

CCJJ Bail Subcommittee

May 4, 2012, 2:00PM-5:00PM
710 Kipling, 1st Floor Conference Room

ATTENDEES:**CO-CHAIRS**

Judge Margie Enquist/1st Judicial District, co-chair
Doug Wilson/State Public Defender

SUBCOMMITTEE MEMBERS

Sharon Winfree/Colo. Association of Pretrial Services
John Marcucci/Denver County Court
Jason Armstrong/Bail Bondsman (for Steve Mares/Professional Bail Assoc. of Colorado)
Greg Mauro/Denver Pre-trial services
Kate Murphy/17 Judicial District, Victims representative
Sallie Clark/El Paso County Commissioner

STAFF

Paul Herman/CCJJ consultant
Christine Adams/Division of Criminal Justice
Kim English/Division of Criminal Justice

Presenters

Mike Jones/Pretrial Justice Institute
Claire Brooker/Jefferson County Criminal Justice Planner

ABSENTEES

Maureen Cain/Colorado Criminal Defense Bar
Scott Storey/Jefferson County DA
Michael Dougherty/Deputy Attorney General
Bill Kilpatrick/Golden Police Chief

ADDITIONAL ATTENDEES

John Clarke/Clarke Strategies
Jennifer Lasswell/Metro State College

<p>Issue/Topic:</p> <p>Welcome and Introductions</p>	<p>Discussion:</p> <p>Judge Enquist welcomed everyone and explained that the Doug Wilson has been named the official co-chair, replacing Grayson Robinson who had officially removed himself last month.</p> <p>The minutes were reviewed. A motion and second to approve the minutes was made contingent on grammatical and factual corrections. Kim English agreed to edit the minutes before they are posted.</p>
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<p>Issue/Topic:</p> <p>DORA/Bail Legislation Update</p> <p>Action:</p>	<p>Discussion:</p> <p>Doug Wilson presented the following updates sent to him by Maureen Cain.</p> <ul style="list-style-type: none"> - HB12-1266 has made it through the House and Senate Judiciary Committees and the Senate Finance committee. It is scheduled for a 2nd reading in the Senate on Monday (May 7). - With the addition of amendments 19 and 20 the Colorado Criminal Defense Bar and the industry have reached an agreement on the bill. There are still a few small amendments to be made on the floor Monday. Maureen is in the process of drafting those now. - The structure set up in the House remains which transfer the surety bond industry to Title 10 in the C.R.S., under the insurance code. The cash bond industry will not be licensed but will have a registration process under Title 10. - The amendments in the Senate put the following things back into the bill: <ul style="list-style-type: none"> o Pre-licensure training, the number of FTAs, the number of bonds revoked by bondsmen for non-FTA reasons or a new crime, the number of bonds revoked for commission of a new crime, and the number of bonds discharged at the request of a bondsman for the commission of a new crime. - There is also language included that asks the industry to work with stakeholders to develop a system to verify returns to the court or custody in a way that is reliable and verifiable. If that is done there are discretionary data collection points on this “return for prosecution” issue. - The Division of Insurance (DOI) is okay with all of these changes. They hope that with the elimination of some paperwork the division will be able to spend more time on the investigation of more serious complaints as well as conduct market conduct reviews. - It is hoped that the House will concur and that there will be no conference committee.
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Issue/Topic:	Discussion:
<p>Data and Education Update</p> <p>Action</p>	<p>Validated Risk Assessment Study – Mike Jones/Pretrial Justice Institute See slides for specific presentation information.</p> <p>Other discussion:</p> <ul style="list-style-type: none"> - The study conducted to select these items used a massive amount of data which allowed the tool to be fine-tuned. <ul style="list-style-type: none"> o Other items may have been selected in other studies – for example (see slide 10) the top charge may have been found to be a significant predictor but it wasn't here, probably because we had more data and were thus better able to pick the truly best predictors of pretrial risk. - Might a tool like this be useful for determining bond level? <ul style="list-style-type: none"> o Slide 13 is a sample matrix of how bond guidelines might be designed. o The exact layout and definitions will differ by jurisdiction. o Overrides might happen at this point. Not with one's actual score but with what is done with that score and/or in what level a person is actually placed. <p>14 Week JeffCo Impact Study – Claire Brooker/Jefferson County See slides for specific presentation information:</p> <p>Other discussion:</p> <ul style="list-style-type: none"> - This study was done by randomly assigning cases to 7 judges over 14 weeks. This is as close as researchers could come to having a controlled/random assignment study. - Researchers did see a shift away from traditional bond by all judges between pre- and during-study amounts. - Colorado doesn't have a preventative detention statute so we do put larger bond amounts on those defendants that we don't want to let out. - The goal of this study was to move judges toward making in/out decisions and to not have decisions based on the defendant's ability to pay. - Only looked at whether or not bond was posted. Did not look at whether or not the person was actually released. <ul style="list-style-type: none"> o Might it be possible that they didn't post because they wouldn't have been released anyway because of a different case? \ o Unwillingness and an inability to post might be the same thing? An in/out decision would get this issue out of the system because the decision wouldn't be based on money. These other reasons would be accounted for. - In Denver the same 500 people were arrested 19,000 times over 5 years. They are the front-end users who get the really low bonds. So getting them out is not necessarily the answer. They're getting these low level bonds because they FTA. <ul style="list-style-type: none"> o But maybe a different question needs to be asked – what do we do with these frequent fliers?

- Also, need to account for ICE cases.
 - But shouldn't the judge decide if the person is going to be here for their case or if they're okay with immediate deportation?
- For this study (JeffCo only) these were all new charges, not FTA bonds.
- \$200 bond doesn't imply a desire to keep someone in jail for their whole pre-trial period.
 - Who are the people that can't make such a low bond?
- Based on JeffCo's study 95% of defendants were eligible for PR bonds with the DA having the ability to object to some of them.
 - It's because they had some kind of risk.
 - It's often because of the current charge – but we saw in the previous presentation that this isn't an actual risk.
 - It was argued that it's not the current charge but a previous criminal history.

Issue/Topic:	Discussion:
<p>Bail Subcommittee Options and Next Steps</p> <p>Action</p>	<p>This agenda item was tabled until next month when today's absentees can participate.</p>

Next Meeting:

June 1st 2:00pm – 5:00pm 700 Kipling, 1st Floor Conference Room