

PROBATION UPDATE

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PRESENTATION TO THE COLORADO COMMISSION
ON CRIMINAL AND JUVENILE JUSTICE
APRIL 2014

Terms & Conditions
and Strategies for
Behavior Change

ADULT TERMS & CONDITIONS

PROJECT BACKGROUND



Colorado Commission on Criminal and Juvenile Justice (CCJJ) recommendation: Review the adult terms and conditions of probation (GP14)

Created
barriers

Not tailored

Should be
research/
evidence-
based

TERMS & CONDITIONS BASICS

- Encourage pro-social behavior
- Limit opportunities for probationers to engage in further anti-social behavior

- Monitoring
- Treatment
- Control

Treatment and Control terms and conditions need to be tailored to the individual's specific dynamic risk & needs

- Unnecessary conditions that do not relate are distracting, counter-productive and burdensome

CCJJ/PAC SUBCOMMITTEE

#1 Three R's foundation:

- Realistic
- Relevant
- Research-based

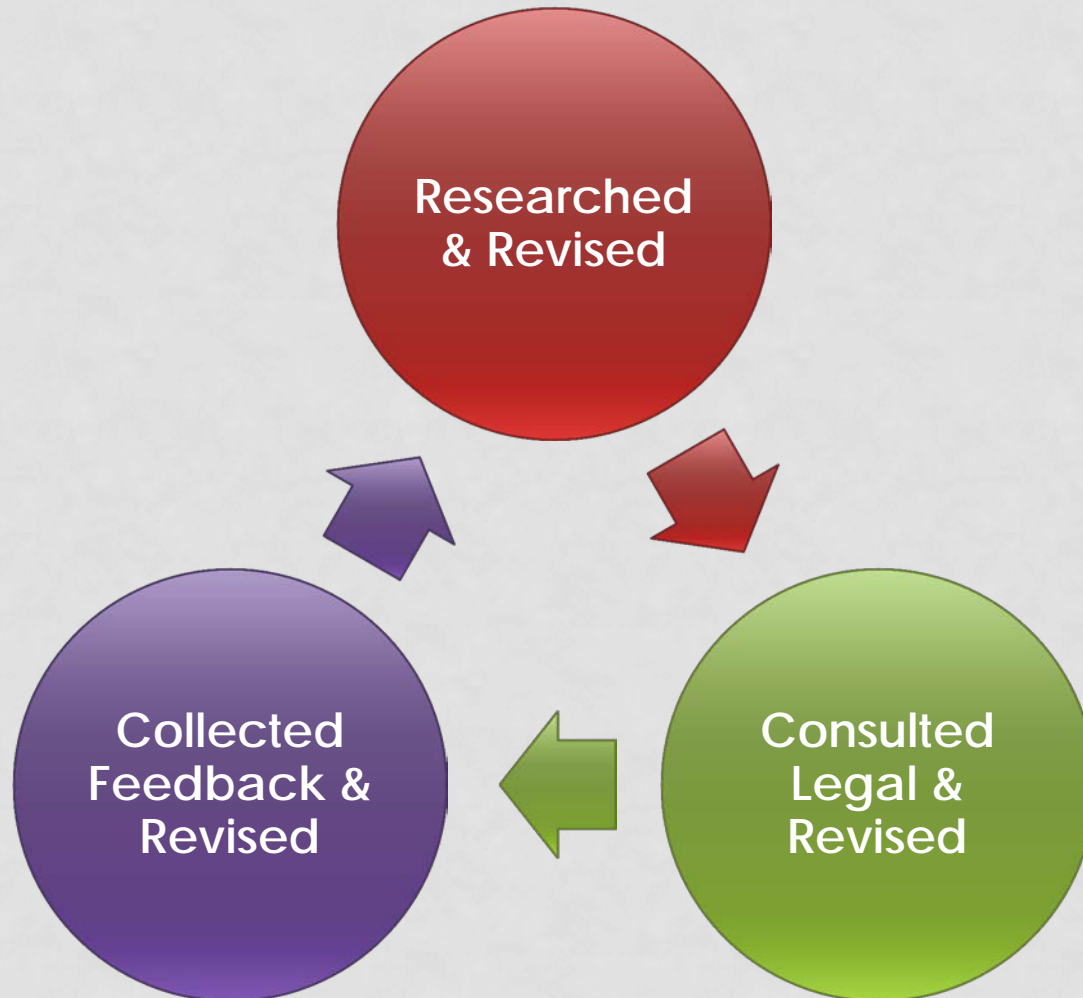
#2 Sorted into two categories:

- Statutory
- Discretionary

#4 Reduced the number of conditions

#3 Reorganized and adjusted phrasing

THE PROCESS...





