13. Who is the *Go-to-person* and what is their phone number?

2.2 Bail Bond

During this period of custody, while the person 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 a financial or **collateral requirement** and the judge may require the person to comply with conditions of **pretrial supervision** such as GPS ankle monitoring or urinalyses (UA's). Sometimes there may be a fee for the GPS, urinalyses tests, etc.

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 pretrial 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.



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. The defense attorney can notify the judge if those individuals can provide security or stability to your loved one in the community, while waiting for the case to come to court. This information might impact the judge's decision in setting the bail amount.

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

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

Bringing such documentation to the court hearings shows the court your family member 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 and stay out of trouble in the community. This information may be important when the court decides what bond conditions to require.

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 bondsperson 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 bondsperson.
- The internet is a good place to search for bondsperson.
- You can also ask your loved one's lawyer.



TIP – CONSIDER THESE QUESTIONS WHEN LOOKING FOR A BONDSPERSON:

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.

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

The Colorado Court System is complicated and can be confusing, particularly for people new to the legal system. To give family members a better understanding of how the court system works, this section provides an overview of common court proceedings including

- 3.1 Common court settings (various types of courts and hearings)
- 3.2 Plea bargain or trial
- 3.3 If there is a trial
- 3.4 More information about pretrial court processes
- 3.5 More detailed information about the trial

This chapter 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.

Key Terms

Charges – Are the criminal legal accusations being made against your loved one by the prosecutor.

Counts – Refer to the number of separate charges brought against your loved one. Sometimes the same behavior can constitute multiple crimes and therefore multiple counts.

Hearing – Refers to an event at the courthouse where your loved one, their criminal defense attorney, the prosecutor, and sometimes the alleged victim will appear before the judge.

Immediate Detention – May occur after a person is found guilty at trial or pleads guilty to a crime. If the judge refuses to or is legally unable to continue the bail bond until the sentencing hearing, the convicted person will be arrested in the courtroom and taken to the jail by a Sheriff's deputy.

Plea Bargain – Is a contract between the prosecutor and the person accused of a crime. It usually means the accused person will give up the right to a trial and other constitutional rights and the prosecutor will dismiss some or all of the original charges. A judge must approve the agreement.

Sentencing Process – Refers to a series of events triggered by a person being found guilty at trial or pleading guilty to a crime. When the conviction is for a sex offense, there are many steps that happen over several months before the sentence is given.

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. Each district is 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 your family member is found guilty and convicted and the court grants a probation sentence, your loved one will be supervised by the probation department in the jurisdiction in which your loved one was convicted. But if sentenced to

prison under the **Colorado Department of Corrections (CDOC)**, 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 (and for some limited issues, directly to the Colorado Supreme Court).

County Courts handle civil cases under \$35,000, 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

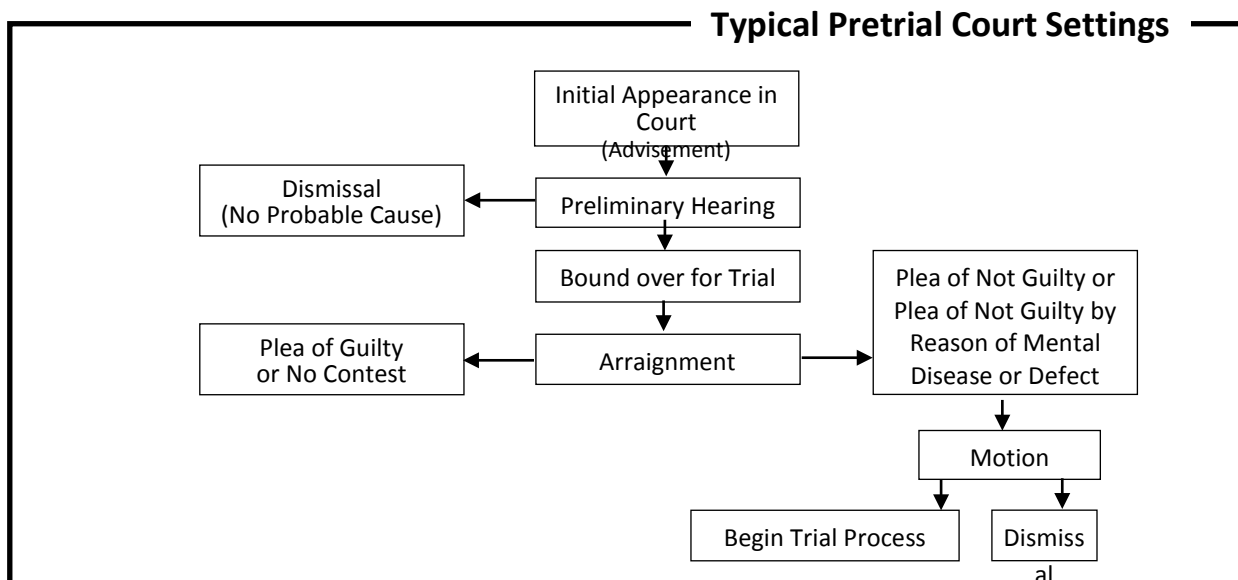
The Colorado Supreme Court is the court of last resort in Colorado's state court system. The Supreme Court decides whether it will further review cases already considered by the Court of Appeals, although it declines to consider most cases. In some instances, the parties can directly petition the Supreme Court regarding a lower court's decision.

The Colorado Court of Appeals is usually the first and only appellate court to review decisions of 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 Pretrial 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.

Using a Public Defender. If the person is in custody, a free lawyer called a public defender may be appointed by the court to represent him/her at this time. Bail bond requirements may also be discussed. If the person was appointed a public defender but then posts bond, if they would like to request that the public defender continue to work as their lawyer, the person will be required to provide an affidavit under penalty of perjury and information about their financial resources to the local public defender's office so that their staff can determine if the person will still financially qualify for a public defender. A defendant may also hire a private criminal defense attorney at any time.

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 decides if there is probable cause for all of the crimes charged.

Mandatory Dispositional Conference (MDC). In some felony cases, the defendant is not entitled to a preliminary hearing. In those cases, the law requires a setting where the parties may begin a plea negotiation process. The **dispositional conference** allows the court to monitor the status of the case but usually takes no substantive steps.

Court Presiding over the Advisements, Preliminary Hearing, and Mandatory Dispositional Conference.

In many jurisdictions, these early hearings are heard by Magistrates 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. A plea of not guilty starts a six-month deadline for purposes of the right to a speedy trial although it is common for defendants to waive their speedy trial right later in the process and for the defense to ask that the trial date be postponed so that the criminal defense attorney can do more work to be prepared to go to trial.

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 their 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 you, even if you are the person who is paying for the legal defense. As a result, you may be excluded from meetings between your loved one and their lawyer. 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 beginning 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 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 left 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 leave 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 their 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. (Also see **Section 3.3 If There Is a Trial – What You Can Do**).



TIP – YOU MAY HAVE VERY LIMITED INTERACTION OR NO INTERACTION AT ALL WITH YOUR LOVED ONE DURING COURT HEARINGS OR TRIAL

Friends and family may not find out that the arrest has occurred until after their loved one has been taken to a local jail/detention center. Even then, it may be hours or days before the arrestee (person who was arrested) is able to contact concerned parties. As part of being booked into a jail, an arrestee will typically be separated from their 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.

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 another person's experience may not be similar to your 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 usually 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.

Family Impact:

The only way a person can clear his or her name is to go to trial and be found not guilty of all ***charges*** and all ***counts*** against them. However, the outcome of a trial is uncertain. The trial and the time leading up to that trial can take many months or years. 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 may be labeled a ***sex offender***, face mandatory sentencing, and most likely be required to register on the ***Sex Offender Registry***. Having a loved one on the Sex Offender Registry can have uncomfortable and sometimes very difficult consequences for family members and friends. ***See Part 2–Chapter 11– Registry and Post-Sentence Considerations*** for more information.



**TIP – QUESTIONS YOUR LOVED ONE MAY WISH 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 members?
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?
 - a. For example, ***indeterminate*** vs. ***determinate***?
 - b. Labeled a ***sexually violent predator (SVP)*** by the judge?
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. Will I be required to register as a sex offender?
16. Should I start ***treatment*** before sentencing?
17. What is the cost and length of time for treatment?
18. What are the immigration consequences?
19. Is there an impact on employment, housing, and travel?

In addition, by accepting a plea bargain, your loved one will be giving up certain rights to ***appeal*** the conviction in the future and may be subject to ***immediate detention***.

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.



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.

What You Can Do:

Your loved one may welcome help in putting a back-up plan in place. If your loved one has been in jail, you may have already put some back-up provisions in place. If not, you can talk with your loved one about what needs to be done to take care of things such as a home or vehicle, in the event your loved one is sentenced to jail, community corrections, or prison.



TIP – QUESTIONS YOU MAY WISH TO CONSIDER WHEN HELPING YOUR LOVED ONE 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? Or pets?
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?

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 another person's experience may not be similar to your 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. Some trials take multiple weeks to complete.


The typical stages of a trial include

1. **Jury selection.** Also known as voir dire, the attorneys on both sides ask the judge to excuse potential jurors whom they believe will not be fair and impartial.
2. **Opening statements.** Both sides may present an outline of the evidence they expect the jury to hear.
3. **Presentation of evidence and witnesses.** The prosecution presents its case first. Then, the defense can cross-examine the state's witnesses before putting forth its own.
4. **Jury instructions.** At the end of the evidence, the judge gives the jury instructions on the law and how to reach a verdict.
5. **Closing arguments.** Both sides summarize the evidence presented and the points that have been made.
6. **Jury instructions and verdict.** The jury meets and reviews the evidence in secret during deliberations. If the jury has questions, they will submit them to the judge in writing and the judge may summon the defendant and lawyers back to the courtroom to discuss how to answer the jury's questions. If the jurors can reach a decision, the jury will return a verdict of not guilty or guilty on each count. If the jury cannot reach a decision, usually after additional guidance from the judge, the judge may declare a mistrial on that count, meaning no decision has been reached and the state may try again to convict the defendant in another trial in the next 90 days. A not guilty verdict on all counts means that your loved one is acquitted of the crimes charged and is free to go. A guilty verdict moves the proceedings into the sentencing phase.
7. **Sentencing.** The judge can sentence your loved one immediately after the trial or, more frequently, set sentencing for another date a few months later.

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 strains continue.

Trials can last several days. Family members can be faced with needing time off from work or getting help to care for children, elderly family members, and sick or disabled family members. These needs can cause more strain on family budgets. Family members may also be asked to help their loved one pay the additional attorney's fees and expert witness fees that come with a trial. These fees are very expensive.



ALERT

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 members can be divided in their feelings about supporting the accused person. Those who support their loved one may face criticism from other family members, friends, or the public. In some cases, your loved one's trial may be covered by the news. These situations are emotionally painful for family members.



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.

-- A Sister's Story

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.



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 to 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 their staff.

What to Wear

- Business clothes. Lawyers will be in suites. Family and friends should wear nice, clean clothes. Some people think of it as 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 or cause you to be removed from the courtroom.

Electronic Devices in the Courtroom

- Turn off ringers for cell phones or other devices and be mindful if there are signs indicating the judge prohibits certain devices or objects like food or drink in the courtroom.
- Generally, no photography or recording is permitted.
- Avoid sending text messages, email, or using internet-based apps.

How to Behave in the Courtroom

- Be on time. Bring Kleenex.
- 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 because they will be scrutinizing your loved one's presentation as well as yours. The time to joke or relax is at night, when you are away from the courtroom, or at least during breaks when the jury is gone.
- Do not talk or make faces in court or people may accuse you of trying to influence witnesses.
- Stand up when judge or jury comes in or leaves the courtroom unless the judge asks you to remain seated.

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 a member of the lawyer's staff 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.

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 public seating gallery. If you have difficulty hearing, you might be able to request amplification equipment from the judge's staff or order transcripts of what is said during the trial.

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 another person's experience may not be similar to your experience.

3.4 More Detailed Information about Pretrial Court Proceedings

This section provides in depth information about the following areas:

- Advisement Hearing
- Hearings for Felony Cases
 - Preliminary Hearing
 - Mandatory Dispositional Conference (MDC)
- Arraignment

Advisement Hearing

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.

If charges have not yet been filed and the person is in custody, the court must review the government's claim that there is probable cause to support the arrest. The person usually has a right to a bail hearing.

The court may also issue **protection orders** (also known as restraining orders) and/or bond conditions limiting what the defendant may do. The defendant or anyone who assists the defendant may be charged with new crimes or held in contempt of court if a violation of the protection order occurs.



TIP - PROTECTION ORDERS AND BOND CONDITIONS CAN IMPACT FAMILY MEMBERS, EVEN THOUGH THEY ARE DIRECTED AT YOUR LOVED ONE

Some examples are

- Prohibiting in-person, telephone, and/or 3rd party contact with specific people or types of people (such as all persons under age 18)
- Restricting where the person may go in the community
- Disallowing the use of alcohol or drugs
- Requiring **GPS monitoring** and/or random **urinalysis (UAs)**.

If charges have been filed, the court must notify the defendant about each part of the crime charged and the possible sentence that may result. If a defense lawyer is retained or appointed at or prior to an advisement hearing, the lawyer will often waive the judge's reading of rights, charges, and penalties and instead may privately advise the client about these matters.

Often other arrestees may be present in the courtroom and many defendants may be seen by the judge during group advisements in the early stages of a case. When the charges include a sex offense, the attorneys may speak privately with the judge to avoid revealing the nature of charged crimes in open court. In some areas, the defendant may appear by video from the jail for the advisement proceedings while the judge and public are in the courtroom. The lawyers may be with the defendant or in the courtroom.



WATCH WHAT YOU SAY – KEEP YOUR LOVED ONE SAFE FROM POSSIBLE ABUSE

Unfortunately, individuals accused or convicted of sexual crimes are sometimes targeted for abuse by other inmates or staff. Precautions may be taken to prevent the nature of the case from becoming known to other people in the jail or prison or other people in the courtroom.

If the family members or supporters of other arrestees are in earshot, you should be careful not to say anything that indicates your loved one has been accused of a sexual crime, especially if the alleged victim is a child, because those people may share this information with other inmates and endanger your loved one.

A person may have more than one **advisement** hearing – for example, one advisement is given after an arrest on a sworn statement of probable cause and another advisement will occur if charges are filed at a later time.

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 determines if there is probable cause for all of the crimes charged. If the court finds a lack of probable cause for certain charges, those counts are dismissed. Each count carries sentencing.

The preliminary hearing is different from the probable cause review that must happen as part of an arrest. In a preliminary hearing, the evaluation of the evidence for probable cause is specific to the elements of the crimes actually charged. Another difference is that the probable cause review at arrest is a review of paperwork, but the preliminary hearing involves testimony from live witnesses in open court.

Evidence in a Preliminary Hearing. The prosecution has the burden of proof to establish probable cause at the preliminary hearing. In most cases, the witnesses who testify are called by the prosecution and cross-examined by the defense attorney. Because the defendant has the right to remain silent, the prosecution is not allowed to call the defendant as a witness at the preliminary hearing.

Because of the limited scope of the hearing, it is common for the defense attorney to choose not to present evidence and instead wait for trial to reveal evidence that shows the defendant is innocent or that otherwise raises reasonable doubts about the guilt of the defendant. Defendants are almost never called to testify as witnesses by the defense attorney at a preliminary hearing.

The rules of evidence are not strictly applied at such hearings and most of the evidence at the hearing may be hearsay, often reported by the detective or other law enforcement officer who headed up the case investigation. At this stage, the judge usually cannot consider evidence that the accuser is not truthful or merely contradicts the accusation. Instead, the judge is assessing whether there is any evidence to support the charges. Questions of witness credibility are almost always left for the jury to decide at a trial.

Another Chance to Modify Bail. Often, the court will hear requests to modify bail at the time of the preliminary hearing, especially if the court has had an opportunity to learn more about the nature of the allegations and relative strengths and weaknesses of the evidence in the case. It is rare, but the government may ask the court to hold the defendant without setting a bail.

Sequestration at a Preliminary Hearing. Because preliminary hearings require live testimony from witnesses, the court may enter sequestration orders prohibiting potential witnesses from hearing or learning about the testimony of other witnesses. The defendant is the only potential witness who always has a right to be present, although in some rare circumstances that person may be excused as well.

Waiving the Preliminary Hearing. It is also routine for the preliminary hearing to be waived. Often the hearing is waived for purposes related to plea bargaining. For example, if the defendant agrees to waive the preliminary hearing, the prosecution may agree to extend an initial plea offer or continue negotiations until a certain point in the case.

Mandatory Dispositional Hearing

In some felony cases, the defendant is not entitled to a preliminary hearing. In those cases, the law requires a setting (called a *dispo* hearing) 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 other steps.

Different Courts Preside over Different Types of Hearings

In many jurisdictions, these early hearings are heard by *Magistrates*, who 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. If the case began in the County Court, after the preliminary hearing, a waiver of the preliminary hearing, or a mandatory dispositional hearing, the Magistrate or County Court judge will turn over the case to the District Court. The District Court will then

handle the case through the end. Both the County and District courts are usually located within the same courthouse but in different courtrooms-

Arraignment

An **arraignment** is a hearing in which the defendant may enter a plea of *guilty* or *not guilty*. It is not a hearing where evidence is presented. An arraignment may be continued to a later date if allowed by the judge. Sometimes both parties ask the judge to delay the arraignment to allow additional time to have plea negotiations. Courts use many different names for these court dates like *dispo hearing, status, or pretrial conference*.

It is also possible for a defendant to tender a *not guilty* plea and then have a later court date, where the person may be permitted to change the plea to a *guilty* plea

What Not Guilty Means

In a criminal case, a plea of *not guilty* is a legal process to tell the prosecution that the defendant is exercising constitutional rights to a trial in which the government must prove all of the elements of each of the crimes charged beyond a reasonable doubt. By pleading *not guilty*, the defendant is not necessarily saying they did not commit the crime or did not do anything wrong. The defendant is saying that the government is required to provide evidence that prove the crimes charged were committed.

A plea of not guilty starts the speedy trial clock. Colorado requires all cases to be tried within six months of a defendant offering a not guilty plea at arraignment. There are many exceptions to the six-month rule. One exception is when the court grants a defense motion to continue the trial date. If the prosecutor makes a motion to continue the trial, however, the law requires that a new trial setting be within the speedy trial deadline. It is very normal for a sexual offense trial to be continued at least once and for cases to take more than one year to resolve from the time of arrest.

Misdemeanor vs. Felony

In a misdemeanor case, the first court date may be an arraignment where the defendant has the option to tender a *not guilty* plea. This is not possible in a felony case, if the charges originated in the County Court. In a felony case, the arraignment cannot happen until a defendant appears before a District Court judge. If the defendant was indicted by a grand jury (which is rare in Colorado), the first court date may also be an arraignment.

Plea Bargain Negotiations

Judges and prosecutors have different policies concerning arraignment or other stages in a case. Individual or local requirements and practices affect the defendant's ability to enter into a plea bargain. There may be cutoff dates or deadlines for plea offers linked to stages in the legal process like arraignment. At times, refusing to take an offer by that cutoff date means there will never be another offer in the case. But this restriction varies by jurisdiction, by prosecutor, by judge, and by circumstances. For example, if new information comes to light later in the case that bears on plea bargaining considerations, there may be an opportunity for the judge to allow a plea bargain.

If the parties have reached a plea agreement by the time of arraignment, the arraignment is an opportunity to enter the guilty plea and propose the plea bargain to the judge. The judge must approve any plea agreement. In a sexual offense case involving a victim, the victim or the victim's representative must be consulted by the prosecution about any potential plea offers. The victim or victim's representative also has a right to address the judge concerning whether to accept or reject the plea offer and to express their wishes to the judge at any sentencing hearing. It is very rare for the parties to reach a plea agreement in a sexual offense case at an initial arraignment.

Plea Hearing (for a Plea Bargain)

When a plea bargain is reached between the parties, things can change very quickly. For example, you may go to the courthouse expecting for there to be a motions' hearing in anticipation of a jury trial but when you arrive, the prosecutor may be making a new plea bargain offer to the defendant. Depending on a number of considerations, including whether the prosecutor has already discussed the potential plea bargain offer with the victim, potential deadlines from the prosecutor or the judge, and the decisions of the defendant, the hearing may be immediately converted to a plea hearing. Where there is an agreement but other steps need to be taken to prepare for a plea hearing (*e.g.*, if the victim wishes to be present), court dates may also be vacated and rescheduled and new plea hearing date may be set.

Prior to the plea hearing, the prosecutor and criminal defense attorney will have formalized the plea bargain, usually in writing. The parties (prosecutor and defendant) will sign a contract describing their agreement in most cases although in some jurisdictions the agreement is only stated out loud as part of the court record and transcribed by the court reporter. The defendant and criminal defense attorney will also review paperwork that is sometimes called a *Rule 11* because it is based on Rule 11 of the Colorado Rules of Criminal Procedure. The Rule 11 describes all of the legal rights that a defendant is required to give up in order to plead guilty to a crime. This step is taken to ensure that defendants understand what they are doing, plead guilty voluntarily and without coercion (even though it is understood that a defendant is always under pressure whenever a guilty plea is entered), and know what legal rights they are waiving and what the prosecutor would have been required to prove if the case had gone to trial.

The plea hearing will usually take at least 10-20 minutes while the judge reviews this paperwork with the defendant out loud in open court to make sure they want to go forward with the plea bargain and to ensure that the judge or criminal defense attorney have answered any questions that the defendant has about what they are doing. The prosecutor will also provide a ***factual basis*** to the judge for the guilty plea, usually a summary of the often graphic allegations that led to the criminal charges. Occasionally, the parties will ***waive the factual basis*** to facilitate a plea bargain to a crime that is not supported by actual events but that both parties have agreed to (for example, to plea bargain to a charge that does not require prison).

For some judges, it is very important that the defendant take responsibility and admit to the factual basis at the time of the plea bargain. Other judges may allow the defendant to plead **no contest** or enter an **Alford plea**, pleas where the defendant can maintain innocence despite pleading guilty. Legally, there is no difference between a guilty plea, no contest plea, or *Alford* plea but judges, prosecutors, defendants, and victims can have strong feelings about the language used in court so the label used on the plea may also be part of the plea bargaining process. The SOMB requires an admission of responsibility to criminal sexual behavior before someone can successfully complete sex offense-specific treatment no matter what label was used at the time of their plea bargain. Your loved one should discuss any wishes and concerns about the type of plea with the criminal defense attorney.



TIP – ABOUT A NO CONTEST PLEA

Judges can decide whether they will accept a **No Contest** plea in their courtrooms. But it is important to know that the SOMB requires an admission of responsibility to criminal sexual behavior before someone can successfully complete sex offense-specific treatment no matter what was included in the plea bargain.

Your loved one should discuss any wishes and concerns about the type of plea with the criminal defense attorney.

Presentence Investigation Report

Even when a plea agreement is reached, the case is usually continued out several months for a formal sentencing hearing. This delay is to give the probation department time to prepare a presentence investigation report (*PSI* or *PSIR*) for the judge. When a person is convicted of a sex offense, the PSI will often include a mental health report called a psychosexual evaluation or *PSE*. The PSE is also known as a sex offense-specific evaluation (*SOSE* or *OSE*). The PSE must comply with the requirements of the Sex Offender Management Board (*SOMB*). Before sentencing, a defendant has constitutional rights to remain silent and may wish to consult with his or her attorney for advice on whether or not to participate in whole or in part in the PSI and/or PSE. More information about these reports can be found in Section 4.1 Evaluation

3.5 More Detailed Information about the Trial

The Trial Date

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. Depending on how complicated the evidence is, how many witnesses there are, the court's practices, and the strategies of the lawyers, a judge may schedule a trial for as little as one day to as much as several weeks or months. 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.

It is very common, however, for trials to be continued and rescheduled for a later date. A trial may be continued many times. Either side may ask for a continuance of the trial but the judge alone decides whether to grant the continuance.

A few examples of reasons a judge may allow a trial to be continued include

- an important witness is unavailable for the trial date because of medical issues or military service;
- new information has come to light that the lawyers need additional time to investigate (*e.g.*, the results of lab tests on physical evidence, a new witness has been identified, a witness has provided new or different information);
- the lawyers and judge need more time to file motions or hold hearings to resolve legal issues that will impact the trial;
- there are too many trials scheduled for the same day and another trial will be held instead.

The Jury Trial

Although a defendant may choose to have the case heard by a judge or a jury, most criminal cases that go to trial result in jury trials. In Colorado, if the most serious crime charged is a felony, there must be 12 jurors and, if it is a misdemeanor, there must be 6 jurors. Judges will often select one or more alternate jurors as well depending on the length of the trial. The identities of the alternate jurors will not be known to the jury during the trial until the court sends the jury to deliberate. The alternate jurors will only participate in the deliberations and verdict if one of the primary jurors is excused for some reason during the trial.

The Parts of a Jury Trial

The main parts of a Jury Trial include the following:

- Pretrial Readiness or Status Conference
- Jury Selection
- Opening Statement
- Evidence: Testimony and Exhibits
- Closing Argument
- Jury Instructions
- Jury Deliberations
- Verdict

More information is given for each of the parts of a jury trial is discussed below.

Pretrial Readiness or Status Conference

Some judges set a final pretrial hearing a few days before the trial is scheduled. The purposes of the pretrial hearing are to begin to confirm with the lawyers that they are ready to proceed with the trial, consider unresolved legal questions or discuss new developments in the case, hear motions to continue the trial, and do final logistical planning for the trial. Depending on the jurisdiction, this may be a last opportunity to resolve the case with a plea bargain instead of a trial but some judges refuse to accept a deal this close to trial. If a trial date is going to be continued, it often happens at this status conference.

Motions In Limine

On the morning of trial, the judge may take up additional legal matters with the lawyers. This may involve housekeeping and logistics or legal rulings that will guide how the trial will be conducted. These motions are called *in limine* motions.

Sequestration

Judges often enter an order of *sequestration* during a trial. Frequently the sequestration order means that all witnesses must stay out of the courtroom during the trial and may not discuss their testimony with any other potential witnesses in the case either before or after they testify.

However, the judge can make case-specific rules as part of a sequestration order. For example the judge can allow expert witnesses to remain in the courtroom to watch the testimony of other witnesses so that expert witness can advise the lawyer who is calling them. The judge also sometimes allows witnesses whose testimony is completed to remain in the courtroom to watch other parts of the trial such as closing argument or the verdict. Frequently, judges will make special exceptions to the sequestration order for the victim or witnesses who are aligned with the victim so that they can watch more of the trial.

The prosecution is required to have a waiting room at the courthouse where the alleged victim can be, separate from the defendant. They may allow other witnesses to wait in this room as well. The defense may or may not have access to private space near the courtroom so defense witnesses may be required to wait in the public hallway outside the courtroom.

Jury Selection

Members of the public are mailed jury summons ordering them to report to the courthouse for jury duty. Although some people will be excused or rescheduled by court staff, on the day of the trial (or sometimes in advance in an exceptionally lengthy or complex case) they will report to the jury commissioner at the courthouse. After some initial screening by court staff to ensure the potential jurors are legally eligible to serve (for example, they still live in the jurisdiction where the case is being heard), they are assigned a number and escorted to the courtroom by the judge's staff.

In Colorado, jurors are not selected, but rather are *deselected*. They may be excused if the judge agrees there is a legal reason for them not to serve. Each side is also allocated a certain number of peremptory challenges which they may use to excuse people that they do not want to sit on the jury even if there is not a legal reason requiring their excusal. Peremptory challenges may not be used to discriminate on the basis of race or gender but can be for almost any reason at all. The lawyers are not required to use all of their peremptory challenges.

After the jury is picked, the judge will do an orientation and explain the trial process to the jury and give them some initial instructions. For example, jurors may be told not to talk to the lawyers or witnesses, view any media, or do internet research about the case.

Opening Statement

Both the prosecutor and defense attorney are allowed to give an opening statement at the beginning of the trial. The opening statement is not evidence in the case. Instead, it is an opportunity for the lawyers to give an overview of the evidence they believe will be presented at trial. The judge usually sets a time limit for the opening statements. The prosecution always goes first. Although it is rarely done, the defense attorney may *reserve* opening statement until after the prosecution has presented all of its evidence.

Evidence: Testimony and Exhibits

Evidence in a trial is presented through testimony from live witnesses and the use of exhibits. Sometimes the exhibits will be audio or video recordings and those may be played for the jury. Exhibits can also be physical objects, photographs, etc.

What Evidence Is Allowed. All of the evidence must meet the requirements of the Colorado Rules of Evidence and the Colorado and Federal Constitutions. If lawyers believe the evidence is inadmissible, they are required to make an objection. The judge then rules on the objection and decides whether certain testimony or evidence may be considered by the jury. When the judge says *sustained*, they are agreeing with the lawyer's objection. When the judge says *overruled*, they are rejecting the objection. The judge's decisions on the objections are controlling during the trial but, if the judge makes a mistake in admitting or excluding evidence, this can later be challenged in an appeal.

Why a Lawyer May Make Many Objections. To improve the chance of winning on appeal, a lawyer may continue to make objections repeatedly even when the judge has indicated they will probably overrule such objections. Sometimes the lawyers will make legal arguments at the judge's bench so the jury (and the audience) cannot hear what they are saying. Other times, the judge may send the jury to the jury room so there can be a longer discussion about the legal issues in open court.

Questioning the Witnesses. When lawyers for one side *call* a witness to the stand to testify, the witness must take an oath to tell the truth. The lawyers who called the witness get to question the witness first. It does not matter if the witness is more supportive of the prosecution or defense, or if the witness believes the defendant is guilty or innocent. The first round of questioning is called *Direct Examination* and is usually done through open-ended questions ("What did you see?"). After Direct, a lawyer for the other side is allowed to *Cross Examine* the witness on the same general topics discussed on Direct and may ask leading questions ("You saw Sally leave the room, right?"). The lawyer who called the witness is then given a chance to *Re-Direct* the witness with more open-ended questions and sometimes the opposing lawyer is also permitted to *Re-Cross* the witness.

Jurors May Ask Questions. In Colorado, jurors are allowed to ask questions. Typically, the questions are written down and discussed by the lawyers and judge at the bench. If the judge believes the question is proper under the Rules of Evidence, the judge will ask the witness the question. Very rarely, the judge may also ask a question of a witness.

Prosecution Goes First. Because the prosecution has the entire burden of proving guilt in a criminal trial beyond a reasonable doubt, the prosecution must present their evidence first. The main prosecution case is called the *case in chief*.

When the prosecution has finished presenting its *case-in-chief*, they will tell the judge they *rest*. The prosecution is never allowed to call the defendant as a witness in its case-in-chief. After the prosecution has rested, the judge is required to advise the defendant of their right to testify.

The Defense Can Choose to Present Evidence or Not. The defense is never required to present any evidence and if, after hearing all the prosecution evidence, they decide not to present evidence, the evidence phase of the trial is over. If the defense presents evidence (this is sometimes called *putting on a case*), however, the prosecution may be allowed to present additional evidence later in rebuttal.

For all witnesses, including the defendant, if a person testifies, the jury may be informed of any prior felony convictions that the person has. During this advisement, the judge will notify the defendant if any of their prior felony convictions may be discussed if the defendant decides to testify.

The Defendant Decides Whether or Not to Testify. The defense attorney and the defendant should have discussed the decision to testify before the trial and have a plan. But the defendant will not be required to make a final decision about whether to testify, until all of the other evidence has been presented. The defendant alone makes the final decision about whether or not to testify, no matter what advice their defense attorney has provided. After hearing the prosecution's evidence, the defendant is allowed to change their mind about testifying no matter what the plan. If the defendant decides to testify, the prosecution will be allowed to Cross Examine him/her, and the defense attorney will be allowed to ask questions on Re-Direct.

Jury Instructions

After all of the evidence is over, the judge usually meets with the lawyers outside the presence of the jury to finalize the *jury instructions*. The jury instructions are documents which will be provided to the jury orally and in writing. They are many pages of text that describe the legal rules that the jury is supposed to apply to the facts of the case. After the instructions are made final, the jury returns to the courtroom and the judge reads the instructions.

Closing Argument

The lawyers are then given a chance to argue their side of the case. These arguments are usually time-limited. The lawyers will make arguments about what evidence the jury should find believable and about whether the evidence presented does or does not constitute proof beyond a reasonable doubt.

Because the prosecution has the burden of proof, they make the first closing argument and are also allowed to give a rebuttal closing argument.

After the closing arguments, the judge will identify the alternate jurors and give them instructions and then send the rest of the jury to deliberate.

Deliberations

The jury alone decides which witnesses to believe and whether the factual elements of the crimes charged have been proven beyond a reasonable doubt.

Jury Can Take as Much Time as Needed. The jury can deliberate for as short or as long as it wants and the deliberation process is held in a private place. If questions arise during the deliberations, the jury will send the question in writing to the judge. The judge will usually meet with the lawyers and the defendant to decide how to answer the question.

Decision Must Be Unanimous. If the jury cannot reach a unanimous (every person agrees) decision on any of the charges, they will tell the judge. The judge may ask them to continue deliberating and try again. If they appear to be deadlocked, the judge may declare a *mistrial*. A mistrial on a count means that the defendant has not been convicted of that charge. If there is a mistrial because the jury was not unanimous, however, the prosecution has ninety (90) days to schedule a new trial with a new jury and try again to get a conviction.

While the Jury Deliberates. The lawyers and defendant will be required to stay nearby in case there are questions or a verdict. If the defendant is in custody during the trial, the judge may require the defendant to return to the jail or a holding cell while the jury deliberates.

Verdict

Sometimes the judge will delay the reading of a verdict to allow an alleged victim or other witnesses to be present when the verdict is read. But you should stay nearby if you want to be present to hear the verdict. Typically, the jury foreperson will give the verdicts in writing to the judge and the judge will read the verdicts for each count.

- If the defendant is found **not guilty** of all the charges, the case will be dismissed and any bond will be **discharged**. A defendant who has been in jail will be released unless that person is being held on another case.
- A defendant who is found **guilty** of any of the charges will face sentencing on those charges and have an automatic right to appeal the conviction.

After the verdict is read, the jury will be given instructions and will be discharged. After the trial, jurors can decide if they want to speak with the lawyers on either side or anyone else about their deliberation process. It is improper for anyone to harass a juror.

Bond after Conviction

Most bail bonds expire as soon as a defendant is convicted of any crime. At that time the judge must decide whether to return the defendant to jail or to authorize a new or continued bail bond until sentencing. Sometimes the judge will agree to continue the bail bond if there is a written *consent of surety* from the bondsperson indicating that they are willing to stay on the bond until sentencing. The defendant and defense lawyer should have a plan and make sure they have a consent of surety if they want to ask the judge to continue a money bond.

For certain convictions, the judge has no choice and must revoke the bail bond and put the defendant in jail before sentencing. The judge cannot grant bail after a conviction for the following crimes or a conviction of *attempt* to commit the following crimes:

- any felony sexual assault committed against a child who was under age 15 at the time of the assault,
- any felony sexual assault involving the use of a deadly weapon ,
- certain crimes classified as ***crimes of violence*** in Colorado,
- other specific nonsexual crimes identified in law.

Between Conviction and Sentencing

When a sexual offense case goes to trial, there is usually a delay between a guilty verdict and a sentencing hearing. The delay may be one to two months (or more) depending on the case and local practices. Typically, the judge will order the probation department to prepare a ***Presentence Investigation Report*** (PSI or PSIR) to summarize information about the defendant and to make recommendations for the sentence.

In certain cases, the judge will also order a psychosexual evaluation (***PSE***, also known as an offense-specific evaluation or OSE, sex-offense-specific-evaluation or SOSE, or SOMB eval) as part of the ***PSI***. The judge will order the PSE

- if the defendant was convicted of any counts that are sex offenses, or
- if the defendant was previously convicted, adjudicated, or completed a deferred judgment for a sex offense.

The defendant's attorney can provide legal advice to the defendant on whether or not to participate in the PSI and/or PSE. The defendant may decide not to answer any questions based upon the constitutional rights to remain silent before and at a sentencing hearing.

A convicted person who remains on bond may be required to report immediately to the probation department, where that person will be asked to fill out PSI paperwork and may be given a referral to a SOMB evaluator in the community to complete the PSE. A person, who is taken into immediate detention following conviction, will be contacted by the probation department inside the jail through an interview with a probation officer and possibly given a packet of paperwork prior to the PSI interview. If your loved one chooses to participate in the PSE, they will be interviewed and tested by an SOMB evaluator in a private area inside the jail. The PSE process will take from several hours to multiple days. When the PSE is completed, it will be provided to the PSI writer in the probation office and be submitted to the judge as part of the PSI.

Even if your loved one elects to participate in the PSI and PSE assessments, they should seek advice from their criminal defense attorney about whether to complete all or part of the PSI paperwork and/or provide statements for a psychosexual evaluation or instead invoke their constitutional rights to remain silent prior to sentencing.

These reports may take weeks or months to prepare and will include a victim impact statement from the victim. If you have documentation, records or background information that might be relevant to the PSI or PSE process or sentencing, talk to your loved one or your loved one's lawyer about whether to provide this information to the criminal defense lawyer.

Sentencing Hearing

The length of a sentencing hearing varies greatly from minutes to multiple hours and may depend on numerous factors which may include

- the complexity of the case,
- the number of victims or other witnesses who address the court and the amount of time the judge allows them to speak,
- whether the defendant chooses to speak (a decision that may be impacted by whether the defendant is appealing any convictions in the case),
- whether the judge has discretion over the details of the sentence or the sentence is decided by the terms of a plea bargain.

A sentencing hearing can be a very emotional event for the victim and defendant and their support systems, even when the likely outcome is known.

The judge and attorneys and, in some cases, the victim or victim representative, where applicable, will receive the PSI and PSE reports at least three (3) business days prior to the sentencing hearing although these documents are not usually available as public records. At the sentencing hearing, there will be an opportunity for the criminal defense attorney to alert the judge to any errors in the documents. If someone is sentenced to prison, these reports will also be sent to the Colorado Department of Corrections (CDOC). If the defendant has a high school diploma, it is important that this educational history is accurately reflected in any PSI because it can impact classification decisions at the CDOC.

At a sentencing hearing, the victim or victim's legal representative, if applicable, has the right make a statement to the judge about any plea bargain and the sentence. The defendant also has the right to make a statement (*allocution*) but has an equivalent right to remain silent and not have their silence used against him/her by the Judge. Your loved one should seek advice from their criminal defense attorney about whether to make a statement and, if so, the content of the statement. The prosecutor or criminal defense attorney will make arguments and may also invite other people to make statements and tender letters or other information to the judge. It is a good idea to seek advice from your loved one or their defense attorney about whether or not you should make a statement or write a letter to the Judge and the subjects to discuss in that statement. For example, although you may believe the contemplated sentence is unjust, expressing your opinion to the judge may not serve your loved one's goal of receiving a more lenient or shorter sentence.

Depending on the crime of conviction and any agreements in the plea bargain, the judge may or may not be able to make a decision about the sentence imposed – in other words, the sentence may be mandatory under the law. The judge will have the power to decide to accept or reject any plea bargain and, if accepted, will impose a sentence consistent with the requirements of the plea bargain.

Sexually Violent Predator Considerations.

Finally, for some felony sex offense convictions, the PSI/PSE process will include a screening of the defendant which the judge will consider to determine if they have the status of ***Sexually Violent Predator (SVP)***. Although the term SVP is used in many states, in Colorado it refers to the harshest level of sex offender registration requirements including mandatory lifetime registration with no opportunity to petition to stop registering, a requirement to register at least four times per year with local law enforcement, having one's photograph on state and federal registration websites, and the possibility of public community notification meetings each time the registrant moves to a new address.

The decision on SVP status, if applicable, may be made at the sentencing hearing or the judge may schedule yet another hearing for further argument on whether or not to designate the person as an SVP. There are grounds to challenge the imposition of SVP status in every case and, if imposed, the designation may also be appealed or challenged in a post-conviction motion pursuant to Colorado Rule of Criminal Procedure 35(c). Similarly, in cases where there is a dispute about the amount of restitution or other specific issues like a motion for new trial, the judge may schedule additional future hearings.

Reconsideration or Modification of Sentence

Some plea bargains require a specific sentence but in cases where there was a conviction after a trial or where the judge had discretion to choose some or all aspects of the sentence, there is a process for the defendant to ask the judge to modify the sentence. The court must receive this request within 126 days (18 weeks) of the sentence being imposed or after resolution of the appeal.

Moreover, unless forbidden by the plea bargain contract, either the defendant or the prosecution can ask the judge to modify the terms or length of a sentence to probation at any time while the defendant is still on probation. If the probationary sentence is indeterminate (such as "10 years to life" or "20 years to life"), the judge cannot terminate the probationary sentence until the minimum number of years (10 years or 20 years) has elapsed.

If a probation officer asks a defendant to voluntarily agree to new or additional conditions of probation, or to agree to extend the length of the probationary sentence and the defendant is uncertain about whether to agree, the defendant should consult a criminal defense attorney to get advice about his or her options. A defendant who is financially eligible can seek representation from the local public defender to get advice about such a request. A defendant may also consult a private attorney.

Appeal

Every criminal conviction at trial may be appealed to a higher court. A misdemeanor conviction after trial in the County Court may be appealed to the District Court. A conviction in the District Court may be appealed to the Court of Appeals. There can also be appeals of sentences and occasionally other legal issues such as SVP status, although direct appeals of cases where there has been a plea bargain are rare.

The prosecution represents the government in appeals to the District Court but the Colorado Attorney General's Office usually handles appeals to the Court of Appeals. After the first level of appeal, either side can ask the Colorado Supreme Court or United States Supreme Court to review the decision on

appeal by filing a special request called a *Petition for Writ of Certiorari*. The Supreme Courts refuse to review most cases.

Unlike the trial process, almost all of the appeal process happens in writing. The only legal issues that can be raised in an appeal are things that happened in the trial court and the appellate court is only reviewing whether or not the trial judge made a mistake. For example, if the judge overruled an objection and the jury heard improper evidence, or the judge made a mistake in how the jury was instructed, these are the types of issues that can be raised in an appeal. Claims like an argument that the criminal defense attorney failed to adequately investigate the case or that there is newly discovered evidence of innocence are rarely appropriate to raise in an appeal.

The appellate lawyer is usually, but not always, a different person from the trial lawyer who handled the case in the trial court. It is important for the defendant to talk to his or her criminal defense attorney about whether the attorney will be appealing any conviction and who will be responsible for perfecting an appeal.

If a person becomes financially eligible for the public defender following sentencing, or is already eligible for the public defender and would like to be represented by the public defender on appeal, the trial lawyer (whether a private lawyer or public defender) must contact the public defender's office as soon as possible. Early contact is important because the initial deadlines to file a Notice of Appeal are triggered by the imposition of the sentence.

