



**Commission on Criminal and
Juvenile Justice**

May 2009

CCJJ 2008 Recommendations Phase II Summary

The information contained in this document represents additional work on a number of the original 66 recommendations addressed in the Colorado Commission on Criminal and Juvenile Justice 2008 Annual Report.

The following 22 recommendations were returned to the four CCJJ Task Forces for further examination and/or implementation plan development. Note that the Phase I text is the original recommendation (see the Colorado Commission on Criminal and Juvenile Justice, Annual Report, December 2008).

Probation Task Force

Phase II Summary

Gil Martinez, Chair
Mike Riede, Task Force Leader

May 2009

DRAFT

Original and Current Recommendations

Eight Phase I recommendations were sent back to the Probation Re-Entry Task Force by the CCJJ for Phase II.

Standard and Special Conditions of Probation

Phase 1 Recommendations

GP-14 STANDARD CONDITIONS OF PROBATION

The 19 standard conditions of probation should be reviewed by the Probation Advisory Committee. The PAC should invite members of the CCJJ Re-Entry Probation Task Force to participate in this review. The condition to remain crime-free is reasonable for all offenders.

BP-32 SPECIAL CONDITIONS OF PROBATION CRITERIA

The imposition of special conditions of probation should be based only on specific, individual needs/risk assessment information.

Phase 2 Recommendations

A work group was formed with members from the Probation Advisory Committee (PAC) and the CCJJ Probation Task Force (PTF) to examine this issue further. The PAC/PTF work group recommends combining these two recommendations in an effort to simplify and modify the current conditions. The PAC/PTF work group and the full Task Force further recommend that PAC consider a variety of changes to the Standard Conditions of Probation (GP-14) as well as the Special Conditions of Probation (BP-32). These suggestions for change are based on the answers to three questions:

- 1) How realistic is the condition?
- 2) How relevant is the condition?
- 3) Is the condition research based?

A copy of the adult standard and special conditions of probation can be found in Appendix A of this document. A list of the original conditions of probation and the suggested changes can be found in Appendix B. In addition, a separate comparison of standard recommendations and their related statutes can be found in Appendix C.

Earned Time (Early Termination)

Phase 1 Recommendation

BP-33 MANDATORY EARNED TIME ON PROBATION

As a way to provide incentives without sacrificing public safety, a working group shall be formed of representatives from the Division of Probation Services, district court probation departments, prosecutors, defense attorneys, victim representatives, and judges to develop an *earned time schedule* that links specific behaviors, such as completing drug treatment and maintaining “clean” urinalysis tests, to specific reductions in the term of the probation sentence.

Phase 2 Recommendation

To determine the degree of support that may or may not exist around the state for mandatory earned time (BP-33) a survey was conducted of Chief Probation Officers. Five judicial districts are struggling to use the existing practice of early termination (these districts reported inconsistent application of early termination procedures and reported problems with obtaining cooperation from the district attorney or bench). The Task Force recommends that resources and plans be developed to assist these judicial districts with using early termination. The remaining judicial districts already have a consistent practice in place, by which early termination is used with cases where risk is diminished, the terms and conditions of probation have been met and the victim has been notified as statutorily required. The Probation Task Force recommends the following:

- The Division of Probation Services, using information obtained in the survey of chief probation officers, should identify and provide the necessary support for judicial districts to implement early termination of probation.
- The Division of Probation Services should review the existing Early Termination Policy to identify areas for improvement (e.g., specific links to evidence-based practices or programs).

- The Community Corrections sub-committee should determine whether or not Diversion clients can be considered for early termination, and if so, what this procedure entails. The Division of Probation Services is willing to partner with Community Corrections to share information regarding early termination practices that are happening within probation.

It is important to note that the Victim community may be reluctant to endorse a statewide policy for earned time on probation.

The Task Force supports the above recommendation and further suggests that this issue be revisited and discussed during the Sentencing Reform portion of the Commission's work.

Technical Violations

Phase 1 Recommendations

BP-36 PROBATION TECHNICAL VIOLATIONS SANCTIONS GUIDELINES

The Division of Probation Services shall work with district probation departments to develop a range of probation sanction guidelines that hold offenders accountable while working toward successful completion of probation. These guidelines will be adopted and consistently implemented with the assistance of the court in each jurisdiction.

CS-63 TECHNICAL VIOLATIONS PROGRAM WITHIN PROBATION

To reduce the number of offenders with probation violations resulting in a prison sentence, the Division of Probation Services should implement a technical violations program that focuses on these offenders and encourages them to become compliant with probation supervision.

Phase 2 Recommendation

The PAC/PTF work group recommends combining these two recommendations. A JAG grant application was submitted regarding assistance for a Technical Violations Unit. This Unit should consider the following recommendations/priorities as were suggested by the PAC /PTF work group and were endorsed by the Task Force:

- Develop a statewide policy regarding response to violations.
- Provide statewide, district, and individualized data on a regular basis to probation departments and probation officers.
- Support the creation of a contingency management work group to enhance the use of sanctions and incentives for behavior change. The Contingency Management Work Group would be made up of officers, supervisors, chiefs and staff from the Department of Probation Services to develop statewide best practices and policies with the end goal of impacting positive behavior change and a reduction in technical violations.
- Develop and deliver probation training that is specific to identifying and applying appropriate intermediate sanctions and the use of incentives. Training should be focused on supervisors as well as other key players (e.g., judges, deputy district attorneys, deputy public defenders, private defense counsel).
- Preventative efforts should be taken to prevent probationers from absconding while under probation supervision. These efforts may include the following:
 - Ensure the development of a positive working relationship between the probation officer and the probationer.
 - A Probation/Client Survey will be administered statewide by December 2009. This survey is being administered to probation clients to ask them questions about how they view their working relationship with their probation officer. The survey data will provide districts with a baseline assessment to identify areas for improvement (e.g., training needs, department practices) and acknowledge department strengths.
 - Provide officer training on how to create a strength-based collaborative approach with the client. This stems from an inherent conflict that exists for officers- explaining all of the rules of probation and the consequences (straight from court reviewing the terms and conditions, making referrals) while trying to establish a working relationship and case plan that is meaningful and productive. Those first few appointments are critical to success for many reasons and business practices need to evolve to be congruent with shifts in philosophy.

- Add front-end training on supervision regarding policy or best practices to encourage officers and departments to improve their practices. Basic needs assistance and case planning prior to release from jail/work release should be included in this training.
- Post-Absconder efforts should include a prioritization of high-risk absconders, the development of a partnership with local law enforcement, and an examination of the checklist policy (revise as needed).

Should the aforementioned JAG grant not be funded, Probation is carrying forth the items listed above and other monetary avenues will be pursued including the Governor’s Recidivism Reduction Initiative.

Summons vs. Arrest (BP-41)

Phase 1 Recommendation

BP-41 SUMMONS IN LIEU OF ARREST FOR PROBATION REVOCATIONS

Implement existing statutes (CRS 16-5-206 and 16-5-207) encouraging the use of a summons rather than arrest for probation revocations.

