# **Background**

The Colorado Commission on Criminal and Juvenile Justice made recommendations for modifications to the bond statutes, and these recommendations became House Bill 2013-1236. The bill, signed by the governor in May 2013, encouraged the use of actuarial risk assessment in the bail release decision process, discouraged the use of financial bonds, and imposed a presumption of release under least-restrictive conditions, among other things. The Commission's Pretrial Release Task Force, seated in the summer of 2017, is studying the extent to which the 2013 reforms were implemented. To assist with this investigation, the Division of Criminal Justice's Office of Research and Statistics undertook the following analyses focused on the use of financial bonds compared to the use of personal recognizance (PR) bonds over the course of a six year period, from 2011 to 2016. Data from the first three years reflects bond setting practices prior to the passage of H.B.13-1236, and this information may be compared with bond setting practices in the three years following enactment.

This document presents information from three analyses of interest to the Pretrial Release Task Force. To understand the impact of H.B.13-1236 specifically on the use of personal recognizance (PR) bonds, the <u>first analysis</u> compares the use of cash/surety/property bonds with PR bonds over a six year period, from 2011 to 2016. In addition, because questions have been raised about the value of financial bonds to minimize courtroom FTAs (failures to appear), a <u>second analysis</u> shows the FTA rates across the six years for both financial bonds and PR bonds. Finally, in an effort to better understand the role that drug-related problems may play in FTA rates, a <u>third analysis</u> compares the FTA rate for felony cases that included a drug offense charge compared to those without a drug charge.

Because each judicial district and county court operate with varying policies and practices, the analyses are summarized graphically by judicial district and by county.

#### Contents

Page	Section
1	Summary of Findings
2	Method
3	Overall Findings
4	Findings: Bond Posted by Judicial District and County
5 - 37	Bond Posted: Judicial Districts
38 - 101	Bond Posted: Counties

For ease of navigation, use the Adobe document BOOKMARKS to locate specific judicial districts and counties.

# **Summary of Findings**

- Overall the use of PR bonds increased somewhat (Table 1):
  - o For misdemeanor/traffic cases, PR bonds increased from 16% to 27% in the three year period prior to H.B.13-1236 and the three year period post H.B.13-1236.
    - There is considerable variation across courts in the use of PR bonds.
  - o For felony cases, PR bonds increased from 12% to 21% over the six year period.
    - There is considerable variation across courts in the use of PR bonds.
  - The use of PR bonds for Blacks more than doubled from the pre-period to the postperiod but remained lower than other race/ethnicity groups (Table 2).<sup>1</sup>
- Regarding the value of financial bonds to decrease FTAs, there is no indication that this
  consistently occurs (see graphs below). Complicating the interpretation, however, is that those
  on financial bond, compared to those released on their personal recognizance, may be higher
  risk cases so the groups of individuals are likely to be different (and not comparable) in very
  important ways.
- The comparison of cases with and without drug charges in felony cases shows that cases with drug offense charges are more likely to FTA, and the proportion of cases with drug charges increased over the six year study period.

#### Method

Felony and misdemeanor/traffic cases with <u>pre-disposition</u><sup>2</sup> bond records covering a three-year period pre- and post- H.B.13-1236 (1/1/2011 to 12/31/2013 and 1/1/2014 to 12/31/2016) were extracted from Judicial Branch's ICON system. Denver misdemeanor/traffic cases were not available.

Cases may contain many bond records, due to bond reduction/increase events, or new arrests. The following rules were used to analyze a single bond record per case:

- The first posted bond record was selected. If bond was not posted, the first bond record was selected (excluding "No Bond" records).
- Bond records contain a "set type" and a "post type". If the bond set type was blank but the post type was available, the post type was used for bond set type.

<sup>&</sup>lt;sup>1</sup> The differential treatment of minorities is a concern to the Commission on Criminal and Juvenile Justice, and efforts to analyze study findings by race/ethnicity is ongoing.

<sup>&</sup>lt;sup>2</sup> Includes felony, misdemeanor, and traffic cases. Excludes juvenile delinquency cases.

# **Overall Findings**

Tables 1 and 2 show the first bond event, selected using the rules stated above, by bond set type, regardless of whether the bond was posted or not. Table 1 shows that personal recognizance bonds increased from 16% to 27% for misdemeanor/traffic cases, and from 12% to 21% for felony cases. However, the significant variation across jurisdictions, in both misdemeanor/traffic cases and felony cases, becomes apparent in the graphic depictions that follow the tables.

Table 1. Bond set type by court, pre- and post-H.B.13-1236

	Pre	1	Post		
Court and set type	%	N	%	N	
Misdemeanor/traffic	68%	209,646	66%	227,079	
Cash/Surety/Property	84%	176,763	73%	165,034	
Personal Recognizance	16%	32,883	27%	62,045	
Felony	32%	98,542	34%	118,958	
Cash/Surety/Property	88%	87,203	79%	94,234	
Personal Recognizance	12%	11,339	21%	24,724	
Total	100%	308,188	100%	346,037	

Data source: Court records were extracted from Judicial Branch's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ/ORS. Excludes Denver County Court data.

Table 2. Bond set type in District and County court by race/ethnicity\*, pre- and post-H.B.13-1236

71	Due Due				
	P	Pre		Post	
Race/ethnicity and set type	%	N	%	N	
Black					
Cash/Surety/Property	91%	26,302	79%	26,288	
Personal Recognizance	9%	2,727	21%	6,821	
Hispanic					
Cash/Surety/Property	88%	20,076	77%	16,898	
Personal Recognizance	12%	2,707	23%	5,173	
Other					
Cash/Surety/Property	83%	7,640	70%	7,635	
Personal Recognizance	17%	1,520	30%	3,350	
White					
Cash/Surety/Property	85%	209,948	74%	208,447	
Personal Recognizance	15%	37,268	26%	71,425	
Total	100%	308,188	100%	346,037	

Data source: Court records were extracted from Judicial Branch's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ/ORS. Excludes Denver County court data.

<sup>\*</sup>Judicial systematically collects race but not ethnicity; most Hispanics are in the White category. As a result, the ability to accurately interpret this data is limited.

# **Findings: Bond Posted by Judicial District and County**

#### **Understanding these figures**

The following graphics show cases<sup>3</sup> in which bond <u>was</u> posted, by the posted type, for felony (pages 6-38) and misdemeanor/traffic cases (pages 39-102). The orange portion of the columns represents financial bonds (cash/surety/property) and the green portion reflects PR bonds, and each column represents calendar years, from 2011 through 2016. The number of cases is illustrated on the left axes of the graphs.

Using the 1<sup>st</sup> Judicial District as an example (page 5), the first graph shows the PR rate for felony cases in 2011 was 20% compared to 25% in 2016. For misdemeanor/traffic cases in the 1<sup>st</sup> Judicial District (below the first graph), the PR rate in 2011 was 19% and increased to 32% in 2016.

In addition, for each posted type (financial and PR), and for each crime category (felony and misdemeanor/traffic), the FTA rate is shown. For felony cases in the 1<sup>st</sup> Judicial District, for example, the FTA rate for financial bonds increased from 16% to 20% between 2011 and 2016. For PR bonds, the FTA rate increased from 11% to 18%, however, the PR bonds represent many fewer cases compared to the financial bond cases. Also, these figures show that the FTA rate for PR bonds in 2016 was 18% compared to 20% for financial bonds in the 1<sup>st</sup> Judicial District. However, as mentioned above, individuals on a PR bond compared to those on a financial bonds may be very different in terms of FTA risk, so caution must be used in the interpretation of this information.

For misdemeanor/traffic cases in the 1<sup>st</sup> Judicial District, the PR rate increased from 19% in 2011 to 32% in 2016. The FTA rate for financial bonds went from 16% to 19% over the six years, and for PR bonds the FTA rate was 10% in 2011 and 11% in 2016. These graphs also allow comparing—with caution, as mentioned previously—the FTA rate in 2016 for misdemeanor/traffic cases for those with PR bonds (11%) and those with financial bonds (19%).

Finally, the proportion of felony cases released on bond that had a drug charge (note that cases may contain multiple charges) is presented over the six year study period. For the 1<sup>st</sup> Judicial District, the proportion of cases posting bond that had a drug charge increased from 28% in 2011 to 37% in 2016.

The corresponding graphs reflect the FTA rate is for felony cases that have drug charges compared to cases without drug charges. In the 1<sup>st</sup> Judicial District, felony cases that posted bond in 2016 WITHOUT a drug charge had an FTA rate of 15%. This compares to an FTA rate of 26% for cases WITH a drug charge. This pattern is generally consistent across judicial districts.

Graphs by judicial district begin on the following page. Graphs by county begin on page 38. For ease of navigation, use the Adobe document BOOKMARKS to locate specific judicial districts and counties.

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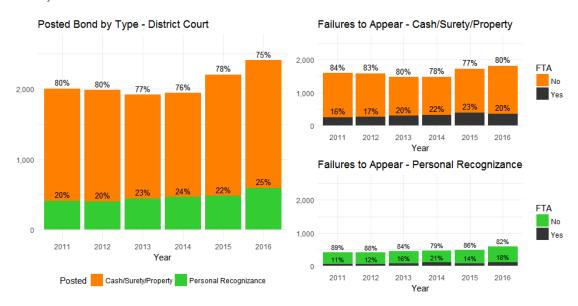
<sup>&</sup>lt;sup>3</sup> Note this analysis represents cases not individuals.

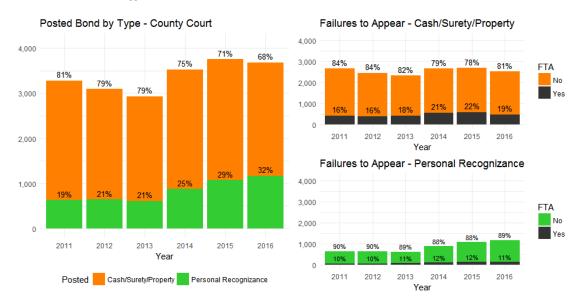
# **Judicial District Graphs**

#### **Judicial District 1**

#### **Bond Posted by Type**

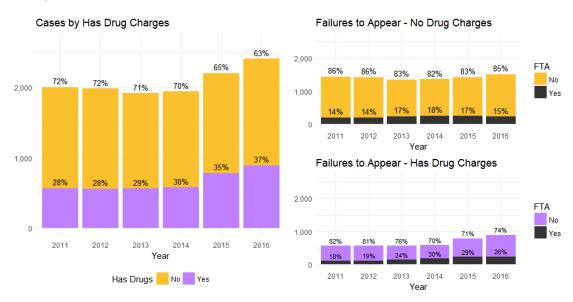
#### Felony Cases





#### **Bond Posted by Has Drugs**

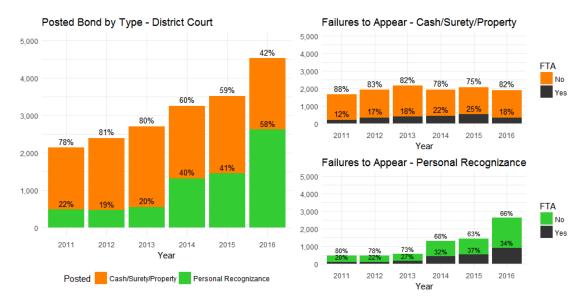
# Felony Cases



# **Judicial District 2\***

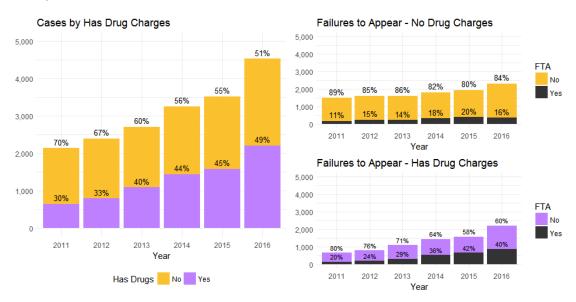
\*Denver misdemeanor/traffic cases in county court not available for analysis.

# **Bond Posted by Type**



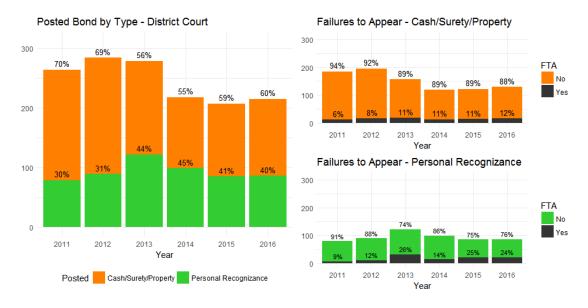
# **Bond Posted by Has Drugs**

# Felony Cases

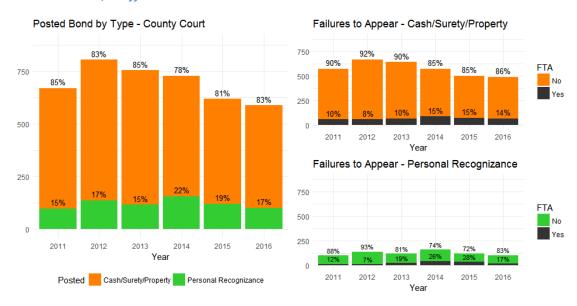


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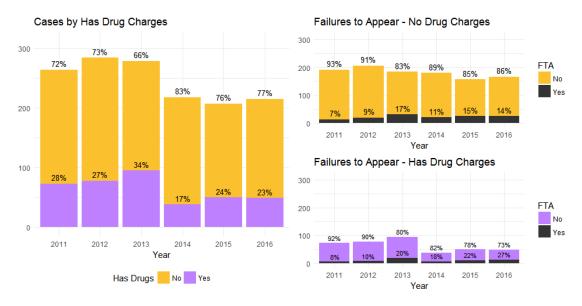
#### **Bond Posted by Type**



# Misdemeanor/Traffic Cases



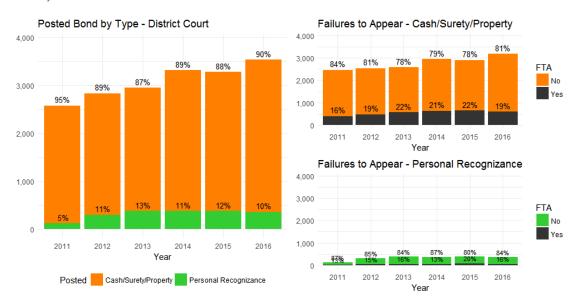
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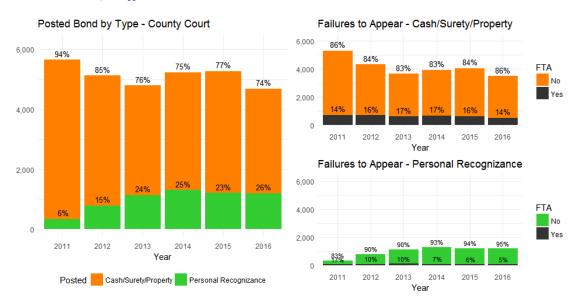


