

SIXTH JUDICIAL DISTRICT, STATE OF COLORADO

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THIRD AMENDED ADMINISTRATIVE ORDER 2020-13

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Order Authorizing the Release of Archuleta County Nonviolent Arrestees Due to COVID-19 Pandemic

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Due to the COVID-19 pandemic and the opening of the new Archuleta County Jail, in order to maintain the health and safety of its inmates and staff, the new jail may need to operate at a capacity that is lower than the capacity for which it was designed. Therefore, in order to keep the male inmate population at 27 or less and the female inmate population at 8 or less, the Court orders that the following policies shall apply to the male and female housing units respectively.

When the male inmate population reaches 25 or the female inmate population reaches 7, with the exception of any persons arrested for municipal offenses or arrested on warrants originating outside of the Sixth Judicial District, any of the following persons arrested and brought to the Archuleta County Sheriff's Office for the following offenses shall be booked and at the discretion of the ACJ may be granted a personal recognizance bond:

1. Any defendants arrested without an arrest warrant for any nonviolent offense that constitutes an F-4 or lower offense, any DF-3 or lower drug offense, and any traffic offense. Individuals arrested for driving while under the influence of alcohol and/or drugs, driving while impaired by influence of alcohol and/or drugs, or reckless driving shall not be released if they are alleged to have caused bodily injury to any other person or if the arresting officer has reason to believe that this arrest is a second or subsequent arrest for driving while under the influence or driving while impaired;
2. Any probation revocation (failure to comply) warrants that have a monetary bond amount set in the warrant; and,
3. Any county court FTA bench warrants or traffic related arrest warrants where the bond is set at less than \$10,000 and any district court FTA bench warrants where the bond is set at less than \$25,000.

The jail shall accept into custody all:

1. Failure-to-appear bench warrants where bond exceeds the amounts listed above;
2. No-bond warrants, including warrants initiated by the bond commissioners; and
3. All defendants arrested for crimes that require a mandatory arrest, including:
  - a. All defendants arrested for violation of bond conditions or violation of a protection order;
  - b. All defendants arrested for any type of sex offense; and
  - c. All defendants arrested for domestic violence offenses.

If the male inmate population exceeds 27, the jail may release a sufficient number of inmates on personal recognizance bonds consistent with the conditions above to reduce the male inmate population to 25. If the female inmate population exceeds 8, the jail may release a sufficient number of inmates on personal recognizance bonds consistent with the conditions above to reduce the female inmate population to 7.

The jail shall not release any intoxicated arrestees until they are sober. Any inmate who, upon arrival at the jail, was intoxicated either by drugs, alcohol, or both, who is released pursuant to this Administrative Order, shall have as a condition of their PR bond that they are released to Pretrial Services on the condition that they not consume or possess any alcoholic beverages or drugs and that they comply with Pretrial Services testing.

Any PR bond releasing an inmate as authorized by this Administrative Order shall reflect on the PR bond that the bond was granted pursuant to this Administrative Order.

Any FTA or probation arrestee who is released from custody pursuant to the above guidelines shall be given a PR bond at the jail to appear on the criminal docket of the division of the court who issued the warrant at least one week after arrest. Conditions of bond for FTA arrestees shall be the same as contained on their original bond. Conditions of bond for probation revocation arrestees shall be to contact their probation officer immediately upon release and to comply with probation conditions.

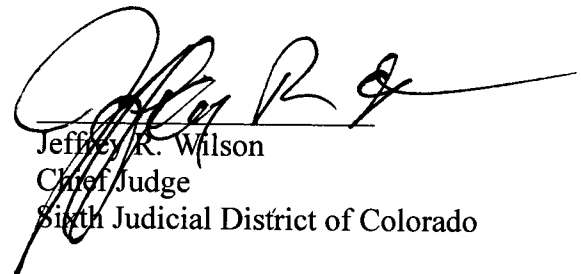
Any other arrestee who is released from custody pursuant to the above guidelines shall be given a PR bond at the jail to appear in county court on the next Monday, Wednesday, or Friday after arrest during the court's regularly scheduled docket, at which time the court will impose bond conditions.

### **Judicial Override**

If the arresting officer believes that the arrestee is subject to receiving a PR bond by the terms of this order is a danger to the public and he/she obtains the consent of his/her supervisor, the arresting officer may call the on-call judge to verbally authorize the jail to require the defendant to post bond in accordance with the normal bond schedule or any other amount of bond the on-call judge finds appropriate prior to the release of the arrestee. Similarly, if authorized by a supervisor, the Archuleta County Jail may contact the on-call judge to request the release of appropriate inmates that do not qualify for PR bonds above. The Archuleta County Jail shall record on the custody paperwork sent to the court for each such arrestee that the on-call judge authorized a deviation from the conditions above.

This order shall remain in effect until further order of the Court.

Done and signed this 10<sup>th</sup> day of February, 2021.

  
Jeffrey R. Wilson  
Chief Judge  
Sixth Judicial District of Colorado

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