DELICATE BALANCE



The Courts

Provide enough information to tailor terms and conditions without excessive future modifications

Probation

Build good working relationships with probationers while outlining all of the rules, restrictions, and consequences

WHAT TOOK SO LONG?

- 7 Official Drafts- over several years
- Difficult to gain consensus
- Could edit the content FOREVER
- Varying degrees of interest
- Difficult to determine which groups should have input and/or approve the final draft



April 2013
Time to Make a Decision...

NEW TERMS & CONDITIONS

County Court District Court
 Court address: _____ County, Colorado

People of the State of Colorado
 v.
 Defendant: _____
 Attorney or Party Without Attorney (Name and Address): _____

Phone Number: _____ E-mail: _____
 FAX Number: _____ Atty. Reg. #: _____

FOR THE OFFENSE(S) OF

CONDITIONS OF _____ GRANTED ON ____/____/____ **to** ____/____/____

COURT USE ONLY ▲

Case Number: _____
 ML Number: _____
 SID Number: _____
 Division: _____ Courtroom: _____

You shall be supervised by the probation department for a period of _____ months _____ days and shall comply with the following conditions and those listed on the reverse side of this form. You may be supervised in an intensive or alternate probation program, as determined by the probation department, with program specific conditions imposed.

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

- Community corrections for _____ beginning _____ days with credit for _____ days served
- Electronic monitoring or Global position monitoring for _____ beginning _____ days
- Jail for _____ hours
- Work release for _____ hours
- Useful Public Service (UPS) _____
- You shall not contract any financial obligations without approval of your probation officer and/or Collections Investigator
- Support your dependents as stipulated by the court, including child support (e.g. arrangements, payment plans, arrearages)
- You shall comply with all terms and restrictions imposed by any Protection Order
- You shall not consume alcohol
- Substance abuse evaluation/treatment _____
- Mental health evaluation/counseling or treatment _____
- Other _____
- Based on your behavior/efforts, Probation is authorized to use the following options, at their discretion, during the period of supervision:
 - Request early termination
 - Request reduction in UPS hours
 - Other _____

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

<input type="checkbox"/> Victim compensation cost (VCMF)	\$ _____	<input type="checkbox"/> Drug offender surcharge (DRUG)	\$ _____
<input type="checkbox"/> Victims assistance surcharge (VAST)	\$ _____	<input type="checkbox"/> Special advocate surcharge (SPAD/SPAG)	\$ _____
<input type="checkbox"/> Restitution (REST)	\$ _____	<input type="checkbox"/> Sex offender surcharge (SXOF)	\$ _____
<input type="checkbox"/> Time payment fee (TIME)	\$ _____	<input type="checkbox"/> Youthful offender surcharge (YTHO)	\$ _____
<input type="checkbox"/> Sherm costs (ASGF)	\$ _____	<input type="checkbox"/> Drug standardized assessment fee (DSAS)	\$ _____
<input type="checkbox"/> Attorney fees (ATYF)	\$ _____	<input type="checkbox"/> PSI drug testing fee (PDTS)	\$ _____
<input type="checkbox"/> Supervision fee (SUPV)	\$ _____	<input type="checkbox"/> Genetic testing (Offender ID Fee) (OFID)	\$ _____
<input type="checkbox"/> ADDS fee (ALCV)	\$ _____	<input type="checkbox"/> Public defender fee (PDR)	\$ _____
<input type="checkbox"/> Fine (FLNF/MIGD)	\$ _____	<input type="checkbox"/> Child abuse investigation surcharge (CHLD)	\$ _____
<input type="checkbox"/> Court security fund (CSCF)	\$ _____	<input type="checkbox"/> Public address confidentiality surcharge (ADDR)	\$ _____
<input type="checkbox"/> Court costs - docket fee (CRTX)	\$ _____	<input type="checkbox"/> Victim address confidentiality surcharge (VACS)	\$ _____
<input type="checkbox"/> LEAF fee (LEAF)	\$ _____	<input type="checkbox"/> Genetic Testing surcharge (GTSC)	\$ _____
<input type="checkbox"/> Rural alcohol & substance abuse surcharge (RYAS)	\$ _____	<input type="checkbox"/> Restorative Justice Service Charge (RJSF)	\$ _____
		<input type="checkbox"/> 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 and such fee shall be assessed annually if there remains an outstanding balance. In addition, late payments are subject to late fees, additional collection action, and collection costs. In the event you need financial assistance to comply with the conditions of probation, funds provided may be subject to recovery. A cost of care reimbursement may be assessed in addition to the amounts above and may be a continuing obligation after probation is terminated. The total amount shall be paid to the Clerk of court at the address listed above according to a payment schedule as determined by the Collections Investigator or at the rate of \$ _____ per _____ (time period), beginning _____ (date).