#### **Judicial District 4**

#### **Bond Posted by Type**

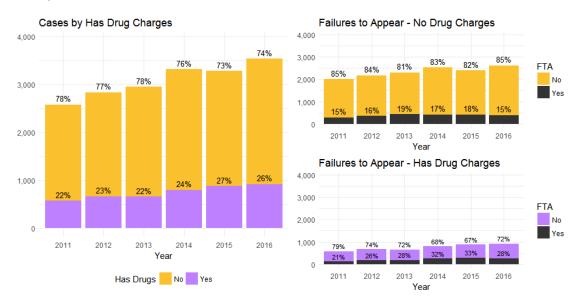
#### Felony Cases





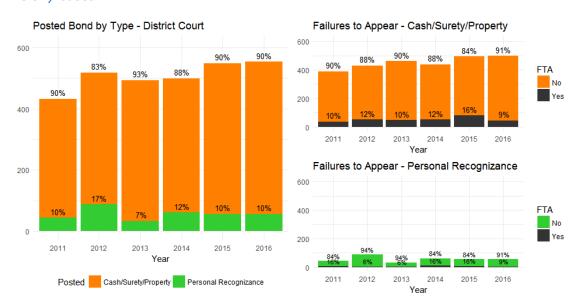
# **Bond Posted by Has Drugs**

# Felony Cases

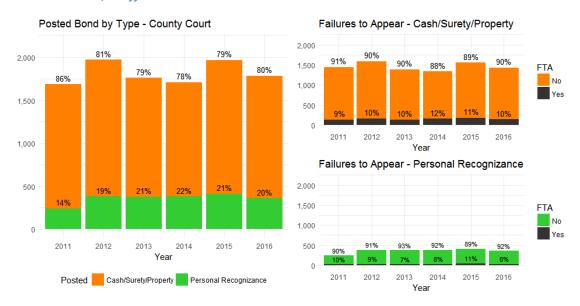


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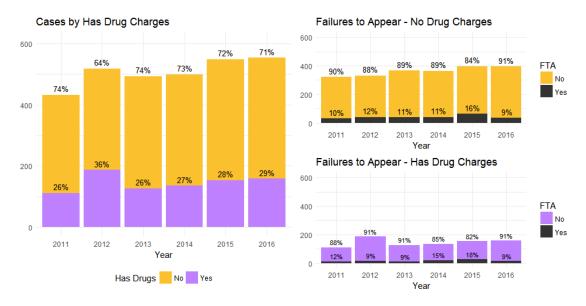
# **Bond Posted by Type**



# Misdemeanor/Traffic Cases



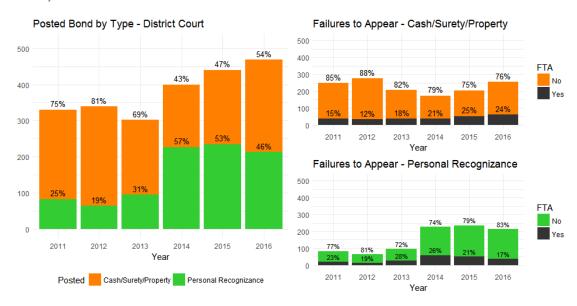
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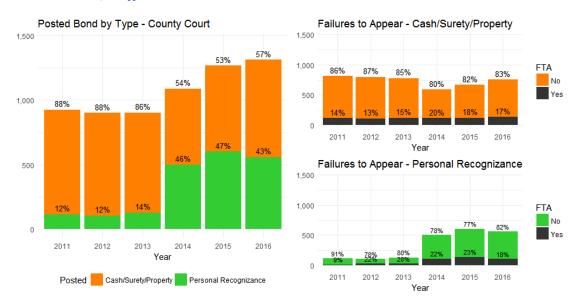


#### **Judicial District 6**

#### **Bond Posted by Type**

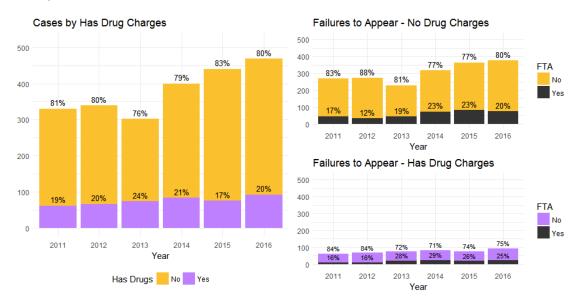
#### Felony Cases





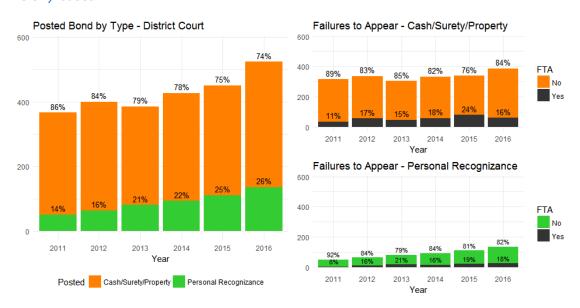
# **Bond Posted by Has Drugs**

# Felony Cases

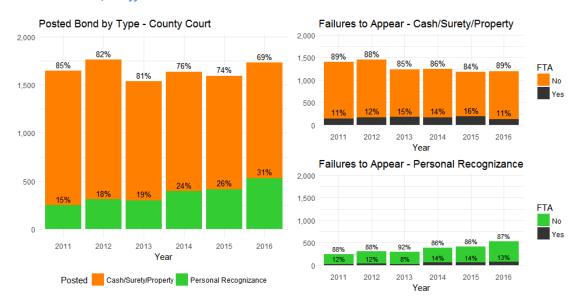


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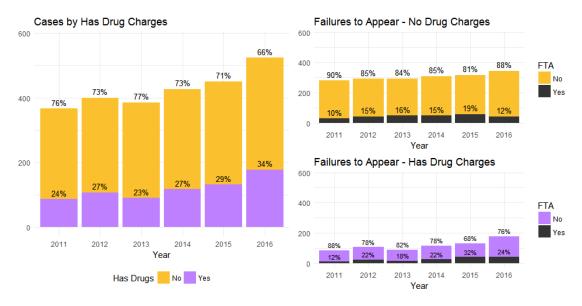
# **Bond Posted by Type**



# Misdemeanor/Traffic Cases



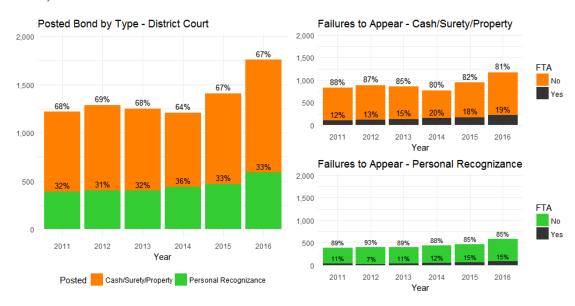
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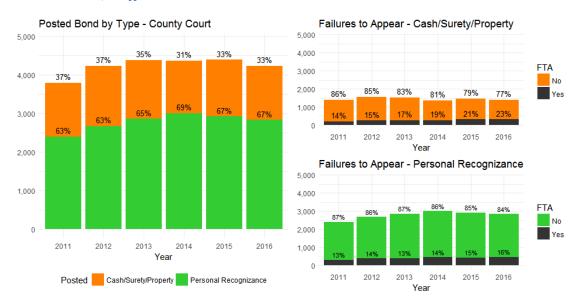


#### **Judicial District 8**

#### **Bond Posted by Type**

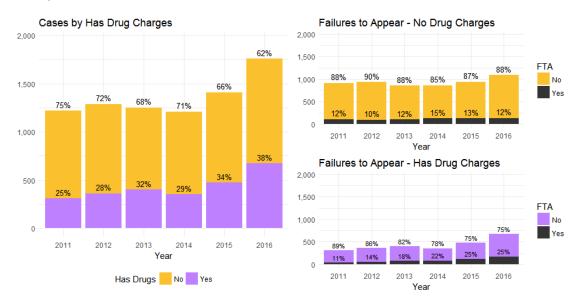
#### Felony Cases





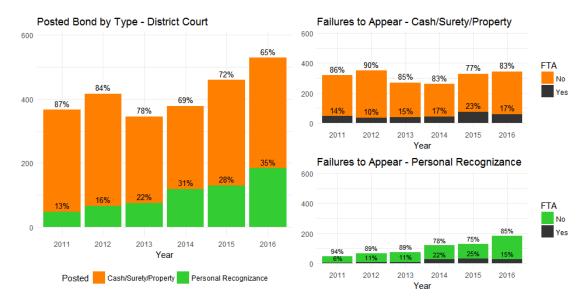
# **Bond Posted by Has Drugs**

# Felony Cases

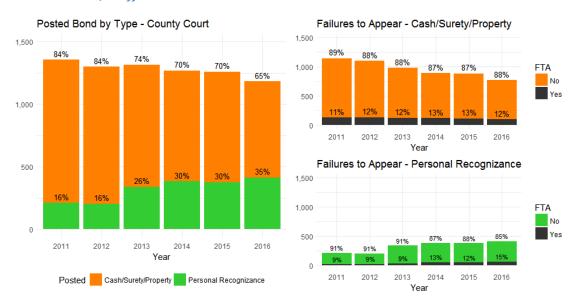


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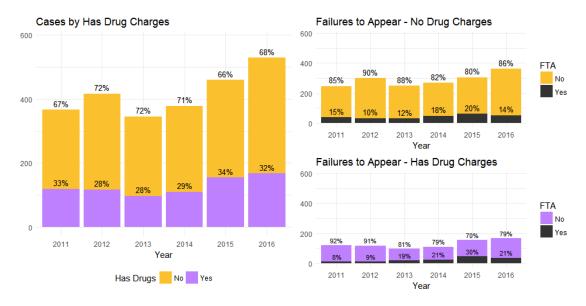
# **Bond Posted by Type**



# Misdemeanor/Traffic Cases



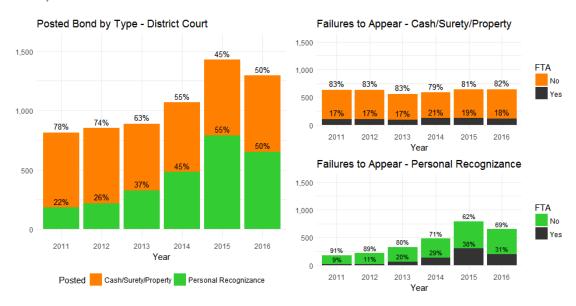
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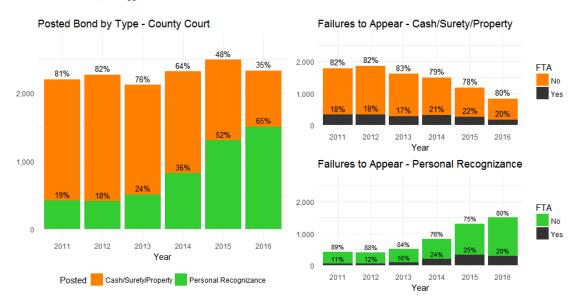


# **Judicial District 10**

#### **Bond Posted by Type**

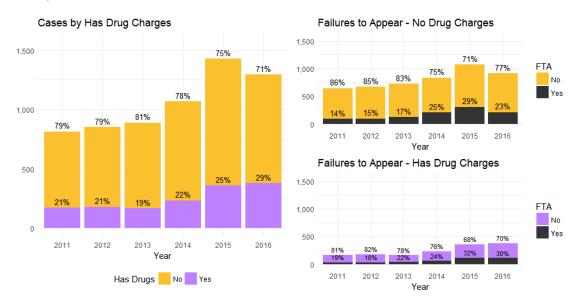
#### Felony Cases





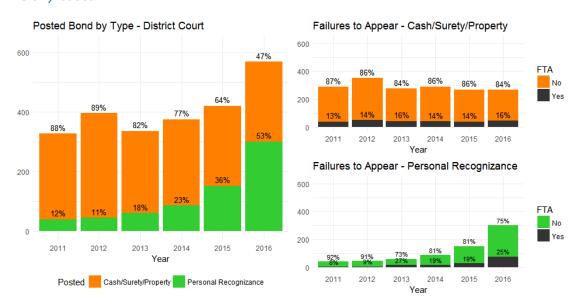
# **Bond Posted by Has Drugs**

# Felony Cases

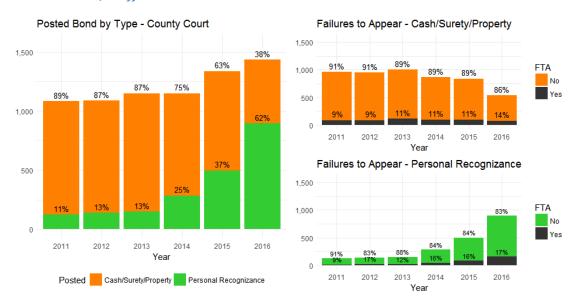


#### **Judicial District 11**

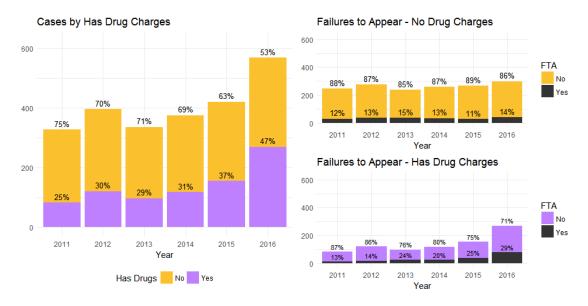
# **Bond Posted by Type**



# Misdemeanor/Traffic Cases



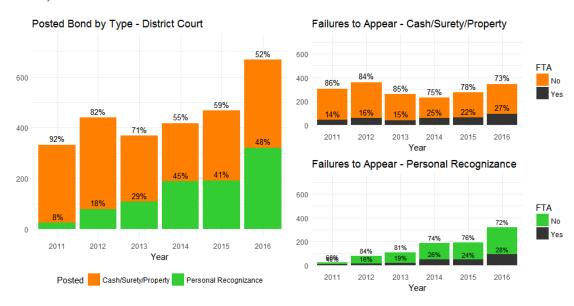
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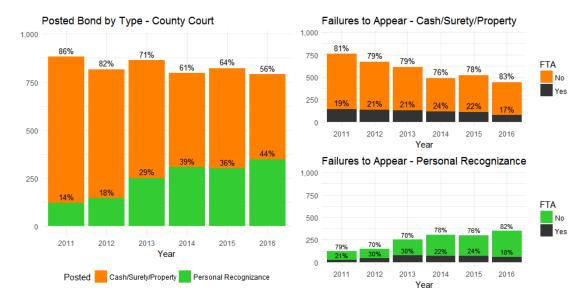


