



**TWENTY-FIRST JUDICIAL DISTRICT
ADMINISTRATIVE ORDER OF THE CHIEF JUDGE 2021-08
ORDER PROHIBITING THE PROBATION DEPARTMENT'S SUPERVISION OF HOME DETENTION/EHM/GPS**

“Home detention” under Colorado law is as an alternative correctional sentence wherein a defendant is ordered to serve his or her sentence within an approved residence while monitored by electronic (EHM) or global positioning (GPS) devices that are capable of detecting and reporting the defendant's absence or presence within the approved residence and are also sufficient to cause the defendant to remain within the approved residence at all times, except for approved absences.

Given that probation officers are non-exempt employees of the state courts, they can only work a limited number of hours per week. Given this restriction on the number of hours probation officers may work, it is my conclusion that the probation department lacks the necessary staff to monitor home detention and EHM/GPS devices and alerts to the extent required by law and that is also necessary to ensure public safety. Furthermore, providing home detention and EHM/GPS monitoring services under such circumstances could subject probation department employees to undesired civil liability.

Given the authority provided to me by Chief Justice Directive 95-01, it is hereby ordered that the probation department shall not in any manner supervise home detention and EHM/GPS devices and associated alerts, unless an EHM/GPS device has already been connected to the defendant. Regarding cases in which an EHM/GPS device has already been connected to the defendant, the probation department is authorized to continue said supervision for a period not to exceed 35 days from the date of this order.

In cases where the home detention/EHM/GPS requirement of a sentence to state probation may not be served as a result of this order, the probation department shall forthwith endeavor to notify the sentencing court of said circumstance so that it may proceed as it deems appropriate.

Done this 7th day of April 2021.


BRIAN J. FLYNN
Chief Judge