



ELEVENTH JUDICIAL DISTRICT

Chief Judge Order 15-03 (amended)
Pre-Trial Services Plan – Fremont and Custer Counties
Modified April 2, 2024

The following guidelines are intended to assist the Bond Commissioner(s) and Judicial Officers in determining, as to cases in Fremont and Custer Counties, (1) when a defendant must be brought before a judicial officer for a bond hearing; (2) when a defendant may be released on a personal recognizance bond without a bond hearing; and (3) the conditions of release on bond.

1. Persons Not Eligible for Pre-Trial Release Before Advisement and Hearing Before a Judicial Officer
 - a. When the arrest charges include any of the following (applies to warrantless arrests and arrest warrants):
 - i. Class 1-3 felonies
 - ii. Class 1-3 drug felonies
 - iii. Domestic violence offenses
 - iv. Sexual offenses
 - v. Stalking offenses
 - vi. Felony DUI offenses
 - vii. VRA offenses
 - b. When a type and amount of bond has been set upon return of an indictment or filing of the information or complaint.
 - c. When a type and amount of bond has been set by a judicial officer in the arrest warrant. (The Fremont County Sheriff's Office (Sheriff) may not convert a monetary bond to a PR bond without judicial officer approval.)
 - d. When any of the following apply under § 16-4-113(1)(a-f):
 - i. the arrested person fails to sufficiently identify [themselves], or
 - ii. the arrested person refuses to sign a personal recognizance; or
 - iii. the continued detention or posting of surety bond is necessary to prevent imminent bodily harm to the accused or to another; or
 - iv. the arrested person has no ties to the jurisdiction of the court reasonably sufficient to assure his or her appearance, and there is

substantial likelihood that [they] will fail to appear for trial if released upon [their] personal recognizance; or

- v. the arrested person has previously failed to appear for trial for an offense concerning which [the person] had given a written promise to appear; or
 - vi. there is [an] outstanding warrant for [the person's] arrest on any other charge or there are pending proceedings against [the person] for suspension or revocation of parole or probation.
- e. When a person is not eligible for pretrial release as listed in this section, a judicial officer shall review the propriety of the type of bond and conditions of release at the first appearance of a person in custody, typically on the next-scheduled advisement and bond hearing docket.

2. Persons **Eligible** for Pre-Trial Release Before Advisement and Hearing Before a Judicial Officer

- a. All other cases not mentioned in section 1 above are eligible for pre-trial release prior to an in-court bond hearing as follows:
 - i. Releases Authorized by Sheriff:
 - 1. Unless certain conditions are identified under § 16-4-113(1)(a-d)¹, the Sheriff shall release on a PR bond any person arrested for a traffic offense or petty offense, prior to the next advisement docket.
 - ii. Releases Authorized by Judicial Officer:
 - 1. Unless certain conditions are identified under § 16-4-113(1)(a-d)², an arrested person is eligible for a PR bond, with judicial officer approval, as follows:
 - a. Regardless of CPAT score: Traffic, petty offenses, DUI/DWAI with no prior alcohol/drug related driving convictions, and unclassified offenses, in which the maximum penalty does not exceed 6 months incarceration.

¹ § 16-4-113(1)(a-d) includes: (a) the arrested person fails to sufficiently identify [themselves]; or (b) the arrested person refuses to sign a personal recognizance; or (c) the continued detention or posting of surety bond is necessary to prevent imminent bodily harm to the accused or to another; or (d) the arrested person has no ties to the jurisdiction of the court reasonably sufficient to assure his or her appearance, and there is substantial likelihood that [they] will fail to appear for trial if released upon [their] personal recognizance.

² § 16-4-113(1)(a-d) includes: (a) the arrested person fails to sufficiently identify [themselves]; or (b) the arrested person refuses to sign a personal recognizance; or (c) the continued detention or posting of surety bond is necessary to prevent imminent bodily harm to the accused or to another; or (d) the arrested person has no ties to the jurisdiction of the court reasonably sufficient to assure his or her appearance, and there is substantial likelihood that [they] will fail to appear for trial if released upon [their] personal recognizance.

