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*A message from*

**DISTRICT ATTORNEY PETE WEIR**

First Judicial District

Jefferson and Gilpin counties



More than ever, criminal prosecution is a balancing test. Dozens of times each day, the people in our office are asked to decide such questions as:

- Is this defendant a continuing danger to the community or a good citizen who simply made a mistake?
- How can we best recognize and address the needs of our victims?
- Where should we put our resources? What will do the most to prevent violent crime and hold violent criminals accountable, to protect vulnerable populations, including our children and our elderly, and to protect our economy from thieves who prey on both our businesses and our consumers?
- Does this juvenile offender seem appropriate for treatment alternatives?

Regardless of the question, our guiding principle remains the same: Within the law and our ethical constraints, we will always endeavor to do the right thing. Every prosecutor's office keeps a record of convictions, but our most important outcome measure defies statistical analysis: In each case, in every situation, regardless of the outcome, has justice been done?

As you look through our Annual Report for 2013, I invite you to read between the lines. Amidst all the statistical information, I think you'll find that our office is staffed by well-trained and dedicated professionals who are committed to doing the right thing every day.

There can be no greater honor for any of us than to serve you well.

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*District Attorney Pete Weir is a long-time prosecutor who has served as a district judge, as Executive Director of the Colorado District Attorneys' Council and as Executive Director of the Colorado Department of Public Safety, the cabinet-level agency that includes such organizations as the Colorado State Patrol and the Colorado Bureau of Investigation. Pete is a graduate of Duke University and Denver University School of Law.*

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# ABOUT THE FIRST JUDICIAL DISTRICT

The First Judicial District lies just west of the Denver metropolitan area and serves Jefferson and Gilpin counties. Jefferson County is one of the largest counties in Colorado with a population of 545,358 residents. Gilpin County lies in the steep mountain area to the west of Jefferson County and has a population of 5,491 residents. In Colorado's early

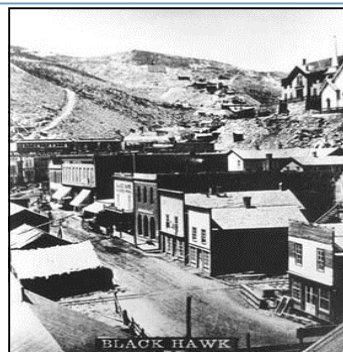
history, Gilpin County was a mining center. There are still numerous mines in the area. The Gilpin County cities of Black Hawk and Central City have been centers for limited stakes gaming since 1992.

The District Attorney is responsible for the investigation and prosecution of criminal offenses occurring in the First Judicial District. These include cases brought by



Office in Golden, CO

twelve municipal police departments, two sheriffs' departments, two college police departments, and statewide law enforcement agencies including the Colorado State Patrol and Colorado Bureau of Investigation. Criminal cases are filed in both the Jefferson and Gilpin County courts.



Black Hawk, CO 1860

The District Attorney's Office handled over 28,000 cases in 2013

## BY THE NUMBERS

- 3,486 felony cases filed
- 23,620 misdemeanor and traffic cases filed
- 919 juvenile cases filed
- 176 full-time staff
- 70 deputy district attorneys
- 20 auxiliary employees
- 102 interns and volunteers
- Operating budget of \$19,557,789
- Additional \$245,781 in grant funding



Old Gilpin County Courthouse



Jefferson County Courthouse

# ABOUT THE FIRST JUDICIAL DISTRICT

## Mission Statement

It is the mission of the First Judicial District Attorney's Office to do justice through vigorous investigation and prosecution of criminal offenses. The District Attorney's Office is committed to ensuring public safety and protecting the rights of all individuals. By doing justice, we help to ensure a safe community for the businesses and citizens of Jefferson and Gilpin counties.

## Law Enforcement in the First Judicial District



The District Attorney's Office works with numerous local, state, and federal law enforcement agencies serving the First Judicial District in matters of state, national, and international concerns.



Arvada Police Department

Black Hawk Police Department

Central City Police Department

Colorado Attorney General

Colorado Division of Gaming

Colorado Division of Parks and Wildlife

Colorado School of Mines Department of Public Safety

Colorado State Patrol

Colorado Bureau of Investigation

Drug Enforcement Agency

Edgewater Police Department

Federal Bureau of Investigation

Gilpin County Sheriff's Office

Golden Police Department

Jefferson County Sheriff's Office

Lakeside Police Department

Lakewood Police Department

Littleton Police Department

Morrison Police Department

Mountain View Police Department

Red Rocks Community College  
Department of Public Safety

U.S. Attorney's Office

West Metro Drug Task Force

Westminster Police Department

Wheat Ridge Police Department

# ADMINISTRATION

## District Attorney's pledge to the community

When I was sworn-in as District Attorney in January, 2013, I made the following pledge to the citizens of the First Judicial District.

As your District Attorney, I pledge:

- to seek justice and not simply obtain convictions;
- to aggressively fight on behalf of the most vulnerable victims in our community, our children and the elderly;
- to target violent crime, drug dealers, and identity thieves;
- to strengthen our juvenile justice system by appropriate intervention;
- to listen to victims, law enforcement officials, and defense attorneys; and
- to lead an office where all staff are committed to serving the public with dedication and professionalism.

And finally, I pledge to hold sacred the trust vested in me by the citizens of Jefferson and Gilpin counties to represent the people of the State of Colorado to the best of my ability with honor, dignity, and an abiding respect for our system of justice.

— Peter Weir



Pete Weir being sworn in by Chief Judge Stephen Munsinger

## Serving over 550,000 citizens in Jefferson and Gilpin counties

Peter A. Weir was elected District Attorney in November, 2012, and sworn on January 8, 2013. In Colorado, district attorneys serve four-year terms and are limited by law to serving two terms.

Administration of the District Attorney's Office is comprised of an assistant district attorney, a special projects director, a public information officer, a special projects and personnel administrator, and an administrative assistant to the District Attorney.

The assistant district attorney is responsible for overall office administration, overseeing administrative departments, and serving as a liaison with law enforcement agencies.

The special projects director works with the District Attorney on special issues,

election offenses, citizen inquiries, and serves as a liaison with the Gilpin County agencies.

