

SIXTH JUDICIAL DISTRICT
LA PLATA COUNTY

ADMINISTRATIVE ORDER 2015.4

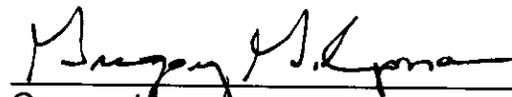
ORDER ADOPTING PRETRIAL SERVICES PLAN AS AMENDED IN October of
2015

Pursuant to authority established in Colorado Revised Statute § 16-4-105, this Court, through the Chief Judge, adopts the plan to establish a pretrial services program in La Plata County. A copy of the plan is attached hereto.

Effective October 15, 2015, all persons wishing to be released from custody from the La Plata County jail after arrest for charges which are to be or may be filed in La Plata County Court or the District Court in and for La Plata County will be subject to evaluation and supervision as is described in the plan.

This order does not apply to persons arrested on charges filed or which may be filed in Archuleta County or San Juan County Court or the District Court in and for Archuleta or San Juan Counties.

DONE this 15th day of October, 2015



Gregory Lyman
Chief Judge, Sixth Judicial District

cc.: Appointees of the Pretrial Services Committee
Judges and Magistrate
Court Administrator
Clerks of Court
La Plata County Sheriff's Office
Chief Probation Officer

By: DJC On: 10-15-15

AMENDED PRETRIAL SERVICES PLAN FOR LA PLATA COUNTY, COLORADO

This amended plan although not signed by the District Attorney, Public Defender, the La Plata County Sheriff, the La Plata County Jail commander and the citizen at-large, has been approved by a collaborative process that included each of these people or entities that approved and signed the original pretrial services plan that was adopted on July 2, 2015.

DEFINITIONS

As used in this plan, the following terms have the following definitions:

1. The Program - means the pretrial services program established under this plan.
2. Judge - means the judge or magistrate before whom the defendant appears for an initial bond setting or a bond hearing or modification.
3. Bond schedule - means the bond schedule then in effect for the 6th Judicial District.
4. Jail - means the La Plata County Detention Facility.
5. Sheriff - means the sheriff of La Plata County, Colorado.

GENERAL PROVISIONS

La Plata County operates a pretrial services program in consultation with the Chief Judge of the 6th Judicial District. The provisions of this plan only apply to defendants who have been arrested for new criminal offenses. The program shall provide such information as will provide the court with the ability to make a more appropriate initial bond decision which is based upon facts relating to the defendant's risk of danger to the community and the defendant's risk of failure to appear for court. The pretrial services program will also include different methods and levels of community-based supervision as a condition of pretrial release. The program may use established

supervision methods for defendants who are released prior to trial in order to decrease unnecessary pretrial incarceration. The program may include, but is not limited to, any of the following conditions for pretrial release or any combination thereof:

- (1) Periodic telephone contact with the defendant;
- (2) Periodic office visits by the defendant to the pretrial services program;
- (3) Periodic home visits to the defendant's home;
- (4) Periodic drug or alcohol testing of the defendant;
- (5) Mental health or substance abuse treatment for the defendant, including residential treatment;
- (6) Domestic violence counseling for the defendant;
- (7) Electronic or global position monitoring of the defendant;
- (8) Work release, if approved by the La Plata County Jail.

Any person so assigned by the sheriff is considered to be a "bonding commissioner" as that term is used in C.R.S. 16-4-109. The powers of the bonding commissioners shall be as set forth in C.R.S. 16-4-109 and for "persons" designated by the court to set bond in C.R.S. 16-4-103. The bond commissioners shall set bond as established in the bond schedule attached hereto and pursuant to the criteria set forth in C.R.S. § 16-4-103. All defendants who are supervised by the pretrial services program will pay a reasonable monthly fee to be established by the program. The program is authorized to establish a sliding scale or make provisions for a defendant's inability to pay for the services. The defendant is responsible for paying all testing and any other supervision fees and costs. If a defendant fails to pay the fee, the program will notify the judge and the defendant and set the case for a hearing.

DEFENDANTS APPEARING BEFORE A JUDGE PRIOR TO RELEASE ON BOND

Any defendant who is in custody and who has not posted a bond shall appear before a judge prior to release on a bond. The judge shall consider the statutory criteria for release on bond. All such defendants will be screened by the program prior to their first appearance before the judge. The initial screening will consist of an empirically based screening tool, an in-person interview, a

review of such police reports as are available to the pretrial services program, and a criminal records check to be conducted by the pretrial services program. The initial screening will attempt to establish:

- (1) The defendant's employment status and history and his or her financial condition;
- (2) The nature and extent of his or her family relationships;
- (3) His or her past and present residences;
- (4) His or her character and reputation;
- (5) Identity of persons who agree to assist him or her in attending court at the proper time;
- (6) The nature of the offense presently charged;
- (7) The defendant's prior criminal record, if any, and, if he or she previously has been released pending trial, whether he or she appeared as required;
- (8) Any facts indicating the possibility of violations of law if the defendant is released without restrictions;
- (9) Any facts indicating a likelihood that there will be an intimidation or harassment of possible witnesses by the defendant; and
- (10) Any other factors which the program believes the judge should be aware of prior to setting bond, provided that those factors shall relate solely to the probability of the defendant appearing in court for future hearings and preserving the safety of the defendant and the community.