The regional public defender offices (assigned to each courthouse) handle misdemeanor appeals to the District Court and the Appellate Division of the Office of the State Public Defender handles appeals to the Colorado Court of Appeals and Colorado Supreme Court. Contact information for each of these offices is available here: <http://www.coloradodefenders.us/>

A form required by the Appellate Division **no later than twenty (20) days after sentencing** indicating the information needed for the Office of the State Public Defender to file an appeal is available here: <http://www.coloradodefenders.us/wp-content/uploads/2017/12/Appeal-Packet-12-2017.pdf>

The appellate lawyer will initiate the appeal, contact the client to explain the process and answer any questions, and wait for the transcripts to be prepared. Because the appeal is based on the record in the trial court, most decisions about the issues to raise in the appeal will be based on information in the transcripts and other court records and exhibits. The appellate lawyer then files an *Opening Brief*, the government files an *Answer Brief* in response, and the appellate lawyer may file a *Reply Brief*. Because all of these briefs are in writing and based on a written record, there are very rarely court dates while the case is on appeal.

Occasionally the Court of Appeals and Colorado Supreme Court will agree to allow the parties to make oral arguments. These are short time-limited arguments (often each side is allowed less than 30 minutes total to argue) to the appellate judges and usually the defendant is not required to be present. Appellate judges rule in writing as well and their orders can either be private or public. If the orders are public,

they can have precedential value and will require trial judges to follow their rulings in future cases. If they are private, their interpretation of the law will only apply to the defendant's case.

Appeals can be lengthy and, depending on the issues and the case, will often take years and occasionally even a decade or more. For a defendant who has been convicted of a sex offense, it is important to talk to the appellate lawyer about whether the defendant should participate in certain aspects of their sentence, such as answering incriminating questions about the case that is on appeal in sex offense-specific treatment, or instead invoking their constitutional rights to remain silent as to those questions while the case is on appeal.

If the appeal is not successful, the defendant will continue serving their sentence. If the defendant wins the appeal, there are many possible remedies the appellate court may order. The remedies will depend on what the issues were on appeal but they can include orders to vacate some or all of the convictions (and related sentences) and declare the defendant not guilty, or orders to vacate the convictions but require the defendant be sent back to the trial court to be retried, or orders that the sentence imposed or require the defendant be sent back to the trial court to be resentenced.

If the defendant is represented by the public defender on appeal, the appellate lawyer will also file any applicable reconsideration motion following the appeal if the defendant's convictions are not overturned on appeal. A defendant who was represented by private counsel on the appeal should discuss whether that lawyer will be filing the reconsideration motion as part of their representation.

Post-Conviction Relief

There are other legal remedies beyond the scope of this guidebook, including other state and federal legal processes. Your loved one should seek legal advice to identify available remedies in his or her case.

For your information, however, one of the most common post-conviction remedies pursued in Colorado trial courts is a petition based on Colorado Rule of Criminal Procedure 35(c). As noted above, some legal issues cannot be raised in a direct appeal and other legal issues may be raised either on direct appeal or under 35(c). The following types of claims may be raised in a 35(c) petition:

- A. The Defendant has sought appeal of a conviction within the time prescribed, and judgment on that conviction has not then been affirmed upon appeal, and there has been a significant change in the law which if applied to this conviction or sentence, the interests of justice allow the retroactive application of the changed legal standard. (In other words, there was a change in the law and the Defendant is allowed the positive retroactive effect of the change.)
- B. No review of a conviction of crime was sought by appeal within the time prescribed therefore, or a judgment of conviction was affirmed upon appeal. However, in good faith the Defendant alleges one or more of the following:
 - (1) That the conviction was obtained or sentence imposed in violation of the Constitution or laws of the United States or the constitution or laws of this state.
 - (2) That the Defendant was convicted under a statute that is in violation of the Constitution of the United States or the constitution of this state, or that the conduct for which the applicant was prosecuted is constitutionally protected.

- (3) That the court rendering judgment was without jurisdiction over the person of the applicant or the subject matter.
- (4) That there exists evidence of material facts, not theretofore presented and heard, which, by the exercise of reasonable diligence, could not have been known to or learned by the Defendant or his attorney prior to the submission of the issues to the court or jury, and which requires vacation of the conviction or sentence in the interest of justice.
- (5) Any other ground otherwise properly the basis for collateral attack upon a criminal judgment.
- (6) That the sentence imposed has been fully served or that there has been unlawful revocation of parole, probation, or conditional release.

These issues may be raised differently from issues raised on appeal because they may need to be developed in a live court hearing with witnesses and evidence before a trial judge and may not be resolved based on a paper record alone like an appeal is. The prosecution represents the government in most 35(c) proceedings.

There are strict time limits to raise claims under 35(c) depending on whether the relevant conviction was for a felony or a misdemeanor, usually 3 years or 18 months, respectively. The time clock for a 35(c) starts with either the sentencing date or the end of a timely-filed appeal. If the defendant does not file a 35(c) in time or establish an exception to the time rules, the courts may refuse to consider the motion.

The courts expect a defendant to raise all possible claims in a single 35(c) petition and may refuse to consider a second or subsequent 35(c) petition if it is based on claims that could have been included in the original 35(c) petition.

Even if financially eligible, a defendant does not have an automatic right to court-appointed counsel like a public defender for a 35(c). But a defendant can request counsel by (1) contacting the regional public defender and/or (2) filing a Form 4 (or document containing all Form 4 information) with the trial court. Form 4 is available in prison law libraries or online here:

[https://www.courts.state.co.us/Forms/PDF/Form%204%20petition%20for%20postconviction%20relief%20pursuant%20to%20crim.%20p%2035\(c\).pdf](https://www.courts.state.co.us/Forms/PDF/Form%204%20petition%20for%20postconviction%20relief%20pursuant%20to%20crim.%20p%2035(c).pdf)

If the regional public defender or trial judge agree the legal issues may have merit, the judge will appoint the public defender to represent the defendant on the 35(c) petition and supplement the petition based on the lawyer's investigation of the case. If the public defender has a conflict of interest (for example, if one of the issues in the 35(c) is that one of the public defenders in the local regional office provided constitutionally ineffective assistance of counsel), the judge will appoint another free lawyer through the Office of Alternate Defense Counsel.

A defendant who is denied a free lawyer or chooses not to pursue a free lawyer may hire a private lawyer as the representative on the 35(c). Also individuals can represent themselves *pro se*. A defendant, who believes they were wrongly denied a free lawyer, may appeal the denial of lawyer.

If the trial court denies the defendant relief on the 35(c), the order denying relief may also be appealed.

Chapter 4 – Evaluation, Child Contact Considerations, and Sentencing

This chapter addresses what happens in Colorado, when a person is convicted of a sex crime:

- 4.1 Evaluation - Your loved one participates in a sex offense-specific evaluation
- 4.2 Child Contact Considerations - Limits are placed on your loved one's contact with children
- 4.3. Sentencing - Your loved one is given either a determinate or indeterminate sentence.

Key Terms

Sex Offense Specific Evaluation - A formal process that a person with a sex offense must undergo to provide information to officials about that person's risk and sex offense treatment needs. This is also referred to as a psychosexual evaluation or PSE.

No Contact with Children - Upon conviction, individuals with a sex offense may not be allowed to have contact with any children, including their own children and siblings under the age of 18.

Own Minor Child - A person's biological child or a child with whom there is a parental relationship.

Determinate vs. Indeterminate Sentence - Sentences given to a person convicted of a sex crime can be for a (1) set number of years or (2) for an amount of time that can last up to a person's lifetime.

Sex Offender Management Board (SOMB) Standards and Guidelines - rules, written by the SOMB, that sex offense-specific treatment providers must follow under Colorado law. Probation and parole officers use these rules as guidelines.

Familial Association - The idea that certain relationships, such as parent-child, are so important that they may be entitled to special protection under the Constitution.

Community Supervision Team (CST) - Team made up of a probation or parole officer, treatment provider, polygraph provider, victim representative, and others who provide supervision and support to the person with a sex offense.

4.1 Evaluation

When a case goes to trial, there is usually a delay between a guilty verdict and a sentencing hearing. The delay may be one to two months (or more) depending on the case and local practices. Typically, the judge will order the probation department to prepare a Presentence Investigation Report (**PSI** or **PSIR**) to summarize information about your loved one. The PSI may include recommendations for the sentence. As part of the PSI, the judge will also order a psychosexual evaluation (**PSE**, also known as an offense-specific evaluation or **OSE**, sex offense-specific evaluation or **SOSE**, or **SOMB eval**) if an individual was convicted of any counts that are sex offenses, or was previously convicted, **adjudicated**, or completed a **deferred judgment** for a sex offense.



EVALUATIONS AND POLYGRAPHS CAN BE REQUIRED FOR A PLEA BARGAIN

Sometimes psychosexual evaluations and specific-issue polygraph examinations are done before conviction when a plea bargain is being considered.

The evaluation is a formal process that involves a clinical interview, psychological testing, and questionnaires. During the evaluation process, the evaluator works with your loved one to assess initial treatment needs (issues that may have played a role in offending behavior), risk of re-offense (a statistical process using known client behaviors), and responsivity (how to tailor treatment interventions to the client's learning style, cultural background and strengths). This process can take place over several meetings or in one full day with a listed **SOMB evaluator**. The evaluator will use a structured process for the client to participate in the evaluation.

Evaluators are tasked with creating an accurate report that will assist with future treatment planning. Individuals will have an opportunity to discuss their offense (this may be the one time to discuss their perspectives of the offense with the criminal justice system). Additionally, clients will discuss their social history (childhood to adult life experiences) and sexual history. That will help the evaluator better understand how your loved one views their life, makes decisions, and communicates with others. The evaluator is also required to put in information about your loved ones' family associations and parental roles. All of this information is written in one report to assist the legal system with consequences for the offending sexual behavior and develop future treatment planning.



NO CONFIDENTIALITY DURING PRE-SENTENCE INVESTIGATIONS

Your loved one should be aware that there is no confidentiality in what is discussed during the PSI. A defense attorney is allowed to attend the PSI meeting if requested. An attorney can provide legal advice to your loved one on whether or not to participate in the PSI and/or PSE or decline to answer any questions based upon the constitutional rights to remain silent prior to and at a sentencing hearing.

Because evaluators are mandatory reporters, clients should seek legal advice from their attorney about whether or not to participate in all or parts of the evaluation that may be self-incriminating.

The purpose of the Sex Offense Specific Evaluation (SOSE) is to be a starting point for court decisions, treatment, and supervision. Evaluators are required to include information about risk factors in their report. The first risk assessment is considered to be a preliminary one, because a person's risk factors can decrease or increase over time.

Family Impact:

Individuals are required to pay for their evaluations. If an evaluation is requested by an attorney, it will be paid for with private funds. If the evaluation is conducted through probation, your loved one must still pay for the evaluation as part of their court ordered fees. In either case, family members might be asked to help with payment, if their loved one needs financial help.

For loved ones who are granted probation, the judge will consider the evaluation results when making decisions about child contact and probation conditions. These decisions can have big impacts on families, especially if loved ones are allowed to stay in their own homes. (See also **4.3 Sentencing**).

In the beginning, the conditions of probation will be very restrictive, no matter what the evaluation report says. More information about probation conditions is provided in the **Part 2 – Chapter 6 - Probation** of this guide.

What You Can Do:

The most helpful thing that families can do for their loved one is to maintain a supportive attitude during this part of the process. Family members should be aware that the evaluation report contains sensitive information and is part of your loved one’s confidential records. Even if you help to pay for the evaluation, the results of the evaluation will not be shared with you before the sentencing and possibly may never be shared with you.



TIP: TALK TO YOUR LOVED ONE’S LAWYER, BEFORE SHARING INFORMATION.

If you have documentation, records or background information that might be relevant to the PSI or PSE process, talk to your loved one or their lawyer about whether to share this information.

Where to Find Help and Answers:

You can learn more about the official requirements of the sex offense-specific evaluation by going to the **SOMB Standards and Guidelines** (Section 2.000) which can be found on the internet. You may be able to find out more about how evaluation results are used by talking with your loved one’s lawyer or contacting advocacy groups listed at the front of this guide.

4.2 Child Contact Considerations at the Time of Sentencing


No Contact with Any Child under the Age of 18, Including One’s Own Children

One of the most difficult things that many families face is when loved ones with a sex offense are not allowed to have contact with any children, including their own children and siblings under the age of 18. Most decisions relating to contact with an individual’s own minor child(ren) or siblings are made by the court. These restrictions usually occur through a court order, although other entities (*e.g.*, the parole board, prison facilities, and treatment providers) may restrict child contact or ask your loved one to voluntarily stop having contact. For example, some treatment providers may be unwilling to accept your loved one as a client unless they agree to restrict child contact although it is permitted by the judge.

Constitutional Right to Familial Association: The law treats some categories of minor children differently based on the constitutional right to **familial association**. The Court makes the finding regarding whether a familial association exists. Some individuals may be allowed to have contact with their own child or minor sibling at the time they are sentenced by the court. Others will not be permitted to have contact because the court has found a potential risk to the minor child or sibling.

If someone is permitted to have contact with their **own minor child(ren)**, it does not mean that person will be allowed to have contact with other children. As an example, even when loved ones are allowed to live with their own children, they may not be able to attend school or extracurricular (e.g., sports, music) events with their children, host their children’s friends at the home, etc.

Importance of Risk Factors: It is important to understand that every case is different and the court is looking for the presence of **risk factors** (serious reasons) to decide whether or not individuals can have contact with their own children or minor siblings. For example, if a person has sexually abused one of his or her own minor children, contact with other minor (non-victim) children most likely will be prohibited. It is also important to know that your loved one may need to participate in additional assessments and/or polygraph tests to address any concerns the court may have related to child contact. In this case, your loved one will have to pay for these additional assessments.

	NO CONTACT WITH CHILDREN The court may order No Contact with Children even if the crime of conviction does not involve a child.
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Required Sex Offense-Specific Treatment in Colorado: In Colorado, there are specific laws that provide guidance to the courts for sentencing a person who has been convicted of a sex offense. Typically, your loved one must participate in court-ordered treatment (i.e., therapy) that is designed for someone who has committed a sex offense. The treatment agency will have its own specific rules and restrictions related to child contact that your loved one will be required to follow.

Conflicts Regarding Restrictions on Child Contact

Court and various agencies can impose restrictions on child contact through several different ways. The terms of these limits may be different from each other.


No contact with children requirements may be imposed by any one or more of the following:

- Court orders including
 - Bond conditions,
 - Mandatory protection orders
 - Probation conditions
 - Family court orders/conditions
- Parole directives
- The treatment contract with the SOMB sex offense treatment provider
- Facility wardens or **Sex Offender Treatment Monitoring Program** staff at the CDOC

	IF THERE ARE INCONSISTENCIES BETWEEN ANY OF THESE RESTRICTIONS Your loved one will be required to follow the strictest rule. Clients may wish to consult a lawyer for guidance on seeking changes to any <i>no contact with children</i> restriction or other probation conditions including the length of the probationary sentence.
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No Contact with Other Minor Children

Once sentenced, individuals will not be permitted to have contact with other minor children if they are not currently serving in a parental role for those children. As your loved one progresses through treatment and probation or parole supervision, the child contact restriction may be adjusted or removed, if your loved one has met certain criteria set forth in the SOMB Standards.



EXTENDED NO CHILD CONTACT PROVISIONS

Strictly speaking, once your loved one's sentence is discharged (finished) the *no contact* provisions no longer apply.

However, some municipalities and states have restrictions on child contact for individuals on the *sex offender registry* which will continue after supervision is finished.

Families should know that the timeline for any changes to allow contact are based on your loved one's behavior and depend on your loved one's progress in treatment and supervision. At any time, restrictions may be increased or decreased and either the prosecution or defense may file a motion at any time during a probationary sentence to alter the conditions or length of probation supervision if the change is reasonably related

to the defendant's rehabilitation and allowed under any applicable plea bargain agreement. Every person is different and will have varying experiences and outcomes. If not modified during community supervision, the no contact with children restriction will end when your loved one's sentence is finished (including any period of parole). This is true even if your loved one is still on the sex offender registry.

It is important to keep in mind that the rules restricting child contact are not the same nationwide. Therefore, if your loved one leaves Colorado and is accepted into supervision under Interstate Compact in another state, the restrictions on child contact may vary depending on the laws of that state.

Family Impact

Restrictions on contact with one's own child can be the most impactful restriction that people with sex offenses and their families experience during the course of community supervision and treatment. Families may face separation for a long period of time until the **Community Supervision Team** deems it appropriate and safe for contact with one's own child to occur before families are reunited. Children may find periods of separation particularly confusing and unsettling.



TIP: THE NO-CONTACT-WITH-CHILDREN RULE CAN HAVE FAR-REACHING EFFECTS:

- Where and with whom a loved-one is allowed to live, which may require setting up and supporting multiple households
- Who can visit, write, call, or otherwise interact with an individual inside the Department of Corrections or Community Corrections programs
- When/how your loved one is permitted to do tasks such as grocery shopping, getting a haircut, seeking medical care
- How an individual plans for foreseeable needs such as using a public restroom
- Whether your loved one can
 - attend public events such as concerts, movies, sporting events
 - go to public places such as restaurants, parks, recreation centers that may be frequented by children
 - date or marry individuals with minor children
 - attend family/friend events such as holiday dinners, Halloween, weddings, funerals, graduations, births

What You Can Do

Supporting your loved one while dealing with *No Contact Restrictions* can be challenging. Here are some ideas to consider.

Obtain as much information as you can about what the restrictions actually mean and how they will impact your family. It is okay to ask questions and seek examples about the things you do not understand. Request a copy of the Court Orders (such as bond restrictions) to read or ask your loved one's attorney to review the Orders with you. If you have concerns about any of the conditions, these concerns should be handled by your loved one's attorney.

Inform others who could be impacted by the child contact restrictions your loved one must follow. These people could include family members, friendly neighbors, family friends, and extended family members. Explain to children in the family why your loved one is restricted in contact with them. You may want to adjust your explanation to the age and relationship of the children to your loved one.

Here is one possible example: A mother explains to her toddlers that the reason that someone they love isn't living with them is that the person broke some rules and had to go to adult time-out for a while. Another explanation to older children might be that their grandparent hurt someone and has to spend some time in jail. You must decide what information you feel your child(ren) should have and how best to tell them.



Family Impact
Talking to Children in the Family

WHAT DO YOU SAY?

My adult son was sent to prison to serve an eleven-year sentence for sexual assault when his son was only four months old. I maintained contact with his ex-wife and with our first grandchild. As my grandson got older he wanted to know where his dad was and why his dad was in prison.

I thought it was important to be on the same page as my grandson's mother. We agreed that she should determine when and how much my grandson should know. So, my response to his questions about his dad was always to tell him to ask his mom...and then I would let her know that my grandson had questions. I did talk about his dad when he visited, and when appropriate showed him pictures that his dad took of him when he was four months old.

--A Grandmother's Story

Watch for signs that children in the family may be having difficulty coping with the situation. Separation of a parent and child can have consequences for the child, even when the separation has been for a short time. Be aware of changes in behavior or unusual changes in mood such as when a usually happy child becomes aggressive or stops wanting go to school. If you feel comfortable doing so,

consider asking school leaders to be on the lookout for any bullying/shaming (including perhaps social media) towards a child due to the parent's arrest or publicity in the news media. You may wish to find out if your child(ren)'s school has processes in place to help families experiencing crises.

You may want to consider counseling for your child or children. Schools may be able to recommend counseling or community mental health services. There may be other entities such as family protective services, victim therapy groups, faith based organizations, and military family counseling that can make recommendations to you.



TIP: NO CONTACT – WHEN FAMILY MEMBERS DISAGREE

The question of who should have contact with minor children can split a family. When family members disagree about who can and should have contact with the child(ren), you may wish to consult an attorney to see what options are available. Some family members might also find it helpful to speak with a licensed family therapist, who has experience in this area.

When your loved one is in treatment, consider signing up to be an Approved Supervisor. (See Approved Supervisor criteria in the *SOMB Standards and Guidelines*) For some situations, your loved one may be able to obtain an Approved Supervisor and **Safety Plan** that will permit exceptions to this rule, with guidelines for how to act. It may possible to obtain approval for limited contact such as by letter or telephone. These rules are made on a case-by-case basis.

Where to Find Help and Answers

- If the documents are available, read the bond conditions, written orders, and contracts that your loved one has signed. These can be obtained through your loved one or possibly through the court or through your loved one's attorney.
- Loved ones may wish to consult an attorney about specific children, if they are in a parental role with the children and wish to have contact. For instance, a grandchild may or may not fall into this category.
- If your loved one is under supervision by pretrial services, probation or parole, ask the supervising officer for clarification about restrictions. Remember, the job of the supervising officer is to enforce the conditions that the court has ordered.
- When your loved one is in treatment, ask the SOMB therapist for clarification on issues that impact the family

4.3 Sentencing

After conviction by trial or through a plea bargain, your loved one will be sentenced during a sentencing hearing. The type of sentence (determinate vs. indeterminate) will depend upon the crime of conviction. The person you care about could be sentenced to probation, parole, community corrections, jail or Colorado Department of Corrections (prison), or some combination of these. Each of these outcomes can have different impacts on individuals and on entire families.



TIME IN JAIL WHILE AWAITING SENTENCING

If your loved one has been convicted of a sex crime, there can be a delay of several months between the conviction and the sentencing hearing. Upon conviction, bail bonds expire. And if convicted of certain crimes, your loved one will be denied bail. In this case, your loved one may be required to spend this time in county jail. Each jail has its own rules about visits, putting money on your loved one's account, etc.

If they have not done so already, family members may want to use this time to help their loved one put things in order. As a rule, it is a bit easier to get things done for loved ones while they are in jail than when they are in prison.

Types of Sentences – Determinate vs. Indeterminate

Colorado has *determinate* and *indeterminate* sentences for sex crimes. The type of sentence the judge must impose depends on the crime(s) of conviction. An indeterminate sentence is required for certain felony sex crimes with a date of offense after November 1, 1998 under *Colorado's Lifetime Supervision Act (LSA)*.

- A *determinate sentence* is a sentence to a fixed number of years, such as five (5) years.
- An *indeterminate sentence* requires a minimum sentence but can be continued for the rest of a person's life, such as *eight (8) years to life*.



TIP: INDETERMINATE SENTENCES CAN BE HARD TO UNDERSTAND

Here are examples of indeterminate sentences for probation and prison/mandatory parole:

Indeterminate Probation:

If probation is imposed under the Lifetime Supervision Act (LSA), the term such as “ten (10) years to life” may be imposed. This means the probationer (the person on probation) must be on probation for at least 10 years, and could be on probation for more than 10 years. If the probationer has not had probation revoked and has not been resentenced to prison, after 10 years of supervision, the judge will decide whether to end or continue the probation. If probation is continued, the probationer stays on probation. The person will come before the judge again later and the judge will revisit the decision. However, it is possible that a person could be on probation for the rest of their life.

Indeterminate Prison and Mandatory Parole:

If prison is imposed under the LSA, a sentence of, for example, “eight (8) years to life with twenty (20) years to life parole” means that after 8 years in prison, the Parole Board (the Board) can decide whether to release the person onto parole or keep the person in prison longer.

If parole is granted by the Board, the person must then complete 20 years on parole before the Board can decide whether to end parole or keep the person on parole. If the Board keeps the person on parole, the parolee will come before the Board again later and the Board again will decide whether to terminate or continue parole.

The Sentencing Hearing

If there was a trial ending in a conviction, both the prosecutor and the defense attorney will revisit the major points of the trial at the sentencing hearing. If your loved one has taken a plea bargain, the judge has the ability to reject the plea bargain, change the terms of the plea bargain, or accept the plea bargain as recommended by the district attorney. Both the prosecutor and the defense attorney present information to the judge which would have been provided if there had been a trial.

During the hearing, various individuals may be given the opportunity to make a statement:

- Victims have the right to make a statement.
- A parent or guardian of a minor can make a statement.
- Your loved one will be given the opportunity to make a statement.

The judge will make a decision based on the limits set by law and the judge's assessment of the case. The sentence is then imposed.

If the sentence includes probation, your loved one will be instructed to report to the probation office that day for processing. If the sentence includes incarceration, your loved one will be led away from the court room in handcuffs to begin the sentence immediately.

Family Impact:

For many family members, the sentencing hearing and the time immediately following sentencing are when reality sets in. These are extremely stressful, emotionally draining, and confusing times for family members.

For those who already have sat through an emotionally exhausting trial, the sentence hearing is a shortened replay of the trial with a known outcome. For family members who have not gone through a trial, the sentencing hearing may come as a shock. Family members may hear statements with disturbing details from the prosecutor that they have not heard before. In either case, the addition of the victim(s) statements adds to the pain of family members.

Probation: If your loved one is granted probation, what can be a long and difficult journey is about to begin. In most cases neither your loved one nor family members will have any idea what to expect. You and your loved one will be thrown into new and confusing territory, with strict rules and conditions applied to people convicted of sex crimes. Your loved one is expected to comply with all conditions immediately.

Incarceration: If the sentence involves incarceration, watching your loved one being led away in handcuffs can be a gut wrenching experience. For many family members whose loved one has never been convicted and sentenced to prison before, there is fear of what will happen to their loved one in prison. Family members fear for their loved one's safety. And family members fear for the future of their family and how others will treat them.

In the case of a prison sentence, family members may have to deal with their loved ones' finances, such as loans, car payments, selling of a house, possible divorce proceedings. All of this starts immediately at sentencing. Extremely limited communication can make this situation very difficult, especially if there was no pre-planning.

What You Can Do:

Attending the sentencing hearing is a way that you can show support for your loved one. But, recognize that it may be too difficult for some family members to be present at the hearing. Each family member may wish to write a letter to the judge, in support of your loved one. This may be particularly helpful if there is a possibility that your loved one will be granted probation. If you choose to write a letter, make sure to run it by your loved one's attorney.

Where to Find Help and Answers:

For details about what to expect at the sentencing hearing, talk with your loved one's 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.

More information about each of the sentencing options is provided in ***Part 2 – Serving the Sentence*** of this guide.

Part 2

Serving the Sentence

Chapter 5 - The Role of Treatment

Chapter 6 - Probation

Chapter 7 - Jail

Chapter 8 - Community Corrections (COMCOR)

Chapter 9 - Prison under the Colorado Department of Corrections

Chapter 10 - Parole under the Colorado Department of Corrections

Chapter 11 - Sex Offender Registry and Post-Sentence Considerations

Chapter 5 – The Role of Treatment

In Colorado, there are specific laws that provide guidance to the courts for sentencing a person who has been convicted of a sex offense. Typically, your loved one must participate in court-ordered treatment (i.e., therapy) that is designed for someone who has committed a sex offense.

This chapter talks in general terms about required treatment no matter when and where your loved one gets treatment (e.g., probation, parole, prison). All treatment providers must follow the SOMB Standards and Guidelines. For more details on treatment in specific settings, see the related chapters in this Family Guide.

This chapter talks about:

- What is Sex Offense Specific Treatment?
- Difference between Sex Offense Specific Therapy and other forms of therapy
- Child contact considerations
- Treatment providers/therapists
- Getting started in treatment
- Assessment
- Signing a treatment contract
- What does Sex Offense Specific Treatment look like in Colorado?
- Use of the Risk-Need-Responsivity Model in Sex Offense Specific Therapy
- Tools used by treatment
- When does treatment end?
- Consequences of unsuccessful discharge from treatment

Key Terms

Accountability – Taking responsibility and ownership for causes, motives, actions, impacts and outcomes of one’s own conduct.

Community Supervision Team (CST) - A team of professionals including therapists, supervising officers such as probation and parole officers, and others who collaborate to make decisions about your loved one. The CST may also include pro-social support persons such as family members.

Risk-Need-Responsivity Model (RNR) – Therapeutic Model with three basic principles:

- Risk principle: Match the level of treatment to a person’s risk to re-offend.
- Need principle: Assess thoughts, feelings, behaviors, and environment in a person’s life that can lead to criminal behavior and focus on those things in treatment.
- Responsivity principle: Provide information in a way that honors a person’s learning needs and culture and makes sense to the person trying to learn new information and new ways of behaving.

SOMB Standards and Guidelines - Treatment standards that therapists must follow are provided in *The Standards and Guidelines for the Assessment, Evaluation, Treatment and Behavioral Monitoring of Adult Sex Offenders*, written by the Colorado Sex Offender Management Board. These standards and guidelines are also considered best practice for supervising officers.

Treatment Contract – A legally enforceable document that describes the rules of treatment, what the therapist is expected to do, and what the person in treatment is required to do.

What Is Sex Offense Specific Treatment?

Sex offense specific treatment is mental health therapy that is designed for people who have committed sexual offenses, to prevent future offenses. This treatment is designed to provide individuals with strategies and tools to manage and control their own thoughts, feelings, and actions. Treatment standards that therapists must follow are detailed in the *SOMB Standards and Guidelines (SOMB Standards)*.

Treatment is a process that is conducted in stages. Your loved one may experience ups and downs while in therapy. Progress depends on individuals' level of accountability and the effort they put into the process. Progress in therapy can be helped when encouraged by a strong network of family, friends, or community support.

Differences between Sex Offense Specific Therapy and Other Forms of Therapy

Required Information Releases - A significant difference between Sex Offense Specific Therapy (**SOST**) and other forms of therapy is that clients are required to sign waivers of confidentiality. These waivers allow treatment providers to share specified information with other individuals involved in the treatment and supervision of the client. This provision is required by SOMB Standards and Guidelines (3.310). As a result, there can be only a limited expectation of therapist-client privacy or confidentiality when waivers of information have been signed. Examples of information that may be shared could include progress in treatment and supervision, or significant changes to the treatment plan based on risk and need.



INFORMATION SHARING

Family members should be aware that

- Information that family members share with therapists may be shared with other people who are involved in the treatment and supervision of your loved one.
- Treatment providers cannot share information with family members about their loved one's therapy unless a release of information has been signed by their loved one.



TIP – COLORADO DEPARTMENT OF REGULATORY AGENCIES (DORA) REQUIREMENTS

All mental health therapists in Colorado (licensed and unlicensed) have an ethical obligation to follow the requirements of Colorado DORA (Department of Regulatory Agencies) and DORA's requirement on how specified information sharing is handled in Colorado.

Legislation Regarding Data Collection – Optional Participation - The Colorado State Legislature requires the SOMB to collect information from approved providers about evaluation, treatment, and polygraph to evaluate the effectiveness of the implementation of the Standards. The SOMB has created a secure data collection system for approved providers to submit data. As a result, your loved one may be asked to sign a consent form to have their information shared with the SOMB. If your loved one chooses not to sign a consent form, approved providers can still provide non-identifiable information to the database.

The SOMB will use the data to help monitor and improve the quality of the treatment process to make sure it closely follows the evidence-based Risk-Need-Responsivity (RNR) model. The results of the data collection analysis will be presented as a whole, and no specific information about your loved one will be released. The SOMB may share research data with other investigators without asking for your loved one's consent again, but it will not contain information that could directly identify your loved one. This consent form is for research purposes and is optional for your loved one to sign. If you would like to learn more about what data is collected and with whom it is shared, you may contact the SOMB.

Mandatory Reporters - SOMB therapists are mandatory reporters and must notify law enforcement or other government authorities if they become aware of certain types of crimes against children or other vulnerable populations that have not already been reported or prosecuted. Your loved one will be asked detailed questions about their sexual history that will include questions about potentially criminal behavior, including other uncharged sex crimes. Your loved one may wish to consult a lawyer (including a public defender if financially eligible) about how to answer questions such as whether your loved one may properly assert constitutional rights to remain silent. The SOMB Standards (see 3.160) indicate a client cannot be terminated from treatment solely because that person has invoked a valid legal right to remain silent.



TIP – THERAPISTS MUST PROVIDE A MANDATORY DISCLOSURE STATEMENT TO YOUR LOVED ONE

All mental health therapists in Colorado are regulated by the Department of Regulatory Agencies (DORA). One of the DORA statutory requirements is for therapists to comply with the Mental Health Practice Act, and in particular, to provide each client with a Mandatory Disclosure Statement. The Mandatory Disclosure Statement must include the following:

- The therapist's DORA registration or licensure information including the address for the Board which oversees that area of practice (for example, psychology, social work, etc.)
- A statement indicating the client is entitled to receive information about the methods of therapy, techniques used, and duration of therapy, if known
- A statement indicating a client may seek a second opinion or discontinue therapy at any point (*Note: There may be repercussions if a loved one with a sex offense discontinues therapy that is required by court order.*)
- A statement indicating information provided by a client during therapy is confidential other than certain exceptions provided by law

Child Contact Considerations - One of the most difficult things that many families face is when loved ones with a sex offense are not allowed to have contact with any children, including their own children and siblings under the age of 18. Most decisions relating to contact with an individual's own minor child(ren) or siblings are made by the court. These restrictions usually occur through a court order. Although, the Parole Board, prison administrators, and treatment providers also may restrict child contact or ask your loved one to voluntarily stop having contact. For more see **Part 1 – Chapter 4 – Section 4.2 Child Contact Considerations** of this guide.

About Treatment Providers/Therapists

Treatment providers (therapists) who specialize in working with people who are convicted of sexual offenses must be licensed or registered by the Colorado Department of Regulatory Agencies (DORA). In addition, therapists must meet additional training, experience, and supervision requirements to be approved by the Colorado Sex Offender Management Board (SOMB). Therapists working at the Colorado Department of Corrections are also licensed or registered by DORA. See Section 4.0 of the *SOMB Adult Standards and Guidelines* for the requirements for information on competency based requirements.

Treatment providers may include individual therapists as well as agencies that have multiple therapists on staff. Although there are many treatment providers in the state of Colorado, some geographic areas have no treatment providers within them.

Getting Started in Treatment

At some point, your loved one will be asked or required to begin treatment. This may be at the request of your loved one's attorney before sentencing or as a requirement under the law as part of your loved one's sentence. There are differences in the way a loved one enters treatment in the community under supervision (probation, parole, or community corrections) as opposed to when a loved one is incarcerated in the Colorado Department of Corrections (prison). For details of treatment that apply to a loved one's particular situation (e.g., being on probation vs. being in prison) see other related chapters in **Part 2** of this guide.

Intake Assessment

Regardless of whether your loved one begins treatment in prison or in the community on probation/parole, your loved one will be scheduled for an **Intake Assessment** and interview with a treatment provider.

If Your Loved One Is Incarcerated - Since your loved one has a sex offense conviction, your loved one will be referred to intake specialists who work in the Sex Offender Treatment and Monitoring Program (SOTMP). SOTMP will conduct an interview with your loved one which allows them to assess the level of treatment needs. They will also do a thorough review of court documentation, any community treatment history, and past assessments. If the information reviewed dictates that your loved one is recommended for treatment while incarcerated, your loved one will be referred for sex offense treatment. If your loved one decides against being placed on the treatment referral list at that time, your loved one will be re-screened at later date during incarceration.



TIP – THERE MAY BE A WAITING PERIOD FOR SOTMP TREATMENT

Even if your loved one is recommended for treatment while incarcerated, there can be an indefinite waiting period to get into SOTMP treatment. Be aware there is a treatment referral list, called the Global Referral List (GRL).

For specifics about your loved one, you can reach out to the SOTMP administrator. Your loved one's place on the GRL can fluctuate based upon changing factors that may be beyond your loved one's control. For more information related to SOTMP treatment participation please see CDOC Administrative Regulation (AR) 700-19.

If Your Loved One Is under Supervision in the Community - The treatment provider will use the assessment and interview information, along with previous findings from the Presentence Investigation Report and Sex Offense-Specific Evaluation (SOSE) to determine if they will accept your loved one into treatment at an outside agency. Treatment provider agencies may have differences in how they conduct intake assessments.



TIP – THE INTAKE ASSESSMENT IS DIFFERENT FROM THE PRESENTENCE INVESTIGATION REPORT (PSIR) AND SEX OFFENSE SPECIFIC EVALUATION (SOSE)

During an **intake assessment**, therapists decide if they will accept your loved one into treatment. Therapists may use the PSIR and SOSE to help them make that decision.

For more information about the PSIR and SOSE, please see **Part 1 - Chapter 4 - Section 4.1 Evaluation** of this guide. For the kinds of questions that your loved one might be asked see **Part 3 – Agency Information – Section 3 Treatment and Supervision of a Loved One (A Therapist’s Perspective)**.

Signing the Treatment Contract

Whether inside prison or on the outside in the community, your loved one will be asked to sign a contract. This contract is a legally enforceable document. By signing this contract, your loved one will be agreeing to follow the rules, abide by the agreement, and accept consequences for failures to live up to the contract.



TREATMENT CONTRACT AND INFORMATION RELEASES

Your loved one will be required to sign a treatment contract and information release forms.

If your loved one does not sign these documents, the treatment provider will not provide treatment.

What Does Sex Offense Specific Treatment Look Like in Colorado?

Offense Specific Treatment is designed to help your loved one reduce their risk of engaging in illegal and harmful behavior. Cognitive (thinking) skills, emotional management, behavioral restrictions, are presented individually, in groups, or sometimes in family support meetings. The SOMB requires that therapists use a **victim-centered approach** as well as an evidence-based model, such as the **Risk-Need-Responsivity Model**. Your loved one will be asked to address the harm their actions may have caused to the primary victim(s). In addition, your loved one will be asked to recognize the impact of their behavior on secondary victims (e.g., family, friends, significant others of the victim) as well as society as a whole.

Treatment providers work to engage their clients in therapeutic relationships that will enhance honesty, accountability, and compliance of the person in treatment. They also will address underlying issues that are related to a choice to sexually offend. Those in treatment may be asked to document their history of

sexual behaviors including thoughts, feelings, and specific acts with specific people. Over the course of treatment most individuals in treatment will be asked to take several polygraph tests (the number and frequency of polygraph tests will be determined by the CST). Your loved one will be educated about consent and learn to understand and describe why certain behavior was not consensual. Many treatment providers begin to discuss what a consensual sexual relationship is to help your loved one clearly tell the difference.



A THERAPIST EXPLAINS THE DIFFERENCE BETWEEN OFFENSE SPECIFIC EVALUATIONS AND INTAKE ASSESSMENTS.

Professionals in the community are given the task of deciding if treatment will be recommended for your loved one. Treatment is a word to describe steps your loved one will be asked to accomplish for the purpose of reducing the risk for your loved one repeating the offending behavior. Once treatment is recommended, your loved one must be matched up with a treatment provider. These two steps are accomplished through an Offense Specific Evaluation and an Intake Assessment.

Offense Specific Evaluation - When a loved one has been court ordered to complete a *Mental Health Sex Offense Specific Evaluation*, they will be asked to offer accurate information about many private matters. Evaluators are attempting to determine any and all influences your loved one may have experienced which may require attention in a therapeutic setting. The evaluation will make recommendations about the goals and objectives of treatment, the level of care your loved one may need, who can or cannot provide support to them, as well as difficulties that may have occurred during the evaluation.

Intake Assessment - Your loved one will be asked to schedule an *Intake Assessment* to determine if they are a good fit or if the agency they visit is a good fit for them. Your loved one is being assessed for telling the truth, taking responsibility, showing remorse, expressing empathy, and being motivated to change. They are also being assessed if the above items reveal problems.

Once your loved one begins treatment, the real work begins. Your loved one will be asked to learn and practice many skills. Loved ones will be asked to take responsibility for their actions and will be held accountable for their choices.

To find out more about what treatment entails, how it may impact your loved one, and how it may impact family members go to **Part 3- Agency Information - Section 3 Treatment and Supervision of a Loved One (A Therapist's Perspective)**

For more details on what treatment looks like for loved ones in various circumstances (e.g., prison, probation, parole, etc.), please see the related chapters in this guide. Also see **Part 3 – Agency Information – Section 3. Treatment and Supervision of a Loved One (A Therapist’s Perspective)**.

Use of the Risk-Need-Responsivity Model in Sex Offense Specific Therapy

In Colorado treatment providers are required by SOMB Standards to use an evidence based model such as the Risk, Need, and Responsivity (RNR) Model. The RNR Model provides a framework for treatment being offered to individuals by matching their needs so they can learn from their therapy efforts. Therapy will look different based on your loved one’s needs. To better understand how the RNR Model is being used with your loved one, contact your loved one’s treatment provider.

RNR has three basic principles: Risk, Need, and Responsivity.

- **Risk** means assessing risk to reoffend.
- **Needs** means identifying parts of a person’s life that may either cause or prevent criminal behavior (for example, substance abuse, or healthy or unhealthy social support).
- **Responsivity** means taking into consideration how different people learn and understand information.

RNR research suggests the best outcomes happen when therapy

- is consistent with a person’s risk level (not over-treating low-risk people or under-treating high-risk people)
- focuses on parts of the person’s life that are related to preventing criminal reoffending
- provides information in a way that makes sense to the person in therapy.

For more information on the RNR model, see **Part 3 – Agency Information – Section 3. Treatment and Supervision of a Loved One (A Therapist’s Perspective)**.



TIP – RISK CAN GO UP OR DOWN

Life changes may cause stress, resulting in an increased risk for someone to reoffend. For example, changes in therapists, supervision, family relationships, work, etc., can result in such stress.

People in therapy who are experiencing these changes will need to learn how to manage these changes in their lives. Communication, maintaining documentation, following rules, and using their skills in relationships are very important.



A LETTER FROM SOMEONE WITH A POSITIVE EXPERIENCE IN TREATMENT

Hello Everybody,

I am a person who must register as sex offender, but it has not always been that way for me. I have a story just like everyone else. I have often stated that I wish I could have changed the events that led to my offense, but I am grateful for the life altering counseling that I have received as a result. I never would have sought the help I so desperately needed, on my own. I was sentenced in 2014. I hit rock bottom. Prior to that, I was escalating in my career, but everything else in my world was crumbling. My marriage, my relationships with my parents, brothers and my own children were disengaged. Looking back, I was selfish, self-centered, egotistical, and full of shame. I was raised strict Catholic, the father was the bread winner however I was struggling to support a new family financially. I never received any sex education (no “birds and the bees”) conversations with my parents. Whatever I learned about sexual relationships was what I found out from my friends or pornography. Not exactly a model that fosters healthy sexual relationships. As my marriage deteriorated, internally, I blamed my spouse for my emotional problems that I refused to address.

After sentencing, I was in denial; I still refused to believe I had the problem in all this. I was the victim, the system had failed me, again I was still selfish. After sentencing, I met with my probation officer (I realize there are different steps for everyone and no sentence is the same but I will describe my experience). My life as I knew it changed immediately and dramatically. No contact with children under the age of 18 years, even if your offense has nothing to do with children. No alcohol or drugs obviously. You’re subject to polygraphs every 3 months, UAs, your movements are strictly monitored. There are numerous other conditions that a person with a sex offense is subjected to, above and beyond, what someone with non-sexual offense has. I, like most people new to the system, struggled with the new rules.

