

SUPREME COURT OF COLORADO
Office of the Chief Justice
ESTABLISHMENT OF STATEWIDE PROBATION PRIORITIES

Directive establishing statewide probation priorities and their relationship to judicial district management practices; defining the authority of the Supreme Court to issue standards and guidelines for the administration of probation services; establishing authority and scope of contract probation services; and defining the role and responsibilities of the probation program review process, and the creation of the Probation Advisory Committee.

Probation services in Colorado promote public safety through the delivery of four basic functions:

- Pre-sentence investigation services to the courts;
- Supervision and services to offenders based upon “risk of re-offending;”
- Victim notification and assistance, and;
- Development of community programs in response to specific offender, community and victim needs.

Public safety concerns require that offender supervision resources be directed toward the highest risk offenders in the community. The State Court Administrator shall submit to the Supreme Court for approval standards and procedural guidelines for the administration of probation services, including any specialized programs mandated by the general assembly. Each district shall develop policies and procedures that assure the maximum efficiency and effectiveness of available probation resources. Such procedures shall emphasize compliance with established standards approved by the Supreme Court.

PART I. Investigation Services

Investigation services shall be governed by the four levels of priority established in Table 1 below.

TABLE 1
Investigation Services Priority

Functions	Priority 1	Priority 2	Priority 3	Priority 4
Adult Services				
Presentence Investigations	Felony 2-6 Misdemeanor Sex Offenders	Misdemeanors	Traf., Petty 1	Felony 1, Petty 2
Deferred Sentence & Judgment Investigations		Felony 2-6		Misdemeanor, Traffic, Petty
Pre-Plea Investigations				Felony, Misd., Traffic, Petty
P.R. Bond Investigations				Felony, Misd., Traffic, Petty
Domestic Violence Screening & Assessment	Felony 2-6, Misdemeanor			
Juvenile Services				
Presentence Investigations	Delinquency, Misdemeanor Sex Offenders			Dependency & Neglect
Preliminary Investigations		Other Delinquency (F)	Other Delinquency (M)	
Pre-Plea Investigations				Delinquency
Detention Investigations			Delinquency	
Transfer Investigation	Delinquency			

Allocation of appropriated investigation staff resources shall be based upon the priority order of services. Resource limitation may prevent a district from providing all priority one services, as well as lesser priority investigations. Districts may develop a plan, subject to policies established in this directive, to 1) modify the priorities when such modifications are determined necessary by the Chief Judge and/or 2) utilize contract probation services to provide supplemental support to probation officers in conducting priority two and three investigations. Such plans shall be submitted to the State Court Administrator's Office for review. The procedures for the use of contract probation services shall be as set forth in the Standards for Probation in Colorado, Standard.

All evaluations or pre-sentence investigations, ordered under this Part I, shall include the application of screening and assessment instruments developed by the State Court Administrator's Office.

A. District Court Investigations

District court investigation shall be provided in accordance with applicable law and the Standards for Probation in Colorado. Such standards provide for uniform assessment of offender risk, initial supervision planning and the evaluation of available sentencing options.

B. County Court Misdemeanor Investigations

Probation investigation resources are finite, limiting the availability of pre-sentence investigations in the county courts. In conjunction with the local probation department and other criminal justice agencies, the county courts may implement a screening and assessment procedure for priority 2 investigations, as set forth in the Standards for Probation in Colorado. Such a process shall assist the court in determining referrals to the district probation department or to a contract probation provider. The initial screening and assessment procedure shall be administered by the sentencing court.

C. Domestic Violence Screening and Assessment

Domestic violence cases shall be initially screened, utilizing the Standards for Probation in Colorado. Domestic violence cases determined by the court to be a high risk for re-offending may be referred to the probation department for further evaluation or pre-sentence investigation.

D. Victim Impact Statements

Victim Impact Statements shall be included in pre-sentence reports pursuant to C.R.S. 16-11-102. Probation departments shall consider the victim impact statement when developing an initial supervision plan recommended to the court. Initial supervision recommendation should incorporate measures to assure victim safety, as set forth in the Standards for Probation in Colorado.

