



ELEVENTH JUDICIAL DISTRICT

Chief Judge Order 20-08

Regarding Operations of the Probation Department in the 11th Judicial District

The purpose of this order is to provide guidance and authority to the 11th Judicial District Probation Department regarding operations based on public health concerns related to the novel coronavirus ("COVID-19"). On April 9, 2020, Colorado Supreme Court Chief Justice Nathan Coats issued *Order Regarding COVID-19 and Operation of Colorado State Probation Departments*, providing Chief Judges with the authority to temporarily waive certain FY20 Probation Standards through May 15, 2020.

This order is issued due to the public health risk posed by COVID-19. It is imperative that active steps be taken to slow the spread of COVID-19 and reasonable precautions be followed to reduce exposure to COVID-19, as this pandemic continues to threaten the health and well-being of the community. Equally important to the public's COVID-19 health concerns is the responsibility of the probation department to provide an appropriate level of supervision and services for all individuals sentenced to supervision, based on the individual probationer's risk of recidivism and public safety considerations.

Probation Standard 2.01 provides that "[a]dherence to the probation standards described herein is contingent upon the availability of adequate funding resources and adequate staffing levels." The 11th Judicial District courts and probation have employed several precautionary measures designed to reduce the spread of COVID-19, which includes a reduction of the number of employees working at the courts and probation offices at a given time to maintain the recommended six-feet of social distancing between employees. Many probation employees are working remotely, which makes it difficult to adhere to certain standards. In addition, many outside entities or persons providing services to the probation department have taken measures to reduce the spread of COVID-19 by limiting services and/or reducing staff, which has a direct impact on the probation department's ability to apply and adhere to certain Standards.

IT IS HEREBY ORDERED:

- A. Pursuant to Chief Justice Coats' April 9, 2020 order and the authority provided to Chief Judges through that order, the following Probation Standards may be waived if applying these Standards cannot be accomplished without jeopardizing the health of anyone involved as related to COVID-19, or there are any restrictions in place due to COVID-19 that prevent compliance with these Standards; there are no other reasonable alternatives available to apply or adhere to these Standards, as implemented by Chief Probation Officer Mike O'Rourke and approved by either the Chief Judge or the State Court Administrator; or the provider of services necessary to meet these standards are unable to provide such services:
1. FY20 Probation Standards 3.02, 4.35, 4.36, 4.41, 4.47, 4.54, 4.56, 5.04, and 5.11.
 2. Probation Standard 4:07, but only as to the ASUDS and ASUS-R and only in the manner approved by the State Court Administrator.
 3. Probation Standards that mandate assessments, but to the extent possible such assessments shall be conducted by telephone or other available methods approved by the State Court Administrator.
 4. Probation Standards that mandate screenings whose completion is dependent upon assessments that cannot be completed.



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5. Probation Standards that require in-person or face-to-face contact, signatures, initialing, or the provision of written documentation to or receipt from the individual being supervised, but to the extent reasonably possible, alternatives such as e-mail and telephone contact shall be utilized and documented. The Chief Judge authorizes Mike O'Rourke, 11th Judicial District Chief Probation Officer, to determine whether there are other means reasonably available to facilitate the obtaining of signatures or initials, providing documents to clients, or receiving documents from clients, such as utilizing a reception office that is separated by a glass partition from the lobby of the probation office, provided that social distancing of at least six feet can be maintained by persons in each location from others in the same area at all times.
 6. Probation Standards that mandate training if such training is not available.
 7. Probation Standards that require the development and/or review of a case plan.
 8. Probation Standards that require treatment, evaluation, drug or alcohol testing, or DNA testing where such services are not fully available.
 9. Probation Standards that require consultation with other persons or entities who are not reasonably available.
- B. In determining whether any of the Standards listed in Section A of this order cannot be applied or adhered to due to COVID-19 concerns, Chief Probation Officer Mike O'Rourke shall consider whether public safety would be compromised if a waiver occurs.
- C. 11th Judicial District Probation Officers and Supervisors shall first confer with Chief Probation Officer Mike O'Rourke, before taking any actions that involve the waiver of any of the Standards listed in Section A of this order.
- D. This order does not waive Probation Standards 4.20, 4.31, 4.32, 4.33, and 4.34.

The provisions of this order shall continue through May 15, 2020, unless otherwise modified or extended by the Chief Judge.

Done in Salida, Colorado, April 13, 2020

/s/ Patrick W. Murphy

Chief Judge, 11th J.D.