The thing that saved me, even though at the time I resisted it the most, was the treatment! I so did not want to sit in a room full of other people who had offended and talk about my offense or my life. You see, something you didn’t know about me until now was, I was a police officer at the time of my offense. I thought I was above all this, I believed I was still in control, even though everything about my life was out of control. It took me a year of sitting through counseling to finally allow myself to admit I had a problem. I was lucky. I had the support of the mother of my children, my parents and my brothers.

Only through treatment, and a lot of self-reflection, did I let what my treatment providers were teaching sink in. For me it was finally admitting I had a problem, much like what I have heard from alcoholics. Once I allowed the concepts into my everyday thinking, I advanced. I began to participate in class, I practiced what the treatment providers were preaching and my relationships, which had been strained, got extraordinarily better. I started to reach out to my family members. I apologized to my secondary victims in person. They may not have needed that, but I needed that. I needed to start the healing and it happened -- not overnight but one day at a time. I learned what my triggers were (you will learn them too) and how to identify and avoid problem scenarios. If you incorporate the treatment concepts into your everyday life, you will succeed! I have done it I am proof that the treatment works, but only if you let it. It is not easy, but start living the ideas immediately, and I promise you, you will be an emotionally/mentally stronger person and your relationships will be more fulfilling than ever before!!

Tools used by Treatment

Some tools are used whether your loved one is in the community under supervision (i.e., probation, parole) or inside an incarceration setting (prison, community corrections). These tools are discussed below. Other tools are used only when your loved one is in the community under supervision. More details about the tools of treatment are provided later in the document, under specific sections that talk about different sentencing environments (e.g., **Chapter 6 – Probation**).

Polygraphs and Viewing Time Assessments - Whether incarcerated or in the community under supervision, your loved one most will be asked to participate in the polygraph process on a regular basis. A polygraph (also called a lie detector test) measures and records several physiological indicators such as blood pressure, pulse, respiration, and skin conductivity while a person is asked and answers a series of questions. Polygraphs can be uncomfortable, intrusive and intimidating for your loved one. The polygraph process contributes information for CST team decision making related to treatment.

Your loved one may be required to participate in certain assessments such as Viewing Time (VT) tests (e.g., Abel/Affinity/LOOK). VTs measure the time required to respond to visual stimuli on a computer.



TIP – FIFTH AMENDMENT CONSIDERATIONS

For guidance on whether someone has rights to not participate in the polygraph process, consult the SOMB Standards and Guidelines. Your loved one may also wish to consult with an attorney.

Limits on Contact with Children - While in therapy, your loved one typically will not be permitted to have contact with any child under the age of 18

- until meeting certain criteria (see SOMB Standards and Guidelines Section 5.700) and
- until the treatment team approves the contact.

Therapists may assess whether your loved one will be allowed to have contact with children and to what extent the contact will be allowed. However, as an exception, the judge at the time of sentencing may permit your loved one to have contact with their own minor child as long as the child was not a victim and is not at risk.

Successful Completion of Court Ordered Treatment

Completion of treatment means different things depending on whether your loved one is incarcerated or under supervision in the community. Your loved one will be required to meet different milestones depending on whether they are incarcerated or their level of community supervision. When your loved one is discharged successfully, unsuccessfully, or administratively, a discharge summary will be completed by the therapist. It is highly recommended that your loved one obtain a copy of the discharge summary and save it for future use. Your loved one will need this document when requesting to be removed from the Sex Offender Registry. For more information about levels of treatment and associated requirements refer to chapters in this guide that talk about your loved one's particular situation. (e.g., **Chapter 6 – Probation**).

Consequences of Unsuccessful Discharge from Treatment

If it is determined by members of the treatment team that your loved one is not making enough progress in treatment, the consequences can be severe. Depending on your loved one's circumstances, these consequences may include:

- Extension of probation sentence
- Revocation of probation and being sent to jail or prison
- Being removed from therapy while in prison, which would delay parole
- Revocation of parole and being sent back to prison
- Transfer treatment agencies and/or placement in a higher level of supervision or higher level of treatment Intensity
- Discharge summary reflecting reason(s) for unsuccessful discharge (filed with the court)

Family Impact

The impact of your loved one's participation in treatment on your family largely depends first on your loved one's willingness to include you and other family members in the process and secondly, your willingness to support your loved one in multiple ways. Your loved one will be asked during intake and evaluation if any family members are to be included in information sharing and support efforts.

If family members are on board with the treatment process, the impact largely will be from things they must do and rules they must follow, if they wish to provide support. (See **Family Impact** sections of specific chapters in this guide for more detail.)

What You Can Do

Take Care of Yourself First

This may be a time of great stress. It may take some time to sort out your feelings and figure out what to do next. 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.



TIP – FROM A THERAPIST TO FAMILY MEMBERS

You can learn to be helpful and participate with your loved ones as they progress. Be aware that going to meetings and therapy sessions can result in hearing uncomfortable things.

It is okay to share your feelings about your loved one's behavior. It is okay to love someone who has hurt someone else and not accept their behavior. There are many helpful people who can explain some of the reasons why some people hurt other people.

Becoming healthy and facing the truth can be painful at times. You can help loved ones by supporting them in dealing with the truth.

It is okay to take a break and get support for yourself by discussing your thoughts and feelings. You and your loved one will be better supported when you strengthen your own mental health.

Support Your Loved One

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 offense specific treatment and the criminal justice system's rules for those with a sex offense (see section below for sources of information) so that you know what is expected of your friend or loved one.

Your loved one's privacy concerns apply to family members, so be sure to talk with your loved one about the kind of support that would be valued by your loved one. Supporting your loved one in treatment can be done in many different ways.

You can choose the support that fits your family situation (loved one on probation or parole, in prison, etc.) For example, you can:

- Provide positive social support, healthy social interaction, encouragement and role modeling
- Show up personally, even if you don't talk about anything but the weather
- Participate in individual or family therapy sessions
- Become an **Approved Supervisor** (see Section 5.770-5.776 in SOMB Standards and Guidelines)
- Become an **Approved Community Support Person** (See definition in **Appendix B – Definitions** of this guide.)
- Become **CDOC Approved Support Person** (see CDOC Administrative Regulation 700-19)
- Attend Family Support or Education groups offered by your loved ones treatment agencies for added support from others in a similar situation.
- If you feel it is appropriate, file a complaint, using the SOMB complaint process for addressing treatment standards violations. (See SOMB Standards and Guidelines)
- For more ideas see the *What You Can Do* sections of specific chapters in this guide.

Where to Find Help and Answers:

- **When you have questions about how your loved one is being treated in therapy**, the first place to find answers to your questions is your loved one's therapist. To learn more about the philosophy of and standards for treatment you can find the SOMB's Standards and Guidelines online. If you have a concern about a therapist or treatment, you may wish to go to the treatment provider's supervisor agency director.
- **The SOMB sets the rules that therapists must follow.** You can attend SOMB's monthly meetings, which are open to the public. Check their meeting schedule online.

Chapter 6 – Probation

In Colorado, people with felony and misdemeanor offenses can be placed on probation by a judge as an alternative to being incarcerated. People who are convicted of a misdemeanor or a felony sex offense, and who are sentenced to probation, will also have the *Additional Terms and Conditions for Adult Sex Offenders*.

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 CST. The plan specifies how the person will increase awareness of potential risk-related behaviors and situations while engaging in a certain social activity (e.g., attending a social event). The plan outlines steps to be taken to reduce the potential for risk-related or harmful behaviors that could lead to violations of probation.

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

What is Probation?

In Colorado, probation is an alternative to a sentence to incarceration 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

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 incarceration.

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 Sentencing**.



POLICY DIFFERENCES IN PROBATION DEPARTMENTS ACROSS 22 JUDICIAL DISTRICTS

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.

To obtain a copy of the current probation standards, you must go in-person to the State Court Administrator's Office, to request and pay for each copy by the page.

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 **Part 2 - Chapter 11 - Sex Offender Registry and Post-Sentence Considerations** of this guide for more information.

See **Part 3 – Agency Information – Section 6 Probation Supervision** 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 are part of 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 **Part 2 - Chapter 5 - 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. A probationary sentence can also include incarceration requirements to serve jail, home detention, work release, and/or community corrections. For additional information for alternative requirements, please see the associated chapters in this document on Jail and Community Corrections.

Some of the initial conditions, requirements, and restrictions for those living in the community can include but are not limited to the following:

- When and how often to meet with the 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 curfew restrictions are in place
- 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.)

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.



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.

Your loved one will receive written information during the first meeting with probation. Initially, family members are encouraged to get information about their loved one's probation requirements 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.

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. Those convicted of misdemeanor offenses are generally not sentenced to SOISP, but their supervision may look similar.

SOISP is designed to provide a high level of supervision that can include frequent home, work, and probation office visits; polygraphs; risk assessment; ankle monitoring (must be court ordered); urine analysis; 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).

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.



TIP – DUEL 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.

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 PO and CST. If probation conditions are violated, the term of probation



PROBATION CAN BE EXTENDED

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.

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.


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 as a Court Ordered Condition of Probation

Your loved one will most likely be required to attend court ordered treatment, which may include 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 risk-related behaviors. Members of the CST (treatment providers, supervising officers, polygraph examiners, and victim representatives) will be sharing information with each other about your loved one when they feel it is necessary and appropriate. This sharing of information is different from traditional psychotherapy, where information is kept confidential between client and therapist.

Signing the Treatment Contract

Your loved one will be asked to sign releases of information, as well as a treatment contract. This contract is a legally enforceable document. By signing this contract, your love one will be agreeing to follow the rules, abide by the agreement, and accept consequences for failures. Your loved one's therapist and supervising officer will be on your loved one's CST to make sure your loved one follows all of the rules in the contract.



INFORMATION SHARING

Family members should be aware that

- Information that family members share with therapists may be shared with other people who are involved in the treatment and supervision of your loved one.
- Treatment providers cannot share information with family members about their loved one's therapy unless a release of information has been signed by their loved one.

How Treatment Providers Are Assigned

For individuals under supervision (e.g. probation, parole) supervising officers must refer your loved ones to treatment providers who have been approved by the SOMB. When possible, the supervision officer will provide your loved one with the choice of two appropriate treatment providers. Your loved one will not be able to change treatment providers once one is chosen without permission from the Community Supervision Team (16-11.7-105 (2) C.R.S.)

Progressing through Treatment

Your loved one, based on progress in meeting treatment requirements and demonstrated use of the tools learned in treatment, may earn privileges, have them taken away, and earn them back with appropriate strategies. Progressing through treatment will take time and the CST will make an effort to create a smooth transition.

Treatment providers are required to determine the intensity and frequency of treatment based on the risk level of your loved one. The structure of treatment may vary between treatment agencies. The SOMB Standards recommend not mixing lower and higher risk clients within the same group setting.

How Often

While in community-based treatment your loved one's treatment provider will provide a schedule for treatment sessions. Generally, at the beginning of treatment your loved one will be required to attend at least weekly meetings whether they are group, individual or family sessions. Your loved one may be asked to attend more frequent sessions to address individual goals, problems in achieving these goals, and attempting to achieve these goals in a shorter amount of time. Once your loved one meets the requirements outlined in the individualized treatment plan for the Maintenance Phase of Treatment, the intensity and frequency of treatment may be reduced.

Tools Used by Treatment

Tools used by treatment may include

- Safety plans
- Third party disclosures
- Restrictions on interpersonal relationships and contact with children
- Polygraphs, plethysmographs, urinalysis, ankle monitors
- Daily activity reports

Safety Plans

As loved ones learn skills to manage themselves in the community, they are asked to anticipate difficulties as they navigate day-to-day living. They are asked to complete safety plans which require them to think about how they will handle various situations.

A safety plan is a required written agreement between a person with a sex offense and the CST. The plan specifies how the person will increase awareness of potential risk-related behaviors and situations while engaging in certain activities (e.g., shopping, family reunion, dinner with a partner, sporting event). The plan outlines steps that will be taken to reduce the potential for risk-related or harmful behaviors that could lead to violations of probation

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 should discuss the rationale supporting the requirement of a third-party disclosure 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 their own child(ren)

- as long as the child was not a victim at the time of sentencing and
- if there have not been any identified risk factors that may pose a risk to harm the child.

If contact is granted by the court with their own child, this contact will not apply to any other children including other relatives.

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.

There are two types of contact: **Incidental contact** and **purposeful contact**. Incidental contact involves your loved one seeing or hearing children during routine approved community movement. Purposeful contact includes having more significant interaction with a child such as ongoing verbal contact, physical contact, or staying in close proximity to a child. Your loved one is expected to acknowledge their experiences in the community in regards to contact with children with the members of their CST,



COURT APPROVED CONTACT PROVISIONS CAN CHANGE

ALERT Family members should be aware that although the court may grant child contact at the time of sentencing, this order may be changed by the court at the recommendation of the CST, if the child is deemed to be at risk.

whether it is incidental or purposeful. For more information about incidental and purposeful contact with children, you can refer to the SOMB Standards Section 5.715 Definitions.



INCIDENTAL VS. PURPOSEFUL CHILD CONTACT

Incidental Contact: Incidental Contact with minor children involves contact with children as a result of regular or routine CST approved community access

Purposeful Contact refers to any form of interaction with a victim, child or vulnerable person when the offender initiates the interaction and fails to minimize or avoid the incidental contact.

Your loved one bears a significant responsibility to understand how to respond appropriately and to put that understanding into practice, when incidental contact with children does occur. This responsibility can be stressful for your loved one and for you because children are a natural part of everyday life. Your loved one should talk with their CST about what is required and how contact situations should be handled. As your loved one progresses in treatment, greater community access including the potential for being approved to have purposeful contact with children with a safety plan may be allowed.

Incidental Contact

There will be times when your loved one will have incidental contact with children while in community. Incidental contact involves your loved one seeing or hearing children during routine approved community movement such as grocery shopping, commuting to work, or other approved activities. Safety plans should address how your loved one will minimize contact with children while in the community. This may include things such as not beginning a conversation and moving in a way to limit being near children. Your loved one will be expected to report any incidental contact to the CST and discuss how the situation was handled.

Purposeful Contact

If your loved one intentionally begins contact or stays in contact with a child, this is purposeful contact. Purposeful contact examples include deliberately going into a situation to interact with a child, failing to leave a situation where a child initiates contact, or failing to leave when a child unexpectedly shows up at a family event. Incidental contact becomes purposeful contact if your loved one's response to the incidental contact is to continue the contact intentionally.

Your loved one will be in violation of their parole for having purposeful contact (without prior approval) with a child. Your loved one will be required to take all reasonable steps to avoid non-preapproved, purposeful contact with children and immediately discuss any such contact with the CST.

In rare circumstances, your loved one may need to have purposeful contact with a minor child (without prior approval) based on an imminent danger. The CST should consider the context for this unapproved purposeful contact when responding to these situations. See ***Part 1 – Chapter 4 – Evaluation, Child Contact Considerations, and Sentencing*** for more information about Child Contact Considerations.

Polygraphs

Your loved one most likely will be required to submit to regular polygraph exams. Polygraph exams (sometimes referred to as 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 provides information for CST decision making related to treatment and supervision.

Psychological and Physiological Tests

Your loved one may be required to participate in and pay for certain psychological and physiological tests such as VT (e.g., Abel/Affinity/LOOK) which are done on a computer) or plethysmography. A Plethysmograph (PPG), conducted in a private laboratory setting, measures your loved one's blood flow to the penis, as way to assess sexual arousal in response to certain pictures or sounds. These tests may feel intrusive and make your loved one feel uncomfortable. The test results provide information for CST decision making related to treatment and supervision.

Ankle Monitors

If your loved one is under supervision, an ankle monitor with GPS may be required to track their location. In this case a GPS monitor must be Court ordered.



YOUR LOVED ONE HAS RESPONSIBILITIES RELATED TO A GPS MONITOR

You love one may be expected to cover the cost of any ankle monitors. They are also responsible for ensuring the unit is kept charge and kept in working condition. Your loved one must not remove the unit without permission as it will result in a violation.

Drug and Alcohol Testing

Your loved one may be required to submit to random drug and alcohol testing. In this case, your loved one would be required to call the hotline each day to know whether they are required participate in testing for that day. Testing may include collection of oral swabs or monitored collection of urine samples. Your loved one may be asked to pay for their drug and alcohol testing.

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. Sometimes the CST will require clients to use and pay for a Tracker (usually a retired or off-duty police officer) or GPS device to confirm your loved one's whereabouts during the course of the day.

Successful Completion of Court Ordered Treatment

In order for your loved one to successfully complete treatment, the therapist must agree that your loved one has successfully progressed through the requirements of treatment (which include goals set within your loved one's individualized treatment plan), has accepted responsibility for their sexual offense behavior(s), and has the skills to avoid causing harm in the community.

Successful completion of treatment will generally require

- Satisfactory awareness of consent
- Compliance with community supervision
- An ability to create and follow safety plans
- Open communication related to sexual history
- A plan to manage risk factors
- Victim awareness and empathy
- Possible clarification of offense behavior with victim and secondary victims
- The ability to manage sexual thoughts, feelings, and behaviors
- Social skill development, emotion management, and improved thinking skills
- Adequate self-esteem and healthy relationship skills
- A plan to manage risk factors in the future



TIP – HAVE YOUR LOVED ONE GET A COPY OF THE DISCHARGE SUMMARY

At completion of treatment and /or supervision it is important that your loved one obtain a copy of their discharge summary from the treatment provider. Treatment providers are required to keep records for only seven years.

Your loved one will need this document when requesting to be removed from the registry.

Additional goals may specifically address the ability of loved ones to show improved mental health show they can deal with their own trauma, and demonstrate they have steady employment, stable housing, and stable relationships. Your loved ones need to demonstrate they are using the tools learned in treatment in a meaningful way in their lives.

It is important to remember that treatment is only one requirement of the Terms and Conditions of probation. Even if your loved one has completed treatment, this does not necessarily mean their probation sentence is over. Often times, probation sentences set by the court extend beyond treatment.

Consequences of Unsuccessful Discharge from Treatment while on Probation

Your loved one may be unsuccessfully discharged from treatment for various reasons. This may include failure to progress in treatment, or a violation of the written treatment contract. If your loved one is unsuccessfully discharged from treatment, there are several possible outcomes, which may include

- Discharge summary reflecting reason(s) for unsuccessful discharge (filed with the court)
- Referral to a higher level of treatment or alternative treatment provider
- Extension of probation
- Revocation of probation and re-sentencing (e.g. jail, community corrections, prison)

Interstate Probation Process

If a loved one is interested in having their probation transferred to another state to complete their supervision, there is a formal process that needs to be followed. If your loved one is on probation and requesting an interstate plan, they will need to have at least six months left on their probation sentence to be submitted and meet certain criteria. There is also an application fee per case that must be paid prior to any paperwork being submitted. All states are a part of the Interstate Commission for Adult Offender Supervision (ICAOS) and must comply with the rules and regulations established by the compact. Every state has different requirements regarding supervision of individuals who have been convicted of sexual offense. Some states only allow a certain percentage of registered individuals in counties while others have far less restrictions. If a loved one is interested in an interstate compact plan, they will need to talk with their probation officer.

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 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).



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 violations for someone on probation:

- failing to report for a scheduled office visit with the PO
- missing a curfew
- lacking employment (when employment is required)
- testing positive for drugs or alcohol
- contacting a victim
- unapproved movement in the community
- unexcused absence(a) from scheduled group or individual treatment sessions
- failing to progress or meet the requirements of treatment

These violations can have serious consequences. These violations and others can result in loved ones again facing the same sentence as they were before they were placed on probation. **There is one major and drastic difference: 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.**

Completion of Probation

Probationers who successfully complete probation have complied with the terms and conditions of their probation sentence set forth by the court. Probation will submit a summary advising the court that your loved one has met all conditions set forth by the court. Once the court signs the order terminating probation, your loved one has completed their sentence and is no longer required to report to probation. The Court should then send a copy of the order terminating probation to your loved one by mail.



ALERT

SEX OFFENDER REGISTRATION IS STILL REQUIRED AFTER SUPERVISION ENDS

Prior to their release from probation, the PO should explain the continued requirement for registration as a Sex Offender. Love ones need to know registration continues after supervision. For those who are subject to 5, 10, or 20 year waiting periods, before they can file a petition to stop registering, the waiting period starts when the probation sentence has ended.

It is important that your loved one obtain a copy of their discharge summary from treatment at the time of discharge, in case those records are no longer available from the treatment provider at a later date.



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 vice 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

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

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 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.

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.

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.

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 and 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 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.



Family Impact
Loved 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

PO Home Visits (if your loved one lives 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 contract?



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 for those who have been convicted of a felony sex offense, 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 be 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 one to several times each week
- Undergo required polygraph exams
- Wear an ankle monitor
- Submit to drug and/or alcohol testing (urinalysis)
- Take anger management, substance abuse, or other classes
- Submit to monitoring of cell phones and/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 workday.

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 people on probation 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 PO 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 PO 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 workplace. 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 on 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 also **Part 3 – Agency Information – Section 11 Sex Offender Registration Requirements** of this Guide).

What You Can Do:

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.

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.



Family Impact
Not Always Easy

BEING SUPPORTIVE

My son was in his 50's when he was sentenced to 10-years' probation for sexually assaulting his stepdaughter who was under 18. I was certainly shocked and upset that he did this. However, I stood alongside him, giving him my love and support the entire time he was on probation and in treatment. He had 3 children from his first marriage which lasted 17 years. He worked hard and was successful in his work life and took care of his family responsibilities. His second and third marriages over the next 20 years ended, though not due to his offense.

We had a fairly close family but this situation, which he totally accepted as his, changed the family dynamics a lot. His three children have had little to do with him since he was sentenced. I asked them if he had ever abused them sexually or otherwise and they said never. His children even withdrew from me, which broke my heart. I had less and less communication with them and I figured that was probably due to my being supportive of their father. Very sad, but a reality that does affect lots of folks.

I became closer to my son during this time and we had more meaningful talks than we ever had in the past. His dad (my husband) passed away many years before this happened. I have the greatest respect for any individual who is successful in traversing the many roadblocks that are a part of our day to day living. The roadblocks I saw that my son had to overcome on probation were not what I had ever envisioned.

He is an intelligent, caring person who made a terrible choice and paid his price as society demands. He completed his probation and is retired. He is paying it forward by helping others, doing volunteer work and being available to those less fortunate. He shared with me that experiencing the rejection from his children and the community was hurtful, but it gives him the experience and understanding to walk in others shoes who have been rejected with no one on their side. I see that caring person he has always been not just talking the talk, but walking the walk.

I am proud I am his Mom.

--A Mom's Story

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. To be supportive, family members must hold their loved ones accountable to family agreements and to probation terms and conditions.

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 offense specific 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.



TIP – THERE ARE DIFFERENT WAYS YOU CAN SUPPORT YOUR LOVED ONE

Things you might do could include the following:

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

NOTE: Please keep in mind that any actions involving your loved one must be approved by the probation officer.

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 love 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.

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



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 PO, it will take time for the PO 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. Family members can also help avoid misunderstandings by not leaving their electronics unattended in common living areas.
- 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 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 asking 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. Ask your loved one to explain to PO who the loved one would like to have as family support person to meet with PO and why this will help.



TIP – THERE IS A PROBATION CHAIN OF COMMAND FOR EACH OF 22 DISTRICTS

- 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 can be found at <https://cdpsdocs.state.co.us/dvomb/SOMB/Standards/SAdult.pdf>.

- **Changes in Probation Terms and Conditions:** Even if there is a change in district policy about probation conditions, your loved one's conditions will 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.



ALERT

CHANGING PROBATION CONDITIONS REQUIRES 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.

- **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.



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, potential risk-related behaviors, 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?"

Chapter 7 –Jail

Jail facilities are run by either the local police or sheriff's department and are used to house individuals who have been charged or convicted of a crime. A person can be housed in a jail as part of a sentence, or prior to resolution of claims that the person has violated bond, probation or parole. Sometimes people are also temporarily housed in a jail while awaiting transfer to another facility placement such as community corrections or prison. More information can be found about jail in **Part 1- Chapter 2 - Jail and Bail Bond** of this guide.

When an individual is charged with a sex offense, they can be given a summons to appear in court or taken into custody by law enforcement. If your loved one is arrested, they will be taken to the local jail. If they are arrested in a different county than where the charges are filed, they will be transported to the jail in that jurisdiction. At the time of arrest, there may be a personal recognizance bond or a financial bail bond amount set that, if paid, will allow your loved one to live in the community while going through the court process

What this chapter discusses

- How Jail is different than prison
- Jail after arrest
- Entering the jail
- Jail environment
- Supporting your loved one in jail

Information on **What You Can Do** to support your loved one can be found about jail in **Part 1- Chapter 2 - Jail and Bail Bond** of this guide.

Key Terms

Bail – Means a security required by a court for the release of a person in custody set to provide reasonable assurance of public safety and court appearance.

Bond – Means a promise entered into by a person in custody by which that person binds themselves to comply with the conditions of the bail bond.

Pretrial Supervision – In some counties in Colorado, the court will order as a condition of the bail bond that a person be supervised by the Pretrial Supervision unit, meaning that the person may have to meet with or call the unit as required and follow their rules.

Canteen – Commissary or jail store where people in jail can purchase things such as approved food and personal care items.

How Jail is Different from Prison

Often jail sentences are shorter than prison sentences. When someone is sentenced to prison, they can be sent to any Colorado Department of Corrections (DOC) facility located anywhere within the state. In contrast, most of the people in jails have not been found guilty of any crime and are still involved in going to court hearings in the local jurisdiction (usually at the county level). Most often, city jails are used for short term arrests, and individuals are transferred for longer term housing in a county jail facility run by the local sheriff's department deputies or staff.

In prison, corrections officers interact with people serving sentences, along with case managers. Only these CDOC employees (or, where applicable, employees in privately run prisons that contract with the state of Colorado) and approved volunteers run the facilities.

If your loved one is arrested, they will initially be brought to the nearest, local jail. If the local jail is in a different county or city from where the charges were filed, your loved one will be transferred to the county jail. Depending on the county, the staff members who run the jail are either civilian employees or deputies who are certified peace officers (with the same training requirements as other law enforcement officers).

For a person who is sentenced to jail for a crime, the sentence can be to complete the jail sentence only or it can be in conjunction with a sentence to probation. For any misdemeanor crime committed prior to March 1, 2022, the maximum length of a jail-only sentence per count is two (2) years, although it can be shorter for some crimes. For any misdemeanor crime committed on or after March 1, 2022, the maximum length of a jail-only sentence per count is 364 days.

Although rare, for offenses committed prior to March 1, 2022, because of consecutive sentencing, it is possible for a person to be sentenced to many years in the county jail. For any misdemeanor crime committed on or after March 1, 2022, the maximum total county jail sentence for misdemeanor crimes charged in a single case is twenty-four (24) months. When a person completes a jail-only sentence, there is no parole requirement and their sentence is fully discharged except for any outstanding financial obligations.

When a person is sentenced to probation following conviction of a misdemeanor or felony crime, they can be sentenced to jail as a condition of probation. Except for drug and driving under the influence/while ability impaired crimes, the maximum length of a jail sentence imposed as a condition of probation is sixty (60) days for a misdemeanor conviction or ninety (90) days for a felony conviction. If the court authorizes work or education release as a condition of probation, however, the maximum length of the jail work or education release sentenced is two (2) years.

Jail after Arrest

In some sex offense cases, a law enforcement investigation happens first, and then a warrant is requested in order to arrest the individual who allegedly committed an offense. An arrest or request for a warrant may also be done if your loved one is accused of violating the terms and conditions of their bond or probation. If they are on parole, a warrant is not needed and the courts will not be involved.

When a judge signs a warrant authorizing the person's arrest, it will usually include an initial bail bond amount. This amount can be posted by an individual in full (usually by putting up cash or property) or by a bondsman for your loved one to be released. The amounts can be significant (\$10,000-\$100,000's), so a bondsman may be necessary. A bail bond company will ask for a nonrefundable payment of 10%-20% of the full amount required by the court before they will post the bond. That money will not be returned and, if your loved one does not appear in court as required, and the court orders the bond forfeited, and the court declines to set aside the forfeiture order in the interest of justice, the court may keep the full amount of money posted as bond. If this happens, the bail bond company may enforce its contract.

There are times where no bond is set and your loved one will be required to remain in custody. Those situations include:

- Jail sentence by the court
- Community corrections regression
- Parole revocation/arrest

Entering the Jail

Arriving at the Facility

When your loved one arrives at the jail, they will be booked. The booking process requires that they are photographed and fingerprinted and their identifying information is recorded. As explained below, basic medical and mental health information will also be collected as part of this process. Their identity will also be checked for any other active warrants. A DNA sample will also be collected from every adult arrested on or after September 30, 2010 for a felony offense or for the investigation of a felony offense and sent to the Colorado Bureau of Investigation (CBI) for testing. If your loved one is not later charged or convicted of a felony offense, they can submit a written request to the CBI to expunge and destroy this DNA sample.

They will also be searched as part of the intake process. Most often a search includes a requirement that individuals remove all of their clothing. Once they are searched, they will receive all new jail clothing, including undergarments, to wear while they are in jail. Jails sometimes identify different populations by giving them different colors or patterned pants and shirts. The colors they wear tell officers, deputies and staff if someone has a certain status (e.g., trusted worker) or what security unit they are assigned to (high, medium or low). Each jail uses different colors, patterns and clothing depending on how they classify their residents.

Your loved one can have as many free calls as they need until it is time for them to move units. Once they are moved into a housing unit, calls are no longer free except to their lawyer. Loved ones will need to obtain information from the jail on how to place collect calls or to add money to a phone account so that they can make additional phone calls.



PHONE CALLS FROM JAIL ARE NOT CONFIDENTIAL

Jail phone calls to non-attorneys are recorded. Be aware that any information about your loved one's case or charges shared over the recorded phone line can be used against your loved one.

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).

When someone comes into the jail because they have been arrested and are facing or being investigated for new charges, and they have never been to court, they will meet with several individuals.

- Booking staff
- Medical staff
- Pretrial Services Staff (who may conduct interviews as part of the bail bond modification process)
- Jail Unit Classification staff

They will remain in the booking area until they are classified and the staff has moved them to their housing unit. Some jails have intake housing units where everyone goes until they are placed into a more permanent housing unit. 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.

The process of assigning someone to a housing unit can take from a few hours to a few days depending on the available bed space in the unit they have been assigned. Some jails may have specialized units to house individuals who cannot be housed within the general population units.

These units can include

- Mental Health
- Medical
- Protective Custody
- Veterans

Property

All property on your loved one's person at the time of their arrest is taken from them and catalogued when they enter the jail. If any property is taken for evidence, it may not ever be returned or may require a court order before it can be returned. Sometimes property can be released to a third party such as a family member, with permission from the incarcerated person or it will be returned when they are ultimately released from custody. If your loved one chooses to turn themselves in to the jail, they may wish to bring as little as possible with them, as they will not be able to keep any of their belongings with them and law enforcement may use any items collected from them as evidence in court.

Jail Environment

Spending time in jail is not easy on the individuals incarcerated or on their family members. It is stressful financially, emotionally, and mentally. There are people coming and going almost all the time in jail. People are arrested and brought into the jail, or released from their sentence, or released on bond at all hours of the day. The jail is almost never a quiet place and it takes time to get used to it. Your loved one will most likely be assigned a cell with at least one other inmate, usually based upon the jail's assessment of their *risk level*.

Having a Sex Offense Conviction

In general, people with sex offense charges or convictions are not looked upon favorably within the jail population. When someone is incarcerated, especially for long periods of time, it is natural for them to socialize with other people in custody. Other people will most certainly ask about someone's life and why they are in jail.

Your loved one is encouraged NOT to speak about their offense. Some people lie about why they are in jail to try to be as safe as possible. If they have previously been in a SOMB approved treatment program, this is contrary to the openness that has been expected of them, but it can be vitally important for their safety.

Facility Rules

People in jail are expected to follow all the rules of the jail including the daily schedule. Sometimes people are required to wake up very early to be counted by staff, to receive breakfast, and/or to get ready to go to court. The jail schedule will impact things like when the lights are turned on. Restrictions are placed on when incarcerated people can do the following:

- Shower
- Use the phone
- Have visits
- Buy items from canteen
- Leave their cell to go to common areas

There are rules on what items people can have in their position which are strictly monitored. This includes hygiene items like razors, pens, or other items which could be used as weapons or are otherwise considered contraband by the jail. Introduction into or possession of contraband in a jail may lead to new criminal charges. People on suicide watch may encounter additional restrictions like removal of shoelaces or ties from their garments.

Food

The food is often mass-produced, and portions may be small and not of high quality. Some individuals may not eat enough and lose weight. Others may gain weight from eating too much high-calorie snack food available for purchase from the canteen. Jails usually provide meals that are observant of food needs for religious holidays and accommodations for special medical diets.

Supporting Your Loved One in Jail

Financial Issues

Unless your loved one is granted work release, there is no way for them to gain income while they are in jail, and everything beyond what the jail provides for free is expensive compared to the price in a regular store. In order to make phone calls or buy extra items they may want or need like deodorant or shampoo, money needs to be added to their jail account.

Loved ones will usually have to be responsible for adding money to someone's account and knowing which account to use if they want an incarcerated person to have access to funds to make such purchases. Often there are separate accounts for the phone system and the jail's canteen program. Although products for basic needs are provided, they are often cheap and not meant to last. For example, the jail may provide a bar of soap but not shampoo or deodorant.

If they get money *on their books*, many people in jail use it to buy additional jail-approved clothing because they cannot do anything to adjust the temperature in the facility if they are cold. People in jail can get information on what products are standard issue, as well as what other products are available for purchase and how much they cost.

Visitation

While your loved one is in jail, you will have the opportunity to visit them. There are specific visiting hours, rules and regulations that differ for each jail. Loved ones should contact the specific facility for that information. Many facilities have on-site video visitation where your loved one sits in one room with a video screen and a phone, and you sit in another room with a video screen and phone. So even though you are at the jail in person, the visit occurs virtually. There may be administrative steps for loved ones to take in order to get approved to do various kinds of visits, although some facilities allow anyone to show up and request a visit during approved hours.

All phone calls and video visits except with lawyers are monitored and recorded by jail staff. Recordings of these jail calls are routinely used as evidence in court. Attorneys and their staff (including expert witnesses), law enforcement officers, and other criminal legal system staff like probation and parole officers are allowed to see people incarcerated in jail face-to-face.

Mail

If you send physical mail or e-mail to your loved one in a jail, it will be read by staff unless it is from their attorney. The jail screens everything coming in and going out. Packages and mail will be searched and read prior to your loved one receiving it. How the mail is processed depends on the facility, so it is important to get details from the relevant facility. Just like jail calls, statements in mail correspondence are routinely used as evidence in court.

Family members can check the jail's policies to determine what can be sent to the facility via the mail process and what items will not be accepted.

Chapter 8 –Community Corrections (COMCOR)

Community corrections is another sentencing option available to the judge for adults. People sentenced to community corrections begin as residents of a community corrections facility and strive to progress to *nonresidential* status which allows them to live in other community housing.

Individuals sentenced directly to community corrections by the court are under the jurisdiction of the Probation Department even if they have not been sentenced to probation. Community corrections facilities also house individuals who are still serving a prison sentence prior to the end of their sentence as part of their transition back to community living.



TIP – LINKS TO MORE INFORMATION ON COMMUNITY CORRECTIONS

Colorado community corrections Standards & Statutes can be found on the Internet at <https://www.colorado.gov/pacific/dcj/colorado-community-corrections-standards-statutes>

More information on community corrections can be found at

<https://dcj.colorado.gov/dcj-offices/community-corrections/community-corrections-faqs>

<https://dcj.colorado.gov/find-community-corrections-programs>

In general, community corrections facilities are not locked and residents usually are allowed to leave during the day to search for a job, work, or attend treatment but the detailed rules for each facility vary. If your loved one has a sexual offense, they will likely face more restrictions than those who have committed other types of crimes.

Residents are generally allowed community access for basic needs such as medical care, hygiene, food, clothing, or other services such as education, religious services, or support meetings (NA, AA, etc.). Once residents demonstrate compliance with facility rules, they are able to earn leisure time to visit friends and family and/or to attend community activities. Be aware that if your loved one has a sexual offense it will probably take much longer for them to earn privileges. In some cases, loved ones with a sexual offense have had to wait six weeks or more before they are permitted to have phone calls with their families.

This chapter talks about

- What is community corrections?
- Entering community corrections and daily life
- SOMB treatment while in community corrections
- Sex Offender Registry

Key Terms

Direct Sentence or Diversion – Sentencing to community corrections by a judge, in lieu of prison


Transition Client – A person who is returning to the community after serving a prison sentence

Community Corrections Board- Provides program oversight and approves or denies an individual placement in the community corrections programs

What is Community Corrections?

Community corrections programs provide an alternative to incarceration in prison and mainly serve adults who have been convicted of a felony. Because of this, when someone is sentenced to community corrections in lieu of prison, it is referred to as *diversion*. Clients begin by living in facilities with the goal of transitioning to community living under non-residential supervision of the program staff. These programs partner with local community resources for oversight, treatment, and employment opportunities for clients.

Although the availability and location of community corrections programs fluctuates, there are about a dozen programs (less than half) across Colorado that will consider applications from and offer services to people convicted of sexual offenses. If someone is sentenced in a jurisdiction whose local facilities will not accept someone with a sex offense, it may be possible for them to make an out-of-county application to one of the programs that will consider them. A list of community corrections facilities and specialized program information, including whether they will accept a person convicted of a sexual offense, is maintained here: <https://dcj.colorado.gov/dcj-offices/community-corrections/find-community-corrections-programs>



SPACE IS LIMITED FOR PEOPLE CONVICTED OF SEX OFFENSES

About a dozen programs (less than half) across Colorado that will consider applications from and offer services to people convicted of sexual offenses.

Community corrections programs are not part of the prison system. Local community corrections boards contract with local government entities (such as counties) or private companies to operate the facilities. The Colorado Department of Public Safety, Office of Community Corrections provides Standards for these programs and conducts facility audits.

Community corrections programs are unique in that any local government in Colorado may create its own community corrections board that provides program oversight and approves or denies an individual placement in the community corrections programs in their jurisdiction through an application process. Each community corrections board has its own rules for which defendants are eligible to apply to their program(s) and its own unique procedures for considering applications, victim impact statements, and other information they consider relevant to their decision to accept or deny an application. Community corrections Boards are comprised of a mix of stakeholders determined by the local government but they often include community members, law enforcement officers, a victim advocate, a prosecutor, and a public defender. A judge may only sentence a person to community corrections if an applicant has been accepted into a program and approved by the local community corrections board.

The purpose of the residential phase of community corrections is to provide residents with the financial stability, knowledge and skills necessary to be emotionally, cognitively, behaviorally and financially prepared for reintegration into the community. Residential programs strive to accomplish this rehabilitative task by a variety of means with an emphasis on evidence-based practices. Through research-based, assessment-driven individual case plans, programs attempt to match client risks and needs with the most appropriate treatment modality. Clients are assisted in obtaining regular

employment and encouraged to participate in educational and vocational services. Programs monitor the payment of restitution, court fines, court-ordered child support, useful community service, and any other sentencing requirements. Program staff monitor individuals in the community to enhance accountability and to address public safety concerns.

Applying to Community Corrections

A person can apply to community corrections via two paths:

- Diversion/direct sentence
- Transition clients

Diversion/Direct Sentence

Diversion clients are sentenced directly to community corrections by the judge, as a diversion from prison if they have been convicted of a felony. While your loved one's case is pending, this sentencing option may be explored as part of plea negotiations. If your loved one is convicted of a crime, so long as the conviction does not require the judge to impose a prison sentence, either the DA or your loved one's attorney may argue for or against a community corrections sentence at your loved one's sentencing hearing.

If the judge is open to the possibility of a community corrections sentence, when a person has been found guilty, the judge will order your loved one to be screened for community corrections. This process happens mostly on paper and is often coordinated by your loved one's attorney. In rare cases, your loved one will be interviewed by staff from the relevant community corrections facility. More frequently, the facility and community corrections board will review the Presentence Investigation Report including any psychosexual evaluation as part of its evaluation of your loved one for community corrections.

Remember, not all programs accept persons convicted of a sex offense and not all programs will accept applicants who are not from the community where the program is located. It is an additional process to request to be placed on a facility outside of the county where your loved one is going to court. Additionally, even if your loved one enters into a plea bargain with the prosecutor that contemplates the possibility of your loved one being sentenced to community corrections, any prosecutor who sits on the community corrections board can vote against your loved one's acceptance to community corrections.

Community corrections can also be a condition of probation. If your loved one is found guilty of a crime and sentenced to probation, the judge may order a period of time in a community corrections program as a condition of probation. A judge may only order community corrections as part of a sentence if a person has been accepted into a facility and approved by the local community corrections board. A person who is convicted and sentenced under the Lifetime Supervision Act cannot receive a direct sentence to community corrections but, depending on the felony class of conviction, if they are probation-eligible, they can be sentenced to 10- or 20-years-to-life on probation and be ordered to complete a community corrections program as a condition of probation.

Transition

Transition clients are people who are returning to the community after serving a prison sentence. These applicants include parolees and clients in the DOC's Intensive Supervision Program (ISP) who continue to serve their prison sentence while participating in community corrections. Transition applicants are referred to community corrections boards and programs by Colorado Department of Corrections staff.

Some people are referred to community corrections by the Parole Board as a condition of parole. The Parole Board can order community corrections as a condition of either a determinate period of parole or a 10- or 20-years-to-life period of parole pursuant to the Lifetime Supervision. ISP clients are referred to Community Corrections by CDOC as a condition of their ISP placement.

Denial of Placement

Applicants who are not approved for placement in the local program by the facility or by the Community Corrections Board return to the sentencing judge who will be required to impose a different kind of sentence. Transition, parole, and ISP applicants who are not approved for placement in a local program remain under the supervision of the CDOC or the Parole Board. Depending on their legal status, they may remain in prison or be released to the community to serve their parole term without the community corrections condition.

Entering Community Corrections and Daily Life

Arriving at the Facility

When your loved one arrives at a community corrections facility, they will initially be placed on a hold. The duration of this hold is determined by the facility and will vary. Prior to being able to leave the facility, they may be required to complete a general movement safety plan or meet other program requirements.

Your loved one will not be required to bring any property into the facility other than clothing. A bed, sheets, and blankets are provided by the facility. Other basic hygiene items or clothing may be provided initially but may not be available long term. The facility will refer your loved one to available resources in the community to obtain these items if your loved one lacks the means to purchase them. For more information on being able to drop off property, visitation or contact, you will need to contact each individual facility for their specific rules and procedures. Once your loved one is able to receive property, the highest priority items will be clothing and hygiene products.

Facility Requirements

In the past, loved ones living in community corrections facilities were required to pay a monthly subsistence living fee. Over the past two years, this requirement has been removed and currently residents do not have to pay this fee. However, depending upon future State budget trends, this fee may be reinstated. Please check with the community corrections facility for the current fee requirements. Residents are expected to obtain employment so that they are able to pay for treatment and possibly for other expenses. Each facility manages money differently depending on internal rules and regulations.