The public information officer coordinates media relations, manages the website and other social media, promotes crime prevention programs and events, and serves on the Community Partnership board of directors.

The special projects and personnel administrator manages payroll, personnel and human relations, purchasing and accounts payable, grant administration, and financial services for the Community Partnership.

The District Attorney's administrative assistant manages his schedule, orders office supplies, supervises clerical staff, and serves as an evidence technician.

# FELONY PROSECUTIONS

**Felonies are the most serious crimes and the only crimes that can result in a prison sentence**

Popular television programs may be entertaining, but they can't begin to convey the complexity involved in the real-life prosecution of felony crimes.

Before a felony criminal case reaches the trial stage, there is a series of steps designed to ensure the State can prove its case against the accused beyond a reasonable doubt and in a manner designed to ensure fairness to the defendant.

These steps include:

- Discovery procedures, wherein the prosecution must provide the defense complete copies of everything in its possession regarding the case. Failure to disclose material information to the defense can result in sanctions, including dismissal of the case.
- Motions hearings, in which prosecutors must demonstrate that confessions were properly obtained, that searches and seizures were lawfully conducted, and that scientific evidence will be admissible at trial. Following a motions hearing, the court may limit what the prosecution is allowed to present at trial.
- Jury selection, also called *voir dire*, is rarely seen on TV. This is the process by which attorneys from both sides attempt to determine who will sit as the "triers of fact" for the case. Jury selection can sometimes determine the outcome of a case.

Prosecutors seek justice while protecting the rights of crime victims and holding criminals accountable.

Charges filed in the district court include murder, felony sexual assault, kidnapping, burglary, robbery, felony child abuse, and identity theft.

Felony prosecutors work closely with district attorney investigators, local law enforcement agencies, and victim witness specialists. They are available around the clock to provide legal advice, to answer questions for law enforcement agencies, and to respond to major incidents.

Specialized units ensure that felony crimes committed against certain victims are handled by staff with the necessary expertise and training.

These specialized units include:

- The Special Victims Unit specializes in felony crimes against children and domestic violence cases.
- The Economic Crime Unit investigates and prosecutes complex financial crimes including offenders who participate in racketeering or organized crime.
- The Elder Abuse Unit focuses on crimes against vulnerable seniors, with particular attention to cases of both physical injury and financial exploitation.

# FELONY PROSECUTIONS

Felony prosecutions include many different types of crimes

## Cold Case Murder by Twins

Heather DeWild was just a few days away being divorced when she disappeared in 2003. Her badly decomposed body was found weeks later in a mound of dirt on the shoulder of a mountain canyon road. Her autopsy revealed that she was the victim of a brutal killing.



David DeWild

Despite the best efforts of law enforcement, the case went unsolved for nearly 10 years. The assignment of full-time DA investigators and the use of the grand jury led to the indictment of Heather DeWild's estranged husband, Daniel DeWild, and his identical twin brother, David. David pled guilty to Conspiracy to Commit Second Degree Murder and was sentenced to 12 years in prison in December, 2012. Daniel pled guilty to Second Degree Murder and was sentenced to 74 years in prison in February, 2013.



Daniel DeWild



## Serial Robber Sentenced to 30 Years in Prison

A multiagency task force investigating 21 similar robberies throughout the Denver metropolitan area found a common link between robberies at hotels, takeout pizza businesses, and Starbucks stores. Jacob Alan Rocke, 28, was captured at a Lakewood motel and was charged with four separate felony cases in Jefferson County. He entered a guilty plea and in January, 2013, he was sentenced to prison for 30 years.

*Deputy DAs often spend hundreds of hours preparing a major case for trial.*

*A team of prosecutors, investigators, victim witness specialists, and paralegals may spend thousands of hours preparing a single case.*

## DUI Crash Kills One Person, Injures Two Others

During the early morning hours of February 20, 2013, 23-year-old Britni June Bunn was driving with a blood-alcohol level nearly three times the legal limit when she turned onto the Boulder Turnpike going the wrong direction and crashed head-on into another vehicle.

Her passenger was killed and two other people were seriously injured. On June 23, 2013, Bunn pled guilty to Vehicular Homicide, Vehicular Assault, and DUI. She was sentenced to eight years in prison to be followed by 10 years of Intensive Supervision Probation.



# FELONY PROSECUTIONS

**The Special Victims Unit handles crimes against children, domestic violence felonies, and sexual assaults**

The Special Victims Unit (SVU) provides a specialized approach to offenses committed against certain victims:

- Crimes against children present unique challenges because children are easily intimidated and are often related or known to offenders whom they love and trust. SVU prosecutors, investigators, and victim witness specialists work together to obtain justice for these vulnerable young victims.
- Family violence, including domestic violence, also requires specialized training and techniques. Due to the emotional and financial dependency perpetuated through the cycle of domestic violence, victims are often reluctant to testify or cooperate with prosecutors and law enforcement. Fear of injury or death, emotional and financial dependency, poor self-esteem, and isolation are some of the reasons these victims struggle with the prosecution of their abusers.
- Family violence cases often involve children who witness domestic violence. Children who witness domestic violence have an increased risk of psychological and developmental difficulties. While it is important to identify children who witness abuse, it is difficult because mothers who are victimized may deny that children were present during the abuse.

*In addition, SVU prosecutors:*

- *Teach at Red Rocks Police Academy, the DA Citizens Academy, and the New Detectives Academy*
  - *Teach trial techniques courses*
  - *Present on SVU topics at prosecutor and victim advocate trainings*
  - *Present at the National Institute on Violence Abuse and Trauma Conference*
  - *Participate as members of the Child Protection Team*
  - *By appointment of the Governor, serve on the State Child Fatality Prevention Review Team, a multi-agency group that analyzes child deaths statewide*
  - *Serve as panel members at Sexually Violent Predator Community Notification meetings*
- Human trafficking, specifically sex trafficking of children for commercial gain, is a serious problem in our community. Prosecutors in the Special Victims Unit collaborate with the FBI's Innocence Lost Task Force to investigate and prosecute these crimes. The Unit also provides training for law enforcement, prosecutors, victim advocates, probation officers, caseworkers, and other professionals involved in the investigation and prosecution of child trafficking.



