

21st Judicial District Pretrial Policies and Bond Guidelines

VERSION 2

A Collaborative Effort to Enhance Pretrial Justice

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Pretrial Implementation Vision Statement

The vision of the Mesa County Criminal Justice system is a pretrial system that strives to be reliable, objective, impartial, responsive, collaborative, and data driven to improve the outcomes of Mesa County's criminal justice system. Our goal is to provide pretrial conditional release and supervision that is fair, equitable and maintains the safety and public order needs of our community.

Guiding Principles

Reliability and Objectivity

A pretrial services agency should assemble accurate, reliable and objective information relevant to the court's determination concerning pretrial release or detention. This information should be provided to the court and parties in a timely manner.

Data Driven Decision Making

Pretrial detention and supervision decisions should be based upon science-based research, validated assessment tools, measurable goals and ongoing data collection so as to improve the outcomes of the criminal justice system.

Impartiality

In order to produce consistent release decisions for all accused persons Judicial Officers should give consideration to the factors required by law and an individual's supervision risks in an effort to ensure community safety and court appearance, through the use of non-financial bonds when appropriate.

Responsivity

Use the least restrictive conditions of release and supervision that are consistent with an individual's risk for pretrial misconduct.

Collaboration

We are committed to achieving common goals by creating and maintaining working relationships within an adversarial system.

21ST JUDICIAL DISTRICT PRETRIAL POLICIES and BOND GUIDELINES

STATEMENT OF PURPOSE AND COLLABORATION

These bond guidelines and pretrial policies are intended to promote pretrial justice by increasing community safety, maintaining a high rate of court appearance and maximizing pretrial release.

These guidelines and pretrial policies were formed collaboratively with input from various stakeholders in the 21st Judicial District, including Judges from both District and County courts, the Defense Bar, the Public Defender's Office, the District Attorney's Office, the Mesa County Sheriff's Department and Mesa County Pretrial Services. Over the past several years representatives from these agencies and organizations have collaborated to develop bond guidelines and pretrial policies which are consistent with EBDM research, constitutional principles, and Colorado statutes.

HISTORY

Mesa County established a Pretrial Services program in 1989 to provide Pretrial Reports to the court, and to supervise defendants. In 2010 Mesa County embarked on an effort to implement evidence-based practices in our jurisdiction, and established a Pretrial EBDM committee. In July of 2012 the 21st Judicial District became the first jurisdiction in Colorado to implement the Colorado Pretrial Assessment Tool (CPAT). In May 2013 the 21st Judicial District replaced the previous bond schedule with the 2013 Bond Guidelines.

The 2013 Bond Guidelines moved away from pretrial decisions based primarily on the criminal charges and from the imposition of monetary bond conditions, and toward making pretrial and bond decisions based primarily on a defendant's pretrial risk as determined by the CPAT. Additionally, the 2013 Bond Guidelines prescribed pretrial services as a condition of bond in certain cases, and a more consistent approach to responding to pretrial violations was approved. The 2015 updates to the 2013 Bond Guidelines were prompted in part due to statutory changes in 2013 and 2014.

PURPOSE OF 2015 BOND GUIDELINES AND PRETRIAL POLICIES

These updated bond guidelines and pretrial policies are designed to:

- 1) Conform the bond guidelines and pretrial policies to current Colorado statutes;
- 2) Make changes to bond presumptions and pretrial supervision based on data gathered over the past 12 – 18 months regarding the pretrial risk and performance of the local population;
- 3) Take additional steps toward minimizing pretrial detention due to monetary conditions of bond for low to medium risk defendants when a Judge has determined that such defendant is appropriate for pretrial release with appropriate non-monetary bond conditions;
- 4) Clarify that a monetary condition that results in pretrial detention for medium to high risk defendants is appropriate in certain cases when a Judge has decided that no non-monetary conditions of bond are sufficient to address the defendant's pretrial risk. The new guidelines also state a system preference and presumption for a cash only monetary condition when a monetary condition is deemed necessary.

LEGAL PHILOSOPHY AND PRINCIPLES

“In our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception.” U.S. v. Salerno, 481 U.S. 739 (1987).

Purpose of Bond Conditions

The two equally important purposes of bond conditions are; 1) to reasonably ensure the defendant’s appearance in court, and 2) to protect the safety of individuals and the community.

These two purposes of bond conditions have been approved as constitutional in Salerno and are explicitly stated in Colorado’s new bond statutes. C.R.S. 16-4-103 (3)(a).

