



# **2013 Bond Reform: A Commission Initiative**

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Colorado Commission on Criminal and Juvenile Justice  
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## BACKGROUND

In 2013 the Commission passed several recommendations that focused on improving pretrial practices.

Primary among these was an effort to reduce the reliance on financial bonds (cash/surety bonds) to achieve pretrial release, and increase the use of risk assessment as a method for determining release.

The use of financial bonds assumes that **money** insures that individuals will show up in court and refrain from committing additional crimes

- In 2016, according to the U.S. Bureau of Justice Statistics, 65% of individuals in jail had not been convicted of a crime. That year more than 10.6M people were booked into jails nationwide
  - When in jail, people face losing jobs, falling behind in school, not getting needed medication, losing housing, losing custody of children.
    - 80% of women in jail are mothers



## BACKGROUND

Use of financial bonds allows individuals with money to obtain pretrial release regardless of their risk to the community while those without money remain in jail regardless of risk

- Raising \$400 for an emergency is a hardship for half of Americans (Federal Reserve, 2016)
- Research shows that people who can't afford financial bonds are 3-4x more likely to receive a sentence to jail or prison, and sentences are 2-3x longer (Lowencamp et al, 2013)

Bond schedules are developed by each jurisdiction. Bond schedules set arbitrary money amounts by crime type.

A study by *The Guardian* of bond schedules in California counties found a bond for **public intoxication** was:

- \$75 in Fresno County
- \$3,000 in San Francisco County
- \$10,000 in Mariposa County



## BACKGROUND

House Bill 2013-1236, signed by the governor on May 11, 2013, incorporated three Commission recommendations:

1. Implement evidence-based decision making practices and standardized bail release decision making guidelines (including the use of empirically developed risk assessment instruments)
2. Discourage the use of financial bond for pretrial detainees and reduce the use of bonding schedules
3. Expand and improve pretrial approaches and opportunities in Colorado

### C.R.S. 16-4-103—setting and selection of bond criteria

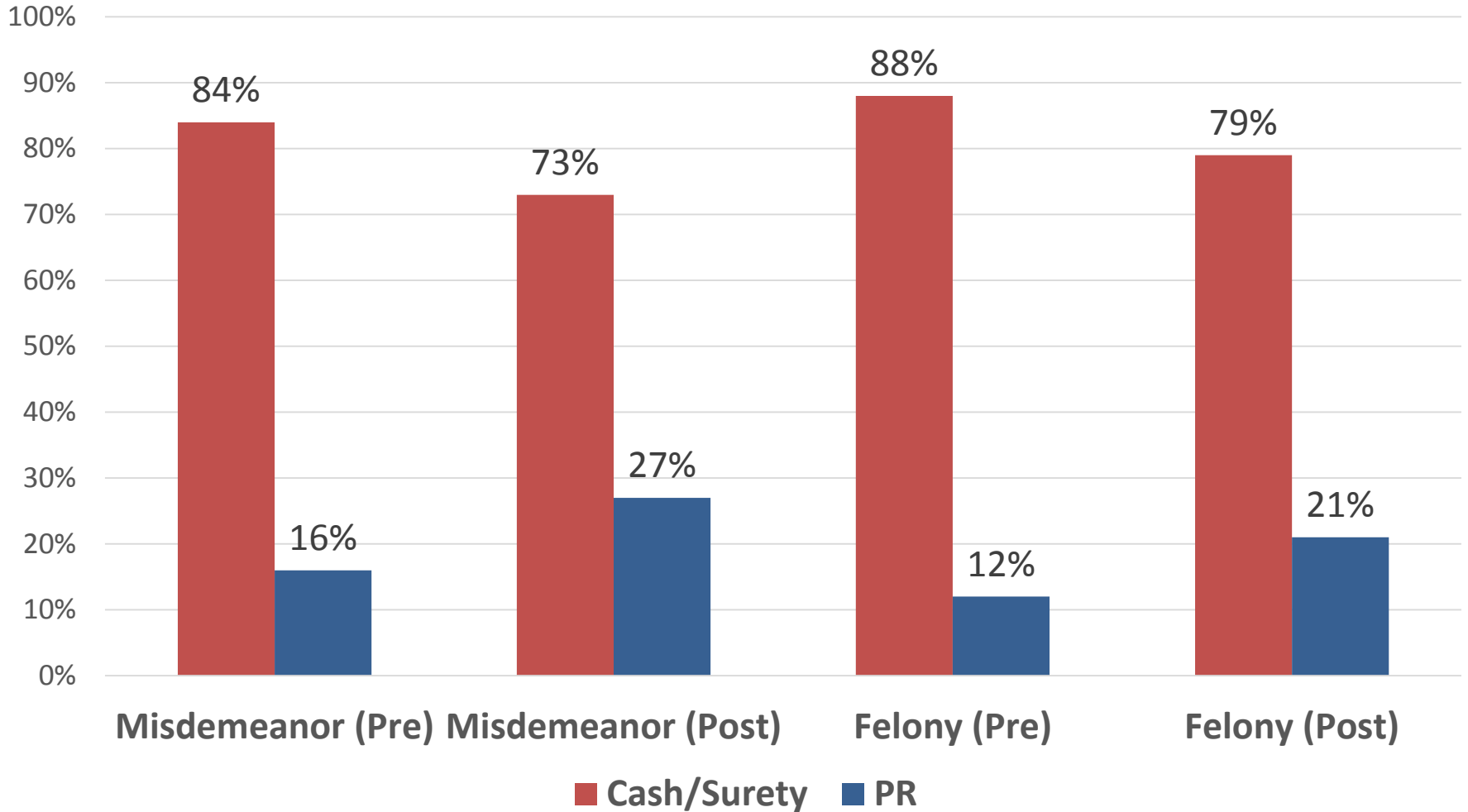
- Presumption of release under least-restrictive conditions unless the defendant is unbailable
- Individualization of release conditions
- Mandatory consideration of a defendant's financial condition
- Consideration of ways to avoid unnecessary pretrial detention



