

PRETRIAL RELEASE TASK FORCE
FINAL RECOMMENDATION PRESENTED TO THE
COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE
February 8, 2019

FY19-PR #04. Create a Pretrial Services Alternative for Smaller Jurisdictions [Statutory]

Recommendation FY19-PR #04

Modify §16-4-106, C.R.S., such that pretrial services shall exist in all counties in Colorado and amend §13-6-201 (1) to conform. A county identified as Class C or D pursuant to §13-6-201, C.R.S., may opt out of state formula funding for the provision of pretrial services and may instead, request that the state judicial department utilize formula funding to provide services on behalf of counties within a judicial district. The recommendation includes these additional elements:

- The judicial department may directly provide services, establish inter-governmental agreements, or contractual agreements necessary to provide services upon request by counties and only upon approval of the Chief Judge of a judicial district.
- In these instances, judicial districts are authorized to use state appropriations to provide pretrial functions upon formal written request by a local government and upon approval of the Chief Judge in each judicial district.
- State judicial shall assure that pretrial services conform to the standards of the State Court Administrators Office and adhere to the underlying purpose of pretrial justice.

Proposed Statutory Language

Modify §16-4-106, C.R.S., to delete (2) and amend (3), and amend §13-6-201 (1).

§16-4-106.

~~(2) The chief judge of any judicial district shall endeavor to consult, on an annual basis, with the county or counties within the judicial district in an effort to support and encourage the development by the county or counties, to the extent practicable and within available resources, of pretrial services programs that support the work of the court and evidence based decision making in determining the type of bond and conditions of release.~~

(3) To reduce barriers to the pretrial release of persons in custody whose release on bond with appropriate conditions reasonably assures court appearance and public safety, all counties and cities and counties **SHALL DEVELOP BY JANUARY 1, 2020** ~~are encouraged to develop~~ a pretrial services program in consultation with the chief judge of the judicial district ~~in an effort to establish a pretrial services program that may be utilized by the~~ **COURTS OF THE JUDICIAL DISTRICT.** ~~district court of such county or city and county.~~ Any pretrial services program...before May 31, 1991. **FOR CLASS C OR D COUNTIES IDENTIFIED IN §13-6-201, C.R.S., AND UPON REQUEST OF THE LOCAL GOVERNMENT, THE CHIEF JUDGE OF THE JUDICIAL DISTRICT MAY AUTHORIZE THE PROBATION DEPARTMENT TO UTILIZE FORMULA FUNDING AND PROVIDE FOR THESE FUNCTIONS. THE JUDICIAL DISTRICT MAY DIRECTLY PROVIDE SERVICES, ESTABLISH INTER-GOVERNMENTAL AGREEMENTS, OR CONTRACTUAL AGREEMENTS NECESSARY TO PROVIDE SERVICES.**

§13-6-201 (1).

(1) For such organizational and administrative purposes concerning county courts as are specified in this part 2, **AND FOR THE PURPOSES OF PRETRIAL SERVICES FUNDING AS SPECIFIED IN §16-4-106 (3), C.R.S.,** counties shall be classified as provided in subsection (2) of this section. The classifications established in this section shall not have any effect upon any classifications now provided by law for any other purpose and specifically shall have no effect upon the existing classification of counties for the purpose of fixing judicial salaries for county judges as provided by section 13-30-103.

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Discussion

Pretrial Supervision strategies to mitigate risk and increase pretrial success are not available in each county throughout the state. In jurisdictions that have a smaller volume of bails set, developing county-based pretrial programs may not be the most effective service delivery model. State judicial probation departments exist in all 22 Judicial Districts in Colorado and may provide an infrastructure to complete limited pretrial assessment and supervision of pretrial defendants in jurisdictions that do not provide for these services.

(Please see the table below that organizes counties by A, B, C, D designation for those with or without pretrial supervision services. Also included in the table is the 3-year average of bonds set for each county, based on an analysis prepared by the Division of Criminal Justice, Office of Research and Statistics.)

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Counties without Pretrial Services (2018)		
County	3 Yr. Avg ^	County Class #
Montrose	1107	B
Summit	1219	B
Eagle	1326	B
Broomfield	1488	B
Rio Grande	467	C
Delta	676	C
Logan	703	C
Otero	800	C
Prowers	889	C
Las Animas	993	C
Morgan	1230	C
Hinsdale	13	D
San Juan	24	D
Jackson	29	D
Mineral	43	D
Dolores	51	D
Cheyenne	68	D
Phillips	78	D
Kiowa	79	D
Sedgwick	81	D
Custer	109	D
Crowley	113	D
Ouray	123	D
Washington	132	D
Baca	143	D
Saguache	160	D
Yuma	186	D
Costilla	189	D
Conejos	234	D
San Miguel	240	D
Rio Blanco	243	D
Bent	247	D
Pitkin	267	D
Kit Carson	308	D
Lake	333	D
Huerfano	371	D
Grand	387	D
Elbert	407	D
Lincoln	411	D
Park	440	D
Gunnison	492	D
Moffat	587	D
Chaffee	589	D
Clear Creek	589	D
Routt	644	D
Gilpin	684	D
Teller	825	D
Total	20,817+	

Counties with Pretrial Services (Funded by County) (2018)		
County	3 Yr. Avg ^	County Class #
Denver*	5684	A
Fremont	1314	B
La Plata	1864	B
Douglas	4142	B
Mesa	4627	B
Boulder	4997	B
Pueblo	5507	B
Weld	7429	B
Larimer	8194	B
Jefferson	9466	B
Arapahoe	10530	B
Adams	11854	B
El Paso	14700	B
Alamosa	876	C
Montezuma	1088	C
Garfield	1846	C
Archuleta	389	D
Total	94,507 ‡	

^ 3 Year Average of Bonds Set

Pursuant to §13-6-201, C.R.S.

+ Counties without Pretrial Services
 Total: 20,817 - Represents 18% of bonds set

‡ Counties with Pretrial Services
 Total: 94,504 - Represents 82% of bonds set

* Does not Include Denver County Court Cases