Phase 2 Recommendation

Data was collected from the Division of Probation Services to determine the use of summons versus arrests to help the Task Force decide if any further steps should be taken to increase the use of summons’ in appropriate situations. The following information shows that within a random sample of 154 probationers, summonses are used more often than arrests when a technical violation occurs (presented by Sherri Hufford, Division of Probation Services, at the March 13, 2009 Probation Task Force meeting). Note that this data was not presented by jurisdiction. If certain jurisdictions do not use summonses as policy, it is recommended that this practice be encouraged and considered.

Summons vs. Arrest (n = 154)

Arrest: 2% (3 incidents of arrest; 2 were arrested due to harm to themselves; 1 due to an increased use of drugs)

Warrant: 54% (overwhelmingly absconders; new offenses)

Summons: 44%

As expected, higher risk probationers were more likely to be arrested or have a warrant issued for technical violations of probation.

Maximum risk: 4.5% Arrested, 59.7% Warrant Issued, 35.8% Issued a Summons

Medium risk: 0.0% Arrested, 47.6% Warrant Issued, 52.4% Issued a Summons

Minimum risk: 0.0% Arrested, 32.0% Warrant Issued, 68.0% Issued a Summons

Overall, the data indicates that State Probation is doing a good job in their use of summonses versus arrests for probation revocations. However, further judicial awareness of this option may be beneficial.

Other Data

Phase 1 Recommendations

BP-42 ARREST ALTERNATIVES FOR OFFENDERS ON REVOCATION STATUS

Encourage the use of “cash only” bonds rather than arrest and incarceration for offenders on revocation status for nonpayment when the total amount of fees and costs owed is minimal. The judge can convert the cash bond into costs owed should the offender fail to comply with conditions of supervision.

BP-43 EXPAND USE OF HOME DETENTION IN LIEU OF JAIL

When appropriate, and considering public safety and the safety of the victim, expand the use of home detention in lieu of jail, as a condition of probation or for a probation revocation.

Phase 2 Recommendation

Information regarding “cash only” bonds (BP-42) and home detention in lieu of jail (BP-43) was pursued. However, no data was available at this time.

The Probation Task Force recommends that judges be reminded of these options and probation officers take every opportunity to inform attorneys and the judge that these options exist. However, regardless of the positive fiscal impact this type of program may have, barriers to the use of in-home detention exist.

- In-home detention programs may not be available in every jurisdiction. Also, some judges may not be willing to use this alternative to incarceration.

In addition, some jurisdictions require a non-digital land-line for this type of program, which may not be realistic in this cell phone era. However, the company BI has cell phones available that can only be used at specific locations and may thus solve this dilemma.

DRAFT

Incarceration Task Force

Phase II Summary

Grayson Robinson, Chair
Michelle Sykes, Task Force Leader

May 2009

Original and Current Recommendations

Five Phase I recommendations were sent back to the Incarceration Re-Entry Task Force by the CCJJ for Phase II.

Phase 1 Recommendation:

GP-17 TRANSFERABILITY OF PROGRAM AND TREATMENT PARTICIPATION

When possible, participation in programs and treatment phases by offenders in jail or prison should be transferable and accepted across agencies. *[Note: Would require agreements across criminal justice, community entities, and vendors.]*

Phase 2 Recommendation:

After review of the Task Force's Phase 2 recommendation by the Oversight Committee on Re-Entry, the group decided that further information is needed. Regina Huerter and Grayson Robinson will pull together a working group of invested parties (e.g. DVOMB, SOMB, Child Welfare, Behavioral Health, jails, prisons and parole board) to explore this topic in greater detail and report back to Oversight.

Phase 1 Recommendation:

GP-24 EDUCATIONAL OPPORTUNITIES FOR OFFENDERS AND STAFF

Post-secondary educational opportunities should be expanded for both inmates and staff.

Phase 2 Recommendations:

Educational opportunities for inmates:

In order for educational opportunities to be expanded for inmates a short term, multi-disciplinary working group should be created to explore funding sources for continuing education for those that are not or are no longer eligible through existing opportunities. This working group should be diverse, to include representatives from the DOC, Department of Higher Education, Pendulum Foundation, and the Incarceration Task Force. This group should report back to the Re-Entry Oversight Committee on developments.

The Commission acknowledges the importance of education in reducing recidivism and increasing successful re-entry into the community. The Commission recognizes the need for alternate sources of funding to pursue this matter.

Educational opportunities for staff:

In order to expand educational opportunities for staff it is recommended that the Commission support the continuation of funding for such staff opportunities. In 2008 an articulation agreement between the Colorado Community College System and the Department of Corrections was signed that provided DOC staff with college credit for basic training. It is further recommended that the DOC and the community college system explore expanding that agreement to include credit for service training.

Phase 1 Recommendation:

BP-39 DEVELOPMENT OF STATEWIDE BOND SCHEDULE

A statewide committee should be formed to develop an advisory, statewide bond schedule that is generally consistent across jurisdictions. Each judicial district shall develop a committee of stakeholders to review the existing bond schedule.

Phase 2 Recommendation:

BP-39 DEVELOPMENT OF STATEWIDE ADVISORY BONDING GUIDELINES

The Commission recognizes that some existing bonding schedules are fairly antiquated and that in the interest of justice they should be reexamined or created. The Supreme Court and/or the Chief Judges Council are encouraged to create statewide advisory bonding guidelines or give direction to jurisdictions to create such guidelines. The Commission will partner with Judicial to examine best practices around this issue and provide the necessary information to do so.

Phase 1 Recommendation:

BP-40 ESTABLISH BOND COMMISSIONERS

Each judicial district should be encouraged to establish a bond commissioner and process that give authority to the specially trained commissioner or their designee to undertake an individual assessment of the accused and set bonds and/or summonses as appropriate.

Phase 2 Recommendation:

In order to determine the benefit of each judicial district creating a bond commissioner position that would assess the accused and determine bond and/or request a summons as appropriate, the Division of Criminal Justice (DCJ) of the Colorado Department of Public Safety should analyze the performance of the bond commission project currently operating in Larimer County, Colorado. Once the analysis is complete a report should be provided to the Colorado Commission for Criminal and Juvenile Justice Commission. If warranted by the report, the CCJJ should recommend that all judicial districts and county commissioners adopt this project.

Phase 1 Recommendation:

BP-54 EXPLORE LONG DISTANCE LEARNING OPPORTUNITIES

Technological advances should be explored to provide long distance learning opportunities so that to individuals registered in these classes will not lose time or momentum when transferred to a different facility.

Phase 2 Recommendations:

As a step toward advancing the use of technologies meant to increase educational opportunities for inmates, representatives from the DOC and the Department of Higher Education should continue to explore web-based distance learning opportunities for inmates. Any and all advances made in this area should be reported back to the Re-Entry Oversight Committee as needed.

The High Plains Correctional Center (through Morgan Community College) and Sterling Correctional Facility (through Northeast Junior College) pilot programs should be developed and assessed for impact and outcome. Specifically, comparisons should be made between this delivery system and traditional educational programs to determine differences in academic outcomes. Assuming the findings are positive, the expansion of web-based programming to other prisons should be considered.

The current fiscal limitations are acknowledged and thus, the implementation of distance learning is predicated on the assumption that additional funding for higher educational opportunities for offenders will be identified.