## H.B.13-1236 Bond Analysis

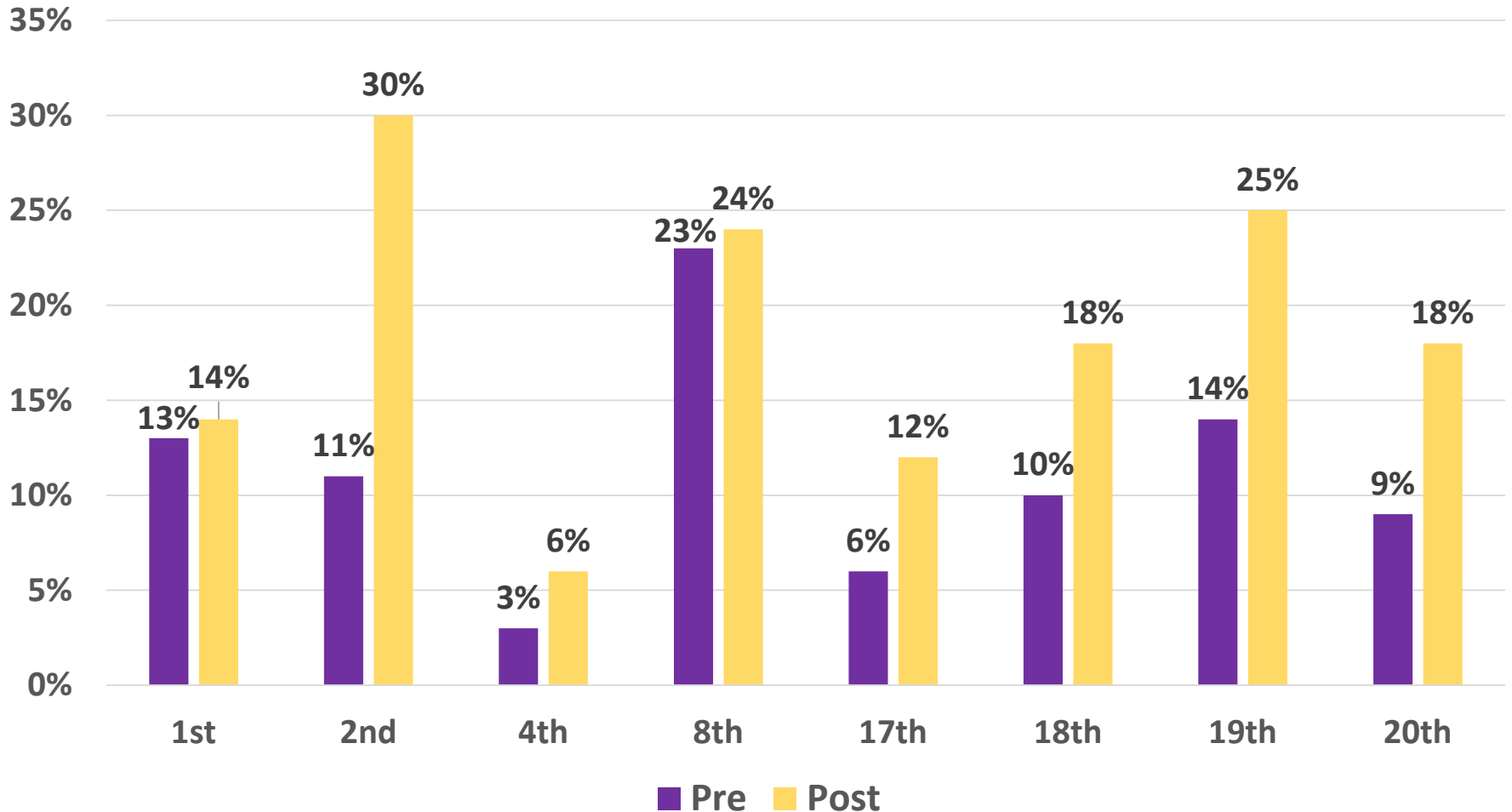
- Cases filed 3 years pre- and post- H.B. 13-1236
  - Pre- 2011 to 2013, Post- 2014 to 2016
  - Felony and Misdemeanor (excluding Denver County) cases
  - 650,000+ cases
- Bond set type: Personal Recognizance vs Cash/Surety
- Failure to Appear rate
- New Filing rate

## Cash/Surety vs PR Bonds, Pre- and Post-H.B.13-1236



Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. Excludes Denver County Court cases.