Least Restrictive Conditions

The current Colorado bond statutes require that courts use the least restrictive bond conditions necessary to address a particular defendant’s pretrial risk. C.R.S. 16-4-103(4)(a). A monetary condition of bond should only be used if necessary to address the defendant’s pretrial risk.

If a judge has decided that pretrial release is appropriate and a defendant’s pretrial risk can be addressed with non-monetary conditions of bond, then a monetary condition of bond should not result in the continued pretrial detention of a defendant.

Monetary Conditions of Bond that Result in the Pretrial Detention of the Defendant

Under the 2014 bond guidelines that follow, a judge may impose a monetary condition of bond that may result in the defendant’s pretrial detention, and such bond condition may be reasonable, if no other non-monetary conditions of bond would adequately address pretrial risk.

As indicated above in the Salerno case, pretrial detention can be constitutional and is used in other jurisdictions. Pretrial detention is also approved of and recommended by the American Bar Association’s pretrial Standards, Part V. Standards 10-5.1 – 5.16.

Colorado courts have also upheld monetary conditions of bond that result in the pretrial detention of defendants. See People v. District Court, 529 P.2d 1335, 1336 (Colo. 1974) “[n]either the Eighth Amendment nor the Fourteenth Amendment requires that everyone charged with a state offense must be given his liberty on bail pending trial.”; People v. Jones, 489 P.2d 596, 599 (Colo. 1971) “The right to bail does not amount to a guarantee that every defendant who is charged with a crime will be released without bail if he is indigent.”

Cash Only Bonds

If a monetary condition of bond is deemed appropriate by the Court there is a preference and presumption for a cash only condition for the following reasons: a) Only Judges, not bondsmen, should decide which defendants are released on bond, and which defendants may be appropriately detained pretrial due to inability to meet a monetary condition, and b) Cash only bonds are beneficial to the defendant in that the defendant will receive the cash deposit back if the case is dismissed or they are acquitted, and may receive their cash back even if found guilty pursuant to C.R.S. 16-4-111(1), and c) There is no evidence or research that indicates that surety bonds have a positive impact on court appearance or public safety.

C.R.S. 16-4-107 Bond Review Hearing

If a monetary condition of bond was imposed at the initial appearance of the defendant, and such monetary condition of bond results in the continued pretrial detention of the defendant, then C.R.S. 16-4-

107, and the Bond Guidelines, provide a procedure for judicial review to determine if a monetary condition is necessary and appropriate to address the defendant's pretrial risk.

EXPLANATION OF BOND GUIDELINES AND PRETRIAL POLICY DOCUMENTS

Pretrial Services Report – Including CPAT Risk Assessment

The Pretrial Services Report is designed to highlight the CPAT Risk Assessment. The Colorado Pretrial Assessment Tool (CPAT) is an evidence-based risk assessment tool that identifies a risk profile for Colorado defendants during the pretrial phase by estimating a defendant's risk to reoffend and risk to fail to appear for future court proceedings. The CPAT score is one of several factors to consider when deciding the type and amount of bond. The PTS Report will continue to contain biographical information about the defendant, the defendant's criminal history, and other financial, contact, employment, and residential history information.

Bond Guidelines

The new Bond Guidelines document replaces the 2013 bond guidelines and will be used by Judges and attorneys to inform decisions regarding the type, amount, and conditions of bond. The new bond guidelines provide a presumptive type of bond and level of pretrial supervision. These presumptions are based on a consideration of the CPAT risk score of the specific defendant, and the crime category or column within which the defendant's case is categorized based on the most serious crime charged. The Judges and attorneys should also consider the other factors specified in C.R.S. 16-4-103(5) when setting the type, amount, and conditions of the bond in any specific case. The color of the various boxes indicates the presumptive bond type and level of pretrial supervision. The various boxes and colors are the same as the boxes and colors in the Pretrial SMART Praxis. In order to understand the requirements of a specific level of pretrial supervision, the Pretrial SMART Praxis document should be consulted.

Crime Column Appendix

The Crime Column Appendix more specifically identifies which specific crimes are included in each of the seven crime columns on the Bond Guidelines and the SMART Praxis.

Pretrial SMART Praxis

The SMART Praxis is designed to specify what level of supervision is recommended for a particular case, based on the defendant's CPAT risk score and the most serious crime charged. The boxes and colors on this document are the same as the colors and boxes on the Bond Guidelines, providing stakeholders with an understanding of how Pretrial Supervision will be recommended and applied. The various possible supervision levels are: 1) no pretrial supervision (green), 2) Basic (yellow), 3) Enhanced (orange), or 4) Intensive (red). Judges may also order additional conditions of supervision not automatically included in a particular level of supervision, such as substance testing.