Transition Task Force

Phase II Summary

Regis Groff, Chair
Louise Boris, Task Force Leader

May 2009

DRAFT

Original and Current Recommendations

Three Phase I recommendations were sent back to the Transition Task Force by the CCJJ for Phase II.

Offender Assessments

Phase 1 Recommendations

BP-44 OFFENDER RELEASE ASSESSMENT COUPLED WITH SERVICES

Using the Level of Supervision Inventory-Revised (LSI-R) and other tools as appropriate, DOC shall conduct a comprehensive risk/needs assessment of each offender prior to release for the development of a case plan. This plan will form the basis of providing vouchers (or other approved mechanisms) that assist the offender in accessing immediate services, including housing, medication (for example, insulin), mental health services, addiction treatment, and related programs.

Phase 2 Recommendations/Update

Using the Level of Supervision Inventory-Revised (LSI-R) and other tools as appropriate, DOC shall conduct a comprehensive risk/needs assessment of each offender prior to release for the development of a case plan. This plan will form the basis of providing vouchers (or other approved mechanisms) that assist the offender in accessing immediate services, including housing, medication (for example, insulin), mental health services, addiction treatment, and related programs. The Department of Corrections has submitted a partial implementation plan that focuses specifically on the LSI-R. The Task Force requests that DOC investigate or develop other possible tools as well to assist the offender in accessing immediate services, including housing, medication, mental health services, addiction treatment and related programs. In addition, the DOC should investigate a plan for how assessed needs can be matched with services in the community.

Inmate Transportation/Drop-Off System

Phase 1 Recommendation

BP-48 IMPROVE DOC'S INMATE TRANSPORTATION/DROP-OFF SYSTEM

Develop an efficient system for transferring an offender from DOC institutional custody to the custody of community corrections and/or parole supervision.

Phase 2 Recommendation/Update

Develop an efficient system for transferring an offender from DOC institutional custody to the custody of community corrections and/or parole supervision. In order to develop that system the Department of Corrections has proposed the following implementation plan.

Action Plan/Timeline:

1. CDOC Central Transport will determine drop off types and numbers per location for their scheduled drops. – June 1, 2009.
2. CDOC will distribute an RFP for secured and insured transportation services from drop off locations in Denver to the John Inmann Work and Family Center during normal business hours. – August 1, 2009.
3. Develop an afterhours/emergency process to deliver Parolees to their community destination. – September 1, 2009.
4. Ensure Central Transport has community Re-Entry brochures, RTD bus routes and bus tokens for after hours/emergency drop offs. – September 1, 2009.
5. Collaborate with faith/community based organizations for discharged Offenders requiring transportation and community services. – December 1, 2009.

Contact People/Organization Impact:

- Carl Wotowis, DCOC, Assistant Director
- Lou Archuleta, CDOC, Deputy Director
- Heather Elliott, CDOC, Manager
- Dianne Tramutola-Lawson, CURE, Director

Performance Measures/Timeline:

1. CDOC Central Transport will provide drop off types (Inmates, Parolees, discharges) and numbers per location for their scheduled drops. – June 1, 2009.
2. CDOC will distribute an RFP for secured and insured transportation services from drop off locations in Denver to the John Inmann Work and Family Center during normal business hours. – August 1, 2009.
3. Develop an afterhours/emergency process to deliver Parolees to their community destination. – September 1, 2009.
4. Ensure Central Transport has Community Re-Entry brochures, RTD bus routes and bus tokens for after hours/emergency drop offs. – September 1, 2009.
5. A committee comprised of Denver Metro faith/community based services, that provide direct Offender services, will coordinate with CDOC Community Re-Entry to develop a plan of action for discharged Offenders. – December 1, 2009.

Cost Analysis

Contracted transportation services from CDOC drop off locations to the John Inmann Work and Family Center could exceed \$40,000.00 annually.

Discussion:

Two systems are required for this recommendation, supervised and discharged Offenders. Partnerships between the CDOC and Denver Metro faith/community based agencies can provide the services to smoothly transition to the community. Coordination would also be required between Case Management, Pre-Release and CDOC Central Transport.

Offender Employment Collaboration

Phase 1 Recommendations

BP-52 OFFENDER EMPLOYMENT COLLABORATION

Because the research is conclusive that stable and meaningful employment is critical to recidivism reduction, the Department of Corrections should work with the Department of Labor and the Division of Vocational Rehabilitation, private businesses, trade unions, along with city, county, state and private employers to expand the number and scope of vocational programs offered in prison, and to ensure that the job skills offered by these programs are relevant and transferable to the current job market. Job placement and job readiness programs should be added in the Department of Corrections, and should be a priority for offenders approaching their release date. A focus on creating jobs for individuals coming from the Department of Corrections should be a priority for the collaborating entities.

Phase 2 Recommendations/Update

Recommendation #1

Because the research is conclusive that stable and meaningful employment is critical to recidivism reduction, the Department of Corrections should work with the Department of Labor and the Division of Vocational Rehabilitation, private businesses, trade unions, along with city, county, state and private employers to expand the number and scope of vocational programs offered in prison, and to ensure that the job skills offered by these programs are relevant and transferable to the current job market. Job placement and job readiness programs should be added in the Department of Corrections, and should be a priority for offenders approaching their release date. A focus on creating jobs for individuals coming from the Department of Corrections should be a priority for the collaborating entities.

The issue of access to stable and meaningful employment for offenders after their release from incarceration, and how that critically relates to recidivism reduction is vast and complex. An employment subcommittee of the Transition Task Force has been working to address this recommendation. At this juncture members of that subcommittee and the Task Force feel that it is too early to thoughtfully and thoroughly address this recommendation. Instead, the chair of the Task Force is in the process of submitting a data request to the Department of Corrections in the hopes of gathering more information.

Recommendation #2

In order to guide future recommendations, the CCJJ employment subcommittee makes the following recommendation to the Commission on Criminal and Juvenile Justice:

The Transition Task Force recommends a review of all state statutes that create a barrier to employment or professional licensing for people with a criminal conviction. The task force also recommends a review of written hiring policies and practices regarding people with a criminal conviction, for every state division and/or department. A report from CCJRC to the Commission will be provided by the early fall (September/October).

Post Incarceration Supervision Task Force Phase II Summary

David Kaplan, Chair
Christie Donner, Task Force Leader

May 2009

DRAFT

Original and Current Recommendations

Six Phase I recommendations were sent back to the Post Incarceration Supervision Task Force by the CCJJ for Phase II.

Partnerships for Correctional Facilities

Phase 1 Recommendation

L-11 PROMOTE PARTNERSHIPS FOR CORRECTIONAL FACILITIES

Encourage the General Assembly to provide funding that promotes partnerships between local and state public or private entities for the construction on publically owned lands of multi-purpose correctional supervision and re-entry facilities.

Phase 2 Recommendation

The Commission encourages the General Assembly to provide funding that promotes partnerships between local and state public or private entities for the construction on publically owned lands of multi-purpose correctional supervision and re-entry facilities.

The Post Incarceration Supervision Task Force strongly supports the concept of state and local partnerships as outlined in L-11. The ability to increase multi-purpose beds at the local level to meet local and state needs is sound public policy. In addition these local beds could reduce the need for additional and/or current state correctional beds.

