

District Court, Larimer County, State of Colorado 201 Laporte Avenue, Suite 100 Fort Collins, CO 80521 Telephone: (970) 494-3500	<b>▲ COURT USE ONLY ▲</b>
<b>ADMINISTRATIVE ORDER AUTHORIZING THE          TEMPORARY WAIVER OF CERTAIN FY20          PROBATION STANDARDS DUE TO PUBLIC          HEALTH CONCERNS RELATED TO COVID-19</b>	
<b>ADMINISTRATIVE ORDER 2020-6</b>	

The purpose of this order is to provide guidance and authority to the 8<sup>th</sup> Judicial District Probation Department regarding operations based on public health concerns related to COVID-19. On April 9, 2020, Colorado Supreme Court Chief Justice Nathan Coats issued *Order Regarding COVID-19 and Operation of Colorado State Probation Departments*, providing Chief Judges with the authority to temporarily waive certain FY20 Probation Standards through May 15, 2020. A copy of Chief Justice Coats’ order is attached to this administrative order.

Due to the public health risk posed by COVID-19. It is imperative that active steps be taken to slow the spread of COVID-19 and that reasonable precautions be followed to reduce exposure to COVID-19. While considering the public’s COVID-19 health concerns, it remains the responsibility of the probation department to provide an appropriate level of supervision and services for all individuals sentenced to supervision, based on the individual probationer’s risk of recidivism and public safety considerations.

Probation Standard 2.01 provides that “[a]dherence to the probation standards described herein is contingent upon the availability of adequate funding resources and adequate staffing levels.” The 8<sup>th</sup> Judicial District courts and probation have employed several precautionary measures designed to reduce the spread of COVID-19, which includes a substantial reduction in the number of employees working at the courts and probation offices at a given time to maintain the recommended six-feet of social distancing between employees. Many probation employees are working remotely, which makes it difficult to adhere to certain standards. In addition, many outside entities or persons providing services to the probation department have taken measures to reduce the spread of COVID-19 by limiting services and/or reducing staff, which has a direct impact on the probation department’s ability to apply and adhere to certain standards.

**THEREFORE, IT IS HEREBY ORDERED:**

A. Pursuant to Chief Justice Coats' April 9, 2020 order and the authority provided to Chief Judges through that order, the following FY20 Probation Standards and categories of Probation Standards may be waived as deemed necessary to reduce the spread of COVID-19 and avoid jeopardizing the health of anyone involved as related to COVID-19, or because there are any restrictions in place due to COVID-19 that prevent compliance with these Standards while ensuring that individuals sentenced to supervision continue to be supervised by the 8<sup>th</sup> Judicial District Probation Department:

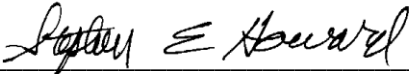
1. FY20 Probation Standards 3.02, 4.35, 4.36, 4.41, 4.47, 4.54, 4.56, 5.04, and 5.11.
2. Probation Standard 4.07, but only as to the ASUDS and ASUS-R and only in the manner approved by the State Court Administrator.
3. Probation Standards that mandate assessments, but to the extent possible such assessments shall be conducted by telephone or other available methods approved by the State Court Administrator.
4. Probation Standards that mandate screenings whose completion is dependent upon assessments that cannot be completed.
5. Probation Standards that require in-person or face-to-face contact, signatures, initialing, or the provision of written documentation to or receipt from the individual being supervised, but to the extent reasonably possible, alternatives such as e-mail and telephone contact shall be utilized and documented. Chris Gastelle, 8<sup>th</sup> Judicial District Chief Probation Officer, and Greg Otte, 8<sup>th</sup> Judicial District Deputy Chief Probation Officer, are authorized to determine whether there are other means reasonably available to facilitate obtaining signatures or initials, providing documents to clients, or receiving documents from clients provided that social distancing of at least six feet can be maintained at all times by persons in each location from others in the same area.
6. Probation Standards that mandate training if such training is not available.
7. Probation Standards that require the development and/or review of a case plan.
8. Probation Standards that require treatment, evaluation, drug or alcohol testing, or DNA testing where such services are not fully available.
9. Probation Standards that require consultation with other persons or entities who are not

reasonably available.