Pretrial Services Response to Violations Guide

The Pretrial Services Response to Violations Guide is designed to bring a consistency and transparency to the policies and procedures which PTS will follow when there has been a violation of the terms and conditions of PTS. This document will primarily be used by the staff of PTS, but it is being included with this packet of information so that all parties involved in the 21st Judicial District Criminal Justice System will have an understanding of the possible responses when a defendant violates a term or condition of the supervision requirements

Pretrial Services Report

VERSION 2, implementation date

Defendant Name:		AKA's:	
Date:	DOB:	Arrest Date/Time:	
Gender:	AGE: 0	Hold?	
Arresting Agency:		Arresting Officer:	
SID#:	FBI (NCIC #):		

CURRENT CHARGE(S):

Charges Domestic Violence Related?		DVSI SCORE (If Applicable)	
DEFENDANT'S CPAT RISK CATEGORY		TOTAL CPAT SCORE	

The Colorado Pretrial Assessment Tool (CPAT) Risk Categories

- Category 1 = 0 TO 17 (87% Success, 91% Public Safety, 95% Court Appearance)
 From CISPR Category 2 = 18 TO 37 (71% Success, 80% Public Safety, 85% Court Appearance)
 Study Category 3 = 38 TO 50 (58% Success, 69% Public Safety, 77% Court Appearance)
 Category 4 = 51 TO 82 (33% Success, 58% Public Safety, 51% Court Appearance)

DEFENDANT'S CPAT PROFILE DETAILS:

CPAT FACTORS & SCORING (See CPAT Research for details regarding these items)

1. Having a Home or Cell Phone		
2. Owning One's Residence		
3. Contributing to Residential Payments		
4. Defendant Reports Past or Current Problems with Alcohol		
5. Past or Current Mental Health Treatment		
6. Age at First Arrest		
7. Past Jail or Work Release Sentence		
8. Past Prison Sentence		
9. Having Active Warrants		
10. Having Other Pending Cases		
11. Currently on Supervision		
12. History of Revoked Bond or Supervision		

BOND GUIDELINES CRITERIA:

RECOMMENDED BOND CONDITIONS:

- Condition #1:
 Condition #2:
 Condition #3:
 Condition #4:

Notes:

Special Notes:
 (If Applicable)

ADDITIONAL INFORMATION

CRIMINAL HISTORY DETAILS:		Number of Priors:	
Felony			
Misdemeanor			
Major Traffic and Petty			
Juvenile Felony			
Juv. Misd. & Traffic			
Pending Cases:			
Currently Under Supervision?			
Number of FTA's in Lifetime:		Past 5 years:	
Notes:			

SUBSTANCE ABUSE:	
Defendant reports current or past problems with drug abuse?	
If yes, Explain:	

LOCAL TIES & RESIDENCE HISTORY:	Information Verified?	
Current Address:		
Phone Number:		Alternate Phone #:
Length at Current Address:		
Residing with alleged victim(s)?		
Relationship to alleged victim(s)?		
Amount of Time in Local Area:		
Number of Dependents (Names & Ages):		
Notes:		

EMPLOYMENT:	Information Verified?	
Current Employer:		
Length of Employment:		

COMMUNITY CONTACTS #1:			
Contact Name:		Contact Phone #:	
Relation to client:		Willing to Co-sign (Yes or No)?	
Spoke with Contact (Yes or No)?			
COMMUNITY CONTACTS #2:			
Contact Name:		Contact Phone #:	
Relation to client:		Willing to Co-sign (Yes or No)?	
Spoke with Contact (Yes or No)?			

OTHER INFORMATION/NOTES (IF APPLICABLE):

REPORT COMPLETED BY:

This information was compiled under stringent timelines from relevant sources for convenience of review by applicable Judicial Officials. Pretrial Services makes no representations or warranties regarding the completeness or accuracy of this information.