The current fiscal problem facing state and local government inhibits the ability to move forward on the recommendation at this time. It is estimated that a 200 bed facility would cost (on average) \$8,000,000 with \$4,000,000 provided by the state and \$4,000,000 provided by local government. It is unlikely in this fiscal environment that either the state or local government have available funds to proceed with this recommendation.

It is the recommendation of this Task Force that L-11 remains a priority of the Commission and that implementation is pursued when economically feasible.

Early Terminations of Parole

Phase 1 Recommendation

L-12 EARLY TERMINATIONS OF PAROLE

The Commission requests that the Department of Corrections develop and implement a standardized policy regarding early terminations of parole and require parole officers to submit such requests to the parole board when a parolee has served at least half of the parole period and has met other risk reduction benchmarks. In addition, the Department of Corrections should provide data on the numbers and decisions of early termination requests to the Division of Criminal Justice. The Commission further requires that such request comply with the Victim's Rights Act.

Phase 2 Recommendation

The Commission requests that the Department of Corrections develop and implement a standardized policy regarding early terminations of parole and require parole officers to submit such requests to the parole board when a parolee has served at least half of the parole period and has met other risk reduction benchmarks. In addition, the Department of Corrections should provide data on the numbers and decisions of early termination requests to the Division of Criminal Justice. The Commission further requires that such request comply with the Victim's Rights Act.

The Department of Corrections developed DOC Administrative Regulation 250-29 to address this issue. The policy was endorsed by the Task Force with the modification that violent offenders be included for early discharge consideration. The Department of Corrections supports the inclusion of violent offenders for early discharge consideration as long as there is an avenue for victim input and the full parole board reviews such cases. The administrative regulation is

currently being revised and revisions are expected by July 2009 with full Administrative Regulation implementation by January 2010.

Outside Assistance for the Parole Board

Phase 1 Recommendation

BP-57 OUTSIDE AGENCY ANALYSIS AND ASSISTANCE FOR THE PAROLE BOARD

The Commission requests that an independent agency with expertise in paroling authorities (in particular, the Center for Effective Public Policy) provide technical assistance to the parole board to increase efficiency and effectiveness. This assistance would involve bringing to Colorado experts in parole and release to engage in the following tasks:

- Review parole guidelines, policies, procedures, sanction grids, and training standards;
- Review the use of assessments, the decision making process, and how parole decisions are communicated to interested parties;
- Review the parole board's internal capacity for data collection and reporting;
- Review forms used by the parole board;
- Conduct a work-load survey to identify inefficiencies and possible remedies; and
- Review the opportunities for inmate supporters and victims to participate in the parole hearing.

The Commission requests that the Department of Public Safety, on behalf of the Colorado Criminal and Juvenile Justice Commission, apply for funding from the JEHT Foundation to provide the aforementioned assistance.

Phase 2 Recommendation

The Commission requests that an independent agency with expertise in paroling authorities (in particular, the Center for Effective Public Policy) provide technical assistance to the parole board to increase efficiency and effectiveness. The Commission requested that the Department of Public Safety, on behalf of the Colorado Criminal and Juvenile Justice Commission, apply for funding from the JEHT Foundation to provide the aforementioned assistance. However, due to the closing of the JEHT Foundation after the approval of this recommendation, the Task Force developed a plan to accomplish the tasks set out in BP-57 through a variety of other sources. A technical assistance report was submitted by the Parole Board to the National Institute of Corrections (NIC) for outside assistance. NIC approved the request for technical assistance in April 2009. Initial discussions with the NIC, Center for Effective Public Policy and the parole board are scheduled to begin in June 2009. As a result of the 2008 Audit of the Parole Board, the Board, DCJ and DOC have a number of responsibilities and tasks to accomplish. Finally, the PIS Task Force is playing a major role during the 2009 calendar year in pulling all of these components together.

A brief explanation of the tasks and responsible parties is outlined below:

1. NIC Technical Assistance Providers would primarily focus on:
 - Working with the Board to identify sanctioning goals (Philosophical, Normative and System).
 - Assisting the Board in defining policy objectives for structured decision-making.
 - System mapping of key decision making points in the release and return process.
2. The Colorado Division of Criminal Justice would primarily focus on:
 - Analyzing Colorado Actuarial Risk Assessment Scale data and Parole Board Action Form data and report the information in a quarterly memorandum to Parole Board members.
 - Working with the Colorado Department of Corrections to obtain return-to-prison outcome data and thereby provide stakeholders with the most comprehensive recidivism information.
 - Working with the Parole Board to discuss the results of the analysis of the Parole Board data and how that information can be used to improve decision-making.

- Requesting additional resources from the General Assembly for the Fiscal Year 2011 budget cycle to ensure the ability to comply with audit recommendations.
3. The Colorado Department of Corrections would primarily focus on:
 - Working with the Board to ensure that accurate and meaningful data are collected and reported on parole decisions by the Board and parole releases by the Department.
 - Working with the Board to ensure mutual understanding of their duties related to the reporting of parole decisions and formalize the process in a memorandum of agreement.
 4. The Colorado Commission on Criminal and Juvenile Justice and its Reentry Oversight Committee and Post Incarceration Task Force would primarily focus on:
 - Working with the parole board to clearly understand its current release decision making elements; to identify the current policy and practice; to identify targets of change in that policy and practice to bring it more into line with the Board's goals and objectives.
 - Working with the parole board to understand the current parole revocation decision elements; to identify the current policy and practice; to identify targets of change in that policy and practice to bring it more into line with the Board's goals and objectives.
 - Studying the current parole board structure and identify possible improvement recommendations.

During the rest of calendar year 2009, the PIS Task Force will work with the various parties outlined above to address BP-

57. The proposed work plan strategy is in two phases:

Phase I:

RELEASE DECISION MAKING ELEMENTS

- The use of risk assessment instruments
- The use of instruments that identify criminogenic needs
- Statutorily mandated elements
- Specific offender file material
- Written release guidelines
- Written Policy & Procedure (parole board manual)
- Hearings and hearing schedules, types, purpose, timing, etc.
- Types of hearing decisions
- Setting of conditions

REVOCAION DECISION MAKING ELEMENTS-

- The use of risk and need instruments in revocation decision making
- The use of parole revocation guidelines, based on the severity of the violation and the risk posed by the offender
- Hearing types, schedules and the parties involved
- Types of decisions

Phase II:

PAROLE STRUCTURE ELEMENTS

- Define the purpose of parole
- Define the preferred structure
 - Identify current structure
 - Identify the preferred structure
 - Identify gaps between the current and preferred structure
- Written policy and procedure
- Performance Measures
 - Monitoring the process
 - Evaluating the impact

In addition to the aforementioned issues the Task Force will look at Board membership, qualifications and the appointment process. Further, the PIS Task Force will engage in a discussion on initial and ongoing training for board members and for other key stakeholders in board policy and practice.

Finally, there are a number of key disciplines involved in the parole decision and revocation process, thus the PIS Task Force will need to look at their practice related to the abovementioned issues and to the best of their ability align policy and practice of all concerned.