_____ Judge _____ Date _____
 Probation Officer/Witness _____ Date _____

I have received a copy of these conditions (front and back page) 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 _____

STANDARD CONDITIONS OF PROBATION

By signing the previous page and placing my initials after every condition, I will abide by the following conditions:

Crime-free lifestyle:

- I will abide by all local, state and federal laws and will report any contact with law enforcement to my probation officer.
- I will not harass, molest, intimidate, retaliate against, or tamper with any victims of or any prosecution witnesses to the crime.
- I will not act as a confidential informant.
- I will not possess or have access to any firearm, explosive or destructive device, or any other dangerous instrument or weapon.
- I will submit to a search of my residence, vehicle or personal effects, including but not limited to any electronic devices, by probation, when there are reasonable grounds to search. I understand my personal property is subject to seizure if it violates any of the terms and conditions of my probation.
- I will not use alcohol (to excess)* or use or possess any illegal, dangerous, or abusable drugs or controlled substances without a prescription. _____
*Strike out as appropriate/determined by assessment
- I will submit to drug and alcohol testing as directed by probation. I understand I am responsible for the costs of testing, unless other arrangements have been made through my probation officer.

Treatment:

I will actively participate in, cooperate with and successfully complete any referral, evaluation, assessment or recommended program. These programs may include, but are not limited to: placement in a residential or outpatient program, counseling or treatment for drugs or alcohol, mental health, domestic violence, cognitive behavioral, offense specific or anger management. I will sign any necessary releases of information and I understand I am responsible for the costs of treatment and services unless other arrangements have been made through my probation officer.

Probation Supervision:

- I will report to my probation officer for appointments, as directed by the court or the probation office. I understand that my probation officer can visit me at reasonable times at home or elsewhere. I will provide probation safe access to my residence.
- I will notify my probation officer of changes in my address, phone number, employment, or education status.
- I will maintain suitable employment and/or pursue employment, education, or vocational training.
- I will comply with any other requirements of my probation officer in order to meet the conditions imposed by the Court, including answering all reasonable questions asked by my probation officer.
- I will obtain written permission from the court or my probation officer before leaving Colorado.
- I am arrested in another state, _____
- I will and pay for a genetic marker (DNA) sample as required in §18-11-102.4 C.R.S. _____
- I am a sex offender if convicted of an offense involving unlawful sexual behavior, as required in §18-22-101, et seq. _____

If placed in an intensive probation program, the following additional conditions will also apply:

- I will _____ alcohol.
- _____ of my residence, vehicle or personal effects, including but not limited to any electronic devices, _____.

CONDITIONS OF PROBATION ©2013 Colorado Judicial Department for use in the Courts of Colorado


TERMS & CONDITIONS HIGHLIGHTS

Page 1

- You may be supervised in intensive programs...
- Additional conditions: Child support, No alcohol
- Additional conditions: Based on your efforts...

Page 2

- Organization/Sections:
 - Crime-free lifestyle
 - Treatment
 - Probation Supervision
- Phrasing "I will"
- Plain language vs. legal speak
- Intensive Programs Conditions (3)



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Conditions

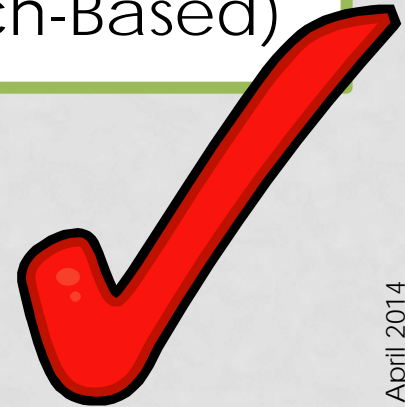
FINAL CHECK

Do the terms and conditions...

Encourage pro-social behavior?

Limit opportunities to engage in anti-social behavior?

Hit the three Rs? (Realistic, Relevant, Research-Based)



FINAL CHECK

Are the Terms and Conditions...

Overwhelming or distracting from the purpose?

Too cookie-cutter to be tailored to the individual?

Creating barriers to success?



FINAL APPROVAL

- Probation Advisory Committee (PAC)
- Probation Supervisors (CPSA)
- Chief Probation Officers (CCPOA)
- Chief Judges



ADULT TERMS & CONDITIONS OF PROBATION



Questions? Comments?
Thoughts?

