

# Improving Outcomes and Safely Reducing Revocations from Probation Supervision in Colorado

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## About the Crime and Justice Institute

The Crime and Justice Institute (CJI), a division of Community Resources for Justice, bridges the gap between research and practice with data-driven solutions that drive bold, transformative improvements in adult and youth justice systems. With a reputation built over many decades for innovative thinking, a client-centered approach, and impartial analysis, CJI assists agency leaders and practitioners in developing and implementing effective policies that achieve better outcomes and build stronger, safer communities. CJI works with local, state, tribal, and national justice organizations, providing nonpartisan policy analysis, implementation consulting, capacity-building assistance, and research services to advance evidence-based practices and create systems-level change. For more information, please visit: [www.cjinitiative.org](http://www.cjinitiative.org).

## Table of Contents

Executive Summary .....	4
Background .....	5
Probation Supervision in Colorado .....	6
Key Findings .....	6
REVOCATION TRENDS .....	6
CONDITION SETTING AND MODIFICATOIN FINDINGS .....	11
VIOLATION FINDINGS.....	13
EVIDENCE-BASED SUPERVISION PRACTICES FINDINGS .....	18
AVAILABILITY OF AND ACCESS TO TREATMENT PROGRAMS AND SERVICES FINDINGS.....	23
ORGANIZATIONAL CULTURE FINDINGS .....	24
Opportunities to Improve Probation Supervision Outcomes in Colorado.....	25
FOCUS RESOURCES ON THE HIGHEST-RISK POPULATIONS .....	26
ENSURE CURRENT SUPERVISION PRACTICES INTENDED TO REDUCE RECIDIVISM ARE IMPLEMENTED WITH FIDELITY.....	27
ADDRESS BARRIERS TO SUPERVISION SUCCESS .....	28
ENSURE PROBATION SUPERVISION IS PROVIDED IN AN EQUITABLE AND FAIR MANNER ACROSS JUDICIAL DISTRICTS.....	30
ENSURING PROBATION OFFICERS HAVE THE TOOLS AND RESOURCES NECESSARY TO FULLY IMPLEMENT AND SUSTAIN POLICY AND PRACTICE CHANGES .....	31
Appendix A: Methodology .....	33
Appendix B: Most Frequently Ordered Special Conditions .....	35

## Executive Summary

Across the United States, the majority of people under correctional supervision serve their sentence on probation or parole. As of 2020, data show that while just under 2 million people are incarcerated in either prison or jail, about 3.9 million individuals are on probation or parole.<sup>1</sup> Of the 1.8 million individuals who exit probation or parole annually, almost half do not successfully complete supervision. Of those who do not complete their supervision, 211,000 will return to prison or jail.<sup>2</sup> This has made revocation from probation or parole a leading driver of incarceration in the United States.<sup>3</sup>

In Colorado, the probation population remained steady from 2010 to 2019, with roughly 78,000 individuals under probation supervision as of 2019 (the most recent year for which data were available at the time of this assessment). In 2019, Colorado's probation rate was 28 percent higher than the national state average.<sup>4</sup> While most individuals successfully complete probation supervision in Colorado, success rates have been on the decline over the past decade, dropping 8 percentage points between 2010 and 2019.

Seeking to understand the drivers of probation outcomes, in January 2020, the Chief Justice of the Colorado Supreme Court requested assistance from the Crime and Justice Institute (CJI) in analyzing the factors driving unsuccessful probation outcomes. Over the course of 18 months, CJI assessed Colorado's probation system, analyzing individual-level and case-level data, reviewing the administrative and legal frameworks governing probation supervision, and conducting focus group interviews with stakeholders involved in probation supervision. Through this assessment, CJI found that:

- While most individuals (65 percent) successfully complete probation supervision in Colorado, terminations with a revocation have increased over past decade, rising 6 percentage points between 2010 and 2019.<sup>5</sup>
- Revocations due to technical violations have driven the increase in unsuccessful terminations, with two out of three people revoked for technical reasons in 2019. Of those:
  - An estimated 42 percent were revoked for technical violations with no new charge present;
  - Women, Native American individuals, people over 55 years old, and those supervised for a sex offense were more likely to be unsuccessfully terminated;
  - Over two-thirds of individuals revoked had three or more violations cited on their complaints; and
  - Substance use-related violations are the most frequently occurring violation across the probation population but missed reporting violations are more common among those who are revoked.
- Individuals on probation are most likely to be revoked within 12 months of being placed on probation supervision, with the most common time to revocation at the six-month mark.
- Colorado Probation has made significant progress in aligning policies and practices with evidence-based practices intended to reduce recidivism; however, considerable barriers exist that may impede these efforts, including:
  - Conditions are set as part of the plea process and do not always align with the factors driving an individual's risk of recidivism;
  - Interventions and treatment meant to address individuals' needs are lacking across the state; and
  - The data management system used by Colorado Probation was not designed for, and is not functional, as a case management system and restricts the full implementation of policies and practices intended to improve outcomes.

Based on these findings, CJI identified 12 potential opportunities to safely reduce revocations and improve probation outcomes in Colorado. These opportunities can be categorized into five overarching goals, which include focusing resources on the highest risk population, ensuring current evidence-based practices intended to reduce recidivism are implemented with fidelity, addressing barriers to success, ensuring supervision practices are delivered in an equitable and fair manner across judicial districts, and ensuring probation officers are provided with the tools and resources to fully implement and sustain policy and practice changes.

## Background

Although revocation of probation or parole is now a leading driver of incarceration in the United States, there remains little research to identify what is driving revocations.<sup>6</sup> To fill this gap and help states understand what is leading to high rates of failure, the Crime and Justice Institute (CJI), with support from Arnold Ventures, worked with supervision agencies in four states to understand the factors driving revocations and identify strategies to safely reduce revocations while improving public safety. CJI selected supervision agencies as partners in Colorado, Florida, Mississippi, and Montana based on a variety of criteria such as availability of data, state interest in and willingness to entertain change, and access to agency personnel.

In all four states, CJI completed an analysis focused on several key areas:

- Who is being revoked on community supervision and for what?
- How are supervision conditions set, modified, and monitored, and how do those conditions affect an individual's success on supervision?
- What kinds of tools are available to help probation or parole officers respond to violations of supervision conditions?
- To what extent are policies and practices focused on reducing recidivism and assisting the individual in successfully completing supervision?
- What programming and resources are available in the community to address the supervised population's criminogenic needs<sup>7</sup> and responsivity factors?<sup>8</sup>
- What are the attitudes, values, and beliefs shared among stakeholders in regard to the purpose of community supervision and use of evidence-based practices to reduce recidivism?

To answer these questions and develop a comprehensive understanding of the factors driving unsuccessful supervision outcomes, CJI analyzed individual-level data in each state to assess the supervision population and understand supervision outcome trends. In addition to this quantitative analysis, CJI conducted a qualitative assessment that included reviewing state statutes, court rules, and administrative policies and procedures to understand the legal framework, as well as interviewing key stakeholders such as agency leadership, line staff and supervisors, judges, prosecutors, defense attorneys, and people at advocacy organizations. CJI also conducted a detailed review of case files to provide additional context to the findings. CJI's full methodology for the assessment can be found in Appendix A.

This report summarizes the quantitative and qualitative findings and makes recommendations to improve probation outcomes and enhance public safety in Colorado. A separate national report summarizes the findings from all four states.

## Probation Supervision in Colorado

Colorado has a bifurcated community supervision system, with individuals placed on probation and those released to parole supervised by different agencies. This is distinct from some other states that often have one agency, typically the state Department of Corrections, overseeing both types of community supervision. In Colorado, the Colorado Judicial Department (Judicial Branch) is responsible for the direct oversight of those placed on probation, while the Colorado Department of Corrections (Executive Branch) is responsible for the supervision of individuals released to parole following a period of incarceration.

The Colorado Judicial Department is responsible for the oversight of individuals on adult and juvenile probation across Colorado’s 22 judicial districts. While there are 22 judicial districts in the state, there are a total of 23 probation departments (one judicial district has two departments), each under the direction of a Chief Judge. As such, specific policies can vary from district to district. Each probation department receives administrative support from the Division of Probation Services (DPS) in the form of training coordination, data evaluation, policy and program development and implementation, legislative and budget coordination, and interagency collaboration. Throughout this report, CJI will use “Colorado Probation” to describe the entirety of the judicial districts.

An individual is eligible for probation in Colorado upon their first conviction for any offense other than a Class 1 felony or a Class 2 petty offense.<sup>9</sup> Senate Bill 21-271, signed into law on July 6, 2021, expanded probation eligibility to Class 2 petty offenses and went into effect in March 2022.<sup>10</sup> Under current law, individuals convicted of a misdemeanor or petty offense can be put on probation for a period of up to five years, while those convicted of a felony can be put on probation for a period that can exceed the maximum period of incarceration authorized for the classification of the offense.<sup>11</sup>

As of 2019, Colorado’s probation rate was 1,357 individuals per 100,000, 28 percent higher than the national average. Between 2010 and 2019, the number of individuals on probation in Colorado has remained steady, falling by less than 1 percent. In 2019, there were over 78,000 individuals on probation on any given day with the average person on regular adult probation (79 percent), male (73 percent), under 35 years old (60 percent), low-risk (49 percent), supervised for a misdemeanor (67 percent), and with a most serious offense of possession or distribution of controlled substances or driving under the influence (48 percent). With this context in mind, the following section summarizes the key findings from CJI’s qualitative and quantitative assessment.

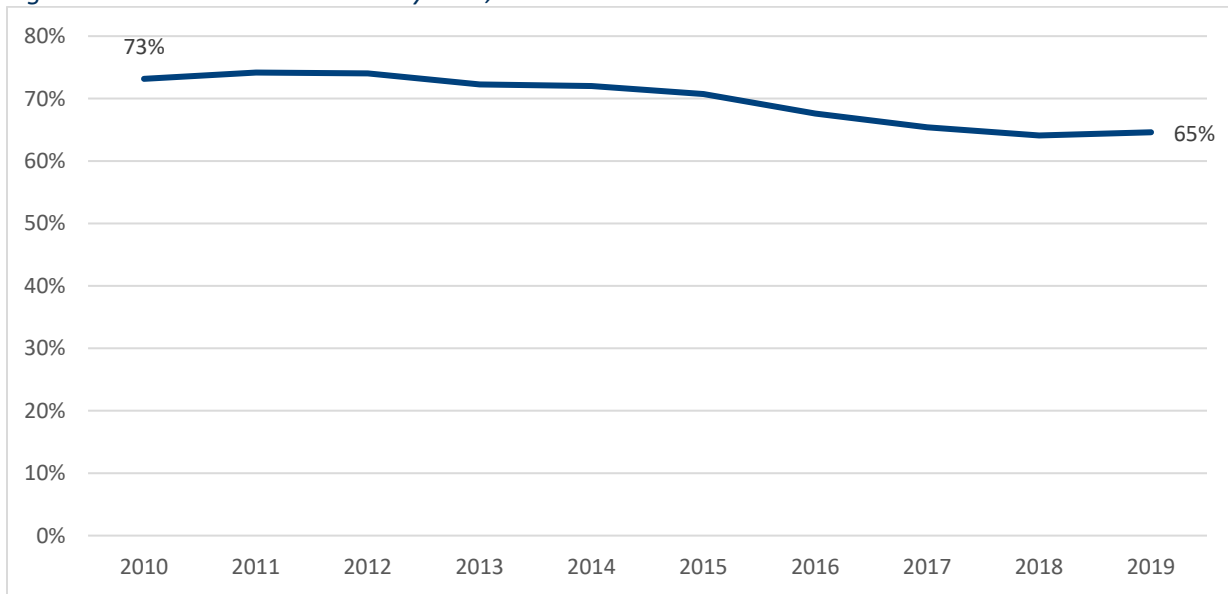
## Key Findings

### REVOCATION TRENDS

***The majority of individuals on probation supervision in Colorado successfully complete supervision, but unsuccessful terminations have increased over the past decade***

Between 2010 and 2019, the number of individuals on probation in Colorado remained steady, falling by less than 1 percent from a total active population of 78,744 in 2010 to 78,128 in 2019. As of 2019, 65 percent of individuals on probation supervision in Colorado successfully complete supervision. While most individuals successfully complete, success rates have been on the decline over the past decade, dropping 8 percentage points between 2010 and 2019 (see Figure 1).