- b. CPAT category 1 or 2 charged with a class 1-2 misdemeanor (except VRA cases).
 - c. CPAT category 1 or 2 charged with DUI/DWAI with no more than two prior alcohol/drug related driving convictions, with condition of monitored sobriety throughout prosecution as required per § C.R.S. 16-4-105(6)(a).
 - d. CPAT category 1 charged with a Drug Misdemeanor.
 - e. CPAT category 2 charged with a Drug Misdemeanor, with condition of monitored sobriety for a 30-day period.
2. When a person is eligible for pre-trial release before advisement and hearing before a judicial officer, as described in this section, the Sheriff will provide the probable cause statement and the CPAT report to a duty Judge as designated by the Chief Judge. The reviewing *ex-parte* Judge has the option to (1) continue the setting of a bond until a bond hearing on the next business day or (2) set a bond and conditions and approve release of the defendant prior to an in-court bond hearing.

3. Bond Guidance

- a. A judicial officer may set a bond or issue a summons at the time an arrest warrant is sought by law enforcement.³
- b. A judicial officer shall not impose a monetary condition of bond for a defendant charged with a traffic offense or a petty offense.⁴
- c. If a warrant is issued for failure to appear or violation of a condition of release

³ A summons shall be issued instead of a warrant in all petty offenses and all unclassified offenses punishable by a maximum penalty of six months imprisonment or less unless the court finds the conditions listed in C.R.S. § 16-5-207(1)(a)-(c) as follows: (a) The defendant has previously failed to respond to a summons for an offense; or (b) There is a substantial likelihood that the defendant will not respond to a summons; or (c) The whereabouts of the defendant is unknown and the issuance of an arrest warrant is necessary in order to subject him to the jurisdiction of the court.

Except in class 1, class 2, and class 3 felonies, or level 1 or level 2 drug felonies, the general policy shall favor issuance of a summons instead of a warrant for arrest of a defendant unless findings are made consistent with C.R.S. § 16-5-207(2).

⁴ This provision shall not apply to offenses listed in § 16-4-113(2)(e)(I-IV):

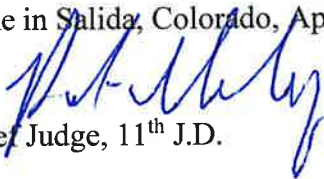
- (I) A traffic offense involving death or bodily injury or a municipal offense with substantially similar elements;
- (II) Eluding or attempting to elude a police officer as described in § 42-4-1413 or a municipal offense with substantially similar elements;
- (III) Operating a motor vehicle after circumventing an interlock device as described in § 42-2-132.5(10) or a municipal offense with substantially similar elements;
- (IV) A municipal offense with substantially similar elements to a state misdemeanor offense.

for a petty offense or traffic offense, the warrant shall authorize a PR bond upon arrest.

- d. Persons arrested for a traffic offense or a petty offense shall be granted a PR bond by the Sheriff, Court, or bonding commissioner prior to the next individualized consideration of bond.
- e. As to all bond settings, the Courts shall apply the provisions of C.R.S. §§ 16-4-103, 104, 105, and 113. The Courts shall also apply the results of the CPAT (an evidence based pre-trial risk assessment tool) to the 11th JD Bond Guidelines (Matrix). Where appropriate, and exercising their professional judgement, judicial officers may deviate from the guidelines set forth in the Matrix based upon the individual circumstances of the defendant and the case.
- f. Regarding conditions of bond as set by the Court pursuant to C.R.S. § 16-4-105, judicial officers are encouraged to only impose conditions of bond that are necessary based upon the individual circumstances of the defendant, the victim, and the case. Judicial Officers should only impose bond conditions they intend to subsequently enforce. All bond conditions will be administered and monitored by the Sheriff starting January 1, 2016.⁵ The Sheriff shall notify the District Attorney's Office and Counsel of Record of violations of bond conditions as soon as practicable following the violation. In addition, the Sheriff shall provide a report regarding compliance with bond conditions to the Court, District Attorney's Office, and Counsel of Record prior to each court appearance.

Done in Salida, Colorado, April 2, 2024.

/s/



Chief Judge, 11th J.D.

⁵ Waiver of fees shall be available based upon a finding of indigency by the Court through the receipt of a qualifying JDF208.