



FY2008 RECOMMENDATION/FY08-BP41 SUMMONS IN LIEU OF ARREST FOR PROBATION REVOCATIONS

Status: Implementation Complete

Actions/Updates

2011 UPDATE

There has been no action on this goal in 2011 as it was reported to have been implemented in 2010. According to the data collected in 2009, the percentage of probationers arrested as part of a revocation is low and confined to the highest risk population. Warrants are issued when the defendant does not respond to efforts to bring them back under probation supervision. Summonses are issued in the remainder of the cases. The Chief Probation Officers have all been made aware of this recommendation. There will be no further action on this recommendation.

2011 OVERSIGHT COMMITTEE ACTION STEPS

CCJJ Probation Task Force co-chair, Mike Reide, to work with incoming Director of Probation Services Eric Philp on the status of this recommendation and report back to CCJJ staff.

2010 UPDATE

Implementation complete. Judicial Department officials report that this recommendation is implemented in practice but varies by jurisdiction.

2009 ACTION/IMPLEMENTATION

Data was collected and analyzed by the Division of Probation Services to determine the use of summons versus arrests to help the Probation Task Force decide if further steps were required to increase the use of summons in appropriate situations. The following information shows that for a random sample of 154 cases summonses are used more often than arrests when a technical violation occurs. The study found the following:

- 2% were arrested
- 54% were issued warrants (these were individuals who had absconded or committed a new crime)
- 44% were issued a summons

In addition, the study found that higher risk offenders were more likely to be the subject of arrest or warrant. The study found the following information when cases were analyzed by risk level:

- Maximum risk: 4.5% arrest, 59% warrant, 35.8% summons
- Medium risk: 0.0% arrest, 47.6% warrant, 52.4% summons
- Minimum risk: 0.0% arrest, 32.0% warrant, 68.0% summons

The Commission recognizes and appreciates the efforts of the bench to that are already underway regarding recommendation.

2009 BARRIER

This practice may vary across jurisdictions.

Description

Implement existing statutes (C.R.S. 16-5-206 and 16-5-207) encouraging the use of a summons rather than arrest for probation revocations.

Agencies Responsible

State Judicial

Discussion

This recommendation refers to a practice that is generally implemented.