

DISTRICT COURT, LARIMER COUNTY, COLORADO
201 LaPorte Avenue, Suite 100
Fort Collins, Colorado 80521

IN RE THE GRANTING OF DISCRETION TO THE
PROBATION DEPARTMENT IN THE
IMPLEMENTATION OF COMMUNITY SERVICE
ORDERS

Courtroom: 3A

ADMINISTRATIVE POLICY AND PROCEDURE 2005-03 (REVISED 12-14-15)

When a defendant in a District Court criminal case is ordered to complete Useful Public Service/Community Service as a condition of probation supervision, it is the intent of the District Court that the probation department be granted authority to modify the specific orders of the Court, for good cause, without a Court Hearing, within the following parameters:

1. The Probation Department may waive hours of useful public service/community service ordered as a reward or incentive for exemplary positive compliance with other conditions of probation.

a. In some cases, the Court may determine that waiver of hours is not appropriate regardless of compliance and will enter such determination as a specific order.

b. Hours that are statutorily mandated cannot be waived below the statutory minimum amount. (e.g. Drug Offenders are required to complete 48 hours for felonies and 24 hours for misdemeanors pursuant to C.R.S. 18-18-432).

c. Hours that are ordered as part of a stipulated agreement between the defendant and the District Attorney, or that are ordered as a condition of a

deferred sentence cannot be waived without the agreement of the District Attorney.

d. In any Victim Rights Amendment case, the DA must be notified prior to any waiver so that the DA can comply with their mandate to notify the victim of any change in the sentence, whether or not the victim has requested notification. When the victim has requested notification, the notification should be coordinated between Probation's Victim Assistance Coordinator and the DA's Victim Advocate. It is essential that the victim be notified of the intent to waive hours prior to the actual waiver.

1) If the victim does not object to the waiver, the department may proceed.

2) if the victim objects to the waiver, a Motion to Modify must be filed and the reduction authorized by the Court.

2. The Probation Department may authorize credit towards community service hours ordered based upon documented confirmation of defendant participation in positive community activities, volunteer service or competency development programs that exceed what is required by the terms and conditions of probation, undertaken through personal motivation of the defendant.

3. The Probation Department may authorize the extension of completion time limits set by the Court when extension or modification is reasonable and the defendant has displayed motivation to complete terms and conditions of probation, including community service.

a. Extensions cannot be granted beyond the period of probation ordered by the Court.

b. Extensions cannot be granted without the consent of the District Attorney when the time limit is a condition of a deferred sentence.


4. The Probation Department may increase the number of community service hours up to 25% of the original amount ordered as an intermediate sanction because of a defendant's failure to comply with terms and conditions of probation. The defendant

must agree to this increase. Any modifications to the originally ordered community service must be approved by a Probation Supervisor, documented in the probation file and communicated in writing to the District Attorney's Office and the Alternative Sentencing Unit of the Larimer County Sheriff's Department or other agency responsible for monitoring community service compliance.

Amended to make this Policy inapplicable to County Court, effective for sentencings ordered on or after January 4, 2016.

Dated this 14th day of December, 2015.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Stephen J. Schapanski", written over a horizontal line.

Stephen J. Schapanski
Chief Judge, 8th Judicial District