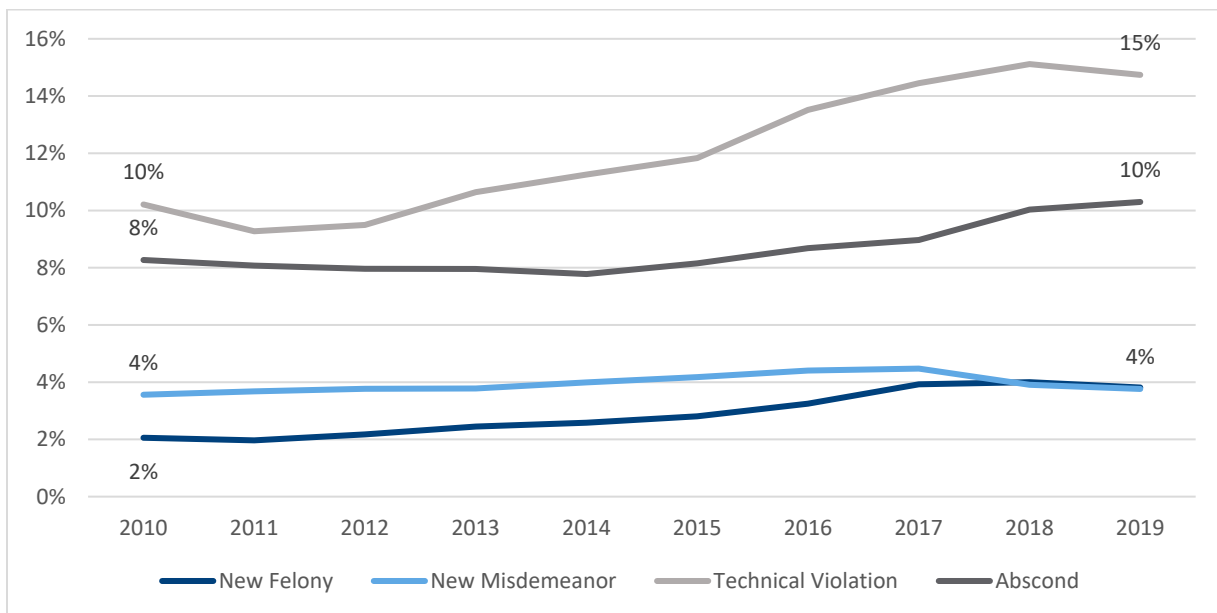
Figure 1. Probation Success Rate by Year, 2010-2019



**Unsuccessful terminations are driven by increases in revocations for technical violations and absconding**

As success rates fell, unsuccessful terminations – which include both revocations and absconding – rose (see Figure 2). Between 2010 and 2019, the likelihood of being revoked increased 6 percentage points. During this same time period, absconding rates increased 25 percent, and made up more than 10 percent of all terminations and 32 percent of all unsuccessful terminations in 2019. As shown in Figure 2, revocations due to technical violations saw the largest increase. Based on the file review and analysis of individual level data, for those revoked in 2019, an estimated 42 percent were revoked for technical violations with no new criminal charge present.

Figure 2. Unsuccessful Termination Rate by Year and Termination Type

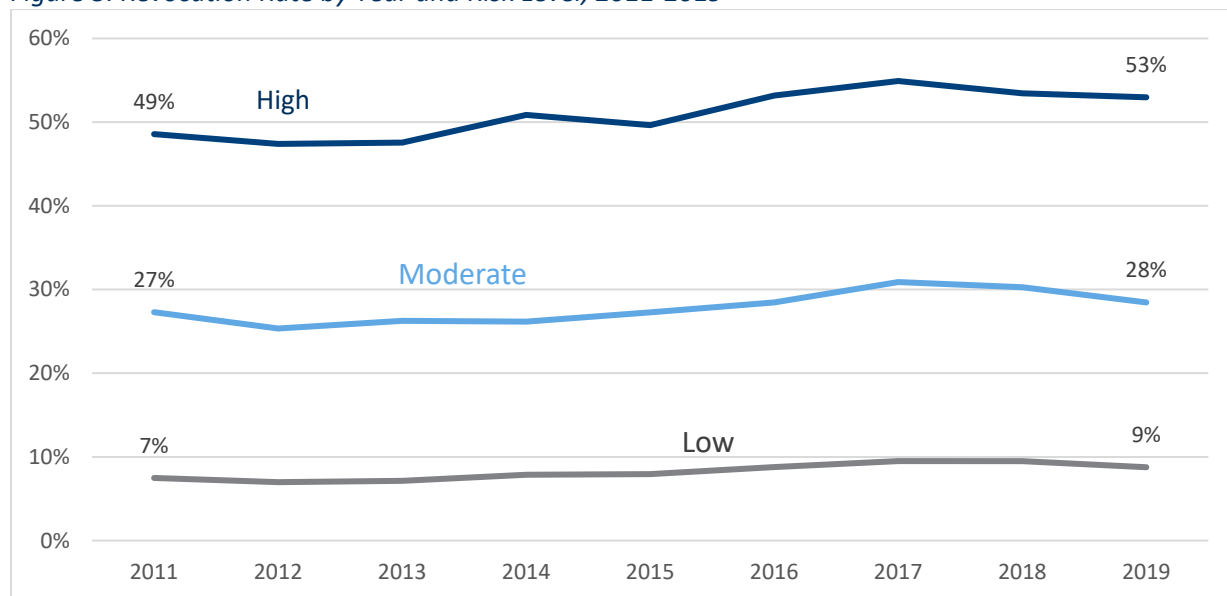


**Black individuals, Native American individuals, men, individuals under 55, and those assessed as high-risk have the lowest probation success rates**

Looking specifically at the demographics of Colorado’s probation population, CJI explored shifts in patterns related to age, sex, and racial-ethnic classification and found notable differences in unsuccessful terminations. In 2019, unsuccessful terminations were more common among males (36 percent of males had an unsuccessful termination), Black individuals and Native American individuals (both with nearly 50 percent having an unsuccessful termination), and individuals under 55 years old (with 37 percent having an unsuccessful termination).<sup>12</sup> When looking specifically at revocations by termination type in 2019, women, Native American individuals, people over 55 years old, and those supervised for a sex offense were most likely to be revoked for technical violations.

CJI also examined outcomes across risk levels. Between 2011 and 2019, revocation rates increased for all risk levels, with the largest increase seen in those assessed as having a high risk of reoffending (see Figure 3). High-risk individuals were revoked 49 percent of the time in 2010 and 53 percent of the time in 2019. However, across all risk levels, individuals on probation who were terminated in 2010 were less likely to be revoked than those terminated in 2019. Individuals assessed as high- or moderate-risk were most likely to be revoked for technical violations, while those assessed as low-risk were equally likely to be unsuccessfully terminated for a revocation due to technical violations or for absconding.

Figure 3. Revocation Rate by Year and Risk Level, 2011-2019<sup>13</sup>



**Revocation and absconding rates have nearly doubled for those on probation who had an underlying felony drug offense**

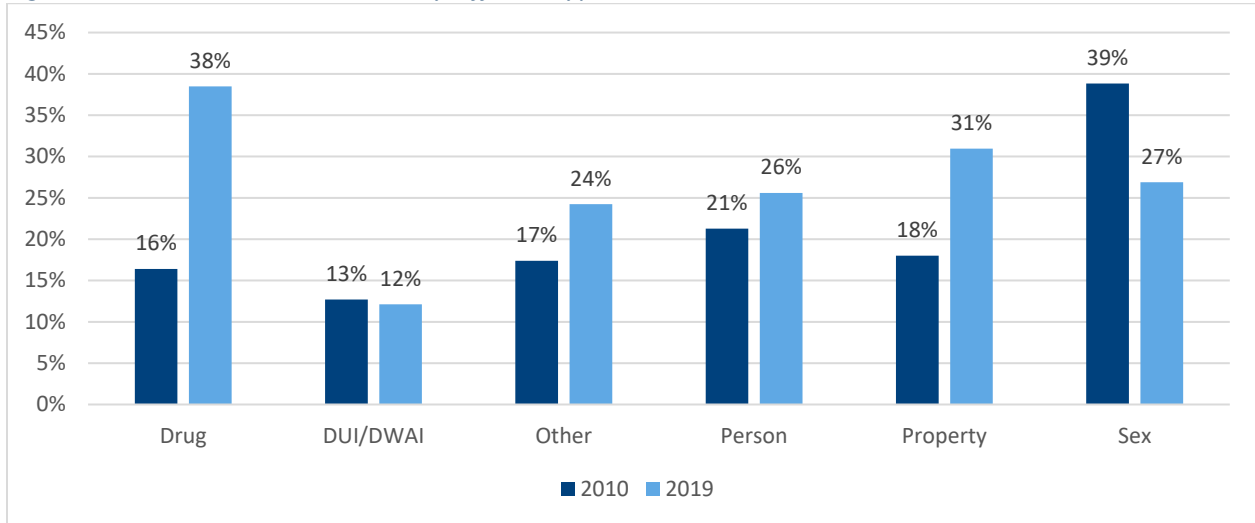
CJI examined revocation and absconding rates by the most serious underlying offense for individuals on probation. Revocation rates for those with an underlying drug offense increased more rapidly than any other crime type, increasing by nearly 150 percent between 2010 and 2019 (see Figure 4).<sup>14</sup> The revocation rate for those revoked for a new offense or for technical violations more than doubled for those with a most serious underlying offense of possession or distribution of controlled substances.

In addition, the absconding rate for individuals with an underlying drug offense nearly doubled, from 8 percent in 2010 to 16 percent in 2019. The increase was much larger than any other offense type. In



2019, individuals whose most serious underlying offense was a drug offense were two-thirds more likely to abscond than those with a non-drug offense.

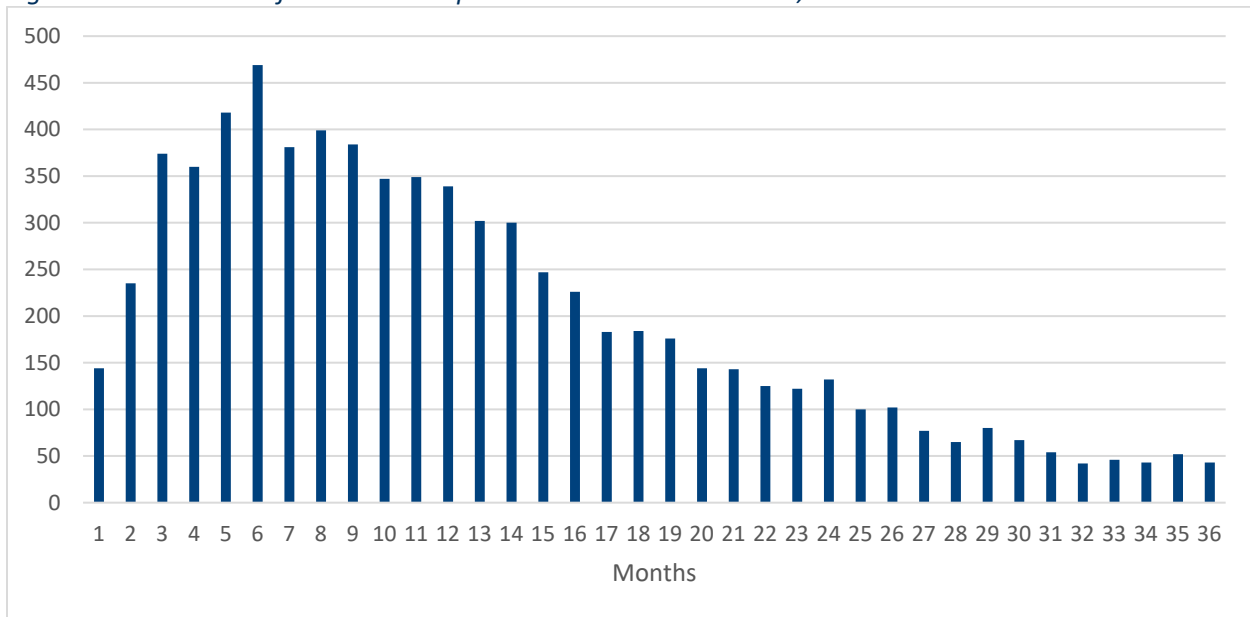
Figure 4. Overall Revocation Rates by Offense Type, 2010-2019



***The majority of probation revocations occur in the first year someone is on supervision, with the most likely time of revocation being six months***

Research has found that individuals are most likely to reoffend early in their supervision period.<sup>15</sup> As such, CJI examined the length of time on probation supervision and supervision outcomes. In 2019, for those who were unsuccessful on supervision, the median time on supervision was 12 months, compared to 16 months for those who are successful. While the median time on supervision for those who were ultimately unsuccessful was nearly one year, individuals were most commonly revoked at the six-month mark (see Figure 5). The majority of individuals who were revoked from probation were terminated within one year of their probation start date, with 53 percent terminated in one year or less and 83 percent within two years.

Figure 5. Distribution of Months on Supervision Prior to Revocation, 2019 Terminations



Looking deeper into the timing of unsuccessful supervision by violation type, those revoked for a new misdemeanor or felony offense spend over three months longer on probation than those revoked for technical violations. Of those who are ultimately revoked, men and women spend similar amounts of time on probation prior to revocation (10.6 months for men and 11.3 months and women). In addition, those who are Asian have the longest median time on supervision prior to revocation at 14 months and Native American individuals have the shortest median time on supervision prior to revocation at 9 months.<sup>16</sup>

Finally, there are large differences between risk levels for those who were revoked in 2019. Individuals who were revoked in 2019 and were assessed as high-risk spent nearly nine months on supervision prior to revocation, as compared to those assessed as moderate-risk, who spent 12 months, and those assessed as low-risk, who spent 15 months prior to revocation.

