



**Preliminary Recommendation  
FY23-SR #01. Standardize Early  
Termination Review in Probation [Policy]**

**Sentencing Reform Task Force**

[Sentencing Alternatives/Decisions and Probation Working Group]

Presentation to the Colorado Commission on Criminal and Juvenile Justice  
December 9, 2022

# Scope of Work from Commission and SRTF

1. Redefine statutory purpose of probation
2. Evaluate probation level of supervision in the interest of proper dosage and approaches (e.g. avoiding over-supervision)
3. Examine probation practices regarding the use of conditions, length of supervision, responses to violations, and revocations
4. Examine impact of Traumatic Brain Injury (TBI) in revocations and other outcomes and recommend strategies to better accommodate persons with TBI
5. Examine ethnic and gender disparities in probation outcomes/practices and recommend strategies to abate disparate treatment and/or outcomes
6. Examine impact on prison population
7. Consider alternatives that can be utilized at the time of sentencing



**PRELIMINARY**

**Recommendation FY23-SR#01.**

**Standardize Early Termination  
Review in Probation**

**(Policy Recommendation)**

# Problems

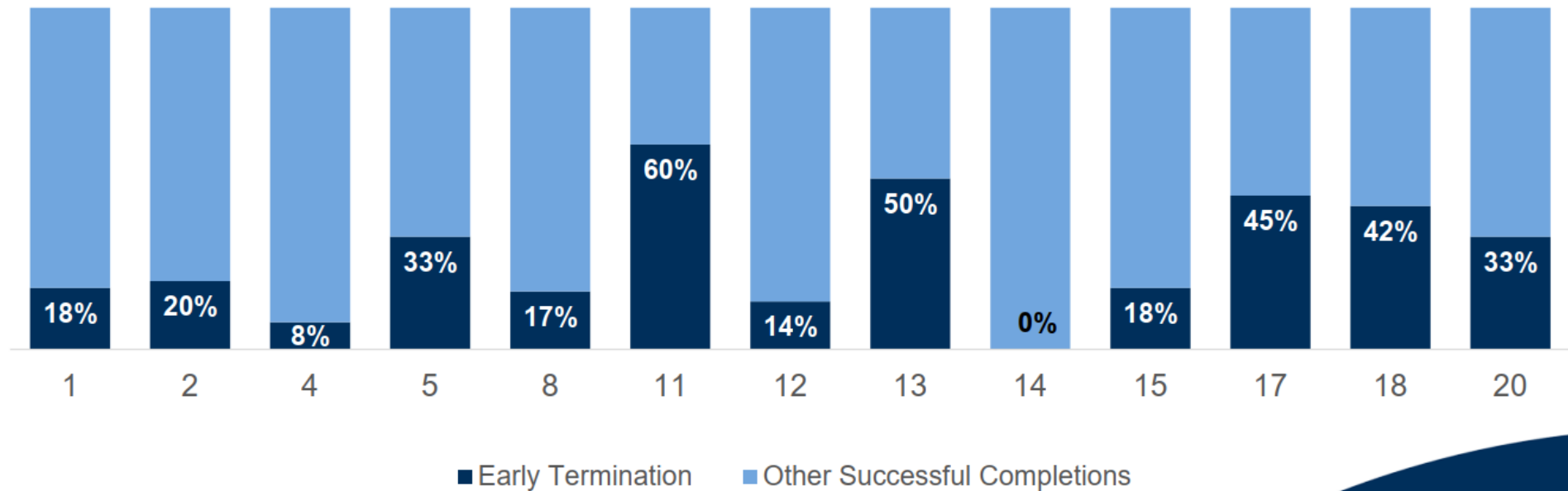
- **Sentence lengths are necessarily broad in statute, especially for felonies yet do not correspond with individual risks and needs of persons on probation. Some are more ready than others to terminate probation early.**
- **There are long-standing and wide variations among and within districts in early terminations**
  - **Due to policies in probation**
  - **Due to practice outside probation's control**

# Problems

- **The process for early termination is confusing for those on probation, for victims, and for others in the community due to broad inconsistencies in policy and practice.**
- **Over-supervision can result in collateral consequences for some people and new criminal behavior for others, especially those that are lower risk to begin with.**

## Use of Early Termination Varies Greatly Based on Judicial District

Early Termination of Probation by District of Supervision



75 Source: File Review

# Goals and Values

- **Reduce over-supervision for appropriate persons on supervision yet on an individualized basis.**
- **Advance values of SRTF for consistency, certainty and transparency in sentencing by having a clear timeline at which early termination is reviewed for most adults on probation.**
- **Address issues at the probation policy and practice level.**
- **Retain discretion at judicial and prosecutorial level.**

# POLICY RECOMMENDATION TO CCJJ

- **SCAO to collaborate with probation staff and other CJ stakeholders to standardize early termination policy and practice for adult cases.**
  - **Except deferred judgments and indeterminate sentences/sex offenders with indeterminate sentences**
- **Probation Standards require mandatory review for early termination once a probationer achieves 50% of sentence completion.**
- **Development of standardized tools (forms and checklists)**
  - **to aid districts in practice**
  - **and to be transparent to and incentivize persons on probation**



# **POLICY RECOMMENDATION TO CCJJ**

- **Probation to develop means to educate stakeholders at state and local levels on early termination practice**
- **Develop procedures to notify eligible victims of new early termination protocol.**
- **SCAO to develop training for current and new probation staff as well as quality assurance tools and data collection**
- **by June 30, 2024**

# **Appendix A: Technical and Procedural Issues to Address by Judicial**

- **Probationers with multiple cases**
- **Contingency planning when client doesn't meet all requirements but is close**
- **Courtesy supervision and interstate compact cases**
- **Private probation procedures**
- **Treatment considerations when treatment may need to outlast supervision**
- **Automated notification for probation staff**
- **Supervisory review**
- **Information provided to the court**
- **Model local policies**