#### **Judicial District 12**

#### **Bond Posted by Type**

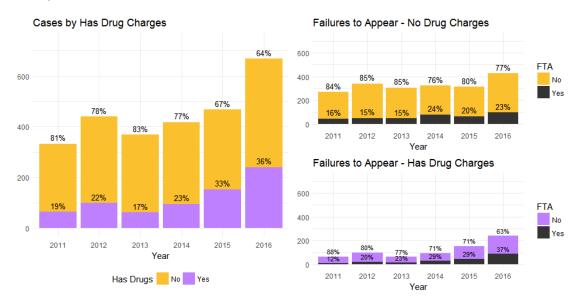
#### Felony Cases





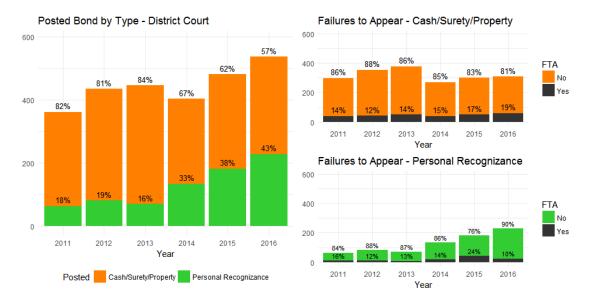
# **Bond Posted by Has Drugs**

# Felony Cases

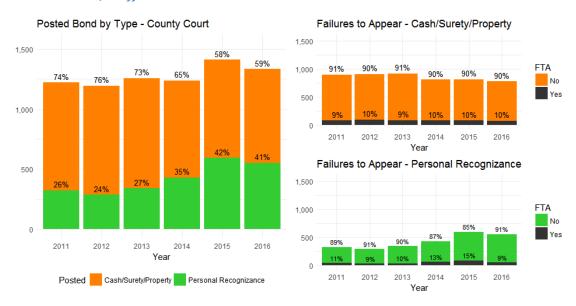


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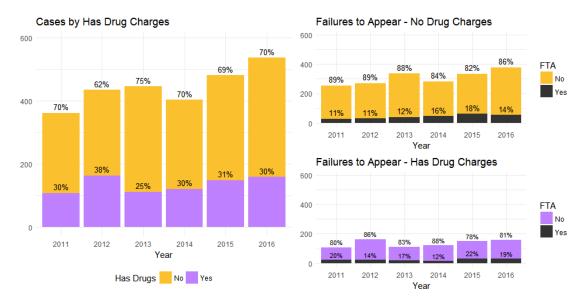
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# Misdemeanor/Traffic Cases



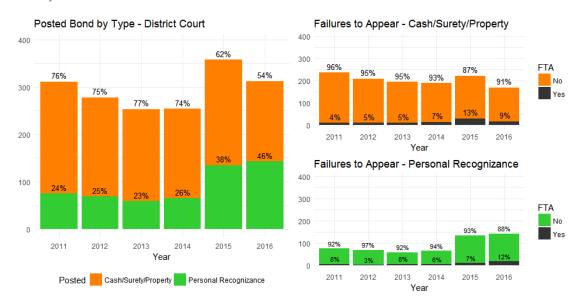
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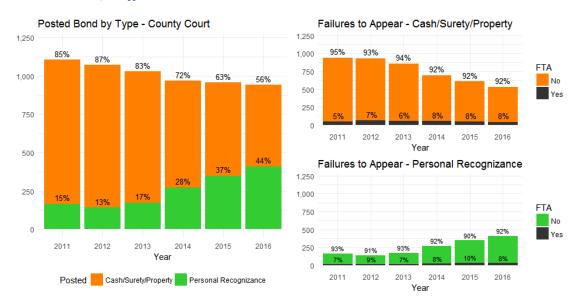


#### **Judicial District 14**

#### **Bond Posted by Type**

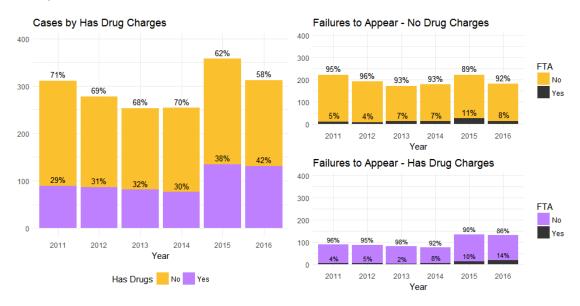
#### Felony Cases





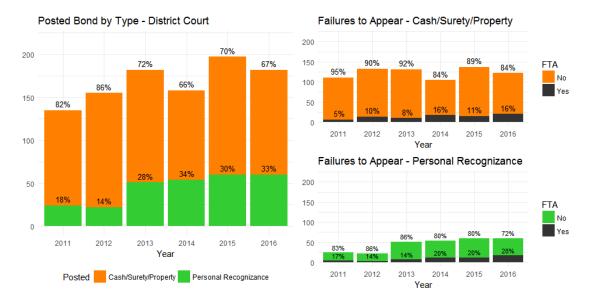
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# Felony Cases

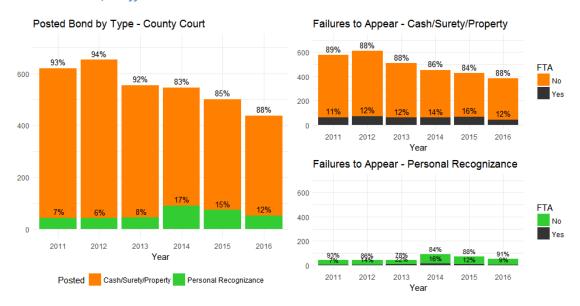


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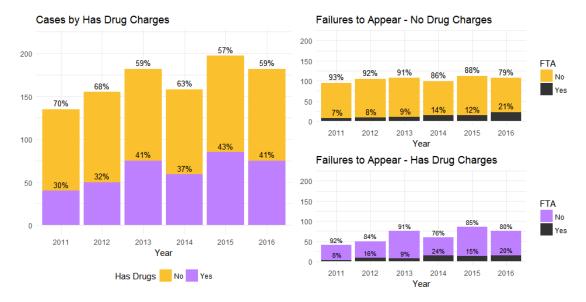
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# Misdemeanor/Traffic Cases



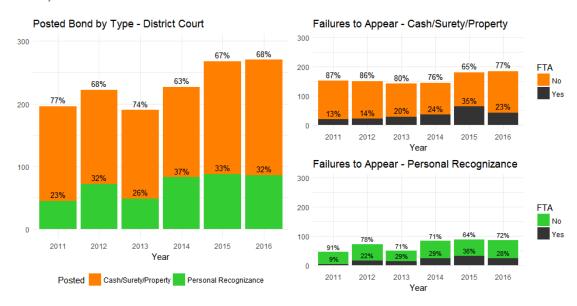
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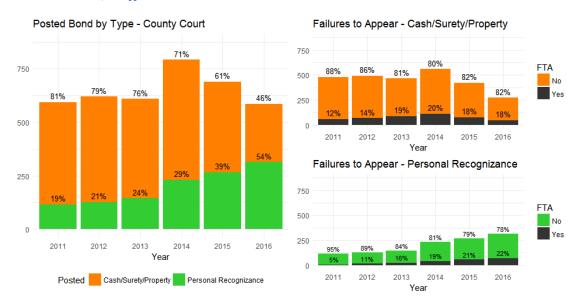


# **Judicial District 16**

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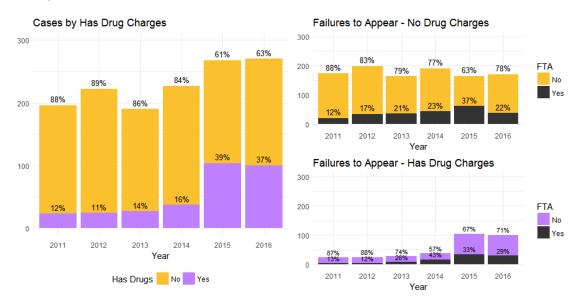
#### Felony Cases





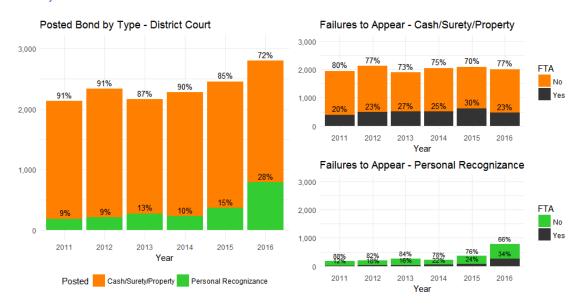
# **Bond Posted by Has Drugs**

# Felony Cases

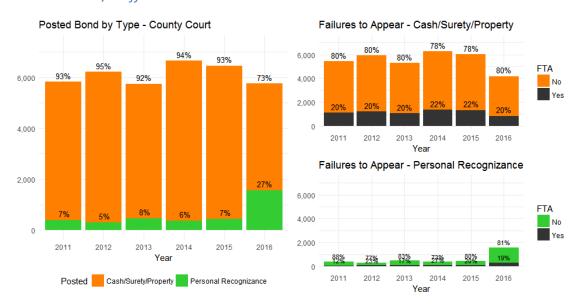


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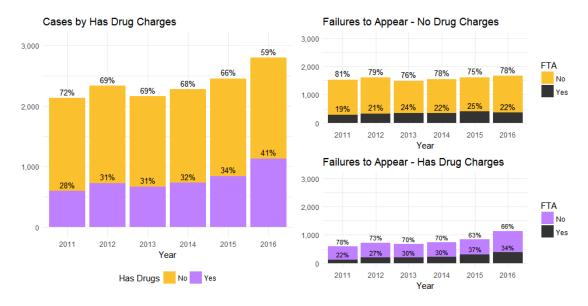
#### **Bond Posted by Type**



# Misdemeanor/Traffic Cases



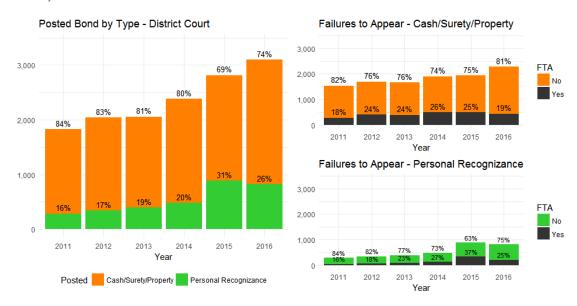
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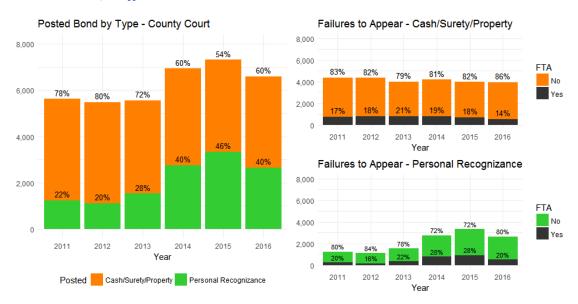


#### **Judicial District 18**

#### **Bond Posted by Type**

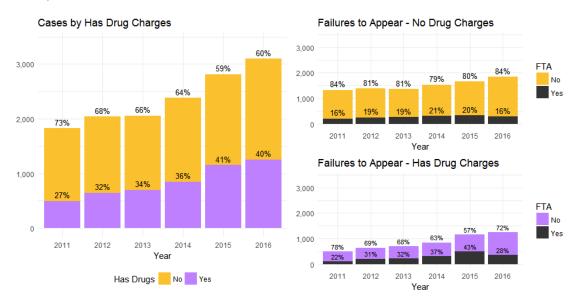
#### Felony Cases





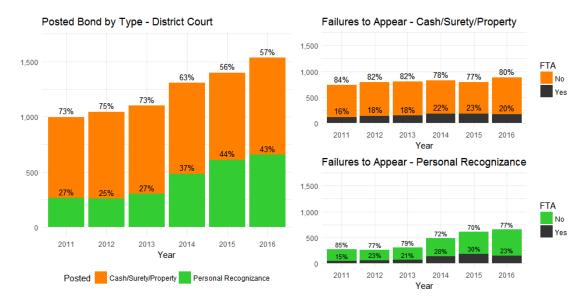
# **Bond Posted by Has Drugs**

# Felony Cases

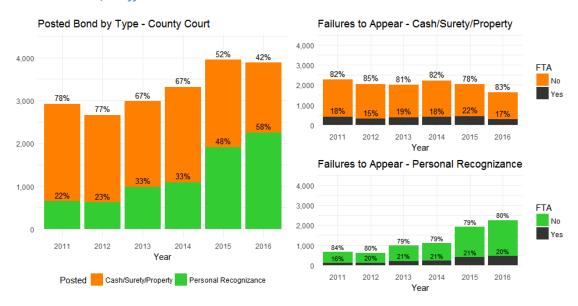


#### **Judicial District 19**

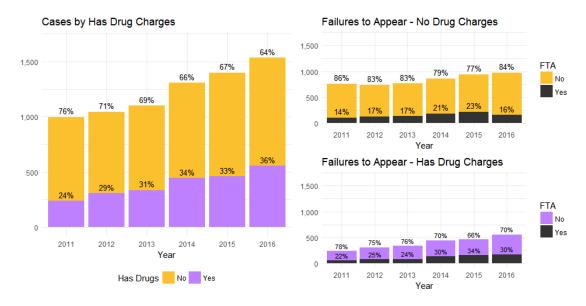
#### **Bond Posted by Type**



# Misdemeanor/Traffic Cases



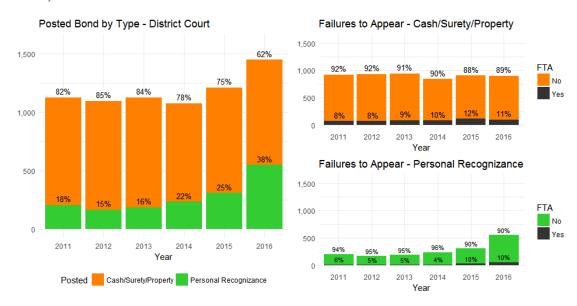
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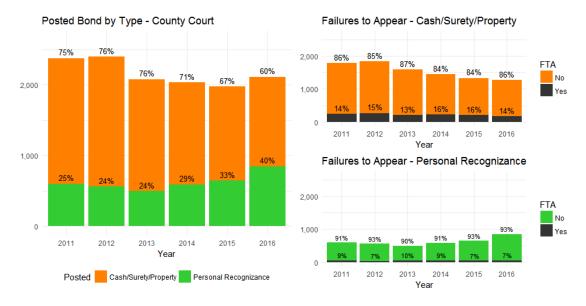