- B. In determining whether any of the Standards listed in Section A of this order should be waived due to COVID-19 concerns, Chief Probation Officer Chris Gastelle or Deputy Chief Probation Officer Greg Otte shall consider whether public safety would be compromised if a waiver occurs.
- C. Probation officers and supervisors shall first confer with Chief Probation Officer Chris Gastelle or, if he is unavailable, Deputy Chief Probation Officer Greg Otte, before taking any actions involving waiver of any of the Standards listed in Section A of this order.
- D. This order does not waive Probation Standards 4.20, 4.31, 4.32, 4.33, and 4.34.

The provisions of this order shall continue through May 15, 2020, or any later date authorized by order of the Chief Justice, unless otherwise modified by the Chief Judge

Dated this 29th of April, 2020.

  
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Stephen E. Howard  
Chief Judge, Eighth Judicial District

# Supreme Court of Colorado

2 East 14<sup>th</sup> Avenue  
Denver, CO 80203  
(720) 626-5460

NATHAN B. COATS  
CHIEF JUSTICE

## SUPREME COURT OF COLORADO

### OFFICE OF THE CHIEF JUSTICE

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#### Order Regarding COVID-19 and Operation of Colorado State Probation Departments

In light of the COVID-19 (coronavirus) pandemic and the continued spread of the virus throughout communities in Colorado, and in consideration of the obligation for probation department personnel to supervise individuals who have been sentenced to such supervision by the courts, the probation departments of this state can no longer continue normal operations and must, like our courts, operate on a temporary emergency basis.

Probation Standard 2.01 provides that “[a]dherence to the probation standards described herein is contingent upon the availability of adequate funding resources and adequate staffing levels.” Although this provides a measure of flexibility, the granting of broader discretion is necessary under the current circumstances. Therefore, effective immediately I hereby order that the chief judges of the 22 Colorado judicial districts are delegated temporary authority to waive the following FY20 Probation Standards and categories of Probation Standards as deemed necessary in order to reduce the spread of the coronavirus, while ensuring individuals sentenced to supervision continue to be supervised by the probation departments:

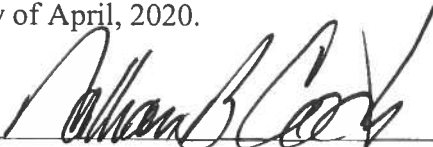
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4. Probation Standards that mandate screenings whose completion is dependent upon assessments that cannot be completed
5. Probation Standards that require in-person or face-to-face contact, signatures, initialing, or the provision of written documentation to or receipt from the individual being supervised, but to the extent reasonably possible, alternatives such as email and telephone contact shall be utilized and documented
6. Probation Standards that mandate training if such training is unavailable
7. Probation Standards that require the development and/or review of a case plan
8. Probation Standards that require treatment, evaluation, drug or alcohol testing, or DNA testing where such services are not fully available

9. Probation Standards that require consultation with other persons or entities who are not reasonably available

Under no circumstances may a chief judge waive Probation Standards 4.20, 4.31, 4.32, 4.33 or 4.34. This Order shall continue through May 15, 2020. At that time, I will reassess the continued need for waiving Probation Standards.

In implementing this Order, it is my expectation that the chief judges of the 22 judicial districts will make every effort to avoid compromising community safety and ensure their probation departments provide an appropriate level of supervision for all individuals sentenced to supervision, as well as provide modified services to those individuals receiving presentence investigation services, if needed.

Done at Denver, Colorado this 9<sup>th</sup> day of April, 2020.

  
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Nathan B. Coats  
Chief Justice, Colorado Supreme Court