

SENTENCING REFORM TASK FORCE
FINAL RECOMMENDATION PREPARED FOR THE
COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE
December 10, 2021

FY22-SR #01. Define the Purposes of Probation [Statutory]

Recommendation FY22-SR #01

Amend Part 2 of §16-11, C.R.S. to include the following to define the purposes of probation:

- To serve as a sentencing option and a response to crime in order to moderate and deter future criminal behavior and victimization.
- To support persons in behavior change through the coordination and provision of effective and individualized services which may include, but are not limited to, educational, therapeutic, restorative and skill building services
- To hold persons accountable for their behavior through supervision and interventions that promote reparation of harm to community and victims which shall include, but is not limited to, restitution to victims.
- To serve as a cost-effective option for persons appropriate for community supervision.
- To honor the statutory and constitutional rights of victims of crime.

Proposed Statutory Language

The purposes listed above are assumed most applicably placed in Part 2. Probation of §16-11, C.R.S. Other models for such “purpose provisions” may be found in §17-22.5-102.5, C.R.S., regarding parole and in §17-27-101.5, C.R.S., regarding community corrections.

16-11-2xx. PURPOSES OF PROBATION

(1) THE PURPOSES OF THIS ARTICLE WITH RESPECT TO PROBATION ARE:

(a) *[Insert list of purposes above...]*

DISCUSSION

Colorado statute does not currently define the purposes of probation. Since its evolution in the United States in the mid-1800s, probation was not designed for the purposes of incapacitation, punishment or retributive justice. The role of probation is to provide rehabilitative and restorative intervention for qualifying persons (see qualifications in §18-1.3.201, C.R.S.), to enhance public safety and is limited to prioritize and serve the purposes defined above.