21st JUDICIAL DISTRICT BOND POLICY AND GUIDELINES - ADMINISTRATIVE ORDER 15-01

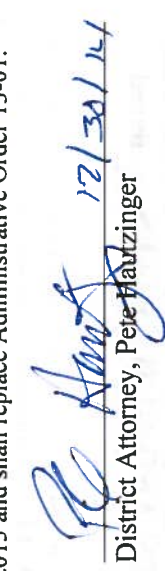
- The two equally important purposes of bond conditions are 1) court appearance, and 2) public safety. C.R.S. 16-4-103 (3); U.S. v. Salerno, 481 U.S. 739 (1987).
- Defendants are presumed eligible for release on bond with the appropriate and least restrictive bond conditions which address pretrial risk. C.R.S. 16-4-103(4)(a)
- The presumption of release is overcome when no non-monetary conditions of bond can be imposed that would reasonably ensure the defendant's appearance in court, and/or reasonably ensure the safety of any victim, witness, or person in the community. If a Judge finds that no less restrictive conditions of bond can address the defendant's pretrial risk, a monetary condition which results in the defendant's pretrial detention may be reasonable and appropriate.
- Bonds that result in the pretrial detention of certain defendants can be reasonable, and such practice has been found to be constitutional. Salerno at p. 2103.
- In making a determination regarding a monetary condition of bond, a Judge must consider the CPAT risk category, and should also consider the nature and circumstances of the charges, the possible and likely sentence, prior criminal history, prior failures to appear, and other factors allowed by C.R.S. 16-4-103 (3)(b), (5).

These bond guidelines are presumptions. Deviation from the presumptions may be appropriate based on case specific circumstances.							
	1	2	3	4	5	6	7
CPAT Risk Category	Felony VRA Crimes (C.R.S. 24-4.1-302)	Drug Distribution	Aggravated DUI & DARP	Domestic Violence DVSI 11 or Greater	Domestic Violence DVSI 10 or Less	Other Felony Crimes & Misdemeanor VRA (C.R.S. 24-4.1-302)	Other Misdemeanor, and Traffic Offenses
Cat 1	PR or Cash Only w/PTS	PR with PTS	PR with PTS	PR with PTS	PR No Supervision	* PR No Supervision	* PR No Supervision
Cat 2	PR or Cash Only w/PTS	PR or Cash Only w/PTS	PR or Cash Only w/PTS	Cash Only w/PTS	PR No Supervision	* PR No Supervision	* PR No Supervision
Cat 3	Cash Only w/PTS	Cash Only w/PTS	Cash Only w/PTS	Cash Only w/PTS	PR or Cash Only w/PTS	PR or Cash Only w/PTS	*PR No Supervision
Cat 4	Cash Only w/PTS	Cash Only w/PTS	Cash Only w/PTS	Cash Only w/PTS	Cash Only w/PTS	Cash Only w/PTS	PR or Cash only w/PTS

*CJSD Release Authority: Defendants categorized in the starred boxes of the bond guidelines may be released on a PR bond at the discretion of CJSD (excluding VRA crimes).

- PTS (Pretrial Services Supervision): When prescribed by the guidelines, the judge should order pretrial supervision as allowed by C.R.S. 16-4-105.
- If substance testing is desired as part of PTS the court must specifically order such testing. Substance testing is not an automatic requirement of PTS.
- The presumptive bond for cases categorized in the **GREEN** boxes is a PR Bond (including Co-Sign PR Bond) with no other conditions as allowed by C.R.S. 16-4-104(1)(a).
- The presumptive bond for cases categorized in the **YELLOW** boxes is either a PR bond or a Cash Only bond, with PTS as allowed by C.R.S. 16-4-104(1) (b) or (c) (I).
- The presumptive bond for cases categorized in the **ORANGE** and **RED** boxes is a Cash Only bond with PTS as allowed by C.R.S. 16-40194(1)(c)(I).
- Except for PR bonds with an unsecured monetary condition, a monetary condition should be a cash only condition as allowed by C.R.S. 16-4-104 (1) (c) (I).
- Sentence enhancing charges, habitual criminal, crimes of violence, and special offender should be considered when setting the type, condition, and amount of bond.
- These bond guidelines shall be in effect as of January 1, 2015 and shall replace Administrative Order 13-01.

 12/19/14
 Chief Judge, David A. Botzger

 12/30/14
 District Attorney, Peter Platzinger


 Mesa County Sheriff Elect, Matt Lewis

21st JUDICIAL DISTRICT BOND POLICY AND GUIDELINES Continued

Additional Definitions and Policies:

1. “**Pretrial risk**” – a defendant’s risk to fail to appear for court, and/or a defendant’s risk to commit a felony or misdemeanor while on bond.
2. Pretrial Services (PTS) shall be accordance with the SMART Praxis unless a deviation is warranted and specifically ordered by the court.
3. **Cash Only Bonds** – If a monetary condition of bond is deemed appropriate by the Court there is a preference and presumption for a cash only condition for the following reasons: a) Only Judges, not bondsmen, should decide which defendants are released on bond, and which defendants may be appropriately detained pretrial due to inability to meet a monetary condition and, b) Cash only bonds are beneficial to the defendant in that the defendant will receive the cash deposit back if the case is dismissed or they are acquitted, and *may* receive their cash back even if found guilty pursuant to C.R.S. 16-4-11(1) and, c) There is no evidence or research that indicates that surety bonds have a positive impact on court appearance or public safety.
4. The Colorado Pretrial Assessment Tool (CPAT) shall only be completed by trained Mesa County Pretrial Services staff.
5. Consistent with C.R.S. 16-4-103 (3) (b), warrants for arrest should be “no bond hold” warrants so that the defendants can have a CPAT risk assessment completed and an appropriate bond set at a bond hearing. This statute prohibits the setting of a bond without consideration of an empirically developed risk assessment instrument when practicable and available.
6. A Judge shall not make a determination as to the type, conditions, and amount of a bond without considering a defendant’s CPAT risk assessment when practicable and available. C.R.S. 16-4-103 (3) (b)
7. CPAT assessments will generally not be completed for post sentencing matters unless specifically requested, and when resources allow. While the CPAT has not been validated for post sentencing matters such as probation violations, failures to comply, and failures to appear, a defendant’s CPAT assessment may be informative and helpful in setting bond for such cases, since the purpose for bond is the same as for new criminal charges.
8. **Non-Aggravated DUI:** First DUI arrest with BAC level under 0.15. Release and summons at the discretion of law enforcement.
9. **Aggravated DUI:** Prior DUI arrest, DUI + Vehicular Eluding, first DUI arrest with BAC level over 0.15. Defendants shall be arrested and assessed with a CPAT and Pretrial Report, and held to see a Judge. *Research completed in 2010 for Colorado DUI offenders indicates that a 0.15 BAC cut-off is indicative of future DUI recidivism (CDHS, Feb 2010).*
10. **The term “DUI”** includes all drug and alcohol related driving offenses such as DUI, DWAI, DUID, and DWAIID.
11. No monetary amount or monetary condition of bond is required for personal recognizance bonds, pursuant to C.R.S. 16-4-103 and 104(1a). There is no clear evidence or research that financial conditions have an impact on court appearance or public safety.

Pretrial Release and Monetary Bond Condition Decisions, and Bond Review Hearing Procedures:

1. These bond guidelines create presumptions and may be deviated from in certain cases based on case specific circumstances and pretrial risk concerns.
2. As indicated in these bond guidelines and in the Colorado bond statutes, there is a presumption for pretrial release. This presumption is also supported in People v. Salerno, “In our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception.” Salerno, p. 755.
3. Judges should make pretrial bond condition decisions based on a defendant’s CPAT risk category combined with the nature and circumstances of the alleged crime.
4. In a large majority of cases the pretrial decision should result in the release of the defendant with the least restrictive conditions necessary to address pretrial risk.
5. When a Judge has determined that pretrial release of the defendant is appropriate, no monetary condition of bond should keep a defendant in custody.
6. At the defendant’s initial court appearance, if a Judge has decided that there are no non-monetary bond conditions that can adequately address a defendant’s pretrial risk, a monetary condition may be imposed. If a monetary condition results in the pretrial detention of the defendant, such result may be reasonable and appropriate.
7. Pretrial bond decisions that result in the pretrial detention of defendants have been approved as constitutional in J.S. v. Salerno, and such practice is approved of and recommended in the American Bar Association standards for pretrial release and detention decisions, Part V. Standards 10-5.1 through 10-5.16.
8. If a defendant violates any bond condition, the court may find that the presumption of release has been overcome, and impose a monetary condition.
9. Pursuant to C.R.S. 16-4-107, if a defendant is unable to satisfy a monetary condition of bond after 7 days, the defendant may file a motion with the court for a modification of that monetary condition. The court shall conduct a hearing on the defendant’s motion within 14 days, unless the court finds the defendant’s motion to have no merit.
10. At the conclusion of the C.R.S. 16-4-107 bond hearing, in order for the Judge to retain a monetary condition which has resulted in the pretrial detention of the defendant, the Judge must find probable cause that the defendant committed the crime(s) charged (which may be determined and found by the facts as alleged in the affidavit), and must find that the defendant’s pretrial risk cannot be adequately addressed by less restrictive bond conditions. At such hearing the court must give significant weight and deference to the CPAT risk category and the bond guidelines. The defendant and the prosecution may present any relevant argument and evidence including sworn testimony if desired. The rules of evidence shall not be applicable. The Judge may find that the defendant’s CPAT risk category, combined with the facts and circumstances of the alleged crime, are sufficient to justify a monetary condition that results in the defendant’s pretrial detention.
11. Pursuant to 16-4-107 the defendant is entitled to this procedure once during the pendency of the case. However, the court may allow subsequent hearings if warranted.