# **Judicial District 20**

#### **Bond Posted by Type**

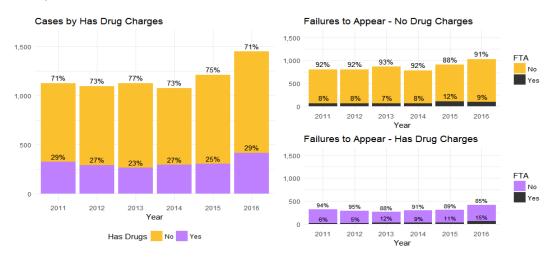
#### Felony Cases





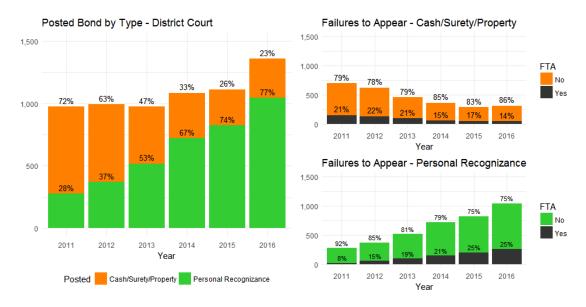
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# Felony Cases

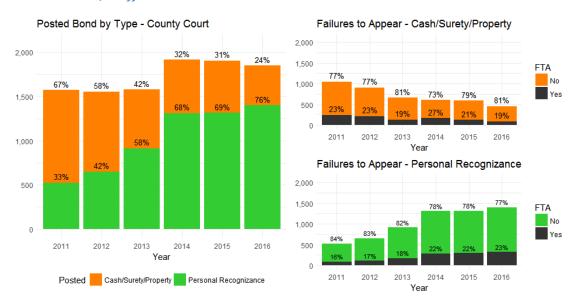


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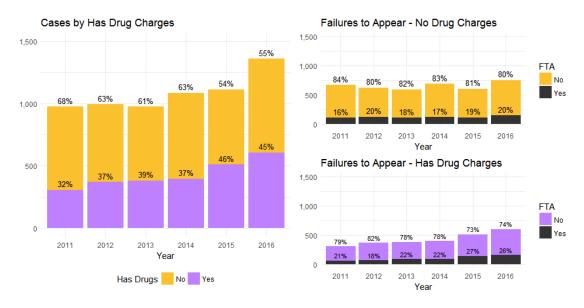
#### **Bond Posted by Type**



# Misdemeanor/Traffic Cases



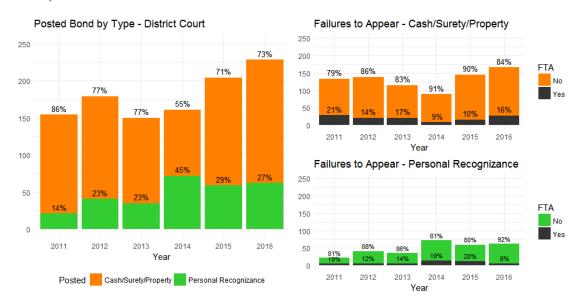
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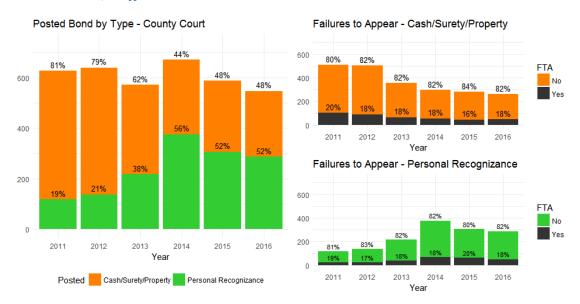