No defendant shall be compelled to provide any information concerning the offense for which that defendant is presently incarcerated or was arrested for or may become incarcerated or charged for in the future. Further, during screening, no defendant will be compelled to provide any information of any kind to the pretrial services program. If a defendant refuses to provide information to the program which is needed to complete the screening, the defendant will be advised that the program will inform the judge of such failure or refusal to provide information and the judge may take such failure to provide information into account when fixing the amount of or

any conditions of bond to be imposed. Defendants will be informed of the provisions of this paragraph before information is sought from them.

The program will provide a summary of the information obtained as a result of the initial screening to the judge. The summary may be in the form of a scoring sheet and may include recommendations as to the amount or type of bond or conditions of bond to help ensure the safety of the community and increase the likelihood that the defendant will appear at future court appearances. The summary of the initial interview will be available and presented to the judge, the district attorney, court appointed counsel, any private attorney for the defendant (if one is known at the time of the screening), and the defendant.

The judge may accept, modify, or reject any or all of the program's recommendations. A copy of the summary will remain in the court file.

DEFENDANTS WHO ARE RELEASED ON BOND PRIOR TO APPEARING BEFORE A JUDGE

Nothing in this plan prevents a defendant from posting bond in compliance with the bond schedule prior to appearing before a judge. The defendant will be required, as a condition of his or her bond, to appear before the La Plata County Court for a bond hearing. A condition of any bond posted before a defendant appears before a judge may be that the defendant attend the initial screening on the next business day after release before 10:00 a.m. The bond shall set the defendant's first appearance in La Plata County Court at 2:00 p.m. on the next business day after release.

When a defendant posts a bond before appearing before a judge, the jail shall provide the defendant with a notice that informs the defendant that he or she must appear in accordance with this plan (at the program and in court). The notice shall also inform the defendant that additional

conditions (but no changes in the amount of bond) may be imposed at the first bond hearing and that the defendant may oppose the imposition of additional conditions.

ADDITIONAL PROVISIONS

If the defendant being screened by the pretrial services program is currently being supervised by the 6th Judicial District Probation Department, the pretrial services program shall notify the probation department of the defendant's arrest. The pretrial services program shall supervise the defendant as if he or she were not on probation with the exception that he or she will not be required to duplicate any testing, counseling, or treatment the defendant is currently required to perform as conditions of probation. The probation department and the pretrial services program shall share information concerning the defendant, including testing results, throughout the time the pretrial services program supervises the defendant so long as the defendant agrees to sign a release of information allowing probation and pretrial services to do so. The pretrial services program shall file any reports concerning the program required by statute.

A bonding commissioner may file a verified application stating facts or circumstances constituting a breach or a threatened breach of any of the conditions of the bond. The application should be presented to the judge assigned to the defendant's case. If that judge is unavailable, the application should be presented to any appropriate judicial officer. After reviewing the application, the court may issue a warrant for the arrest of the defendant or may set a hearing for possible bond modification.

If the court issues an arrest warrant based upon the verified application, the pretrial services program shall provide the district attorney and defense counsel a copy of the verified application. The district attorney shall at that time provide victim notification when appropriate pursuant to the Victim's Rights Amendment.

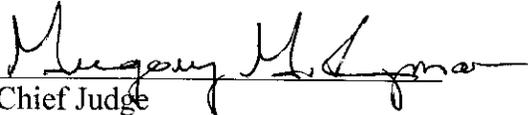
Upon the court being notified that the defendant is in custody, the court shall set a hearing upon the verified application without unnecessary delay. At the conclusion of the hearing, the court may continue the previous bond with consent of the bondsman, revoke the old bond and set a new bond, and/or add or alter any condition of the bond.

This plan and the attached bond schedule may be amended at any time in the future to include additional services or conditions for pretrial releases.

Nothing in this plan is meant to restrict or delegate any of the judge's discretion concerning the fixing of bond or release conditions. The judge will continue to have the sole discretion to set a bond amount and to impose such conditions as the judge believes best serves the requirement that the defendant appear for future court dates and that provide for the safety of the public, alleged victims, witnesses, and the defendant.

Nothing in this plan is meant to obligate La Plata County or the La Plata County Sheriff to develop or maintain a pretrial services program.

This amended plan is adopted on the date set forth above.


Chief Judge