***Individuals who have their probation revoked and regranted are unlikely to complete probation successfully***

CJI also examined outcomes associated with the use of a revoke and regrant, in which a judge chooses to revoke and resentence an individual to a new term of probation. CJI’s initial analysis was unable to examine outcomes associated with the use of a revoke and regrant. However, using additional 2019 case-level data supplied by DPS, CJI examined probation outcomes for those granted a revoke and regrant.<sup>17</sup>

The use of a revoke and regrant varies considerably by Judicial District. In the 2nd, 8th, and 17th Judicial Districts, more than one-third of all cases had a revoke and regrant. While a revoke and regrant appears to be used the least by the 5th Judicial District, with 13 percent of cases having a revoke and regrant. When looking at outcomes, those who receive a revoke and regrant are unlikely to complete probation successfully, with only three out of 10 cases successfully completing probation. However, outcomes vary by risk level, with more than half low-risk individuals (57 percent) successfully completing probation after receiving a revoke and regrant, while moderate-risk individuals successfully complete 36 percent of the time, and high-risk individuals successfully complete 19 percent of the time.

CJI was unable to address several relevant questions with the data provided for the quantitative analysis portion of this project, such as information on conditions of supervision or violations of probation conditions. To fill these gaps, CJI conducted a review of probation files, examining a representative sample of randomly selected probation terminations from 2019 across Colorado’s 22 judicial districts. Findings from the file review are summarized in the following sections.

## CONDITION SETTING AND MODIFICATION FINDINGS

CJI examined probation case files from 2019 to understand the most frequently ordered conditions and reviewed current policies and practices to understand how conditions are set and modified for individuals on probation in Colorado. Part of CJI’s assessment focused on the condition setting and modification process given the potential impact of conditions on supervision success, as they set the foundation and directly influence compliance monitoring.<sup>18</sup> Studies show that conditions should be realistic, relevant, and supported by research. Realistic conditions are ones that an individual can follow and that supervision officers have the capacity to monitor; relevant conditions address an individual’s criminogenic needs and take into account individual strengths and responsivity factors; and research-supported conditions focus on conditions that lead to long-term behavior change.<sup>19</sup>

In Colorado, under current law, the following standard conditions are imposed for every individual placed on probation supervision: the probationer must abide by the law, pay any restitution, comply with any court-ordered sex offender treatment, submit to drug and alcohol testing, and refrain from contact or harassment of the victim or witness to the crime.<sup>20</sup> In addition to these standard conditions, the sentencing judge can order an individual placed on probation to comply with additional special conditions deemed “reasonably necessary to ensure that the individual lead a law-abiding life.” These special conditions include (but are not limited to): a period of incarceration in jail and/or placement on work release;<sup>21</sup> completion of public service hours; maintaining employment; complying with medical or psychiatric treatment; supporting all legal dependents; paying fines, fees, and court costs; refraining from possessing a weapon; or “any other conditions reasonably related to the defendant’s rehabilitation and the purposes of probation.”<sup>22</sup> Some special conditions are statutorily required based on the underlying offense for which the individual was convicted. For example, individuals convicted of certain nonviolent offenses may be ordered to complete the special condition of community service.<sup>23</sup>

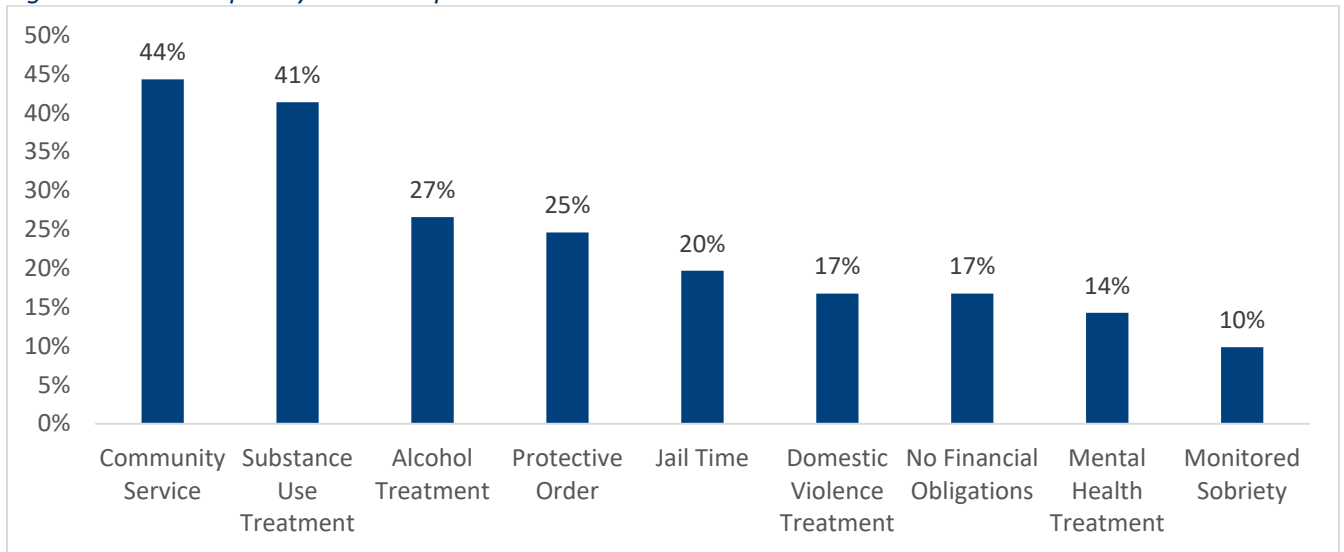
***The condition setting process is inconsistent across the state, with conditions in some districts often set as part of the plea process, which adversely impacts Colorado Probation’s ability to supervise based on risk and needs information***

When setting special conditions, many states around the country rely on the information contained in a Pre-Sentence Investigation (PSI) report to set individualized conditions.<sup>24</sup> PSIs typically include the results of a risk and needs assessment and other information that may impact an individual’s success on supervision, including an individual’s financial situation, housing, prior employment, history of substance use disorders, or mental health needs.<sup>25</sup> In Colorado, a PSI is required for all individuals convicted of a felony offense, except Class 1 felonies, but can be waived for any offense other than a sex offense.<sup>26</sup> Interviews with practitioners indicated that while some districts use the results of the PSI to set conditions, in many districts conditions are set as part of the plea agreement before a PSI can be completed. Probation officers noted during interviews that if a PSI or an assessment summary report is not ordered, the first contact a probation officer will have with the individual placed on probation is after sentencing.

During interviews, probation staff noted that not being involved in the condition setting process – or having an ability to weigh in when special conditions are being set – puts officers at a disadvantage and can result in an individual being ordered to comply with conditions that do not align with the individual’s assessed risk level or identified criminogenic needs.

As part of the file review, CJI examined the most frequently ordered special conditions and found that the most common special conditions ordered were community service, substance use treatment, alcohol treatment, and complying with a protective order. Figure 6 illustrates which proportion of the file review sample received the nine most commonly ordered special conditions. (Appendix B lists the full text of these conditions.)

*Figure 6. Most Frequently Ordered Special Conditions*

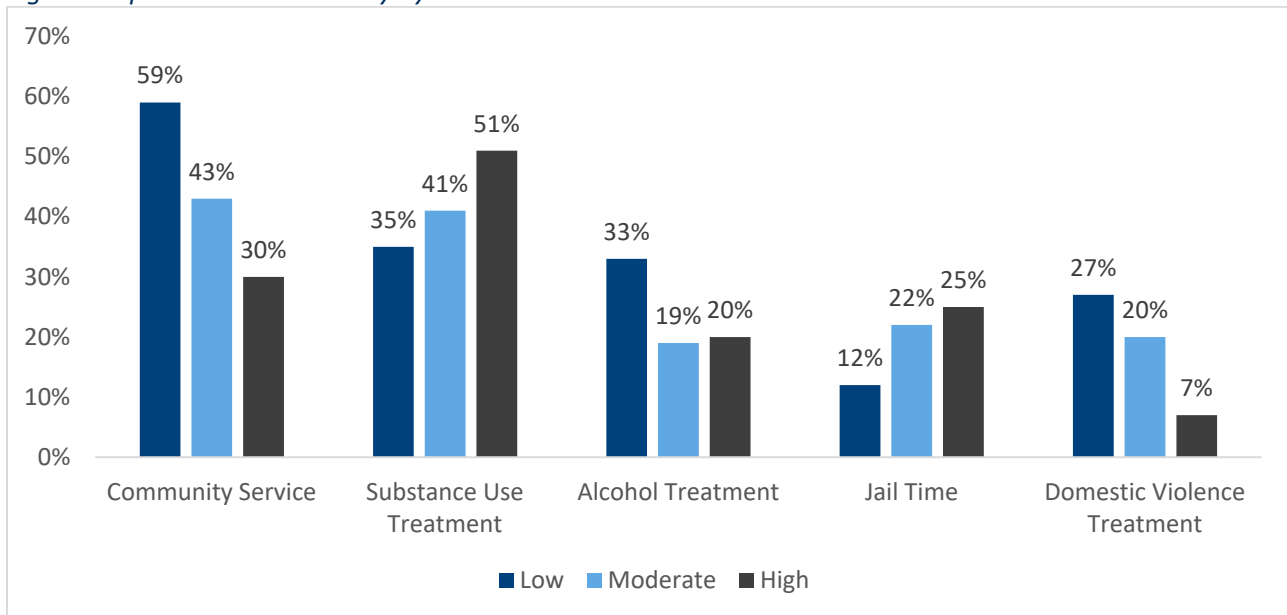


Source: 2019 file review

***Special conditions ordered vary by risk level***

CJI also examined the imposition of special conditions by risk level. As seen in Figure 7 below, low-risk individuals were much more likely to be ordered to complete community service, alcohol treatment, and domestic violence treatment, while high-risk individuals were more likely to be ordered to complete substance use treatment and jail time. Some of these trends are likely due to certain offenses having statutorily mandated conditions, such as DUI offenses which require an alcohol and drug evaluation and specific treatment.<sup>27</sup>

Figure 7. Special Conditions Vary by Risk Level



Source: 2019 file review data

***The process to modify conditions varies significantly across the state and does not appear to be used as a means to remove unnecessary conditions or align conditions with the results of a risk and needs assessment***

Condition modification can be an important mechanism for facilitating behavior change by removing conditions that may be outdated or misaligned with the individual’s assessed risk and needs.<sup>28</sup> More discretion in the modification process allows probation officers to apply interventions that better reflect the changing needs of individuals on their caseload.

In Colorado, the process to modify conditions differs by judicial district. The level of discretion a probation officer has in recommending a modification depends on the individual sentencing judge and judicial district. Officers in some districts are given discretion to make certain modifications without filing a request with the court (e.g., the judge will add a special condition instructing individuals on probation to comply with any probation directives), while in other districts, modifications can only be made when an officer files a request with the court through a petition. Throughout interviews with probation officers and supervisors, staff consistently expressed a need for more flexibility to impose low-level interventions and respond effectively to the needs of their clients through modifications without having to engage the court.

CJI’s review of 2019 case files also focused on parsing out the most frequently occurring violations as well as the violations that most often lead to a revocation. Findings from these analyses are included in the section that follows.

**VIOLATION FINDINGS**

To identify the most frequently occurring violations and the violations most often leading to revocation, CJI collected violation data in two ways. First, for the entire sample, CJI used the violation categories provided in the case narratives (missed drug tests, positive drug tests, and missed appointments) to compare violation behavior across termination types. Second, for individuals who were revoked from

probation, CJI pulled violations from the complaint for revocation filed by probation officers. Most of these violation behaviors were collected individually, but CJI grouped together several similar violations (such as treatment-related violations or failure to comply with financial obligations) for ease of analysis.

**Officers typically seek a revocation after an individual has committed three or more violations**

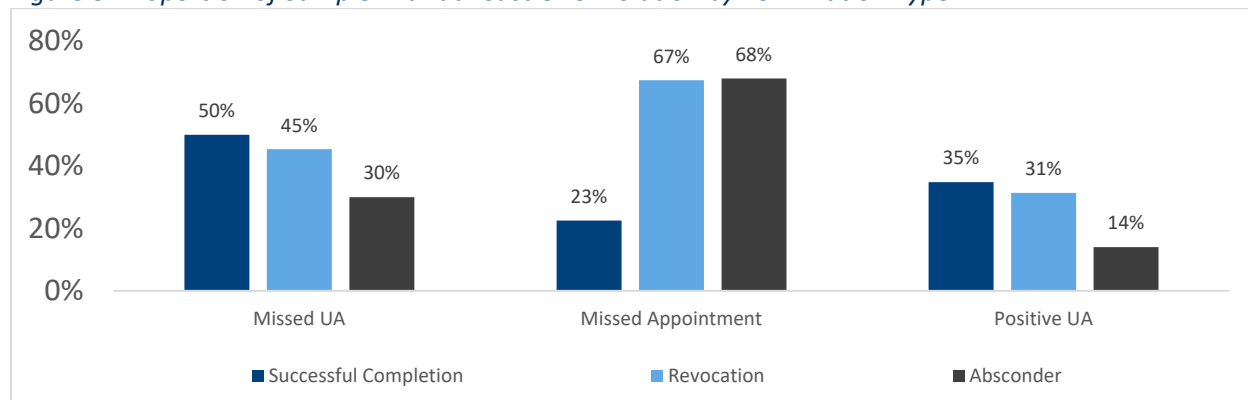
When an individual is suspected of violating a condition of probation, probation officers in Colorado have discretion as to when to file a complaint to seek a revocation. Probation officers indicated during interviews that they seek a revocation when they have exhausted all resources and feel they have no options to address an individual’s behavior in the community. Many judicial districts rely on the Strategies for Behavior Change (SBC) program implemented in 2014, which provides guidance to probation officers on identifying the most appropriate response to an individual’s behavior, taking into account the severity of behavior along with the individual’s risk to recidivate.