## Percent of PR Bonds Set in Felony Cases Pre- and Post-H.B.13-1236



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## Bond type set in felony and misdemeanor cases for those with/without pre-trial supervision programs

Bond Type	Pre		Post	
	%	N	%	N
<b>NO Pre-trial program</b>	<b>15%</b>	<b>45,673</b>	<b>14%</b>	<b>48,602</b>
Cash/Surety/Property	87%	39,722	79%	38,601
Personal Recognizance	<b>13%</b>	5,951	<b>21%</b>	10,001
<b>YES Pre-trial program</b>	<b>85%</b>	<b>262,515</b>	<b>86%</b>	<b>297,435</b>
Cash/Surety/Property	85%	224,244	74%	220,667
Personal Recognizance	<b>15%</b>	38,271	<b>26%</b>	76,768
<b>Total</b>	<b>100%</b>	<b>308,188</b>	<b>100%</b>	<b>346,037</b>

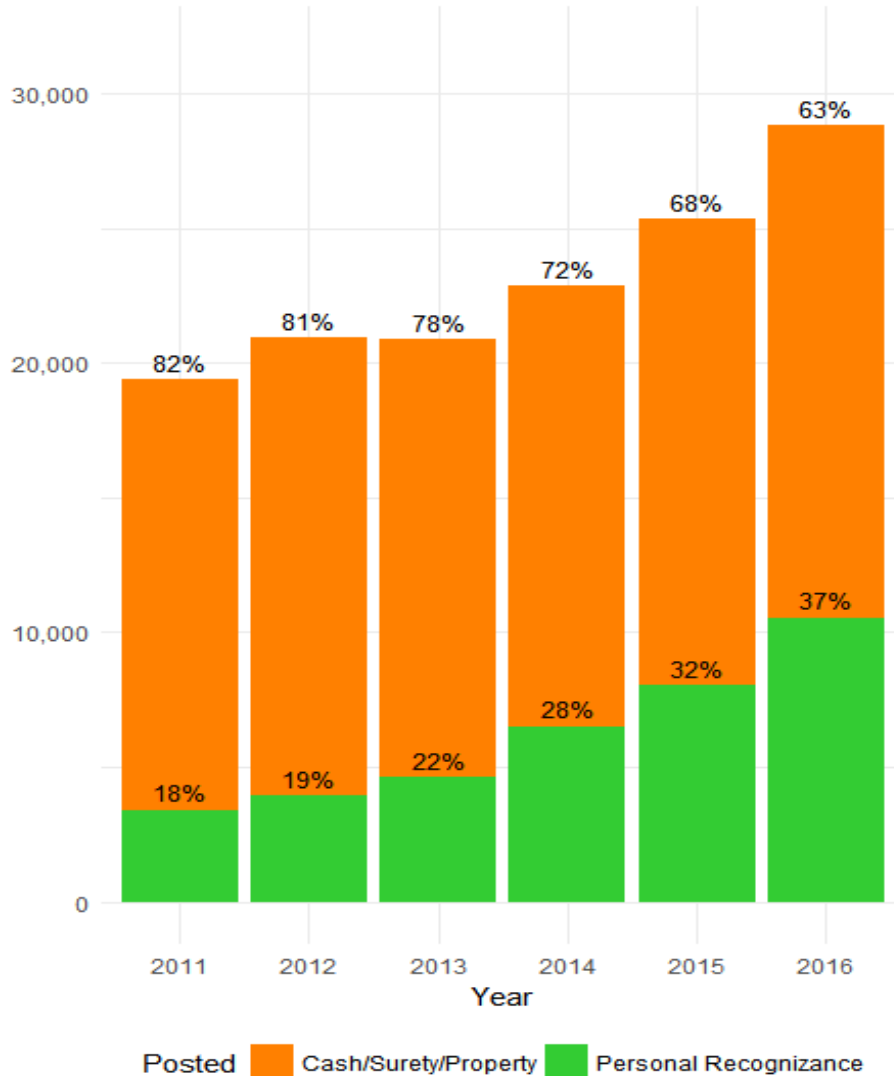
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Counties with pretrial supervision programs: Adams, Alamosa, Arapahoe, Baca, Boulder, Broomfield, Costilla, Custer, Denver, Douglas, El Paso, Fremont, Garfield, Jefferson, La Plata, Larimer, Logan, Mesa, Montezuma, Morgan, Pitkin, Prowers, Pueblo, Weld.