#### **Judicial District 22**

#### **Bond Posted by Type**

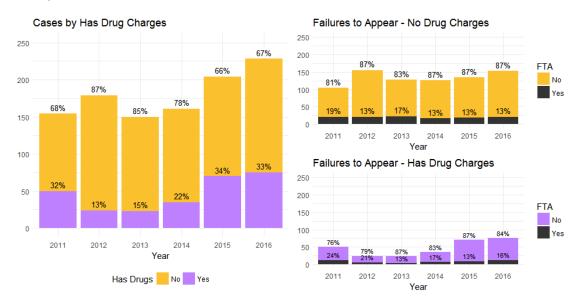
#### Felony Cases





### **Bond Posted by Has Drugs**

### Felony Cases

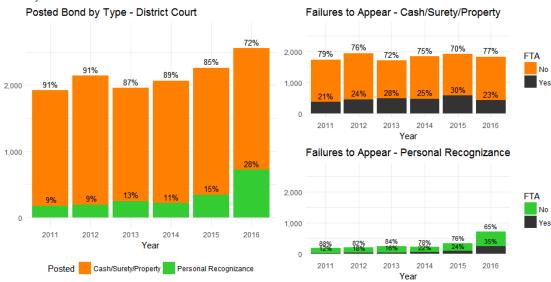


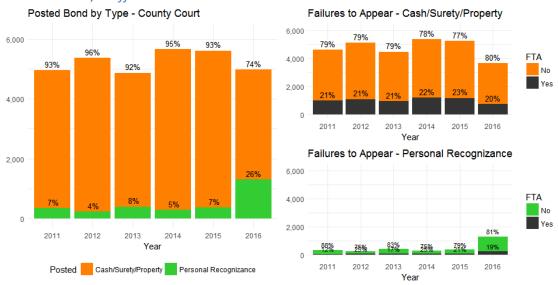
## **County Court Graphs**

### **Adams County**

#### **Bond Posted by Type**

#### Felony Cases

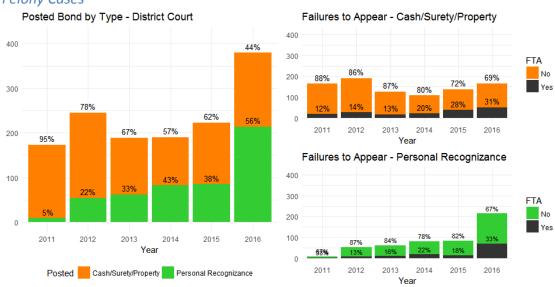


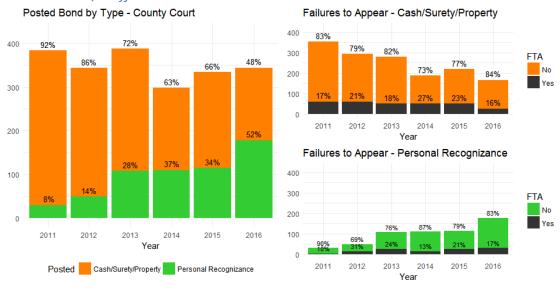


### **Alamosa County**

### **Bond Posted by Type**

### Felony Cases

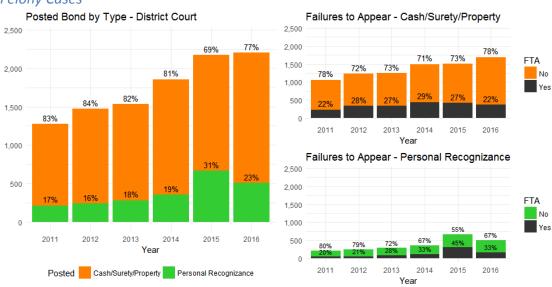


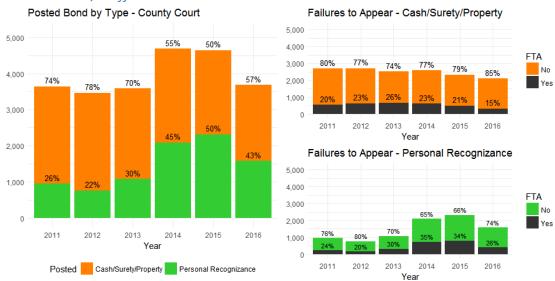


### **Arapahoe County**

### **Bond Posted by Type**

### Felony Cases

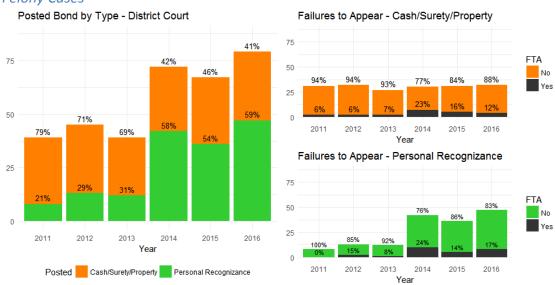


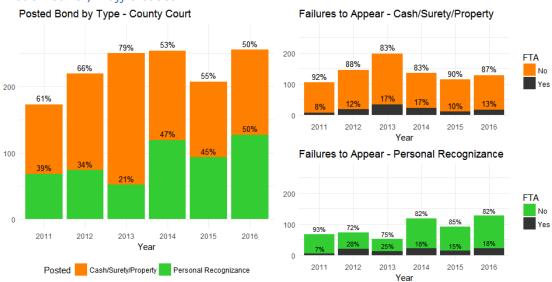


### **Archuleta County**

### **Bond Posted by Type**

#### Felony Cases

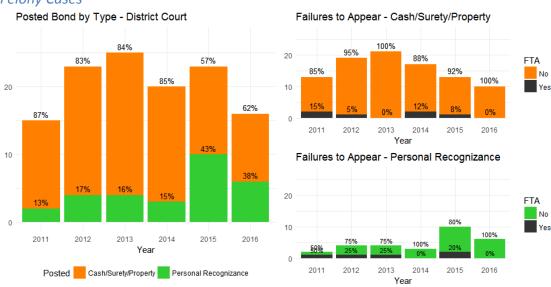


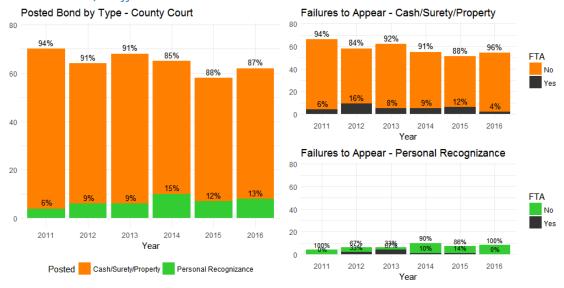


### **Baca County**

### **Bond Posted by Type**

#### Felony Cases

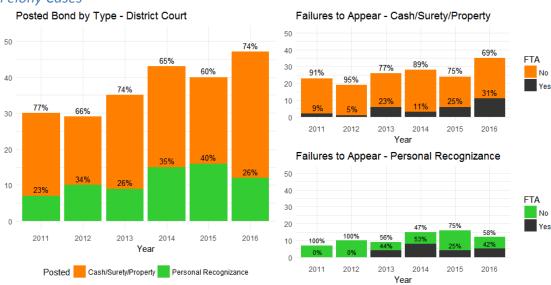


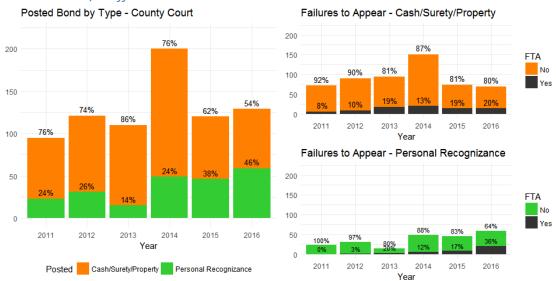


### **Bent County**

### **Bond Posted by Type**

#### Felony Cases

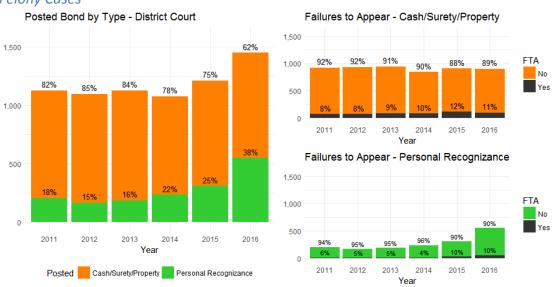


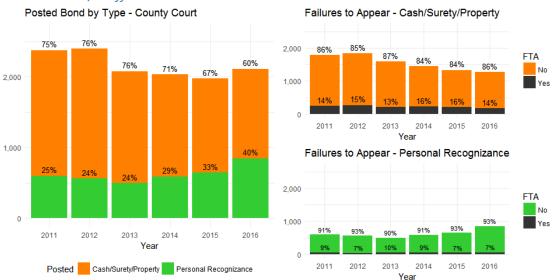


### **Boulder County**

### **Bond Posted by Type**

### Felony Cases

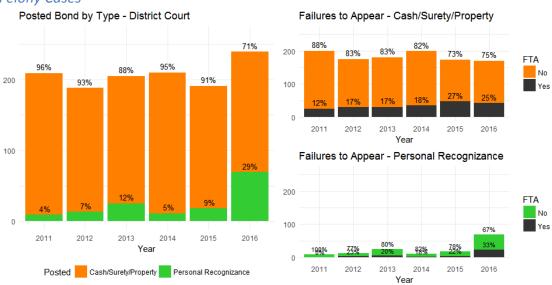


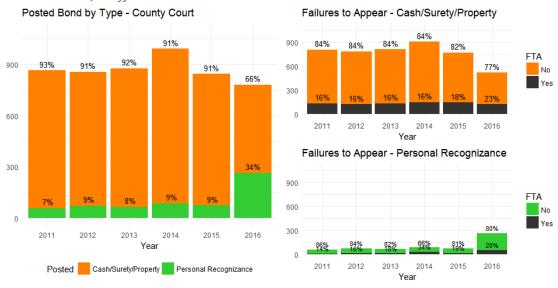


### **Broomfield County**

### **Bond Posted by Type**

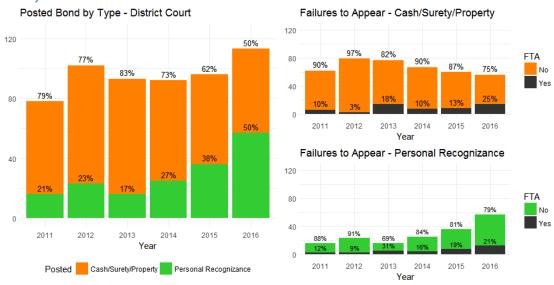
### Felony Cases

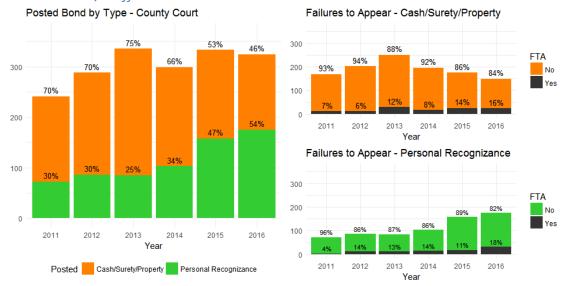




### **Bond Posted by Type**

### Felony Cases

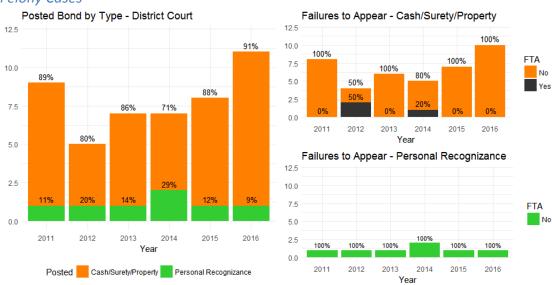


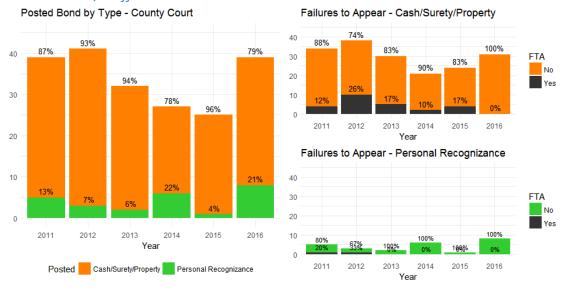


## **Cheyenne County**

### **Bond Posted by Type**

### Felony Cases

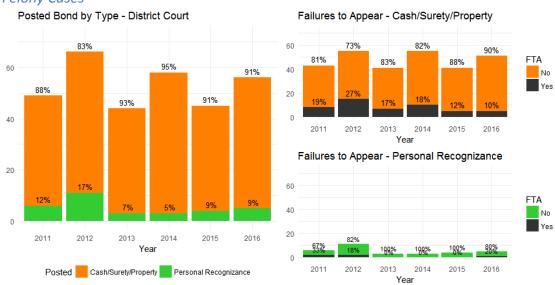


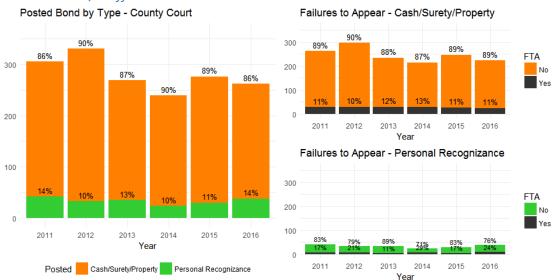


### **Clear Creek County**

### **Bond Posted by Type**

### Felony Cases

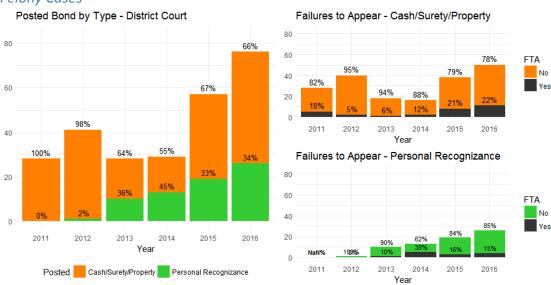


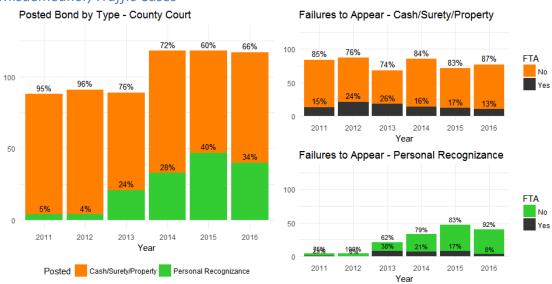


### **Conejos County**

### **Bond Posted by Type**

### Felony Cases

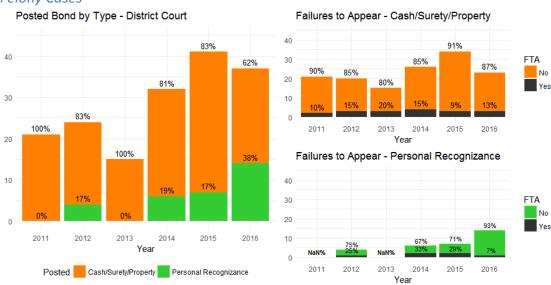


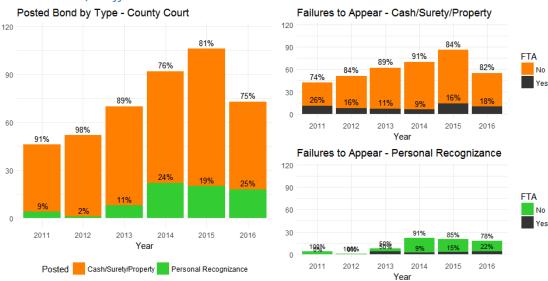


### **Costilla County**

### **Bond Posted by Type**

### Felony Cases

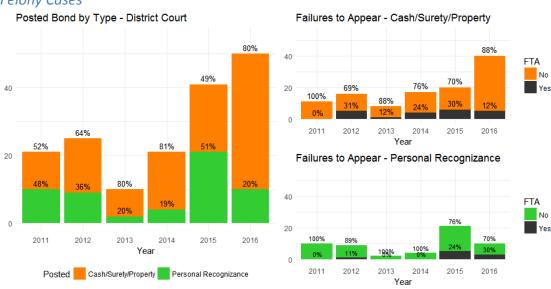


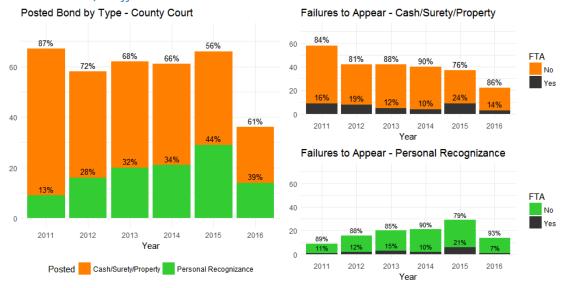


