



20TH JUDICIAL DISTRICT OF COLORADO

ADMINISTRATIVE ORDER 08-102

**SUBJECT: Supervision Obligations Pursuant to the Victims' Rights Act
(VRA) C.R.S. 24-4.1-302 et seq.**

To: Twentieth District Trial Court and Probation Staff, District Attorney, Public Defender

**From: Roxanne Bailin
Chief District Judge**

DATE: December 19, 2008

As used in this Administrative Order, the following words having the following meanings:

1. "Supervised probation" means active supervision by the Probation Department consistent with the orders of the court, assessments, and the needs of the defendant and the community. Supervision also includes determining when a defendant has violated the terms and conditions of his sentence and complying with the VRA when applicable.
2. "Supervised deferred sentence" means active supervision by the Probation Department consistent with the orders of the court, assessments, and the needs of the defendant and the community. Supervision also includes determining when a defendant has violated the terms and conditions of his sentence and complying with the VRA when applicable.
3. "Unsupervised probation" means that the court has ordered that there be no supervision of a defendant by the Probation Department at any time during the probationary period.
4. "Unsupervised deferred sentence" means that the court has ordered that there be no supervision of the defendant by the Probation Department at any time during the deferred sentence period.
5. "Administrative probation or deferred sentence" means that the defendant has been moved from active supervision to a criminal history check and VRA notification at the time of termination.
6. "Early termination of probation" means that the court has granted the Probation Department's request for early termination.
7. "Early termination of deferred sentence" means that the District Attorney has agreed to early termination and the court has granted the Probation Department's request for early termination.

- A. The Probation Department shall be responsible for the supervision of all defendants sentenced to probation or placed on a deferred sentence at a sentencing hearing, regardless of the level of supervision, including monitoring of those defendants reduced from supervised to administrative status, except as provided in this memorandum.
- B. The District Attorney's Office shall be responsible for monitoring all defendants who are sentenced to unsupervised probation or placed on an unsupervised deferred sentence if the District Attorney has agreed to that disposition at the time of sentencing. The court will not impose unsupervised status over the objection of the District Attorney's Office.
- C. The District Attorney's Office shall also be responsible for supervising or monitoring any defendant who is originally placed on a probation or a deferred sentence that is supervised by the Probation Department if the District Attorney's Office objects to a recommendation by the Probation Department that the probation or deferred sentence be terminated early and the court denies the early termination.
- D. If the defendant is arrested for a new offense during a period of an unsupervised probation or an unsupervised deferred sentence that is the responsibility of the District Attorney's Office, the District Attorney may move the court to assign the case to the Probation Department as a supervised case.
- E. If the Probation Department wishes to move a probation case from supervised status to administrative status, the Department shall, in appropriate cases, make any notification required by the VRA and, in all cases, notify the District Attorney's Office pursuant to § 18-1.3-204(4), C.R.S. In cases under the VRA, the Probation Department shall notify the District Attorney and the Court of the position of the victim. The District Attorney's Office shall inform the court of any objection to the Department's recommendation and then a hearing shall be necessary before this condition is altered.
- F. The Probation Department may contract with private providers of probation services for the assumption of responsibility for less serious cases. The Probation Department shall include in such contracts provisions to insure that the private providers are aware of and carry out their responsibilities consistent with state and local supervision standards, including any notification of victims required under the VRA and checking for new crimes during the period of the probation or the deferred sentence.

Roxanne Bailin

Hon. Roxanne Bailin
Chief Judge
Twentieth Judicial District