APPENDIX TO CRIME COLUMNS

*** All crimes listed include the related inchoate crimes of attempt, conspiracy, and solicitation. ***

If a case could be classified in more than one column due to multiple charges, the more restrictive classification should be chosen.

Column # 1 – Felony VRA Crimes – as listed in C.R.S. 24-4.1-302 – summarized below:

Murder	Manslaughter
Criminally Negligent Homicide	Vehicular Homicide
Assault, 1 st & 2 nd degree	Vehicular Assault
Menacing	Kidnapping – 1 st and 2 nd degree
Sexual Assault – 1 st and 2 nd degree	Sexual Assault on a Child
Sexual Assault by psychotherapist	Invasion of Privacy – sexual
Robbery	Incest
Child Abuse	Sexual Exploitation of Children
Crimes against at-risk Victims	Stalking
Bias motivated crimes	Indecent Exposure
Failure to Stop at Scene – death of another person	Burglary – 1 st degree
Tampering with Victim / Witness	Intimidation of Victim / Witness
Retaliation against a Victim / Witness	Retaliation against a Judge / Juror
Violation of Protection Order – sex assault victim	Human Trafficking
Habitual Domestic Violence	

Column # 2 - Drug Distribution

Drug distribution includes Special Offender charges and felony drug distribution (DF1 through DF4). The offense must include distribution, manufacturing, dispensing, selling or possession with intent of an illegal substance. This does not include simple possession of controlled substance charges unless combined with Special Offender charges.

Column # 3 Aggravated DARP/DUI

“Aggravated DUI”: Any DUI with a BAC of 0.15 or more, Prior DUI arrest, DUI + Vehicular Eluding.

The term “DUI” includes all drug and alcohol related driving offenses such as DUI, DWAI, DUID, and DWAIID.

Columns # 4 & #5 – Domestic Violence

Includes all misdemeanor and felony DV cases not otherwise categorized in columns 1, 2 or 3.

DVSI = Domestic Violence Screening Instrument - this instrument is validated on offenders in Colorado. It predicts specific risk to re-offend with Domestic Violence. Lower risk is 0-10, and medium to higher risk offenders will have scores that are 11 to 24. The State of Colorado has historically recognized offenders with a score of 11 or greater as needing a higher level of attention.

Column # 6 – Other Felony Crimes & Misdemeanor VRA Crimes – as listed in C.R.S. 24-4.1-302:

This column will include all other felony crimes not categorized in Columns 1 through 4.

Misdemeanor VRA Crimes	
Assault, 3 rd degree	Child Abuse
Sexual Assault, 3 rd degree / Unlawful Sexual Contact	Indecent Exposure
Menacing	Bias Motivated Crimes
Careless Driving Causing Death	

Column # 7 – Misdemeanor & Traffic

This column will include all other misdemeanor and traffic crimes, including DM1 and DM2 charges.

MESA COUNTY PRETRIAL SMART PRAXIS Version 4
(SMART = Supervision Matrix Assessment & Recommendation Tool)

CPAT Risk Category	1	2	3	4	5	6	7
	Felony VRA Crimes (C.R.S. 24-4.1-302)	Drug Distribution	Aggravated DUI & DARP	Domestic Violence DVSI 11 or Greater	Domestic Violence DVSI 10 or Less	Other Felony Crimes & Misdemeanor VRA (C.R.S. 24-4.1-302)	Other Misdemeanor, and Traffic Offenses
1	Basic	Basic	Basic	Basic	Court Reminder Calls Only	Court Reminder Calls Only	Court Reminder Calls Only
2	Basic	Basic	Basic	Enhanced	Court Reminder Calls Only	Court Reminder Calls Only	Court Reminder Calls Only
3	Intensive	Intensive	Enhanced	Intensive	Basic	Basic	Court Reminder Calls Only
4	Intensive	Intensive	Intensive	Intensive	Enhanced	Enhanced	Basic