# FELONY PROSECUTIONS

**Economic crime poses a significant threat to the economy and to individual citizens and businesses**

The Economic Crime Unit (ECU) prosecutes complex white-collar crimes, which are often investigated through the grand jury process. The Unit is frequently involved in both the investigation and prosecution phases of a case.

The ECU works closely with local, state, and federal law enforcement investigators. Its cases include complex embezzlements, insurance fraud, securities fraud, organized identity theft, organized retail crime, drug trafficking rings, computer crime, bank fraud, illegal gambling, mortgage fraud, and public corruption. The ECU also manages the two grand juries in the First Judicial District.

In 2013, the ECU's work led to the indictment of 25 complex crime defendants, 11 of whom were charged with racketeering under the Colorado Organized Crime Control Act (COCCA).

## Phony Building Sales Scam Results in Prison

Brent Widdifield advertised the sale of steel buildings online and through local newspapers. Over 40 victims from across the United States gave thousands of dollars to Widdifield to purchase these buildings. Widdifield spent the money for his own personal use, including eating in restaurants, paying rent, and gambling. A jury convicted Widdifield of three counts of felony Theft and Violation of Bail Bond Conditions in December, 2012. He was sentenced to 15 years in prison and ordered to pay \$332,384 in restitution.



## Prison for Racketeering Conviction

Clinton Baskall was indicted by the grand jury for Racketeering, Violation of COCCA, Theft, and Money Laundering. He was the ringleader of a group of people who obtained Home Depot gift cards from fraudulent refunds and then sold them for less than face value. Baskall pled guilty to Violation of COCCA in March, 2013. He was sentenced to 16 years in prison and ordered to pay \$12,806.60 in restitution.



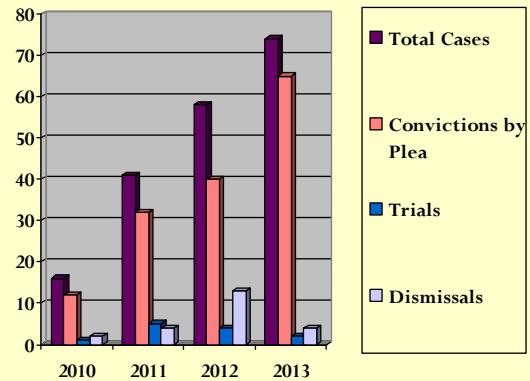
*Chief Deputy DA Tom Jackson, the head of the ECU, was named*  
**2013 Prosecutor of the Year**  
*by the International Association of Financial Crime Investigators*

# FELONY PROSECUTIONS

Elder abuse takes many forms, including physical and financial

The Elder Abuse Unit specializes in protecting vulnerable older adults from physical, sexual, and financial crimes. Abuse of older adults includes assault, theft, robbery, and unlawful sexual contact with an adult aged 70 years or older. Financial abuse cases range from large-scale thefts by fiduciaries, to thefts by relatives and caregivers, to foreign lottery scams, and investment fraud. In 2013, over \$600,000 in restitution was paid to senior victims of crime.

Elder Abuse Cases 2010 - 2013



## Robberies of Older Adults

In two separate cases, Richard Cress robbed three elderly victims. The women were getting into their cars after shopping when he approached, spoke to them, grabbed their purses, and ran. He pled guilty to Robbery of an At-Risk Victim, Theft from an At-Risk Victim, and Criminal Trespassing. These were felony convictions number 12 and 13 for Cress. In November, 2013, he was sentenced to 19 years in prison



## Theft and Identity Theft of Older Adult

Shana Claybourn entered a nursing home under false pretenses and went into the room of an elderly woman who was at the hospital at the time. Claybourn stole her jewelry and checks, and later called the victim and harassed her in an attempt to get her date of birth and Social Security number. Claybourn pled guilty to Burglary and ID Theft. She was sentenced to prison for seven years in July, 2013.



The Elder Abuse Unit has been a leader in training law enforcement officers, prosecutors, financial service providers, and others in detecting and reporting the abuse of vulnerable seniors. In 2013, the Unit played a central role in the development of training curricula and materials for the mandatory reporting of elder abuse, as required by a statute that takes effect in 2014.

The Unit has also taken a leadership role in the development of regular meetings with human services professionals and law enforcement personnel to review elder abuse cases and improve the detection and prosecution of crimes against seniors.

# FELONY PROSECUTIONS

**Recovery courts have proven to be a successful strategy to stop the “revolving door” of justice by addressing the underlying factors that keep offenders in the system**

The Drug Recovery Court is a collaborative, non-adversarial team approach to promoting safe communities and reducing recidivism through judicial accountability while rehabilitating non-violent, substance-dependent offenders.

The team is comprised of a district court judge, deputy district attorney, public defender, treatment staff, probation officers, mental health staff, drug testing specialists, and law enforcement.

Offenders qualified to participate in the Drug Recovery Court Program must be probation eligible for non-violent felony offenses. A defendant is not eligible to participate in the program if his or her