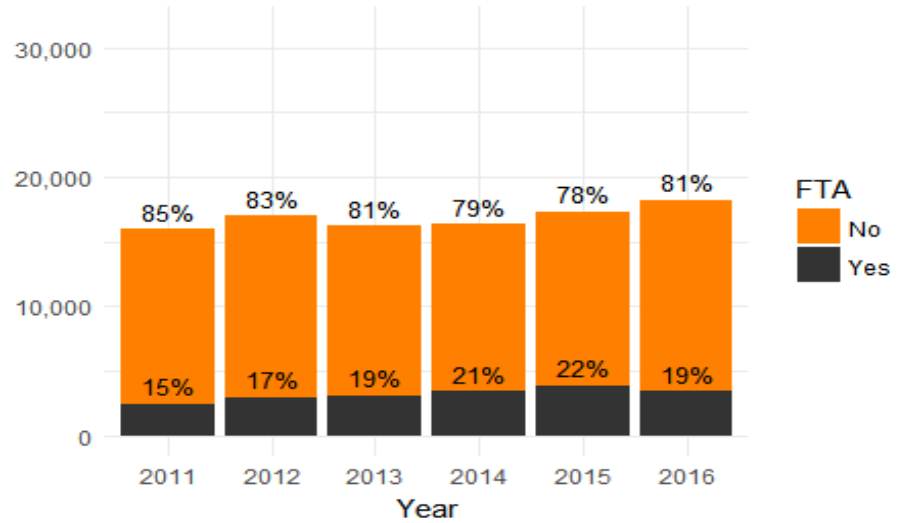


# H.B.13-1236 Bond Analysis: Failures to Appear (Felonies Cases)

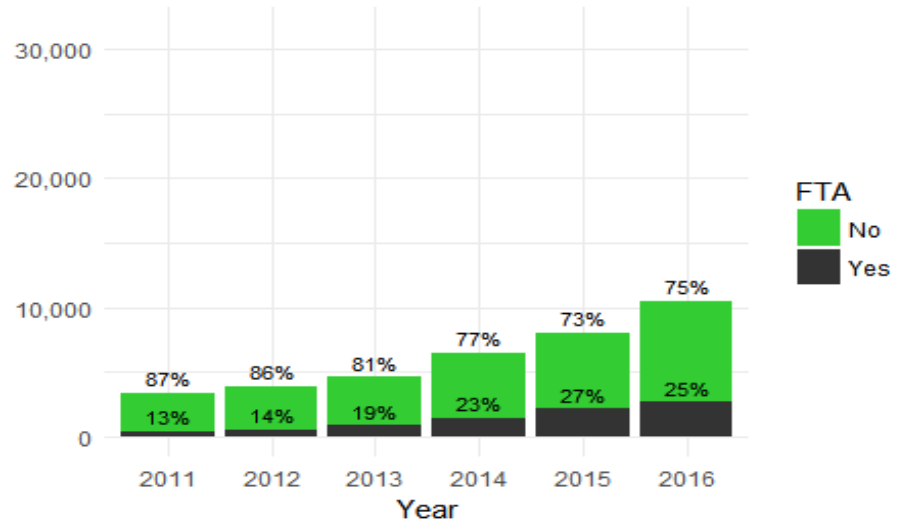
## Posted Bond by Type - Felony Cases



## Failures to Appear - Cash/Surety/Property



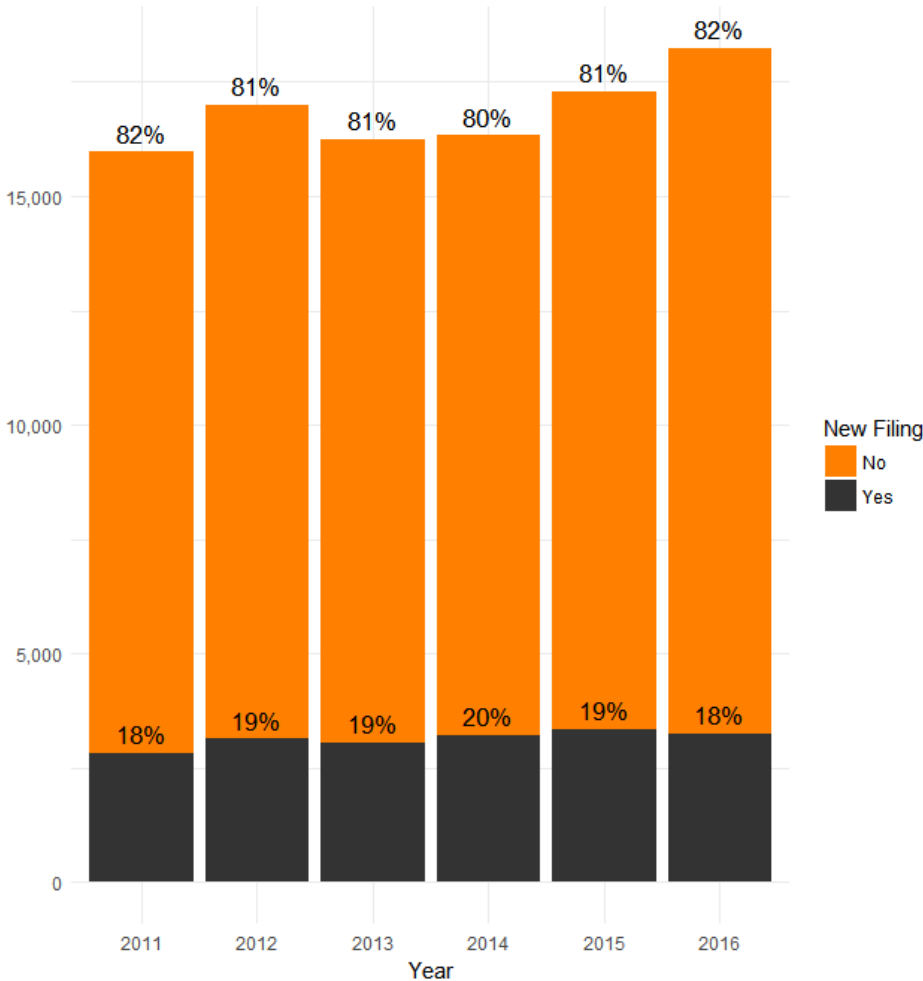
## Failures to Appear - Personal Recognizance



