

TWENTY-SECOND JUDICIAL DISTRICT
DOLORES AND MONTEZUMA COUNTIES

ADMINISTRATIVE ORDER 2012-01

ORDER ADOPTING PRETRIAL SERVICES PLAN

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 the Twenty-Second Judicial District. A copy of the plan is attached hereto.

Effective January 9, 2012 all persons wishing to be released from custody from the Montezuma County jail after arrest for charges which are to be or may be filed in Montezuma County Court or the District Court in and for Montezuma 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 Dolores County Court or the District Court in and for Dolores County.

DONE on January 5, 2012,



Douglas S. Walker
Chief Judge, Twenty-Second Judicial District

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

By: DSB

On: 1/6/12

PRETRIAL SERVICES PLAN FOR MONTEZUMA COUNTY, COLORADO

This plan is established this 5th day of January, 2012 in order to establish a pretrial services program for Montezuma County, Colorado pursuant to C.R.S. 16-4-105.

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 22nd Judicial District.
4. Jail- means the Montezuma County Detention Facility.
5. Sheriff- means the sheriff of Montezuma County, Colorado.

GENERAL PROVISIONS

The program will be administered by the sheriff. 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 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.

Any person employed by the program or assigned to the program by the sheriff is considered to be a "bonding commissioner" as that term is used in C.R.S. 16-4-108.

All defendants who are supervised by the pre-trial 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. If a defendant fails to pay the fee, the program will notify the judge and the defendant and set the case for a hearing to revoke the Defendant's bond.

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. All such Defendants will be screened by the program prior to their first appearance before the judge. The initial screening will consist of 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 financial condition;

(2) The nature and extent of his 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 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, 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 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. The summary of the initial interview will be available and presented to the judge, the district attorney, any attorney for the defendant (if one is known at the time of the initial bond hearing) 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. If a defendant posts a bond as provided in the bond schedule, prior to appearing before a judge, that defendant will be required to appear during business hours at the pretrial services program for an initial interview. Further, the defendant will be required, as a condition of their bond, to appear before the Montezuma County Court for a bond hearing and first appearance within seven calendar days of posting their bond. A condition of any bond posted before a defendant appears before a judge will be that the defendant attend the initial screening and the bond hearing. Any defendant who posts a bond on any Friday after 4:00 p.m., Saturday, Sunday or a Monday which is a holiday for the Court, is to appear at the program and in Court on the following schedule:

Day of week bond is posted	Day defendant is to appear at pretrial services program for interview	Day for Defendant to appear at County Court
Friday	Tuesday	Tuesday
Saturday	Wednesday	Wednesday
Sunday	Thursday	Thursday
Monday (holiday)	Thursday	Thursday

The defendant will appear before 10:00 a.m. at the program and at 2:30 p.m. at Court for a bond hearing. Defendants, who post a bond during any other day (including non-holiday Mondays) and before appearing before a judge will appear on the morning of the next calendar day after posting bond at the program at 10:00 a.m. and in Montezuma County Court at 2:30 p.m. Thus a defendant who posts a bond before midnight will be required to appear on the next day. A

defendant, who posts bond after midnight, will be required to appear on the next day, not the same day as he or she posts the bond.

When a defendant appears at the program after posting bond but prior to appearing before a judge, the program shall conduct an initial interview identical to the interview conducted for Defendants in custody. The program shall also provide a summary to the Court, the District Attorney, the Defendant and defendant's attorney in the same way as if the defendant is in custody.

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 not increases 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


This plan 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 serve 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.

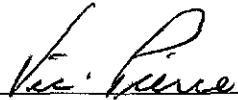
Adopted on the date set forth above.



Douglas Walker
Chief Judge



Dennis Spruell
Montezuma County
Sheriff

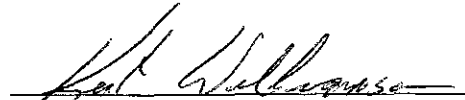


Vici Pierce
Montezuma County Detention Center

Russell Wasley
District Attorney



Justin Bogan
Public Defender



Kent Williamson
Representative of Citizens at Large