Date Certain Release

Phase 1 Recommendation

BP-60 DATE-CERTAIN RELEASE FOR COMMUNITY CORRECTIONS AND INTENSIVE SUPERVISION PAROLE

With limited exceptions, when someone has been transitioned out under inmate status, provide a date-certain release for offenders in community corrections while retaining the authority of the parole board to conduct a rescission hearing and extend or vacate the parole date in the event of noncompliance. Specifically, when an inmate is accepted in community corrections as a transition client, the parole board should set a parole date no later than 12 months from the date of placement in residential community corrections. Likewise, when an inmate has been placed in the Intensive Supervision Program-Inmate (ISP-I), the parole board should set a date for parole at 180 days from the placement on ISP-I.

Phase 2 Recommendation

With limited exceptions, when someone has been transitioned out under inmate status, provide a date-certain release for offenders in community corrections while retaining the authority of the parole board to conduct a rescission hearing and extend or vacate the parole date in the event of noncompliance. Specifically, when an inmate is accepted in community corrections as a transition client, the parole board should set a parole date no later than 12 months from the date of placement in residential community corrections. Likewise, when an inmate has been placed in the Intensive Supervision Program-Inmate (ISP-I), the parole board should set a date for parole at 180 days from the placement on ISP-I. However, the issue is currently unresolved. Further discussion and analysis is necessary before moving ahead with this recommendation.

Credit for Time Served

Phase 1 Recommendation

CS-64 CREDIT FOR TIME SERVED

Clarify the statute and mandate that parolees receive credit for the time spent in jail pending a technical parole revocation.

Phase 2 Recommendation

The Commission requests Clarification of the statute and mandate that parolees receive credit for the time spent in jail pending a technical parole revocation. This recommendation was forwarded to the Commission's Legislative Subcommittee to be reworded and presented to the Legislature as a bill during the 2009 session. House Bill 09-1263 passed and was signed into law on April 13, 2009.

Technical Violations

Phase 1 Recommendations

CS-65 DOC (PAROLE) TECHNICAL VIOLATIONS UNIT

The Commission supports the Department of Corrections' effort to establish a technical violations unit with the goal of enhancing consistency, preserving public safety, and reducing parole revocations for technical violations.

Phase 2 Recommendation

The Commission supports the Department of Corrections' effort to establish a technical violations unit with the goal of enhancing consistency, preserving public safety, and reducing parole revocations for technical violations. The Department of Corrections submitted a Justice Assistance Grant proposal in February 2009 regarding a Technical Violations unit. The grant proposal was endorsed by the PIS Task Force with a caveat that Task Force input be considered when and if the grant is approved. The grant proposal includes the following goals and objectives:

- Goal 1: Create a technical violations unit
 - Hire four additional CPOs for the technical violations unit
 - The four unit CPOs complete basic training
 - The four unit CPO's complete "thinking for a change" curriculum
 - Hire an administrative assistant to assist with the technical violations unit and the grant in general
- Goal 2: To provide training to course instructors in "Thinking for a Change" curriculum
 - Identify the 12 additional CPOs and community based providers
 - Coordinate with NIC to schedule the training
 - Complete the training to certify CPOs and community based providers to present the curriculum to offenders
- Goal 3: To develop a method for "technical parole violation" data collection
 - Identify staff from the division, NIC, division of Probation Services, Colorado DOC Office of Planning and Analysis, Protocol Inc., and other community partners to participate on a research committee
 - Design the templates necessary to collect data on all supervision violations
 - Complete the template programming in CWISE to collect data on all supervision violations, to include identifiers for the three groups being tracked
- Goal 4: Provide Thinking for a Change to approximately 300 offenders in the Thinking for a Change class in the first year
 - Develop eligibility process and pool
 - Provide Thinking for a Change class to the first 160 offenders, utilizing experienced trainers from probation to "co-teach" with newly certified trainers
 - Provide thinking for a Change class to a minimum of 140 additional offenders, utilizing a combination of probation, community parole officers and community based partners
- Goal 5: Develop research designs and engage in program evaluation activities
 - Conduct literature reviews on alternatives to incarceration for parole violators and similar program models/findings.
 - Finalize process evaluation design and seek approval by institutional review board of process evaluation study.
 - Identify data elements required for outcome evaluation and develop a process for identifying comparison subjects.
 - Monitor quality of data and work with program staff as needed to resolve data issues.
 - Administer class evaluation surveys to offenders at pre-class, post class, and 6 month follow up intervals.

Appendix A

<input type="checkbox"/> County Court <input type="checkbox"/> District Court _____ County, Colorado Court address: _____ _____ People of the State of Colorado v. Defendant:	▲ COURT USE ONLY ▲
Attorney or Party Without Attorney (Name and Address): Phone Number: E-mail: FAX Number: Atty. Reg. #:	Case Number: ML Number: SID Number: Division Courtroom
CONDITIONS OF _____ FOR THE OFFENSE(S) OF _____ GRANTED ON ___/___/___ to ___/___/___	

You shall be supervised by the probation department for a period of _____ months years and shall comply with the following conditions and those listed on the reverse side of this form. You may be supervised in specialized programs, as determined by the probation department, with additional conditions imposed.

As a condition of supervision, you shall pay the following amounts:

Victim compensation cost (VCMP)	\$ _____	Drug offender surcharge (DRUG)	\$ _____
Victims assistance surcharge (VAST)	\$ _____	Special advocate surcharge (SPAD/SPAG)	\$ _____
Restitution (REST)	\$ _____	Sex offender surcharge (SXOF)	\$ _____
Time payment fee (TIME)	\$ _____	Youthful offender surcharge (YTHO)	\$ _____
Sheriff costs (ASSF)	\$ _____	Drug standardized assessment fee (DSAS)	\$ _____
Attorney fees (ATYF)	\$ _____	PSI drug testing fee (PDTS)	\$ _____
Supervision fee (SUPV)	\$ _____	Genetic testing (Offender ID Fee) (OFID)	\$ _____
ADDS fee (ALCV)	\$ _____	Public defender fee (PDAR)	\$ _____

Fine (FLNF/MISD)	\$ _____	Child abuse investigation surcharge (CHLD)	\$ _____
Court security fund (CSCF)	\$ _____	Victim address confidentiality surcharge (ADDR)	\$ _____
Court costs - docket fee (CRTX)	\$ _____	Other _____	\$ _____
LEAF fee (LEAF)	\$ _____	Other _____	\$ _____
		TOTAL	\$ _____

A Time Payment Fee shall be assessed on your case unless all amounts (excluding supervision fee) are paid when the Order for payment is entered. In addition, late payments are subject to late fees, additional collection action, and collection costs. A cost of care reimbursement may be assessed in addition to the amounts above and may also be a continuing obligation after probation is terminated.

The total amount shall be paid to the Clerk of Court at the address listed above, as follows:

- According to a payment schedule as determined by the Collections Investigator.
- At the rate of \$ _____, per _____ (time period), beginning _____ (date).