Strategies
FOR
Behavior
Change

STRATEGIES FOR BEHAVIOR
CHANGE

IMPLEMENTATION UPDATE

PROJECT BACKGROUND

Colorado Commission on Criminal and Juvenile Justice (CCJJ) recommendation: Review current practices and policies related to Technical Violations (GP13), Positive Reinforcement & Incentives (GP35) and Probation Technical Violations Sanctions Guidelines (GP36)

**Behavior
Change**



WHAT IS SBC?

Strategies for Behavior Change is a statewide probation effort designed to **impact** probationer's behavior and the use of

resources.

**IMPROVING PUBLIC
SAFETY THROUGH
BEHAVIOR CHANGE**

The program provides a tailored response to each probationer's behavior with a goal of **impacting short and long-term behavior change.**

IMPLEMENTATION SCIENCE

		IMPLEMENTATION	
		Effective	NOT Effective
INTERVENTION	Effective	Actual Benefits	Inconsistent; Not Sustainable; Poor outcomes
	NOT Effective	Unpredictable or poor outcomes	Poor outcomes; Sometimes harmful

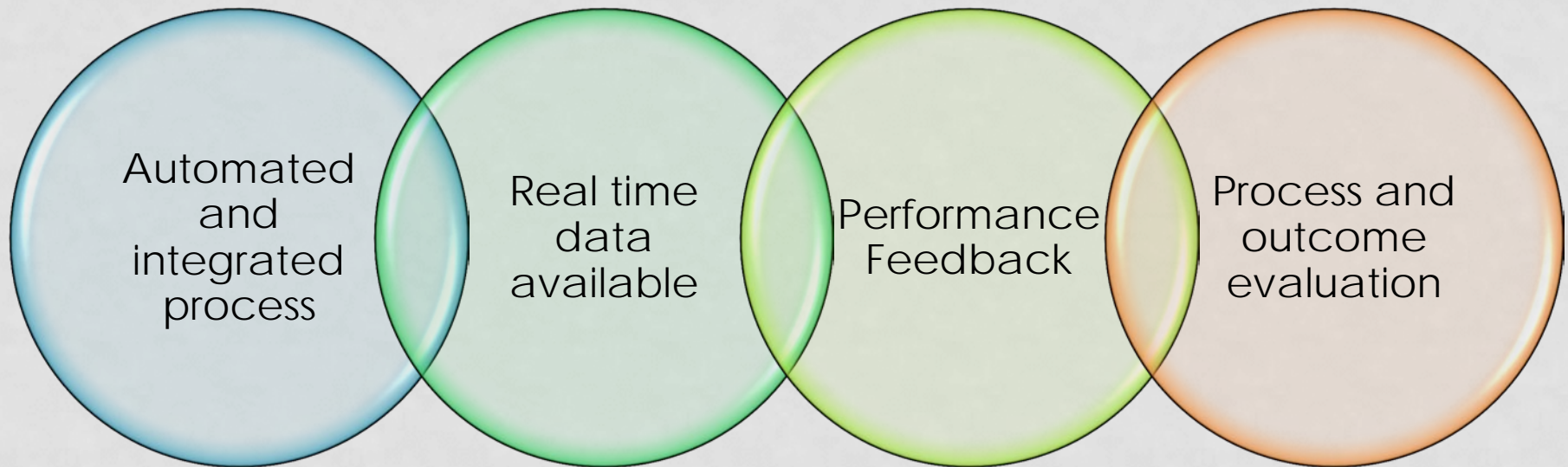
(Institute of Medicine, 2000; 2001; 2009; New Freedom Commission on Mental Health, 2003; National Commission on Excellence in Education, 1983; Department of Health and Human Services, 1999)

BASIC IMPLEMENTATION PLAN

- Set-up Meeting with local districts (management)
- Create Interest/Early Education
- Readiness surveys
- Establish Local Implementation Teams
 - Training
 - Coaching
 - Quality Assurance & Continuous Quality Improvement
- Stakeholder Training/Education
- Probation Officer Training
- Follow-up & Ongoing support



SBC HIGHLIGHTS



SBC- CURRENT STATUS

Implementation Pilot

- 2 districts (14th & 21st)
- Thorough evaluation process of the pilot
- Finish with focus groups in May 2014

Statewide Roll-out

- 2 Teams
- Districts self-select start



STRATEGIES FOR BEHAVIOR CHANGE



Questions? Comments?
Thoughts?

CONTACT INFORMATION

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