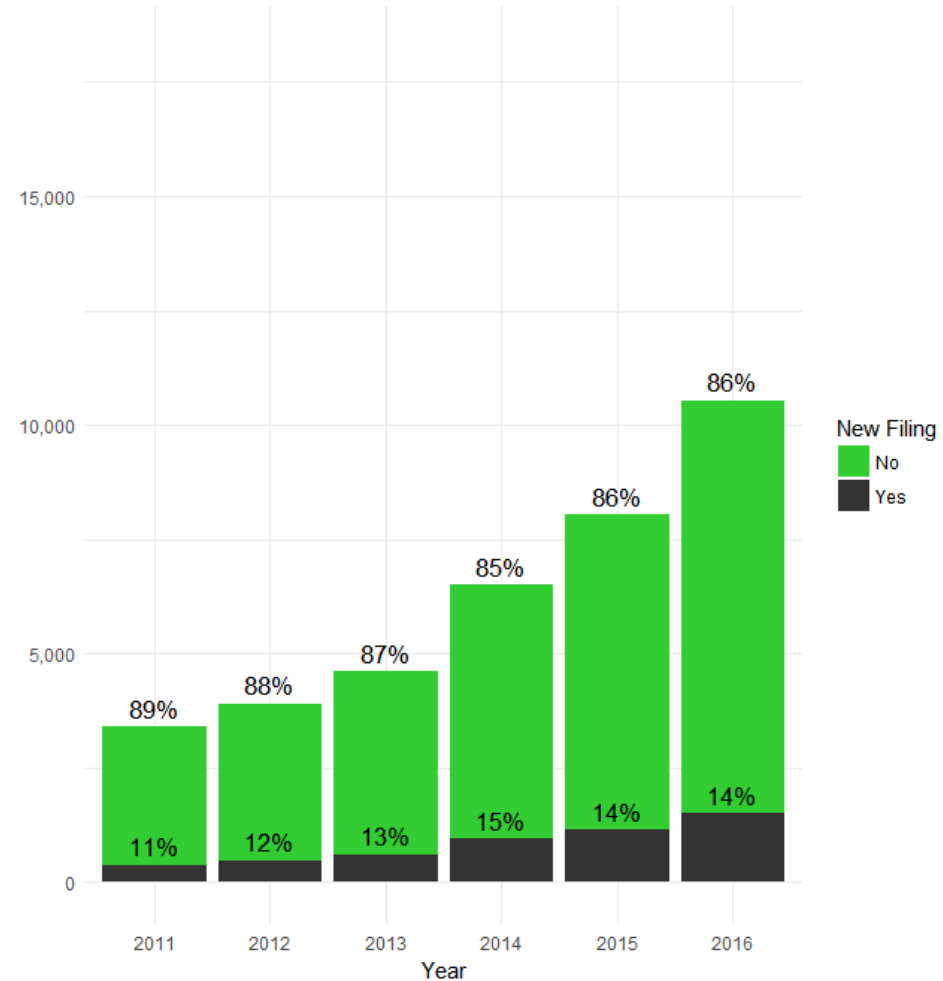
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# H.B.13-1236 Bond Analysis: **New Filing\*** for Felony Cases Released on Bond

New Filing - Cash/Surety/Property



New Filing - Personal Recognizance



\*New filings from Denver County Court not available.

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. Excludes Denver County Court cases.