PRETRIAL SUPERVISION LEVELS

Pretrial Supervision Description	No Supervision (Unless Jud. Override)	Basic	Enhanced	Intensive
Fees Charged to the Defendant <i>- Fee waivers are available based on client needs</i>	No fee	\$40 Intake, \$20 p/month	\$40 Intake, \$30 p/month	\$40 Intake, \$40 p/month
CPAT Assessment	✓	✓	✓	✓
Criminal History & Background Information	✓	✓	✓	✓
Court Reminders before each Pretrial Court Date		✓	✓	✓
Intake within 24 hours of release from jail		✓	✓	✓
Orientation with Intake Staff		✓	✓	✓
Notification of New Arrest		✓	✓	✓
Physically Check-in with Pretrial After Court Appearances		✓	✓	✓
Treatment evaluation by court order or client request		✓	✓	✓
Orientation with Pretrial Staff			✓	✓
Physical Check-in to Pretrial Office minimum of 1x p/month		✓		
Physical Check-in to Pretrial Office minimum of 2x p/month			✓	
Physical Check-in to Pretrial Office minimum of 1x p/week				✓
Client Meetings as Needed Only		✓		
*Minimum of one Client Meeting p/Month			✓	
*Minimum of two Client Meetings p/Month				✓

*Any defendants who are also on supervised Probation will not be required to have meetings with pretrial staff, except as needed.

DUI GUIDELINES (DUI includes DUI, DWAI, DUID, DWAI)

Non-Aggravated DUIs: <ul style="list-style-type: none"> • First DUI arrest in lifetime and BAC under 0.15. 	<ul style="list-style-type: none"> • Release and summons at the discretion of law enforcement. • No Pretrial Supervision is recommended.
Aggravated DUIs: <ul style="list-style-type: none"> • Any DUI with a BAC of 0.15 or more. • Any prior DUI arrest. • DUI + Vehicular Eluding 	<ul style="list-style-type: none"> • Minimum of two in-office substance screens per week or electronic alcohol monitoring (defendant's choice or at the discretion of CJSD). Substance screens include one or more of the following: breathalyzers, urine screens, eye scans or electronic alcohol devices, or other available chemical tests. • The type of substance tests may be imposed at the discretion of CJSD. • DUID cases: Minimum of two substance screens per month. • Any positive screen for schedule 1 or 2 drugs will result in a notice of violation & request for warrant. • Upon first and second positive screen (including alcohol, marijuana and Schedule 3-5 drugs), supervision will be increased (including possible use of alcohol ankle monitor) with a Report to the Court emailed to the court and the D.A. • Upon third or more positive screen, a Report to the Court with a Request for a no bond Warrant will be forwarded to the D.A. for filing with the court. • Successful compliance for at least two months may result in decreased intensity of supervision per CJSD discretion without formal action by the court.

SMART PRAXIS – ADDITIONAL INFORMATION

ADDITIONAL COURT ORDERED SUPERVISION SERVICES

These additional supervision services may be ordered by the court if appropriate for a particular defendant (see CRS 16-4-105).

Electronic Home Monitoring (EHM)	EHM is home curfew monitoring only and may involve an ankle monitor or Smart Phone device.
Fast Track Program	<p>The Fast Track Program may be available for defendants who are in need of substance abuse treatment and who are willing to participate. Defendants accepted into the Fast Track Program will be assessed and placed in a level of treatment based on their assessed needs, which may include in-patient or out-patient services. The Fast Track Program is available for both alcohol and drug addictions.</p> <p>Fast Track Approval Process: Should be ordered as a Cash Only bond with an alternative Co-Signed PR Bond, with CJSD as a non-liability co-signer. Pretrial Supervision should be a condition of the bond with substance testing authorized. A Fast Track Bond must be approved by Pretrial Services and the District Attorney’s office. The defendant will be assessed by CJSD treatment staff for an appropriate treatment level. If the defendant does not comply with treatment or Pretrial Supervision, CJSD may opt to revoke the bond. The defendant will be placed in treatment based on availability.</p>
GPS Monitoring	<p>Global Positioning System (GPS) Monitoring should not be considered protection for a victim. GPS monitoring relies on technology that may fail or that can be manipulated by defendants.</p> <p>GPS monitoring involves the electronic tracking of defendants’ geographical locations. The court may specify “Active” or “Passive” monitoring. “Active Monitoring” is the active, real time monitoring of a defendant’s location and is only reliable in the Grand Valley area. “Passive Monitoring” provides historical geographical information, but it is not real time. Pretrial Services will not be able to actively (real-time) monitor defendants outside of active monitoring zones.</p> <p>Exclusion zones should be specified and a minimum of 1,000 yards distance from exclusion zones should be ordered. Pretrial Services may decline to monitor defendants on GPS if conditions for monitoring present an unreasonable risk, or if there is no service available in the defendant’s community-based home or work locations.</p> <p>If GPS monitoring is ordered and there is at least one month of compliance, attorneys may choose to consider removal of the condition.</p> <p>GPS units are not always available, so the court should specific if it wants the defendant held in jail pending a GPS unit. It may take up to a week for Pretrial Services to review cases with GPS orders, and attain available GPS equipment.</p>
Substance Monitoring	<p>Pretrial Services may utilize the following methods: Urine Screens, Eye Scans, Breathalyzers, and Electronic Devices (Alcohol Ankle Monitors, In-Home Breathalyzers, Smart Phone technology, etc.).</p> <p>Unless otherwise ordered by the court, Pretrial Services will decide the method and frequency of the substance monitoring, which will be no less than one time per month, and no more than three times per week. This excludes DUI supervision levels, which are specified in the DUI supervision guidelines.</p>

