



CHIEF JUDGE ORDER 2019-16
STATE OF COLORADO
FIRST JUDICIAL DISTRICT

ALTERNATIVE SENTENCES TO JEFFERSON COUNTY JAIL

ORDER

WHEREAS, the Court has the authority to sentence misdemeanor and felony offenders to an alternative sentencing program operated by the Jefferson County Sheriff (the "Sheriff"), pursuant to C.R.S. § 18-1.3-106; and

WHEREAS, the Sheriff has established alternative sentencing programs where inmates are permitted to leave the jail under certain circumstances when the Court orders this release. The Sheriff may refuse to permit an inmate to exercise these privileges for any breach of discipline or other violation of jail regulations; and

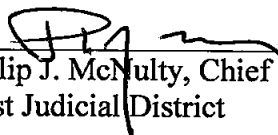
WHEREAS, the Court and Sheriff want to place offenders in an alternative sentencing program in such a manner as will maximize the benefits of the program for offenders and also maintain public safety.

THEREFORE, IT IS ORDERED:

1. The Court will generate and provide the Sheriff with a mittimus for each defendant sentenced to jail in a timely fashion. If the Court authorizes a defendant to participate in an alternative sentencing program pursuant to C.R.S. § 18-1.3-106, the mittimus will clearly state that alternative sentencing is authorized. If the Court authorizes alternative sentencing as a condition of probation, the mittimus will clearly state that.
2. The Sheriff will determine if inmates authorized by the courts to participate in an alternative sentencing program are appropriate to do so. The Sheriff may hold the defendant out of the alternative sentencing program for seven (7) days to allow contact with the Court or the Probation Department to discuss the concerns for the inmate's success in the program.

3. In order to determine whether inmates are appropriate to enter an alternative sentencing program, the Sheriff's internal classification committee will review the status of inmates sentenced by the Court to an alternative sentencing program. When the classification committee believes that the inmate poses a substantial risk to the community if permitted to enter an alternative sentencing program, the Sheriff will provide written notice to the Court. This notice will enumerate the Sheriff's concerns and the nature of the risks the Sheriff believes the inmate poses. Regardless of the notice, the Sheriff will transfer the inmate to an alternative sentencing program unless the sentencing judge, or the duty judge, if the sentencing judge should be unavailable, issues a new mittimus removing the language regarding alternative sentencing.
4. Upon receipt of a notice from the Sheriff, the sentencing judge, or the duty judge, if the sentencing judge should be unavailable, will either issue a new mittimus or decline to do so within seven (7) calendar days of receipt of the Sheriff's written notice.
5. The Sheriff will calculate sentence deductions in accordance with C.R.S. § 17-26-109. Pursuant to C.R.S. § 17-26-109(1)(d), an inmate may be eligible for a sentence deduction of up to thirteen (13) days for each thirty (30) days on his or her sentence for participation in an alternative sentencing program.
6. The Sheriff shall notify the Court or the Probation Department when an inmate violates the rules and regulations of an alternative sentencing program. If alternative sentencing is a condition of probation, the Probation Department will file a complaint with the Court alleging a violation of the conditions of probation.
7. The municipal courts may authorize but may not order alternative sentencing. The Sheriff makes the determination as to placement in the alternative sentencing program for municipal ordinance violators.
8. This Chief Judge Order is effective for sentences imposed after December 31, 2019. Also, effective December 31, 2019, Chief Judge Order 2019-12 regarding work release Sentences to Jefferson County Jail will be vacated for sentences imposed after December 31, 2019.

Done at Golden, Colorado this 20th day of December, 2019.


Philip J. McNulty, Chief Judge
First Judicial District