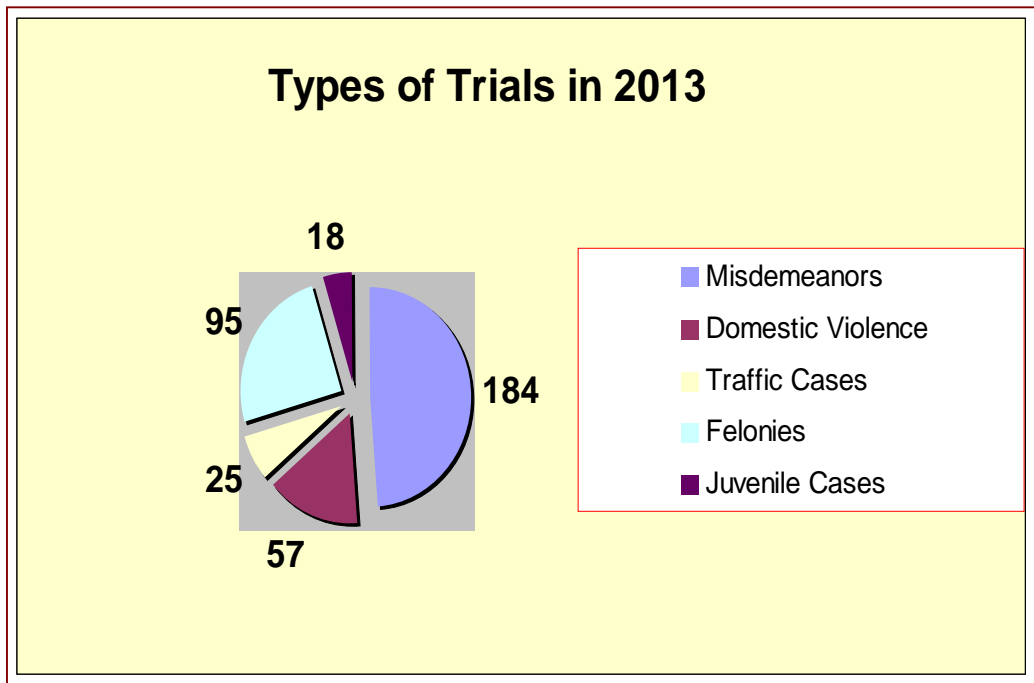
crime involved possession or use of a firearm or other dangerous weapon, major drug distribution, sexual offenses, or illegal status in the country. Offenders also must meet clinical diagnostic criteria for substance dependence and be motivated to make permanent changes in their lives.

**In 2013:**

- 167 clients served
- 24 graduations
- 74 new clients

The Drug Recovery Court provides substantial cost savings by not incarcerating these non-violent offenders for extended periods of time.

## Breakdown of overall trial activity



# COUNTY COURT



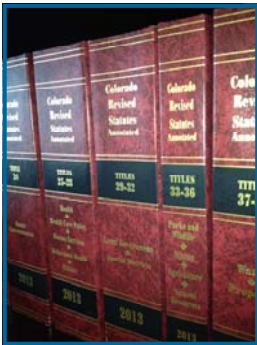
The County Court Unit is comprised of 12 deputy district attorneys, a chief deputy district attorney, law school interns (who handle traffic court), four investigators, and five support staff. The majority of the criminal cases filed in the First Judicial District come through the county court. Over 23,000 misdemeanor and traffic cases were filed in Jefferson and Gilpin counties in 2013. Misdemeanor and traffic offenses include DUI, careless driving resulting in death or injury, assault, harassment, unlawful sexual contact, criminal mischief, indecent exposure, and theft.

Misdemeanor domestic violence cases are filed in the county court and are handled on an expedited basis. This provides more immediate accountability for offenders and allows for rapid implementation of resources for victims and children.

## In 2013:

- The average size of a county court deputy's caseload was 400 cases
- 23,620 misdemeanor and traffic cases were filed
- 1,329 DV cases were filed
- 184 misdemeanor trials
- 25 traffic trials

# APPEALS



The Appellate Unit is an integral part of the prosecution mission. Its primary functions are to ensure that the prosecution's position is presented to the appellate courts and to provide advice and

research for trial deputies. Comprised of a chief deputy district attorney, law school interns, and a secretary, the Unit determines what appeals to pursue and responds to defense appeals.

The Unit also responds to driver's license revocation appeals, handles criminal justice records requests, responds to subpoenas served on the office, and answers post-conviction motions. The chief deputy is the contact person with the Attorney

General's Office on appeals, and in 2013 the chief deputy secured CLE credit and organized several trainings for deputy district attorneys. The chief deputy also serves on the Colorado Criminal Rules Committee.

In 2013, there were 31 license revocation reviews and 32 appeals from county court to district court. In the appellate courts there were five First Judicial District cases, including a petition for certiorari and an interlocutory appeal in *People v. Cunningham*.

The *Cunningham* case was a sex assault on a child case in which the Colorado Supreme Court agreed with the District Attorney that the trial court improperly suppressed significant evidence. This published opinion will help prosecutors across the state at future hearings.

# JUVENILE JUSTICE

## Prosecutors consider public safety as well as the best interests of juvenile offenders

The Juvenile Unit handles the prosecution of crimes committed by youths between 10 and 17 years of age. It is comprised of one chief deputy district attorney, six deputy district attorneys, three legal secretaries, two investigators, and one pretrial supervisor for the juvenile sex offender program.

In a juvenile case, the prosecutor considers both public safety and the best interests of the juvenile. Our guiding philosophy is that the community is best protected and served, in most cases, by quick and targeted intervention to prevent future crime.

While the juvenile crime rate has decreased statewide, no jurisdiction has seen a greater reduction than the First Judicial District. Our filings have dropped by more than 60% from 2001 to 2013. Much of this success is due to the innovative approaches used to promote public safety through better decision-making and cutting-edge programs designed to change behavior.

## Juvenile criminal filings decreased 60% from 2001 to 2013

### Juvenile Assessment Center (JAC)

The Juvenile Assessment Center provides a collaborative approach to evaluating youths at the entry-point of the juvenile justice system. Law enforcement officers can drop-off juvenile offenders at the JAC where school districts, mental health professionals, human services, law enforcement, and the District Attorney's Office work together to assess each offender on a case-by-case basis.

### Juvenile Diversion Program

Appropriate juveniles may choose to plead guilty and be accepted into the Juvenile Diversion Program. The one-year program includes supervision by a diversion officer with appropriate terms and conditions. At the end of the year, juveniles who have met the requirements of the program and complied with the conditions will be successfully terminated from the program and their cases will be dismissed.

### Low Risk Offender Program (LROP)

In 2013, approximately 300 kids were diverted through the LROP. Through this partnership with the Juvenile Assessment Center, low risk juvenile offenders are offered a quick treatment plan addressing issues underlying their criminal conduct. If they successfully complete the program, no criminal case is filed. The program has a 95-98% success rate.

### POSITIVE RESULTS FOR JUVENILES

- 992 total juvenile contacts
- 919 juvenile cases filed
- 675 juvenile offenders charged (many with multiple cases)
- 60% of juveniles diverted without adjudication
- Juvenile Diversion Program recidivism rate 15%

# JUVENILE JUSTICE

## Fast Track Program

When a juvenile receives a summons he or she has the option to engage in voluntary intervention, supervised by pretrial officers. This program shortens the interval between commission of a crime and intervention from months to days. This approach is unique in Colorado.