Some facilities require residents to turn-in their paycheck and others require they provide a certain amount to cover their expenses. If facilities require residents to turn-in their paycheck, the facility will provide money for treatment and other expenses upon request and maintain a savings account on behalf of each resident. Saving this money will assist in your loved one being able to move out of the facility when they meet all of the requirements to become nonresidential (non-res) clients or when they are released on parole. Most facilities require clients to save up a nest egg to become eligible to transition to non-res status. This money is designed to help them pay deposits and initial rental payments in community housing and to set up or contribute to a community household independent of the community corrections facility.

Case Management

Your loved one will be assigned a case manager when they arrive at the facility who will meet with them shortly after they arrive. During their first scheduled appointment, they will go over all of the rules and regulations including expenses, how their money will be managed, employment, how to request a pass to leave the facility, and all other facility expectations. This is your loved one's first opportunity to get their detailed questions answered. They will receive a lot of information and are encouraged to take notes and keep copies of all paperwork. During this appointment, the case manager will also review all of your loved one's court orders such as treatment requirements, all current protection orders, and outstanding costs such as restitution, surcharges, other court costs, and any fines imposed.

Your loved one will meet with their case manager on a regular basis to check-in. During these appointments, they can ask questions and try to address any issues they are having with the program. It is important for your loved one to be respectful and learn the appropriate way to get information to and from their case manager in order to successfully progress within the facility. The case manager is the person responsible for approving safety plans, entering passes into facility data systems, and communicating with other facility staff about your loved one. At some facilities, case managers may only be available during working hours. Others have case managers available after business hours.

Often residents leave the facility for job search early in the morning because most rely on public transportation. For this reason, facilities are often located in places that provide access to public transit. If there is no pass entered into the system giving your loved one approval to leave the facility, they will have to wait to leave until the case manager arrives at the facility and has time to address their request. In general, facility staff will not allow any passes or give permission for your loved one to leave the facility without the case manager's input unless it is a medical emergency. Some programs have an on-call staff member who can give permission for emergencies, but this procedure depends on the individual facility. It is better for your loved one to ensure all the necessary passes are logged in the system to avoid such difficulties.

Facility Rules

Residents will be expected to abide by facility rules which may include daily schedules (wake up and bed times), chore assignments and completion. They must abide by facility requirements including appropriately requesting permission to leave the facility, and adhering to any limitations on where they

can go. Each facility has specific rules residents are required to follow and it is important that your loved one commit to reading all facility rules and regulations.

People with convictions for a sex offense will be subject to more rule and regulations than people with other kinds of criminal convictions. For example, people with a sex offense conviction will often be on hold for a longer period of time after they arrive than other residents, and they will have restrictions on who can visit them who they can have contact with, and other behaviors.

Job Search

Once your loved one is able to leave the facility, they will be expected to search for employment daily.

They can job seek by going to individual employer locations, community workforce centers, or other resource centers where they can complete job applications. Due to a sex offense conviction, they will face limitations on where they are allowed to job search and obtain employment. They may need to complete multiple safety plans depending on the type and number of locations they need to go to. It may be more difficult to job search and fill out applications as their access to computers and the internet will be restricted. It is important they ask their case manager how to address this barrier. It is also advisable for your loved one to talk to their case manager and treatment provider about how to discuss their offense with potential employers.

Phases of Community Corrections

In each community corrections facility there is a phase or level system that residents are expected to progress through. All residents start at Phase / Level 1 when they enter the facility. When someone has a conviction for a sex offense, the case manager will assess them using the Community Corrections Progression Matrix for Sexual Offenses.

As your loved one progresses through each Phase/Level, they can earn more privileges such as leisure time and an increase in the amount of money they can access for spending. The case manager will explain the requirements and consequences of progressing through each Phase/Level, which should be outlined in the written rules and regulations. Eligibility to move Phase/Level often depends on the following:

- Time in the program
- Compliance with facility rules
 - Expenses paid
 - Chores completed
 - No Write-ups within the relevant timeframe
 - Employment status
- Compliance with treatment



ALERT

MORE LIMITATIONS FOR PEOPLE CONVICTED OF SEX OFFENSES

Your loved one may have to wait longer than others for certain privileges and have limits on who they can see.

There will be limits on the types and locations of jobs they will be allowed to have.

SOMB Treatment While in Community Corrections

Your loved one will be referred to an SOMB approved treatment provider by their case manager. If they have any additional treatment requirements, the case manager will also make those referrals and create a plan with your loved one to complete those programs. Most facilities use nearby community providers, although a few have in-house treatment staff. By law, the case manager must give your loved one a choice of two appropriate treatment provider agencies staffed by SOMB approved providers unless...

the case manager documents in the file that, based upon the nature of the program offered, your loved ones' needs, or the proximity of the appropriate treatment provider agency, fewer than two such agencies can meet the specific needs of your loved one, ensure public safety, and provide the case manager with reasonable access to the treatment provider agency during the course of treatment.

Once selected, the treatment provider agency may not be changed by your loved one without the approval of the Community Supervision Team (CST) or the court.

In large metropolitan areas, there may be several SOMB treatment agencies to choose from and the case manager will try to help your loved one identify the programs that are the best match. In more rural areas there may only be one option due to the lack of available, qualified providers. In rare cases, facilities may have treatment providers in the facility.

The SOMB treatment your loved one receives during a community corrections placement will be also be done per the SOMB Adult Standards and Guidelines. As the core members of the CST, the SOMB treatment provider will assist the case manager with evaluating your loved one's safety plans for community activities, scheduling polygraphs, and providing updates on treatment progress.

In diversion or direct sentence cases because SOMB treatment is usually ordered as a condition of probation, a probation officer may also be a part of the CST, and thus also be involved the treatment and supervision of your loved one.

Similarly, for CDOC Transition cases where SOMB treatment is a required condition of parole, a Community Parole Officer will also be involved in the CST and be in communication with the SOMB treatment provider as well.

Non-Residential Phase

People sentenced to community corrections as a condition of probation, diversion or direct sentence, will remain under the jurisdiction of the community corrections facility until the end of that aspect of their sentence. Once they have completed the residential portion of the program, they will be allowed to move back into the community on non-residential (non-res) status but remain subject to community corrections program rules. During the non-res portion of the program, they will be assigned to a non-res case manager. This case manager is responsible for supervision while your loved one is in the community. They will explain all restrictions, limitations, and expectations of the non-residential program.

Should your loved one violate the conditions of the non-res program in the eyes of the Community Corrections Program, they may be regressed back into the residential facility. If they are placed back in the facility, they will be required to meet new criteria in order to return to their non-residential status. The conditions will be based on the nature of the violation(s) and your loved ones needs.

Release to Parole

While in community corrections on ISP-Inmate status or as a condition of parole, your loved one's parole eligibility and sentence discharge dates will be monitored. Their case manager will inform your loved one when they are eligible for parole and when the hearing with the Parole Board will be scheduled. When they become eligible for parole, they will meet with a member of the Parole Board and be screened for release. The case manager will also provide information to the Parole Board on your loved one's progress in community corrections. In most felony sex offense cases, if the initial Parole Board member recommends your loved one for release, their case will be considered again by the entire Parole Board and a majority of the Board must recommend them for release.

If your loved one is granted parole, the case manager will coordinate with the CDOC's Division of Adult Parole to determine a release plan and date. The plan will include a residential plan, release date, and instructions for reporting to the parole office.

Violations

Due to the number of rules and regulations within the facility, it is common for residents to receive write-ups and sanctions for rules violations. Violations can be anything from minor write-ups for not turning off lights on time or not doing chores to more serious violations like returning to the facility late (without calling), positive urine screens indicating drug use, possession of contraband, or not returning to the facility at all. Depending of the level of the violation, the sanction may range from a simple write-up or extra chores or being placed on a facility hold. If your loved one struggles with substance use, the facility should attempt to address those issues but they could ultimately result in their regression and termination from the program if your loved one remains noncompliant. More serious violations also could result in their regression and termination. If your loved one obtains a certain number of violations, and is not progressing within the program, staff can decide to terminate them based on their behaviors and lack of ability to be successful in the program.

All residents in community corrections are taken into custody and sent to jail when they are terminated from the program. Case managers, in consultation with the overseeing agency (probation, parole, or CDOC) will complete the necessary paperwork and notifications, and contact local law enforcement to arrest them. They are then transported to the local jail.

In the event your loved one fails to return to the facility, staff will attempt to locate them. If all attempts fail, protocols mandate they file an *unauthorized absence* report which will result in additional criminal charges. Although community corrections facilities are not locked, and residents can leave, they must obtain permission to leave and return each night or as directed by the facility. If your loved one commits Unauthorized Absence or any other new crime(s) during their community corrections sentence, those offenses will be reported to law enforcement who may pursue other charges. Termination from the

Community Corrections Program and/or any new criminal offenses may also result in new complaints to revoke probation or parole, if applicable.

If your loved one is a diversion, direct sentence, or condition of probation client, they will be held in custody at the jail until they are scheduled to see the judge. The court will then re-sentence them and they will most likely be sentenced to the Colorado Department of Corrections. They will receive credit for time served and may receive earned time, but a new sentence will be imposed when they are re-sentenced by the judge.

If your loved one is a condition of parole client, they will be held in custody until they are scheduled to see the Parole Board. The Parole Board will conduct a parole revocation hearing and review the alleged violations. If they are found in violation, your loved one could be sent back to prison for the remainder of their sentence.

If your loved one is an ISP-I client, the CDOC will return them to custody through CDOC's administrative processes.

Sex Offender Registry

Once your loved one is released to community corrections, they will register in the community at that residence. Community corrections staff will provide them the information they need to register and either be transported or be provided instructions on how to get to the local police department. Law enforcement is allowed to charge an initial registration fee of up to \$75 and \$25 for each subsequent registration event. Some community corrections programs will cover the initial cost, while other programs say it is the client's responsibility. Law enforcement is required to accept the registration information even if someone cannot pay the fee. Law enforcement may waive the registration fee for indigent people or send the debt to a collection agency. While they live at the community corrections facility, they will be required to register as directed by law enforcement (annually within five (5) days of their birthday or quarterly, depending on the sexual crime(s) they were convicted of).

Once your loved one moves out of the facility onto parole or non-res status, they will need to update their registration with the relevant local police or Sheriff departments to reflect their new residence. If the law enforcement agency for their new home is different, your loved one should contact both departments to inform them of the change of address and complete an initial registration process at the new law enforcement agency.

Family Impact

Emotional Impact on the Family

Although community corrections sentences may be less stressful on family members than having their loved one in jail or prison —since their loved one will be able to work and engage with the community— there can still be many anxious moments for family members. For example, individuals convicted of sex crimes are still at risk of being identified and targeted by other residents. There can also be stress stemming from miscommunication about facility requirements, what is allowed and what it takes to reach certain milestones.



Family
Impact

SPECIAL NEEDS IN COMMUNITY CORRECTIONS

My son had been working through his sexual offense sentence with probation and treatment. He is the type who takes one step forward and two steps back, and ended up being incarcerated again about half way through his sentence. This was disappointing for us and while we had experienced fear and confusion early in his first arrest, this time we were angry with him. We did not post bond for him this time, but hired an attorney experienced in litigating sex offense cases. This was a key component leading to his sentence in community corrections. We paid the costs upfront and our son reimbursed us when he had the money.

However, the ensuing months in the county jail were tough on all of us while we waited for his case to work through the system. We were not able to see him in person, only video chats and some days he was very depressed. He has a genetic disability that causes excessive daytime sleepiness, but the jail would not allow the medication that helps him be more alert. Many of the video visits were hard to get through with his low energy level and he missed a few calls as he was sleeping. We could send encouragement through the mail, but there's nothing worse than being able to see someone you love and not be able to give them a hug

His attorney thoroughly researched the sentencing options for him and negotiated community corrections for the rest of his sentence, about two years. This is an important reason to have an attorney who is connected in the sex offender defense community. We had never heard of this option and it seemed a much better environment for him than jail. The facility he was placed in housed 120 men, most with drug offenses and some sex offenders. It was a big improvement over jail. He could have his necessary medications and lived in a dormitory style room with seven other clients (they were not called offenders or prisoners).

The community correction program followed a four-level matrix plan where he had to reach certain goals. The plan is set for about 12 months and he earned privileges as he completed levels. We could visit with him face-to-face immediately which was a huge relief. However, as a sex offender our hours were limited as his facility allowed children to visit for about the first 9 months of his time there. As he reached goals he earned more privileges and could come home at first for short visits and then towards the end of the residential matrix for overnight visits. His disability did cause some additional hardships as he didn't always understand what was required, and didn't ask for clarification sometimes.

He also started a new treatment program that suited him much better than the two previous programs. However, it was far from the facility and we either had to drive him or he had to take a couple of buses. The bus option was OK, but part of his health issue also includes bowel problems so long ride times often became times of high anxiety for him. When we were able we drove him. The commutes to the facility and the driving across town for treatment took a toll on our time, resources and energy – to say nothing of miles on our car. He was making progress and we were tired.

He completed the residential part of the treatment program in about 16 months and earned non-residential status for the remaining time on his sentence. As he was on a limited income and not able to work, he moved back in with us. He did regain driving privileges which eased some of the time/driving burdens for us. On non-residential status, he incurred additional costs as he had to pay a monthly fee to facility and had to pay for his polygraphs and treatment which had been covered both when he was on probation and as a community correction residential client. We covered most of the burden of his living expenses which we could do. Some offenders do not have financial support from family or safe living options, so they remain in community correction facilities.

--A Mother's Story

Challenges for Clients with a Brain Injury or Other Intellectual Disability

Community corrections can be difficult for clients with a brain injury or other intellectual disability. Some people need rules to be stated clearly with no room for interpretation and sometimes the rules seem to be subject to interpretation. If your loved one has a disability, it is better to be honest with the staff and not try to hide it or deny it. Your loved one will have a much more difficult time in community corrections if they are not honest. If the staff does not understand your loved one's disability, it is appropriate to obtain and share information about the disability with them. As your loved one's advocate, you may need help from your loved one's case manager to navigate the system. They are there to help you.

Visitation

Visitation with approved family or friends outside the facility is part of the case plan and can lead to emotionally intense events. Diversion clients and some CDOC clients get extended visitation privileges as they progress through the Community Corrections Matrix Levels. Level 1 residents are not allowed outside visits. Visits start at Level 2 with six hour visits on either a Saturday or Sunday, but not both. Level 3 residents progress to 12 hour visits. Diversion clients can apply for a 24-hour furlough (release from the facility) while on Level 3. Prior to attaining non-res status, the resident must complete 24-hour visits at the place they want to live. CDOC clients do not get furloughs. Level 4 clients can have 48-hour furloughs from Friday through Sunday (all furloughs are on weekends). There is also an option for a 6-hour leisure pass for a person who has reached Level 4. Furloughs and visits require safety plans approved by both Community Corrections and the CST.

Economic Impact on the Family

The economic impact of community corrections on a family varies. Costs felt by family members may depend on factors like the facility location, which will affect transportation costs and the amount of time it takes to travel.

Where to Find Help and Answers

- Main Website
<https://dcj.colorado.gov/dcj-offices/office-of-community-corrections>
- Info about where to find specialized programs
<https://dcj.colorado.gov/dcj-offices/community-corrections/find-community-corrections-programs>
- FAQ Page
<https://dcj.colorado.gov/dcj-offices/community-corrections/community-corrections-faqs>
- Contacts for questions about community correction
dcj.colorado.gov/contact-us [scroll down to Office of Community Corrections]



WHAT YOU CAN DO

ADVICE FROM A MOM ON HER SON'S ROAD FROM PRISON TO COMMUNITY CORRECTIONS

Incarceration was shocking for our loved one as well as the family. The sentence of years in prison is almost always way beyond what we could imagine to be fair. However, one of the things that community corrections Boards look at is program participation while in prison. Our son was in a private prison known for not having programs. But we found they do, even if they seem not relevant.

Our son enrolled in literally everything offered, received certificates of completions in everything, and sent us home copies of those certificates. On the outside – before prison, our son was earning well over \$100,000 per year, but he immersed himself in the janitorial class, forklift driving, truck driving, etc. Even though he was already experienced in computer, self-help classes such as Stephen Covey's work, anger management, etc., he enrolled in everything and completed those courses. He hated some of them because they required honest self-reflection and sometimes could feel himself being irritated like they were "beneath" him. He never allowed those feelings to surface. He diligently took on all course work and respected what the instructors wanted from him as a student. Over the years, he learned Spanish on his own after observing how the native Spanish and non-English speakers struggled to understand what was going on. He became the translator in the GED classes as well as outside of the classes.

In other words, the day a person arrives at the prison he has been assigned to, is the day to start making a plan on how to get out as soon as possible, even though that person is looking at years ahead. It is a long term strategy for the family to encourage and engage in. On a side note, I believe, one of the ways to get transferred to another prison is to demonstrate that all classes offered at the current prison have been completed.

We know there are a lot of marginal case managers but case managers are individuals who would love to have a success story and someone to help. They are verbally abused all day long with attitudes and comments that are highly offensive and rude. The inmate has to find a way to build a relationship with the case manager. That does not happen overnight. It can take years for a case manager to feel some trust. The inmate has to be always impeccably polite, ask for the case manager's advice, and then do it. The loved ones of the inmate must encourage a broader perspective for the inmate to understand just how much the case manager endures and how to foster a relationship. The ROI is an important step for the family so if the inmate is complaining about the case manager's alleged incompetence, the family can seek to inquire without being confrontational and accusatory. The family can inquire about suggestions from the case manager for the family to encourage within the inmate.

The truth I have learned from my own experience is that long term vision is the key to the fastest road home. Many family members need to improve their own skills in order to assist their loved one in improving their skills. All of us hope to win appeals and to be vindicated. However, the reality is the road back home is a long arduous journey. The sooner we begin to accept the path and to educate ourselves (both family and inmate), the sooner we will achieve success. The years are going to go by. Make the time count. Whether it be application to community corrections or parole hearing, it will eventually make a difference.

--A Mother's Advice

Chapter 9 – Prison under Colorado Department of Corrections

In Colorado, individuals who received a felony conviction may be sentenced to a period of incarceration within the Colorado Department of Corrections (CDOC). The courts may only sentence to the CDOC those who have been convicted of a felony offense. Individuals convicted of misdemeanors may not be sentenced to the CDOC. Note: Some people may serve some or their entire sentence in another State or Federal penitentiary. This Resource guide does not address those situations.

This chapter talks about

- What the prison system looks like in Colorado
- Prison intake at the Denver Reception and Diagnostic Center (DRDC)
- Assignment to a permanent facility
- Life in prison
- About the Sex Offense Treatment and Monitoring Program (SOTMP)
- Parole planning and parole Hearings
- Planning for release from prison

Key Terms

Case Manager – A CDOC employee assigned to each inmate for issues related to their programs, work assignments, security needs, classification, medical and mental health needs, and parole applications.

Global Referral List – (GRL) – treatment referral list for individuals with judicial determination of a sex crime that are within four years of the parole eligibility date. Individuals on this list are prioritized for sex offense specific treatment based upon several factors.

Kite –Form used by incarcerated individuals for written requests for an appointment within CDOC

Code of Penal Discipline (COPD) – A CDOC manual that contains all chargeable offenses, ranges of penalties, and disciplinary procedures.

Parole Eligibility Date (PED) – The first date an incarcerated person is eligible to be released to parole. PED is calculated based upon the offense, any presentence confinement credit awarded by the court, and any earned time that person has received.

What the Prison System Looks Like in Colorado

Prisons are governed by the Colorado Department of Corrections (CDOC). At the head of the CDOC is the Executive Director, who is appointed by the Governor of Colorado. The executive director sets the tone for prison administration and appoints the heads of the CDOC divisions. The division heads, in turn, appoint personnel needed to carry out the functions of the department.

Of Colorado's 21 facilities, 19 are state run facilities and two are private facilities. Prisons have various custody levels and have different rules regarding various aspects of prison operations. The rules of operation are detailed in the Administrative Regulations (ARs), which can be found on the CDOC website

at <https://cdoc.colorado.gov/about/department-policies>. Each prison is run by a warden, who sets the tone for the administration of that prison and who is responsible for running the prison according to the ARs.

There are five security levels in Colorado prisons, with Level 5 being the most restrictive. Colorado prisons classify any sex offense as a violent crime. Therefore, individuals convicted of sex offenses will seldom if ever be housed in Minimum Security (Level 1) facilities.

The table below summarizes which Colorado prisons have SOTMP programs and which can house individuals with a sex offense. There can be variances and situations may change on a case by case basis. All facilities Level 3 and up can house individuals with sex offenses. Individuals can be moved to other facilities. Placement is up to the discretion of the appointing authority.

Table 9-1. SOTMP in Colorado Prisons

Prison	Level	Has SOTMP	SOTMP Tracks	Able to house individuals with sex offenses
Colorado State Penitentiary	5	No		Yes
Denver Reception and Diagnostic Center	5	Yes	Track I	Yes
Denver Women’s Correctional Facility	5	Yes	Track I &Track II*	Yes
San Carlos Correctional Facility	5	Yes	Track I	Yes
Sterling Correctional Facility	5	No		Yes
Centennial Correctional Facility	4	Yes	Track II	Yes
Limon Correctional Facility	4	No		Yes
Arkansas Valley Correctional Facility	3	Yes	Track I	Yes
Buena Vista Correctional Complex	3	No		Yes
Colorado Territorial Correctional Facility	3	Yes	Track I &Track II*	Yes
Fremont Correctional Facility	3	Yes	Track I	Yes
Ft. Lyon Correctional Facility	3	No		Yes
Arrowhead Correctional Center	2	Yes	Track I	Yes
Four Mile Correctional Center	2	No		No
Pueblo Minimum Center	2	No		No
Trinidad Correctional Facility	2	No		No
Youthful Offender System –Males age 14-17	2	Yes	Track I	Yes
Colorado Correctional Alternative Program	1	No		No
Colorado Correctional Center	1	No		No
Delta Correctional Center	1	No		No
Rifle Correctional Center –	1	No		No
Skyline Correctional Center	1	No		No
Bent County Correctional Facility - Private		No		Yes
Crowley County Correctional Facility - Private		No		Yes

*Track II at these facilities is for individuals with medical needs or intellectual disabilities.

The Role of the Case Manager

The case manager is your loved one's contact person for issues related to their programs, work assignments, security needs, classification, medical and mental health needs, and review (but not determination) of time computation. A primary function of a case manager is to mentor, teach, and prepare your loved one for success, address their criminogenic needs, and use tools provided by the CDOC to assist them in making positive life changes.

Case managers are tasked to work closely with incarcerated individuals to guide them in many areas. Some of those areas include

- Directing individuals in their adjustment to an incarcerated setting
- Managing cases from intake to prerelease planning to ensure court ordered programs and conditions are met prior to release (continuity of care).
- Delivering case management services in the areas of risk/needs assessments, case planning, and cognitive interventions.
- Helping to guide individuals in the parole and community corrections application processes
- Assisting in finding employment; reaching out to apprenticeship programs and agencies that can help with special equipment and clothing.
- Acting as the primary contact and source of information for facility administration, central administration, the Parole Board, community corrections, outside agencies, families, victims, and inmates.
- Conducting case planning that is in alignment with Colorado Transitional Accountability Plan (CTAP).
- Assisting individuals to link to programs and services within the facility that address critical needs, such as vocational, educational, medical or mental health issues, substance abuse, cognitive behavioral issues, offense specific treatment, etc.

Each area requires an integrated case management team approach that uses multidisciplinary staffing models and buy-in from your loved one to help develop and carry out their case plans.

Prison Intake at the Denver Reception and Diagnostic Center (DRDC)

For someone serving a prison sentence there can be many initial questions: *Where will I be placed? How do I get my needs met?* These questions along with many others are answered through the intake process at Denver Reception and Diagnostic Center (DRDC) located in Denver, Colorado.

Your loved one will spend the first days of their CDOC sentence at DRDC progressing through the different stages of the intake process. The intake process is highly structured and designed to assess and determine the needs of your family member so that they may be placed in the most suitable facility to meet their specific needs.

In the first days of the intake process, your loved one will be speaking with many different people from different departments in order to create a personal profile. This profile is used by CDOC personnel to determine a permanent placement of your loved one. Mental health providers will be asking about mental health history; medical personnel will be providing consultations to your loved one to determine any special medical needs. Along with standard security search procedures, there will also be a review of

your loved one's criminal history to determine any safety or security concerns along with any needs for referral to special programs such as substance use or sex offense specific treatment.



TIP – COVID-19 CONSIDERATIONS

At the time this guide is being written, due to COVID-19 all individuals entering the custody of CDOC from jail backlog are quarantined for at least fourteen days at Centennial Correctional Facility (CCF) to ensure that COVID is not inadvertently introduced into the CDOC system from jail backlog. All incoming individuals in intake quarantine are single celled. They are given the opportunity within the first few days of intake to complete and submit a phone list. Once the phone list has been reviewed and approved, they are able to make outgoing calls.

If an incarcerated individual is assigned to CCF and a family member has not heard from them, they may send them a letter - be sure to include their full name and DOC# and a valid return address. Friends and family members of incarcerated individuals may also send an email via JPay email – <https://www.jpays.com/PEMessages.aspx> - which will be printed and delivered to the incarcerated individual by the facility.

The intake process is a combination of personal history assessment as well as personal identification information verification. CDOC intake specialists will work with your loved one to verify phone numbers and addresses of family they may want to have on their phone, mailing, and visitation lists. Until this portion of the process is complete, your loved one will not be able to contact you by phone.



TIP – EXPECT LIMITED CONTACT DURING INTAKE

The time when your loved one is in DRDC for Intake can be a distressing and uncertain time for family members. Expect that while your loved one is in DRDC, there will be little to no contact.

Your loved one will be in 23 hour lock down and will have to choose between personal hygiene care time and standing in line to make a phone call. So phone calls may be limited.

You will probably not be able to visit your loved one, while they are at DRDC. By the time you could get paperwork in place, your loved one would likely be moved to their permanent facility.

Since your loved one has a sex offense conviction, they will be referred to intake specialists who work in the Sex Offender Treatment and Monitoring Program (SOTMP). They will conduct an interview with your loved one which allows them to assess the level of treatment needs. They will also do a review of court documentation, any community treatment history, and past assessments. If the information reviewed dictates that your loved one is recommended for treatment while incarcerated, they will be referred for sex offense treatment. If your loved one decides they do not want to be placed on the Global Referral List at that time, they will be re-screened later during their incarceration.

Later during the intake process, your loved one will be provided with prison orientation. This is a chance for questions to be asked and answered related to how to navigate everyday life in prison. The orientations are peer led, meaning that other incarcerated persons will be facilitating the discussions. During this time, your loved one will receive a handbook which outlines all the rules they are expected to follow in CDOC, different services they are provided, and other general information within the CDOC. Encourage your loved one to share what they are learning with you. You can also go to <https://www.colorado.gov/cdoc/> for additional information.



NO MANDATORY SEX OFFENDER REGISTRATION WHILE IN PRISON

- While in prison, your loved one will not be listed or be required to register on the Colorado Sex Offender Registry.
- But when they are released they will be required to register.

See **Part 2 - Chapter 11 Sex Offender Registry and Post-Sentence Considerations** of this guide for more information about the Sex Offender Registry.

Assignment to a Permanent Facility

Neither judges nor anyone outside CDOC can dictate which facility someone goes to at any point in their sentence. During the intake process your loved one will go through a series of assessments to determine their medical, mental health, educational, program, and criminogenic needs. All of these factors as well as criminal history are considered in your loved one's classification and case planning. Intake at DRDC takes several weeks to be completed. During this process, your loved one's classification is completed and this will determine their long-term facility assignment.

Your loved one may be transferred to different correctional facilities during their time of incarceration. This can be unsettling, especially if they have been at a facility for a significant time. Even though they may have kept to themselves, friendships are often made and they have become comfortable in this location. A move puts them back into the unknown, and their initial safety precautions must be put back into place.

Determinate vs. Indeterminate Prison Sentences

Your loved one can be sentenced to prison with a determinate or indeterminate sentence. The type of sentence can play a role in determining where you loved one will be assigned and whether they are likely to receive sex offense specific treatment from the Sex Offender Treatment and Monitoring Program (SOTMP) while they are incarcerated.

A determinate sentence means that there is a definitive time period of supervision your loved one must serve before they can be released from prison and serve the remainder of their sentence on parole. Often times, individuals with determinate sentences will not receive treatment while they are incarcerated and will be assigned to facilities which do not have an SOTMP.

Indeterminate sentencing in Colorado means there is no release date given at the time of sentencing. The judge will hand down a sentence range that will include a minimum amount of time to be served which is based on your loved one's crime of conviction. However, there is no mandatory release date and thus someone who is not granted parole could ultimately serve a life sentence. If your loved one has an indeterminate sentence, they must complete the SOMB seven criteria for their designated risk category through the SOTMP before they will be considered for parole. This will require that they spend at least some portion of their sentence at a facility that provides SOTMP.

Life in Prison

When the intake process is complete, your loved one will be provided bedding and escorted to the appropriate living unit based on classification status. In most general population areas, cells are double bunked. CDOC staff members take into consideration many criteria prior to placing your loved one in a cell with another incarcerated individual.

Once in the living unit, your loved one will be given an orientation that includes information about various aspects of life in prison. Unit Posted Operational Rules (PORs) guide behavior and discipline. Violations of PORs and regulations are handled through the COPD (Code of Penal Discipline) process. All facilities have designated count times to maintain accountability for all incarcerated individuals. Colorado requires staff to verify the status of all incarcerated persons assigned to stated facility. At least three counts (during waking hours) are standing formal counts. Individuals are responsible for the cleanliness of their living unit and for notifying staff of any issues that require attention.

Each Unit has specific times for recreation and unit out of cell times. The amount of recreation, library and free time will depend upon your loved one's classification. Your loved one will be provide basic clothing, boots, and linens. Other items may be purchased from the canteen. This includes clothing, food items hygiene and electronics. Spending limits and allowable property limits vary by custody level.

Religious Services are scheduled for the month and are typically ready to post by the 15th of the prior month. Your loved one can declare a faith group with whom they can worship, and are allowed to change this annually.

Mailrooms process mail five days a week and are off on recognized holidays. All mail is scanned for potential contraband and content that violates CDOC regulation 300-38. Incoming Legal Mail is processed and distributed by the living unit Monday through Friday. This type of mail is opened in front of your loved one, and searched for contraband. Your loved one would then sign a receipt for the mail.

Visits are allowed in person (under normal operations) and through video visitation. Both require an application and background check to be completed before any visits are allowed. The rules for visiting vary from one prison facility to another. So family members should check the CDOC website for information on visiting requirements for the facility where their loved one is housed. Because your loved one has a sexual offense there will be limits on contact with children during visitation. These limits will vary depending on your loved one's specific situation such as whether they are in a facility that has SOTMP and whether they are participating in SOTMP treatment.



TIP – ABOUT VISITATION FORMS THAT FAMILY MEMBERS MUST FILL OUT

Visiting Application - Before being allowed to visit your loved one, you will be required to submit a visiting application to the facility where your loved one is being housed. A copy of a valid, unexpired government issued photo ID needs to be submitted with the visiting application.

One-time or infrequent visitors (i.e., one to two times per year) will complete a **Special Visitation Application** and mail it to the facility where your loved one is being housed

Forms can be found on the CDOC website (<https://cdoc.colorado.gov/>). Mailing locations for each facility can be found on the specific page for that facility on the CDOC website.

Note: A completed visiting application is required for **video visitation**.

The Colorado Inmate Phone System (CIPS) system allows incarcerated individuals to make personal phone calls to the outside. Incarcerated individuals will be allowed access to the telephone based upon their assigned facility's procedures. Your loved one may submit a list of up to 25 numbers they wish to call (including attorneys). The phone system allows a maximum of 20 minutes for each phone call. You loved one must maintain a balance in their CIPS account of enough funds to cover the cost of their debit calls. All telephone calls by incarcerated individuals, with the exception of properly placed legal calls are subject to recording and/or monitoring by CDOC employees.

Your loved one will have access to clinical and behavioral health services through the *kite system*. Appointments can be scheduled by filling out a kite. Emergency calls are triaged to determine if there is a true emergency or if an appointment can be scheduled at a later time. Behavioral health has recently started to utilize PEER assistance. They are not a substitute for mental health care, but these incarcerated individuals with special training have been proven to be effective in dealing with stressful situations causing anxiety.



TIP – ABOUT KITES

A kite is a form for a written request from your loved one. Like any paperwork, these forms can be lost or misplaced. Your loved one may wish to keep a copy of any kites they submit.

Family members can contact the facility medical staff where their loved one is housed. Family members can provide information and express their concerns; however medical staff members are prohibited from providing information regarding your loved one's medical or mental health issues, unless your loved one has signed a release of information form. Different forms are required for the release of medical and behavioral health information.

Safety Considerations for Those in Prison

Since it has been adopted by the CDOC, the Prison Rape Elimination Act (PREA) is a standard that your loved one will hear often. They will be provided with the expectations set by this policy and standard, and they will also be educated on how to report any acts that violate this standard to the appropriate parties.

Unfortunately, there is gang activity in prisons. Each facility has an INTEL officer or Security Threat Group (STG) coordinator in which information is passed in order to investigate gang issues. Each issue is investigated for validity and handled based on the information provided.

Some additional items to be aware of:

- Case Management will not provide any *paperwork* indicating your loved one's crime.
- Staff do not discuss the criteria for cell assignments and placements with other incarcerated individuals.
- Some of the other incarcerated individuals will have strong feelings towards those convicted of sex offenses.
 - Sometimes the media can bring a case to light for other incarcerated individuals
 - Staff do not discuss offenses with incarcerated individuals
 - Loved ones are not required to disclose any information to others.

Programs and Jobs

The CDOC offers a wide variety of educational and vocational services. Programs will vary from facility to facility. Typical offerings may include General Educational Development (GED) classes, anger management programs, computer classes, janitorial training, etc. Your loved one will need to talk to the Education Assessment Specialist and their case manager at their permanent facilities to enroll in these programs.

The CDOC provides a variety of work choices in accordance with your loved one's classification and custody needs. Job assignments include positions in institutional support, food services, physical plant, warehouse, canteen, and therapeutic community. All able bodied individuals are required to work unless assigned to an approved education or training program. Handicapped individuals are allowed to work on special project assignments. Assignment to any CDOC work program will be through review and approval by the facility Classification Committee.

About the Sex Offense Treatment and Monitoring Program (SOTMP)

The Sex Offense Treatment and Monitoring Program (SOTMP) provides sex offense specific treatment for those in prison. Treatment providers in SOTMP must comply with SOMB Standards and Guidelines. To read more about sex offense specific treatment in general, please see ***Part 2 -Chapter 5 -The Role of Therapy*** in this Family Resource Guide.

Who Will Receive Treatment

The Global Referral List (GRL) is the treatment referral list for those who are awaiting sex offense specific treatment through the SOTMP. Individuals with a judicial determination of a sex crime that are within four years of the parole eligibility date are prioritized for sex offense specific treatment based upon, but not limited to, the following:

- Parole eligibility date
- Risk for sexual recidivism
- Prior SOTMP treatment opportunities
- Institutional behavior
- Lifetime offenders receive first priority

Individuals with a determinate sentence are not required specifically by law to have treatment prior to release from prison, because eventually they will reach their mandatory release date (MRD). Therefore, those individuals will likely not receive treatment while they are in prison and they have a greater likelihood of being housed in CDOC facilities that do not offer treatment. That said, people with determinate sentences must declare a willingness (placed on the GRL) to participate in treatment to be eligible for earned time toward a reduction in their MRD.

A loved one with an indeterminate sentence does not have an MRD and will be required to have completed SOTMP treatment in order to be considered for parole. However, this has not always been the case and may change in the future. Policies have changed from time to time between requiring completion of treatment and progressing in treatment.

Those with an indeterminate sentence have the greater opportunity for treatment. Lifetime supervision clients who are referred to a Track I program are prioritized over someone with a determinate sentence. However, an individual who is recommended for Track II regardless of sentence (determinate or indeterminate) has equal opportunity since the GRL is significantly smaller for above-average to well-above-average risk clients.

Waiting for treatment and the opportunity for parole can be a long wait. All treatment prioritization is based on the individual's parole eligibility date. So, along with the individual waiting for treatment, the family waits too. Whether treatment happens in prison or not, all individuals released to parole are required to attend treatment in the community.

How Treatment Providers Are Assigned within SOTMP

After a client is placed in the appropriate track they are then assigned to the facility that has programming for their track. See Table 9-1 for specific information on which correctional facilities have which treatment tracks.

Progressing in Treatment

SOTMP now operates from *Tracks* rather than *Phases*. There are different tracks for different risk levels. The SOTMP provides comprehensive assessment, evaluation, treatment, and monitoring services to those with sex offenses who are motivated to eliminate sexual abuse behaviors. The SOTMP is responsible for assessing individual levels of risk and treatment needs to determine the appropriate level of treatment.

SOTMP has the following tracks:

- Modified Track I: Those who are in the well-below-average risk category
- Track I: Those who are in the below-average to average risk category
- Track II: Those who are in the above-average to well-above-average risk category
- Maintenance: Those who have completed their designated track programming and met the SOMB seven criteria for consideration for parole. These clients will likely stay in maintenance until they get a release date from parole.

Individuals in treatment do not *progress* through tracks. They are assigned their track according to their risk assessment and will complete the Track Curriculum in addition to other programs that may be deemed necessary for decreasing their risk.

Tools Used by SOTMP for Treatment

SOTMP programming and therapists are guided by the SOMB in their use of therapeutic tools.

Disclosures

Per the SOMB Standards and Guidelines, loved ones in the above-average to well-above-average risk category are required to complete a **disclosure**. However, any family member, friend, spouse, etc. that will be part of their loved one's support team is encouraged to participate in a disclosure session. During a disclosure, your loved one will be asked to explain and take responsibility for their sexual offense.

Polygraphs and Psychological Tests

Polygraphs and psychological testing are used by SOTMP therapists to help determine risk and to inform the treatment team of other responsivity factors that may be contributing to an individual's overall risk profile. Your loved one most likely will be required to submit to regular polygraph exams. Polygraph exams (sometimes referred to as 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. In addition, your loved one may be asked to participate in other psychological tests.

Successful Completion of Treatment within the SOTMP

In order for your loved one to successfully complete treatment, the therapist must agree that your loved one has successfully progressed through the requirements of treatment. Individuals with a sex offense participating in the SOTMP must meet each of the seven criteria to receive a recommendation for release to parole from the SOTMP team. SOTMP, as a result of team staffing, will provide documentation regarding progression to community based on your loved one's behavior, successful progress in treatment, and Sex Offender Management Board Standards.

Consequences of Unsuccessful Discharge from Treatment while in Prison

Your loved one may be unsuccessfully discharged from treatment for various reasons. This may include failure to progress in treatment or a violation of the written treatment contract.

If your loved one withdraws from treatment or is terminated from treatment for non-compliance, they may re-apply for treatment at any time through the SOTMP Return to Treatment Committee. In this case, your loved one will be asked to complete an assignment that addresses their treatment termination or refusal as part of the consideration for re-admission. They must also meet the minimum requirements to be placed back on the Global Referral List.

Eligibility for Community Corrections

Persons convicted of a violent offense (which includes anyone with a sex offense) may be submitted to community corrections no sooner than nine months prior to their parole eligibility date (PED). Eligibility criteria are determined by state statute. Placements are approved by the local community corrections' boards and community based programs.

It is the responsibility of the case manager to identify whether your loved one is eligible for electronic referral to residential community corrections centers by reviewing the following eligibility criteria: your loved one's estimated parole eligibility date (PED), violent or non-violent classification, and acceptable institutional behaviors.

Those with an indeterminate (Lifetime) sentence must meet two additional criteria for eligibility for community referral. If the individual does not meet both of these criteria they are ineligible for a community referral.

- The Individual must be assigned to and progressing in SOTMP treatment. This determination will be requested from a clinical services SOTMP program provider.
- They must have a Colorado Transitional Accountability Plan assessment (CTAP) level of low to satisfy the requirement of SB-20-085 that states there is a strong and reasonable probability that they would not commit a new criminal offense. This will be determined by a low CTAP assessment score at the time of the community referral.

If someone is accepted for transition to community corrections through this process, they may be transferred to the community corrections facility prior to their Parole Eligibility Date. For more information refer to Administrative Regulation 250-03, Community Corrections' Referral and Placement Process. Also refer to the **Part 2 – Chapter 8 Community Corrections** in this guide.

Parole Planning and Parole Hearings

What is Parole?

In Colorado, parole is a way for your loved one to continue to serve out their sentence in the community. Parole is a division within the Colorado Department of Corrections. For more details on parole, see **Part 2 - Chapter 10 Parole under the Colorado Department of Corrections** in this guide.

Who Determines Who Gets Paroled?

The Colorado Parole Board (Board) determines who gets paroled. The seven member Board is appointed by the Governor of Colorado and operates by state statute. The Board members' credentials and background can be found on the Colorado Board of Parole's website <https://paroleboard.colorado.gov>. More information on the Parole Board can be found in **Part 3 – Agency Information – Section 9 The Colorado State Board of Parole** of this guide.

Types of Parole

Discretionary Parole can occur when the individual has reached their parole eligibility date (PED) and is released to the community under the supervision of the Parole Department. Early Release is totally at the discretion of the Parole Board. Discretionary Parole requires two Parole Board hearings: the Interview Hearing and the Full Board Hearing.

Mandatory Parole is granted when an incarcerated individual reaches their Mandatory Release Date (MRD) if they have not been granted discretionary parole by the Parole Board. The MRD is calculated based upon the full term of the sentence less any presentence confinement credit awarded by the court

and any earned time your loved one has received. Indeterminate sentences are not eligible for this type of parole.

Eligibility for Parole

Your loved one will be eligible to appear before the Parole Board at least 90 days prior to their **parole eligibility date (PED)**. The PED is the first date your loved one is eligible to be released to parole. The eligibility will be determined by many factors such as classification of their crime, institutional conduct, and other considerations. Those with an indeterminate sentence will have to meet additional criteria such as passing polygraphs, disclosure of offense to support people, and having a recommendation from a treatment therapist.


PED is calculated based upon the offense, any presentence confinement credit awarded by the court, and any earned time your loved one has received. The rules are different for those with determinate vs. indeterminate sentences. If your loved one has a determinate sentence, they receive good time (which accelerates the parole eligibility date by 50% or 25%) and may receive earned time if certain conditions are met. If your loved one has an indeterminate sentence, they can also receive earned time but not the 50% or 25% good time deduction. People with an indeterminate sentence do not have a mandatory release date.

