

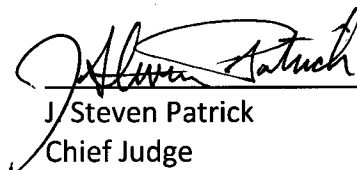
ADMINISTRATIVE ORDER 2020-09 Re Temporary Waiver of Probation Standards during Pandemic COVID-19/And RELATED PUBLIC HEALTH CONCERNS

This order is to provide guidance to and authorize temporary waiver of some of the current Colorado Probation Standards. Attached is a copy of the Chief Justice Order regarding COVID-19 and Operation of Colorado State Probation Departments of April 9, 2020.

Based on the ongoing public health risk and public health orders during the pandemic and in light of the authority granted by the Chief Justice in the attached order, for purposes of probation in the 7th Judicial District, effective immediately Probation Standards 4.41 and 5.11 are temporarily waived until further order. Additionally, Probation Standards 4.07 (but only as to the ASUDS and ASUS-R as approved by the State Court Administrators) and 4.35 may be waived in individual cases, but only with Probation Supervisor or Chief Probation Officer approval. All other standards for probation including any otherwise authorized to be waived pursuant to the Chief Justice Order but not expressly waived in this order shall remain in full force and effect for operations in the 7th Judicial District at this time.

Dated this the 13th day of April, 2020.

BY THE COURT:



J Steven Patrick
Chief Judge

XC: 7th JD Judges
7th JD Clerks of Court
Chief Probation Officer
w/enclosure

Supreme Court of Colorado

2 East 14th Avenue
Denver, CO 80203
(720) 626-5460

NATHAN B. COATS
CHIEF JUSTICE

SUPREME COURT OF COLORADO

OFFICE OF THE CHIEF JUSTICE

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:

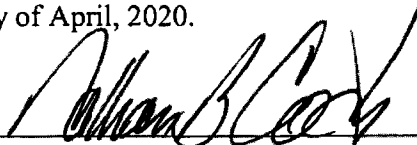
1. Probation Standards 3.02, 4.35, 4.36, 4.41, 4.47, 4.54, 4.56, 5.04, and 5.11
2. Probation Standard 4.07, but only as to the ASUDS and ASUS-R and only in the manner approved by the State Court Administrator
3. Probation Standards that mandate assessments, but to the extent reasonably possible such assessments shall be conducted via 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 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 9th day of April, 2020.



Nathan B. Coats
Chief Justice, Colorado Supreme Court