

Chief Judge Directive 15-03

11th JUDICIAL DISTRICT STATE OF COLORADO OFFICE OF THE CHIEF JUDGE

DIRECTIVE CONCERNING IMPLEMENTATION OF A PRETRIAL SERVICES PROGRAM FOR THE 11TH JUDICIAL DISTRICT

I. Scope of Directive.

This Directive is effective in Fremont County for all persons arrested on or after January 1, 2016. This directive is effective in each of the other three counties – Chaffee, Custer and Park – at such time as each of them has personnel trained to administer the Colorado Pretrial Assessment Tool (CPAT) and commit to using the CPAT to assess all pretrial detainees.

The Fremont County Sheriff shall provide all pretrial services, including but not limited to monitoring sobriety, electronic home detention and reminder telephone calls. In any other county, the same providers who supervise bond conditions at this time may provide pretrial services until and unless the county sheriff assumes that responsibility.

Any sheriff participating in this pretrial release program, whether or not the sheriff is providing pretrial services, is encouraged to track the effectiveness of the pretrial services program, particularly regarding future compliance with court appearances and other bond conditions, as well as persons released on bond who commit new criminal offenses while at liberty on bond.

II. Legal Authority

1. H.B. 13-1236. H.B. 13-1236 was signed into law on May 11, 2013. The bill repeals and reenacts the provisions of the criminal procedure code related to bail bonds. The new provisions place a greater emphasis on evidence-based and individualized decision-making during the bond-setting process and discourages use of monetary conditions for bond.
2. Section 16-4-101, *et seq.*, C.R.S. Release on Bail.
3. Colorado Constitution Article II, Section 20: “That excessive bail shall not be required.”
4. United States Constitution, Eighth Amendment. See *Stack v. Boyle*, 342 U.S. 1 (1951) (bail set with a purpose to detain is excessive and constitutionally invalid)

III. Pretrial Services Plan

This Directive adopts and incorporates by reference the attached pretrial services plan, which was adopted and approved by the pretrial services community advisory board for the 11th Judicial District:

____/S/ Patrick W. Murphy_____ _____12/22/15_____

Honorable Patrick W. Murphy
Chief Judge 11th Judicial District

Dated