The actual sentence computation is complex. If you have questions about the specifics of your loved one's sentence computation, you can contact Time and Release Operations at the CDOC directly with your concerns by sending an email that includes the your loved one's name and CDOC number to DOC_Time_Release_Operations@state.co.us There are also regularly updated (although not binding), estimates of the relevant time frames posted on the DOC Inmate Locator website: <https://www.doc.state.co.us/oss/>

Parole Planning

Your loved one will be required to write up a **parole plan**. The parole plan should address employment, housing, certifications of treatment completion, classes taken, etc. It should also include a letter from your loved one, addressing accountability and reasons why they should be released to parole. Your loved one's submission can also include letters of support from individuals (such as family, friends, potential employers, landlords) detailing how they will support your loved one once on parole.

Your loved one's case manager will be responsible for assuring that identified parole plans are electronically transmitted through the inmate portal to the Division of Adult Parole within 120 days of a mandatory release date, or 120 days prior to the parole hearing.



CASE MANAGER'S ROLE IS CRITICAL

Case Managers are the only vehicle to deliver your loved one's parole plan, letters of support, etc. to the Parole Board for review.

Checking in regularly to see that documents have been entered is a good idea.

Parole Hearings

Application Interview Hearing

Initially, a single member of the Parole Board considers your loved one's parole application, interviews your loved one, decides whether they should be released on parole, and determines the conditions of parole. This personal interview may be held by video, phone conferencing, or in person at the Board's discretion.

Family members usually may attend a parole hearing. Each facility may have rules regarding how many family members or supporters may attend. Family members should check ahead of time at the facility for requirements for visiting at the facility.

Family members attending the hearing should identify one spokesperson for the family. The Parole Board member may give the spokesperson a brief amount of time to speak about the support the family is able to provide. The Parole Board member may also ask if the family member understands the requirements and restrictions that will be placed upon the your loved one if released to the community. You may also be asked to verify that your loved one has disclosed the details of the sexual offenses.

Full Board Hearing

If the board member who first reviews your loved one's case recommends release for your loved one, the matter is referred to the full board. At least four of the seven members of the Parole Board must grant approval for your loved one to be released to parole.

During the full board hearing, the Board is looking to see what plans have been put into place for your loved one to be successful on the outside. Your loved one and family members are not present at this hearing. However, victims and/or victim advocates are allowed to attend and speak; letters from victims are considered at this hearing. The results of the full board hearing will be reported to your loved one's case manager who will in turn communicate this information to your loved one. Parole Board decisions are not appealable.

Planning for Release from Prison

Facility-based Community Parole Officers from the Division of Adult Parole provide pre-release services to those in prison and assist them with transitional planning for successful community re-entry. Pre-Release Specialists offer classes, labs, and one-on-one meetings to identify potential barriers to success in the community. These include securing personal identification paperwork, housing, employment, transportation, money management, education, healthy lifestyle choices, family relationships and support networks, victim awareness, and navigating life under supervision, as well as any continued treatment and supportive services in the community.



SEX OFFENDER REGISTRATION WILL BE REQUIRED FOR PAROLEES UPON RELEASE FROM PRISON

People with sexual offenses who are on parole must register on the Colorado Sex Offender Registry. Registration is dependent on the classification of the crime. It can range from short-term to lifetime.

When a family member enters the justice system there is always an impact and going to prison is an added burden on your loved one and the family. When your family member is taken away, often the family structure and financial support is taken away. The social structure of the family is also often gone. The family becomes just the spouse, one parent and the children or parents of the one incarcerated. The spouse or remaining parent and the children often must adjust to a lower lifestyle and an incomplete family. If the family has no other support, it becomes an expensive burden. Children often suffer adverse consequences such as anxiety, fear, or anger.

The family has the option to support the individual or not support them. But, supporting and staying in contact with a loved one offers the very best opportunity for them to remain socially adjusted during the period of incarceration and offers a more positive experience of love and support the incarcerated person really needs. Support during incarceration will make the re-integration to the family and to the community an easier process and more likely to be successful.

Financial Impact

For most people there will be a financial impact on the family left behind to manage in the outside world while your loved one deals with the rules and regulations of the Colorado Department of Corrections. You will need to find ways to cope with this reality for the foreseeable future.

Some of the things to consider are:

- Reduced or lost income (e.g., your loved one's paycheck or government retirement benefits)
- Potential loss of housing – you may no longer be able to afford the rent or mortgage
- Potential loss of health insurance – if you had health insurance through your loved one's job
- Attorney/legal fees– you may be asked to pay some or all of the fees if your loved one appeals the conviction

A Few Words about Costs to Support Your Loved One in Prison

Canteen Costs and JPay

Each individual incarcerated in the CDOC has an inmate account which they can use to purchase canteen items including phone time, stamps and writing materials, food, clothing, and hygiene items. Your loved one's account will be accessible to them at any correctional facility they are assigned to; all funds sent to them by family and friends through the JPay system or earned through work assignments or sale of hobby work are deposited to the inmate account. All funds will be released to your loved one when they are released from CDOC custody to community corrections, parole, or discharge.

If your loved one has money in their JPay fund, they may purchase a limited number of things like toothpaste, shower sandals, an extra blanket, a sweat suit to keep warm, snacks, or coffee on a periodic basis from the prison canteen. Your loved one will only make \$.80 per day from their prison job, which amounts to less than \$20 per month. This is not enough money for your loved one to buy basic hygiene products or items from the canteen to make their life more bearable.

Family members and friends may contribute to a loved one's fund through the JPay system. You can sign up online or call in via phone to add to your loved one's fund. Keep in mind that 20% of the money that goes

into your loved one's JPay account is deducted from the account to pay any court ordered restitution. Also, each friend or family member can put money on only one incarcerated person's JPay account.

Quarterly Gift Packs

You can also purchase items for a quarterly gift pack for your loved one. You will be able to order various food items, beverages, and toiletries. Different facilities have different rules (tied to your loved one's custody level and circumstances) about the amount of money you can spend for each gift pack.

Visiting Costs

Costs related to visiting your loved one can mount up fast and be an additional strain on a family's already tight budget. You may have to travel two to three hours each way to a prison facility that is halfway across the state (or more) from where you live. For those driving in a car, the cost of gas can be a major factor. Some family members are able carpool to share the expense load.

In the past, there have been buses sponsored by charitable organizations that have provided economical transportation to prisons on a rotating basis. However, Covid-19 restrictions and concerns caused those bus services to be shut down.

If you have a long way to travel, you may wish to bring food for your trip, or budget for stops along the way. You may not bring any food into prison. Once at the prison, you may purchase food for your loved one and yourselves from the vending machines in the visiting room. Be prepared for high prices there.

Phone Calls

Your loved one may be permitted to call you during limited times of the day. They can call you collect or call using a prepaid account. Either way, phone calls are very expensive. To set up an account to receive collect calls from your loved one, you must set up an account online at www.connectnetwork.com. You will have the option to put money on your loved one's account, so they can call out to you.

Emails

JPay Email allows a person to send an electronic message to a loved one housed in CDOC facilities. The email will be printed by the mailroom and delivered to your loved one during regular mail rounds. To send an email you must visit JPay to create an account and to put money in the account specifically for emails. Before you can send an email you will need your loved one's CDOC number. Your loved one cannot email you back. They can only respond to emails via regular U.S. Mail or phone calls.

Emotional Impact

You will experience many emotions from having your loved one go to prison, but the biggest one you may experience is fear. . . fear that your loved one will be raped or killed. That fear often comes from what you have seen or heard from TV or movies. You may fear that if your loved one is weak or kind to others or not street smart, they will become a victim. Your fear may always hover beneath the surface, but you can reduce it by learning all you can about the prison, its policies, the chain of command, and the ways you can support your loved one during imprisonment. Ways you can be supportive are described later in this section under ***What You Can Do***.

Grief is another emotion that you may experience. Grief in the loss of the family structure that once was ... grief in the loss of the opportunities and possibilities of your loved one's life. Anger is another emotion some may feel. Family members may feel angry that now the family must pick up some or all of the responsibilities, finances, and childcare left behind.

All of these emotions are real and normal. Recognizing them and finding ways to deal with them are important for family members. Not everyone handles their emotions the same way. It is possible some family members will choose to pull away. Family fractures create their own emotional burdens on everyone. Seek counseling if necessary to help you cope with the trauma of your loved one's incarceration.



Family Impact
Losing a Husband
to Prison

ADJUSTING TO A NEW REALITY

Suddenly, and unexpectedly having my husband sent to prison completely turned my world upside-down. It brought out many emotions that I had to process through, and some that I still deal with on a daily basis. After the initial shock, since no one saw this coming, was fear – for him and for myself. All I knew of prisons was from TV and movies, and I feared for his life. I knew that having a charge of a sexual offense put you at the bottom of the prison pecking order. The fear for me was that we had been a team in everything for over 50 years. How was I going to manage without him?

This has been a humbling journey. We were ranchers, and I loved my life as a rancher's wife. Being "the" rancher is a whole other world. I had always considered myself to be fairly capable and self-reliant. I now realize that I had that self-confidence because of the ever-present support I had. I had to accept the fact that there are many things that I just can't do on my own. I have to rely a lot on family and friends, or hire someone to do jobs my husband always did. Going to community events by myself, though, is still often difficult and uncomfortable. Sometimes it's just easier to stay home. I now relate a lot to my friends who are widows. Their status is much more acceptable to people, though, than mine.

Fortunately, my constant fear for my husband's safety is far less than it was initially. There's an advantage to being senior citizen in prison. It helps even more if you're an "old man" who gets along with almost everyone. Still, if he doesn't call when I expect him to, those anxious feelings of earlier days' return until I hear from him. The primary agenda for my life is going to visit him every week, on whatever day and at whatever times the prison schedule permits. Very few things take priority over that. I am his voice and advocate on the outside. I regularly contact his case manager or the prison warden if I have questions or concerns.

This new reality of my life, which I wouldn't wish on anyone, has been an education and given me a new focus and purpose. Even if my husband came home tomorrow, I would continue to be an advocate for the many hurting families that need support as they travel this new, unfamiliar territory. It's not a world anyone could imagine existed, until it's become their new reality.

--A Wife's Story

Your relationship with your loved one may change. Understanding that your loved one's life in prison will be different is important. You will come to realize that what worked on the outside will not necessarily work on the inside (in prison). For your loved one, truth can be deadly. For instance,

snitching in prison can be a death sentence. Your loved one will not tell you everything. Your loved one, though, will look forward to your visits, so much so that some even press their clothes before a visit. Just hugging your loved one during a visit is joyous. Talking and laughing and catching up in person are reassuring to family members. You can cry later.

What You Can Do

During Prison Intake through the DRDC

This can be a scary time for families, because they may feel like they are in the dark and there is little to nothing they can do for their loved one. While your loved one is in DRDC, there will be little to no contact. Your loved one will be able to make limited phone calls out. You will not be able to visit, because there is not enough time to process the visitation paperwork, before your loved one is moved to an assigned facility.

Once Your Loved One Is Assigned to a Permanent Facility

Stay in contact with your loved one through letters, phone calls, and JPay emails. Information to help you stay in touch can be found on the CDOC website. Remember that all correspondence whether phone, letter, or JPay email is subject to monitoring by CDOC. There is no such thing as a private conversation.



NO PRIVACY WHEN IT COMES TO PHONE CALLS AND LETTERS

Remember that all phone calls are monitored and recorded. There is no privacy when it comes to what you and your loved one discuss. Also all letters from anyone other than an attorney will be opened and read by prison mailroom personnel, before being passed on to your loved one. Letters from attorneys will be opened in front of your loved one and checked for contraband, before they are given to your loved one.

Letters are by far the most economical and receiving a letter can be the bright spot in your loved one's day. Remember that staples and paper clips are not allowed. You can usually send cards as well, just be aware that glitter and attached decorations are not allowed. Check the individual CDOC facility page to obtain the proper mailing address for your love's one's facility.

Phone calls are expensive and can only be placed by your loved one to you during certain times of the day. So try to make them count. It can be helpful to plan ahead with your loved one so that you can try to be available during their call window. Even then, there are no guarantees that they will be able to call you at the appointed time. Facility-wide lockdowns can happen unexpectedly and prevent your loved one from calling out. You can place money in a prepaid phone account and set it up so that your loved one can call anyone on their list or so that they can only call you.

Another alternative is using JPay emails. These are pricey as well, but can be an effective way to get important information to your loved one more quickly than sending a letter through the US Mail. You can send an email in, but your loved one cannot email back. You must set up and place money in a prepaid JPay account to send emails.

Encourage your loved one...there are things that loved ones can do to help themselves stay safe. Your loved one will learn the dos and don'ts of prison life over time. Some basic advice to your loved one from others ranging from prison wardens to those who have served time include

- Do your own time
- Do not gamble
- Do not join a gang
- Stay physically fit – lift weights of you can and build up your physical strength.
- Get a job



Family Impact
From One Mom
to Another

WHAT TO TELL YOUR SON

Seeing your son in prison may be one of the most difficult things you experience in life. Rather than sink into a feeling of helplessness, you may be able to share some advice from others who have been there.

Encourage your son to watch, learn, and keep his mouth shut in the early days in Prison. He will be tested there by the other residents. Encourage him to walk the fine line between being confident and pushy.

If your son can avoid attention in the early days, and not stand out, hopefully the others will get bored with him and turn their attention elsewhere. That does not mean he should cower in his cell. He needs to just go about his business, not be cocky, and not draw attention to himself. He needs to be aware. If he senses something going down in the food hall, he needs to get out of there immediately so he does not get sucked into someone else's altercation.

Prison is a rough place. In prisons – particularly those where there is no sex offense treatment – individuals with sex offenses can be targeted for violence. Your son may be approached by gang members and these can be tricky waters to navigate. He should never, never, never, get involved with gambling (run by the gangs) in prison. Once someone gets involved with gangs or gets in debt to gangs, they are putting themselves at great risk.

Any papers he has should be sent home for safekeeping--not kept in his cell. Some individuals may be approached by other prisoners and may be intimidated into showing the other prisoners their admission papers. If your son shows other prisoners his papers with indicators of his crime of conviction for a sex offense, it probably will be broadcast to other inmates.

He will most likely have to do kitchen duty, before he gets a new job. Everyone has kitchen duty at some point. He should let his case manager and others know he is interested in getting a new job, like teaching other guys so they can get their GED or whatever his area of interest is...but don't be obnoxious about it. He needs to be likeable and confident, but not come across as better than anyone else.

Encourage your son to find the middle ground in all he does.

--A Mom Who's Been There

Support Your Loved One through Visiting. There are often particular difficulties associated with prison visiting. Visiting often involves great deal of time, effort (both physical and emotional) and

expense. Visiting can be emotional, with a mix of positive and negative feelings. While it can be a relief and a joy to see your loved one, leaving your loved one behind at the end of the visit is often distressing.



WHAT VISITING MEANT FOR OUR FAMILY

Visiting our loved one in prison is something families long to be able to do. We believe that those that support a family member in prison are providing an anchor to the outside world and the visit gives hope of living a normal life.

Prior to visiting our brother, we had to register with the prison for the opportunity to visit. The practical matters of visiting can change – you might have to call ahead and make a reservation in order to visit and the time allotted may be shorter. When the day for our first visit finally came, we were both thrilled and nervous.

We were allowed in the building at a set time and began the admitting process. It looked like a jumble of people in there doing different things. First, we had to fill out a form, place our keys and other belongings in a locker (which cost us twenty-five cents). Thankfully, we had some cash to put on a money card for food purchases during the visit. We stood in line to have our paperwork reviewed and then we stood in line to go through a metal detector. A friend had told us to be sure to check the requirements for clothing, so we wouldn't have to leave and buy something that was acceptable to the prison, before being allowed to visit.

Finally, we made it to the visiting room. Our brother was already there waiting for us at an assigned table, but this is not always the case. Sometimes you are assigned a table, and you must wait until they have called everyone for visiting. We would take advantage of the time waiting to buy some food from the vending machines and pick up some games.

When we first saw our brother, we were allowed a brief hug – that hug and the one at the end of the day is the only touch of love they will get. We used our visits as a time to catch up, share stories and just be together. We tried to make it a happy time for our brother.

We played card games and had Scrabble contests. We found reasons to laugh and just be glad to be together. We also had serious things to talk about...it's so much easier in person and it was good to get things settled. We tried to bring in the light from outside the walls and let our brother know we would be there for him. At the end of the day, we felt sadness as we drove away but we were glad that we made the effort to give our brother that day of human touch and a feeling of still belonging to the larger world.

--A Sister's Story

Understand How the Prison System Works

- **Attend the CDC Citizen Advocate Meetings and/or livestream updates.** You can email in questions ahead of time for discussion during the in person and online meetings. Meeting

information can be found on the CDOC website. For in person meetings you must RSVP to ensure you are added to the approved facility entry list for the meeting.

- **Educate yourself on the CDOC administrative regulations (AR's)** and have your loved one do the same. You can download the ARs for free from CDOC's website and mail them to your loved one. Also your love one can view the ARs in their CDOC facility's general library.
- **If your loved one has an indeterminate (Lifetime) sentence**, educate yourself on how the SOTMP functions and have your loved one do the same.
- If you are so inclined, you can take classes with Colorado Department of Corrections to become an official support person for your loved one. Further information can be gained by attending the Sex Offender Management Board (SOMB) meetings on the fourth Friday of the month.
- **If your loved one has a determinate sentence**, educate yourself on the SOMB Adult Standards and Guidelines and have your loved one do the same. They are available in each CDOC facility's general library.

Support Your Loved One in Their Application for Parole

- **Provide letters of support** to your loved one's case manager for submission to the Parole Board. These letters should explain how you will support your loved one after release from prison, whether it is in the form of housing, transportation, or prosocial support.
- **Attend your loved one's parole hearing** if possible. Check with your loved one's facility for any limitations on the number of people who may attend.

Support Your Loved One as They Prepare for Release from Prison

Your loved one should gather all appropriate paper work documenting SOTMP participation and completion. Check in with the Case Manager about release date, time, and place for pick-up if family members decide to pick-up at the facility. Also, check to see if family can send regular clothing for your loved one to wear on release day.



TIP – LAST DAYS IN PRISON CAN BE ANXIOUS TIMES

The last days in prison can be anxious ones for your loved one. They may be anxious that others who have life sentences will try to sabotage their release. You may wish to encourage your loved one to stay under the radar and low key.

Where to Find Help and Answers

- Public law 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.
- CDOC Website <https://cdoc.colorado.gov/>
 - AR's can be found at <https://cdoc.colorado.gov/about/department-policies>
- Semi-annual Citizen Advocate Meetings with the CDOC
 - <https://cdoc.colorado.gov/about/community-engagement/citizen-advocate-meetings>
- Email Case Manager or Case Manager Supervisors and Wardens
 - Be aware there can be repercussions to this, because this can put your loved one on the radar.

Chapter 10 – Parole under Colorado Department of Corrections

In Colorado, parole is a way for your loved one to continue to serve out the sentence in the community. People who are on parole and who have been convicted of a sex offense will also have additional terms and conditions.

This chapter talks about

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

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 – Your loved one sharing information with others about their sexual offense and related behaviors

Community Parole Officer (CPO) – A DOC employee responsible for supervising your loved one in the community and supporting their successful reintegration into the community, while recognizing the need for public safety.

Revocation Hearing – A hearing held where the Parole Board considers revocation, modification, or continuation of parole when someone violates one or more conditions of parole.

Safety Plans - Required written agreements between a person with a sexual offense and the CST. Each plan specifies how the person will increase awareness of potential risk-related behaviors and situations engaging in a certain social activity (e.g., attending a social event). The plan outlines steps that will be taken to reduce the potential for risk-related or harmful behaviors that could lead to violations of parole or treatment contract.

Interim Safety Plan – An initial safety plan approved by the Community Parole Officer (CPO) to allow restricted movement within the community, prior to acceptance into treatment.

Intensive Supervision Parole (ISP) – A specialized program within parole that is designed to provide a higher level of supervision.

What is Parole?

In Colorado, parole may be a next step for your loved one, once they have been released from prison. Specifically, parole is a period of supervision in the community following release from prison. Parole is a Division within the Colorado Department of Corrections (DOC). The general conditions of parole are listed in the Colorado Revised Statutes. Based upon the offense, risk and need of your loved one, the Colorado Parole Board may require other individualized additional conditions. Some conditions allow

the **community parole officer (CPO)** to exercise discretion in determining whether and when those particular conditions are required.

The DOC regularly updates Administrative Regulation 250-48 which contains the guidelines for supervising someone on Parole with a sexual offense conviction. The current Administrative Regulation 250-48 is available on the DOC's website.

Your loved one will be directed to report to their assigned CPO on the day of their release. As part of parole, your loved one must follow a specific set of conditions as ordered by the Parole Board. These conditions will be reviewed at the first meeting by a CPO, who is not necessarily your loved one's assigned CPO.



TIP – PAROLE AND PROBATION ARE DIFFERENT

Parole is often confused with probation although in reality they are quite different. The Division of Adult Parole supervises those persons released from prison unlike Probation which supervises offenders as an alternative to prison.

Parole has administrative regulations (AR's), while probation has overarching guidelines that may be implemented differently by individual judicial districts.

Another major difference between parole and probation in Colorado is that community parole officers (CPOs) are peace officers who are authorized to carry firearms and make arrests.

Determinate vs. Indeterminate Parole

Parole can be determinate or indeterminate. An indeterminate sentence or Lifetime Supervision means your loved one must serve a minimum of 10 or 20 years on parole based upon their felony conviction. They may be released from parole supervision by the Parole Board based upon on their compliance with supervision and treatment. If not released after the 10 or 20 years they may remain on supervision for the remainder of their life. A determinate parole means that there is a definitive time period of supervision your loved one must serve (for example 2 years) before they can be discharged from parole. For more information see **Part 1 – Chapter 4, section 4.3** on sentencing.



MANDATORY SEX OFFENDER REGISTRATION

While on parole and until a court order ends the registration, your loved one will be required to register within 5 business days of release from prison. **See Part 2 - Chapter 11** of this guide for more information about the Sex Offender Registry.

How Does Parole Work?

Your loved one will be assigned a community parole officer (CPO). The CPO's primary responsibilities are to assist your loved one to re-integrate into the community and to ensure your loved one abides by the terms and conditions of parole. Meetings with the CPO can take place at the parole office or at your loved one's home or workplace, which may at times include evenings and weekends.

CPOs also work with those they supervise to help them-change their behavior. CPOs assess risk factors and monitor your loved one's behavior in the community and compliance with treatment. Any violation of the terms and conditions of parole, except a new crime, can be a **technical violation**. When there is a

technical violation the CPO will make recommendations to the Parole Board regarding changes to your loved one's parole conditions. The recommended changes may range from modification of terms and continuance on parole to revocation and reincarceration. The Parole Board makes the final decision regarding any requested recommendations.

CPOs are part of 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 parole and their progression in treatment and compliance with supervision. The final decision regarding community safety and supervision is the responsibility of the CPO. The CST may also include family members, other therapists, and other supportive individuals.

People on parole 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, in consultation with other members of the CST, will determine the treatment plan. In general, the length of time your loved one must participate in treatment will be determined based on their progression in treatment. The length of treatment does not necessarily depend on the length of the parole. Your loved one may be in treatment throughout the term of their parole or they may complete treatment prior to the end of their sentence. The final decision regarding treatment is the responsibility of the treatment provider. The CST may also require your loved one to attend substance abuse or mental health counseling based upon their needs. For more information on treatment see **Part 2 - Chapter 5 - The Role of Treatment** and also the section in this chapter on **Mandatory Treatment during Parole**.

Progression through Parole Supervision

There are many conditions a person on parole must follow to progress while on parole. To determine your loved one's progress, CPOs use information they gather through home visits, office meetings, conversations with family members, clinical indicators to include polygraph, and progress in treatment.

Conditions of Parole

The conditions and requirements of parole go into effect as soon as your loved one is released to the community. At the start these conditions are very restrictive. These initial conditions may be adjusted as a time goes on.

Your loved one will be provided a copy of a long list of conditions, which they must sign. During the first meeting with the CPO, An interim (temporary) safety plan will also be completed, if it was not already submitted before your loved one was released from prison.



TIP – FIRST MEETING WITH PAROLE

The first meeting with the community parole officer (CPO) can be overwhelming for your loved one.

If possible, it is helpful for a family member to be with their loved one during that first meeting to listen, take notes and ask questions. There may be circumstances where this may not be possible. There may be circumstances where this may not be possible.

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

- When and how often to meet with the CPO
- Who your loved one can have contact with (e.g., immediate family only, no minors under age 18)
- Where your loved one can go with an interim/temporary safety plan (e.g. limited to a certain count, shop at a single grocery store, etc.)
- What restrictions are in place for cell phone and internet use
- What curfew restrictions are in place
- Where and when to register on the Sex Offender Registry
- How to check-in daily by telephone
- Where and when to get an electronic monitoring which may include an ankle monitor
- Where and when to provide a UA (urinalysis)
- How and when to schedule treatment

Tiers of Parole

Parole supervision has multiple supervision levels or tiers. Generally, your loved one will be assessed to move tiers after approximately 1 year. Movement through tiers depends on whether your loved one meets the treatment and supervision benchmarks called **core competencies**. These core competencies include compliance with the conditions of parole and individualized progress in certain areas of treatment. If your loved one does not meet the required benchmarks, they may be given more time in each tier in order to progress and reduce their supervision level. Parole tiers include the following:

- **Tier III/ISP:** (Intensive Supervision for those on Lifetime Parole Only): Electronic monitoring for approximately 1-year (may vary depending on individual situations). Meetings with CPO two times monthly, starting treatment, creation of treatment plan and learning core competencies. Learning how to write safety plans.
- **Tier III non-ISP:** (Those with Determinate sentences with no prior treatment) May include electronic monitoring (includes ankle monitor). Meetings with CPO monthly, continuation of progression in treatment to meet core competencies guided by CST.
- **Tier II:** Independent achievement of treatment and supervision expectations, meetings with CPO monthly, reduction in SO directives, and continued progression in treatment to meet core competencies.
- **Tier I:** Meetings with CPO monthly. Currently working towards or in maintenance phase, ready to progress to last stages of treatment and supervision. Able to manage risk factors independently and able to present core competencies to CST.

As your loved one progresses on parole and in treatment, additional privileges may be approved. However, privileges may be removed if your loved one does not follow the rules of parole or treatment.

Finally, it is also important to note that your loved one may have different conditions and restrictions from other people on parole.

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 parole and probation at the same time. Others may be on 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 parole and probation officer and/or, a community corrections case manager).

It is possible for dual supervision to last for the entire period of supervision. But generally, there is a certain period of overlap. 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.



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.


Sexually Violent Predator (SVP) Designation

The designation of Sexually Violent Predator (SVP) is determined by the court or the Parole Board. Individuals who meet certain criteria are evaluated using an assessment whose criteria are determined by statute. The SVP designation came from a federal law and does not necessarily represent the specifics of the offense. The eligibility to be assessed is based on the conviction and the age of the individual at the time of offense and other criteria set in statute. Information obtained in the assessment involves mental health issues, lifetime of difficulty, and the likelihood this person may cause harm in any number of ways. The court may also consider additional factors in their decision whether or not they will apply the SVP designation to your loved one.

A loved one who is designated as a Sexually Violent Predator (SVP) will be subject to all the general requirements for parole, according to their individual circumstances. In addition, they will be required to register quarterly for life and will be listed as SVP on Colorado's Sex Offender Registry public website. A person with an SVP designation is subject to community notification by the local law enforcement agency.

Your loved one will be advised by their CPO if they have been given an SVP designation. If your loved one is designated and SVP, there will be a community notification completed by law enforcement regarding their status and residence information. The notification process may vary based on the area in

which your loved one lives. A community notification may occur in a number of ways including a town hall meeting or notifications via electronic media.



WHAT IS AN SVP DESIGNATION?

Definition of Sexually Violent Predator

In the mid-1990s, federal law mandated that each state develop a mechanism to identify “sexually violent predators (SVPs).” The federal legislation identified the individual’s behavior present in the current crime and the risk of committing future similar crimes as primary criteria for the states to use in the designation of SVPs. The Colorado General Assembly complied with the federal SVP mandate during its 1998 session by enacting 18-3-414.5, C.R.S. An adult convicted of at least one of the qualifying offenses^[1], assessed as meeting the criteria for SVP through the Sexually Violent Predator Assessment Screening Instrument, and designated SVP by the Court or Parole Board is required to register quarterly for life and will be listed as SVP on Colorado’s sex offender registry public website. Finally, the SVP is subject to community notification by the local law enforcement agency.

^[1] Sexual assault, or sexual assault in the first degree, as it existed prior to July 1, 2000; Sexual assault in the second degree, as it existed prior to July 1, 2000; Unlawful sexual contact, or sexual assault in the third degree, as it existed prior to July 1, 2000; Sexual assault on a child; or Sexual assault on a child by one in a position of trust, for a conviction on or after July 1, 1999 for offenses committed on or after July 1, 1997.

Mandatory Treatment as a Court Ordered Condition of Parole

Your loved one will most likely be required to attend court ordered treatment, which may include group and individual sessions with assigned treatment providers. The treatment provider, CPO, polygraph examiner, and your loved one should work as a team toward increasing your loved one’s healthy behavior and reducing risk-related behaviors. The members of your loved one’s Community Supervision Team – consisting of the treatment provider, CPO, polygraph examiner, and victim representative – will be sharing information with each other about your loved one when they feel it is necessary and appropriate. This sharing of information is different from traditional psychotherapy, where information is kept confidential between client and therapist.

Continuity of Care

Continuity of Care is the process of transferring the responsibility of treatment from one treatment provider or care team to another. It involves the direct communication between providers, documentation about the need for treatment, risk issues and treatment recommendations.

If your loved one participated in treatment under the SOTMP while incarcerated, they will receive a discharge report that will include a recommendation of a tier level and parole directives which will be communicated to the CPO by the SOTMP community liaison. If your love one did not participate in


treatment under the SOTMP while in prison, they will be referred to a treatment provider to assess their treatment needs.

Your loved one may have received treatment in SOTMP prior to being placed on parole. Even if your loved one completed one or both of the levels of treatment in SOTMP, they will still be expected to participate in treatment in the community. The treatment your loved one receives should follow continuity of care requirements as outlined in section 7 of the SOMB Standards, and build upon the treatment received in SOTMP.

It is also important for family members and your loved one to know that the new community-based treatment provider may need time to properly assess your loved one's treatment needs. This may feel like your loved one is starting over. But the goal of the community-based treatment is to support skills already learned in SOTMP as your loved one learns how to apply them in the community, and work on other areas of treatment that have not been fully addressed in prior treatment.

Signing the Treatment Contract

Your loved one will be asked to sign releases of information as well as a treatment contract. This contract is a legally enforceable document. By signing this contract, your love one will be agreeing to follow the rules, abide by the agreement, and accept consequences for failures. Your loved one's therapist and CPO are there to make sure your loved one follows all of the rules in the contract.



INFORMATION SHARING

Family members should be aware that

- Information that family members share with therapists may be shared with other people who are involved in the treatment and supervision of your loved one.
- Treatment providers cannot share information with family members about their loved one's therapy unless a release of information has been signed by their loved one.

How Treatment Providers Are Assigned

For individuals under supervision (e.g., probation, parole) supervising officers must refer your loved ones to treatment providers who have been approved by the SOMB. When possible, the supervision officer will provide your loved one with the choice of two appropriate treatment providers. Your loved one will not be able to change treatment providers once one is chosen without permission from the CST (16-11.7-105 (2) C.R.S.)

Progressing through Treatment

Your loved one, based on progress in meeting treatment requirements and demonstrated use of the tools learned in treatment, may earn privileges, have them taken away, and earn them back with appropriate strategies. Progressing through treatment will take time and the CST will make an effort to create a smooth transition.

Treatment providers are required to determine the intensity and frequency of treatment based on the risk level of your loved one. The structure of treatment may vary between treatment agencies. The SOMB Standards recommend not mixing lower and higher risk clients within the same group setting.

How Often a Loved One Must Attend Treatment

While in community-based treatment your loved one's treatment provider will provide a schedule for treatment sessions. Generally, at the beginning of treatment your loved one will be required to attend at least weekly meetings whether they are group, individual or family sessions. Your loved one may be asked to attend more frequent sessions to address individual goals, problems in achieving these goals, and attempting to achieve these goals in a shorter amount of time.

Tools Used by Treatment

Tools used by treatment may include

- Safety plans
- Third party disclosures
- Placing restrictions on interpersonal relationships and contact with children
- Polygraphs, plethysmographs, urinalysis, electronic monitoring
- Daily activity reports

Safety Plans

As loved ones learn skills to manage themselves in the community, they are asked to anticipate difficulties as they navigate day to day living. They are asked to complete safety plans which require them to think about how they will handle various situations. A safety plan is a required written agreement between a person with a sex offense and the CST.

Safety plans are a tool that individuals use to plan how they will conduct themselves in the community and handle situations such as grocery shopping, restroom use, transportation issues, child contact or other unforeseeable events. Each safety plan must be approved by your loved one's treatment therapist and community parole officer (CPO). 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 CPO feels it is appropriate to notify a third party (such as a potential employer, landlord, or neighbor) of the fact that your loved-one is on parole and the nature of your loved one's offense. The CPO is allowed to disclose only public information, as defined by the Criminal Justice Records Act. Before making a third-party notification, the officer should discuss the rationale supporting the need for a third-party disclosure with your loved one.

Approval of Interpersonal Relationships

Once on parole, 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 is that the court may permit a parolee to have contact with their own child(ren)

- as long as the child was not a victim at the time of sentencing and
- if there are have not been any identified risk factors that may pose a risk to harm the child.

If contact is granted by the court with their own child, this contact will not apply to any other children including other relatives.



COURT APPROVED CONTACT PROVISIONS CAN CHANGE

Family members should be aware that although the court may grant child contact at the time of sentencing, this order may be changed by the court at the recommendation of the CST, if the child is deemed to be at risk.

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.

There are two types of contact: **Incidental contact** and **purposeful contact**. Incidental contact involves your loved one seeing or hearing children during routine approved community movement. Purposeful contact includes having more significant interaction with a child such as ongoing verbal contact, physical contact, or staying in close proximity to a child. Your loved one is expected to acknowledge their experiences in the community in regards to contact with children with the members of their CST, whether it is incidental or purposeful. For more information about incidental and purposeful contact with children, you can refer to the SOMB Standards Section 5.715 Definitions.

Your loved one bears a significant responsibility to understand how to respond appropriately and to put that understanding into practice, when incidental contact with children does occur. This responsibility can be stressful for your loved one and for you because children are a natural part of everyday life. Your loved one should talk with their CST about what is required and how contact situations should be handled. As your loved one progresses in treatment, greater community access including the potential for being approved to have purposeful contact with children with a safety plan may be allowed.

Incidental Contact

There will be times when your loved one will have incidental contact with children while in community. Incidental contact involves your loved one seeing or hearing children during routine approved community movement such as grocery shopping, commuting to work, or other approved activities.


Safety plans should address how your loved one will minimize contact with children while in the community. This may include things such as not beginning a conversation and moving in a way to limit being near children. Your loved one will be expected to report any incidental contact to the CST and discuss how the situation was handled.

Purposeful Contact

If your loved one intentionally begins contact or stays in contact with a child, this is purposeful contact. Purposeful contact examples include deliberately going into a situation to interact with a child, failing to leave a situation where a child initiates contact, or failing to leave when a child unexpectedly shows up at a family event. Incidental contact becomes purposeful contact if your loved one's response to the incidental contact is to continue the contact intentionally.

Your loved one will be in violation of their parole for having purposeful contact (without prior approval) with a child. Your loved one will be required to take all reasonable steps to avoid non-preapproved, purposeful contact with children and immediately discuss any such contact with the CST.

In rare circumstances, your loved one may need to have purposeful contact with a minor child (without prior approval) based on an imminent danger. The CST should consider the context for this unapproved purposeful contact when responding to these situations.



WHEN DEALING WITH INCIDENTAL VS. PURPOSEFUL CHILD CONTACT

- Your loved one should be aware of their surroundings, particularly regarding whether children are nearby.
- Your loved one's safety plans should address what they should do when incidental contact happens in the community.
- Your loved one should seek guidance involving contact with children with their therapist and CPO.

The CST might require your loved one to have an **approved supervisor** who has received training to chaperone or supervise your loved one 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– Evaluation, Child Contact Considerations, and Sentencing** of this guide for more information about Child Contact Considerations.

Polygraphs

Your loved one most likely will be required to submit to regular polygraph exams. Polygraph exams (sometimes referred to as 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 provides information for CST decision making related to treatment and supervision.

Psychological and Physiological Tests

Your loved one may be required to participate in and pay for certain psychological and physiological tests such as VT (e.g., Abel/Affinity/LOOK) which are done on a computer) or plethysmography.

A Plethysmograph (PPG), conducted in a private laboratory setting, measures your loved one's blood flow to the penis, as way to assess sexual arousal in response to certain pictures or sounds. These tests may feel intrusive and make your loved one feel uncomfortable. The test results provide information for CST decision making related to treatment and supervision.

Electronic Monitoring

If your loved one is under Tier III supervision, an ankle monitor with GPS may be required to track their location. In this case a GPS monitor must be Court ordered. In addition, your loved one may be required to install monitoring software, at their own expense, on computers, cell phones, or other electronic devices in order to use those devices.



YOUR LOVED ONE HAS RESPONSIBILITIES RELATED TO A GPS MONITOR

You love one may be expected to cover the cost of any ankle monitors. They are also responsible for ensuring the unit is kept charged and kept in working condition. Your loved one must not remove the unit without permission as it will result in a violation.

Drug and Alcohol Testing

Your loved one may be required to submit to random drug and alcohol testing. In this case, your loved one would be required to call the hotline each day to know whether they are required participate in testing for that day. Testing may include collection of oral swabs or monitored collection of urine samples. Your loved one may be asked to pay for their drug and alcohol testing.

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 community parole officer on a daily or weekly basis. Sometimes the CST will require clients to use and pay for a Tracker (usually a retired or off-duty police officer) or GPS device to confirm your loved one's whereabouts during the course of the day.

Successful Completion of Court Ordered Treatment

In order for your loved one to successfully complete treatment, the therapist must agree that your loved one has successfully progressed through the requirements of treatment (which include goals set within your loved one's individualized treatment plan), has accepted responsibility for his or her sexual offense behavior(s), and has the skills to avoid causing harm in the community.

Successful completion of treatment will generally require:

- Satisfactory awareness of consent
- Compliance with community supervision
- An ability to create and follow safety plans
- Open communication related to sexual history
- A plan to manage risk factors
- Victim awareness and empathy
- Possible clarification of offense behavior with victim's and secondary victims

- The ability to manage sexual thoughts, feelings, and behaviors
- Social skill development, emotion management and improved thinking skills
- Adequate self-esteem and healthy relationship skills
- A plan to manage risk factors in the future

Additional goals may specifically address the ability of loved ones to show improved mental health show they can deal with their own trauma, and demonstrate they have steady employment, stable housing, and stable relationships. Your loved ones need to demonstrate they are using the tools learned in treatment in a meaningful way in their lives.

It is important to remember that treatment is only one requirement of the Terms and Conditions of parole.

If your loved one has successfully completed treatment, this does not necessarily mean their parole sentence is over. Parole sentences and be longer in duration than treatment.



TIP - HAVE YOUR LOVED ONE GET A COPY OF THE DISCHARGE SUMMARY

At completion of treatment and /or supervision it is important that your loved one obtain a copy of their discharge summary from the treatment provider. Treatment providers are required to keep records for only seven years.

Your loved one will need this document when requesting to be removed from the registry.

Consequences of Unsuccessful Discharge from Treatment while on Parole

Your loved one may be unsuccessfully discharged from treatment for various reasons. This may include failure to progress in treatment or a violation of the written treatment contract. If your loved one is unsuccessfully discharged from treatment, there are several possible outcomes.

These outcomes may include:

- Referral to a higher level of treatment
- Referral to an alternative treatment provider
- Revocation of parole and return to prison

Interstate Parole Process

If a loved one is interested in paroling to another state to complete their supervision, there is a formal process that needs to be followed. If your loved one is on parole and requesting an interstate plan they will need to have at least six months left on their parole supervision to be submitted. All states are a part of the Interstate Compact program and must comply with the rules and regulations established by the compact. Every state has different requirements when it comes to supervision of individuals with a sexual conviction. Some states only allow a certain percentage of registered individuals in counties while others have far less restrictions. If a loved one is interested in an interstate compact plan, they will need to talk with their community parole officer. For more information see **Part 3 – Agency Information – Section 10. Parole** of this guide.

Revocation of Parole

A revocation of parole means that your loved one will be returned to prison for a time period determined by the Parole Board. A revocation of parole can occur for the following violations:

- failure to comply with parole terms and conditions set forth by the Parole Board
- failure to progress through the requirements of treatment or termination from treatment
- commission of a new crime

Discharge from Parole

When your loved one has a determinate parole period they will have a pre-determined discharge date. Just like when your loved one was in prison, they can receive *earned time* and reduce the length of time they are on parole. When they reach their discharge date, they will receive a discharge certificate from their parole office.

If your loved one has an indeterminate (Lifetime) parole period they may discharge their parole after their required 10 or 20 years of supervision and upon successful completion of treatment. After meeting these requirements the Parole Board will determine if your loved can be discharged from parole.



SEX OFFENDER REGISTRATION IS STILL REQUIRED AFTER SUPERVISION ENDS

Prior to your loved one's discharge from parole, the CPO should explain the continued requirement for registration as a Sex Offender. Love ones need to know registration continues after supervision. For those who are subject to 5, 10, or 20 year waiting periods, before they can file a petition to stop registering, the waiting period starts when the parole sentence has ended.

It is important that your loved one obtain a copy of their discharge summary from treatment at the time of discharge, in case those records are no longer available from the treatment provider at a later date.

Family Impact

Having a loved one on parole can impact your family in so many different ways. Initially, one of the most difficult things is that extended family members and those under the age of 18 will not be able to be around your loved one, even your loved one's own children. In the beginning parole allows contact only with people who are on an approved list...and the list is fairly short. Parole will in start out with limitations on contact. As your loved one becomes more adjusted to the outside world, the restrictions will be lessened. It is hard to explain this to relatives and friends who are excited to be reunited. The timeline for lessening these restrictions will be determined in large part on your loved one's following the rules and meeting the conditions.



Family Impact
Adjusting

SHELL-SHOCKED - THE FIRST DAY ON PAROLE

The day I picked up my son from Fremont at 6am after a 10 year stay there, he was, I think, in shock. I had gotten permission from his parole officer ahead of time to stop for lunch on our way from Canon City to Denver where he was to meet with his parole officer. He had a hard time choosing something from the menu...too many choices.