As part of the file review, CJI examined the frequency and total number of violations that lead to a revocation. Results from the file review revealed that individuals are rarely revoked after only one violation. Two-thirds of individuals revoked in 2019 had three or more violations cited on their complaints, with three violations being the most frequent number. Of the individuals revoked after only one violation, half were revoked for new offenses. Of those revoked for only one type of technical violation, nearly all were revoked for treatment noncompliance or never appearing to a probation appointment.

**Substance use-related violations are common across all termination types**

CJI also examined the frequency of violations and the most common violation categories. The most frequently occurring violation category across all termination types was substance use-related violations, most often for missed and positive drug tests (see Figure 8). Missed and positive drug tests accounted for a similarly high proportion of violations among both those who successfully complete probation and those who were revoked in 2019, with nearly half of both groups having at least one missed drug test and around a third having at least one positive drug test.

Figure 8. Proportion of Sample with at Least One Violation by Termination Type

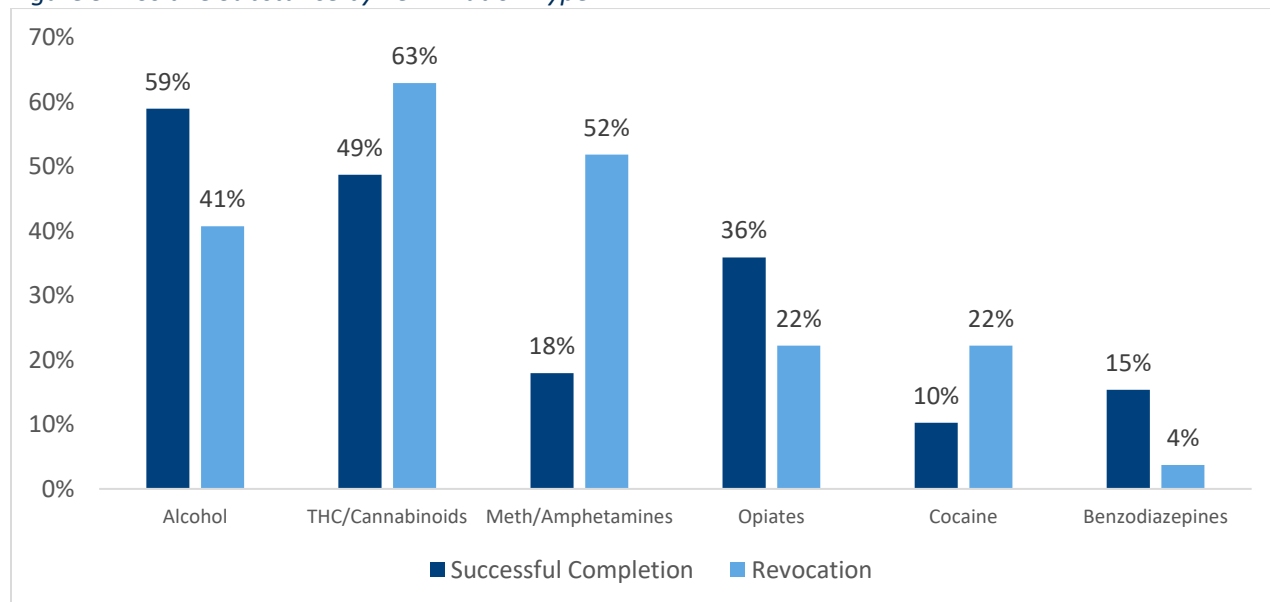


Source: 2019 file review data

While substance use was present across the entire probation population, regardless of the termination type, the drugs for which individuals were testing positive differ. For those revoked in 2019, the most common substance that individuals tested positive for was THC/cannabinoids, while the most common substance for individuals who successfully complete supervision was alcohol (see Figure 9). Additionally, while nearly half of individuals in the sample who successfully complete probation also tested positive

for THC/cannabinoids, use of amphetamines/methamphetamine was much more common among those revoked, with individuals who were revoked from probation testing positive at a rate of nearly three times higher than those who successfully complete.

*Figure 9. Positive Substance by Termination Type*



Source: 2019 file review data

Colorado law requires specific responses to drug-related violations. Under current law, if someone on probation has a second or subsequent positive drug test, the probation officer is required to respond in one of five ways: 1) seek an immediate warrantless arrest, 2) seek a probation revocation, 3) increase the level of supervision, 4) increase the number of drug screenings for the illegal or unauthorized use of a controlled substance, or 5) refer the individual on probation to a substance use disorder treatment program.<sup>29</sup> Probation staff noted during interviews that if someone is struggling with a substance use disorder and the individual is already being drug tested frequently while on maximum supervision and is enrolled in drug treatment, there are few options for an officer other than an arrest for revocation.

***Missed appointment is the most frequently occurring violation for unsuccessful terminations***

Despite the high prevalence of substance use related violations, missed appointments were the most frequently occurring violation for those revoked in 2019 (see Table 1). Two-thirds of individuals revoked from probation in 2019 had at least one missed appointment (as compared to only 23 percent of those who successfully completed probation). Missed appointments were also the most frequently cited violation on complaints for revocation regardless of the reason for revocation. Regardless of reason for revocation, close to or over half of those revoked in 2019 had at least one missed appointment. During focus group interviews, probation staff reported that it is not uncommon for some individuals sentenced to probation to never report for their first appointment following sentencing. Several barriers to reporting were noted throughout interviews, including issues with transportation and childcare.

*Table 1. Missed Appointments Most Commonly Cited Violation in Revocation Complaints*

Violation on Complaint for Revocation	% All Revoked with this Violation	% Revoked for Technical Violations with this Violation	% Revoked for New Felony with this Violation	% Revoked for New Misdemeanor with this Violation
New Offense	57%	36%	89%	84%
Positive UA/Admission	38%	43%	43%	22%
Missed UA	47%	56%	36%	38%
Missed Appointments	59%	67%	57%	44%
Treatment Failure/Noncompliance	46%	54%	29%	44%
Failure to Pay Fines/Fees/Restitution	18%	22%	11%	16%
Failure to Notify - Change of Address/Update Contact Information	15%	16%	18%	9%
Violation of Special Condition	19%	22%	11%	16%

Source: 2019 File Review Data

***Complaints for revocation of low-risk individuals most often cite treatment failure/noncompliance violations***

When looking at the technical violations most commonly cited on complaints for revocation by risk level, missed appointments remained the most commonly cited technical violation for moderate- and high-risk individuals, with nearly two-thirds of either population having at least one missed appointment (see Table 2). However, treatment failure or noncompliance was the most commonly cited violation for low-risk individuals in the file review sample, cited for two-thirds of those individuals. For this group, missed urinalysis tests (UAs) and failure to complete community service (the most commonly cited special condition violated) were also more frequently cited on complaints for revocation than missed appointments (see Table 2).



*Table 2. Treatment Failure/Noncompliance Most Common Reason for Revocation for Low-Risk Individuals*

Technical Violation on Complaint for Revocation	% Low-Risk Revoked with This Violation (n = 15)	% Moderate-Risk Revoked with This Violation (n = 40)	% High-Risk Revoked with This Violation (n = 71)
Positive UA/Admission	33%	40%	45%
Missed UA	60%	53%	49%
Missed Appointments	40%	63%	63%
Treatment Failure/Noncompliance	67%	55%	45%
Failure to Pay Fines/Fees/Restitution	33%	25%	13%
Failure to Notify - Change of Address/Updated Contact Information	13%	15%	15%
Violation of Special Condition	47%	13%	18%

Source: 2019 File Review

***Drug-related offenses are the most common new offense cited on complaints***

When an individual on probation is charged with a new offense, probation officers have the discretion to either file a complaint requesting revocation or notify the court of new charges and wait until disposition of the new charge before pursuing a revocation request. Probation officers indicated during interviews that they would only request a warrant if the individual has absconded or if the new charge was a serious or violent offense.

CJI examined the most common new offenses cited on complaints and found that one quarter of the new offenses cited on complaints were drug-related offenses, with nearly three-quarters being the offense of possession of a controlled substance (most of which are schedule I or II substances) and about a quarter were distribution or possession with intent to distribute. The second most common new offense cited on complaints was driving under the influence or under restraint, which comprised 15 percent of new offenses. Other new offenses commonly cited on complaints included assault (comprising 9 percent of new offenses) and possession or introduction of contraband, theft, and violation of a protection order (each comprising 6 percent of new offenses).

***Individuals revoked for a new felony offense are ordered to serve the longest incarceration sentences***

CJI also examined the period of incarceration judges impose upon a probation revocation and found that individuals revoked from probation for a new felony offense are revoked for the longest length of time – a median of one year – while individuals revoked for a technical violation and individuals revoked for a new misdemeanor were both ordered to serve a median sentence of two to three months.

In addition to examining trends in conditions and violations, CJI’s assessment of Colorado Probation’s system included an examination of the various decision points and systemic factors that may contribute to supervision outcomes. In the key findings sections that follow, CJI outlines findings related to use of evidence-based supervision practices, access to programming and services, and organizational culture.

## EVIDENCE-BASED SUPERVISION PRACTICES FINDINGS

CJI examined Colorado Probation’s adherence to evidence-based supervision practices, including policies and practices to respond to behavior in the community and strategies employed to address behavior prior to revocation. CJI also examined Colorado Probation’s adherence to the Principles of Effective Intervention – including the use of risk and needs assessments, use of effective case planning, and fidelity monitoring. Research has found that to have the greatest impact on reducing recidivism, supervision practices should align with risk, need, responsivity, and fidelity principles.<sup>30</sup>

***DPS has made progress in rolling out a system that responds to positive and negative behavior, but opportunities exist to enhance the degree to which this system is used on large scale with high quality***

Research shows that there should be responses for both positive and negative behaviors for people under supervision.<sup>31</sup> However, it is important that the supervising officers make sure the person they are supervising perceives the reward or sanction as it was intended.<sup>32</sup> In practice, this means that officers need to ensure that the individuals on their caseload are aware of what is expected of them and understand the consequences for violating their conditions of probation, as well as find out what type of reward is most motivating to them. Officers should ensure sanctions are delivered objectively and focused on negative behavior. Similarly, incentives should be objective, focused on the behavior, and used to reinforce continued positive behavior. Research finds that to effectively change behavior, incentives should be delivered four or more times more often than sanctions.<sup>33</sup>

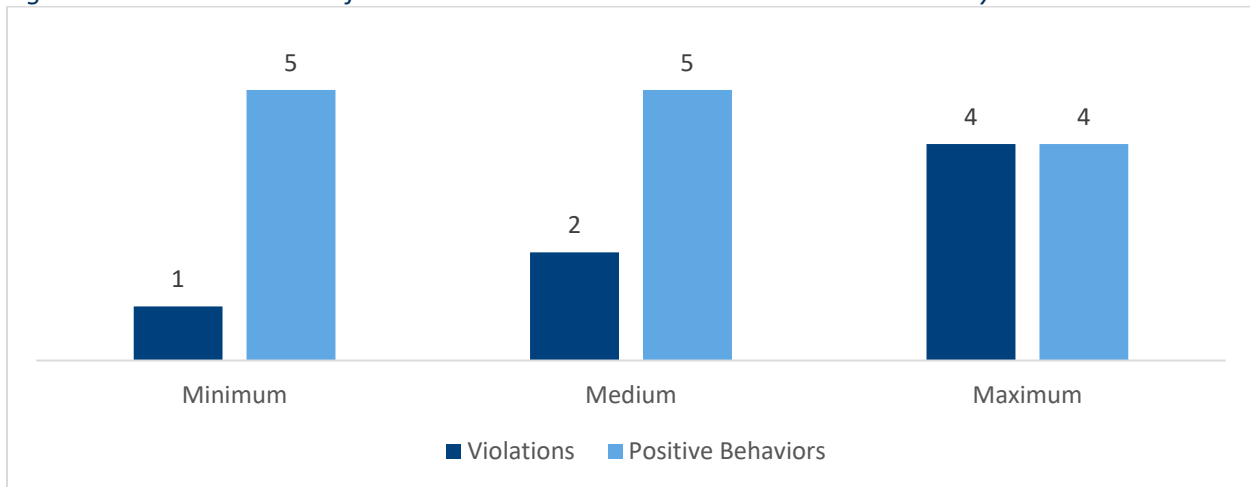
In 2014, DPS developed and implemented the Strategies for Behavior Change (SBC) initiative to reinforce positive behavior and minimize probation violations.<sup>34</sup> SBC provides guidance to probation officers on identifying the best response to an individual’s behavior, taking into account the severity of behavior along with the individual’s risk to recidivate. SBC was built into DPS’ case management system, which allows the process to be standardized across districts and serves as a data collection tool to examine the quantity (e.g., length, time, and scale) of the SBC system use but not quality of use (e.g., fidelity). When SBC was developed, it was offered to all judicial districts, but a number of districts (including the 1st, 2nd, and 20th judicial districts) chose not to use the system and instead implemented other behavior response practices. Probation staff noted during interviews that when an individual is transferred from a district that uses SBC to one that does not, this can often cause confusion, as officers may use different sanctions in response to the same violations.