Additional conditions: You shall participate in, cooperate with, pay any fees required, and successfully complete the following as indicated:

- Substance abuse evaluation/treatment
- Mental health evaluation/counseling or treatment
- Community corrections for _____ beginning _____
- Community service of _____ hours completed by _____
- Electronic monitoring for _____ days **or** Global position monitoring for _____ days.
- Jail for _____ beginning _____
- Work release for _____ beginning _____
- You shall not contract any financial obligations without approval of your probation officer and/or Collections Investigator.
- You shall comply with all terms and restrictions imposed by any Protection Order.
- Other _____
- Other _____

Judge Date

I have received a copy of these conditions and have read them carefully with full understanding. I understand that if I violate these conditions, I may be brought before the Court for revocation and imposition of sentence.

Defendant Date Probation Officer/Witness Date

STANDARD CONDITIONS

1. You shall not violate any local, state or federal law.
2. You shall not harass, molest, intimidate, retaliate against, or tamper with any victims of or any prosecution witnesses to the crime.
3. You are required to register as a sex offender if you are convicted of an offense involving unlawful sexual behavior, pursuant to §16-22-101, et.seq.
4. You shall maintain a permanent residence and shall report any change of address, as directed by the probation officer.
5. You shall not leave the State of Colorado without written permission from the probation officer or the court.
6. You shall report to the probation officer at reasonable times, as directed by the court or the probation officer, and permit the probation officer to visit you at reasonable times at home or elsewhere.
7. You shall answer all reasonable inquiries by the probation officer.
8. You shall report any law enforcement contacts to the probation officer.
9. You may be required to notify third parties of your criminal record, as directed by the probation officer.
10. You shall maintain or seek suitable employment or faithfully pursue a course of study or vocational training and shall report any change in employment or educational status, as directed by the probation officer.
11. You shall support your dependents and meet your other family responsibilities, including any obligations for child support or spousal maintenance.
12. You shall not possess any firearm, explosive or other destructive device, or any other dangerous weapon, unless you obtain written permission from the Court.
13. You shall not use alcohol (to excess)* or use unlawfully any controlled substance or other dangerous or abusable drug or substance.
14. You shall submit to substance testing at the direction of the probation officer, and it may be at your expense.
15. You shall obtain counseling or treatment for drug abuse, alcohol abuse, or a mental condition and shall remain in a specified residential facility if necessary for that purpose, as required by the court or the probation officer. You may be responsible for the costs of the program.
16. You shall not act as a confidential informant. This can only be waived by the Court. Pursuant to State Court Administrator Memorandum OPS-00-04 dated August 10, 1999.
17. If convicted of a Felony, you shall sign a written prior waiver of extradition indicating you waive all formal proceedings in the event you are arrested in another state and you agree to be returned to Colorado.

18. You shall comply with any other requirements of the probation officer in order to meet the conditions imposed by the Court.
19. If you are convicted of **1)** any Felony, **2)** any Misdemeanor offense involving unlawful sexual behavior or **3)** if you receive a deferred sentence for an offense involving unlawful sexual behavior you shall be required to submit to and pay for a test of your biological substance to determine genetic markers (DNA) in accordance with §16-11-102.4, C.R.S.

***Strike as appropriate**

DRAFT

Appendix B

Note: The numbers preceding the original conditions correspond to their numbers on the actual “Standard Conditions” form. In addition, not every condition has been suggested for change. However, some discussion seemed relevant to pass on even though an official recommendation was not made. It is noted when no change was suggested. All suggestions for change as well as the corresponding discussion points are to be further considered by the PAC work group for implementation.

Original Condition

1. You shall not violate any local, state or federal law.
2. You shall not harass, molest, intimidate, retaliate against, or tamper with any victims of or any prosecution witnesses to the crime.
3. You are required to register as a sex offender if you are convicted of an offense involving unlawful sexual behavior, pursuant to §16-22-101, et.seq.
4. You shall maintain a permanent residence and shall report any change of address, as directed by the probation officer.
5. You shall not leave the State of Colorado without written permission from the probation officer or the court.
6. You shall report to the probation officer at reasonable times, as directed by the court or the probation officer, and permit the probation officer to visit you at reasonable times at home or elsewhere.
7. You shall answer all reasonable inquiries by the probation officer.
8. You shall report any law enforcement contacts to the probation officer.

Recommendation:

No changes have been recommended in regard to Conditions 1 through 8.

Original Condition:

9. You may be required to notify third parties of your criminal record, as directed by the probation officer.

Recommendation:

The work group discussed a probation officers’ duty to warn obligations vs. the more discretionary use of third party disclosures. The example that was presented was that some probation officers require all domestic violence offenders who embark in a new relationship to inform their partner that they have been convicted of a domestic violence crime. It was suggested that rather than instituting a blanket practice, Condition #9 should only be used on a case-by-case basis and should be limited to those circumstances where it serves a legitimate purpose related to the supervision of the client. The work group suggested making sure that training for Probation Officers is clear regarding this condition.

- Therefore, the recommendation is that this condition be worded to clearly note that third parties need only be notified of one’s criminal record on a case-by-case basis.
- Furthermore, case managers should be trained to recognize when such notification is appropriate.

Original Condition:

10. You shall not harass, molest, intimidate, retaliate against, or tamper with any victims of or any prosecution witnesses to the crime.

Recommendation:

No change has been recommended in regard to this condition.

Original Condition:

11. You shall support your dependents and meet your other family responsibilities, including any obligations for child support or spousal maintenance.

Recommendation:

It is suggested by the PAC/PTF work group that “meet other family responsibilities” be removed to tighten and simplify the language of the condition to focus on the intent of the condition (e.g., child support and spousal maintenance).

Original Condition:

12. You shall not possess any firearm, explosive or other destructive device, or any other dangerous weapon, unless you obtain written permission from the Court. Surveillance

Recommendation:

The Task Force recommends that this condition should be sent to PAC for further consideration. There is concern on the part of the Task Force that approval of a firearm by the judge would be in violation of Federal and state law. Therefore, this may not be the most appropriate wording. Other issues discussed include:

- Whether or not the Second Amendment of the Constitution (the right to bear arms) conflicts with some probationers who do not fall under federal or state restrictions (e.g. non-felon, non-domestic violence offenders with a conviction of a misdemeanor 2 or below).
- Probation officer safety.
- Victim and public safety.

Original Condition:

13. You shall not use alcohol (to excess) or use unlawfully any controlled substance or other dangerous or abusable drug or substance.

Recommendation:

The Task Force recommends that this condition be sent to PAC for further discussion, keeping in mind the following issues:

- Consideration of removing “NO alcohol” as a part of the standard condition and moving it Additional Conditions.
- Is there a need to define the term “to excess?”
- Is there a reason to prohibit someone convicted of a non-alcohol related crime from drinking if they are over the age of 21?

Original Condition:

14. You should submit to substance abuse testing at the direction of the probation officer and it may be at your expenses.

Recommendation:

No change has been recommended in regard to condition 14.

Original Condition:

15. You shall obtain counseling or treatment for drug abuse, alcohol abuse, or a mental condition and shall remain in a specified residential facility if necessary for that purpose, as required by the court or the probation officer. You may be responsible for the costs of the program.