At the parole office I asked to sit in on the intake. I brought a notebook to jot down important dates and requirements. Good idea because I think my son was still in shock, especially when he heard all of the requirements and restrictions and what violations would mean. As we left the office on our way to get him fitted for an ankle monitor he said, "Maybe it would be easier if I just stayed in prison...I would have had more freedom".

Now I was shocked. It took a good talking to him about how the beginning of parole was strict but would get better as he progressed. Got him to see the big picture. But it wasn't easy the first three months. Getting into treatment, getting a job and getting his driver's license helped him a lot moving from depression to hope, from dependence to independence, from being known as DOC # to being known as a citizen with a first and last name.

- A Mom's Story

Financial Impact

Family members are not required by parole to provide financial support to their loved one. However, your loved one may have no one else but you to ask for financial assistance with general living expenses and special expenses associated with being on parole. This may be especially hard on everyone until your loved one is able to obtain regular income through employment or benefits. However, there are resources that can help your loved one get back on their feet. (See the ***What You Can Do*** section for some ideas).

- Sometimes your loved one will be required to live apart from the family, especially when the victim is a child in the household. Setting up a second residence can be a financial strain on the family.
- If your loved one is permitted to live with you, you may be asked to help bear the cost of general living expenses. Also, you may be asked to provide transportation or help with transportation costs.
- In certain circumstances, your loved one may be required to pay for certain costs related to treatment. They may also be required to pay for monitoring software installed on cellphones or computers that have been approved for their use.

Costs Associated with Treatment

While under supervision, your loved one will incur many costs. If your loved one is unable to pay, you may be 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 one to several times each week
- Undergo required polygraph and/or other exams
- Wear an ankle monitor
- Submit to drug and/or alcohol testing (urinalysis)
- Take anger management, substance abuse, or other classes
- Submit to monitoring of cell phones and/or computers

Although the Division of Parole pays for some of these required services, part or all of the payment for other treatment and services is the responsibility of the person with the offense. When family members are asked to help out, especially if the loved one is the breadwinner of the family, these costs can place a large financial burden on the family.

Emotional Impact:

Your loved one's feelings as well as your own will run the gamut from hope and excitement to worry, caution, and feeling overwhelmed. On the day of release, happiness reigns until your loved one visits the parole office. The restrictions placed on your newly released loved one can be overwhelming to the point of defeat before getting started. It is important for you or a family member to be present during the parole office first visit (usually the day of release) to offer encouragement – restrictions that feel like house confinement are temporary.

Expectations about picking up relationships where your loved one left off when incarcerated may be unrealistic. Patience is necessary from family members toward their loved one, especially if there was a long term of incarceration. Family relationships may have to be mended.

In some cases, some family members won't want to be reunited. Reunification of the loved one with other members of the immediate family is most difficult when the loved one and the loved one who has been harmed are from the same family. Counseling and/or clarification may help.

In the beginning you can expect to spend time providing transportation to the parole office, the store, work interviews and work, as well as to treatment and any required drug or alcohol testing. Your loved one's driver's license may have expired while in prison and may require a written, as well as an actual driving test to renew. Driving your loved one everywhere for months can be disruptive to your own schedule.

Your loved one may need a lot of time and treatment to deal with the trauma experienced in prison. More than likely you will not be told much about what happened to your loved one while in prison. Living with an adult child who has been incarcerated for some time requires adjustments on nearly all fronts. Your adult child hasn't had to worry about laundry, making meals, scheduling, finding a job, paying bills, and searching for appropriate healthy social connections. Making personal decisions on all aspects of living life on the outside is now the reality for your loved one within 24 hours of leaving prison. In addition, your loved one will need to make an appointment with the assigned treatment provider and to contact the local police department to register as a sex offender.



**Family Impact
Adjusting**

A NEW REALITY

The second day my son was out on parole after 12 years in prison, we were at the grocery store that had been approved for him to shop at. He was nervous about running into someone he knew from the old days and what he would do if they came up to him or wanted to give him a hug.

About halfway through shopping, he said, "I wonder how long it will take me to stop checking my back to make sure I'm safe and not going to be jumped". It was then I realized there was going to be a lot more adjustment than I thought and a lot of it was hidden.

-- A Mom's Story

Impacts on Your Loved One Can Also Impact Family Members

While on parole, 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 parole, your loved one must abide by very strict rules.



Family Impact
Transition from Prison
to the Outside

A MESSAGE TO FRIENDS AND FAMILY ABOUT THE IMPORTANCE OF HAVING SUPPORT

The transition from the prison to the outside was hard in several ways.

One, mainly being the different culture. Time freezes when the steel door closes behind you. The events of the world seem removed, distant. You quickly learn to harden your heart to survive. In prison, there is a whole new set of mores you must learn, not including the rules. And those mores- the convict code- inhibits you from reintegration.

Example: If someone steals from you in prison you only have 2 options; violence or suck it up. Outside the responsible thing is to call the authorities. If someone disrespects you in prison, cuts in line say, you have to stand up, i.e. violence or you become a target for everyone else. Outside, that behavior will return you to prison.

Secondly, it is very scary and disheartening when you come out, especially after a few weeks when everything you've known is changed, no longer there or valid. Simple things that everyday people do, like pay bills, plan meals, budget money for them, utilities, what clothes to even wear, can be overwhelming and frustrating . Especially if you have no one to help you. Many begin to reflect on what it was like on the inside and how simple it was. And yet, yearn for freedom they don't know how to cope with. Many return to their old coping mechanisms, drugs, alcohol, crime. Having that safety net, a person there to help me was utterly crucial to succeed.

Third, and though there are tons of resources for inmates coming out, the general knowledge of what, where and who is not well known on the inside. We-inmates newly released- just don't know where to go for help. Even the how of finding out the what, where and who is not generally known to people coming out. I was fortunate to go to a halfway house. It let me reintegrate slowly, a piece at a time. Just being on the street corner catching the bus for the first time was an adventure, both exciting and terrifying.

Trying to find my way around the city, on my own, well, it was frustrating and stressful and forced me to dig deep into my resources of determination. Having someone help you navigate thru life's little trials for the first few weeks is huge. Heck, the first time I went to King Scooper's, I was like holy cow look at all the stuff. Where do I even start?

And we want everything, all the bells and whistles, we want to hear everything, see everything, do everything. We cannot. It is too much. We are unprepared to get Medicaid started or how to. Sure prison signs ya up but that's it.

Most of us have not had to work and are ill prepared for an 8-hour day responsibility. In prison, all your responsibilities are regimented. Most of us have no clue how to schedule our time- one of my biggest struggles. What helped the most was having someone there, not to hold my hand, but guide and encourage. I would tell someone coming out of prison, take it slow and steady. Small bites. And forgive yourself for what you don't or can't know. It will come. And be brutally honest with yourself and your support.

- A Message from a Loved One Who Served Time

In some cases, a loved one on parole may not be allowed to return home and may be required to live elsewhere. If the person with the offense and the victim of abuse are both family members and 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.

If your loved one is allowed to live in your home, the rules of parole can impact family members and disrupt the household in many ways. For example, your loved one most likely will not be allowed to have contact with children, at least during the beginning of parole. 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 and 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. Having your loved one live with you will affect who can drop in to your house, including members of your own family (until they can be put on an approved list). Even though it can be disruptive to your household, you will have to agree to allow the CPO to make unannounced visits to check-in on your loved one and to inspect the house.

Having an adult child move back in with you has its own challenges. When you add all of the restrictions and responsibilities and institutionalization that come with someone who has a sex offense conviction and who has been incarcerated for a period of time, it has to affect the daily life of your family.

PO Home Visits (if your loved one lives in your home)

Under standard parole, parolees are required to report to community parole officers (CPO) on a schedule and to receive unscheduled 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 parole.

CPOs are required to check on parolees:

- 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 parole contract?

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.



Family Impact

Old Rules

Do Not Apply

HELPING A CHILD IN NEED: CONSEQUENCES

In the early days of parole with all of the restrictions, requirements, our family worried about the “no children” contact requirement, especially about incidental contact once our loved one ventured out into our community. My son, a former teacher, was worried about meeting up with a former student, now a mother, in the grocery store and having her, child in tow, walk up to him and giving him a hug before he could retreat. As it turned out, his biggest, most costly decision was helping a child in need, one which nearly caused his revocation of parole.

My son was working as a service manager around noon one day when a young boy entered the service center unattended and asked for help. The school bus had just dropped him off at his grandparents’ house across the street from the service center. The house was locked and grandparents weren’t home. At the time, my son was helping a customer. He knew he couldn’t ignore the boy or send him back outside. Thinking the boy was safer sitting in the service center, my son periodically checked the house across the street to see if the grandparents had returned. After some time waiting for the grandparents to return, his teaching instincts kicked in. He asked the boy his name (ironically his name was the same as his son who he had been fighting legally to have contact with). Additionally, the boy was the same age as my son when he was molested by a neighbor boy. So, there were several emotional triggers going off at the same time. He decided to take the boy across the street to check out the house. He asked two of his mechanics to maintain a sight line of him as he checked out the house. The house was locked and there was no response to knocking on the door. He brought the boy back to the center and checked the boy’s backpack, hoping to find an emergency number but found none.

He located the boy’s school and called to see if someone could come to the service center to pick him up. Apparently there had been an early release day. Within an hour, the principal and the boy’s first grade teacher came and took the boy back to school.

Afterwards, my son, emotionally spent, called his parole officer to report the contact as per his contract. His therapist thanked him for calling and said his parole violation would have to be staffed, meaning the CST team of his therapist and parole officer would review the violation to determine the consequence. As it turned out, the agency’s entire therapists’ staff reviewed the violation, and if not for his parole officer and his therapist, he would have been recommended for parole revocation. Instead, he served 5 days in county jail, had to wear his ankle monitor for an additional year and had time extended on his progression level. Also, he was required to write a letter to the boy’s grandparents disclosing that he was a registered sex offender. Whether or not it was ever delivered, he doesn’t know.

Staff said he should have immediately called his PO or 911 since removing himself from the service center was not an option and that he should have thought about himself first rather than the child. Much later his therapist asked me what I thought about what he did in the situation. I said he did just what I thought he would do, putting another ahead of himself. I remembered that it had been such an emotional situation for him that my son cried when he told me about it when he came home from work. It was a stark reminder of how being on parole for a sex offense can turn one’s decision making on its head when it comes to unexpected contact with a child in need of help. The human response is to help. My son would have to learn to be selfish. I hope he doesn’t.

- A Mother’s story

If Your Loved One Is under Intensive Supervision

Intensive Supervision Parole (ISP) is common during early parole, especially for those with indeterminate parole sentences. ISP requires more frequent visits than non-ISP with your loved one's CPO. In addition, your loved one will most likely have a very restrictive curfew and may need to wear an ankle monitor. Even though these restrictions technically apply only to your loved one, they can have impacts on family gatherings and activities.

If Your Loved One Has a Sexually Violent Predator (SVP) Designation

If your loved one has an SVP designation and is living with you, the impact on your family may be significant. Your community will be informed of your loved one's residence and designation as an SVP. The term *sexually violent predator* itself may alarm your neighbors. In some cases, there have been reports of extreme responses such as neighbors insisting that a person with an SVP designation leave the neighborhood. Your household and your family may be shunned. Finding another place for your loved one to live may be difficult because the new landlord will be informed of the designation, as will the community of the new residence. If your loved one must find a new residence, there may also be the expense of the additional residence. In a best-case scenario, once the community is informed, no issues will arise.

Difficulty Finding Work

Finding good paying work can be 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. Some 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 workday.

Even if an employer is willing to hire your loved one, parole 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 community parole officer (CPO) will need to approve whatever job your loved one is considering. CPOs keep community safety in mind when considering job approval. They also want to avoid approving employment that may put people on parole in a situation where they could violate parole conditions, face public scrutiny, or face unfounded accusations by angry co-workers or members of the community.

Sex Offender Registry

People convicted of sexual offenses who are on parole must register on the Sex Offender Registry. Registration is dependent on 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 ***Part 3 - Agency Information- Section 11. Sex Offender Registration Requirements*** in this guide.

What You Can Do:

For Yourself

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.

On the First Day

- **Pick up your loved one at the prison facility:** Parole begins when your loved one is released from the prison facility. You can check with your loved one's **case manager** as to date, time and place to pick up. Civilian clothes may be mailed to the facility ahead of time. Check with the case manager ahead of time regarding what clothes will be accepted. This process may differ from facility to facility. If there is no pick up at the facility, your loved one will be bussed to 940 Broadway for re-entry instructions and services. You can pick up your loved one there.
- Take your loved one to the parole office and if possible sit in on the initial meeting. Your loved one will be required to go to the assigned parole office to meet with a CPO on the day of release. When possible, Parole encourages family members to attend the initial visit to have a second set of ears there, because there will be many requirements and dates to remember. Ask questions if you need clarification or examples of the requirement, e.g., "What do I do if a cousin suddenly drops by to see me?", "How do I handle the friend who I haven't seen in seven years, who comes up to me in the grocery store and gives me a hug?"

In the Early Days

- **You and your loved one should become familiar with the requirements of your loved one's parole.** Not understanding and following the rules can put your loved one in a position to violate parole conditions and can result in a return to prison.
- **Provide transportation in the early days on parole.** It may take some time before your loved one is able to get a new driver's license or obtain permission to ride public transportation. Your loved one may need a ride to places like the DMV, parole meetings, treatment, or the grocery store.
- **Be patient with your loved one and yourself:** Your loved one will need time to readjust to life on the outside.



TIP – FROM A FAMILY MEMBER

It helps some family members to think of the early days of parole as being like *house arrest*.

During this time, your loved one will have very limited freedoms. You can help your loved one get through this time, by reminding them and everyone in the family that these severe restrictions will decrease over time, as long as they meet the conditions of parole.

- **Listen:** As your loved one becomes more used to the requirements of parole, the responsibilities for re-establishing a life after prison, and the challenges of old and new relationships; listen for the emotional and psychological messages your loved one is sending.
- Respect your loved one's privacy, but **get to know your loved one's the therapist(s)**.
- **Get to know the community parole officer (CPO).**

Provide Positive Support

While parole can last many years, people can and do make it through their parole period and are released from parole and treatment. **Positive engagement** by family members and friends can make a huge difference in a loved one's successful completion of parole. Your loved one will be held accountable for every term and condition of parole. Positive support begins with family members understanding the terms and conditions of parole your loved one must meet to be successful.

For Those who Can Be More Involved

- **Become a Parole Sponsor** in order for your loved one to live in your home. Prior to your loved one's release, you will be required to sign the parole sponsor forms.
- **Become an Approved Community Support Person** which means you may escort your loved one to approved places in the community, when your loved one is not allowed to go alone.
- **Become an Approved Supervisor** in order for your loved one to have contact with specific children. Approved Supervisors must receive training and follow guidelines outlined in the *SOMB Standards and Guidelines*.

When Your Loved One Gets a New Community Parole Officer (CPO)

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

Communication is key to understanding the relationship between your loved one and the new CPO. 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 parolee's living situation. Family members can also help avoid misunderstandings by not leaving their electronics unattended in common living areas. See the Tip Box below for ideas about what you and your loved one can discuss with the new CPO.

When It Seems Like CPOs and Therapists Are Not on the Same Page

Sometimes your loved one may feel that the therapist and the CPO are giving different directions or seem at odds with one another. The therapist's mission is therapy. The CPO's mission is holding your loved one accountable to the conditions and terms of parole. These two different missions can create situations where the therapist may be ready to allow your loved one to do something that parole may not be comfortable allowing. Family members need to know that the CPO 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.



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 CPO, it will take time for the parole 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, coming to a standstill, or even moving backwards.

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 CPO would be willing to document particular things that your loved one would like the new CPO 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 CPO.
- Keep a list of electronics (cell phones, tablets, computers,) that belong to other household members and share that list with the new CPO.
- Keep a list of people approved for contact and the dates when approval was granted.
- Talk with the new CPO 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.

Where You Can Find Help and Answers:

- **Ask your loved one:** Your first place to have your parole 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 parole contract.
- **Contact your loved one's community parole officer (CPO):** If you are not able to get the information you need from the parole office, you can go up the chain of command for parole.
 - Community Parole Officer (CPO)
 - Team Leader [may be the same person as the assigned officer]
 - Supervisor
 - Manager
 - Associate Director
 - Deputy Director
 - Director

- Your first place to have your treatment questions answered is your loved one's therapist.
- Information about the specifics of a loved one's Sexually Violent Predator (SVP) designation should be available in court sentencing records or Parole board records. You may wish contact your loved one's attorney for help in obtaining and researching these records.
- For information about treatment read the SOMB's Standards and Guidelines, available online at <https://cdpsdocs.state.co.us/dvomb/SOMB/Standards/SAdult.pdf>
- Attend the citizen/Department of Corrections meetings where Division heads are available to answer citizen questions. The Division head of parole attends these meetings. See the Colorado Department of Corrections web site for dates and locations of these meetings and what you need to do before attending.
- Public law 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.
- Information CDOC policies which govern Parole may be found on the Department of Corrections website (<https://www.colorado.gov/pacific/cdoc/adult-parole>).



WHAT COMMUNITY PAROLE OFFICERS WOULD LIKE FAMILY MEMBERS TO KNOW

Several Colorado community parole officers (CPO) were asked to provide information on what officers would like family members and support to know about their loved one being on parole. Their answers were provided as personal reflections. Their answers were not intended to represent thoughts of other CPOs and their answers were not intended to be official answers for any department or agency. What follows is a blended summary of what officers would like to share with family/support:

What would CPOs like family members to know:

- 1) What can a family member expect upon their loved one paroling?
- 2) How can family members develop working relationships with supervising CPOs?
- 3) How can you support your loved one when they are frustrated with treatment and supervision?

What can a family member expect upon their loved one paroling?

Having your loved one on parole can bring up many emotions in family members/friends/support and your loved one. Keep in mind, from the moment your loved one paroles, your loved one is going through a lot of change. Your loved one will be going from a contained environment, where they know their schedule day in and day out, to what they can perceive as a hectic environment.

From the moment your loved one is released from a Department of Corrections (DOC) Facility, your loved one will need to immediately report to a parole office. Your loved one will either be taken to a parole office via a family member/friend/support or by a Department of Corrections transport. If you decide to pick them up from the facility they are at, you can bring them a change of clothes or even food for them if you would like. Most, if not all officers, are comfortable with you going through a drive-thru with them to order them food. You will be unable to stop at a restaurant and go in to sit down at this time. The office your loved one reports to is indicated on their parole agreement. From there, they will have their initial office visit (IOV) with their supervising CPO.

During your loved ones IOV, it will be expressed to them that everything takes time and that patience is very important during this stage of their supervision. Your loved one from here on out, will need to submit safety plans for any type of community movement. This will at first be done through their supervising CPO and then through their treatment provider. This process can take time and it is the responsibility of your loved one to submit their safety plans. Many family members/friend/support are rightfully excited to have their loved one back in the community. Please keep in mind that their movement is very limited in the beginning of their supervision and takes time for their safety plans to get approved. Speaking with your loved one about what safety plans they have approved and potentially future safety plans, will help show support and keep you informed about what your loved one is approved to do in the community.

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WHAT COMMUNITY PAROLE OFFICERS WOULD LIKE FAMILY MEMBERS TO KNOW (2 OF 3)

Safety plans can be overwhelming for your loved one, so keep in mind patience is important in this stage and show support by making plans around what is approved for your loved one.

As officers, there are a few areas where family members/friends/support need some clarification. Most of your loved ones will need to go through treatment to be able to have contact with minors, use the internet and go to others' houses to visit. Speak with your loved one and their supervising officer about these subjects as your loved one's supervising officer can clarify what your loved one needs to do in order to have those areas approved through a safety plan and/or a verified disclosure.

How can family members develop working relationships with supervising CPOs?

Community Parole Officers acknowledge that you all, their family members or other support, play a vital role in your loved one's success on supervision. From the beginning of one's parole, the rapport between family/support and CPOs can be built. Many, to most officers, allow family/support to be present for the Initial Office Visit (IOV). Upon your loved one paroling, they will need to report immediately to their assigned parole office. There, their IOV will be conducted. Family/support can either be present during this meeting or they can review their loved one's parole paperwork with them. All of those on parole will be provided a copy of the paperwork they sign. Many on parole are encouraged to review this paperwork with their support. During this initial meeting, you can ask your loved one's CPO how you can contact that specific officer. Many will provide their card, their email, phone number or C-Wise information.

Once your loved one is in the community, it is helpful to keep in touch with their CPO. Officers acknowledge that family/support know their loved one the best and see them on a day-to-day basis. Please keep in mind that you can contact CPOs about anything regarding your loved one. Reaching out to your loved one's officer is not seen as going behind your loved one's back. If anything, officers have many resources and tools they can use to assist your loved one if they are struggling in a certain area of their supervision. From treatment to other potential residences, officers have many resources to help your loved one. Many times, officers do not know what your loved one is struggling and your loved one will not tell their officer. In order to help, officers need to be aware of your loved one's concerns or issues. Also, officers can intervene with those helpful tools or resources, before anything escalates. Also, officers enjoy hearing when good things happen as well for your loved one. The goal of officers is to help your loved one enter the community safely and have a full life in the community.

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WHAT COMMUNITY PAROLE OFFICERS WOULD LIKE FAMILY MEMBERS TO KNOW (3 of 3)

How can family members be of support to their loved ones?

Support of your loved one and their treatment compliance can begin before your loved one leaves the Department of Corrections Facility. First of all, you can be a *parole sponsor*. A parole sponsor is a family member/friend/support who allows your loved one to live with them. Your loved one can meet with their case manager and put in a pre-parole plan to come live with you at your home. A parole officer will be assigned the plan and reach out to you to explain the guidelines for having your loved one live with you and explain what you can expect from that. If you are unable to be a parole sponsor, there are many other ways to support your loved one.

From the other questions answered in this forum, it can easily be seen that your loved one will be going through a lot mentally, once released from the Department of Corrections. Your loved one may have spent many years in the Department of Corrections. The world has changed a lot within even the past couple of years, let alone the last 20 years. Take that into consideration if your loved one is feeling overwhelmed even leaving their facility. Then, after your loved one's IOV, they will need to make a lot of appointments. Being able to drive them to their appointments or even looking through bus routes with them can be very helpful.

What a lot of officers see is the frustration your loved one is feeling. Whether they are frustrated with safety plans not being approved as quickly as they would like, or the fact they are not approved to have a lot of community movement once released, frustration can build. Talking to your loved one about patience and having patience with them will be helpful. Reminding your loved one that they can earn more movement and can work towards that as their parole continues, can help with your loved ones impatience. Encouraging your loved one to talk to their CPO about their supervision and how they can be approved to do certain things in the community or have contact with others, can be helpful. Being supportive of your loved one can go a long way in your loved ones success on parole.

Chapter 11–Sex Offender Registry and Post-Sentence Considerations

This chapter talks about

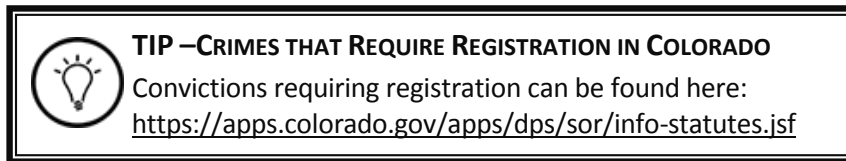
- Registration and notification
- Post-sentencing court Involvement

Registration and Notification

Requirements

All individuals convicted of certain sex crimes in adult court in Colorado must register on a regular basis with the local law enforcement agency (police department, Sheriff’s office, etc.) in each of the locations where they *reside* (this is defined in law) for their entire life so long as they live in Colorado unless they get a court order ending their duty to register. Information about who is required to register can be found in the Colorado Revised Statutes (16-22-101 through 16-22-115).

The statutes contain information about which sex crimes require registration in Colorado, and also note that those convicted of equivalent crimes in other states or jurisdictions are also required to register in Colorado.



There may be other times where, although a person does not have a statutory duty to register, registration is ordered by the court as a condition of probation, or by the Parole Board as a condition of parole, and individuals found not guilty by reason of insanity for a sexual offense may also be required as part of court orders granting Temporary Physical Removal or Conditional Release.

The frequency and duration of the registration requirements are based on the offense for which the individual is convicted. Registrants may be required to register quarterly or annually plus within five (5) days every time they change their residence or change to or from a *lacks a fixed residence status*. Make sure your loved one knows the requirements for the registry and registers when required as failing to do so is a new felony or misdemeanor crime (depending on the class of the underlying sexual offense conviction).

Although there are processes for communication among law enforcement agencies, if your loved one has been registering with one agency but moves and needs to start registering with a new agency, it is a good idea for your loved one to make sure the old agency knows they have moved out of their jurisdiction so that they do not think your loved one has absconded and erroneously seek a warrant to arrest them for the crime of failure to register.

As of 2021, Colorado law defined a *residence* as any

place or dwelling that is used, intended to be used, or usually used for habitation by a person who is required to register.... *Residence* may include, but need not be limited to, a temporary shelter or institution, if the person resides at the temporary shelter or institution for fourteen consecutive days or longer, if the owner of the shelter or institution consents to the person utilizing the shelter or institution as his or her registered address ..., and if the residence of the person at the shelter or institution can be verified.... A person may establish multiple residences by residing in more than one place or dwelling.

§ 16-22-102(5.7), C.R.S.

In addition, if your loved one is homeless or otherwise lacks a fixed residence, they are required to check-in with the local law enforcement agency in person every quarter or every month (depending on the crime which is requiring them to register). Failing to do these extra check-ins when a person is homeless or lacks a fixed residence may result in being charged a new misdemeanor crime called Failure to Verify.

How Does My Loved One Register?

Your loved one may receive additional instruction from law enforcement, supervision officer or a CDOC staff member regarding registration. They may receive the Notice to Register form from their supervising agency (e.g., probation or parole) which includes information about the statute, requirements for when and how to register, and timeframes on how long they will be required to register.

In order to register, your loved one should contact the law enforcement agency where they live or plan to move to make sure they have accurately identified the agency with jurisdiction over their residence. Although Colorado does not have a state-wide residency restriction, some counties and cities have their own rules restricting where registrants can live. These residency restrictions are all different and specific to each jurisdiction which has adopted them. For example, a city may prohibit registrants from living within 500 feet of any school or park. Before moving, therefore, your loved one may want to inquire of the police agency if they think your loved one's proposed residence is lawful. If your loved one disagrees with a law enforcement opinion that they cannot live somewhere, it may be useful to consult a lawyer because if your loved one moves into a location that police have identified as illegal for them, they may be cited by municipal or county authorities and need to pursue a remedy in the courts.

Before going into any law enforcement agency to complete the initial registration process, your loved one should find out what hours the law enforcement agency is open to register people and whether they require registrants to make an appointment. Some law enforcement agencies also have kiosks to begin the registration process. It is best to find out how they will be expected to register prior to going to the police agency as there may not be registry staff available to help at all hours. There may be a fee to register and your loved one should be prepared to pay the required fee. The maximum initial fee is \$75 and the maximum fee for subsequent registrations is \$25. If your loved one is unable to pay the fee,

the law enforcement agency is still required to register them but they may require a payment plan or send the debt to a collection agency. Police agencies are also allowed but not required to waive any registration fee for indigent people. If your loved one is indigent, they should ask the police agency staff whether a waiver is available.

When your loved one is ready to register, they should be prepared to provide information such as their address, any identifying marks (tattoos, etc.), and know that they will be photographed and fingerprinted. Besides not showing up to register when required by law, your loved one can also be charged with the crime of failure to register if they lie about their registration information. Your loved one will also be required to reach out to law enforcement to update their information if any of it changes (*e.g.*, changes to their address, vehicle, or other information outlined below). All changes must be promptly reported to law enforcement.

When a person is required to register, they must accurately complete the registration form designed by the Colorado Bureau of Investigation. At a minimum, as of 2021, they will be asked to provide the following information:

- (a) The name, date of birth, address, and place of employment of the person required to register, and, if the place of employment is at an institution of postsecondary education, all addresses and locations of the institution of postsecondary education at which the person may be physically located;
- (a.3) If the person's place of residence is a trailer or motor home, the address at which the trailer or motor home is lawfully located and the vehicle identification number, license tag number, registration number, and description, including color scheme, of the trailer or motor home;
- (a.5) If the person is volunteering at an institution of postsecondary education, all addresses and locations of the institution of postsecondary education at which the person may be physically located;
- (a.7) If the person enrolls or is enrolled in an institution of a postsecondary education, all addresses and locations of the institution of postsecondary education at which the person attends classes or otherwise participates in required activities;
- (a.9) If a person lacks a fixed residence, any public or private locations where the person may be found or habitually sleeps, which information may include, but need not be limited to, cross-streets, intersections, directions to or identifiable landmarks of the locations, or any other information necessary to accurately identify the locations;
- (b) All names used at any time by the person required to register, including both aliases and legal names;
- (c) For any person who is a temporary resident of the state, the person's address in their state of permanent residence and the person's place of employment in this state or the educational institution in which he or she is enrolled in this state and, if the temporary resident of the state is enrolled in, employed by, or volunteers at an institution of postsecondary education, all addresses and locations of the institution of postsecondary education at which the temporary resident attends classes or otherwise participates in required activities or works or performs volunteer activities;
- (d) The name, address, and location of any institution of postsecondary education where the person required to register is enrolled;
- (e) The name, address, and location of any institution of postsecondary education where the person required to register volunteers;

(f) The vehicle identification number, license tag number, registration number, and description, including color scheme, of any motor vehicle owned or leased by the person;

§ 16-22-109(1), C.R.S. Some people required to register for a subset of registerable crimes defined as *child sex crimes* will also be required to provide the following additional information: “(g) All e-mail addresses, instant-messaging identities, and chat room identities to be used by the person if the person is required to register that information pursuant to section 16-22-108(2.5).” Id.

Public Notification of Registry Information

In addition to registration, it is also important to be aware that some people required to register will have their information put on public sex offender registry websites. In Colorado, adults with a felony sex crime conviction are placed on the public Colorado Bureau of Investigation (CBI) website. Being on the CBI website also means that their registration information will be flagged and sent out to victims. While adults with a misdemeanor sex crime conviction are not placed on the CBI website, their information is available to the public upon request at the law enforcement agency in the form of a paper list of registrants and some law enforcement agency also place this information on public websites maintained by their agency. Juvenile registration information is no longer accessible to the public through CBI or law enforcement websites or paper lists but may be requested on an individual juvenile for a specific reason through the CBI website.

Both the Colorado sex offender registry housed within the Colorado Bureau of Investigation and the local law enforcement agency websites might contain slightly different information. Public website information should be reviewed for accuracy to ensure that your loved one is properly registered.

As a result of this information being public, your loved one may be asked about their registration status on housing and job employment applications. It is important to be truthful when such questions are asked and talk to supervising officers and treatment providers about the best way to disclose this information. Placement on Colorado’s registry makes a person ineligible for Section 8 and VA federal housing benefits and may impact the size of household awards for benefits like SNAP (“food stamps”).

Registration status is also a barrier to your loved one’s ability to successfully sponsor a non-citizen spouse under federal immigration laws. Further, certain living situations such as nursing homes, hospice, group homes, in-patient substance abuse treatment programs, and other joint living environments may discriminate against registrants. Additionally, managers and landlords may not allow your loved one to live on their properties while your loved one is required to register. Finally, certain social media sites like Facebook and match.com may prohibit registrants from using their apps or websites. If a registrant lives in your residence, you may be unable to join websites like NextDoor.com.

Sexually Violent Predator (SVP) status

Some individuals who are required to register in Colorado may be designated as a Sexually Violent Predator (SVP) by the court or Parole Board or the law enforcement agency where they are registering (for out of state sexual offense convictions only). At the time of your loved one’s sentencing for certain Colorado sexual offenses, an evaluation will be completed for the court. This evaluation will include a recommendation about whether or not your loved one meets the criteria to be labeled an SVP. It is the judge’s decision whether to designate your loved one as a SVP, and this designation can be challenged

on direct appeal (see below). If your loved one is in prison and was never assessed for SVP status, the Parole Board also can make a decision about this designation. The SVP findings of the Parole Board can be challenged in a new civil lawsuit, but not in the criminal court of conviction.

In other states, the term SVP may be used to describe a person who has been civilly committed. This is not true in Colorado. Rather, all people who are labeled as SVP's must meet additional registration requirements including registering quarterly for life (monthly if they lack a fixed residence) with no ability to ever get off the registry, and being subject to community notification processes. Community notification is a process where law enforcement lets the community know that a SVP is living in the area. This can be done through a public community meeting or some form of social media (e.g., NextDoor or YouTube) or local television press release and/or post cards. Sometimes the press reports on people labeled SVP as well. People labeled as SVP's are also placed on the CBI website and may be on local law enforcement websites as well.

Having the label SVP may make it harder to find housing and employment because some city's residency restrictions prohibit people labeled as SVP's from living in certain jurisdictions. Being labeled an SVP may lead certain criminal justice programs like community corrections halfway houses to not take your loved one and may delay their ability to parole. Check with the local law enforcement agency where your loved one will be registering about any restrictions if you loved one is determined to be a SVP.

How to Stop Having to Register

Some individuals who are required to register can petition the court to get off the registry after having been in the community for a certain period of time since being required to register. For those with a juvenile adjudication, a new law allows them to be released from the registry after 7 years or at age 25. For more information about how to file a petition in court to get off the registry, please see: https://www.courts.state.co.us/Self_Help/discontinuesexoffenderregistration/

You should also be aware that law enforcement has discretion every three (3) years to register your loved one without requiring your loved one to go in person to the police station to register due to a physical or cognitive impairment. If you have concerns about your loved one's ability to register, encourage them to talk to law enforcement about this option or reach out to them yourself.

There have also been a number of court challenges to the registry and you can always consult with an attorney about options for your loved one. Keep in mind that the public defender's office cannot represent your loved one in this situation but there are often free attorney clinics where legal assistance may be available. Options for this may include legal aid or law school clinics, the Colorado Criminal Defense Bar or the Colorado Juvenile Defender Center if the person is registering for a juvenile adjudication only. Advocacy groups for family members of individuals convicted of sexual offenses and law enforcement agencies may also be aware of such resources.

Limitations on International Travel

One important thing to keep in mind is the limitations on international travel for those who are required to register. Some countries may not allow your loved one to travel there based on the sex crime conviction. For more information, the nonprofit Registrant Travel Advisory Group (which collects

anecdotal information about registrant experiences trying to visit various countries) at <https://registranttag.org/> or the federal SMART Office may be of assistance at <https://smart.ojp.gov/>. The International Megan's Law also requires that some registrants may be required to turn in their passports and receive a new passport that includes a marker demonstrating their registration status.

Registry Scams

Be aware that your loved ones may be the target of a scam where their registration information is misused. If someone contacts your loved one and offers to take them off of a public registration website or threatens exposure of their registry information unless they provide payment, report this information to the local law enforcement agency. No private agency has the ability to change registry requirements and government agencies will never ask your loved one for money to change their registry status.

Law enforcement officials will not contact your loved one over the phone to ask for a meeting involving gift cards or requiring them to provide credit card information. If someone claims to be with law enforcement, it is always appropriate to terminate the call and call back to the agency they say they work for to confirm whether the call is legitimate. Unfortunately, some people have stolen money from people on the registry by pretending to be real law enforcement officers from a real police department. Sometimes they have even set up in-person meetings in a parking lot adjacent to a real law enforcement agency. A call back via any real law enforcement agency's main number will provide a way to confirm a caller's identity. It is always appropriate for your loved one to ask that any contact with law enforcement occur in a secure or recorded location for their safety. A lawyer can also assist your loved one in evaluating the identity of anyone who claims to be a member of law enforcement over the phone or in an email or text message and in advising them in whether and how they should provide any information to a person who claims to be law enforcement or civilian registration staff.

Registry Requirements in Other States and Jurisdictions

Please be advised that if your loved one moves to or even briefly travels to another state, the registry requirement will most likely follow them. Each state has its own registry requirements. In the most extreme cases, other states may require registration as soon as a registrant arrives as a visitor and/or may permanently place the visitor on their state registry (even after they leave the state). Permanent placement on a registry may render your loved one ineligible to access programs that are only available to non-registrants if that state lacks a process to remove them from the registry. For more information about each state's registration requirements, your loved one can contact the law enforcement agency in the jurisdiction they will be visiting and/or that state's registry officials for more information. Every state organizes their registry somewhat differently so agencies may have different names in each state. In addition to other states, your loved one may also be required to register if they temporarily or permanently move onto tribal or U.S. territorial lands. Registrations on tribal or territorial lands are typically done with the tribal or territorial law enforcement agencies. It is always best to check with any jurisdictions your loved one may be visiting in advance before traveling. Because every state has different registration policies, even if your loved one is no longer required to register in one state, they still may be required to register in other states. Help support your loved one to ensure they do not accidentally violate a registration law.

Consequences of Failing to Register

Failure to register is a crime under Colorado state law and if convicted, your loved one may receive punishments that could include probation, jail, and/or a prison/parole sentence. Although a rare scenario for a person who was convicted of sexual offense in Colorado state court and who continues to live and register in Colorado, there is also a separate federal failure to register crime that carries a possible federal prison sentence so your loved one can also be charged in federal court if that law applies to them and they violate it. Become aware of the registration laws where your loved one lives or visits and the consequences for a violation. In some cases your loved one may benefit from a reliable reminder system.

Other Limitations on Those Who Register

Some states have other registration requirements that can limit where you loved one can live or go (typically referred to as *residence restrictions* and *child safety zones*, respectively). There may be limits on who your loved ones can live with such as children, on their ability to go to places such as schools and libraries, rules that prohibit their participation in Halloween or other holidays (e.g., no costumes, trick-or-treating, or handing out candy), and some states require special driver's licenses noting the registration status. Every state may collect different information and have different rules for registrants. Don't assume that the laws in Colorado will be the same in other states or jurisdictions. Military bases may not allow entry by registrants.

Websites, news media, community notification, or other public information may cause your loved one to be questioned about their registration status. Encourage them to have a strategy for dealing with such situations and avoiding conflict. Registration is one more responsibility your loved one will have to deal with, and preparation and awareness will make things go as smoothly as possible. If your loved one experiences threatening behavior related to their status as a registrant, they should report it to law enforcement as soon as possible.

Possible Court Involvement after Sentencing

What Is an Appeal?

An appeal is a review of a trial court's decision that occurs primarily on paper. One side (the *appellant*) requests that the higher court review the case to see if the trial judge made a mistake. The parties are restricted by number of word limits so they lay out the most important facts and law related to the issue(s) they are raising in the appeal. The appellant (the person filing the appeal) is responsible for ensuring the appellate court has all the relevant motions, transcripts, exhibits, etc. from the trial court process. Typically, the appellant files a written argument called an Opening Brief first. Then the other side (the *appellee*) files an Answer Brief and the appellant may file a Reply Brief. The appellate court issues a written decision. The entire process can take many years to complete.

Who is Eligible for an Appeal

In a criminal case, either side can file an appeal but most often it is filed by a defendant who has been convicted at trial or had probation revoked and then sentenced.

The Direct Appeal

All defendants have a constitutional right to one direct appeal of their conviction(s) and/or sentence. A trial court order designating a person as a *Sexually Violent Predator* can also be appealed.

The Court of Appeals is the appellate court for District Court (felony) cases (the court sits in 3-judge panels). The District Court is the appellate court for County or Municipal Court (misdemeanor or petty offense) cases (1 judge decides).

Appellate courts only look at what already happened in the trial court and usually cannot consider new facts, evidence, or information.

If a defendant pleads guilty, they are entitled to appeal their sentence unless they stipulated to the sentence or it falls within an agreed upon sentencing range.

Do We Still Go to the Courthouse?

You and your loved one will rarely go to a courthouse during an appeal because it happens almost entirely on paper.

Sometimes the Court of Appeals will allow the appellate attorneys to make short, 15-minute *oral arguments* to the appellate judges. This allows the appellate judges to ask more specific questions of the lawyers. Although this happens in a public courtroom, no witnesses including your loved one, the named victim, the trial lawyers, or anyone else may speak.

How Does My Loved One Get a Lawyer to Do an Appeal?

If your loved one contracted with a private trial lawyer to handle the case in the trial court, whether or not that lawyer will also file an appeal may depend on whether there are any existing or new agreements about what would happen if your loved one wanted to pursue an appeal.

There is also a process by which your loved one can request that the Colorado Office of the State Public Defender (OSPD) represent your loved one on appeal. If your loved one was already represented by OSPD (or by Alternate Defense Counsel if the OSPD had a conflict of interest) in the trial court, the trial lawyer is responsible for getting the OSPD appointed to handle the appeal too.

If your loved one was represented by private counsel in the trial court but now qualifies for the Public Defender, the private attorney can ask the trial judge to appoint the OSPD at or after the sentencing hearing. For felony cases, the private attorney must send the OSPD the information requested in this form **within twenty (20) days of the sentencing date or of the order being appealed:**
<https://www.coloradodefenders.us/wp-content/uploads/2017/12/Appeal-Packet-12-2017.pdf>

For misdemeanor cases, your loved one will need to apply for a public defender from the regional office where the case was heard.

If the OSPD is appointed to appeal a felony conviction, a lawyer will be assigned from the OSPD Appellate Division which is a separate specialty office in downtown Denver. If the conviction being appealed is a misdemeanor, the appellate attorney will be a lawyer in the regional trial office where the case was heard.

If the public defender determines it has a conflict of interest in pursuing the appeal, the Office of Alternate Defense Counsel will be appointed to represent your loved one on appeal.

What If My Loved One Has Not Decided Whether They Want to Appeal Yet?

The notice of appeal must be filed with the appellate court within 49 days of sentencing for a felony conviction and within 35 days for a misdemeanor or municipal ordinance conviction. If the deadline is missed, the appeal can only be filed late if the appellate court authorizes it.

Because of the short deadlines, it is rarely possible to get transcripts of the trial court hearings and/or jury trial before the notice of appeal is due. Therefore, it is usually better to start an appeal on time and let the lawyer advise your loved one on how to proceed as they get more information about the case. An appeal by your loved one can always be dismissed later but if it was not started on time, they may lose the chance to file an appeal at all.

Can Appeals Be Filed before There Is a Trial? When Can the Prosecution File an Appeal?

During the case there are a few special kinds of appeals that may be filed and handled by the trial lawyers:

Prosecutors may sometimes be allowed to file something called an *interlocutory appeal*. An interlocutory appeal may be filed, for example, if the trial judge issues an order suppressing evidence. Because such an order would make it impossible for the prosecutor to use that evidence at trial, the prosecutor is allowed to have that order reviewed *prior to* trial.

In rare cases, one side may ask for an emergency ruling on a particularly important issue from the Colorado Supreme Court pursuant to Colorado Appellate Rule 21. The Supreme Court usually declines to review these issues.

After Sentencing

Because of the double jeopardy clauses, many appeals by the prosecution will not change the verdict or lead to an increased sentence. Prosecutors may file an appeal if they believe the sentence imposed was illegal or if there is a *question of law* they believe the court got wrong. Appeals filed by the prosecution are usually handled by the local prosecutor's office, as are most misdemeanor appeals. If the defendant files an appeal from a felony conviction, the prosecution is represented by Colorado's Office of the Attorney General ("AG").