## Juvenile Mental Health Court

This collaborative effort addresses mental health issues underlying juvenile criminal behavior. A designated court, prosecutor, public defender, mental health professionals and others work together towards preventing future crime by treating the underlying mental illness. Charges are dismissed upon completion of the treatment

program. There were 23 juveniles in the program in 2013.

## Sex Offender Community Supervision

Juveniles arrested for sex offenses are supervised by the DA's community safety officer (CSO). They are closely monitored in sex offender treatment and a safety plan is developed for home, school, and those who have contact with the juvenile. In 2013, the CSO supervised 79 youths. Of them, 68 were diverted through this deferred judgment and sentence approach. This program is unique in the country and its success is unrivaled. In the program's 10 year history, less than one percent of offenders have committed a subsequent sex offense.

## Important trends in the juvenile justice system

While the number of filed juvenile cases continues to decline, the severity of crimes committed by our youngest offenders, ages 10-12, is on the rise. We are also seeing an increase in the number of children addicted to heroin and other illegal drugs. We will continue to work together to combat this problem.

## Sexting: Balancing the law, teens, technology and bad choices

Sexting is the act of sending sexually explicit photos electronically, primarily between cell phones. Sexting is a serious challenge facing today's youth. Young people fail to recognize the danger of sending intimate photos electronically. Photos can end up in the wrong hands or may exist forever in cyberspace. In addition to having destructive social consequences, sexting is a crime.

In response to this growing problem, the District Attorney's Office collaborated with experts to develop a curriculum to effectively address the specific issues faced by our youth. Often the behavior is simply driven by a lack of boundaries. The curriculum, called "Sexting Solutions," is proving to be very effective. Rather than charging teens with crimes, we provide educational classes, treatment, and counseling.

### In 2013:

- Provided 86 sexting presentations; attendance varied from 20-800
- 56 children were referred to the Sexting Solutions program
- 50 youths successfully completed Sexting Solutions. 6 are still enrolled from 2013
- Since implementing the Sexting Solutions program none of the participants has reoffended

# DIVERSION SERVICES

## Diversion helps first-time offenders redirect their lives

A criminal record can significantly impact educational opportunities, housing, and the ability to pursue a career. The District Attorney's Diversion programs offer first-time, non-violent criminal offenders the opportunity to repay their debts to victims and society, and to have their criminal charges dismissed if they successfully complete the program.

Diversion programs also benefit taxpayers. Diversion has been shown to reduce the likelihood these offenders will commit crimes in the future, while measurably reducing the costs of prosecution and incarceration.

Diversion clients pay for much of their own treatment and there is an emphasis on paying restitution to victims. In 2013, Diversion Services collected \$207,686 in restitution from clients.

## Three programs serve three different kinds of offenders

- The **Adult Felony Diversion Program** supervises first-time, non-violent felony offenders. About 500 of these clients are under supervision at any one time. 73% of clients successfully complete the program and their cases are dismissed.
- The **Misdemeanor Domestic Violence Diversion Program** supervises first-time offenders charged with misdemeanor domestic violence-related crimes. It averages 250 offenders under supervision and boasts a 74% success rate.
- The **Juvenile Diversion Program** serves youths under the age of 18 and averages about 150 young offenders under supervision. 67% of juvenile clients successfully complete the program. The five-year recidivism rate for juveniles who successfully complete the program is 15%.

An alarming trend involves young adults and heroin. Heroin use has increased dramatically in the last few years, primarily among young, white, middle-class youths. The vast majority of juvenile heroin users who are referred to the Diversion Program fail - - about 90%.

### Young offenders offer unique challenges

- Our diversion officers are experts. Each juvenile diversion officer has a minimum of 15 years of experience.
- Without appropriate intervention, juveniles who commit a first offense between the ages of 10-12 are far more likely to be in the justice system longer, and at greater expense.
- Working in partnership with the Department of Human Services and Probation we can more effectively provide critical services to these young people at an early age.

# VICTIM WITNESS SERVICES

Victim and witness services are a key component of the justice process provided by the District Attorney's Office. In an effort to lessen the impact of crime on victims and their families, the mission of the Victim Witness Assistance Unit is to ensure that victims are treated with fairness, respect, and dignity by providing comprehensive assistance and services throughout case prosecution.

The Unit accomplishes these goals through personal contact, ongoing support, providing information on all aspects of the criminal justice system, and referrals to address victims' needs.

The Unit operates specialized programs for court and trial support, domestic violence, child victims, elder abuse, assistance with victim impact statements, restitution, subpoena management, crime victim compensation, VALE grant funding and Victim Witness Center services. Victim Witness personnel are also the primary contacts for witnesses who are called

to testify, including lay persons, law enforcement officers, and experts.

Victim Witness staff are guided by the Victims' Rights Act of the Colorado Constitution to ensure that victims are treated with fairness, respect, and dignity, and are informed, present, and heard during all critical stages of the criminal justice process.

## In 2013:

- Provided services to 5,206 victims of crimes against persons
- Supported and guided 173 child victims of sexual abuse and their families through the prosecution of criminal cases
- 49,353 victim notifications at critical stages of the criminal justice process
- Paid \$2,050,000 for out-of-pocket expenses to crime victims through the Crime Victim Compensation Program

## Domestic Violence Fast Track Program

Domestic violence cases are handled on an expedited basis, with special resources dedicated to the rapid identification of potentially dangerous offenders and to providing prompt services for victims, including children who have been exposed to domestic violence.

There were 1,329 Fast Track cases filed in 2013. Of these, two-thirds of the victims appeared in court the day after the crime and 30% of the defendants entered a plea of guilty at that time. This program ensures that domestic abusers deal with the consequences of their actions immediately, and that victims receive necessary support, services, and resources to enhance their safety and meet their immediate and ongoing needs.