CJI examined the use of SBC across judicial districts and found a few notable gaps and inconsistencies. The first is the frequency of SBC entries in Probation’s case management system across judicial districts for both sanctions and incentives. Officers are required to note in the data management system anytime they impose an incentive or sanction but there is currently no mechanism in place to monitor whether this is occurring. Less than half of the individuals in the file review sample who were supervised in an SBC district had an SBC entry noted in the case management tracking system. Of the individuals in district that use SBC, 70 percent of individuals assessed as moderate risk and 56 percent of individuals assessed as high risk did not have an SBC entry. However, among individuals with SBC entries, those assessed as high risk were nearly twice as likely to have an SBC entry as those assessed as low risk, and individuals who were revoked from probation were 50 percent more likely to have an SBC entry than those who successfully completed probation supervision.

Another notable finding is the inconsistent use of incentives. Officers are encouraged to utilize incentives when an individual is adhering to conditions of supervision. Possible incentives listed in the SBC system include fewer office visits, fewer required urinalysis tests, bus passes and vouchers, verbal

praise, food or gas gift cards, progress certificates, and early termination of probation supervision. While these incentives are available, interviews with probation officers and supervisors indicate that incentives do not appear to be used consistently throughout the state. Analysis of a sample of 2019 terminations revealed that only 41 percent of individuals who were supervised in a judicial district that uses SBC had an incentive or sanction entered into the data system; 16 percent of those individuals were assessed as low-risk. Probation standards direct probation officers to use more reinforcements than sanctions to maximize effect, aiming for a goal of four reinforcements to each sanction.<sup>35</sup> As seen in Figure 10 below, when SBC entries are recorded for individuals assessed as low risk, the recommended ratio of four incentives to one sanction was consistent; however, the SBC entries for individuals assessed as high risk reflect a more even use of incentives and sanctions (with a median of four sanctions and incentives each), indicating a potential need to increase the use of incentives for this higher-risk population.

*Figure 10. Median Number of Violations and Positive Behaviors Entered into SBC by Risk Level*



Source: 2019 file review data

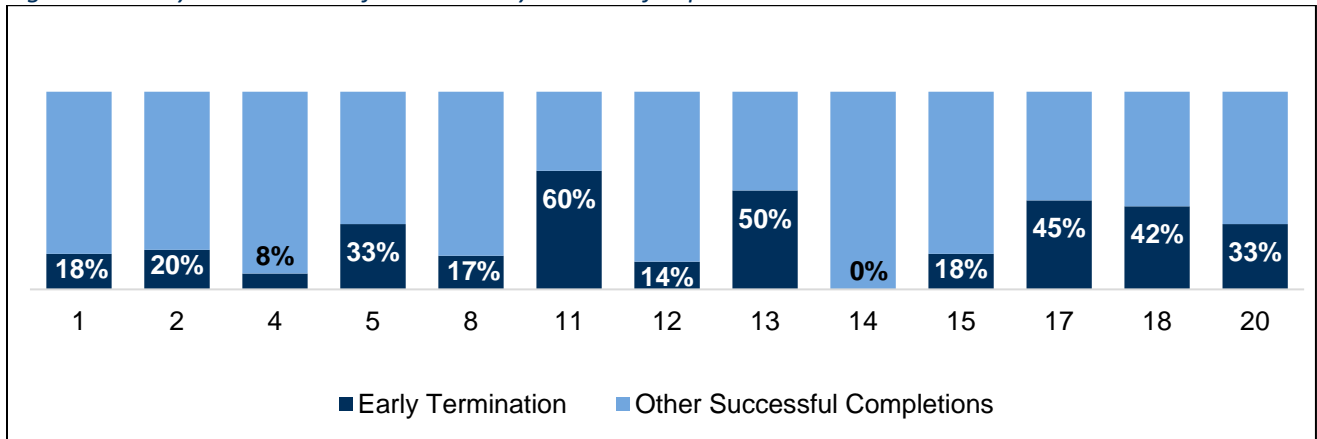
***Use of early termination varies greatly across judicial districts***

Research shows that encouraging positive behavior change with incentives and rewards can have an even greater effect on motivating and sustaining change than using sanctions alone.<sup>36</sup> As noted above, early termination from probation is one of the incentives available to individuals on probation in Colorado. However, eligibility is not outlined in statute and is only included in state standards for individuals on probation for a sex offense. For all other offenses, eligibility varies across judicial districts with probation staff reporting that in some districts early termination is requested after an individual has completed 50 percent of their sentence, while in other districts early termination is not requested until an individual has completed 80 percent of their sentence. There are also differences amongst judges regarding the circumstances under which they will grant early termination. In most districts prosecutors must agree to the early termination before probation staff can submit a request for early termination to the court. Ultimately, the inconsistent use of this policy prevents officers from using early termination of supervision as an incentive for compliance and continued success, or as a tool to manage their caseload sizes to focus on high-risk individuals.

CJI examined the use of early termination for those on probation in Colorado and found regional variation across the state. As seen in Figure 11 below, in certain judicial districts (such as the 4th, 12th, and 14th), early terminations comprise 15 percent or fewer of their successful completions in 2019,

while in other districts (such as the 11th and 13th), early terminations comprise at least half of their 2019 successful completions.

Figure 11. Early Termination of Probation by District of Supervision



Source: 2019 file review data (districts that had five or fewer successful completions in the sample are not included)


**Colorado Probation uses a proactive approach to supervision to focus resources on the highest-risk individuals**

Research supports that a supervision agency’s resources should be focused on those who are at the highest-risk to recidivate.<sup>37</sup> This can be accomplished with the use of a validated risk and needs assessment to identify the risk level of those on supervision and directing resources – both supervision and treatment – on those identified as high risk.

Colorado Probation Standards include principles to guide staff’s approach to supervision with a focus on long-term behavior change through adherence to the principles of risk, need, and responsivity.<sup>38</sup> All 22 judicial districts across the state use a risk and needs assessment known as the Level of Service Inventory (LSI) to identify the risk level and criminogenic needs of individuals placed on probation. In 1991, the Colorado General Assembly passed legislation requiring the use of a risk and needs assessment. In 1993, Colorado became the first state in the nation to use a risk and needs assessment for both those on parole and those on probation supervision in the state.<sup>39</sup> The individuals who developed the LSI worked directly with Colorado Probation and parole staff to implement and validate the tool on Colorado’s criminal justice population.

Following the implementation of the LSI, DPS developed the use of typologies in 2013 (see Table 3) to ensure individuals receive the appropriate level of supervision and interventions based on their risk level and identified criminogenic needs in alignment with the risk-needs-responsivity framework. Probation officers use the results of the LSI to determine the appropriate typology for individuals on their caseload.

Table 3. Colorado Probation Typologies



Colorado Probation Typologies	
Limit Setter (LS)	Higher risk with anti-social orientation. LS-intensive or LS-regular supervision is available.
Casework Control (CC)	Higher-risk and high-need (i.e., those with substance abuse, mental health, or co-occurring disorders) and stability issues. CC-Intensive or CC-regular supervision are also available.
Case Management (CM)	Moderate risk with some substance use issues and some protective factors.
Selective Intervention-Treatment (SIT)	Lower risk with a single risk factor typically connected to treatment needs, either mental health, substance use, or co-occurring disorders.
Selective Intervention-Situational (SIS)	Lower risk with no distinguishing risk factors, high levels of stability, and protective factors.

Colorado Probation’s use of typologies allows officers to direct resources more efficiently, individualize reporting requirements, and prioritize outcomes to establish a goal-based model of supervision. By using this approach, officers can work together with the individuals they supervise to help them earn their way off probation by achieving agreed-upon goals specific to their individual needs.

Beyond the use of specialized typologies, Probation Standards require development of a case plan for all individuals assessed as high or moderate risk within two months of the individual’s placement on probation supervision.<sup>40</sup> All probation staff receive initial and ongoing training on effective case management to ensure case plans address criminogenic needs.

***Probation staff are provided with a robust training on evidence-based practices, but some gaps exist***

Probation officers’ interactions with the individuals they supervise can have a profound impact on probation success rates.<sup>41</sup> To ensure adherence to evidence-based practices, agency leadership must commit to the ongoing skill development and evaluation of staff’s use of these skills.

DPS, together with local judicial districts, provides officers with robust training and coaching on a number of evidence-based practices, including graduated responses, motivational interviewing, principles of effective intervention, case planning, and use of a risk and needs assessment. One EBP training curriculum that is not currently offered throughout the state is Core Correctional Practices (CCP). While the EBP training DPS currently offers includes components of CCP, training focused solely on the use and implementation of CCP skills is not currently offered.

Research shows that individuals supervised by officers who are trained and have demonstrated proficiency in using CCP skills had lower recidivism rates than those supervised by officers who do not receive this training.<sup>42</sup> One of the barriers preventing some supervision agencies from implementing a new training curriculum such as CCP is the concern that additional time and resources will be needed to deliver the skills. However, successful use of CCP is not about adding time to officer-client interactions, but rather using that time more effectively.<sup>43</sup> CCP skills include components of cognitive behavioral interventions and teaching skills such as active listening, providing feedback, role clarification, effective use of reinforcement, effective use of disapproval, effective use of authority, and cognitive restructuring tools/techniques.<sup>44</sup> These skills can improve the probation officer’s focus on criminogenic needs,

reinforce desirable behaviors, identify and reduce undesirable behaviors, and allow for teaching, modeling, and practice of new prosocial behavior skills.<sup>45</sup>

***Colorado Probation’s current data system acts as a limiting factor to effective case management***

Staff are trained using a proactive approach to supervision, but interviews with probation staff indicate that the system could be overhauled to make information more streamlined and readily accessible to provide officers with the data and information needed to make decisions in real-time. The system was initially designed for data entry for court systems, not management of individual people or cases, and users cannot make changes to existing data without court intervention. Furthermore, there are no safeguards in place to protect against inaccurate data input. During interviews, staff expressed a desire for a system that provides them with data dashboards to review performance metrics and the ability to easily track critical dates, such as re-assessment, early term consideration, and termination dates.

***Colorado Probation does not have a formal system to monitor the fidelity of evidence-based practices***

Research has found that for a program, policy, or practice to be effective in reducing recidivism, it must be implemented with fidelity.<sup>46</sup> Fidelity is not limited to training staff on an evidence-based practice or policy but must also include ongoing coaching and evaluation. For example, to ensure proper use of a risk and needs assessment tool, supervision agencies must develop and implement the use of a process (often referred to as inter-rater reliability) to ensure proper scoring of the assessment, provide ongoing training and coaching of staff, and conduct a validation study at regular intervals to ensure the tool is properly classifying individuals by risk levels and does not create disparities for certain groups of individuals.<sup>47</sup>

Colorado Probation has made significant progress in aligning policies and protocols with evidence-based practices but does not have a formal process in place to monitor or provide coaching around the fidelity to these practices. While quality improvement initiatives exist in some judicial districts, some districts have not established a quality assurance process to ensure policies and practices have been implemented with fidelity. Many districts hold coaching and booster sessions throughout the year, but some do not have the capacity or resources to dedicate to this on a regular basis. In addition, while DPS has tools available to provide quality assurance coaching to districts, they have not developed and implemented the use of performance metrics to measure the impact of these tools. In addition, Colorado Probation has not established an inter-rater reliability process for its risk and needs assessment tool, and an external validation of its tool has not been conducted at intervals consistent with their current definition of recidivism.

***The LSI is predictive of risk, but outcomes differ by race***

In late 2020, and on periodic occasions prior, DPS conducted an internal analysis of the LSI’s predictive characteristics for its population. DPS reported the tool to be a strong predictor of risk, both for supervision outcomes and new criminal charges. DPS also found that the tool predicts risk for individuals in both Caucasian and Black, Indigenous, and People of Color (BIPOC) categories. However, there are differences in the rate of those who are successful versus unsuccessful by race and ethnicity. Caucasian individuals assessed as low risk are unsuccessful 14 percent of the time compared to BIPOC individuals being unsuccessful 20 percent of the time. This 6-percentage point difference equates to low-risk BIPOC individuals being nearly 50 percent more likely to be unsuccessful on probation. The differences by race and ethnicity are not as large for moderate- and high-risk individuals on probation but are present across all risk levels. While DPS’s analysis provides insight into the predictive validity of the LSI in Colorado, an external evaluation has not been conducted to confirm these outcomes. An external validation of the risk and needs assessment tool is needed to fully understand any disparities that exist.

## AVAILABILITY OF AND ACCESS TO TREATMENT PROGRAMS AND SERVICES FINDINGS

CJI examined the tools and resources available in the community to address the supervised population’s criminogenic needs and responsivity factors. During focus groups, staff and stakeholders were asked about types of programs and resource availability for individuals on probation, how program referral decisions are made, how individuals become connected to resources, and what barriers may exist in accessing programs and resources.