What Happens If My Loved One Wins or Loses the Appeal?

It depends on the legal issues and the remedy given by the appellate court. If your loved one wins any part of an appeal, it can lead to new trial, new sentencing hearing, and/or the conviction may be vacated. It is common for the defendant to lose all the issues in the appeal or only to win one issue and lose on other issues. Sometimes winning only one issue can result in a new trial or reversal of the conviction however.

The ruling by the appellate court may not be the end of the appeal process. Either appellate defense counsel or the prosecution can ask the Colorado Supreme Court to review the decision of the Court of Appeals or the District Court through a process called a *writ of certiorari*. The Supreme Court denies

most *certiorari* requests but sometimes will review a case and decide if the appellate court made a mistake. Again, this process happens on paper and sometimes there are oral arguments.

Other Postconviction Relief in State Court

What Is a 35(c)?

It is a reference to a special kind of Petition (which is another name for some motions) that can be filed in the trial court under Colorado Rule of Criminal Procedure 35(c). Potential issues that may be raised include constitutional claims, newly discovered evidence, and ineffective assistance of counsel. Some claims can only be raised on appeal and some can only be raised through a process like a 35(c). For some people who do not file an appeal, it is the only way to challenge a trial court order designating someone a Sexually Violent Predator. It is best to consult a lawyer for advice on how best to handle potential 35(c) claims.

Some people will have both an appeal and later seek relief under 35(c). Other people may only do an appeal or only ask for relief under 35(c). There are very strict deadlines with few exceptions. For most misdemeanors, the 35(c) must be filed within 18 months after any misdemeanor conviction and for most felonies, the 35(c) must be filed within 3 years after any felony conviction. The timeline to file the 35(c) petition will be extended if the person appeals their conviction or sentence first.

The trial court is only required to review one petition filed in a case under Rule 35(c) so it is important for all possible claims to be raised in the first motion. Depending on the complexity of the case, it may take a lawyer a long time to fully investigate and file a 35(c) petition. If other motions that raise constitutional issues are filed after sentencing, the trial judge may deem them to be the only 35(c) that will be allowed in the case even if that was not what was intended by the person filing the motion. For example, if a person files a motion to modify an illegal sentence under Rule 35(a) but they cite to the U.S. or Colorado Constitution, the trial court may treat the motion as their only 35(c) because it raised a constitutional claim.

The Right to a Counsel to File a 35(c) Petition

Unlike the Direct Appeal, there is no constitutional right to court-appointed counsel (the Public Defender or Alternate Defense Counsel) on a 35(c). If financially able, your loved one can hire a private attorney to file a Petition under Rule 35(c). If your loved one would like court-appointed counsel to assist with the 35(c), they will need to request appointment of counsel from the trial court. They can apply to the trial judge and request the appointment of counsel with Form 4: [https://www.courts.state.co.us/Forms/PDF/form%204%20petition%20for%20postconviction%20relief%20pursuant%20to%20crim.%20p%2035\(c\).pdf](https://www.courts.state.co.us/Forms/PDF/form%204%20petition%20for%20postconviction%20relief%20pursuant%20to%20crim.%20p%2035(c).pdf)

Because a 35(c) is the most common way to raise issues of Ineffective Assistance of Counsel (whether it was in the trial court, on appeal, or in another 35(c)), if the Public Defender is appointed but there is a conflict of interest, a contract lawyer with the Office of Alternate Defense Counsel will be appointed. This conflict of interest might arise if a lawyer from the Public Defender's Office handled the case at some point in the trial court or on appeal.

Do we go to Court on a 35(c)?

Maybe. Unlike the appeal, the 35(c) is filed with the original trial judge (or their successor). If the judge determines the defendant is not entitled to relief, the judge may deny the petition on its face. If the judge doesn't deny the petition on its face, the judge must send it to the Public Defender (or Alternate Defense Counsel) and the prosecution. The Public Defender (or Alternate Defense Counsel) may supplement the petition with additional claims. The original prosecutor (or their successor) who handled the original charges will be invited to respond to the petition and the defense may be allowed to file a reply. After reading the petition, response, and any reply, the trial judge will decide whether there will be a hearing on the petition and, if so, on which issues the parties may present evidence. Sometimes the judge decides there is no need to have a hearing based on what is already in the court file. In that event, the judge will just issue a written ruling.

Unlike the trial, during the 35(c), the burden of proof is on the defense to show the judge why the claims are valid. If the judge grants a hearing, the lawyers can call witnesses like any other motions hearing to provide additional proof about why the trial court should grant or deny the petition.

What Happens If My Loved One Wins or Loses a 35(c)?

If someone wins a 35(c), the remedy will depend on the legal issues but most often a *winning* 35(c) results in undoing the conviction(s) in the case. That can also mean undoing a plea bargain. If the convictions are undone, the defendant may face all the original charges again just like at the beginning of the case. In some circumstances the prosecution may be allowed to add additional charges. If a defendant wins a 35(c), the prosecution may appeal that ruling.

If someone loses a 35(c), they have the right to appeal the denial of the 35(c) petition. Like the direct appeal of the conviction or sentence, this appeal will happen on paper only and only issues related to the 35(c) process will be considered. No new information can be presented to the appellate court beyond what was presented to the trial judge in the 35(c) proceedings.

What is a 35(b)?

A 35(b) is a sentence reconsideration motion in which the judge may impose a lesser or different sentence from what was imposed at the original sentencing hearing.

When is it due? 126 days after sentencing or after the appeal is over

How to request counsel for a 35(b)? Talk to your trial lawyer about it if there was not an appeal or talk to your appellate lawyer if there was an appeal. If your loved one had a private lawyer but the agreement with that lawyer does not include representation on the 35(b), you must apply to the Public Defender's Office in the jurisdiction where case was filed as soon as possible so that they can help you file the motion before the deadline passes: <https://www.coloradodefenders.us/information/applying-for-a-public-defender/>

What happens if my loved one wins or loses a 35(b) motion? The trial judge may grant a 35(b) and impose a shorter sentence, or the judge may impose probation if the person is eligible. If the court denies a 35(b), that order usually cannot be appealed.

What is a 35(a)?

A motion based on Rule 35(a) that argues that the sentence imposed violated Colorado statute (not the constitutions).

When is it due? It can be filed at any time.

How to request counsel for a 35(a)? Talk to your trial lawyer about it if there was not an appeal or talk to your appellate lawyer if there was an appeal. If your loved one had a private lawyer but the agreement with that lawyer does not include representation on the 35(a), you can apply to the Public Defender's Office in the jurisdiction where case was filed:

<https://www.coloradodefenders.us/information/applying-for-a-public-defender/>

What Happens If My Loved One Wins or Loses a 35(a) Motion?

The trial judge may grant or deny a resentencing hearing and may impose a new sentence. If the trial judge denies the motion, the 35(a) issues may be appealed.

Other Postconviction Relief in Federal Court -- Habeas Corpus

Once someone has met the legal requirements of *exhausting all remedies in state court* by losing in the Colorado courts, they can also go to the federal court system to seek relief. There are also very short deadlines for the *habeas corpus* process so as soon as your loved one has lost any appeal of the 35(c) process, they should begin any application for *habeas corpus* relief in the federal trial court immediately.

The OSPD cannot provide legal representation to people in federal court so most people hire a lawyer, work with *pro bono* counsel, appear *pro se* (when the defendant acts as the lawyer), or ask the Federal Judge to appoint a lawyer.

It is very rare to win in federal court. If your loved one loses in federal court, they can also appeal to the 10th Circuit which is a federal appellate court and file a *writ of certiorari* in the United States Supreme Court to ask them to review the case.

Other Kinds of Lawsuits

There are also civil lawsuits that people can file in Colorado and Federal Courts. For example, people can sue the Colorado Parole Board, Colorado Department of Corrections, or law enforcement agencies if they believe those agencies have violated certain laws or their civil rights. It is best to consult with attorneys who specialize in these kinds of lawsuits for legal advice. There is no right to court-appointed counsel for these kinds of lawsuits.

Part 3

Agency Information

Section 1. Office of the State Public Defender

Section 2. Colorado Sex Offender Management Board (SOMB)

Section 3. What is Treatment? (A Therapist's Perspective)

Section 4. What Happens when Police respond to Sexual assault

Section 5. What Is an Evaluation?

Section 6. Probation Supervision

Section 7. Community Corrections

Section 8. Sex Offender Treatment & Monitoring Program (SOTMP)

Section 9. The Colorado Parole Board

Section 10. Parole

Section 11. Sex Offender Registration Requirements

Section 1. Office of the State Public Defender

OFFICE OF THE STATE PUBLIC DEFENDER

DOUGLAS K. WILSON
STATE PUBLIC DEFENDER



APPLYING FOR A PUBLIC DEFENDER

Adult Charges and Revocations

Out-of-Custody: You may apply for court-appointed counsel at any Public Defenders Office regardless of where your charges were filed. Application forms and information on Public Defenders' offices can be found on the Public Defender webpage at <http://pdweb.coloradodefenders.us>

To apply for court-appointed counsel, you must fill out each section of the Application for Public Defender – criminal case (form JDF 208). Proof of your gross (before taxes) household income must be provided which may include pay stubs, income tax returns, letters from employers, or award letters from SSI or unemployment. Household income includes documentation from any family member living in the household who is working and contributing to the common support of the household. It does not include a roommate's income unless you have access to and proprietary rights in your roommate's income.

When applying for representation, in addition to your financial information, you should also provide all paperwork you have received regarding the case, including charging documents.

In-Custody: If you are in custody and felony or misdemeanor charges have been filed or you have a court date for a revocation, you are automatically eligible for court-appointed representation. If you are released from custody after counsel has been appointed, you must fill out the Application for a Public Defender – criminal case (form JDF 208) for this representation to continue. The forms and information on Public Defenders' offices can be found on the Public Defender webpage at <http://pdweb.coloradodefenders.us>. If you fail to timely complete an application, the court-appointed counsel may withdraw from your case.

Juvenile Charges

In Detention: If you have been detained by law enforcement and placed in a detention facility rather than being issued a summons or ticket, you will be represented by court appointed counsel at your detention hearing unless your parents hire private counsel to represent you. To continue this representation after the detention hearing, your parents, guardians or legal custodians must complete the Application for Public Defender -juvenile delinquency (Form JDF 219). Application forms and information on local Public Defenders' offices can be found on the Public Defender webpage at <http://pdweb.coloradodefenders.us>

Issued a Summons/Ticket: If you were not detained but instead were issued a summons or a ticket, you should apply for the Public Defenders at least 5 days before the scheduled court date noted on your ticket. Contact information for the Public Defenders should be on the back of the ticket you were issued. When applying for representation, in addition to your financial information, you should also provide all paperwork you have received regarding the case.

To apply for court appointed counsel, your parents, guardians or legal custodian must complete the Application for Public Defender - juvenile delinquency. Proof of parental/guardian/custodian/juvenile income must be provided which may include pay stubs, income tax returns, letters from employers, or award letters from SSI or unemployment. Application forms and information on local Public Defenders' offices can be found on the Public Defender webpage at <http://pdweb.coloradodefenders.us>

Section 2. Colorado Sex Offender Management Board (SOMB)

The Colorado Sex Offender Management Board (SOMB) was created by statute by the Colorado State Legislature in 1992. It is a 25-member board made up of stakeholders from all impacted agencies and disciplines including victim advocacy, treatment providers, supervision, Department of Corrections, community corrections, law enforcement, defense attorneys, prosecutors, and judges, among others. The SOMB establishes best practices in the form of standards and guidelines for the assessment, evaluation, treatment and behavioral monitoring of adults convicted of and juveniles adjudicated for a sexual offense. The SOMB does not provide direct services to these populations. However, the SOMB does establish the rules that govern the practice of professionals working with persons convicted of a sexual offense. In addition, all professionals who provide sex offense evaluations, treatment or polygraph exams must be approved by the SOMB to do so. A public list of approved providers that can be accessed via the following link: <https://sites.google.com/a/state.co.us/dcjsomb/provider-lists>

The SOMB does not have purview over other entities or agencies involved in the supervision of defendants convicted of a sexual offense (for example, probation, parole, the Department of Corrections, and the judiciary). However, the SOMB does offer guidelines as a tool to assist in management and treatment of offenders, and to enhance collaboration among stakeholders, as well as to provide guidance on best practices.

The *Standards* apply to treatment provided both in the community and during incarceration. Within the parameters established by the SOMB, approved providers are mandated to be as flexible as possible and to individualize services particular to a given client utilizing research-supported models such as the Risk, Need, Responsivity (RNR) Principles.

To the extent possible, treatment programs shall be accessible to all defendants, including those with mental illness and co-occurring disorders. Statute requires the SOMB to revise the *Standards* based upon comprehensive research and analysis of evidence-based practices and the effectiveness of its policies and procedures (§16-11.7-103(4)(e))

You may hear treatment being referred to as sex offense-specific treatment. The objective of sex offense-specific treatment is to prevent future problematic and illegal sexual behaviors. This is accomplished by helping clients to develop the cognitive and behavioral skills to manage at-risk thoughts and behaviors, build pro-social lifestyles that include protective factors that further reduce risk for re-offense and assist clients in building productive, pro-social lifestyles.

It is the commitment of the SOMB to incorporate best practices and evidence-based practices for sex offender management and treatment in Colorado.

Section 3. Treatment and Supervision of a Loved One (A Therapist’s Perspective)

When a loved one is accused of a sexual crime one question often is asked. What will happen now? Professionals in the community are given the task of deciding if **Treatment** will be recommended. Treatment is a word to describe steps the loved one will be asked to accomplish for the purpose of reducing the risk for the loved one to repeat the behavior. The following information addresses many different topics related to treatment.

What is an Offense Specific Evaluation?

A loved one has been court ordered to complete a Mental Health Sex Offense Specific Evaluation. They will be asked to provide accurate information about many private matters. These include where they were born, who are their parents, information about stepparents, caregivers, siblings, and other significant people in their life. A thorough evaluation will include their account of their family relationship history including divorce, domestic violence, substance abuse, mental health concerns, suicide history, criminal history, and sexual abuse history.

Purpose of the Evaluation

Evaluators are trained mental health providers who are attempting to determine any and all influences your loved one may have experienced that affect their personality, emotional functioning, and intellectual functioning, which may require attention in a therapeutic setting. They will be asked to complete several pencil and paper tests that may result in a diagnosis related to mental health. Evaluators may rely on previous testing results and the Diagnostic and Statistical Manual-5 to best explain symptoms and suggest interventions. These symptoms may include their thought process, emotion process, and behavior history.

What Will Your Loved One Be Asked?

Your loved one will be asked about their school history including location, moves, behavior, suspensions, activities, and both strengths and weaknesses in their ability to learn new information, retain information, and solve problems.

Your loved one will be asked about their friends and acquaintances. Their history of these relationships may be assessed as being helpful or hurtful to them as it relates to support in the past, present and future. Any marriages, children, level of support given to spouses and children will also be assessed. Therapists will be looking at whether loved ones will be allowed to maintain these relationships or whether loved ones must be prepared for the relationships to be put on hold during treatment. This is a critical issue in offense specific treatment, especially if the named victim is a family member.

Your loved one may be asked to explain their style or patterns in relationships that include communicating problems, managing anger, standing up for themselves, communicating effectively, and maintaining a relationship through success or failures.

Your loved one will be asked about experiences with alcohol, illegal substances, prescriptions, and any family history involving this topic. Some loved ones may be asked to obtain treatment or be monitored

throughout treatment for substance use or abuse. This information may influence the level of risk your loved one is rated and may influence the type of supervision that is required.

Your loved one may have committed other crimes. Related information is generally provided by law enforcement through a criminal background check. Items of concern are summarized in the evaluation and may also be used to determine if your loved one is being open about their past, is capable of taking responsibility for past choices, and is able to recognize the harm of their actions on others.

Your loved one will be asked about sex, a lot. Where did they learn about it? What did they learn? From whom did they learn? How often do they think about sex? Do they masturbate? How often? What do they think about? Who do they think about? Do they view sexually stimulating material? What kind? How often? Do they use the Internet for sexually stimulating material? Have they viewed illegal material? Is that part of what brought them to this point? Have they attempted to talk online or on the phone about sex? If so, is it with a vulnerable person? Is it with the knowledge of their spouse or partner? How do these experiences influence their ability to form and maintain relationships? Can they talk about their sexual preferences as well as strong emotions related to sexual material?

Your loved one may be assessed in the evaluation to determine if their sexual preferences are related to their charges, conviction, or offense. Many loved ones may be asked to complete assessments which expose them to pictures, sounds, and their own physical signs of sexual arousal. The results of these assessments may inform their level of risk.

Your loved one will be asked about the charges and or conviction which led them to this point. They will be asked to describe their thoughts, feelings, and behaviors. They will be asked if they understand the thoughts, feelings, and behaviors of the person they hurt. They will be asked if they are aware of any consequences for the people they hurt. They are being assessed to determine if they need treatment and will benefit from treatment. They are also being assessed to determine how likely it is they would hurt someone again.

What Is It Like to Go through an Evaluation?

Your loved one has now spent six to eight hours being tested and talking about themselves, their sexuality, and their sexual crime. The evaluation will make recommendations about the goals and objectives of treatment, the level of care your loved one may need, who can or cannot provide support to them, as well as difficulties that may have occurred during the evaluation.

How Does an Evaluation Help if Your Loved One Is a Parent?

Your loved one may be a parent. Contact with children or vulnerable individuals is a concern of the CST. The evaluator may be asked by your loved one or the Court, Parole Board, Probation, or Human Services to assess your loved one's contact with their own children. As a result, once the initial sex offense specific evaluation is initiated, it may include the elements of the Child Contact Screening (CCS) instrument. The CCS may be completed later in the process.

In certain cases, the Child Contact Screening instrument may be used to help determine if child contact will be allowed. The Court or Parole Board may rule on your loved one having or not having contact

with their own non-victim children. As the CST monitors the progress of your loved one in treatment, the team will make its own determination for or against contact. Your loved one may have completed clarification with the victim and may, upon CST approval, have contact with their own children. Based on the age of your loved one, a Young Adult Modification Protocol may be utilized to allow contact with a biological child. Based on the agency your loved one is completing treatment with, some providers may not allow contact with children until they have met the agency criteria. In some cases, your loved one may forego contact with their child.

The Child Contact Screening process does identify criteria which would exclude contact with children.

These criteria include your loved one having a diagnosis of Pedophilia (sexual interest in children), Psychopathy (a wide range of items identifying them as dangerous to others), or Sexual Sadism (a trait that involves being sexually interested/aroused to another person's pain). In some cases the Court or Parole may overrule these criteria as exclusionary. In some cases your loved one may have made progress in managing or resolving, or extinguishing these traits and they do not currently meet the criteria for those diagnostic labels. In some cases the CST may decide that your loved one is near the end of their treatment and supervision status and contact with children may be granted to allow your loved one to be monitored as they engage with their children. In some cases the child's needs are such that your loved one is allowed contact as the contact is in the best interest of the child.

Once the CCS has been initiated, contact with children may be allowed if your loved one does not possess criteria that would exclude the contact. This assessment, done by the evaluator, would pre-screen your loved one from disqualifying criteria. Your loved one cannot possess two or more of the criteria, must want contact with the child, and has no history of abusing their children. The CCS may be completed at the same time as the offense specific evaluation and is commonly added as an addendum to the evaluation to inform the Court and the CST of the information, including when your loved one may enter into an Interstate Compact Agreement which entails them leaving one jurisdiction and moving to another jurisdiction in another state.

The other disqualifying items that would prevent contact with your loved one's own children would include two or more of the following items.

- Adult sex history of sexual behavior with a victim who is twelve years of age or younger
- Three or more convictions for unlawful sexual behavior
- Sexual interest/or arousal to pre-pubescent children
- Having polygraph results which reflect concern that your loved one's full sexual history has not been verified.

If your loved one has no exclusionary or disqualifying criteria, the CCS is designed to assess your loved one's attachment style. This item covers the ways in which your loved one is attached to others. For example, your loved one may have an attachment style which is disorganized, or unclassified or anxious. Your loved one will be assessed on their ability to place their child's needs above their own and express empathy towards children in abusive situations. Your loved one will be assessed for their ability to provide stability to the family. This would include prior absences from the home.

Your loved one will be assessed for a history of domestic violence. This may include many factors involving use of a weapon towards the victim, threatening the victim, and/or current access to weapons. It may involve any obsession about the victim including stalking, monitoring them, or being jealous of them. It will include whether the victim was strangled during the offense and other forms of physical violence. It will include whether the victim was pregnant at the time of the abuse, pregnant at the time of the domestic violence, or the victim is pregnant and they were a victim of previous abuse.

Violence towards other family members will be assessed including forms of child abuse. Your loved one's attitude towards domestic violence will be assessed and whether the victim had initiated a separation during the last six months which was related to domestic violence. Any previous domestic violence treatment is assessed including whether your loved one did or did not complete the treatment.

Your loved one will also be assessed for their ability to recognize victim needs and victim safety concerns. They will be assessed for their parenting ability skills and whether they have provided child support for their children. Your loved one will be assessed for their access to children, prior parenting ability, their knowledge of their child's life, and their knowledge of parenting skills. They will be assessed for a history of involvement with human services, their knowledge of child development, their ability to model proper boundaries, and any history of child abuse or neglect. Your loved one will also be expected to be in compliance with treatment and supervision terms and conditions as they address their unlawful sexual behavior.

When the CCS is completed, the evaluator will recommend the level and type of contact allowed. This may range from supervised phone calls, therapeutic visits, home visits, meeting in the community, Approved Supervisor involvement, and actually living in the same home as their child. The CST will determine if contact is allowed. Over time, your loved one may engage in behaviors which increase risk or decrease risk for engaging in unlawful sexual behavior. The CST will continually monitor the level of risk and adjust the recommendations.

In some cases, your loved one has not been criminally charged with a sexual crime, yet, they have been asked by human services to complete an evaluation including a CCS or something very similar, to help them make decisions regarding supporting or denying contact with children. The CCS is not to be used as an evaluation to determine child custody agreements or questions.

Getting into Community Based Treatment

Your loved one has been asked or told to begin treatment. Many loved ones will be told who they can or cannot attend treatment with by Supervision. Each program may have slight differences in how they operate. Your loved one will be asked to schedule an Intake Assessment to determine if they are a good fit or if the agency they visit is a good fit for them. Their interview is often discussed by members of the treatment and supervision team and is based on many criteria. Agencies are asked to determine if your loved one is accepted into treatment or not. Your loved one is being assessed for telling the truth, taking responsibility, showing remorse, expressing empathy, and being motivated to change. They are also being assessed if the above items reveal problems.

A team of professionals, the Community Supervision Team (CST), has been created to help your loved one navigate the rules of community supervision, and to assess if the rules can be learned or not. There are many rules both by the agency providing treatment and by Probation/Parole. Your loved one will be asked to sign legally enforceable documents agreeing to follow the rules, abide by the agreement, and accept consequences for failures. They will be assessed for where they live, with whom they live, where they work, a daily schedule, a treatment schedule, and eventually a social schedule.

How Your Loved One Can Work with His Team

Sex Offense Specific Treatment is tasked with helping your loved one reduce their risk for sexually offending. Generally speaking, the treatment provider will work to engage their client in a therapeutic relationship that will enhance honesty, accountability, compliance, and to address underlying issues that are related to a choice to sexually offend. The Treatment Provider is aware of a wide variety of inappropriate sexual behavior activities that range from Internet based offenses such as possession of child sexual images to coercive sexual contact. The range of offense behaviors has increased in recent years. Your loved one will be educated about consent and learn to understand and describe why their particular behavior is not consensual. Many treatment providers begin to discuss what a consensual sexual relationship is to help your loved one clearly tell the difference.

How Your Loved One's Therapist Will Use the Polygraph Process

As people in therapy learn important information about their sexual behavior, they may be asked to begin documenting their history of sexual behaviors including thoughts, feelings, and specific acts with specific people. While in therapy, your loved one most likely will be asked to take a polygraph. Members of the CST will use the results (showing or not showing reactions) of the polygraph as information to support whether your loved one has fully disclosed their history. Many treatment providers believe they cannot adequately help your loved one without a full disclosure of sexual behavior. However, as mandatory reporters, they are obligated by state statute to report any known or suspected acts abuse (including sexual abuse) or neglect against a child or member of a vulnerable population.

What Is Trauma Informed Care?

Trauma Informed Care shifts the focus of care from “what is wrong with you?” to “what happened to you?” This approach acknowledges the need to have a complete picture of an individual's life situation. Providers may teach your loved one about the influence of childhood and adult stressors, trauma or adverse experiences to help their client answer difficult questions related to why they would sexually act out, why they chose the particular person, and how they can interrupt any future thoughts, feelings, or behaviors which may pose a risk in the future. Your loved one will be working to identify self-image issues, relationship to others, ways in which they get their needs met, their attitude about sexuality, how they were thinking at the time of the abusive behavior, how they may have engaged the victim in the abuse, how they convinced themselves their behavior was okay, how they may have attempted to avoid getting caught, and how they may have convinced themselves this behavior would not occur again.

Why Managing Sexual Interest Is Important

Many of our loved ones may present with sexual arousal or interests that are problematic. This means that they will be addressing this in treatment, as acting on the arousal or interests may be illegal, harmful to others, or harmful to self. They may learn a variety of techniques to reduce and control these interests. Treatment providers are generally very mindful about this aspect of treatment and develop treatment plans, safety plans, and community access plans meant to minimize exposure to situations in the community which may trigger thoughts, feelings, and potentially behaviors that are harmful. Your loved one will be asked to learn and practice thinking skills, emotion management, and behavioral control as a means to reduce the risk to the community as well as to help them attempt to eliminate these thoughts and feelings.

How Does Treatment Work?

Offense Specific Treatment, as its name implies, is designed to help your loved one reduce their risk of engaging in illegal, abusive and harmful behavior. Many loved ones may need the Community Supervision Team to help coordinate a response plan that could include the Supervising Officer, Treatment Provider, Polygraph Examiner, Psychologist, Psychiatrist, and others to support, monitor, intervene, and track their progress. Cognitive (thinking) skills, emotional management, behavioral restrictions, are presented individually, in groups, or sometimes in family meetings. Using a victim-centered approach your loved one will be primarily addressing the harm their actions may have caused. Understanding the specialized treatment involves both your loved one having a strong, open, and honest relationship with their Treatment Provider to prepare and guide them through a process to assist those who have been harmed.

What Is Victim Empathy?

Sexual abuse has been present for thousands of years. Loved ones come from all walks of life. The vast majority of abuse occurs within relationships that have an established trust. Your loved one will be asked to understand, raise their awareness of, and respond honestly about, the violation of that trust. Your loved one will be asked to recognize the impact of their behavior on secondary victims as well as society as a whole. Their reaction to this raised awareness may be a difficult time in their treatment process and for family members as well. As your loved one identifies the impacts of their behavior on others, they may have their own reaction. Care is taken to help guide them through the process without causing further harm. Treatment providers and members of the CST are made aware of interventions that have been shown to be helpful and harmful. Your loved one's ability to communicate their experience is necessary. Many of our loved ones may resist aspects of treatment and supervision. These actions may have a negative impact on the victim as well as us. Progress in treatment may depend on them accepting the need to change their attitudes about a variety of things.

Skills Your Loved One Will Learn and Practice

Many treatment providers understand change is hard your loved one may resist change. Individualized treatment and group treatment will seek to help lower the resistance. As thoughts about self, sexuality, the victim, family, society, etc. are identified, your loved one will be asked to learn, practice, and share their thought processes. They will also be asked to recognize when their thoughts are not true. These

thoughts are generally called, *Thinking Errors* and/or cognitive distortions. Your loved one will learn to recognize that thinking errors such as denial, making excuses, blaming the victim, minimizing the harm, are common among peers in treatment. They will be asked to learn to correct these thoughts. Some of us have a difficult time developing a different thought pattern or belief when we have held onto a belief for decades or even generations. Your loved one will be offered support, feedback, knowledge, and others' perspectives to help them. One benefit to this process is an expected outcome that your loved one will now know how to manage their thoughts, feelings, and behaviors by correcting their thoughts. This process may also reveal that beliefs about themselves and the world in general have influenced them in many aspects of their lives. As your loved one reveals their own experience they may identify the origin of their faulty beliefs. Failure to change faulty beliefs may lead to poor choices.

What Is Accountability?

Your loved one will hear, "You need to be accountable for your choices." Accountability differs from responsibility in that responsibility refers to the acknowledgement of behavior and acceptance of ownership of that behavior; while accountability takes this a step further to include an in-depth understanding, acceptance and ownership of how those behaviors have impacted others.

CST members will generally consult about behaviors that violate the terms and conditions of Treatment and Community Supervision. Treatment is assigned the task of helping your loved one identify and correct their beliefs that may lead to breaking rules, and to understand why these boundaries are important. As they progress through treatment your loved one may experience removal of privileges they have earned to assist them in confronting and changing their faulty beliefs.

During training and initial SOMB approval the treatment provider has an experienced clinician guiding them through the process of offering help to someone by supervising and helping them to provide useful, efficient, and beneficial treatment. Through this guidance processes, treatment providers and other members of the CST may also learn about their own biases.

How Treatment Helps Your Loved One Socially

Loved ones, as they become more clear about their beliefs, learn to re-evaluate their relationships with family, friends, employers, the victim, and most importantly, themselves. They may discover their skills at voicing a difference of opinion, resolving conflicts, and managing their emotions, are not fully developed. They will learn and practice new skills to become capable of standing up for themselves, thinking of what others need, speaking of their own perceptions, and how to disagree without causing more harm. They will learn to compromise, negotiate, identify their needs and wants, and develop a strategy to be successful with others. Combined with above mentioned skills, they may need to work specifically on managing anger, depression, or anxiety feelings that have led to relationship difficulties. Your loved one may recall lessons they learned growing up that have resulted in coping responses that may or may not be effective. Working to communicate these lessons, change these thoughts, and practice new skills are of high importance in treatment. As they stabilize their lives using these skills they are often evaluating themselves with new insight and motivation to change old ways of thinking. Many loved ones may need to trace their coping strategies back to these early life lessons. As they seek to

explore and resolve these issues, they may become aware of trauma experiences, or know they have trauma experiences, and now have an opportunity to attempt to heal themselves.

Your loved one, at this point of treatment, is generally well-equipped with skills to manage sexual behavior problems. They have learned to manage relationship problems. They may be presented with specific skills to address intimacy concerns. Many loved ones benefit from accurate information about sexual health and learn to apply this knowledge to prepare themselves to have healthy intimate relationships.

Daily Living Skills Your Loved One Will Learn and Practice

Your loved one, in an attempt to learn skills to manage themselves in the community are asked to anticipate difficulties as they navigate day to day living. They are asked to complete safety plans and identify Approved Supervisor's, locations, times, the conditions of their supervision rules, high risk situations, and the coping skills necessary to return them, or stabilize them while in the community. These safety plans need to be well thought out, submitted in a timely fashion, and approved of by the CST prior to engaging in activities. These activities can include tasks such as shopping, banking, working, having dinner, attending community events, and participating in family activities. Communication with loved ones is critical to avoid violation of rules, safety for vulnerable parties, and accountability for themselves. Details are important to assist your loved one in planning ahead for potential problems. This skill is vital as the underlying perception is that they did not think of short and long-term consequences when they engaged in the abusive behavior. As they recognize situations in which their thinking is not clear, they will depend on the CST to help guide them until they practice the skills without the need for oversight.

Continuity of Care

Individuals will continue to work on informing the CST of their risk factors and how they will utilize treatment skills to manage themselves. At times a sudden change in therapists, supervising officer, family relationships, work, etc., can result in stress. They will learn to manage change in their lives, although, they may perceive they need to earn the understanding of someone new. Communication, maintaining documentation, following rules, and using their skills in relationships again become a critical issue.

Your loved one, based on their progress, may earn privileges, have them taken away, and earn them back with appropriate strategies. Progressing from one level of care to another will take time and the CST will make an effort to create a smooth transition.

What Is the Risk-Need-Responsivity Model?

Offense specific treatment is based on Cognitive Behavioral Therapy. In Colorado, treatment providers are being asked to understand and use a model called Risk, Need, and Responsivity (RNR). The model has been developed based on research beginning in Canada in the 1980's and is now known worldwide. The RNR model helps to make sure that services offered to your loved one match their needs and attempts to ensure they can learn from treatment efforts. It is noted the RNR model is being

implemented in programs, but not all programs are implementing it in the same way. It is also noted that change over time, both in the level of risk and in other factors, is an ongoing process.

The Risk Principle is meant to match the level of services to your loved one's risk to re-offend. In general, the risk assessment, done at the time of the evaluation, seeks to determine a score based on information that is historical. Your loved one will be assessed on the following factors: their age, any prior convictions for a sexual crime, the number of prior sentencing dates, any violations of their supervision, convictions for non-contact sexual offenses, gender of victim, relationship to victim, sexual behavior history, substance usage during last five years, address changes, employment status, and treatment history for a sexual offense. The evaluator also addresses the intrusiveness of the offense, level of force used during the offense, any physical trauma the victim may have experienced, and the vulnerability of the victim. These items are scored and a level of risk is determined.

The Need Principle - Your loved one's needs are based on what is called criminogenic factors. These needs are defined as dynamic (changeable) factors that are directly linked to criminal behavior. While a loved one has many needs, the criminogenic needs are based on the following factors:

- Antisocial personality patterns which relate to impulsivity, pleasure seeking, aggression, and irritability.
- Pro-criminal attitudes which reflect excuses for committing crimes and having a negative attitude toward law enforcement.
- Social supports for crime which reflects having friends who engage in criminal behavior as well as isolation from friends who are prosocial (stable at work, crime free, etc.).
- Substance abuse history.
- Family and marital relationship history including parenting they received and relationships they maintain in the family.
- School and work which relates to their job performance and being satisfied with their work.
- Prosocial activities which relate to how they spend their leisure and recreation time.
- Other needs are addressed including: self-esteem, feelings of personal distress, mental health issues, and physical health history.

The Responsivity Principle - Individuals will be assessed for how they respond to the interventions provided. This is called the Responsivity Principle. This principle addresses how the treatment provider and supervision provider develop a treatment plan to address the way individuals learn, what motivations they have, and their abilities and strengths. They will be assessed for changing their thoughts to influence their behavior. Treatment providers, supervision personnel, and others are asked to model prosocial behavior, support change, stop repeated poor choices, and help with problem solving. This approach will again assess your loved one's learning style, strengths, personality, motivation, and the role of gender and race in their effort to change.

What Treatment Requires on a Daily Basis

Offense specific treatment providers will provide your loved one with a schedule. Generally, at the outset of treatment your loved one will be required to attend at least weekly meetings whether they be

group, individual or family sessions. Depending on the circumstances of your loved one's status, they may be asked to attend more frequent sessions to address individual goals, problems in achieving these goals, and attempting to achieve these goals in a shorter amount of time. Many programs can help your loved one accomplish the primary goals of treatment over a two to three year period of time. Many CST policies may indicate that once these primary goals have been achieved, support groups will need to be attended up to the end of their community supervision. This type of group may involve a variety of efforts to review, strengthen treatment skills, utilize experience to assist others, and may help your loved one adjust to life absent treatment.

Successfully Completing Treatment

Successful completion of treatment will generally accomplish:

- satisfactory awareness of consent; compliance with community supervision;
- an ability to create and follow safety plans;
- open communication related to sexual history;
- a plan to manage risk factors, victim awareness and empathy; possible clarification of offense behavior with victim's and secondary victims;
- the ability to manage sexual thoughts, feelings, and behaviors;
- the ability to recognize and correct faulty belief(s); and the ability to be more open with support systems.

Additional goals may specifically address the ability of your loved one to present with improved mental health, addressing and managing symptoms associated with trauma, as well as having steady employment, stable housing, and stable relationships.

Many programs may require projects that exhibit with competency in treatment. These projects may reflect the changes your loved one has made over time. Many of our loved ones want to give back to the community as they near the end of treatment. Assisting victims in mock clarification sessions, helping others in treatment become more stable, advocating for reform in the ways in which individuals who have committed sexual offenses are treated are a few examples.

How Does the State Describe the Treatment Process?

The Colorado Sex Offender Management Board has existed since 1992. They have created Standards and Guidelines for the Evaluation, Assessment, Supervision, and Behavioral Monitoring of Adults who have committed Sexual Offenses. This document is frequently reviewed to incorporate evidence-based data to improve the delivery of services your loved one will receive. Treatment Providers, Polygraph Examiners, Supervision staff, assessment specialists, and Approved Supervisors have guidelines this document outlines. It is highly recommended that individuals involved in this system become aware of the guidelines and standards to better understand and respond to making sure your loved one is making progress, being treated effectively, and has a chance to be successful.

Section 4. What Happens when Police Respond to Sexual Assault

(Provided by the Pueblo Police Department)

Child:

- Patrol gathers initial information for case
 - **Patrol does not interview the child**
- SANE exam is conducted on the child if the incident occurred within 5 days
- SVU receives case and contacts victim's parents/guardian to set a forensic interview (Child Advocacy Center) – DSS sometimes will be present for the interview
- Investigator contacts DSS to see if case was assigned or if there is history with family
- Following forensic investigators speak with parent/guardian to gather family information
 - Who lives at the home
 - What roles each person has
 - Living arrangements, such as where everyone sleeps etc.
- Investigator requests SANE report: finds out if any follow-up exams are scheduled
- Contact the suspect to arrange interview: if suspect refuses interview or does not contact the investigator back the case is forwarded to the DA with charges.
 - If the suspect interviews, may send to DA with charges or confer with them as far as case status

If the case is acute investigators may be called out to process the scene and gather any evidence that might be present. That evidence must have occurred soon after the report was made, as an idea, within 24 hours. Typically, the children will not be interviewed if it is late at night or the same day as the SANE exam being performed. If safety is an issue for the child, police will take custody of the child and placement made through DSS.

Section 5. What Is an Evaluation?

Evaluation is a formal process the client participates with to assess initial treatment needs (issues that may have played a role in offending behavior), risk of re-offense (a statistical process using known client behaviors), and responsivity (to tailor treatment interventions to the client's learning style, cultural background and strengths). This process can take place over several meetings or in one full day with a listed SOMB evaluator. The evaluator will have a structured process for the client to participate with in effort to complete the evaluation. That process will involve a clinical interview, psychological testing and questionnaires.

A client's willingness to be honest and share personal information about their life is important. Evaluators are interested in creating an accurate report that will assist with future treatment planning. Clients will have an opportunity to discuss their offense (this may be the one time to discuss their perspectives of the offense with the criminal justice system). Additionally, clients will discuss their social history (childhood to adult life experiences) and sexual history. That will help the evaluator better understand how a client views their life, make decisions, and communicate with others. All of this information is written in one report to assist the legal system with consequences for the sexual behavior and develop future treatment planning.

Section 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 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.

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 to supervision and treatment 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.

Section 7. Community Corrections

What is Community Corrections?

Community corrections programs provide an alternative to incarceration in prison and mainly serve adults who have been convicted of a felony. Because of this, you may hear such programs referred to as “Diversion.” Clients start out living in facilities and most will eventually transition into the community while remaining under the supervision of program staff. These programs partner with local communities for oversight, treatment resources and employment opportunities for clients. There are currently thirty-three community corrections facilities in the State of Colorado. It is important to know that only a handful of these facilities serve people convicted of a sexual offense.

Community corrections programs are not part of the prison system. They are private entities that contract with the Colorado Department of Public Safety, Office of Community Corrections to provide an alternative to prison. The purpose of the residential phase of community corrections is to provide residents with the knowledge and skills necessary to be emotionally, cognitively, behaviorally and financially prepared for reintegration into the community. Residential programs strive to accomplish this rehabilitative task by a variety of means with an emphasis on evidence-based practices. Through evidence-based, assessment-driven individual treatment plans, programs attempt to match client risks and needs with the most appropriate treatment modality. Clients are assisted in obtaining regular employment and encouraged to participate in educational and vocational services. Programs monitor the payment of restitution, court fines, court-ordered child support and useful community service requirements. Program staff carefully monitor offenders in the community to enhance offender accountability and to address public safety concerns.

Community corrections programs are unique in that they have their own Community Corrections Board that provides program oversight and approves or denies placement through an application process. A judge will only order community corrections if an applicant has been accepted into a program by a community corrections board.

A person can get accepted into a community corrections program via two tracts. They are as follows:

Diversion

Diversion clients are sentenced directly to community corrections by the courts, as a diversion from prison. If your loved one is still in the court process and guilt has yet to be determined, this is a sentencing option for the judge to consider. The judge will order the application process and your loved one’s attorney is the person who can initiate the application process. Remember, not all programs accept persons convicted of a sex offense and not all programs will accept applicants who are not from the community where the program is located.

Community corrections can also be a condition of probation. This means that your loved one is found guilty of a crime and sentenced to probation. As a condition of that probation, the judge may order a period of time in a community corrections program. Judges only order this if a person has been accepted into a facility.

Transition

Transition clients are returning to the community after serving a prison sentence. These applicants include Parolees and clients in the Intensive Supervision Program (ISP). Transition applicants are referred to community corrections boards and programs from the Department of Corrections. Condition of Parole clients are referred from the parole board as a condition of the offender's period of parole. ISP clients are referred to community corrections as a condition of their ISP placement.

Applicants who are not approved for placement in the local program by the community corrections board return to the sentencing judge for an alternative placement. Transition, Parole and ISP applicants who are not approved for placement in a local program remain under the supervision of the DOC, whether that means they remain in prison or in the community while serving their parole term.

Section 8. Sex Offender Treatment & Monitoring Program (SOTMP)

(While under the Department of Corrections)

It is the policy of the Department of Corrections (DOC) to provide specialized sex offense specific treatment, reduce recidivism and enhance public safety by providing a continuum of identification, treatment, and monitoring services throughout incarceration.

SOTMP Mission Statement

In keeping with the vision of enhancing public safety, the SOTMP is committed to providing efficient and effective treatment based in current research. The SOTMP is committed to the goal of helping our clients successfully re-entry society and preventing victimization. Our goal is no more victims.

The SOTMP utilizes comprehensive offense specific evaluations to identify risk level, treatment needs and inform individualized treatment recommendations. The treatment team continually assesses individual treatment needs to determine appropriate treatment recommendation. The treatment team may make exceptions to treatment goals based on clinical assessment.

SOTMP treatment is designed to follow the Risk Needs Responsivity principle to address criminogenic factors. The Sex Offender Treatment and Monitoring Program utilizes cognitive behavioral treatment groups and individual therapy to address factors associated with sexual offending behaviors. Treatment participants are assessed to determine their level of risk for committing another sexual offense and participate in the level of treatment based on their individual needs. Clients who fall within the lower risk categories for sexual recidivism are recommended to participate in Track I. Clients who fall within the high risk categories for sexual re-offense are recommended for participation in the Track II Intensive treatment Program.