"Every person in this process was amazing. I never felt left out of the loop and I believe my input was taken seriously. I didn't feel like just 'another case.' I felt very human. The VW specialist and investigator both were extremely helpful and I was very fortunate to have worked with them. They made a horrible experience manageable." -- *DVFT victim*



# INVESTIGATIONS DIVISION

## DA investigators are involved in original investigations and in every aspect of trial preparation

Criminal investigators for the First Judicial District Attorney's Office are sworn peace officers whose assignments include every aspect of criminal investigation leading up to, and during, prosecution. Most DA investigators are drawn from the ranks of experienced investigators and detectives in local police agencies. DA investigators maintain a high level of training in law enforcement practices and procedures.

Among their duties, DA investigators work closely with prosecutors to prepare cases for trial. They interview victims and witnesses, write reports, locate reluctant witnesses, serve subpoenas, testify in court, and assist in evaluating cases to determine if there is sufficient evidence to recommend prosecution. DA investigators may also be called upon to transport and protect victims and witnesses during judicial proceedings.

## Specialized skills and knowledge make DA investigators useful to local police agencies

DA investigators have specialized skills, including advanced knowledge of cold case homicides, sexual assaults, domestic violence, crimes committed by and against children, internet-related offenses, complex economic crimes, offenses committed against the elderly, and crimes related to governmental functions, such as elections.

DA investigators frequently provide investigative assistance to local law enforcement agencies in complex criminal investigations, including homicide cases. Investigators actively participate in the Critical Incident Response Team, which investigates officer-involved shootings and deaths, and the Accident Response Team, which reviews law enforcement motor vehicle crashes.



### In 2013:

- The District Attorney had 27 state-certified peace officers in the Investigations Division, with average individual experience in law enforcement exceeding 20 years
- Investigators received 3,587 case assignments, produced 4,768 reports, and conducted 102 original and "Assist Other Agencies" investigations

# INVESTIGATIONS DIVISION

## Specialized units make unique contributions



CHEEZO and DA Pete Weir



CHEEZO and friends at the mall

The Child Sex Offender Internet Investigations Unit is nicknamed "CHEEZO" after the mascot created to help promote internet and cell phone safety for kids. CHEEZO is a special team of DA investigators who proactively locate and arrest online predators attempting to prey on children. They also provide online safety presentations to people of all ages.

In 2013, they created a FaceBook page and have over 3,000 Face-Book friends with whom they share safety tips and tools, as well as provide a kid-friendly forum to report safety concerns.

### In 2013 the CHEEZO Unit:

- Made 52 arrests
- Provided 160 Internet and cell phone safety presentations
- To date, presented over 2,000 seminars on Internet and cell phone safety to over 350,000 children

## Behind the scenes in 2013

The Digital Media and Forensic Computer Lab was instrumental in obtaining internet child predator convictions

Specialists in the NCIC/CCIC Unit completed 4,023 cases in 2013, including 8,495 criminal history checks in preparation for trials

Since mid-August, just one process server successfully served 264 out of 368 subpoenas on uncooperative or hostile witnesses

## Colorado's DA Investigator of the Year -- two years running

Each year, investigators from district attorneys' offices across the state select one DA investigator for special recognition. One of our investigators has received this prestigious award the last two years.

In 2012, Colorado's DA Investigator of the Year was Investigator Debbie Farnum. Senior Investigator Russ Boatright received this honor in 2013.

# COMMUNICATIONS

The Communications Unit is comprised of a public information officer (PIO) and volunteer interns.

The District Attorney's Office is a public office and is committed to providing the greatest possible transparency for the community while protecting the rights of the accused. It is the role of the PIO to ensure the flow of information from the District Attorney's Office to the media and to the public.

The PIO coordinates media relations for the District Attorney's Office, responding to media inquiries, requests for information, interviews, and criminal justice records. In addition, the PIO serves as webmaster and social media manager for the District Attorney's Office.

## Accomplishments in 2013 include:

- Responding to 1,500 media inquiries
- Daily monitoring of 100 critical cases
- Issuing 80 news releases
- Coordinating with national media including 48HOURS, the Discovery Channel, M2 Productions, and others
- Converting to new county website
- Developing a Community Outreach Program
- Responding to 40+ records requests from the media
- Promoting and marketing crime prevention programs and events
- Expanding the use of social media

## High Profile Cases

### Cold Case Solved

Francisco Rojas Carbajal, 32, was sentenced in December, 2013, to 48 years in prison for the murder of his 42-year-old girlfriend Julia Abarca. Rojas Carbajal strangled Ms. Arbaca to death at her



Edgewater home and stole her credit cards. Following Ms. Abarca's death in 2011, District Attorney investigators were requested to assist the Edgewater Police Department. In 2013 Edgewater police handed over the investigation to the DA's office. Rojas Carbajal was arrested in June, 2013. He pled guilty to Second Degree Murder and Identity Theft.

### Attempted Murder of a Police Officer

In December, 2013, gang member Larry Lynn Gomez, 35, was sentenced to 96 years in prison for attempted murder of a police officer. On the evening of November 7, 2012, a Westminster police officer had just made a routine traffic stop and was approaching the car driven by Larry Gomez when Gomez leaned out of the car window, shot the officer, and then sped away. Following four days of trial, a jury found Gomez guilty of Attempted Murder of a Police Officer and First Degree Assault. This was Larry Gomez's sixth felony conviction.



# HIGH PROFILE CASES

## Murder of Jessica Ridgeway

Jessica was 10 years old when she was kidnapped, sexually assaulted, murdered, and dismembered by Austin Sigg. She had just left her Westminster home on the morning of October 5, 2012, on her way to school, when Austin Sigg dragged her into his car, tied her hands and feet, and drove her to his home where he murdered her. Sigg was 17 years old.

Jessica's disappearance sparked a massive search led by the Westminster Police Department. This was one of the largest searches in Colorado history, with over 75 law enforcement agencies and the District Attorney's Office working around the clock trying to find Jessica.

In the week following Jessica's disappearance, over 1,900 investigators, emergency responders, and community volunteers combed fields, parks, and neighborhoods searching for clues. Jessica's backpack, containing her personal belongings, was discovered on October 7. The first of her

remains were found on October 10. Austin Sigg was arrested on October 23 and charged as an adult.