### **Crowley County**

### **Bond Posted by Type**

### Felony Cases

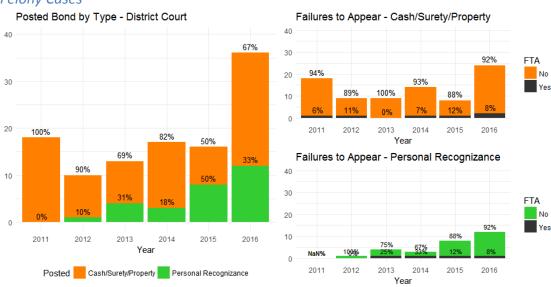


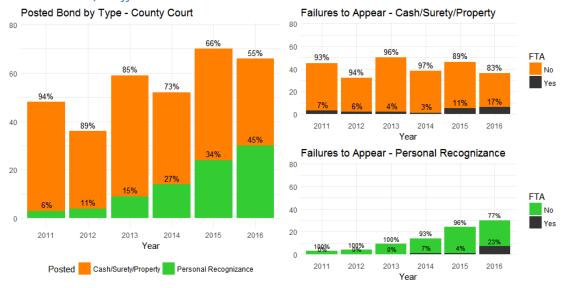


### **Custer County**

### **Bond Posted by Type**

### Felony Cases

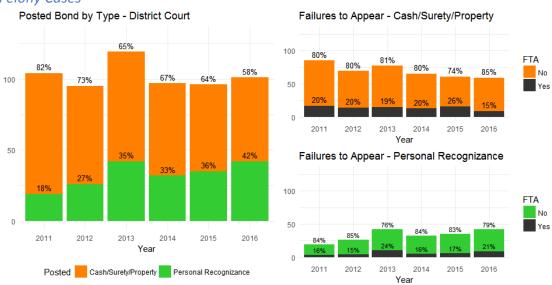


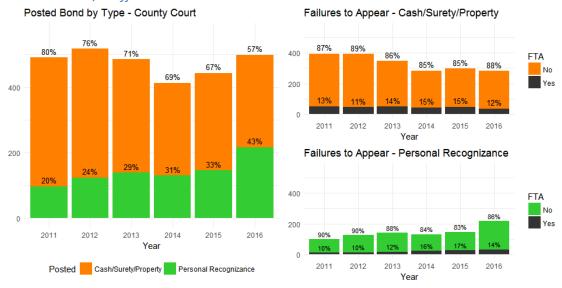


### **Delta County**

### **Bond Posted by Type**

#### Felony Cases

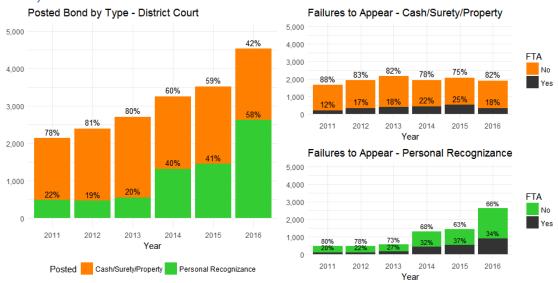




### **Denver County**

### **Bond Posted by Type**

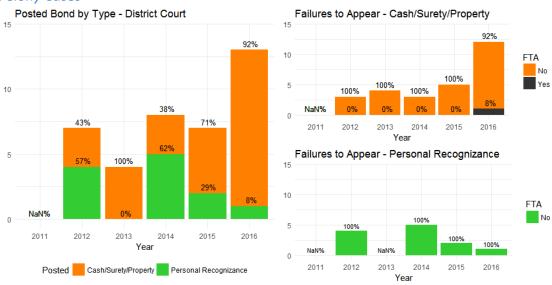
### Felony Cases

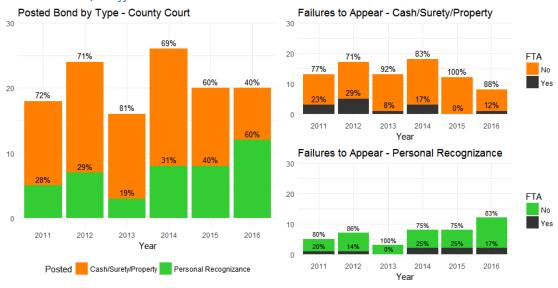


### **Dolores County**

### **Bond Posted by Type**

### Felony Cases

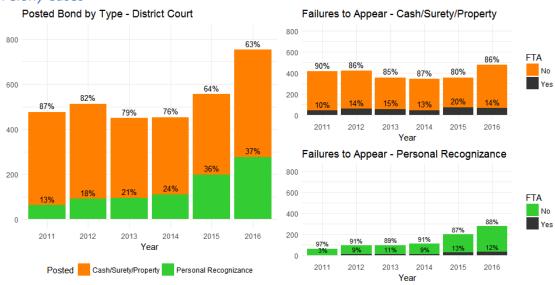


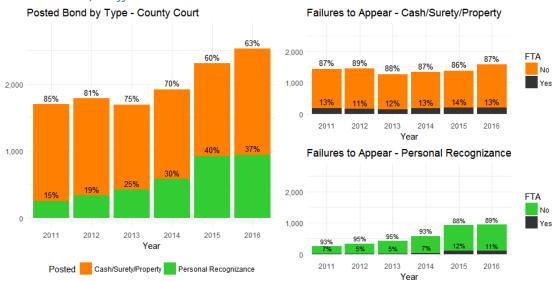


### **Douglas County**

### **Bond Posted by Type**

### Felony Cases

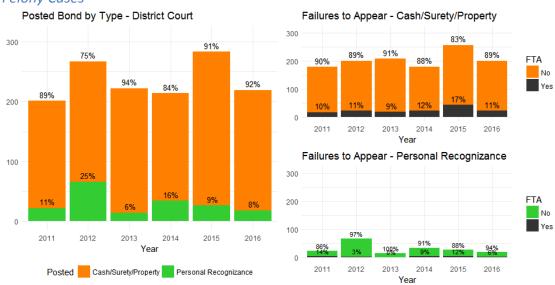


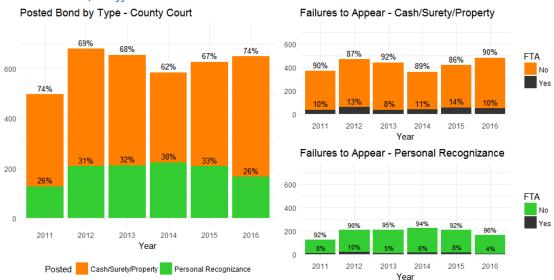


## **Eagle County**

### **Bond Posted by Type**

#### Felony Cases

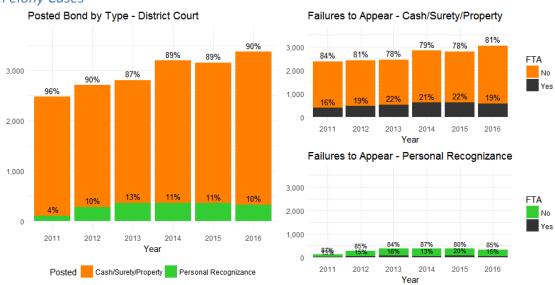


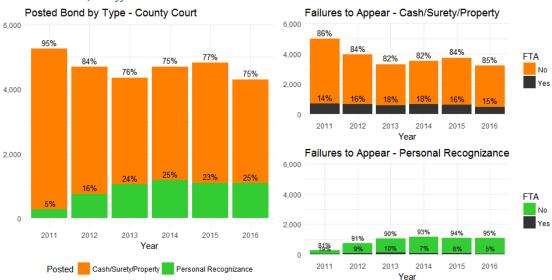


### **El Paso County**

### **Bond Posted by Type**

#### Felony Cases

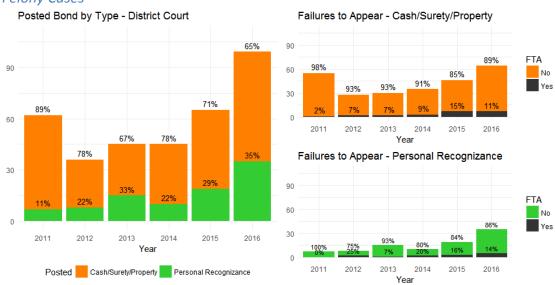


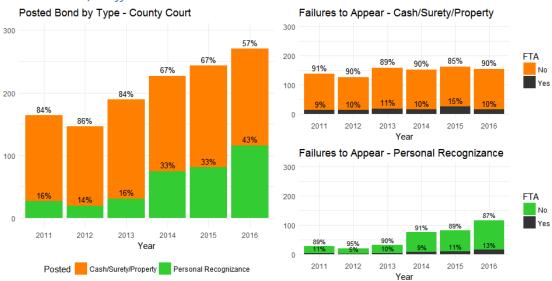


### **Elbert County**

### **Bond Posted by Type**

#### Felony Cases

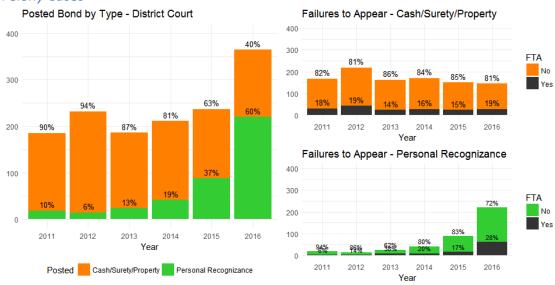


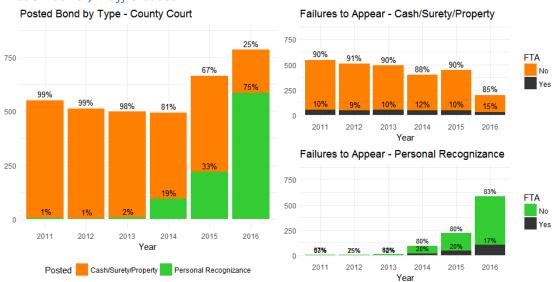


### **Fremont County**

### **Bond Posted by Type**

### Felony Cases

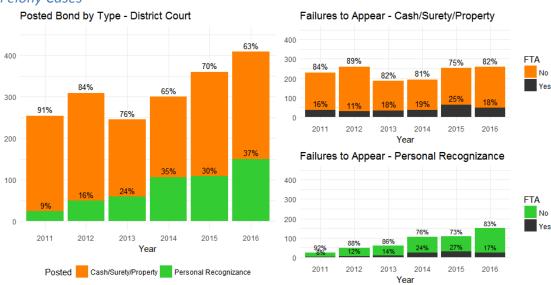


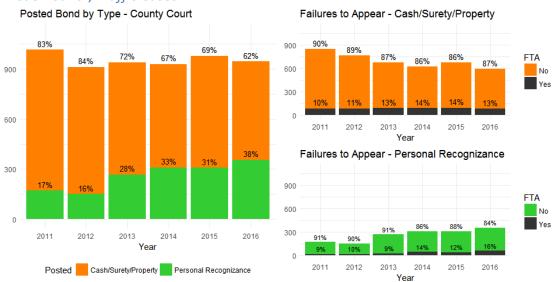


### **Garfield County**

### **Bond Posted by Type**

#### Felony Cases

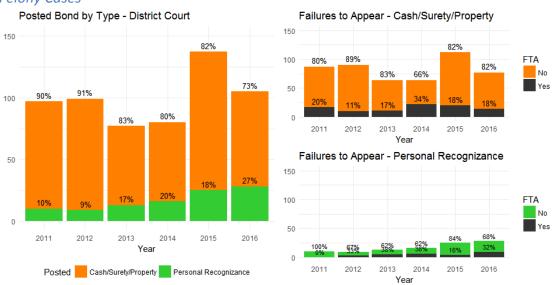


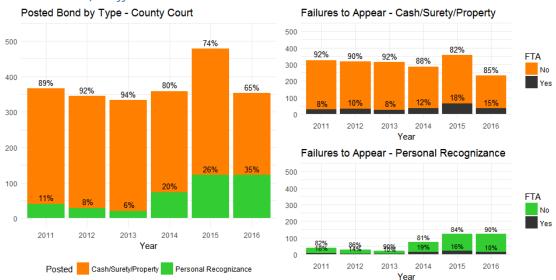


### **Gilpin County**

### **Bond Posted by Type**

### Felony Cases

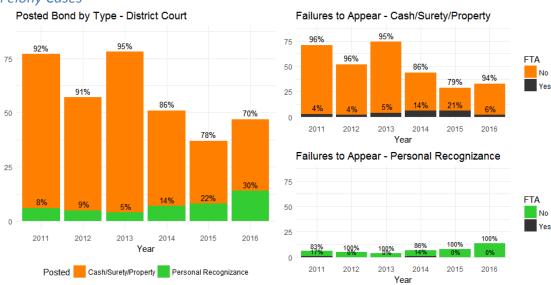


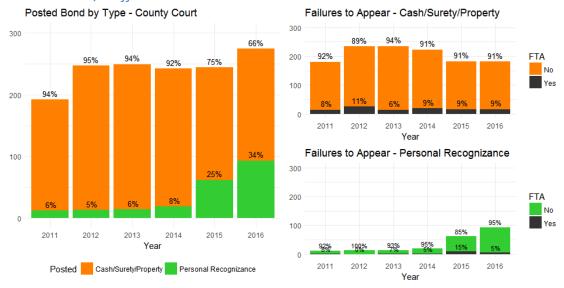


### **Grand County**

### **Bond Posted by Type**

#### Felony Cases

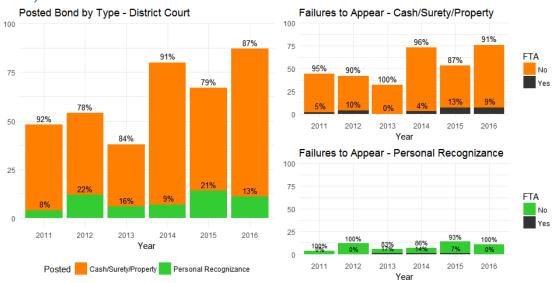


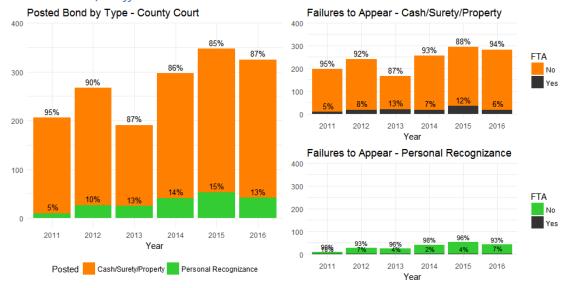


### **Gunnison County**

### **Bond Posted by Type**

#### Felony Cases

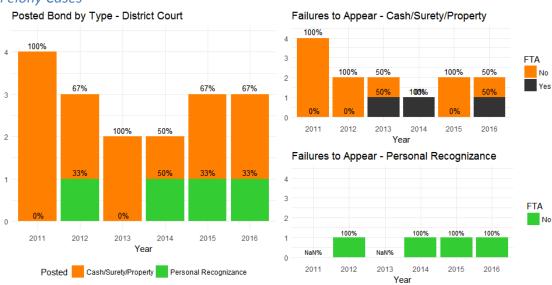


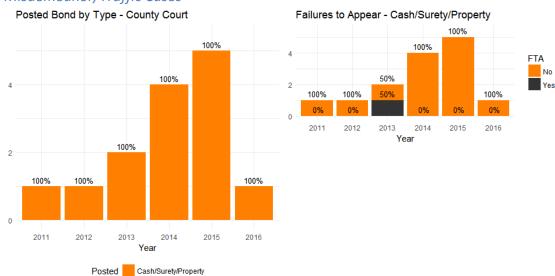


### **Hinsdale County**

### **Bond Posted by Type**

#### Felony Cases

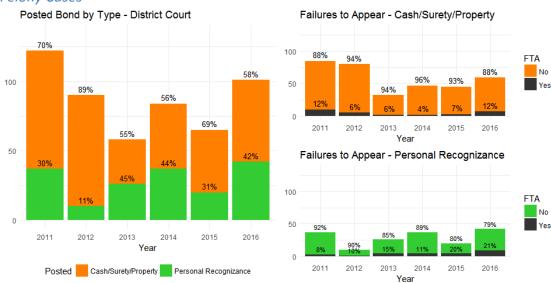


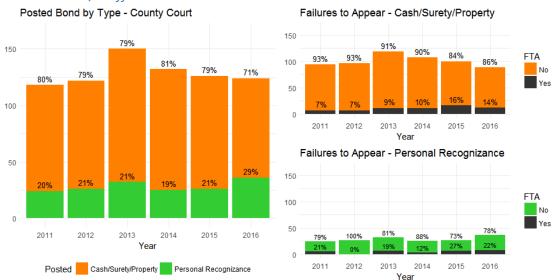