PART II. Supervision Services

Supervision of probationers shall be governed by the principle of "risk of re-offending." The level of supervision shall be established based upon the initial assessment and subsequent reassessments by the probation department. Probationers considered "high risk", irrespective of offense classification or court of sentence shall receive priority services, and be supervised in accordance with the Standards for Probation in Colorado. Given limited resources, non high-risk

offenders, either felony or misdemeanor, and certain alcohol related offenders may be supervised by use of contract probation services, or other alternative means such as volunteer programs and administrative “banked” caseload approaches, kiosks and other technical approaches.

PART III. Supplemental Contract Probation Services

As provided in C.R.S. 19-2-204(4) (a) and 18-1.3-202(2) districts may enter into agreements with public or private entities for the provision of probation services. Such agreements may be utilized for investigation services and the supervision of lower risk probationers except that, with approval of the sentencing court, cases involving an offender convicted of Driving Under the Influence, Driving While Ability Impaired, an offender meeting the statutory definition of “Persistent Drunk Driver” or any other case deemed appropriate by the sentencing court, may also be supervised by private probation instead of the district’s Alcohol and Drug Driving Safety Program (ADDS). In the event an offender with an alcohol related driving offense is supervised by private probation, the court shall sentence the offender to probation pursuant to C.R.S. 18-1.3-202 and 204. Adult offenders and offenders with alcohol related driving offenses shall be ordered to pay supervision fees directly to the contract provider. For delinquency petitions under Title 19, juvenile offender services under this Part III shall be paid by the local probation department based upon available allocation. Procedures and contracting provision are set forth in the Standards for Probation in Colorado.

PART IV. Victim Notification and Victim Services

Probation departments shall inform victims at critical stages of supervision as directed by CRS 24-4.1-303. Additionally, departments may expand their victim programs as appropriate and consistent with Probation Standards.

PART V. Community Initiatives: Restorative Justice

Probation is urged to provide the public with opportunities for input regarding the criminal justice system, and to provide assistance, education and support for communities harmed by criminal actions.

A. Public Education:

Probation departments are urged to provide ongoing education in restorative and community justice to probation staff and the community at large.

B. Community Services:

Probation should establish services and sentencing options available to the court that specifically address restoring the community harmed by a criminal action. These services may require establishing working associations and cooperative lines of communication between agencies, non-profit organizations, criminal justice officials, and the public at large.

PART VI. Probation Performance Review

Performance reviews, developed by the Division of Probation Services, will address the performance of essential probation functions and practices (e.g. pre-sentence investigation/intake process; case planning; case management; specialized programs and issues). The Division of Probation Services will develop and submit periodic Performance Reviews. The purposes of the review are: 1) to aid each probation department in assessing performance and program operation in accordance with the prescribed priorities, standards, guidelines, the case classification and assessment system, and research and criminal justice literature; 2) to provide assistance to each

probation department in meeting the objectives of probation within the available resources; 3) to aid each probation department in assessing their own performance and assessing contracting activities with respect to the utilization of supplemental probation services; 4) to assist each probation department in complying with state probation standards, statutes, Chief Justice Directives, Judicial Branch and Judicial District policies, and any specialized programs mandated by the general assembly; and 5) to facilitate the development of best practices and evidence based practices through the analysis of the performance review data and dissemination of this information on a state-wide basis.

PART VII. Probation Advisory Committee

In order to coordinate the probation function within the Judicial Branch, and to facilitate communications between the judges, probation staff and staff of the State Court Administrator's Office the Probation Advisory Committee is created. The Probation Advisory Committee shall consist of 28 members appointed for a two-year term by the Chief Justice. The purposes of the Committee are: 1) to coordinate the activities of standing probation committees; 2) to initiate and review probation standards, policies and program development; 3) to serve as an advisory body to the State Court Administrator Office relating to probation policy; and, 4) to have its members serve as liaisons to their respective organizations. Membership shall include: one justice of the Supreme Court; one Court of Appeals Judge; four district court judges, one of whom shall be a chief judge serving as chair; two county court judges; four chief probation officers; four probation supervisors; four probation officers; two additional field staff (supervisors or probation officers), one whom shall have experience in victim assistance and one of whom shall have experience in ADDS cases; one clerical position; one district administrator; one clerk of court; two members of the public; and the Director of the Division of Probation Services. The chair shall convene the committee a minimum of four times per year, and may establish sub-committees to perform the tasks deemed appropriate to carry out the responsibilities of the committee.

Chief Justice Directive 04-03 is hereby amended.

DONE this 19th day of April, 2011 in Denver, Colorado.

/s/

Michael L. Bender, Chief Justice