# H.B.13-1236 Bond Analysis: **Top 10 New Filing\* Offenses for Felony Cases**

Most serious offense category**	Pre		Post	
	%	N	%	N
Traffic Misdemeanor	24%	2,521	23%	3,025
Misdemeanor Assault <sup>1</sup>	22%	2,265	18%	2,469
Other Custody Violations <sup>2</sup>	7%	743	10%	1,326
Drug Possession	8%	794	8%	1,127
Theft	8%	826	6%	825
Drug Distribution	4%	413	5%	616
Other Property	4%	437	4%	541
Burglary	4%	407	4%	518
Felony Assault	3%	352	4%	535
Forgery/Fraud	3%	340	4%	529

\* New filings in Denver County court were not available.

\*\* Includes attempts, solicitation, and conspiracy. Conditions.

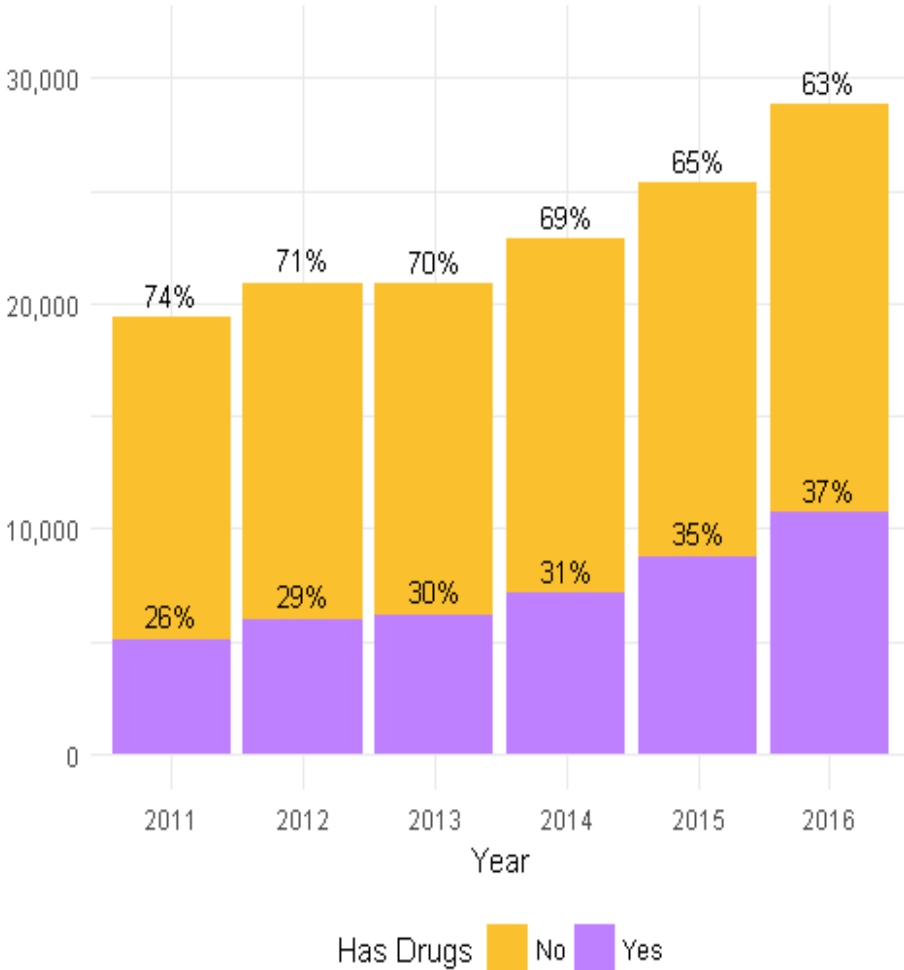
<sup>1</sup> Misdemeanor assault includes Violation of a Protection order.

<sup>2</sup> Other Custody Violations includes Violation of Bond.

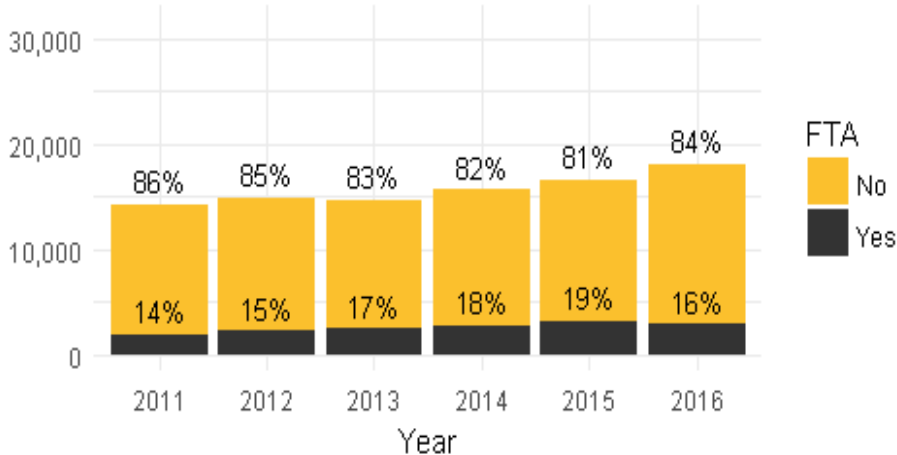
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# H.B.13-1236 Bond Analysis: Failures to Appear for Felony Cases by Drug Charges