### ***Availability and quality of programming and services to address criminogenic needs and responsivity factors vary considerably by region in Colorado***

Program availability varies considerably by region, and officers report that accessing resources can be difficult due to the high demand and limited supply of some treatment programs, leading to long waiting lists, particularly in more rural areas. Officers across the state reported that housing assistance, services for female clients, gang interventions, inpatient/residential treatment, transportation support, and language/translation services are significantly lacking in many areas.

Stakeholders across Colorado reported a “desperate need” for mental health services and co-occurring disorder treatment. While current research has concluded that mental health is not a predictor of future criminal behavior, mental illness can impact an individual’s ability to successfully complete programming and interventions, making it a responsivity factor that needs to be addressed to ensure an individual’s success on supervision.<sup>48</sup> For 2020, the Mental Health Alliance (MHA) ranks Colorado 33rd among states in prevalence of mental illness and lack of access to mental health care for adults and 34th for youth.<sup>49</sup> Officers stated that mental health is one of the most prevalent responsivity factors observed in the individuals on their caseloads.

In addition to the lack of available programming, probation staff report a concern over the quality of treatment programs for the probation population. During interviews, staff expressed concern that treatment providers often fail to address an individual’s responsivity factors and instead utilize a one-size-fits-all approach. Part of the reason for this approach appears to be the lack of training providers have received on PEI, which would give an overview of the different interventions available and the tools that lead to the most successful results. While clinicians may be well-trained and proficient on behavioral health models, they must also understand how to collaborate with officers to apply these models in a way that is most effective with justice-involved individuals. In addition, Colorado lacks formal processes to measure the degree to which behavioral health treatment is of high quality and adheres to evidence-based models.

### ***Individuals on probation face considerable barriers to accessing treatment***

Aside from treatment availability, there are several barriers precluding individuals on probation from accessing treatment. During focus group interviews, probation officers noted that one of the most common barriers for individuals on their caseload is the long distances individuals have to travel to access services. Individuals in more rural parts of the state may be especially burdened, as they often encounter distanced services coupled with lack of public transportation, making it difficult for individuals to attend in-person treatment appointments.

The financial burden associated with accessing treatment is another common barrier facing individuals on probation. Defense attorneys, probation staff, and other stakeholders cited this challenge during focus group interviews. Drug testing is a common condition ordered for many individuals on probation,

and each drug test is an out-of-pocket cost of \$25 to the individual, which is a challenge for those who may have other financial obligations or are struggling with employment, housing, or other stability factors. CJI analyzed the number of financial obligations ordered by offense type and found that financial obligations are highest for those with underlying drug and DUI offenses. Other barriers cited consistently during stakeholder interviews included the need for individuals on probation to acquire health insurance, secure childcare, have a verified address, and have access to two forms of identification. Public defenders reported that while vouchers for treatment programs and drug testing are available for individuals on probation, there are some instances where specific rules for receiving the assistance make it burdensome.

The final section of findings included in the section below include CJI’s findings – in collaboration with the Moss Group – on organizational culture. This section of the report includes findings related to organizational culture and sustainability that CJI would not classify as primary drivers of supervision outcomes but are essential to ensure an agency’s success in implementing and sustaining policies and practices intended to improve supervision outcomes.

## ORGANIZATIONAL CULTURE FINDINGS

CJI partnered with The Moss Group, a criminal justice and public safety consulting firm, to conduct an assessment of organizational culture. In particular, CJI and The Moss Group focused this portion of the assessment on examining attitudes, values, and beliefs among agencies’ and system stakeholders – including judges, prosecutors, and defense attorneys – as they relate to supervision approaches, strategies to engage and motivate individuals on parole and probation, and methods to influence behavior change.

### ***Communication between Colorado Probation and stakeholders around decision-making and efficiency of court process could be improved***

Relationships among probation officers, district attorneys, defense attorneys, and judges can significantly impact overall decision-making (e.g., which conditions to assign when probation is granted; when early termination is requested or granted; or whether to regrant or revoke supervision), as judges often rely heavily on reports from these stakeholders to guide decisions.<sup>50</sup> When significant and meaningful communication between probation and the courts is lacking, siloed decisions can occur, which can affect the outcome of an individual’s case. Increasing the communication between courts and probation prior to sentencing and condition setting could result in more individualized conditions.

Officers report discrepancies across judicial districts in regard to when to contact and provide documentation to the court. For example, some districts report they will provide documentation to the court when certain conditions have not been completed, while others report they only communicate with the court if a new criminal offense is filed or upon submitting a revocation request. An additional example of discrepancies by judicial district in court decision-making involves staff communication with district attorneys. Staff in some judicial districts report contacting the district attorney prior to filing a revocation, some only contact the district attorney prior to the end of a deferred sentence, and some only connect with the district attorney after filing a request for revocation.

### ***Colorado Probation staff are aligned and focused on evidence-based practices and the use of a proactive approach to supervision***

DPS, along with the probation departments in the 22 judicial districts, are committed to fostering a culture of interagency collaboration to effectively deliver services to individuals on supervision. Across



the state, probation staff are clearly aligned with Colorado Probation’s mission for probation supervision. Probation staff understand and articulate the importance of using evidence-based practices to proactively affect long-term behavior change.

When asked about their views on revocation, staff voiced alignment with the goal of exhausting all options and interventions before pursuing a revocation. Messaging on these goals is consistent from district to district and throughout all levels of staff, including officers, supervisors, managers, and administrators. In addition, during interviews, probation staff described leadership as being supportive, collaborative, inclusive, evolving, innovative, and committed. Probation supervisors described their role as being supportive of staff, coaching them, providing feedback, and promoting professional development. Staff across the judicial districts are supportive and respectful of their colleagues and the individuals they supervise. Probation staff’s commitment to the use of proactive to supervision is essential to ensure effective implementation of evidence-based practices.

## Opportunities to Improve Probation Supervision Outcomes in Colorado

As noted throughout this report, Colorado’s probation system has pioneered many evidence-based practices intended to reduce recidivism. Over the years, Probation leaders have conducted a number of assessments to identify adherence to evidence-based practices. Leadership’s desire to further explore opportunities to strengthen their use of these practices demonstrates their continued commitment to fidelity. However, Probation leadership cannot alone carry the responsibility of strengthening the probation system and improving outcomes on community supervision. While many of the recommendations outlined in this section are policy and practice changes that can be implemented administratively, given Colorado’s statutory structure for probation, some of the recommendations will require change to current law or practice in other aspects of the criminal justice system to remove barriers that impact success on supervision.

The recommendations included in this report are meant to guide policymakers, local government officials, supervision administrators, and all other relevant stakeholders that have a hand in Colorado’s probation system. The goal of these recommendations is to improve policies and practices through the implementation of data-driven reforms to help promote long-term success for justice-involved individuals and their families.

Based on the findings included in the sections above, CJI has outlined 12 recommendations to safely reduce revocations while improving probation outcomes in Colorado, organized in five overarching themes:

- Focusing resources on the highest-risk population to maximize public safety and resources;
- Ensuring supervising practices intended to reduce recidivism are implemented with fidelity;
- Addressing barriers to supervision success – both for individuals on probation and barriers impacting Probation’s ability to align supervision with best practices;
- Ensuring probation supervision is provided in an equitable and fair manner across judicial districts; and
- Ensuring probation officers have the tools and resources necessary to fully implement and sustain policy and practice changes.

## FOCUS RESOURCES ON THE HIGHEST-RISK POPULATIONS

### RECOMMENDATION 1: Ensure probation resources are focused on the highest-risk individuals

In 2019, two out of three individuals on probation were on probation for misdemeanor offenses, and 37 percent of those supervised in 2019 were on probation for a misdemeanor and assessed as low risk. While the majority of the supervised population is low risk, revocation rates are highest for those assessed as high risk. Between 2011 and 2019, revocation rates increased for all risk levels, with the largest increase seen in those assessed as having a high risk of reoffending. High-risk individuals were revoked 49 percent of the time in 2010 and 53 percent of the time in 2019. Given this, efforts should be made to continue to focus resources on those at the highest risk to reoffend.

#### *CJI recommends:*

- **Establishing a probation alternative for petty offenses and some low-level misdemeanors.** Colorado should consider examining the offenses that are currently classified as a misdemeanor or petty offense and identifying the offenses that do not need to be placed on probation supervision but could be held accountable through an alternative approach. In 2020, Michigan passed legislation to reduce a number of misdemeanor traffic violations to civil infractions.<sup>51</sup> Nevada passed similar legislation in 2021, designating certain traffic and related violations as civil infractions.<sup>52</sup>
- **Reducing the probation term that can be ordered.** Under current Colorado law, individuals convicted of a misdemeanor or petty offense can be put on probation for up to five years, while those placed on probation for a felony can be put on probation for a period that can exceed the maximum period of incarceration authorized for the classification of the offense.<sup>53</sup> This means that if the underlying felony offense carries a five-year incarceration period, the judge can sentence someone to serve more than five years on probation supervision. Research has found that longer terms of probation are not correlated with lower rates of re-offending and are more likely than shorter terms to result in technical violations.<sup>54</sup> CJI's findings indicate that for those who have not been granted a revoke and regrant, the majority of revocations occur within 12 months, with the most common time to revocation in the first six months. Many states set caps on probation length for felonies, misdemeanors, and petty offenses. For example, Florida has a two-year cap on felony probation sentences, and Louisiana removed its one-year minimum for all probation sentences and reduced the maximum supervision length from five years to three years for nonviolent crimes.<sup>55</sup>
- **Expanding and streamline the existing early termination policy.** The use of early termination for individuals on probation varies greatly across judicial districts and there is currently no standardized policy in statute nor administrative standards guiding eligibility. Many states have automated early termination for lower-risk individuals and require individuals on probation to be reviewed for eligibility at set intervals. Georgia, for example, assigns a Behavior Incentive Date (BID) to all individuals convicted of a first-time felony offense if the individual maintains compliance on supervision, pays all restitution, and has no new arrests for a criminal offense.<sup>56</sup> Similarly, the Missouri Department of Corrections may file a notification of earned discharge for any individual who completes at least 24 months of probation, as long as they comply with supervision, pay restitution in full, and are not supervised for a Class A or Class B felony offense or subject to lifetime supervision.<sup>57</sup>

## ENSURE CURRENT SUPERVISION PRACTICES INTENDED TO REDUCE RECIDIVISM ARE IMPLEMENTED WITH FIDELITY

### **RECOMMENDATION 2: Provide ongoing training, coaching, and staff skill development on Core Correctional Practices (CCP)**

Probation staff throughout Colorado receive robust training on the use of many evidence-based practices; however, ongoing training and staff skill development on CCP are needed. Research shows that individuals supervised by officers proficiently trained in CCP skills had lower recidivism rates than those supervised by officers who do not receive this training.<sup>58</sup> However, training alone will not ensure fidelity; probation staff must practice new skills over time to successfully transfer these skills to their day-to-day practice. Studies show that officers who receive ongoing coaching have a better understanding of how to use CCP skills with the individuals they supervise and implement these skills into their daily practices.<sup>59</sup> One of the barriers preventing some supervision agencies from implementing a new training curriculum such as CCP is the concern that additional time and resources will be needed to deliver these skills. However, staff can successfully use CCP skills with the individuals they supervise without increasing the time spent in one-on-one interactions by simply refocusing their time on an individual's criminogenic needs.<sup>60</sup>

*CJI recommends:*

- Providing formal training to probation staff on CCP, which includes ongoing refresher training.
- Creating a plan to provide ongoing skill development and coaching to improve CCP skills. This plan should include observation of the staff member using their skills, either live or via recording, with coaching to enhance skill development.
- Conducting a review of current training curricula in each judicial district to ensure the inclusion of CCP skills.

### **RECOMMENDATION 3: Develop a formal system for continuous quality improvement for evidence-based practices and risk-informed probation**

Colorado Probation has made significant progress in aligning policies and protocols with evidence-based practices. However, there is no formal process in place to monitor or provide coaching to ensure fidelity to these practices. While continuous quality improvement initiatives exist in some judicial districts, centralization and standardization of this practice can enhance overall outcomes. To ensure these practices continue to be implemented in alignment with research and best practices, a system of continuous quality improvement should be developed for all evidence-based practices, including case planning, graduated responses, and the use of a risk and needs assessment.

*CJI recommends:*

- Implementing a formal process to monitor and provide feedback to staff on all evidence-based practices.
- Establishing a process to ensure the current risk and needs assessment tool is accurately scored to predict risk levels among the probation population across judicial districts.
- Developing a process to monitor and provide feedback to staff regarding their use of interventions applied through interactions with individuals on supervision and ensure that skills such as case planning and graduated responses are effectively developed.

- Ensuring an external validation of the current risk and needs assessment is conducted every three years.
- Developing performance metrics to measure effectiveness of all evidence-based practices and use metrics to guide decision-making related to training, staffing and caseload considerations.

