



FY2008 RECOMMENDATION/FY08-BP33 MANDATORY EARNED TIME ON PROBATION

Status: Implementation Unknown

Actions/Updates

2023 UPDATE (JUNE)

During the FY 2023 Legislative Session, Senate Bill 2023-158 to reauthorize the Colorado Commission on Criminal and Juvenile Justice (CCJJ) was postponed indefinitely on May 7, 2023. Therefore, with the sunset of the Commission, all activities of the CCJJ ceased on June 30, 2023.

No further monitoring of CCJJ recommendations will occur.

2012 UPDATE

No implementation. Probation continues to utilize incentives and early termination in accordance with policy.

2011 UPDATE

No implementation. Probation continues to utilize early termination in accordance with policy.

2011 OVERSIGHT COMMITTEE ACTION STEPS

Judge Gilbert Martinez to pursue the redevelopment and redesign of this recommendation and report back to CCJJ staff.

2010 UPDATE

No implementation. The issue is to be discussed further as the Commission focuses on sentencing reform, beginning in the fall of 2010.

2009 ACTION/IMPLEMENTATION

Further discussion of this recommendation by the Commission's Probation Task Force uncovered a concern that mandatory earned time might lead to reduction in the use of early termination of probation. Consequently, the Division of Probation surveyed chief probation officers across the state to determine support for this recommendation. The survey found that 17 of 22 judicial districts regularly use early termination of probation; five districts reported obstacles related to obtaining the cooperation of the district attorney or the court. The Probation Advisory Committee has agreed to review the existing early termination policy and provide technical assistance to districts struggling to implement early termination of probation.

The Commission's Probation Task Force asked that the Community Corrections Subcommittee determine whether or not Diversion clients can be considered for early termination, and if so,

what this procedure entails. The Division of Probation Services has expressed its willingness to partner with Community Corrections to share information regarding early termination practices that are happening within probation.

The Commission further suggests that this issue be considered in addition to the use of early termination of probation, and that it be discussed during the Sentencing Reform portion of the Commission's work.

2009 IMPACT

Progress on the discussions among stakeholders about probation earned time will be presented in the June 2010 Commission report.

2009 BARRIERS

All stakeholders have not been involved thus far. For example, individual victims and the victim assistance community may not endorse a statewide policy for probation earned time.

Description

As a way to provide incentives while enhancing public safety, a working group shall be formed of representatives from the Division of Probation Services, district court probation departments, prosecutors, defense attorneys, victim representatives, and judges to develop an *earned time schedule* that links specific behaviors, such as completing drug treatment and maintaining "clean" urinalysis tests, to specific reductions in the term of the probation sentence.

Agencies Responsible

State Judicial

Discussion

This recommendation is under discussion by stakeholders. The use of incentives is a fundamental component of evidence-based correctional practices designed to encourage offenders to engage in behaviors that will improve their likelihood of success in the community. The passage of HB 09-1263 is consistent with the Commission's statutory mandate to ensure the "...cost effective use of public resources..." [C.R.S. 16-11.3-103(1)].