

Effective January 1, 2016, CJD 04-03 is REPEALED and REPLACED by CJD 16-01

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

- Presentence 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 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

Functions		Priority 1	Priority 2	Priority 3	Priority 4
ADULT	Presentence Investigation	Felony 2-6, Drug Felony 1-4, High-Risk Misdemeanor Offense*	Misdemeanor 1-3, Drug Misdemeanor 1-2	Traffic, Petty 1	Felony 1, Petty 2
	Deferred Judgment and Sentence		Felony 2-6, Drug Felony 1-4		Any Misdemeanor, Traffic, Petty
	Assessment Summary Report	Felony 2-6, Drug Felony 1-4	Misdemeanor 1-3, Drug Misdemeanor 1-2		
	Pre-Plea Investigations				Felony 2-6, Drug Felony 1-4, Misdemeanor, Traffic, Petty
	Interstate Compact	All felony and designated misdemeanor transfer requests			
	DUI/ DWAI Evaluation	Traffic and Misdemeanor			
JUVENILE	Presentence Investigation	Delinquency, Misdemeanor Sex Offense			
	Transfer Investigation and Reverse Transfer Investigation	Delinquency			
	Detention Investigation			Delinquency	
	Pre-Plea Investigation				Delinquency

*Limited resources are available for presentence investigations in county courts. Misdemeanor offenses involving harm or the threat of harm to a person (domestic violence, sex offenses, stalking, harassment, etc.) may be referred for presentence investigation if the court believes there is a high risk for re-offending.

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, 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 two and three 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: All evaluations or presentence investigations shall include the application of screening and assessment instruments approved by the State Court Administrator's Office. Presentence investigations shall be provided in accordance with applicable law as well as the the Standards for Probation in Colorado and shall be subject to policies established in this directive. Such standards provide for uniform assessment of offender risk and need, initial supervision planning, and the evaluation of available sentencing options.
- B. Victim Impact Statements: Victim impact statements shall be included in presentence investigation reports pursuant to § 16-11-102, C.R.S. Probation departments shall consider the victim impact statement when developing an initial supervision plan. Initial supervision recommendations should incorporate measures to assure 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 report shall contain the defendant's prior traffic record, characteristics and history of alcohol or drug problems, amenability to rehabilitation, and recommendations regarding alcohol and drug driving safety education or treatment.

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, lower (or low medium and low) risk offenders, either felony or misdemeanor, and certain alcohol/drug/driving related offenders may be supervised by use of contract probation services, as provided in §§19-2-204(4) and 18-1.3-202(2), C.R.S., or other alternative means such as volunteer programs, administrative "banked" caseload approaches or other technical approaches.

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; 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

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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.

Done at Denver, Colorado this 21 day of December, 2015.

_____/s/____ Nancy E. Rice, Chief Justice