Track I

A time-limited cognitive behavioral therapeutic group that addresses criminogenic factors associated with sexual offending behaviors. All clients in this level of treatment will have the opportunity to meet the seven criteria listed in the Sex Offender Management Board standards that demonstrate positive progression in treatment. Track I is offered at Fremont Correctional Facility, Arkansas valley Correctional Facility, Colorado Territorial Correctional Facility, Denver Women's Correctional facility, Denver Reception and Diagnostic Center and the Youthful Offender System.

The goals of Track 1 include but are not limited to:

- a. The offender takes full responsibility for his/her sexually abusive behavior.
- b. The offender applies and incorporates the material learned in Phase I into his/her lifestyle.
- c. The offender demonstrates a willingness to utilize the treatment program to make changes to prevent further sex offense behavior through participation in the treatment group and behavior in the institution.
- d. To further evaluate the offender's treatment needs

- e. The client develops a risk management plan for intervention in his/her sex offense cycle. He or she will have an opportunity to present the risk management plan to an identified support person or team through a therapist facilitated disclosure.
- f. The client demonstrates a measurable reduction of identified risk factors

Track II Intensive Treatment Program

Offenders who have been assessed as having more intensive treatment needs are recommended to participate in the Track II, the Intensive Treatment Program. Track II has two treatment components, phase I and II. Phase I focuses on components of the Track I program and builds upon these concepts to address more intensive treatment needs. Once clients complete segment I, he/she progresses to Phase II which focuses on specialized groups that address individual criminogenic factors correlated with sexual recidivism.

Track II treatment helps offenders focus on changing distorted thinking patterns and behaviors and helps offenders develop effective risk management plans. Treatment is tailored to mitigate specific offender risk needs. The Track II Intensive Treatment Program is offered in an Intensive Treatment Community format at Centennial Correctional Facility and in a traditional group format at Colorado Territorial Correctional Facility and Denver Women's Correctional Facility.

The Goals of the Track II Intensive Treatment Program are:

The goals include but are not limited to:

- a. The client receives further evaluation and collaborates with the treatment team to develop treatment plan goals that mitigate individual risk factors.
- b. The client identifies distorted thinking patterns and develops healthy alternatives.
- c. The client demonstrates a commitment to behave as a pro-social, responsible member of the community.
- d. The client realizes the importance of developing a balanced lifestyle and monitoring his/her thoughts and behaviors for the rest of his/her life.
- e. The client identifies his/her relapse cycle and methods for intervention in the cycle.
- f. The client realizes the importance of sharing his/her relapse cycle and methods of intervention with significant others in his/her life.
- g. The client practices and incorporates a model for solving problems.

Maintenance

Maintenance Phase is offered for both risk tracks and at each facility as well as at the Cheyenne Mountain Re-entry Facility. After the completion of Track I Clients in the Low Risk track will progress to Maintenance Phase. Clients identified as having additional high risk factors will receive more intensive treatment in Track II. After the recommended Track II treatment is completed, clients in the High Risk track will transition to Maintenance Phase.

Clients participating in the Maintenance phase of treatment focus on building skills to successfully re-enter the community. The treatment team and clients work together to develop maintenance level treatment plan focused on re-entry skills.

Section 9. The Colorado State Board of Parole

The Colorado State Parole Board (aka the Board) is authorized by §17-2-201, C.R.S and consists of nine members. Each member is appointed by the Governor and confirmed by the Colorado Senate. The mission of the Board is to increase public safety by evaluating an individual's potential for success in reintegrating into the community. An inmate can submit an application for a parole hearing once they are within six months of their parole eligibility date (PED).

Parole Application Hearings are held monthly and are usually done by video conferencing, but some may be done by telephone or face to face. Hearings are open to the public and family members may attend hearings by arranging to do so ahead of time by contacting their loved one's case manager. The hearings are conducted by a single Board member who prepares ahead of time by reviewing the person's electronic file, which may include, legal documents, support letters, victim impact statements, documented institutional behavior, conviction history, program and treatment participation and the parole plan. If the board member who completed the hearing believes the person is a good candidate for parole, they will place the person on a list to be reviewed by six additional board members – a process commonly referred to as a "Full Board Review." At least four board members must vote to release for parole to be granted.

The Board considers multiple factors in considering the inmate's release to parole. For specific criteria check the FAQ on the Parole Board's website (<https://paroleboard.colorado.gov>). In addition to these criteria, the statute says that those with an indeterminate sentence for a sex offense must, progress in CDOC's Sex Offender Treatment and Management Program (SOTMP) treatment. In practice, the Parole Board will not parole an individual until successful completion of SOTMP.

The decision for release to parole will be forwarded to the inmate's case manager who will, in turn, pass it on to the inmate. Parole Board decisions regarding an application for parole cannot be appealed. However, other decisions can be – such as those made in Parole Revocation hearings.

A denied application will cite the reason why the application is denied.

If the decision is to release an inmate to parole, the Parole Board will set certain conditions of parole. If these conditions are not met, there will be a revocation hearing by the Board who may choose to revoke the parole and the inmate is then sent back to prison to serve out their sentence.

If a person is in SOTMP and approved for release, the Parole Board will put them on "tabled" status and require they complete SOTMP prior to setting a release date. In addition, if they have no place to parole to, the Parole Board will also table for an approved plan. Once they find a place and it is approved by the Division of Adult Parole, the Parole Board will set a release date.

Section 10. Parole

In Colorado, Adult Parole is a Division within the Colorado Department of Corrections. Parole is often confused with Probation although in reality they are quite different. In Colorado, Probation and Parole are governed by different branches of state government. Probation is under the Judicial Branch. CDOC and the Division of Adult Parole fall under the Executive branch of state government. Terms and conditions of probation are set by a judge. Like Probation, Parole conditions are both standard and individualized. Standard Parole conditions are found in the CRS (Colorado Revised Statutes) and the Parole Board determines the individualized conditions of parole, based upon the risk and need of the offender. Another major difference between probation and parole in Colorado is that Parole officers are POST (Peace Officer Standards and Training) certified. POST certification is the same training that is required for all other law enforcement officers in Colorado. Therefore, Parole officers are armed with both deadly and less than lethal weapons and have arrest authority in Colorado.

The Division of Adult Parole supervises those persons released from prison unlike Probation which supervises offenders as an alternative to prison. Parole is a period of supervision required after an offender serves the required length of their sentence. Since the early 1990s, Colorado has required a mandatory period of parole for most offenders sentenced to prison. This means that the majority of offenders who are released from prison will be required to be on parole. The parole period, again depending upon the sentence, may vary in length from as short as one year to the lifetime of the offender. There are four categories of offenders supervised by the Division of Adult Parole; YOS (Youthful Offender System) Community Corrections inmates, Intensive Supervision Program-Inmates Intensive Supervision parolees and non ISP Parolees. Some offenders may be released from prison to a community corrections program prior to actually being paroled. If this occurs their status in the community is that of an inmate, not a parolee.

Upon release to either community inmate or parole, the offender will be given written directives which outline what they are required to do to be in compliance with supervision. Because each parolee is an individual different from the next, their restrictions and permissions may be different. They are determined on a case by case basis by their community supervision team. The CST is comprised of (at minimum) the supervising officer and therapist. When determining whether to grant a privilege or impose a restriction the CST will look at many factors which include: risk level, participation in treatment, compliance with supervision, the offender's ability to hold themselves accountable and understanding of treatment concepts and their protective factors. Some of the general requirements for offenders on parole are: stable residence, employment if able, treatment attendance and participation, polygraph, and safety planning. The parole officer will conduct home visits periodically at the offender's residence in addition to treatment and employment visits.

Parole, treatment, offenders and their family are all on the same team with the same goal: trying to successfully reintegrate the offender into society in a manner which is safe for both the offender and the community. Because of this, appropriate family members are encouraged to attend parole meetings and treatment sessions, as well as to call the officer when questions or concerns arise.

Interstate Parole Process

If a loved one is interested in paroling to another state to complete their supervision, there is a formal process that needs to be followed. If your loved one is on parole and requesting an interstate plan they will need to have at least six months left on their parole supervision to be eligible to apply.

All states are a part of the Interstate Compact program and have agreed to comply with the rules and regulations established by the Compact and not to allow people covered by the Compact to relocate without complying with the Compact. The current Compact rules are available for free online: <https://interstatecompact.org/>. The rules are technical and are updated frequently.

Every state has different requirements when it comes to supervision of individuals with a sexual conviction and, under the Compact, if your loved one is allowed to relocate to that state, they will be required to abide by its supervision rules. According to the Compact, everyone on the registry or subject to sex offense-related supervision conditions will be treated as a “sex offender” even if the crime for which they are serving a sentence is not a sex offense. According to the 2020 Compact Rules:

Sex Offender – means an adult placed under, or made subject to, supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies, and who is registered or required to register as a sex offender in the sending state or is under sex offender terms and conditions in the sending state and who is required to request transfer of supervision under the provisions of the Interstate Compact for Adult Offender Supervision.

The Compact also defines any sex offense requiring registration as a “Violent Crime.” To be a candidate for transfer to another state, the person must meet criteria as a military member or veteran, be required to move as a condition of personal or family full time employment, and/or have resident family in the state. According to the 2020 Compact:

Resident Family – means a parent, grandparent, aunt, uncle, adult child, adult sibling, spouse, legal guardian, or step-parent who

1. has resided in the receiving state for 180 calendar days or longer as of the date of the transfer request; and
2. indicates willingness and ability to assist the offender as specified in the plan of supervision.

Some states only allow a certain percentage of registered individuals to live in each county while others have far less restrictions. If a loved one is interested in submitting an Interstate Compact plan, they will need to talk with their Case Manager or Community Parole Officer and provide the following information:

1. Full name and relationship of proposed host sponsor
2. Full address and phone number of proposed host sponsor
3. How your loved one will financially support themselves in the receiving state (employment opportunities, educational opportunities or other financial assistance)
4. Detailed reason for the request to transfer their parole supervision to the receiving state.

Once this information is received, along with other documents that will be gathered by the Case Manager or Community Parole Officer, Colorado must confirm the plan is consistent with Compact rules and then enter it into the Interstate Compact system and send it to the receiving state for review. Some other information that is shared, along within the plan, is your loved one's criminal history, supervision requirements and information about their participation in treatment.

There is a 45-day waiting period for a proposed plan to be investigated by the receiving state. While the plan is pending approval or denial, your loved one cannot travel to the receiving state for any reason. This is an Interstate Compact rule that all states are required to follow. If the plan is approved, the receiving state will send reporting instructions through the Interstate Compact system that will be reviewed by the Case Manager or Community Parole Officer with your loved one. The CPO will prepare an out of state travel permit authorizing the travel to the receiving state. All communication with the receiving state will be done through the Interstate Compact computer system. Travel expenses will not be covered by the Department of Corrections or Division of Adult Parole and must be paid for by your loved one.

Once your loved one leaves Colorado, a "Notice of Departure" is sent to the receiving state to notify them that your loved one is on the way. Upon their arrival and check-in with the receiving state, a "Notice of Arrival" will be sent to Colorado indicating that your loved one has officially checked in and begun supervision in the receiving state.

Treatment, registration and supervision requirements are different in every state so your loved one should be prepared for any changes. Colorado requires every person who is moving out of the state to "deregister" with the local law enforcement agency with whom they are registered at the time of departure. Failure to deregister when a registrant moves out of state may constitute the new crime of failure to register even if the move is happening with permission from DOC/Parole through the Interstate Compact process.

Prior to your loved one's departure from Colorado, a list of the supervision requirements from the receiving state will be shared with them to review and accept. Regular progress reports will be entered into the Interstate Compact system by your loved one's supervising officer (an Interstate Community Parole Officer) here in Colorado. If amendments need to be made to supervision or if a violation needs to be addressed, all communication will go through the Interstate Compact system for review and approval by the Interstate Community Parole Officer in Colorado.

In the event your loved one would like to return to Colorado for supervision, they will need to work with their supervising officer to complete the formal request through the Interstate Compact system. In some instances a violation will occur that is so severe that it will require Colorado to have your loved one extradited back to a county jail for a revocation of parole proceeding.

Section 11. Sex Offender Registration Requirements

Frequently Used Definitions

- “Residence” means a place or dwelling that is used, intended to be used, or usually used for habitation by a person who is required to register. It may include a temporary shelter or institution, if the person resides there for more than fourteen consecutive business days. A person may establish multiple residences by residing in more than one place or dwelling.
- “Lacks a fixed residence” means that a person does not have a living situation meeting the definition of residence. It may include outdoor sleeping locations, temporary public or private housing, temporary shelter facilities, residential treatment facilities, or any other residential program or facility a person remains at for less than fourteen consecutive business days.
- “Temporary resident” means a person who is a resident of another state but in Colorado temporarily because they are employed, enrolled in post-secondary education, or present in Colorado (including but not limited to vacation, travel, or retirement) for more than fourteen consecutive business days or for an aggregate period of more than thirty days in a calendar year.

Who Must Register

- If you were convicted of or released from the Colorado Department of Corrections on or after July 1, 1991 of a sex offense against a child or indecent exposure (either adult or child victim), you are required to register as a sex offender in Colorado.
- If you were convicted of an offense against a child or indecent exposure (either adult or child victim) in another state or jurisdiction on or after July 1, 1991 that would require registration if convicted in Colorado, you are required to register as a sex offender in Colorado.
- If you were convicted of or released from the Colorado Department of Corrections on or after July 1, 1994 of a sex offense against a child or adult, you are required to register as a sex offender in Colorado.
- If you were convicted of a sex offense in another state or jurisdiction and are required to register as a sex offender in the state where you were convicted, you are required to register as a sex offender in Colorado.

Where to Register

- If you reside within the city limits you must register with your local police department. If you reside outside the city limits, you must register with the county sheriff’s department. If you have multiple residences, you must register with local law enforcement in each jurisdiction where you reside.
- If you are held in a county jail for more than five business days, you must register as a sex offender with the jail. If you are sentenced to a county jail for any offense, you must register with the jail as soon as possible.

- Local law enforcement must accept the registration of any person who lacks a fixed residence. If the residence violates a local ordinance, you will be afforded the opportunity to find alternate housing.
- If you are a sex offender who is moving to another location within Colorado, you must register with the new law enforcement agency where you reside within 5 business days. The new law enforcement agency will inform the agency where you previously registered of the relocation.
- If you are a sex offender who is moving outside of Colorado, you must de-register with the law enforcement agency where you currently register. The local law enforcement agency must notify the Colorado Bureau of Investigation (CBI) of the relocation. The CBI is responsible for notifying the agency responsible for registration in the new state.

Registration Frequency

- If you were convicted of a sex offense out of state and are required to register quarterly in the state of conviction, you are required to register quarterly in Colorado. If you were convicted of a sex offense out of state which would require quarterly registration if convicted in Colorado, you are required to register quarterly in Colorado.
- If you are a sexually violent predator (SVP) or an adult convicted of one of the following offenses, you will be required to register quarterly in Colorado for life, with no possibility to discontinue the sex offender registration requirement: felony sex assault, 1st or 2nd degree sex assault, aggravated incest, incest, sex assault on a child, sex assault on a child by one in a position of trust, or sex assault on a client by a psychotherapist. For those who are not sexually violent predators, this does not include attempts, conspiracies and/or solicitations to commit any of these offenses.
- If you were convicted of any other sex crime in Colorado or were convicted of an attempt, conspiracy, and/or solicitation to commit any of the crimes listed above, you are required to register annually in Colorado. If you were convicted of any sex crime in Colorado as a juvenile, you are required to register annually in Colorado.
- You must re-register annually within 5 business days before or after your birthday.
- You are required to register within 5 business days any time you: change addresses, change addresses where your vehicle used as a residence is located (this includes motorhomes and/or trailers), legally change your name, establish an additional residence, become employed/enrolled/or volunteer or change employment/enrollment/volunteer status at an institution of post-secondary education, or change electronic identifier information. You must also register within 5 business days if you cease to lack a fixed residence and establish a residence or cease to reside at an address and now lack a fixed residence.

Registration Procedure

- If you have any questions regarding your registration status or procedure, you must contact the local law enforcement agency where you register or where you intend to reside.

- If you were convicted of a sex offense against a child, you will be required to register all electronic identifiers: email addresses, instant messaging identities, or chat room identities prior to use. Work email addresses are not required.
- When you initially register as a sex offender with local law enforcement, you will be required to sit for a current photograph, supply a set of fingerprints, fill out a registration form and sign a notice to register form. You may be charged for this process, up to \$75 for the initial registration or \$25 for subsequent registrations.
- The registration forms may be found at sor.state.co.us for your convenience, by clicking on Information and Forms. You may wish to fill out the form prior to arriving at the registration agency, but you **MUST** sign the form in the presence of law enforcement.
- Local law enforcement must verify a sex offender's address as soon as possible following registration and then at least annually thereafter. SVP's addresses must be verified quarterly by local law enforcement.
- If you register with local law enforcement as an offender who lacks a fixed residence, you will be required to self-report to your registration agency more frequently. If you are an annual registrant, you will be required to report to your registration agency quarterly. If you are a quarterly registrant, you will be required to report to your registration agency monthly. If you fail to self-report, you may be prosecuted for failure to verify your location.

Release of Information

- If a citizen runs a background check on you through the CBI and you are currently registered as a sex offender, there will be a notation on your background check that you are a "Registered sex offender".
- If a citizen requests a list of registered sex offenders from the CBI, your name will appear on this list stating that you are a registered sex offender (juvenile and misdemeanor offenders are included on this list). Information released on the list includes name, date of birth, basic demographic information, alias names, the conviction that requires you to register and all current addresses.
- CBI posts four categories of offenders on their sex offender registration website, located at sor.state.co.us. You will be posted on the website if you are a sexually violent predator, the out of state equivalent of a sexually violent predator, a multiple sexual and/or violent offender, an offender who has failed to register or if you are registered and were convicted of a felony sex offense. CBI only posts those offenders who were convicted of felony sex offenses as adults. We do not post those convicted of misdemeanor offenses and those who were convicted as juveniles.
- Local law enforcement is also allowed to post certain categories of sex offenders on their agency website. The categories of offenders that local law enforcement is able to post differ from those that CBI is allowed to post.

Discontinuing the Registration Requirement

- If you are eligible, you may petition the court for an order discontinuing the registration requirement. If you were found to be a sexually violent predator, are a quarterly registrant, or if you have multiple sex convictions as an adult, you are never eligible to petition the court to discontinue the registration requirement.

- If you are an annual registrant, you will be eligible to petition the court where you were convicted to discontinue the registration requirement after specified time frames of successful registration based on your class of felony or misdemeanor and provided you have had no subsequent sex offense convictions.
- If you were convicted of a sex offense out of state and are registering in Colorado, you may petition the court where you reside to discontinue the registration requirement.
- If you received a deferred sentence and ultimately a dismissal, you are still required to register until you receive an order discontinuing the sex offender registration requirement.
- If you receive a court order discontinuing the registration requirement, you must provide a copy of the order to the CBI and the local law enforcement agency where you are currently registered, so they may remove you from the registry.

For court instructions on how to petition to discontinue the sex offender registration requirement, please visit:

https://www.courts.state.co.us/Self_Help/discontinuesexoffenderregistration/.

For assistance with the sex offender registration discontinuation process by the Colorado Criminal Defense Institute and the Colorado State Public Defender's Office please visit:

<http://www.ccdinstitute.org/wp-content/uploads/sites/23/2016/08/Legal-Clinic-General-Flyer-2016-17.pdf>.

Traveling Internationally

- If you are intending to travel internationally, you must notify the local law enforcement agency where you currently register of your impending travel arrangements 21 days prior to the travel. You will need to provide authorities with your itinerary and intended destination(s). This information will be provided to the United States Marshals Service. The US Marshals service will provide this information to the destination country.
- Foreign governments make their own decisions as to who they will or will not admit for entry to their country. Offenders planning on travelling internationally may wish to check with the appropriate foreign Embassy or Consulate before departure about their travel plans.

Failure to Register

- If you fail to register with local law enforcement as required, you may be charged criminally with failure to register. If your original sex offense was a felony, failure to register charges will be a felony. If your original sex offense was a misdemeanor, failure to register charges will be a misdemeanor.
- Failure to register includes: submission of a registration form including false or incomplete information, providing false address information, failure to register in each jurisdiction where the person resides, failure to provide location of a trailer or motor home used as a residence, and failure to provide electronic identifiers if you are required to provide that information.

Appendices

Appendix A - Definitions

Appendix B - Dependency and Neglect Information

Appendix A – Definitions

The following definitions are for the words in red text that appear in this Resource Guide.

The acronyms at the end of most definitions are the source of the definition listed.

SOMB → Sex Offender Management Board

RG → Resource Guide

KT → Key Term

WBD → World Book Dictionary

Accountability: Quality of being responsible for one’s conduct; being responsible for causes, motives, actions and outcomes. (SOMB)

Adjudicated: See Deferred Judgment

Administrative Regulations (AR): The rules of operation of prisons and parole. (RG)

Advisement: A hearing, often the first appearance before a judge where a variety of topics are covered, including advising the person charged with their right (e.g., the right to counsel). (RG-Chapter 3)

Allegation: A claim that has not yet been tested with evidence. (WBD)

Appeal: To ask that a case be taken to a higher court or judge to be heard again. (WBD)

Approved Community Support Person: A person who may support a person with a sexual offense in approved activities that do not involve contact for the purpose of interacting with a specific minor child(ren). This support person is an individual who has met the criteria described in 5.790 through 5.793 of the SOMB Adult Standards and Guidelines and has been approved by the Community Support Team. (SOMB)

Approved Supervisor: An adult who has been approved by the Community Support Team (CST) to supervise contact between a client and a specified minor, victim or vulnerable person. This person is an individual who has met the criterion described in 5.780 through 5.786 of the SOMB Adult Standards and Guidelines and has been approved by the Community Support Team. (SOMB)

Arraignment: The act of bringing before a court to answer a charge. (WBD)

Arrest: To seize by legal authority; taking to jail or to court. (WBD)

Bail: A security required by a court for the release of a person in custody set to provide reasonable assurance of public safety and court appearance. (KT)

Bond: A promise entered into by a person in custody by which that person binds themselves to comply with the conditions of the bail bond. (KT)

Canteen: A prison or jail store where food, goods, etc. are sold to incarcerated individuals. (WBD)

Case manager: A Colorado Department of Corrections (CDOC) employee assigned an incarcerated individual for issues related to their programs, work assignments, security needs, classification, medical and mental health needs. (RG)

Colorado Department of Corrections (CDOC) Approved Support Person: A person identified by the incarcerated individual who has been background checked and has participated in the Family Support Education program. This approved support person will receive an approved copy of the individual's written plan to manage on-going risk areas and treatment needs through their participation in a Sex Offense Treatment and Management Program (SOTMP) therapist facilitated disclosure. (CDOD AR700-19)

Charge: In legal terms, to put blame on a person; commonly for a serious offense such as breaking a law and making a formal statement before the proper authority. (WBD)

Code of Penal Discipline (COPD): A CDOC manual that contains all chargeable offenses, ranges of penalties, and disciplinary procedures. (RG)

Collateral Requirement: A financial requirement attached to a bail bond by a judge. It may include property as well as cash. (RG)

Contraband: Goods sent or smuggled into prisons or jails that are designated as illegal. (WBD)

Colorado Sex Offender Management Board: A *type ii* Board established in 1992 by the Colorado General assembly for the purpose of creating standards for the evaluation, identification, treatment, management, and monitoring of adult sex offenders and juveniles who have committed sexual offenses at each stage of the criminal or juvenile justice system to prevent offenders from reoffending and enhance the protection of victims and potential victim. (SOMB)

Colorado Department of Corrections (CDOC): The governing authority for prisons in Colorado. CDOC also manages the department of Parole.

Colorado Parole Board: The Board created by state statute to consider applications by incarcerated individuals for parole.

Community Parole Officer (CPO): A CDOC employee responsible for supervising individuals recently released from prison, supporting their successful reintegration into the community, while recognizing the need for public safety.

Colorado Transitional Accountability Plan (CTAP): A risk assessment instrument that assesses the risk of reoffending. (RG)

Community Corrections (ComCor): A sentencing or placement alternative, in lieu of prison, for felony offenders. Participation in a community corrections program requires offenders to change their behavior, while allowing some restricted privileges to access the community. Some facilities accept those with a sex felony but have limited number of beds for them.

Community Corrections Board: Provides program oversight and approves or denies an individual placement in the community corrections programs. (KT)

Community Supervision Team (CST): team of professionals including a minimum of the supervising officer, the treatment provider, the evaluator, a victim representative and a polygraph examiner who collaborate to make decisions about the person with a sex offense. The Community Supervision Team may also include pro-social support persons such as family members, spiritual leaders and employers. (SOMB)

Contact with Children: See Incidental Contact and Purposeful Contact

Core Competencies: Supervision benchmarks a parolee must meet to move up in tiers. (RG)

Counts: In legal terms, the number of separate charges brought against your loved one. Sometimes the same behavior can constitute multiple crimes and therefore multiple counts. (KT)

Criminogenic: Of a system, situation, or place causing or likely to cause criminal behavior.

Deferred Judgment (Adjudication): A plea deal wherein a defendant pleads guilty to the charges against him and can have the charges dismissed for his meeting the court's requirements. (legaldictionary.net)

Denver Reception and Diagnostic Center (DRDC): The intake facility where recently sentenced individuals will spend the first weeks of their sentence, before they are moved to a permanent prison facility. They will be assessed as to mental/physical needs, criminal history, personal history, sexual history, and any sexual evaluations called for or completed.

Detention: The act of keeping in custody, such as a jail used for the confinement of a person who has been arrested for a crime. (WBD)

Determinate Sentence: A sentence to a fixed number of years.

Direct Sentence or Diversion – Sentencing to community corrections by a judge, in lieu of prison. (KT)

Discharged: In legal terms, the defendant is released with charges dropped.

Disclosure: The act of telling others (such as employers, landlords, support people) about the sexual offense(s) and related behaviors committed. (KT)

Dispositional Conference: (also DIPSO) A setting where the prosecutor and the defendant may begin a negotiation process. The court serves as a monitor to the status of the case.

Familial Association: The idea that certain relationships, such as parent-child are so important that they may be entitled to special protection under the Constitution. (RG)

Global Referral List (GRL): A list in numerical order of those who are awaiting sex offense specific treatment through the SOTMP. (RG)

Global Positioning System (GPS) Monitor: A device that communicates with a satellite system to determine the location of a person.

Guardian ad litem (GAL): A person appointed by the court to take care of the affairs of someone who is young or cannot take care of themselves. (WBD)

Hearing: Is an event at the courthouse where your loved one, their attorney, the prosecutor, and sometimes the alleged victim will appear before a judge.

Hearsay: Information a witness has obtained from another person. (WBD)

Immediate Detention: Holding in custody a person who is found guilty at trial or who pleads guilty to crime.

Incident to Arrest: Law enforcement officials are allowed to conduct a limited search of the suspect and surroundings “incident to the arrest” but some searches require a warrant or consent of the owner.

Incidental Contact: Contact with minor children as a result of regular or routine, Community Support Team approved community access (e.g., grocery store, bank, movies, sporting events, etc.) In such circumstances, the person is not initiating contact with children or developing relationships with children.

Indeterminate Parole or Probation: Probation with no fixed length but with a minimum of 10 or 20 years based on a felony conviction. Probationers may be released from parole/probation supervision by the Parole Board or the courts based upon their compliance with supervision and treatment.

Indeterminate Sentence: A sentence requires serving a minimum sentence but can be continued for the rest of a person’s life. (RG)

Intensive Supervision Program (ISP): A specialized program within parole that is designed to provide a higher level of supervision. (KT)

Intake Assessment: An evaluation conducted at DRDC to determine prison placement. (RG)

JPay: JPay is a private company that partners with correctional facilities to provide a way for family and friends of incarcerated individuals to pay for services such as phone calls, email, video visits, and transfer of money to a loved one’s account to pay for canteen goods. (RG)

Kite System: A written communication form an incarcerated individual uses to request job info, schedule medical appointments, file grievances, submit parole applications, and to report security concerns. (RG)

Jail: A county detention center for incarcerated individuals serving misdemeanors and for pretrial detainees. (RG)

Law Enforcement: Refers to a large group of people with the legal power to make an arrest or execute an arrest warrant. (RG)

Lifetime Supervision Act: In 1998 the Colorado General Assembly passed the Sex Offender Lifetime Supervision Act, which requires lifetime supervision for most class 2,3 and 4 felony sex offenses. The sentencing options available to the Court under the Act are: 1) Probation for a minimum of 10 years to a maximum of life for a class 4 felony, and a minimum of 20 years and a maximum of life for a class 2 or 3 felony. 2) Department of Corrections for at least the minimum of the presumptive range of sentencing to a maximum of life.

Mandatory Release Date (MRD): The date an individual reaches the end of their sentence and is released from prison. (RG)

Mandatory Reporter: Certain professionals who are required by law to report to police or social/human services when they are made aware of suspected abuse or neglect of a child. (RG)

Mental Health Therapy: Treatment for a variety of conditions that affect how one thinks, feels, and acts.

Miranda Rights: An advisement of legal rights, including the right to have a lawyer present and the right to not say anything to the police and not have the silence used against you. (KT)

Own Minor Child: A person's biological child or a child with whom there is a parental relationship. (SOMB)

Plea Bargain: A contract between the prosecutor and the person accused of the crime. It usually means the accused will give up legal rights to a trial and to other constitutional rights and the prosecutor will dismiss some or all charges. A judge must approve the plea bargain. (RG)

Polygraph: An instrument that records a person's breathing pattern, heart beat patterns, skin responses and the changes that occur when the person answers questions asked by the polygrapher. More commonly known as a lie detector. (SOMB)

Parole: A period of supervision in the community following release from prison. Parole is the continuation of serving out the sentence while in the community. (RG)

Parole Eligibility Date (PED): The first date the incarcerated person is eligible to be released to parole.

Parole Plan: A plan an incarcerated individual submits to his case manager describing where they intend to live, work, and the individual's employer or sponsors, or who will be responsible for the individual once they are released.

Parole Sponsor: A person who volunteers to provide housing and possibly other financial support for the person on parole.

Preliminary Hearing: A hearing where the judge hears testimony and decides if there is probable cause for each of the crimes charged. (RG)

Presentence Investigation Report (PSI): A written report prepared by the probation department to provide the court with information to consider at sentencing. (SOMB)

Pretrial Supervision: A level of supervision that a judge may make a person accused of a crime be subjected to as a condition to that person being allowed bond. A person granted bail may be asked to meet the conditions such as wearing an ankle monitor or required urinalyses.

Prison: (also called Correctional Facility): A facility where persons convicted of a felony are held in confinement as punishment.

Prison Rape Elimination Act (PREA): A Federal law designed to eliminate prisoner rape in all types of correctional facilities in the USA. The CDOC has adopted this program and has established policy standards and expectations, along with methods of reporting rape incidences. These policies are communicated to all incoming incarcerated individuals.

Probable Cause: When facts and circumstances within the arresting officer's knowledge are sufficient to support a reasonable belief that a crime has been or is being committed. (KT)

Probation: An alternative to a sentence of incarceration that allows a person to remain in the community while under supervision of the Probation Department. (KT)

Probation Officer: An officer of the court who enforces the orders and conditions that the court has set forth at sentencing. (KT)

Prosecutor/District Attorney: The lawyer in charge of the government's side of a case against an accused person. (WBD)

Protection Order (also known as a restraining order): A court order issued rules of contact for the defendant in order to protect the requestor of the order.

Public Defender: The Public Defender's Office in Colorado offers legal representation for those who can't afford hiring a private lawyer. There is a section in the Public Defender's office for representing those with a sex offense.

Purposeful Contact: Refers to any form of interaction with a victim, child or vulnerable person when the offender initiates the interaction and fails to minimize or avoid the contact. (SOMB)

Revocation Hearing: A hearing held where the Parole Board/the court considers revocation, modification, or continuation of parole/probation when someone violates one or more conditions of parole/probation. (KT)

Risk Factor: Something that will increase the chance of reoffending.

Risk-Need-Responsivity Model (RNR): A therapeutic model with three basic principles: the Risk principle, the Need Principle, and the Responsivity principle.

Safety Plan: A client generated plan for activities with the goal of preparing clients to address potentially situations where they may be at risk to reoffend and develop adaptive coping responses to these situations. (SOMB)

Sentencing Process: The series of events triggered by a person being found guilty of a crime. A sentence may include fines, incarceration, probation, suspended sentence, restitution, community service, and participation in rehabilitation programs. (RG & <https://www.findlaw.com/>)

Sequestration Order: A court order to remove person(s) from public view; usually to keep some witnesses out of the courtroom before they testify, so they can't hear what other witnesses say.

Sex Offender Management Board (SOMB): Established by state statute in 1992, the SOMB is responsible for developing standards and guidelines for the assessment, evaluation, treatment and behavioral monitoring of sex offenders. These standards and guidelines can be found in Standards and Guidelines for the Assessment, Evaluation, Treatment and Behavioral Monitoring of Adult Sex Offenders, available on the Sex Offender Management Board's website.

Sex Offender Registry: A public notification system where people convicted of felony sex crimes are required to update their information their information once a year. For more serious sex crimes committed, the person must re-register every three months. Failure to register is a separate felony carrying up to one and a half years in a Colorado prison. (shouselaw.com)

Sex Offender Intensive Supervision Program (SOISP): A higher level of supervision used by both Parole and Probation. (RG)

Sex Offender Treatment Monitoring Program (SOTMP): The sex offense-specific treatment program administered in select Colorado Department of Corrections facilities. (SOMB)

Sex Offense Specific Evaluation (SOSE): The purpose of this evaluation is to assess a client's need for treatment, determine what type of treatment is needed, and identify the risk level and any additional needs the client may have. (SOMB)

Sex Offense Specific Treatment: Treatment that is designed to use evidence-based modalities to prevent reoccurring sexually abusive/aggressive behavior by helping clients at risk of sexually re-offending to: (a) effectively manage the factors that contribute to sexually abusive behaviors, (b) develop strengths and competencies to address criminogenic needs, (c) identify and change thoughts, feelings and actions that may contribute to sexual offending, and (d) establish and maintain stable, meaningful and pro-social lives. (SOMB)

Sexually Violent Predator (SVP): A designation that comes from Federal law and does not necessarily represent the specifics of the offense. The designation to be assessed is determined by the age of the individual at the time of offense and other criteria set in statute. It is a designation made by the courts for certain types of sex crimes.

Sheriff: An elected official who is in charge of enforcing the law in a county or town of the U.S

SOMB Evaluator: An evaluator who is on the SOMB approved list of evaluators and who conducts sex offense-specific evaluations of adults who are convicted of a sexual offense pursuant to both professional standards and to the SOMB Standards and Guidelines. (SOMB)

Summons: A written order or notice directing a person to appear before a designated court at a slated time and answer to a charge(s) against that person. (WBD)

Technical Violation: Failure to abide by the terms of Court-ordered probation or the conditions of parole that is not a criminal offense (e.g., unsuccessful discharge from treatment, failing to report for a scheduled office visit, missing a curfew, lack of employment, testing positive for drug or alcohol use, or contacting a victim or co-defendant). There can be several levels of technical violation. Serious technical violations or a pattern of violations can result in revocation of probation or parole and possible imprisonment. (RG)

Transition Client: A person who is returning to the community after serving a prison sentence. (KT)

Treatment: According to section 16-11.7-102(4), C.R.S., treatment means therapy, monitoring and supervision of any person with a sexual offense which conforms to the Adult Standards and Guidelines created by the SOMB. (SOMB)

Treatment Contract: A legally enforceable document that describes the rules of treatment. (RG)

Trial: The examination and determination of the facts and issues in a criminal case; the determination of guilt or innocence. (WBD)

Unit Posted Operational Rules (PORS): The rules that apply to the behavior and discipline of incarcerated individuals in Colorado prisons. Violations of PORS are handled through the Code of Penal Discipline. (COPD)

Urinalysis (UA): The collection and testing of a person's urine to determine alcohol or drug use.

Victim Centered Approach: Means that the needs and interests of victims require paramount attention by professionals working with persons with a sexual offense. It also means a commitment to protecting victims, not re-victimizing, being sensitive to victim issues and responsive to victim needs. This approach provides an avenue to receive victim input and provide information to victims. (SOMB)

Viewing Time Assessments: Assessment tools that use viewing time and self-reporting to measure a person's sexual interest.

Warrant: A written court order for the arrest of a person or to search a person, premises or property. (KT)

Appendix B – Dependency and Neglect Information

You are involved in a dependency & neglect (“D&N”) case. What happens next?

- You will receive papers called a summons that will tell you when you have to come to court. Failure to appear in court as required may result in the issuance of a warrant for your arrest.
- You will receive papers called a petition that describe the allegations. These papers are written by the county attorney. The last name of one of the children in the case will be the first name listed on the petition. This does not mean they are being charged with a crime?
- If you cannot afford an attorney, and you qualify under the guidelines, the court may appoint one for you at no cost to you. It is important to remember that this is a civil matter with a separate case number and different parties and that this is not formally connected to any criminal matter though both cases may have come from the same allegations.
- You may watch a video tape about dependency and neglect cases which will tell you of your rights and will also explain the court process.
- You will meet with your lawyer, if you have one. Your D&N attorney will not be allowed to share information with your criminal attorney (and *vice versa*) without your explicit permission. The prosecutor and members of the public may be able to attend and become privy to issues arising in the D&N. Because events that happen in the D&N or criminal case may have a direct impact on the other case, it is important that you notify each lawyer about the existence of the other case because there is no process to automatically notify them about the other case. For example, you may need to get advice from both lawyers about your rights to remain silent and the consequences of exercising those rights in both cases.
- You will meet with the caseworker to talk about what will happen in your case.
- Your children and possibly other family members will be represented by different lawyers.
- A special kind of lawyer called a guardian *ad litem* (“GAL”) will be appointed to represent “the best interests” of your child. This lawyer is not required to work toward meeting the wishes of the child but rather serves in a quasi-parental role to advocate for a best outcome for the child. For example, the GAL may make recommendations about the child’s housing situation. Ultimately, a GAL may even develop a long-term relationship with the child and participate in other court actions involving the child (for example, if the child was prosecuted in the juvenile justice system). Unlike other lawyers, there is no attorney-client privilege between the child and the GAL. Moreover, even over the objection of you and the child, the GAL may authorize the release of otherwise confidential information about the child if s/he believes the release to be in the child’s best interests.

Some of your rights in court –

- You have the right to have a lawyer represent you. If you cannot afford a lawyer, one may be appointed for you. To find out if you can get a lawyer appointed, you can fill out an application available at the courthouse.
- You have the right to be told about all future court hearings. You also have the right and responsibility to attend all court hearings.
- You have the right to an interpreter if you do not speak or understand English. You may have additional rights if you or your children are enrolled or eligible to enroll in a Native American tribe.
- You have the right to talk about your case privately with your D&N attorney with the protections of the attorney-client privilege.
- You have the right to talk about your case with the caseworker and the GAL too. You have the right to ask your lawyer questions if there is something you do not understand.
- You have the right to actively participate in the development of your treatment plan with the advice and assistance of your lawyer. It is important to meet with your caseworker to talk about what will be most helpful for your family to include in the treatment plan.
- You have a number of other rights in a dependency and neglect case. These rights will be explained to you by either the judge or magistrate, or by your attorney

Some of your responsibilities in the Dependency and Neglect Case:

- Always go to your court hearings. Do what the court orders you to do. If you are not sure what the court ordered you to do or if you disagree with the order, ask your lawyer.
- If you are asked by your caseworker or the judge for the names and contact information for your children's relatives, provide this information promptly. This is important to help have your children placed as soon as possible within your extended family if they are not living with you.
- You must tell the judge if you or your children have Native American ancestry.
- There is limited information that the court staff can give you. For specific requests or statements about your case, contact your lawyer.
- Always tell your lawyer and caseworker your address and telephone number, even if the address and phone number change. Quickly return telephone calls from your lawyer and caseworker.
- Complete your treatment plan. Show you can work hard to make improvements.
- Keep your scheduled appointments. Call the person you are to meet with if you cannot make it.
- If you have scheduled visits with your children, go to all the visits. This shows your children and other people that you care about your children.
- You should not talk about the court case with your children without the approval of your lawyer and your caseworker.

Types of hearings in your case

The following is a list and description of hearings that will take place in your case. Keep in mind that in your case, you may or may not have all of the hearings mentioned below. You will encounter similar terminology in your criminal case but the meaning is not necessarily the same and hearings with the same name may occur in both systems. They will never occur at the same time. Additionally, the legal standards that must be met by the government in a D&N case are *lower* than in a criminal case. The government need not meet a “beyond a reasonable doubt” standard to have the right to intervene for the protection of children.

First Hearing or Preliminary Protective Hearing or Temporary Custody Hearing: At this hearing, the judge or magistrate determines whether there is enough evidence to decide if your children can safely remain in your home or if they need to live somewhere else, at least temporarily, to keep them safe. In some courts the judge will give protective orders which may limit contact of make other rules about your ability (or that of other family members) to interact.

Advisement: At this hearing, you are advised of your legal rights. The court has a duty to ensure you have a basic understand your rights and the court process. You may consult your attorney for more detailed information and advice. The court also appoints a GAL for your children. This may happen at the first hearing.

Adjudicatory Hearing: At this hearing, a decision is made whether or not your children are dependent or neglected under Colorado law. Your children are neglected if you are not providing your children with adequate food, clothing, medical care, education, supervision or a safe home environment. Your children are dependent if they are not capable of supporting themselves and cannot depend on the person who is legally responsible for them.

Dispositional Hearing: At this hearing, the department of human/social services gives the "Family Service Plan" or "Treatment Plan" to the court for approval. The Family Service Plan outlines what you must do before your children can return home. The plan may require you to take classes or have evaluations or treatment. The purpose of this hearing is for the judge or magistrate to order that you follow the treatment plan. The court will also reevaluate the issue of custody and control of the children. The judge or magistrate also carefully reviews your case to make sure everything is being taken care of at this time.

Review Hearing: This hearing helps you, the department of human/social services, and the judge or magistrate determine the following:

- If your children are safe and well in their present placement
- Whether your child needs to continue in placement
- If you and the department of human/social services are doing what the treatment plan says each of you will do
- What kind of progress is being made
- Whether the treatment plan should be changed

Permanency Planning Hearing: The purpose of this hearing is to plan for an appropriate permanent home for your children in as short a time as possible. The court must hold this hearing within 12 months from the time your children are removed from the home.

Termination of Parental Rights: The purpose of the termination hearing is to decide whether a parent's rights should end. Parent rights include, for example, the right to make decisions about a child, the right to visit, and more.