Recommendation:

The Task Force recommends this condition be further discussed by PAC, keeping in mind the following Task Force concerns:

- This may be repetitive of the substance abuse and mental health evaluation check boxes on the front of the form.
- Terms and conditions of probation should be imposed by the judge, not the probation officer.

Original Condition:

16. You shall not act as a confidential informant. This can only be waived by the Court, pursuant to State Court Administrator Memorandum OPS-00-04 dated August 10, 1999.

Recommendation:

It was noted that probationers rarely serve as informants today. However, because this condition is essentially asking the individual to participate in activities that conflict with the purpose of probation/community supervision the PAC/PTF work group suggested the condition read, "You shall not act as a confidential informant," deleting the second sentence.

Original Condition:

17. If convicted of a Felony, you shall sign a written prior waiver of extradition indicating you waive all formal proceedings in the event you are arrested in another state and you agree to be returned to Colorado.

18. You shall comply with any other requirements of the probation officer in order to meet the conditions imposed by the Court.

19. If you are convicted of 1) any Felony, 2) any Misdemeanor offense involving unlawful sexual behavior or 3) if you receive a deferred sentence for an offense involving unlawful sexual behavior you shall be required to submit to and pay for a test of your biological substance to determine genetic markers (DNA) in accordance with §16-11-102.4, C.R.S.

Recommendation:

No changes have been recommended in regard to Conditions 17 through 19.

General Recommendations

In addition to the specific recommendations discussed above, the following suggestions have been made by the PAC/PTF work group as well as the Probation Task Force:

- Categorize the existing conditions (e.g. combine the conditions that are cited in statute under #1 "You shall not violate any local, state or federal law" (Conditions #2, #3, #19).
- Reword the conditions so that they are understandable to the average person (e.g., 6th grade reading level). It is intended that this will help probationers comprehend and recommend the conditions they are supposed to follow.

Appendix C

Comparing Probation Conditions to Statutory Requirements

Researched by Mary Claire Mulligan (Mulligan & Mulligan, PLLC)

1. **You shall not violate any local, state or federal law.**

18-1.3-204 (1): . . . not commit another offense during the period for which the sentence remains subject to revocation--MANDATORY

2. **You shall not harass, molest, intimidate, retaliate against, or tamper with any victims of or any prosecution witnesses to the crime.**

18-1.3-204 (1): . . . not harass, molest, intimidate, retaliate against, or tamper with the victim of or any prosecution witnesses to the crime, unless the court makes written findings that such condition is not necessary--MANDATORY

3. **You are required to register as a sex offender if you are convicted of an offense involving unlawful sexual behavior, pursuant to § 16-22-101, et seq.**

16-22-103: (1) Effective July 1, 1998, the following persons shall be required to register pursuant to the provisions of *section 16-22-108* and shall be subject to the requirements and other provisions specified in this article:

(a) Any person who was convicted on or after July 1, 1991, in the state of Colorado, of an unlawful sexual offense, as defined in *section 18-3-411 (1), C.R.S.*, enticement of a child, as described in *section 18-3-305, C.R.S.*, or internet luring of a child, as described in *section 18-3-306, C.R.S.*;

(b) Any person who was convicted on or after July 1, 1991, in another state or jurisdiction, including but not limited to a military or federal jurisdiction, of an offense that, if committed in Colorado, would constitute an unlawful sexual offense, as defined in *section 18-3-411 (1), C.R.S.*, enticement of a child, as described in *section 18-3-305, C.R.S.*, or internet luring of a child, as described in *section 18-3-306, C.R.S.*; and

(c) Any person who was released on or after July 1, 1991, from the custody of the department of corrections of this state or any other state, having served a sentence for an unlawful sexual offense, as defined in *section 18-3-411 (1), C.R.S.*, enticement of a child, as described in *section 18-3-305, C.R.S.*, or internet luring of a child, as described in *section 18-3-306, C.R.S.*

(2) (a) On and after July 1, 1994, any person who is convicted in the state of Colorado of unlawful sexual behavior or of another offense, the underlying factual basis of which involves unlawful sexual behavior, or any person who is released from the custody of the department of corrections having completed serving a sentence for unlawful sexual behavior or for another offense, the underlying factual basis of which involved unlawful sexual behavior, shall be required to register in the manner prescribed in *section 16-22-104, section 16-22-106* or *16-22-107*, whichever is applicable, and *section 16-22-108*.

(b) A person shall be deemed to have been convicted of unlawful sexual behavior if he or she is convicted of one or more of the offenses specified in *section 16-22-102 (9)*, or of attempt, solicitation, or conspiracy to commit one or more of the offenses specified in said section.

(c) (I) For convictions entered on or after July 1, 2002, a person shall be deemed to be convicted of an offense, the underlying factual basis of which involves unlawful sexual behavior, if:

(A) The person is convicted of an offense that requires proof of unlawful sexual behavior as an element of the offense; or

(B) The person is convicted of an offense and is eligible for and receives an enhanced sentence based on a circumstance that requires proof of unlawful sexual behavior; or

(C) The person was originally charged with unlawful sexual behavior or with an offense that meets the description in sub-subparagraph (A) or (B) of this subparagraph (I), the person pleads guilty to an offense that does not constitute unlawful sexual behavior, and, as part of the plea agreement, the person admits, after advisement as provided in subparagraph (III) of this paragraph (c), that the underlying factual basis of the offense to which he or she is pleading guilty involves unlawful sexual behavior; or

(D) The person was charged with and convicted of an offense that does not constitute unlawful sexual behavior and the person admits on the record, after advisement as provided in subparagraph (III) of this paragraph (c), that the underlying factual basis of the offense involved unlawful sexual behavior.

--MANDATORY

4. You shall maintain a permanent residence and shall report any change of address, as directed by the probation officer.

18-1.3-204 (2)(a)(III): Attend or reside in a facility established for the instruction, recreation, or residence of persons on probation--DISCRETIONARY

18-1.3-204 (2)(a)(X): Permit the probation officer to visit the defendant at reasonable times at the defendant's home and elsewhere--DISCRETIONARY

18-1.3-204 (2)(a)(XII): Answer all reasonable inquiries by the probation officer and promptly notify the probation officer of any change in address or employment—DISCRETIONARY

5. You shall not leave the State of Colorado without written permission from the probation officer or the court.

18-1.3-204 (2)(a)(XI): Remain within the jurisdiction of the court, unless granted permission to leave by the court or the probation officer--DISCRETIONARY

6. You shall report to the probation officer at reasonable times, as directed by the court or the probation officer, and permit the probation officer to visit you at reasonable times at home or elsewhere.

18-1.3-204 (2)(a)(IX): Report to a probation officer at reasonable times as directed by the court or the probation officer--DISCRETIONARY

18-1.3-204 (2)(a)(X): Permit the probation officer to visit the defendant at reasonable times at the defendant's home and elsewhere--DISCRETIONARY

7. You shall answer all reasonable inquiries by the probation officer.

18-1.3-204 (2)(a)(XII): Answer all reasonable inquiries by the probation officer and promptly notify the probation officer of any change in address or employment--DISCRETIONARY

8. You shall report any law enforcement contacts to the probation officer.

No statutory basis found.

9. You may be required to notify third parties of your criminal record, as directed by the probation officer.

No statutory basis found.