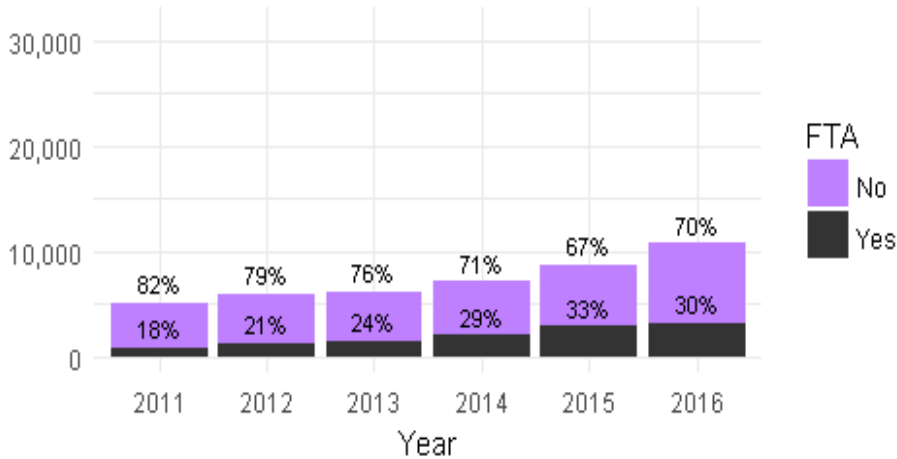
### Cases by Has Drug Charges



### Failures to Appear - No Drug Charges



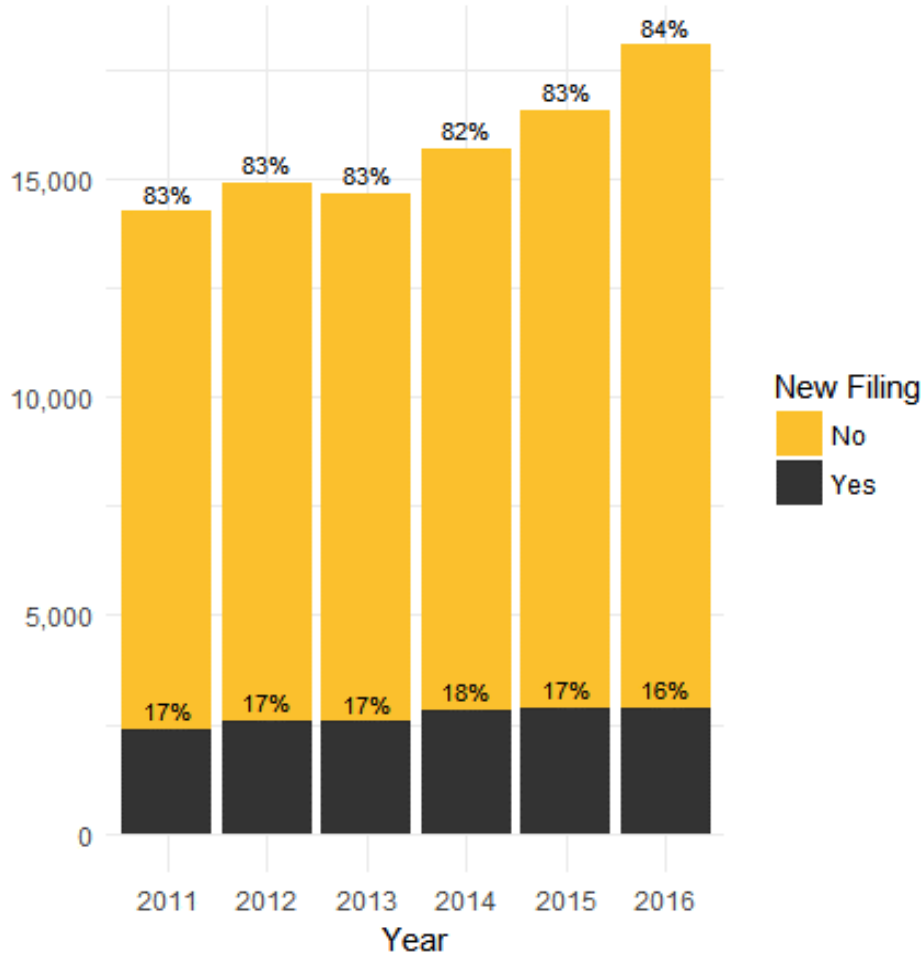
### Failures to Appear - Has Drug Charges