OTHER INFORMATION

Adjustment of Supervision Levels	<p>If a defendant is compliant for at least two months, Pretrial Services may adjust supervision and substance testing based on performance.</p> <p>If a DUI defendant participates in treatment and has at least two months of negative substance screens, then supervision may be lowered, but not to less than one breathalyzer per week.</p>
Treatment Referrals	Pretrial Services may refer defendants for evaluations for treatment based on a court order or voluntary participation. The evaluations may include substance abuse, mental health, domestic violence, etc. Voluntary participation in treatment may help defendants avoid violations of their bond.
Response to Violations	Violation responses will be in accordance with the Mesa County Pretrial Services Response to Violations Guide.

This document was approved for implementation on January 1, 2015 by the Pretrial Stakeholder Group.

MESA COUNTY PRETRIAL SERVICES RESPONSE TO VIOLATIONS GUIDE

Minor Violations	Moderate Violations	Severe Violations
<i>Generally involves violations that show a lapse in judgment and do not cause harm to themselves or others.</i>	<i>Violations that appear to show a disregard for court orders and Pretrial Supervision, but did not cause harm or potential harm to others.</i>	<i>Violations that appear to show a willful and/or repeated disregard for court orders and Pretrial Supervision, and/or violations which cause or present a risk of harm to themselves and/or others.</i>
New Charges – Traffic infractions / Petty Offenses	Failure to Report a New Arrest	New Misdemeanor and Felony Criminal Charges
Failure to Report Police Contact	Failure to Appear in Court	Failure to comply with Protection Orders
Missing a Check-in	Home Curfew Violation	Failure to Report for Initial Intake Within One Week
Failure to Call in at Designated Date/Time	Leaving State w/out Authorization	Unable to Locate Client for Compliance
Missed Case Manager Meetings	Missed Multiple Case Manager Meetings	Failure to Comply with Fast Track Bond
GPS Minor Violations	GPS Moderate Violations	GPS Severe Violations
Failure to Report Address or Phone Number Changes	Failure to Download Electronic Monitoring Equipment	Tampering with an Electronic Monitoring Device
Failure to Answer Calls From Pretrial	Positive Schedule 3 to 5 Controlled Substance Screen	Positive Schedule 1 & 2 Controlled Substance Screen
Failure to Pay Supervision Fees <i>**Violations will not be filed for non-payment of fees.</i>	Failure to Comply with Special Bond Conditions (includes failure to produce substance tests, fail to submit BA's, positive THC tests, alcohol tests, etc.)	Tampering with a Urine Sample
Failure to Report After Court	Repeated Minor Level Violations	Repeated Moderate Level Violations

MESA COUNTY PRETRIAL VIOLATION RESPONSE GUIDELINES MATRIX

Supervision Levels (Based on the SMART Praxis)	Minor Violation	Moderate Violation	Severe Violation
Basic	Low Response	Low to Medium Response	Medium to High Response
Enhanced	Low to Medium Response	Medium to High Response	High Response
Intensive	Low, Medium or High Response	Medium to High Response	High Response

DEFINITIONS OF RESPONSE

Responses may include one or more of the following actions:

Low Response	Verbal warning; May consult with attorneys; Consult with family members and friends; etc.
Medium Response	Meet with and counsel client; Increase services or supervision levels (increase UA's, BA's, etc); Referral to treatment; May consult with attorneys; Mandatory contact with attorneys on positive schedule 1 and 2 substance screens; Request an imposed curfew; etc.
High Response	Meet with and counsel client; Must send Notice paperwork to the D.A. & notify defense; Contact law enforcement; Request treatment as condition of bond; Request Pretrial Work Release; etc.

This response guide was reviewed and modified by the Pretrial EBDM Stakeholders Group. It was approved for implementation on April 29, 2013 to coincide with the new bond schedule.