

**Pre-Trial Services Plan 11th Judicial District¹
Modified March 29, 2021**

The following cases will not be eligible for pre-trial release prior to an in court advisement and bond hearing to be held the business day after the arrest at 1:15 pm:

Class 1-3 Felonies
Class 1-3 Drug Felonies
Sexual Offenses
Domestic Violence Offenses
Stalking Offenses
Felony DUI Offenses
Felony VRA Offenses

This provision applies to warrantless arrests and to arrest warrants.

All other cases are eligible for pre-trial release prior to an in Court bond hearing as follows:

The Court may set a bond or issue a summons at the time of the issuance of an arrest warrant.²

Unless certain conditions are identified as per C.R.S. 16-4-113(1)(a-c)³, the Fremont County Sheriff's Department (hereinafter Sheriff) shall release a Defendant on a PR bond as follows:

Class 3 misdemeanors, 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 (regardless of CPAT score).

CPAT category 1 or 2 charged with a class 1-2 misdemeanor (except VRA cases).

¹ This Pre-Trial Services Plan for the 11th Judicial District supersedes and eliminates the prior Fremont County District and County Court Bail Bond Schedule.

² A summons shall be issued instead of a warrant in all petty offenses, class three misdemeanors, 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). 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 the defendant unless findings are made consistent with C.R.S. 16-5-208(2).

³ Including 16-4-113(1):

(c) The continued detention or posting of a 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 he or she will fail to appear for trial if released upon his or her personal recognizance; or

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).

CPAT category 1 charged with a Drug Misdemeanor.

CPAT category 2 charged with a Drug Misdemeanor, with condition of monitored sobriety for a 30-day period.

The Court shall not impose a monetary condition of bond for a defendant charged with a traffic offense or a petty offense.⁴ Defendants arrested for traffic offense or petty offense shall be granted a PR bond by the Sheriff, Court, or bonding commissioner prior to the next individualized consideration of bond.

If a warrant is issued for failure to appear or violation of a condition of release on a petty offense or traffic offense, the warrant shall authorize a PR bond upon arrest.

For all other cases in which pre-hearing release is authorized, 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 continue the setting of a bond until a bond hearing at 1:15 on the next business day, or to set a bond and conditions.

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.

For all cases the initial bond return date shall be 1:15 pm on the next business day, for Advisement and Bond Hearing.

Regarding conditions of bond as set by the Court pursuant to C.R.S. §16-4-105, Courts are encouraged to only impose conditions of bond that are necessary based upon the individual circumstances of the defendant, the victim and/or the case, and that the Court intends 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.

⁴ This provision shall not apply to those 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 section 42-4-1413 or a municipal offense with substantially similar elements;
- (III) Operating a vehicle after circumventing an interlock device as described in section 42-2-132.5(10) or a municipal offense with substantially similar elements; and
- (IV) A municipal offense that has substantially similar elements to a state misdemeanor offense.

⁵ Waiver of fees shall be available based upon a finding of indigency by the Court based on form JDF208.