

# **SUPREME COURT OF COLORADO**

## **Office of the Chief Justice**

### **ESTABLISHMENT OF STATEWIDE PROBATION PRIORITIES**

This Directive establishes statewide probation priorities and their relationship to judicial district management practices, while defining the authority of the Supreme Court to issue standards and guidelines for the administration of probation services.

Probation staff in Colorado serve the courts and local communities through four basic functions:

- Presentence investigations;
- Supervision and services to individuals based upon the principles of Risk, Need, and Responsivity;
- Victim notification and assistance; and
- Development of community programs in response to local needs.

In order to reduce the likelihood of reoffense and improve supervision outcomes, the State Court Administrator (SCA) recommends that resources be directed toward higher risk individuals, and interventions with lower risk individuals be limited. To this end, the SCA shall submit to the Supreme Court for approval, standards 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.

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**PART I. Investigation Services**

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

TABLE 1

	<b>Functions</b>	<b>Priority 1</b>	<b>Priority 2</b>	<b>Priority 3</b>	<b>Priority 4</b>
<b>ADULT</b>	Presentence Investigation	Felony 1-6, Drug Felony 1-4, Misdemeanor 1-2 (Against Person, Sex Offenses) offenses	Misdemeanor 1-2 and Drug Misdemeanor 1-2 offenses		Traffic and Petty offenses
	Deferred Judgment and Sentence	Felony and Misdemeanor sex offenses	Felony 2-6, Drug Felony 1-4 Misdemeanor 1-2 (Against Person) offenses	Misdemeanor 1-2 offenses	Traffic and Petty offenses
	Assessment Summary Report	Felony 2-6, Drug Felony 1-4	Misdemeanor 1-2 and Drug Misdemeanor 1-2 offenses		Traffic and Petty offenses
	Pre-Plea Investigation				All offense levels
	Interstate Compact	All felony and designated misdemeanor transfer requests			
	DUI/ DWAI Evaluation	Felony, Traffic, and Misdemeanor offenses			
<b>JUVENILE</b>	Presentence Investigation	Felony and Misdemeanor Sex Offenses	Felony 1-6, Drug Felony 1-4, Misdemeanor 1-2 (Against Person) offenses	Misdemeanor 1-2 and Drug Misdemeanor 1-2 offenses	Traffic and Petty offenses
	Deferred Judgment and Sentence	Felony and Misdemeanor sex offenses	Felony 2-6, Drug Felony 1-4 Misdemeanor 1-2 (Against Person) offenses	Misdemeanor 1-2 offenses	Traffic and Petty offenses
	Juvenile Assessment Summary Report	All offense levels when no PSI is ordered			
	Pre-Plea Investigation				All offense levels
	Interstate Compact	All offense levels, as requested by the Interstate Compact office			
	UDD Evaluation	Traffic and Misdemeanor			
	Transfer and Reverse Transfer Hearing	Felony offenses			

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 1 services, as well as lesser priority

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investigations. Districts may develop a plan, subject to policies established in this directive, with the concurrence of the Chief Judge to 1) modify the priorities when such modifications are determined necessary and/or 2) utilize contract probation services to provide supplemental support to probation officers in conducting Priority 3 and 4 investigations. Plans for use of contract probation services shall be submitted to the State Court Administrator's Office for budgetary review prior to the initiation of any contract. The use of contract probation services shall be as set forth in the Standards for Probation in Colorado.

- A. Investigation Reports: Presentence investigations and assessment summary reports shall include the results of screening and assessment instruments approved by the State Court Administrator's Office, at a minimum. Presentence investigation and assessment summary reports shall be provided in accordance with applicable law, as well as the Standards for Probation in Colorado, and shall be subject to policies established in this directive. Such standards provide for uniform assessment of an individual's risk and needs, initial case planning, and the evaluation of available sentencing options.
- B. Victim Impact Statements: It is the responsibility of probation to ensure that victim impact statements are included in presentence investigation reports, pursuant to § 16-11-102, C.R.S.; however, the statement may be obtained from the district attorney's office. Initial supervision recommendations should consider victim safety, as set forth in the Standards for Probation in Colorado.
- C. Alcohol/Drug Driving Offense Evaluations: In accordance with § 42-4-1301.3, C.R.S., the probation department shall conduct a pre- or post-sentence evaluation and submit to the court the results of the evaluation. The evaluation shall include the results of assessment instruments approved by the State Court Administrator's Office, at a minimum. The evaluation report shall contain the individual's prior traffic record, characteristics and history of alcohol and/or drug problems, amenability to rehabilitation, and recommendations regarding alcohol and drug driving safety education or treatment, based on assessment results.

## **PART II. Supervision Services**

Supervision of probationers shall be governed by the principles of Risk, Need, and Responsivity. The level of supervision shall be established based upon the initial assessment and subsequent reassessments by probation staff. 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, unless their supervision level has been overridden down for documented reasons. Given limited resources, lower (low and low-medium) risk offenders, either felony, misdemeanor, or petty offense, and certain alcohol/drug driving related offenders shall be supervised in accordance with the Standards for Probation in Colorado and may be supervised by use of contract probation services, as provided in §§ 19-2-204(4) effective through September 30, 2021 then §19-2.5-1406(4) effective beginning October 1, 2021 and 18-1.3-202(2), C.R.S., or other alternative means such as volunteer programs, administrative "banked" caseloads, and electronic methods, as noted in the Standards for Probation in Colorado. Probation staff shall also consider the victim(s) in the offense, when supervising the individual on probation.

## **PART III. 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;

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case management; implementing specialized programs). 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 adherence 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 statewide basis.

Done at Denver, Colorado this 28<sup>th</sup> day of June, 2021.

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/s/

Brian D. Boatright  
Chief Justice, Colorado Supreme Court