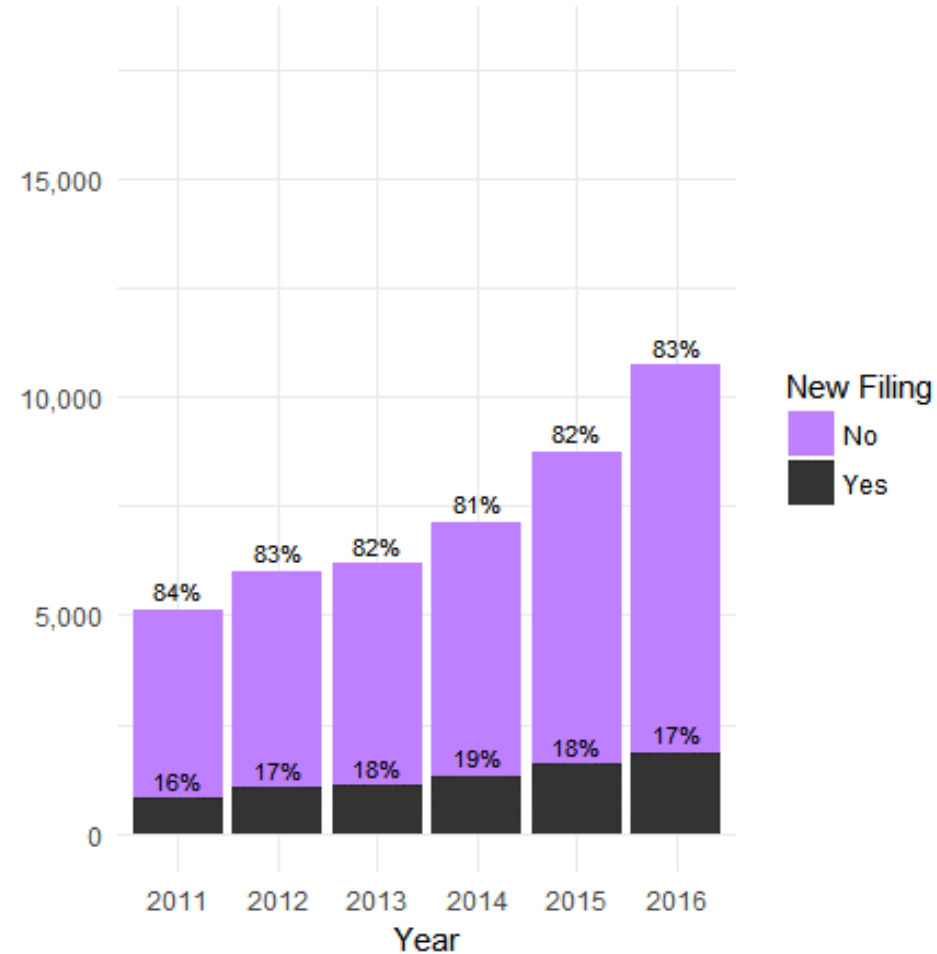
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# H.B.13-1236 Bond Analysis: **New Filing\*** for Felony Cases Released on Bond

## New Filing - No Drug Charges



## New Filing - Has Drug Charges



Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. Excludes Denver County Court cases.

## Felony Cases Bond Type Posted by Presence of Drug Charges

Bond Type	Pre		Post	
	%	N	%	N
<b>Cash/Surety/Property</b>	<b>81%</b>	<b>49,232</b>	<b>67%</b>	<b>51,867</b>
No drug charges	72%	35,537	69%	35,595
Has drug charges	28%	13,695	31%	16,272
<b>Personal Recognizance</b>	<b>19%</b>	<b>11,916</b>	<b>33%</b>	<b>25,081</b>
No drug charges	69%	8,272	59%	14,725
Has drug charges	<b>31%</b>	3,644	<b>41%</b>	10,356
<b>Total</b>	<b>100%</b>	<b>61,148</b>	<b>100%</b>	<b>76,948</b>

Data Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. Excludes Denver County Court cases.



## H.B.13-1236 Bond Analysis: **Summary**

Comparing the 3 year pre- and post- periods:

- Statewide, the use of PR bonds for *felony cases* increased from 12% to 21% (75% increase);
  - PR bond for *misdemeanor cases* increased from 16% to 27% (69% increase)
- Increased use of PR Bond varied widely across districts
- Statewide, FTA's for felony cases increased from 16% to 25% for PR bonds (56% increase), and 17% to 21% for Cash/Surety bonds (23% increase).
- New filings while on bond increased for both Cash/Surety (18% to 19%) and PR (12% to 14%) bond, but the increases were small.



## H.B.13-1236 Bond Analysis: **Summary**

Comparing the 3 year pre- and post- periods:

- The percent of felony cases on PR bond with drug charges increased from 31% to 41% (32% increase).
- Cases with drug charges failed to appear at a much higher rate (30% vs 18%).

***H.B. 2013-1236: Bond Reform Impact Analysis*** (March 2018)

Impact Analysis Page:

[Colorado.gov/dcj-ors/ors-impact](http://Colorado.gov/dcj-ors/ors-impact)

Document:

[cdpsdocs.state.co.us/ors/docs/impact/2018-03\\_ORB-BondReformImpact-HB13-1236.pdf](http://cdpsdocs.state.co.us/ors/docs/impact/2018-03_ORB-BondReformImpact-HB13-1236.pdf)