### Investigators:

- Received 6,372 tips
- Collected 1,668 pieces of evidence
- Searched 40 square miles of fields and parks
- Canvassed 1,234 houses
- Searched 14 bodies of water

In the year that followed, the prosecution team of four deputy district attorneys, a DA investigator, a Westminster Police detective, two paralegals, and other trial support staff sifted through mountains of evidence in preparation for trial. Two days before trial, Austin Sigg's attorneys contacted prosecutors and said that he wanted to plead guilty to all charges. He pled guilty on October 1, 2013 and on November 19, Austin Sigg was sentenced to life in prison plus 86 years.

## First Degree Murder

Following two weeks of trial in August, 2013, a Jefferson County jury found Justin Michael Martinez, 23, guilty of First Degree Murder and Aggravated Robbery of Juan Carlos. Martinez was a friend of Juan Carlos' family. In September, 2011, Martinez entered Juan Carlos' home, robbed him, and shot him to death. On September 24, 2013, Martinez was sentenced to life in prison without the possibility of parole.



## Murder of his 91-year-old Father

In July, 2012, Kenneth James Elmgreen was the primary caregiver for his elderly father when he held a pillow over his face and smothered him to death. Elmgreen planned to set fire to the house to cover his crime, but his plan was thwarted by police. Elmgreen pled guilty to Second Degree Murder and Attempted Arson. He was sentenced to 48 years in prison. He had previously stolen money from his father and was convicted and sentenced in that case at the same time.



# COMMUNITY OUTREACH

## Building stronger communities

The District Attorney's Office is committed to building stronger communities by providing resources to help protect its citizens from becoming victims of crime. A variety of educational programs addressing relevant issues affecting our community are available, at no cost.

Working together, the District Attorney's Office and community members can address crime concerns and develop strategies to prevent crime in the First Judicial District. We offer presentations for children, adults, seniors, school groups, non-profit organizations, business or parent associations, and other community-based organizations on topics such as Identity theft, child and human trafficking, fraud, elder abuse, gangs, drugs, domestic violence, internet predators, sexting, drinking/drugs and driving, victims' rights, juvenile issues, organized crime, new marijuana laws, etc.

To schedule a presentation for your group, call 303-271-6931.



THC-infused edibles may look appealing, but can be dangerous.

### 2013 Community Outreach:

- 129 educational presentations to 5,892 people
- 24 presentations to 965 law enforcement officers
- 24 presentations to 856 prosecutors
- 29 presentations to 1,200 members of community groups
- 28 school presentations to 1,021 students and teachers
- 14 deputy district attorneys presented to 1,230 attendees at criminal justice conferences
- 10 presentations to 620 business members and professionals

### An Important Topic: Marijuana

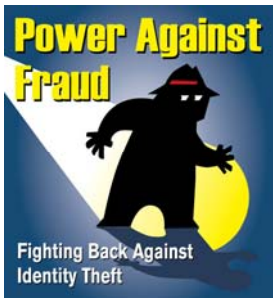
The prevalence of marijuana use in our community is a concern. This issue is especially problematic among young people. Recent studies show a dramatic increase in marijuana use among juveniles. While new laws legalize possession of one ounce or less of marijuana, it remains illegal for anyone under 21 to possess marijuana in any form. The District Attorney's Office offers presentations for kids, parents, and school personnel on this serious issue.

Parents and teachers are strongly encouraged to discuss these substances with young people and to contact our office for additional information.

# COMMUNITY OUTREACH

## Power Against Fraud crime prevention program

The Power Against Fraud (PAF) crime prevention program is an outreach and education service provided by the District Attorney's Office. It is designed to help prevent citizens from becoming victims of identity theft and other types of fraud. The program provides three valuable services: 1) free crime prevention seminars for audiences of all ages; 2)



timely fraud alerts warning consumers of current scams or threats; and 3) a fraud hotline, 303-271-6980, answered by a live person weekdays

between 7:00 a.m. and 5:00 p.m. This program helps ensure the safety and well-being of everyone in the community, with a special emphasis on our most vulnerable older adults.

In addition, the PAF program presents Senior Law Day, which provides valuable information and resources for older adults and adults who may be facing issues with aging parents.

The Power Against Fraud program director participates in programs and events designed to protect seniors, including:

- Jefferson County Council on Aging
- Denver Regional Council of Governments Area Agency on Aging
- Colorado Coalition for Elder Rights and Abuse Prevention
- First Judicial District Triad
- Informational booths at six community events and fairs

### In 2013:

- Handled over 1,100 calls to the fraud hotline

### Seminars

- Made 138 community presentations with 4,625 attendees, a 43% increase over 2012
- Distributed 5,295 Power Against Fraud handbooks

### Senior Law Day

- 450 attendees, a 38% increase over 2012
- 100 volunteers helped make the event a success

### Senior 911 Cell Phone Project

- Distributed 225 free cell phones to seniors in our community

## Triad: Serving Seniors

The First Judicial District Triad is a three-pronged partnership serving older adults in Jefferson and Gilpin counties.

Triad is designed to improve the safety and security of senior citizens. The District Attorney's Office, law enforcement agencies, senior service providers, and volunteer senior citizens work together to develop and implement crime prevention and education programs for older adults.

The Triad operates the 911 Senior Cell Phone Project and 11 safety programs for seniors and senior service providers.

# COMMUNITY OUTREACH

## Citizens Academy

The District Attorney's first Citizens Academy hit the ground running in April, 2013. The 10-week program is designed to educate citizens on the judicial process by bringing participants together with prosecutors, law enforcement personnel, defense attorneys, and judges.

The first Citizens Academy gave 45 citizens hands-on instruction on case investigation and prosecution, including presentations on topics such as the autopsy of a high profile case, child trafficking, elder abuse, identity theft, child predators, and online safety.

The Citizens Academy has been extremely successful. A second Citizen's Academy, also with 45 participants, began in September, 2013.

## Consumer Fraud

The consumer fraud specialist handles consumer complaints and fraud inquiries as well as investigates violations of criminal statutes and the Colorado Consumer Protection Act. In these cases the District Attorney's Office serves as a law enforcement agency and is not a substitute for small claims court or other civil remedies.

