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DISTRICT COURT, WELD COUNTY, STATE OF COLORADO  
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**ADMINISTRATIVE ORDER 07-01**

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Case No. 07 CV 01

Division: 1

**ORDER re: VRA COMPLIANCE IN SENTENCING**

The Victim’s Rights Amendment to the Colorado Constitution, Colo. Const., art. II, § 16a, and the companion legislation to this amendment enacted by the General Assembly, § 24-4.1-301, *et seq.*, C.R.S., (collectively, the “VRA”) impose requirements for victim notification and participation in criminal cases that involve crimes listed within § 24-4.1-302(1)(a)-(hh), C.R.S. It is the desire of the courts of this district to provide accurate and timely information to victims.

It is the preference in this district to impose supervised probation or supervised deferred sentences for cases designated as Victim’s Rights Amendment cases when a probation sentence is imposed by the court or a deferred sentence is authorized by the court. However, there are occasions when a sentence to unsupervised probation or authorization for an unsupervised deferred sentence for a VRA case may be imposed or authorized by a judicial officer within the Nineteenth Judicial District. It is the desire of the courts of this district to provide accurate and timely information to victims of crimes under the VRA during the probationary term imposed by the court or while the defendant is under the jurisdiction of the court while on a deferred judgment and sentence.

“Supervised probation” and “supervised deferred judgment and sentence” shall include those sentences that are supervised or monitored by the probation department of the Nineteenth Judicial District, the probation department from any other judicial district in the state of Colorado, the probation department from any other state or the federal government, all private contractors who provide supervision or monitoring for the probation department pursuant to contract or agreement with a state or the federal probation department, Intervention Incorporated, B.I. Incorporated, Rocky Mountain Offender Management Systems, and any other provider who/which provides supervision or monitoring of any component of the sentence imposed by the court. In cases supervised by the probation department of the Nineteenth Judicial District, or those cases referred by the Nineteenth Judicial District Probation Department for courtesy supervision by the probation department from another judicial district, the Weld County

probation officer is responsible for determining when a complaint to revoke probation is to be filed with the court, considering the policies and procedures established by the probation department of this judicial district. It is the understanding of the court that all other agencies or providers of supervision or monitoring of any component of the defendant's sentence shall report in writing to the court and/or the Weld County District Attorney's Office any and all alleged violations of the terms and conditions of the sentence that would form the basis of a complaint to revoke the defendant's sentence. The notification of alleged violations of the sentence shall be submitted to the court and/or the Weld County District Attorney's Office prior to the end of the term of probation or the deferred judgment and sentence.

It is therefore ordered as follows:

1. At the time of imposing a probationary sentence or a deferred sentence in a case implicating the VRA, the court will indicate whether the probationary term or the deferred judgment and sentence will be supervised or unsupervised. If the term of probation or deferred sentence is supervised, the court will indicate on the record, or in the written judgment of conviction, or the sentencing order, or the order authorizing the deferred sentence which agency will be responsible for the initial supervision of the defendant. The court will refer the victim to the initial supervising agency if the victim contacts the court to ask any questions about the case during a term of supervised probation or supervised deferred sentence.


2. If the sentence is to unsupervised probation or the court authorizes an unsupervised deferred judgment and sentence for a VRA case, the court will indicate on the record, or in the written judgment of conviction, or written sentencing order, or in the order authorizing the deferred judgment and sentence that the term of probation or the period of the deferred judgment and sentence will be unsupervised. As part of the sentencing hearing or on the date the court authorizes a deferred judgment and sentence, the court will schedule a future date on the court's docket for the court to review compliance with the terms and conditions of probation or the deferred judgment and sentence. This review date will be scheduled within thirty days of the date that the probationary period is scheduled to end, or no later than twenty-nine days after the last day of the term of a deferred judgment and sentence. The Weld County District Attorney's Office is responsible for notifying the victim of this review date. The court will not terminate an unsupervised probationary term or an unsupervised deferred sentence prior to this review date without a hearing unless notification of the request for early termination has been provided to the victim by the District Attorney's Office and the prosecution has informed the court in writing that the victim has no objection to early termination, or the District Attorney's Office has made reasonable efforts to contact the victim without success and the District Attorney's Office has informed the court in writing that the victim cannot be located despite the reasonable efforts of the District Attorney's Office.

3. The court is not in a position to answer inquiries by a victim as to the compliance of a defendant while on supervised or unsupervised probation, or a supervised or unsupervised deferred judgment and sentence. Therefore, the court will refer a victim who contacts the court with a question about the case to the initial supervising agency for all cases involving a

supervised deferred judgment and sentence or supervised probation. If the supervision of the defendant has been transferred to another agency pursuant to an interagency agreement, the initial supervising agency shall be responsible for directing the victim to the agency that is providing supervision of the defendant at that time. All victims in VRA cases who contact the court to inquire about a case involving unsupervised probation or an unsupervised deferred judgment and sentence will be referred to the Weld County District Attorney's Office to have their questions answered. The Weld County District Attorney's Office will comply with their requirements under the VRA during the term of unsupervised probation and an unsupervised deferred sentence, including providing victim notification as required by the VRA and answering questions from the victim concerning the defendant's compliance with the sentence imposed by the court.

4. The court will direct inquiries concerning the compliance with the court's sentence to the appropriate agency and shall comply with requirements placed on the court under the VRA when addressing post sentence motions and requests.

Dated: January 23, 2007

  
Roger A. Klein  
Chief Judge  
19<sup>th</sup> Judicial District