### **Huerfano County**

### **Bond Posted by Type**

#### Felony Cases

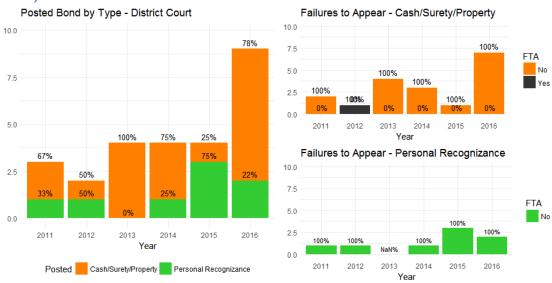


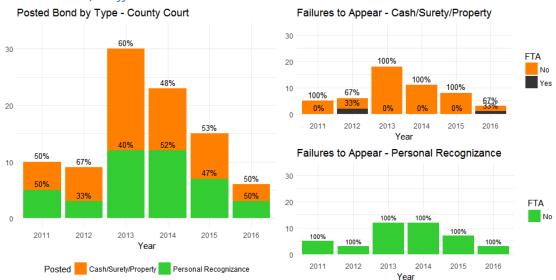


### **Jackson County**

### **Bond Posted by Type**

#### Felony Cases

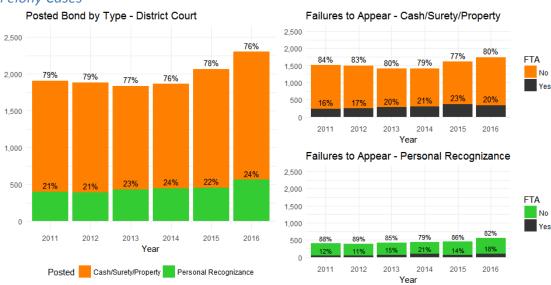


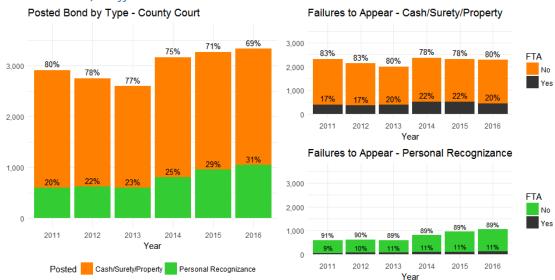


### **Jefferson County**

### **Bond Posted by Type**

### Felony Cases

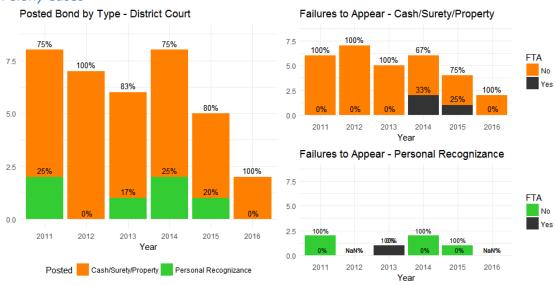


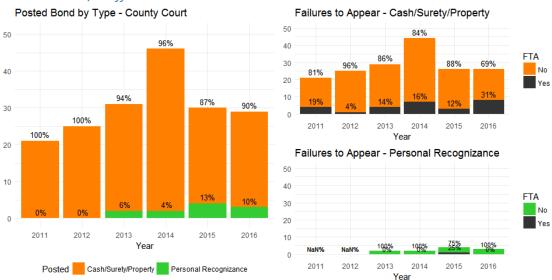


### **Kiowa County**

### **Bond Posted by Type**

#### Felony Cases

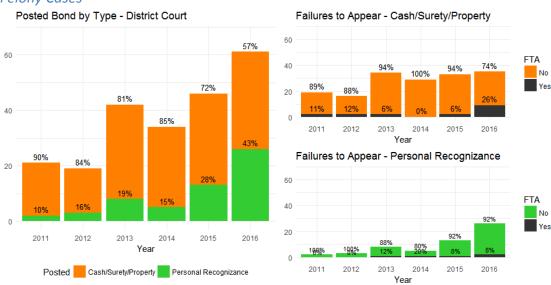


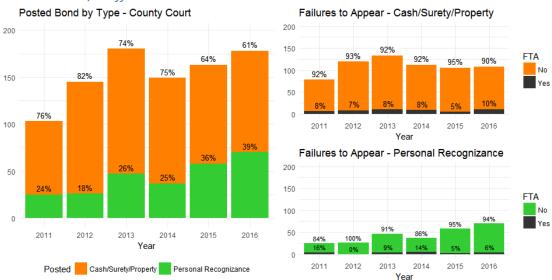


### **Kit Carson County**

### **Bond Posted by Type**

#### Felony Cases

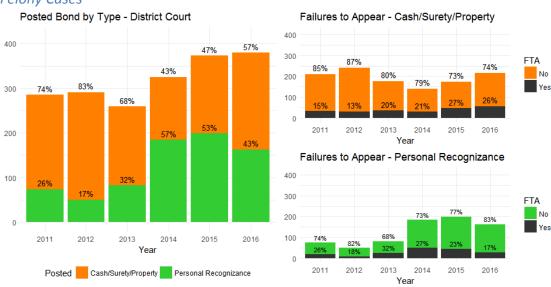


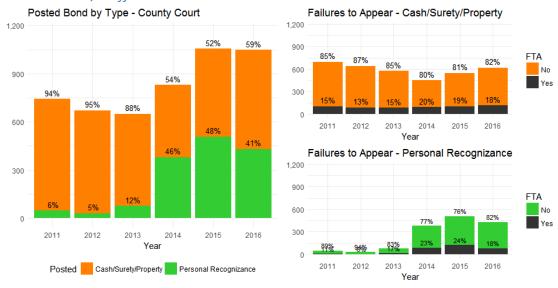


### **La Plata County**

### **Bond Posted by Type**

### Felony Cases

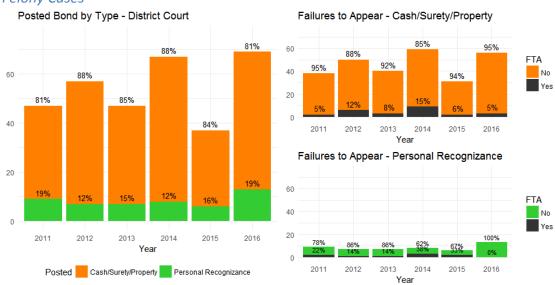


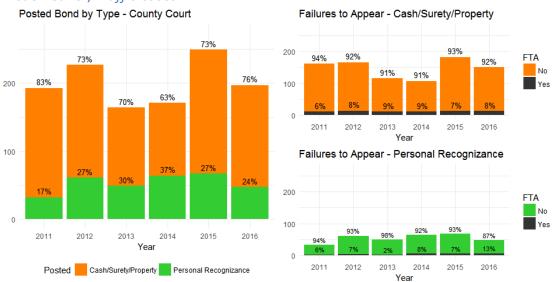


### **Lake County**

### **Bond Posted by Type**

#### Felony Cases

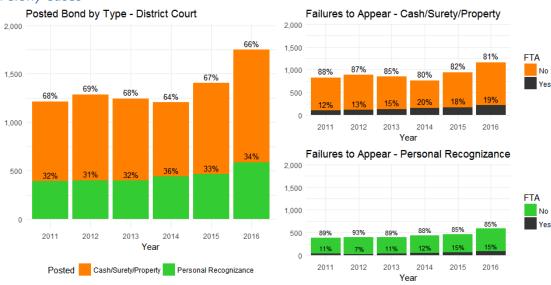


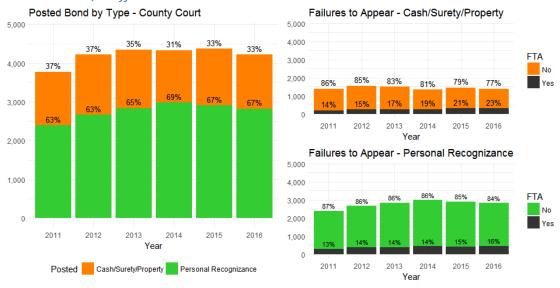


### **Larimer County**

### **Bond Posted by Type**

#### Felony Cases

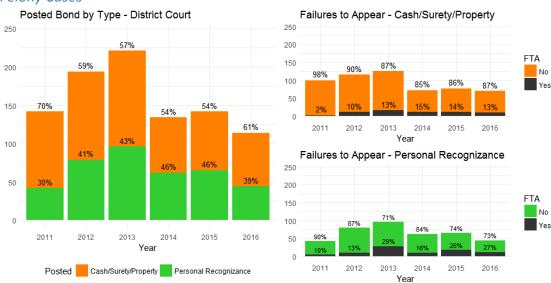


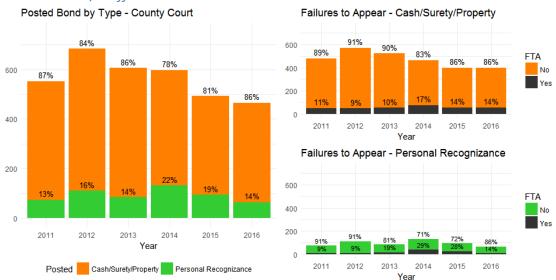


### **Las Animas County**

#### **Bond Posted by Type**

#### Felony Cases

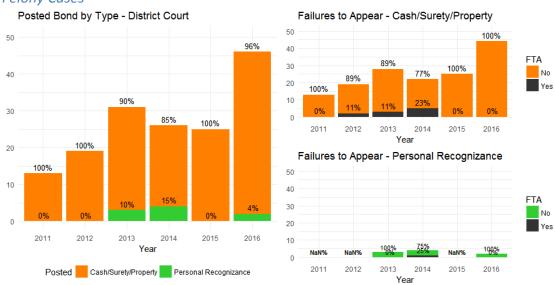


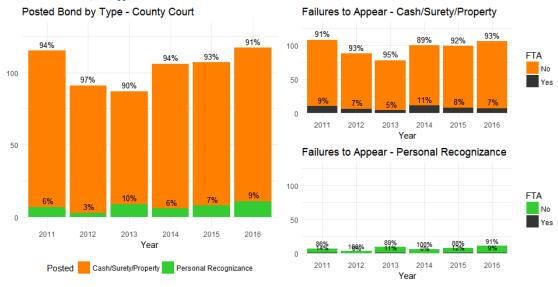


### **Lincoln County**

#### **Bond Posted by Type**

#### Felony Cases

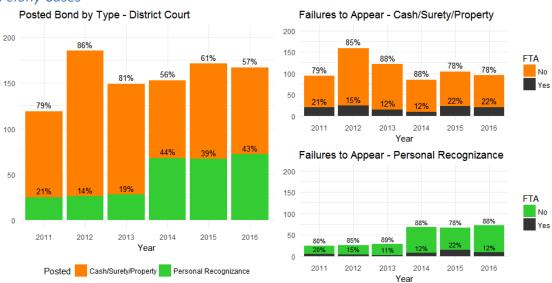


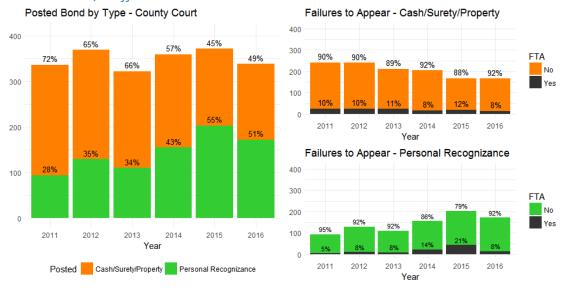


### **Logan County**

#### **Bond Posted by Type**

#### Felony Cases

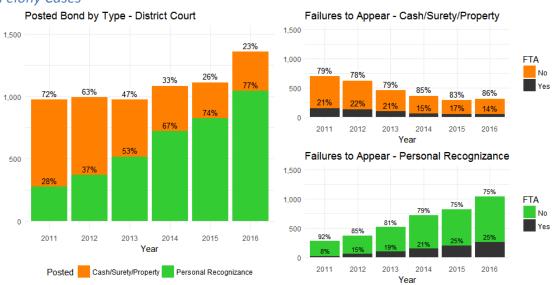


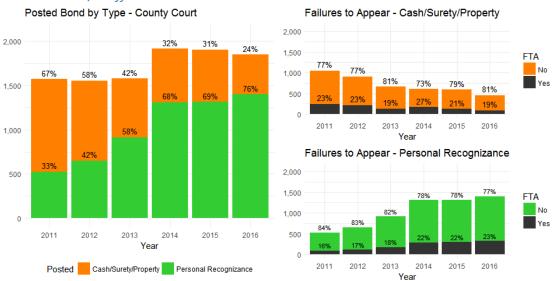


## **Mesa County**

### **Bond Posted by Type**

#### Felony Cases

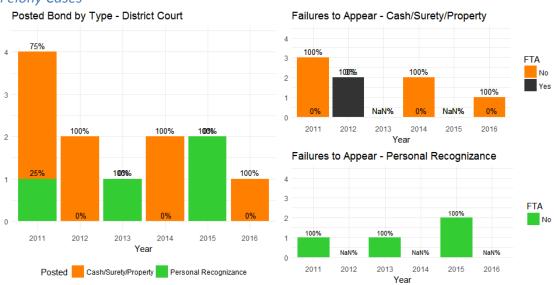


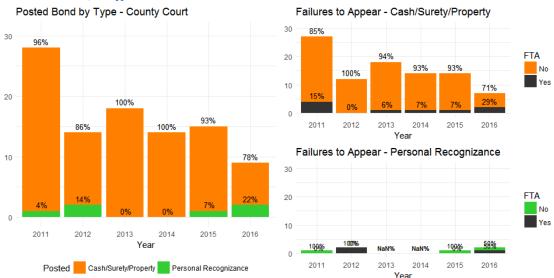


### **Mineral County**

#### **Bond Posted by Type**

### Felony Cases

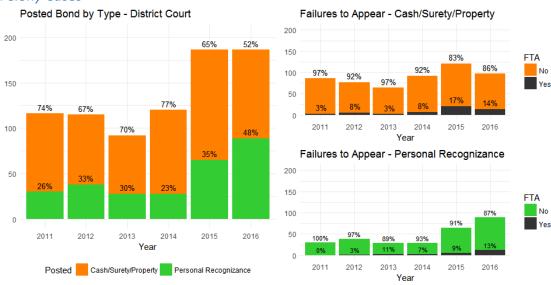


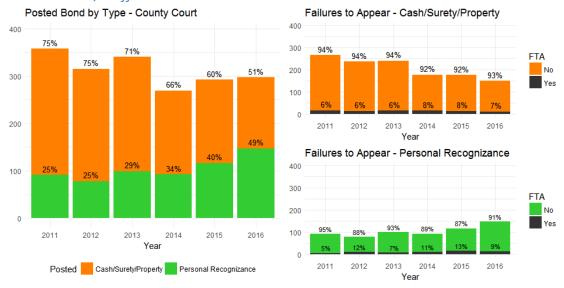


## **Moffat County**

#### **Bond Posted by Type**

#### Felony Cases

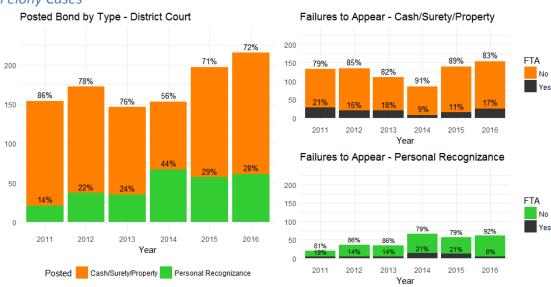


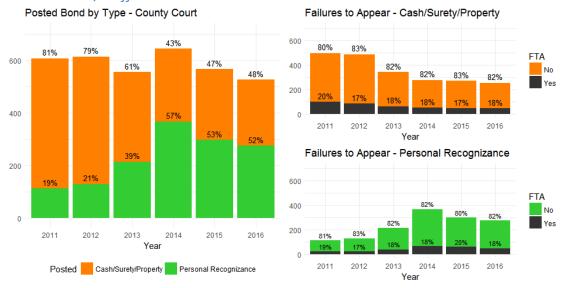


### **Montezuma County**

#### **Bond Posted by Type**

#### Felony Cases

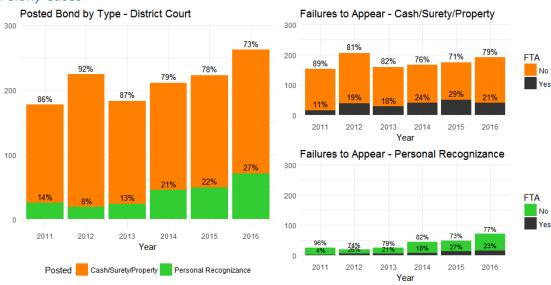


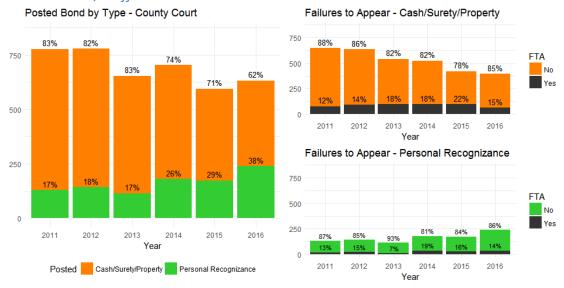


