

BETTER TOGETHER

2018 ATSA Conference | Thursday October 18 | 10:30 AM – 12:00 PM

T-06

The Process Is the Punishment: How the Criminal Prosecution of Your Clients Impacts Treatment Engagement

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“Secretive,” “Resistant,” “Dishonest,” “Manipulative,” “A Denier,” “Disengaged,” “A Splitter,” “Not Amenable to Treatment” and other pejorative labels have sometimes been applied to clients who are mandated by the criminal legal system to engage in sex offense-specific treatment when they present as suspicious, uncooperative, or hostile to treatment. But what was the legal, social, and emotional process that brought them to a treatment program? What is the legal, social, and emotional context in which that program operates?

Engagement with the criminal legal system can be highly traumatizing for clients and their support systems. Yet, the same skills they often rely upon to survive the criminal investigation and prosecution may become barriers to treatment engagement. For example, police may tell a client that’s he’s “a good guy who just needs some help” and then use the client’s intimate admissions to charge and arrest him for a serious crime. Clients may secure significant financial support from loved ones to pay large bail bonds or for legal representation by insisting on their innocence. Their social and employment networks may be devastated, and their reputations and identities shattered long before the government secures a conviction. This presentation will survey the following common aspects of the process of criminal prosecution for a sexual offense in the United States and discuss how these events may impact client needs and responses to treatment program expectations:

- Criminal Investigation
- Interrogation Techniques by Law Enforcement
- Media
- Bail Bond Hearing and Process
- Pretrial Detention in Jail
- Preliminary and Motions Hearings
- Plea Bargains
- Trial
- Sentencing
- Appeal

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Learning Goals:

- Attendees will learn major steps of the criminal prosecution process and how they may have an emotional and social impact on their clients.
- The audience will be challenged to identify potential traumas to persons subject to arrest and prosecution as a sex offender, as well as their support systems, in the American criminal legal system.
- Attendees will gain insight into how a client's reluctance to be forthcoming with information or engage in a therapeutic relationship may be explained -- at least in part -- by the experience of criminal investigation, arrest, and prosecution.

Laurie Rose Kepros is the Director of Sexual Litigation for the Colorado Office of the State Public Defender where she trains and advises over 800 lawyers and other staff statewide in their representation of adults and juveniles accused or convicted of sexual crimes. She has tried and consulted on thousands of sexual offense cases across the state. She has served on dozens of subcommittees of the Colorado Sex Offender Management Board and Colorado Commission on Criminal and Juvenile Justice. Ms. Kepros has taught at several colleges and universities. She has repeatedly testified before the Colorado legislature as a subject matter expert in sexual crime law and as an expert witness in Colorado sex offense law in Federal District Court. Between 2015 and 2017, Ms. Kepros served, per the appointment of Secretary of Defense Ash Carter, on the Subcommittee of the Judicial Proceedings Panel which advised the U.S. Congress on law and policy related to sexual assault in the military. She is an honors graduate of Northwestern University and the University of Colorado School of Law. Ms. Kepros was the 2017 recipient of the Olom Award, the highest honor bestowed upon a defense attorney by the Colorado Criminal Defense Bar.