## ADDRESS BARRIERS TO SUPERVISION SUCCESS

### **RECOMMENDATION 4: Revise practices for setting and modifying terms and conditions of probation with the goals of individualization and removal of barriers to probation success**

The current process for setting and modifying conditions is inconsistent across the state, with conditions often being set as a part of the plea process rather than based on criminogenic risk, and condition modifications rarely being used to remove unnecessary conditions. Colorado Probation is committed to the use of a proactive approach that aligns supervision with policies and practices intended to reduce recidivism. However, when conditions are set that are misaligned with an individual’s risk level or criminogenic needs, this serves as a barrier limiting probation’s ability to supervise based on risk. For example, if an individual does not have a substance use disorder but is required to attend substance use treatment, this could have a negative impact on prosocial areas of the person’s life (e.g., taking time off of work, spending less time with family).

#### *CJI recommends:*

- Limiting supervision conditions to those that address each person’s identified risks and needs to foster behavior change and directly promote public safety.<sup>61</sup> To do this, a standard condition could be added that requires individuals to participate in interventions that are assigned based on the results of a risk and needs assessment. This would give officers the authority to create and modify case plan goals and action steps that address criminogenic needs without the need to request modification of conditions from the court.
- Requiring that conditions be informed by the results of a risk and needs assessment to achieve the goal of individualizing conditions and aligning conditions with an individual’s criminogenic needs.
- Reviewing offense-specific conditions and identify conditions that are not necessary to ensure public safety. Amend statute to discontinue use of unnecessary conditions.
- Streamlining the condition modification process to give officers the ability to remove conditions that conflict with the results of a risk and needs assessment or cannot be achieved due to the presence of significant responsivity factors.

### **RECOMMENDATION 5: Reduce barriers to reporting**

CJI’s examination of 2019 probation files revealed that missed reporting was one of the most common violations cited on probation complaints and occurred more frequently for those who did not complete supervision. Transportation was noted as one of the prevalent barriers impacting individual’s ability to comply with required conditions – including in-person meetings with probation officers.

#### *CJI recommends:*

- Continuing and expanding the use of technology implemented during the COVID pandemic in place of traditional one-on-one check-ins. During interviews, officers reported a desire to

update technology systems to provide more opportunities to meet with lower-risk individuals virtually and ensure face-to-face meetings for the highest-risk individuals.

- Ensuring probation officers make contact with individuals assigned to their caseload as early as possible to be able to identify and respond to challenges that may lead an individual to abscond.
- Expanding the use of vouchers or other transportation options for those who are required to meet in person.

**RECOMMENDATION 6: Remove statutory and policy-level barriers that prevent shifting from a sanctions-based compliance model to a recovery-focused supervision model**

The most frequently occurring violation category across all termination types are substance use-related violations, most often for missed or positive drug tests. Missed or positive drug tests accounted for a similarly high proportion of violations among both those who successfully complete probation and those who were revoked in 2019, with nearly half of both groups having at least one missed drug test and approximately a third having at least one positive drug test.

DPS reports spending equivalent amounts on substance testing and behavioral health services when subsidizing services for individuals on probation. Interviews with stakeholders also indicated that in some districts, drug testing is used more as a means to monitor compliance rather than as a mechanism to identify those in need of treatment.

In addition, Colorado law requires probation officers to respond to a second or subsequent positive drug tests in one of five ways: make an immediate warrantless arrest; seek a probation revocation; increase the level of supervision; increase the number of drug screenings for the illegal or unauthorized use of controlled substance; or refer the individual on probation to a substance use disorder treatment program.<sup>62</sup> Interviews with staff indicated this law often results in a more punitive rather than therapeutic response.

*CJI recommends:*

- Amending current statutes – including CRS 16-11-209 – to allow for a therapeutic-focused response to positive drug tests that has been found to be more effective than punitive responses at addressing individuals struggling with substance use disorders.
- Taking a more targeted approach to drug testing to tailor supportive interventions, rather than as a means to monitor compliance.
- Engaging in a process at the judicial district level to identify intervention points, gaps in services, and availability of resources for those struggling with behavioral health needs.
- Exploring the expansion of treatment programs specifically focused on methamphetamine treatment.
- Providing probation officers, supervisors, and other system stakeholders with training and ongoing skill development on the treatment needs of those with co-occurring disorders.

## ENSURE PROBATION SUPERVISION IS PROVIDED IN AN EQUITABLE AND FAIR MANNER ACROSS JUDICIAL DISTRICTS

### **RECOMMENDATION 7: Continue to evaluate, prevent, and reduce racial, ethnic, and gender disparities in probation supervision**

DPS reported that their internal evaluation of the LSI found that white individuals who were assessed as low-risk were unsuccessful 14 percent of the time compared to BIPOC individuals assessed as low-risk being unsuccessful 20 percent of the time. This 8-percentage point difference equates to low-risk BIPOC individuals being nearly 50 percent more likely to be unsuccessful on probation. In addition, there were notable disparities in the equitable distribution of services and treatment and that some significant barriers exist for certain groups of individuals.

*CJI recommends:*

- Conducting an external validation of the current risk and needs assessment used to ensure the tool accurately predicts by race and does not create or increase racial, ethnic, or gender disparities.
- Conducting a comprehensive assessment to examine the extent to which disparities exist in accessing services.
- Exploring options for expanding services, such as language support services for individuals with limited English proficiency.
- Establishing a regular review of performance measures to examine the existence of disparities in probation outcomes and create a workgroup to address those disparities.

### **RECOMMENDATION 8: Develop a standardized definition of common terms, including *technical violation* and *absconding*, to provide transparency and promote fairness and equity**

Two out of three individuals revoked in 2019 were revoked for technical violations. While DPS does not have a standardized definition of a technical violation in statute or administrative standards, past DPS reports define technical violations as “non-compliance with the terms and conditions of probation/orders of the court, which may include new law violations depending on the circumstances (i.e. traffic violations).” Without a standardized definition, DPS cannot ensure that each judicial district uses the same criteria when reporting reasons for revocation. This causes confusion when individuals on probation are revoked and the reason is entered as a technical violation when there is a new criminal charge pending. CJI analyzed a sample of terminations for 2019 and found that 36 percent of technical revocations also had a new criminal charge entered on the complaint.

In addition, Colorado Probation does have a formal definition of absconding, but cases are closed as absconded if an outstanding warrant is present and the individual cannot be located. A standardized definition of absconding is also important to ensure that officers are working from the same definition when classifying behavior as absconding versus missed reporting. This is especially important given the increases observed in absconding. Between 2010 and 2019, absconding increased 25 percent, making up more than 10 percent of all terminations and 32 percent of all unsuccessful terminations

*CJI recommends:*

- Establishing a standard definition of a technical violation and absconding and codifying them in statute and probation standards.

**RECOMMENDATION 9: Strive to increase consistency of supervision policies and practices across judicial districts**

While probation supervision in Colorado is operated at the district level, statewide probation standards developed by the DPS govern the application of probation supervision across the state. These standards serve three purposes: to reflect the expectations of Probation and to evaluate job performance; to ensure the minimum level of services Probation delivers; and to establish a statewide direction for local probation organizations to evaluate performance.<sup>63</sup> CJI’s assessment revealed a few notable discrepancies in the way that certain practices are carried out across judicial districts. The most prevalent of these practices are use of drug testing, eligibility for early termination, use of graduated responses to violations, and development of pre-sentence investigation reports to confirm conditions. Some of these practices are within the Probation division’s control, and some are widely influenced by stakeholders such as prosecutors and judges. CJI has included recommendations to improve the consistency of these practices in many of the recommendations included in this section of the report, but additional opportunities exist to increase uniformity and improve collaboration across judicial districts to ensure supervision is delivered in a fair and equitable manner.

*CJI recommends:*

- Increasing consistency between districts on practices such as the use of early terminations, graduated responses, and pre-sentence investigations to ensure equity across the probation population.
- Clarifying in probation standards that probation officers should exhaust all resources and least restrictive options prior to seeking a revocation.
- Increasing uniformity between Probation and other stakeholders and community supervision agencies through a focused approach to collaboration. This can be achieved through initiatives such as collaborative partnerships (i.e., partnering to achieve a common goal, such as training staff) and the establishment of an Advisory Council that includes representative stakeholder membership and regular meetings with key stakeholders.
- Educating community partners, judges, and legislators on Colorado Probation’s proactive and evidence-based approach to supervision. This can be achieved by requiring judges and district attorneys to attend trainings on evidence-based practices and/or through development of materials that answer frequently asked questions, highlight initiatives, or show effectiveness of certain practices.

**ENSURING PROBATION OFFICERS HAVE THE TOOLS AND RESOURCES NECESSARY TO FULLY IMPLEMENT AND SUSTAIN POLICY AND PRACTICE CHANGES**

**RECOMMENDATION 10: Explore opportunities to enhance current data management system**

Probation staff are trained and demonstrate support for the use of a proactive approach to supervision using the risk, needs, responsivity model to reduce recidivism. However, the current data system used by probation staff does not provide officers with access to all the information needed to make data-driven decisions. Colorado Probation should develop an improved case management system to ensure it has the necessary tools to fully implement and sustain policies and practices that will reduce revocations and increase public safety.

*CJI recommends:*

- Implementing an enhanced case management system that enables increased communication and recording of case plan activities. When developing this new system, DPS should consider a mechanism for enhanced communication between judicial districts.
- Developing real-time performance measurements, such as data dashboards, to allow for utilization of data to make timely decisions.

**RECOMMENDATION 11: Conduct an assessment to determine gaps in the availability and quality of treatment services and make a plan for improvement**

CJI identified a number of programming gaps, including a need for more treatment services for those struggling with mental health and co-occurring disorders. However, a greater understanding of the treatment services gaps – specifically in relation to the probation population’s criminogenic needs – is necessary.

*CJI recommends:*

- Conducting a gap analysis to identify the needs of individuals on supervision, the availability of services to address these needs throughout the state, the average time between referral and accessing the service, and the quality of services provided. From this analysis, Probation can explore ways to address and improve service gaps. This may include expanding programming specifically in rural areas (telehealth/virtual options).
- Creating and/or updating statewide treatment provider standards to ensure they provide quality treatment services.
- Requiring, through statewide clinician standards, that treatment providers receive training on PEI to fully understand and address individual criminogenic needs.
- Exploring ways to improve collaboration and coordination between probation officers and treatment providers.
- Hiring a programming coordinator, who will monitor and report provider outcomes, ensuring providers are educated around evidence-based practices and skilled in providing services responsive to individuals’ needs.

**RECOMMENDATION 12: Complete a deeper analysis of certain findings to further examine factors impacting unsuccessful terminations**

Between 2010 and 2019, absconding rates increased 25 percent, making up more than 10 percent of all terminations and 32 percent of all unsuccessful terminations in 2019. When individuals abscond from probation, they miss opportunities for either Probation or the behavioral health system to help with risk and recidivism reduction. As such, it is essential for Probation to understand the factors driving absconding behavior. While CJI was able to identify the overarching trends in absconding rates, CJI was not able to conduct a comprehensive assessment identifying factors driving absconding.

*CJI recommends:*

- Conducting an assessment to understand what is driving absconding behavior. While an evaluation on absconding was conducted in 2005, an updated assessment can assist in understanding current drivers of absconding.
- Analyzing programming outcomes within individual populations (e.g., intensive supervision, specialty courts, and economic crime).



## Appendix A: Methodology

In February 2020, CJI began conducting a comprehensive examination of data, policies, and practices related to probation in Colorado, with a particular focus on revocations. This assessment started with an in-person meeting with a select group of chief probation officers and DPS staff. CJI presented the plan for the assessment and facilitated discussion from the group to gather feedback and finalize the specifics of the plan.

### Quantitative Assessment

For the quantitative portion of the assessment, CJI collected and analyzed probation data in Colorado pulled from cohorts of individuals who terminated probation supervision between 2010 and 2019. Data were collected at the case level and included the following information:

- Basic demographic information
- Sentence and offense information
- Supervision start and end dates/time served on community supervision
- Risk/needs assessment information
- Revocation/absconding information

Additionally, publicly available correctional population data was analyzed to provide additional context. CJI also collected case level data to analyze the use of revoke and regrant and the outcomes of those who were revoked and regranted.

### File Review

CJI was unable to address several relevant questions with the data provided for the quantitative analysis portion of this project, such as information on conditions of supervision or violations of probation conditions. To fill these gaps, CJI conducted a review of probation files, examining a representative sample of randomly selected probation terminations from 2019 across Colorado's 22 judicial districts. A sample of 380 files was selected, comprised of equal numbers of successful completions and revocations and half as many absconders. The final sample included 352 files, analyzed quantitatively to provide information unavailable in the original data provided. Information was collected from individuals' case files using DPS' file management system, primarily focusing on fines/fees/restitution, use of early termination, conditions of probation, violations (and specifically violations leading to revocation), and the use of the SBC system.

### Qualitative Assessment

Along with the data analysis, CJI conducted qualitative analysis to gain further understanding on the practices that may drive the data findings. CJI started this analysis by reviewing relevant state laws and written policies related to community supervision and decision-making. This included a review of documents related to staff onboarding and ongoing training, treatment and programs offered to individuals on supervision, risk and needs assessments, responses to violations, and revocation proceedings.

