

**Weld County Community Corrections Board
Offender Acceptance / Rejection Placement Criteria**

A. Referrals:

1. Offenders must be referred by a Colorado Probation Department, a Colorado District Court, or the Colorado Department of Corrections.
2. The Board and/or the Program Director, or designee, of the community corrections program shall not consider a self-referral of an offender or referral by an offender's defense counsel.

B. Review:

The following standards shall govern the decision to Accept, Reject, or refer to the Board the referral of an offender for placement in the community corrections facility or program in Weld County.

1. Mandatory Exclusion

Offenders falling into the following categories shall not be considered for placement in the community corrections facility:

- a. Defendants charged with felony offense(s) who have not yet entered a plea or who have entered a not guilty plea and await other judicial proceedings or have not been convicted of a felony in the current offense(s) in a Colorado court.
- b. Offenders whose cases are being returned to the sentencing court on a 35b Motion for Reconsideration of Sentence, and in which the motion has not yet been filed with the Court. Formal motions must be filed with the sentencing Court before the Board may review an offender.
- c. Offenders who have not been referred by a sentencing Court of the State of Colorado as either a direct sentence (Diversion) or as a Condition of Probation (including a 35b Motion for Reconsideration of Sentence), or the Colorado Department of Corrections as a Transition/ISP referral, or the Colorado Board of Parole as a Condition of Parole.
- d. Inmates or Parolees who do not meet statutory referral criteria for placement out of a DOC facility to a community corrections program.
- e. Diversion offenders who have pled guilty to a charge that requires an initial sentence to the DOC, pursuant to CRS §18-1.3-406 (1) (a), (b).
- f. Offenders who have an active parole hold.
- g. Offenders convicted of two (2) or more separately brought and tried crimes prior to the

referral crime for any of the Discretionary Exclusion crimes listed below within the past five (5) years from the time of the current referral, OR three (3) or more listed convictions, separately brought and tried crimes for any of the Discretionary Exclusion crimes listed below, at any time prior to the referral crime.

2. **Discretionary Exclusion**

Upon indication that the community corrections program will accept the offender, offenders who meet the following shall be referred to the Board's Review Committee for further placement approval into the facility:

- a. Offenders who have been convicted of a crime when any of the original charges alleged:
 - 1) Murder, Manslaughter, Criminally Negligent Homicide, Vehicular Homicide or Child Abuse Resulting in Death;
 - 2) Use or Possession and Threatened Use of a Deadly Weapon, whether real or simulated;
 - 3) Any offense against an At-Risk adult or juvenile;
 - 4) Serious Bodily Injury (including Vehicular Assault);
 - 5) First or Second Degree Assault;
 - 6) First or Second-Degree Kidnapping, or Felony False Imprisonment;
 - 7) Any Sexual Offense;
 - 8) Human Trafficking or Stalking;
 - 9) Aggravated Robbery;
 - 10) First Degree Arson;
 - 11) First Degree Burglary or Second-Degree Burglary of a Dwelling;
 - 12) Selling of Drugs to persons under age 18;
 - 13) Any Felony Escape;
 - 14) Federal or out of state referrals;
 - 15) DUI – 4th or subsequent offense (“Felony DUI”);
 - 16) Special notoriety or community resistance;

- 17) Retaliation, Intimidation or Tampering with a Victim, Witness, Judge, Prosecutor and/or Juror of a case;
 - 18) Any attempt, solicitation, or conspiracy to commit any of the above-listed crimes;
 - 19) Offenders adjudicated of two (2) or more separately brought and tried crimes prior to the referral crime for any of the above Discretionary Exclusion crimes listed within the past five (5) years from the time of the current referral, OR three (3) or more listed adjudications, separately brought and tried crimes for any of the Discretionary Exclusion crimes listed above, at any time prior to the referral crime;
- b. Any offender previously rejected by the Board or any offender Rejected After Acceptance by either the Board or the facility within the past three (3) years from the time of the current referral;
 - c. Offenders deemed unemployable;
 - d. Offenders who commit a new criminal offense during the disposition and/or process of a possible Direct Sentence (Diversion), Transition, ISP, Condition of Parole placement referral and in which the new charge(s) have not been resolved by a plea;
 - e. Offenders who do not originate from and/or are releasing to Weld County; or
 - f. Offenders with active felony warrants outside of the territorial boundaries of Colorado or any U.S. Immigration and Custom Enforcement detainers.

3. Structured Decision-Making Process

The Board shall develop and use a structured, research-based decision-making process that combines professional judgement and an actuarial risk and needs assessment tool. To help determine whether to accept or reject an offender referred for placement, the Program Director or designee of the community corrections facility/program shall utilize professional judgement and complete the approved actuarial risk and needs assessment tool on each offender referred for placement. If the offender referral requires additional review by the Board, as prescribed herein these criteria, a copy of the completed actuarial risk and needs assessment tool for the referred offender shall be included in the referral materials presented to the Board.

4. Inclusions

All other offenders shall be considered for placement and may be accepted by the Program Director or designee of the community corrections facility/program without further Board review or approval. Designated Board staff shall assure adherence by the Program Director or designee of the community corrections facility/program, of referrals meeting the definition of Inclusions. The Program Director, at his/her discretion, may refer to the Board any offender/case involving special or unusual circumstances. Examples of special circumstances may include but are not limited to an offender's physical, mental and family circumstances; outstanding achievements; or mitigating

circumstances of the offense.

C. Facility Placement

Diversion, Transition or Condition of Parole Offenders accepted for placement and ordered by the Court or DOC to the community corrections program must successfully complete the residential part of their placement before transfer to any form of non-residential correctional supervision.

D. Intensive Supervision Program (ISP) Placement Review

Any offender having no more than 180 days remaining until their parole eligibility date and who is being considered for direct placement to Weld County from a Colorado Department of Corrections institution or from a community corrections facility outside of the territorial boundaries of Weld County, shall require review and approval by the Board before the offender's placement.

E. Statement of Non-Discrimination and Reporting

The Weld County Community Corrections Board's "Offender Acceptance / Rejection Placement Criteria" for acceptance, rejection, or rejection after acceptance, of offenders specifically prohibits discrimination because of the offender's race, creed, sex, sexual preference, or national origin.

Pursuant to CRS §18-1.3-301, if the community corrections facility/program for Weld County or the Board denies an offender a community corrections *Transition* placement, the facility/program or the Board shall submit electronically to the Colorado Department of Corrections the reason for the denial and a suggested timeline for a subsequent referral no sooner than six (6) months after the denial and no later than twelve (12) months after the denial.

F. Weld County Placement

Placement of offenders in the Weld County Community Corrections Facility will be given primary consideration when they are releasing to and/or originate from Weld County.