10. You shall maintain or seek suitable employment or faithfully pursue a course of study or vocational training and shall report any change in employment or educational status, as directed by the probation officer.

18-1.3-204 (2)(a)(I): Work faithfully at a suitable employment or faithfully pursue a course of study or of vocational training that will equip the defendant for suitable employment—DISCRETIONARY

18-1.3-204 (2.3) (a) When granting probation, the court may, as a condition of probation, require any defendant who is less than eighteen years of age at the time of sentencing to attend school or an educational program or to work toward the attainment of a high school diploma or a GED, as that term is defined in *section 22-33-102 (4.5), C.R.S.*; except that the court shall not require any such juvenile to attend a school from which he or she has been expelled without the prior approval of that school's local board of education—DISCRETIONARY

11. You shall support your dependents and meet your other family responsibilities, including any obligations for child support or spousal maintenance.

18-1.3-204 (2)(a)(IV) Support the defendant's dependents and meet other family responsibilities, including arranging and fulfilling a payment plan for current child support, child support arrearages, and child support debt due under a court or administrative order through any delegate child support enforcement unit that may have a child support case with the defendant--DISCRETIONARY

18-1.3-204 (2)(b) When granting probation, in addition to the consideration of the provisions set forth in paragraph (a) of this subsection (2), the court shall order as a condition of probation in cases in which the defendant was convicted of a crime, the underlying factual basis of which included an act of domestic violence, as defined in *section 18-6-800.3 (1)*, that the defendant:

(I) Comply with existing court orders regarding family support;

(II) Comply with any existing court orders concerning a proceeding to determine paternity, custody, the allocation of decision-making responsibility, parenting time, or support;

--MANDATORY

12. You shall not possess any firearm, explosive or other destructive device, or any other dangerous weapon, unless you obtain written permission from the Court.

18-1.3-204 (2)(a)(VII) Refrain from possessing a firearm, destructive device, or other dangerous weapon unless granted written permission by the court or probation officer—DISCRETIONARY

18-1.3-204 (2)(b) When granting probation, in addition to the consideration of the provisions set forth in paragraph (a) of this subsection (2), the court shall order as a condition of probation in cases in which the defendant was convicted of a crime, the underlying factual basis of which included an act of domestic violence, as defined in *section 18-6-800.3 (1)*, that the defendant . . .

(IV) Refrain from possessing a firearm, destructive device, or other dangerous weapon, unless granted written permission by the court or probation officer which shall not be granted in such domestic violence cases unless:

(A) It is required by the defendant's employment; and

(B) The court finds that the defendant's possession of the weapon does not endanger the victim or the victim's children; and

(C) The weapon is stored away from the home and the yard surrounding the home.

--MANDATORY

18-12-102 (1) As used in this section, the term "dangerous weapon" means a firearm silencer, machine gun, short shotgun, short rifle, or ballistic knife.

(2) As used in this section, the term "illegal weapon" means a blackjack, gas gun, metallic knuckles, gravity knife, or switchblade knife.

(3) A person who knowingly possesses a dangerous weapon commits a class 5 felony. Each subsequent violation of this subsection (3) by the same person shall be a class 4 felony.

(4) A person who knowingly possesses an illegal weapon commits a class 1 misdemeanor.

(5) It shall be an affirmative defense to the charge of possessing a dangerous weapon, or to the charge of possessing an illegal weapon, that the person so accused was a peace officer or member of the armed forces of the United States or Colorado National Guard acting in the lawful discharge of his duties, or that said person has a valid permit and license for possession of such weapon.

--MANDATORY

18-12-108 (1) A person commits the crime of possession of a weapon by a previous offender if the person knowingly possesses, uses, or carries upon his or her person a firearm as described in [section 18-1-901 \(3\) \(h\)](#) or any other weapon that is subject to the provisions of this article subsequent to the person's conviction for a felony, or subsequent to the person's conviction for attempt or conspiracy to commit a felony, under Colorado or any other state's law or under federal law.—MANDATORY

13. **You shall not use alcohol (to excess)* or use unlawfully any controlled substance or other dangerous or abusable drug or substance.**

18-1.3-204 (2)(a)(VIII) Refrain from excessive use of alcohol or any unlawful use of controlled substances, as defined in *section 12-22-303 (7), C.R.S.*, or of any other dangerous or abusable drug without a prescription--DISCRETIONARY

14. **You shall submit to substance testing at the direction of the probation officer, and it may be at your expense.**

18-1.3-204 (1) . . . comply with any court orders regarding substance abuse testing and treatment—MANDATORY IF THERE'S A COURT ORDER (THEREFORE APPARENTLY DISCRETIONARY WITH COURT)

15. **You shall obtain counseling or treatment for drug abuse, alcohol abuse, or a mental condition and shall remain in a specified residential facility if necessary for that purpose, as required by the court or the probation officer. You may be responsible for the costs of the program.**

18-1.3-204 (1) . . . comply with any court orders regarding substance abuse testing and treatment—MANDATORY IF THERE'S A COURT ORDER (THEREFORE APPARENTLY DISCRETIONARY WITH COURT)

18-1.3-204 (2)(A) (II) Undergo available medical or psychiatric treatment and remain in a specified institution if required for that purpose. . . .—DISCRETIONARY

18-1.3-209 (1) Each person convicted of a felony committed on or after July 1, 1992, and each person convicted of a misdemeanor or petty offense on or after July 1, 2008, who is to be considered for probation or a deferred judgment and sentence that includes supervision by the probation department, shall be required, as part of the presentence or probation investigation required pursuant to section 16-11-102, CRS, to submit to an assessment for the use of controlled substances or alcohol developed pursuant to section 16-11.5-102 (1)(a), CRS. (2) The court shall order each person required to submit to an assessment pursuant to subsection (1) of this section to comply with the recommendations of the alcohol and drug assessment. . . .—MANDATORY

16. **You shall not act as a confidential informant. This can only be waived by the Court.**

No statutory basis found.

17. **If convicted of a Felony, you shall sign a written prior waiver of extradition indicating you waive all formal proceedings in the event you are arrested in another state and you agree to be returned to Colorado.**

18-1.3-204 (1.5) If the defendant is being sentenced to probation as a result of a conviction of a felony offense, a condition of probation shall be that the court shall require the defendant to execute or subscribe a written prior waiver of extradition stating that the defendant consents to extradition to this state and waives all formal proceedings in the event that he or she is arrested in another state while at liberty on such bail bond and acknowledging that he or she shall not be admitted to bail in any other state pending extradition to this state.—MANDATORY FOR FELONIES

18. **You shall comply with any other requirements of the probation officer in order to meet the conditions imposed by the Court.**

18-1.3-204 (2)(a)(XV) Satisfy any other conditions reasonably related to the defendant's rehabilitation and the purposes of probation.—DISCRETIONARY

19. **If you are convicted of 1) any Felony, 2) any Misdemeanor offense involving unlawful sexual behavior or 3) if you receive a deferred sentence for an offense involving unlawful sexual behavior you shall be required to submit to and pay for a test of your biological substance to determine genetic markers (DNA) in accordance with § 16-11-102.4**

See 16-11-102.4--MANDATORY