### In 2013:

- Received 2,448 consumer fraud calls and emails, a 30% increase over 2012
- Handled 60 consumer complaints, almost twice as many as in 2012, resulting in the collection of \$281,941 in restitution

## District Attorney's 501(c)(3) Community Partnership

Crime prevention programs are a priority. Government budgets are tight. The District Attorney's Office is committed to promoting community safety by teaching our citizens how to protect themselves from becoming victims of crime. To that end, we established the District Attorney's Community Partnership in 2007. The Community Partnership has 501(c)(3) non-profit status which allows businesses and community members to share the costs of crime prevention programs.

## Social Media

Social media is an important resource for citizens who want to stay connected to their community and government. It also enables our office to provide immediate, pertinent information to the public.

Follow us on Twitter at @DA1Colorado for the latest information about crime prevention tips, programs, and current events. Information about the DA's Office is also available on our website [www.districtattorney1.com](http://www.districtattorney1.com).

Our CHEEZO team also manages a Facebook page with online safety information for children and teens.

# COMMUNITY OUTREACH

## Fifth Annual Safety Fair

The District Attorney's fifth annual Community Safety Fair was a huge success. Almost 5,000 kids, adults, and seniors attended and took advantage of free safety tips, tools, and demonstrations. This free collaborative event offers valuable crime prevention information in a fun, family-friendly atmosphere filled with activities and entertainment.

Whether people come for the free document shredding, prescription roundup, electronics recycling, free credit reports run and reviewed by a bank officer, bike rodeo with free helmets for kids, giveaways, or handouts, we offer something for everyone. Citizens' comments in post-event evaluations affirm the need to continue to bring this important event to the community.



### Community Safety Day August 27, 2013

- 5,000 attendees
- 100 demonstrations and exhibits
- 450 bicycle helmets given to children
- 5 shredding trucks filled
- 550 pounds of prescription drugs destroyed
- Almost one ton of electronics recycled
- 110 DA staff volunteers





# SYSTEMS

The Systems Unit consists of five full-time employees: a systems and programming manager, three programmer analysts, and a PC support specialist. The employees and equipment are located in the District Attorney building, the courts and administration building, the Remington Building and the Gilpin County courthouse.

The Unit supports the DA's Case Management System (CMS), which is the primary repository for all case data. Other supported database applications include the Department of Motor Vehicles (DMV), Colorado District Attorneys Council (CDAC) Action, State Judicial Data Access, and the Diversion Services database. The Unit also manages computer equipment, seven Windows servers, personal computers, laptops, printers, and mobile devices.

Some of the Systems Unit's major accomplishments from 2013 were:

- Implemented an automated trial board in three locations.
- Implemented a secure file transfer system that allows police agencies to transmit domestic violence fast track cases to the Victim Witness Center. It is also used by Gilpin County agencies to transmit case data.
- Assisted the Discovery Unit in the implementation of an electronic discovery application.
- Assisted the Diversion Unit in completing an upgrade to its case management application.
- Implemented a visitor badge solution that helps monitor visitors to the building.
- Collaborated with court staff to design and install A/V equipment in two courtrooms.
- Coordinated with Jefferson County's web team and the DA webmaster in converting to a new website.
- Supported the Safety Fair by installing and providing support for eight computers and two network printers.

# DISCOVERY

Discovery is the process by which a defense attorney is provided with police reports and other evidentiary documents during the pendency of a case.

In 2013, the Discovery Unit received and processed an incredible **1,071,701** pages of information, provided **818,516** pages of discovery and released **10,441** CDs and DVDs to defendants and their attorneys.

The Discovery Unit is comprised of three full-time and two part-time discovery specialists.

# OTHER DUTIES

The DA's Office has many duties that are not widely known

## WITNESS PROTECTION

The ability to testify without fear of retaliation is critical to our system of justice. Fortunately, the vast majority of victims and witnesses in Colorado criminal cases are able to appear in court without the risk of threats, harm, or intimidation.

The Colorado Legislature has provided limited funding designated specifically for the protection of victims and witnesses in criminal cases. When credible threats exist, arrangements for witness protection are made by the District Attorney's Office.

In collaboration with other law enforcement agencies, seven specially trained DA investigators volunteer to provide witness protection and transportation in addition to their other duties. They also teach and serve as consultants to other law enforcement agencies across Colorado.

## DNA EVIDENCE DISPOSITION

DNA evidence has become so important in criminal cases that state law requires the preservation of potential DNA evidence, even after a case has been completed. We must carefully process each request submitted by police agencies for the destruction of potential DNA evidence.

## PETITIONS TO SEAL ARREST AND CRIMINAL RECORDS

By law, after the passage of time, some defendants may file petitions to seal their convictions. The DA's Office responds to these petitions. In 2013, the Office handled 492 petitions to seal, twice the number filed in 2009.

## Looking ahead to future opportunities and challenges

**Elder Abuse Mandatory Reporting Training.** With new elder abuse mandatory reporting laws becoming effective July 1, 2014, the DA's Office is working with the Colorado Peace Officer Standards and Training Board (POST) to create and deliver a four-hour training program for law enforcement agencies across the state as well as for financial institutions and other mandatory reporters.

**Youngers Program.** This program will offer a unique approach to young offenders aged 10-12. The multi-disciplinary approach is designed to divert these very young juveniles out of the juvenile justice system, with a goal of avoiding detention whenever possible.

**Child Abduction Response Team (CART).** Law enforcement agencies in Jefferson County developed a protocol for a coordinated response to child abduction cases, including specific guidelines for community and other volunteers. The critical need for this protocol was demonstrated when Jessica Ridgeway was abducted in October, 2012.

**Veterans' Court.** Designed as a multi-disciplinary team approach, the Veterans' Court offers alternatives to traditional prosecution for veterans of the US military in certain situations. The goal is to hold offenders accountable while providing appropriate treatment and support, often in a safely monitored community environment. In addition to evaluating the offense, the team also identifies and addresses substance abuse, mental health concerns, or combat-related injuries often faced by veterans.

*“Far and away the best prize that life has to offer is the chance to work hard at work worth doing.”*

THEODORE ROOSEVELT