

Chief Judge, Twelfth Judicial District

**ORDER: Concerning
Unsupervised Probation
In Victims' Rights cases**



**CHIEF JUDGE
ADMINISTRATIVE ORDER
2006-04**

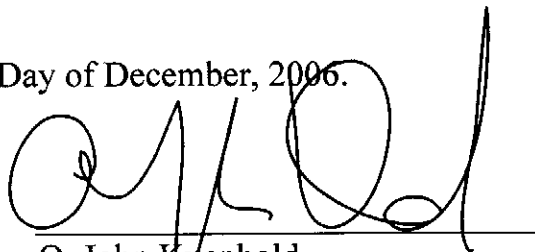
The Colorado Constitution and statutes impose requirements for victim notification and participation in criminal cases that implicate the Victims' Rights Amendment and statute. Victims' Rights Amendment, Colo. Const., Art. II, § 16(a); C.R.S. § 24-4.1-301 *et seq.* The 12th Judicial District discourages its judges from imposing unsupervised probation in cases designated as Victims' Rights cases. The District, however, recognizes that judges may, at times, impose unsupervised probation in a Victims' Rights case. The 12th Judicial District adopts the following policy concerning unsupervised probation in Victims' Rights cases to ensure that the courts provide accurate information to victims when a criminal defendant is serving a sentence to unsupervised probation.

When a court imposes a sentence to probation in a Victims' Rights case, the court will indicate whether the probation will be supervised or unsupervised. If the probation is supervised, the court will indicate that the initial supervising agency is the 12th Judicial District Probation Department. If the probation is unsupervised, the court will indicate that the Office of the District Attorney for the 12th Judicial District, is responsible for victim contact and information during the term of the unsupervised probation, as required by the Victims' Rights statute. *See* C.R.S. § 24-4.1-303(11) and (12).

When probation is unsupervised, the court will refer all inquiries concerning whether a defendant has complied with the court's sentence to the Office of the District Attorney for the 12th Judicial District. The Office of the District Attorney for the 12th Judicial District must provide victim notification and information as required by the Victims' Rights statute.

It remains the statutory duty of the judges of the 12th Judicial District to "inquire whether a victim is present and wishes to address the court" when the court is considering a modification of sentence in a Victims' Rights case. *See* C.R.S. §24-4.1-303(14.5).

Done at Alamosa, Colorado this 4th Day of December, 2006.

A handwritten signature in black ink, appearing to read 'O. John Kuenhold', written over a horizontal line.

O. John Kuenhold
Chief Judge
12th Judicial District

Digitally signed by O. John
Kuenhold

Date: 2006.12.04 11:42:02 -07'00'