The CJI team conducted group and individual interviews with stakeholders to develop a more nuanced understanding of how individuals are supervised in the community and how revocation from supervision in Colorado works in practice. CJI collaborated with DPS and chief probation officers to determine which judicial districts to include in focus group interviews, ultimately speaking with staff from 16 of the 22 judicial districts. Staff from the 2nd, 4th, 6th, 11th, 14th, and 15th judicial districts did not participate in

the qualitative portion of this assessment. CJI interviewed different stakeholder groups over the course of the project, including:

- Probation officers (13 interviews with 156 probation officers)
- Probation supervisors (seven interviews with 84 probation supervisors)
- Probation managers and administrators (one interview with 10 managers and two interviews with 20 chief probation officers and deputy chief probation officers)
- DPS staff
- District attorneys
- Defense attorneys
- Public defenders
- Advocacy groups

CJI requested but was denied the opportunity to meet with judges. Additionally, as part of CJI's qualitative analysis, The Moss Group provided an assessment and summary of DPS' organizational culture.

## Appendix B: Most Frequently Ordered Special Conditions

- Community Service: Useful Public Service (UPS) (for an allocated number of hours)
- Substance Use Treatment: Substance use evaluation and recommended treatment
- Alcohol Treatment: Alcohol use evaluation and recommended treatment
- Protective Order: You shall comply with all terms and restrictions imposed by any Protection/Protective Order
- Jail Time: Jail (for an allocated number of days)
- Domestic Violence Treatment: Domestic violence evaluation and recommended treatment
- No Financial Obligations: You shall not contract any financial obligations without approval of your probation officer and/or Collections Investigator
- Mental Health Treatment: Mental health evaluation and recommended treatment
- Monitored Sobriety: Monitored sobriety

## End Notes

- <sup>1</sup> Danielle Kaeble, “Probation and Parole in the United States, 2020,” Bureau of Justice Statistics, December 2021, <https://bjs.ojp.gov/content/pub/pdf/ppus20.pdf>.
- <sup>2</sup> Ibid.
- <sup>3</sup> Ibid.
- <sup>4</sup> Rate of individuals granted probation per 100,000 residents.
- <sup>5</sup> There are three categories of probation completion referenced throughout this report: success, abscond and revoke. From 2010 to 2019, successful completions are down by 8 percentage points, abscond is up by 2 percentage points and revoke is up by 6 percentage points.
- <sup>6</sup> Ibid.
- <sup>7</sup> Criminogenic needs are attributes such as antisocial attitudes and behavior, unstable employment and housing, and substance abuse that can be targeted, and when addressed, can reduce an individual’s risk of recidivism.
- <sup>8</sup> Responsivity factors are individual characteristics, such as language, acute mental illness, transportation, or learning styles, which need to be prioritized, addressed, or accommodated to ensure an individual can successfully participate in an intervention.
- <sup>9</sup> Colorado Revised Statute SS 18-1.3-201.
- <sup>10</sup> Colorado Senate Bill 21-271.
- <sup>11</sup> Colorado Revised Statute SS 18-1.3-202.
- <sup>12</sup> Race and ethnicity variables are entered at an individual’s first point of contact with Colorado’s court system, often by law enforcement officials. This data point is often different than the race/ethnicity the individual personally identifies as, and there are often times when the same individual is entered into the system multiple times, with differently assigned races or ethnicities for each case. Probation is not able to make changes to the race or ethnicity assigned in the court data management system. (See: [Summary: CY 2019 Report on the C.L.E.A.R. Act \(October 2020\) \(state.co.us\)](#)).
- <sup>13</sup> 2011 data was used as the start year for this analysis because LSI scores were missing for over half of the records from 2010. There was also a policy change in 2013 where all adult probation cases were required to have an LSI. Previously, DV, SO, and DUI cases were not required to have an LSI completed in addition to the offense specific screening tools or assessments used in these populations.
- <sup>14</sup> From 2010 to 2019, individuals exiting probation were much more likely to have a drug crime as their most serious conviction, increasing from 8 percent to 12 percent
- <sup>15</sup> Chappell, D. “Study Sheds Light on ‘Recidivism’ and probation and parole violations,” (2020) <https://www.criminallegalnews.org/news/2020/may/15/study-sheds-light-recidivism-and-probation-and-parole-violations/>.
- <sup>16</sup> Both Native and Asian probation terminations were just over 1% of all probation terminations.
- <sup>17</sup> The unit of analysis for most of CJI’s analysis was individual level but due to data limitations, for the analysis of revoke and regrant data, CJI’s analysis was at the case level.
- <sup>18</sup> Phelps, Michelle S., and Caitlin Curry. "Supervision in the community: Probation and parole." In *Oxford Research Encyclopedia of Criminology and Criminal Justice*. 2017.
- <sup>19</sup> A.L. Solomon et al., “Putting Public Safety First: 13 Parole Supervision Strategies to Enhance Reentry Outcomes”, Urban Institute, (2008) <https://www.urban.org/sites/default/files/publication/32201/411800-putting-public-safety-first-strategies-for-successful-supervision-and-reentry-policy-brief-.pdf>
- <sup>20</sup> Colorado Revised Statute SS 18-1.3-204.
- <sup>21</sup> Colorado Revised Statute SS 18-1.3-207.
- <sup>22</sup> Colorado Revised Statute SS 18-1.3-204.
- <sup>23</sup> Colorado Revised Statute SS 18-1.3-302.
- <sup>24</sup> U.S. Probation Office of Western District of N.C. “The Presentence Investigation Report: A guide to the presentence process.” [https://www.ncwp.uscourts.gov/sites/default/files/general/Guide\\_to\\_the\\_Presentence\\_Process.pdf#:~:text=The%](https://www.ncwp.uscourts.gov/sites/default/files/general/Guide_to_the_Presentence_Process.pdf#:~:text=The%)

[20primary%20purpose%20of%20the%20presentence%20investigation%20and,subsequent%20terms%20of%20probation%2C%20parole%20or%20supervised%20release.](#)

<sup>25</sup> Ibid.

<sup>26</sup> Colorado Revised Statute SS 16-11-102.

<sup>27</sup> Colorado Revised Statute SS 42-4-1307.

<sup>28</sup> A.L. Solomon et al., "Putting Public Safety First: 13 Parole Supervision Strategies to Enhance Reentry Outcomes", Urban Institute, (2008) <https://www.urban.org/sites/default/files/publication/32201/411800-putting-public-safety-first-strategies-for-successful-supervision-and-reentry-policy-brief-.pdf>.

<sup>29</sup> Colorado Revised Statutes SS 16-11-209.

<sup>30</sup> CSG Justice Center. "Three Core Elements of Programs that Reduce Recidivism: Who, What, and How Well," (2015),

[http://www.pacenterofexcellence.pitt.edu/documents/Three\\_Core\\_Elements\\_of\\_Programs\\_that\\_Reduce\\_Recidivism\\_Who,\\_What,\\_and\\_How\\_Well.pdf#:~:text=What%20types%20of%20programs%20should%20be%20funded%3F%20Research,reeffending%29%2C%20such%20as%20criminal%20thinking%20or%20attitude%20%28needs.](http://www.pacenterofexcellence.pitt.edu/documents/Three_Core_Elements_of_Programs_that_Reduce_Recidivism_Who,_What,_and_How_Well.pdf#:~:text=What%20types%20of%20programs%20should%20be%20funded%3F%20Research,reeffending%29%2C%20such%20as%20criminal%20thinking%20or%20attitude%20%28needs.)

<sup>31</sup> Robinson et al., "Towards an Empirical and Theoretical Understanding of Offender Reinforcement and Punishment," Federal Probation 79, no. 1 (2015): 3-10, <https://www.uscourts.gov/file/22760/download>

<sup>32</sup> Ibid.

<sup>33</sup> E.J. Wodahl et al., "Utilizing behavioral interventions to improve supervision outcomes in community-based corrections", Criminal Justice & Behavior, (2011): 38(4), 386-405.

<sup>34</sup> Hufford, S. "Probation Update," Division of Probation Services. Presentation to CO CCCJ, (2014), [https://cdpsdocs.state.co.us/ccji/Meetings/2014/2014-04-11\\_CCJPres\\_TsCs--SBC.pdf](https://cdpsdocs.state.co.us/ccji/Meetings/2014/2014-04-11_CCJPres_TsCs--SBC.pdf)

<sup>35</sup> Standards for Probation in Colorado, 2020.

<sup>36</sup> E.J. Wodahl, B.E. Garland, and T.J. Mowen, "Understanding the Perceived Value of Incentives in Community Supervision," Corrections 2, no. 3 (2017): 165-88.

<sup>37</sup> D.A. Andrews and C. Dowden, "Risk Principle of Case Classification in Correctional Treatment: A Meta-Analytic Investigation," International Journal of Offender Therapy and Comparative Criminology 50, no. 1, (2006): 88-100, <https://journals.sagepub.com/doi/10.1177/0306624X05282556>.

<sup>38</sup> Standards for Probation in Colorado, 2020.

<sup>39</sup> Colorado House Bill 91-1173.

<sup>40</sup> Standards for Probation in Colorado, 2020.

<sup>41</sup> Labrecque, Ryan M., Myrinda Schweitzer, and Paula Smith. "Exploring the perceptions of the offender-officer relationship in a community supervision setting." *Journal of International Criminal Justice Research* 1, no. 1 (2014): 31-46.

<sup>42</sup> Robinson, Charles R., Christopher T. Lowenkamp, Alexander M. Holsinger, Scott VanBenschoten, Melissa Alexander, and J. C. Oleson. "A random study of Staff Training Aimed at Reducing Re-arrest (STARR): Using core correctional practices in probation interactions." *Journal of Crime and Justice* 35, no. 2 (2012): 167-188.

<sup>43</sup> Taxman, Faye (2002). Supervision- Exploring the Dimensions of Effectiveness. Federal Probation 66(2): 14-27.

<sup>44</sup> National Association of Drug Court Professionals. "Core Correctional Practices," 2020, [https://www.ndci.org/wp-content/uploads/2020/10/NADCP\\_CCP-2.pdf2\(ndci.org\)](https://www.ndci.org/wp-content/uploads/2020/10/NADCP_CCP-2.pdf2(ndci.org)).

<sup>45</sup> Prosocial behaviors are actions intended to benefit another person or group of persons.

<sup>46</sup> C.T. Lowenkamp et al., "Adhering to the Risk and Need Principles: Does It Matter for Supervision-Based Programs?" Federal Probation: A Journal of Correctional Philosophy and Practice 70, no. 3 (2006), <https://www.uscourts.gov/file/22954/download>.

<sup>47</sup> Gearing, Robin Edward, Nabila El-Bassel, Angela Ghesquiere, Susanna Baldwin, John Gillies, and Evelyn Ngeow. "Major ingredients of fidelity: a review and scientific guide to improving quality of intervention research implementation." *Clinical psychology review* 31, no. 1 (2011): 79-88.

<sup>48</sup> Bonta, James, and Donald A. Andrews. "Risk-need-responsivity model for offender assessment and rehabilitation." *Rehabilitation* 6, no. 1 (2007): 1-22.

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- <sup>49</sup> *Ranking the States*. Mental Health America. Retrieved from: [Ranking the States | Mental Health America \(mhanational.org\)](#).
- <sup>50</sup> Leiber, Michael J., Maude Beaudry-Cyr, Jennifer H. Peck, and Kristin Y. Mack. "Sentencing recommendations by probation officers and judges: An examination of adult offenders across gender." *Women & Criminal Justice* 28, no. 2 (2018): 100-124.
- <sup>51</sup> Michigan House Bill No. 5853.
- <sup>52</sup> [Nevada](#) Assembly Bill 116.
- <sup>53</sup> Colorado Revised Statute SS 18-1.3-202.
- <sup>54</sup> The Pew Charitable Trusts, "Policy Reforms Can Strengthen Community Supervision: A framework to improve probation and parole" (2020, April), [https://www.pewtrusts.org//media/assets/2020/04/policyreform\\_communitysupervision\\_report\\_final.pdf](https://www.pewtrusts.org//media/assets/2020/04/policyreform_communitysupervision_report_final.pdf).
- <sup>55</sup> Ibid.
- <sup>56</sup> Georgia [Senate Bill 105 \(2021\)](#).
- <sup>57</sup> Missouri House Bill 745 (2021).
- <sup>58</sup> Robinson, Charles R., Christopher T. Lowenkamp, Alexander M. Holsinger, Scott VanBenschoten, Melissa Alexander, and J. C. Oleson. "A random study of Staff Training Aimed at Reducing Re-arrest (STARR): Using core correctional practices in probation interactions." *Journal of Crime and Justice* 35, no. 2 (2012): 167-188.
- <sup>59</sup> Bonta, James, Guy Bourgon, Tanya Rugge, Terri-Lynne Scott, Annie K. Yessine, Leticia Gutierrez, and Jobina Li. "An experimental demonstration of training probation officers in evidence-based community supervision." *Criminal justice and behavior* 38, no. 11 (2011): 1127-1148.
- <sup>60</sup> Taxman, Faye (2002). Supervision- Exploring the Dimensions of Effectiveness. *Federal Probation* 66(2): 14-27.
- <sup>61</sup> Bonta, James, and Donald A. Andrews. "Risk-need-responsivity model for offender assessment and rehabilitation." *Rehabilitation* 6, no. 1 (2007): 1-22.
- <sup>62</sup> Colorado Revised Statute SS 16-11-209.
- <sup>63</sup> Standards for Probation in Colorado, 2020.