### **Montrose County**

### **Bond Posted by Type**

#### Felony Cases

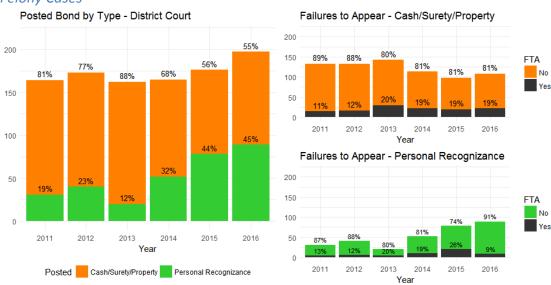


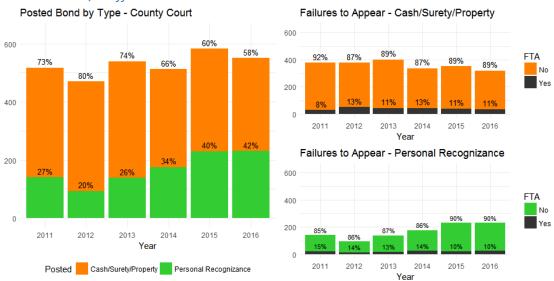


### **Morgan County**

#### **Bond Posted by Type**

#### Felony Cases

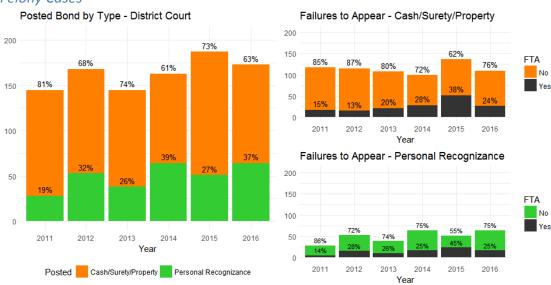


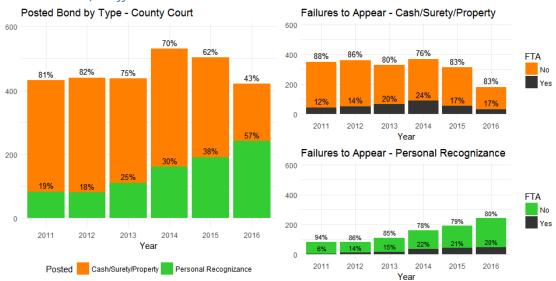


### **Otero County**

#### **Bond Posted by Type**

#### Felony Cases

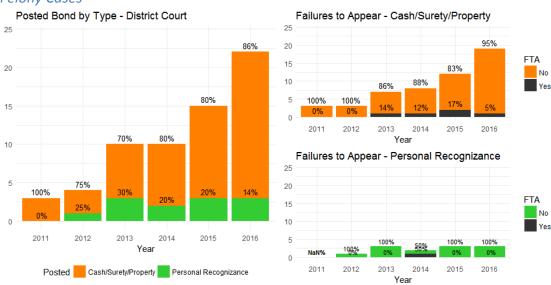


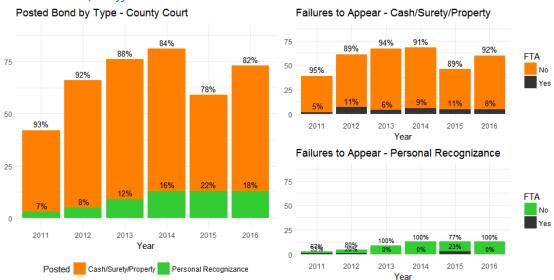


### **Ouray County**

### **Bond Posted by Type**

#### Felony Cases

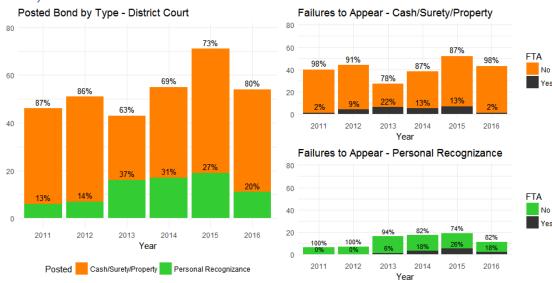


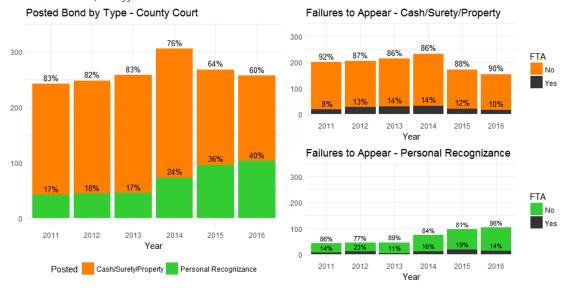


### **Park County**

#### **Bond Posted by Type**

#### Felony Cases

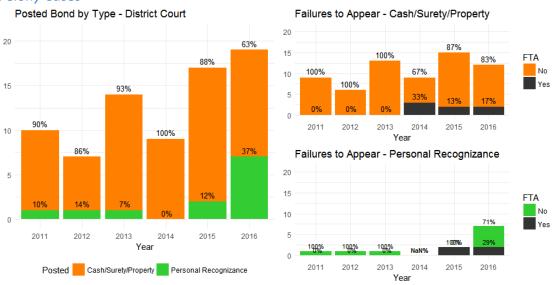


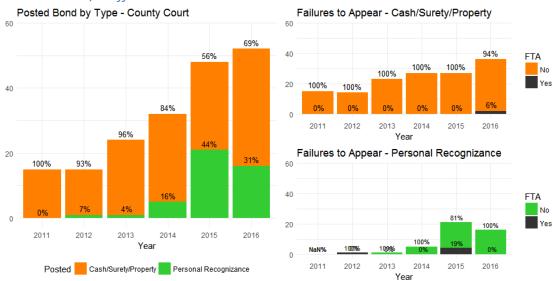


## **Phillips County**

#### **Bond Posted by Type**

#### Felony Cases

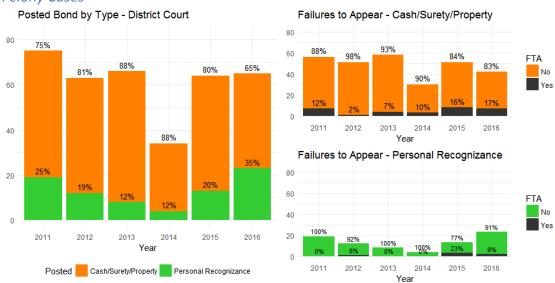


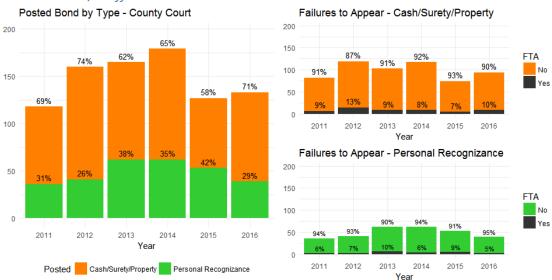


## **Pitkin County**

### **Bond Posted by Type**

#### Felony Cases

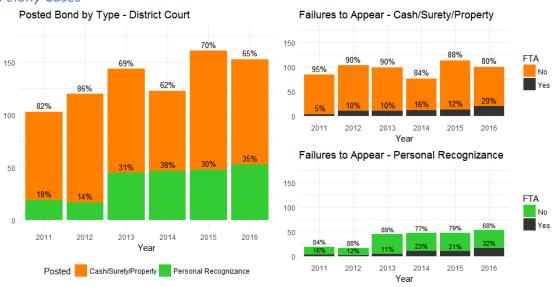


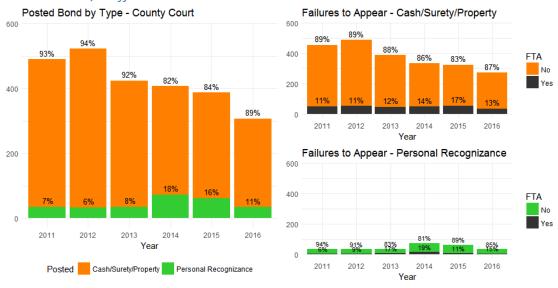


### **Prowers County**

#### **Bond Posted by Type**

#### Felony Cases

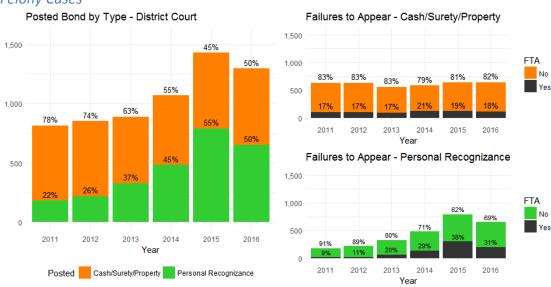


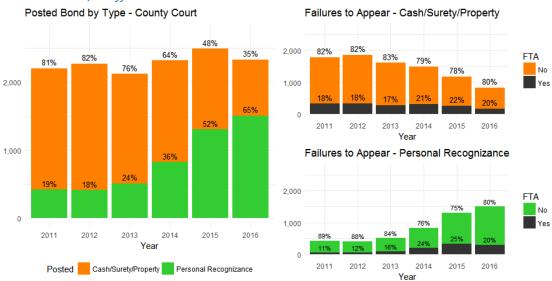


## **Pueblo County**

#### **Bond Posted by Type**

#### Felony Cases

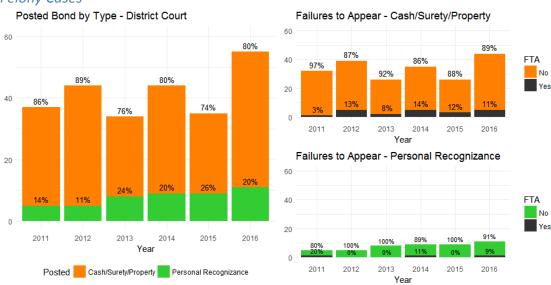


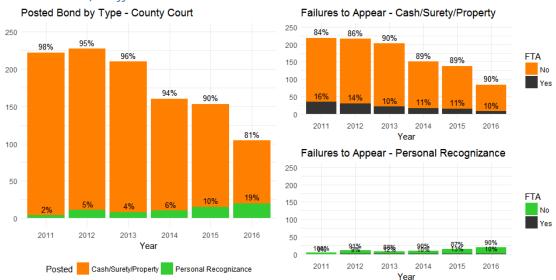


## **Rio Blanco County**

#### **Bond Posted by Type**

#### Felony Cases

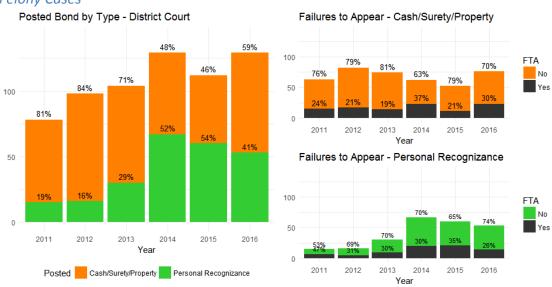


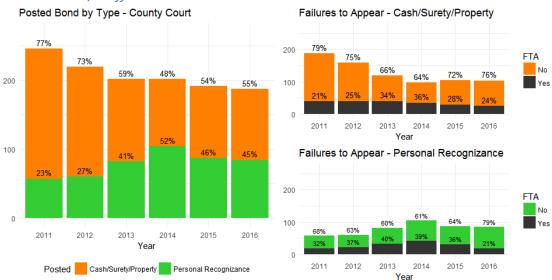


### **Rio Grande County**

#### **Bond Posted by Type**

#### Felony Cases

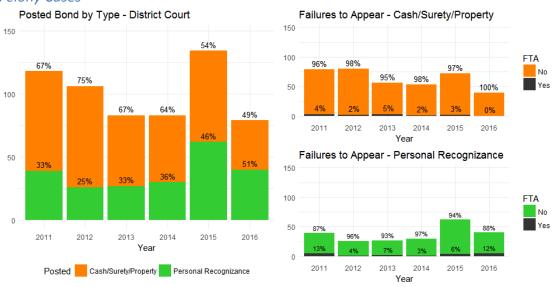


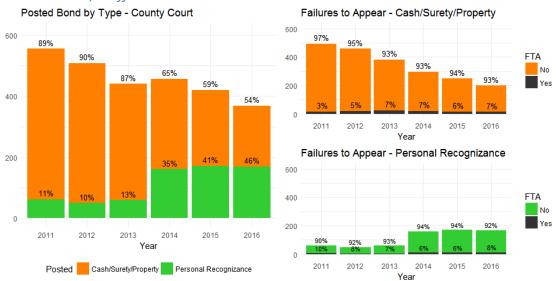


### **Routt County**

#### **Bond Posted by Type**

#### Felony Cases

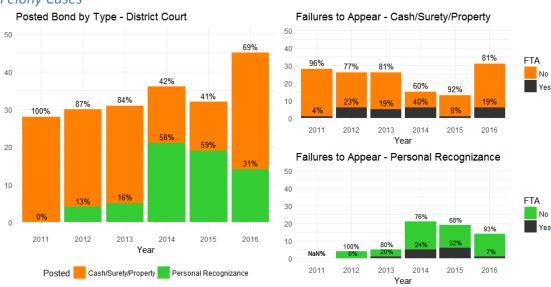


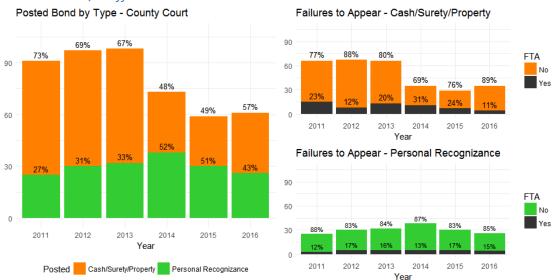


## **Saguache County**

#### **Bond Posted by Type**

#### Felony Cases

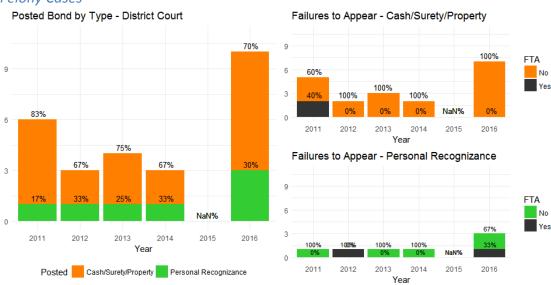


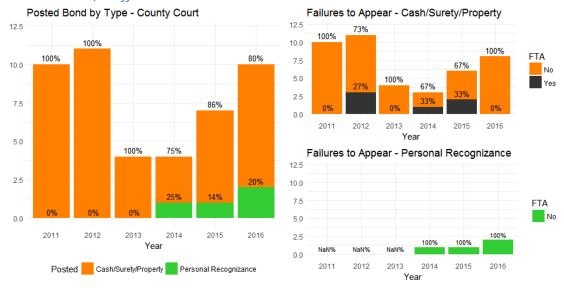


### **San Juan County**

#### **Bond Posted by Type**

#### Felony Cases

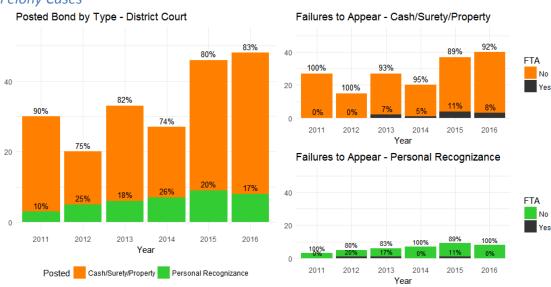


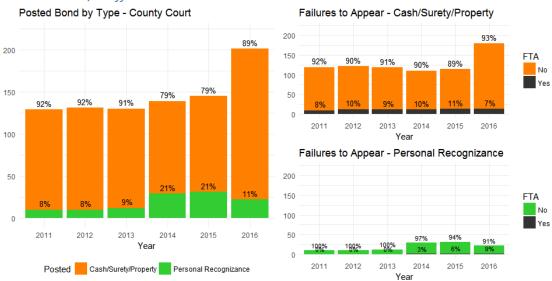


## **San Miguel County**

#### **Bond Posted by Type**

#### Felony Cases

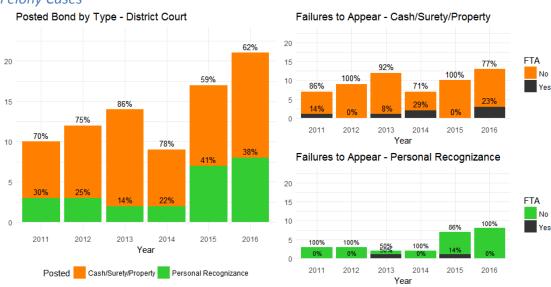


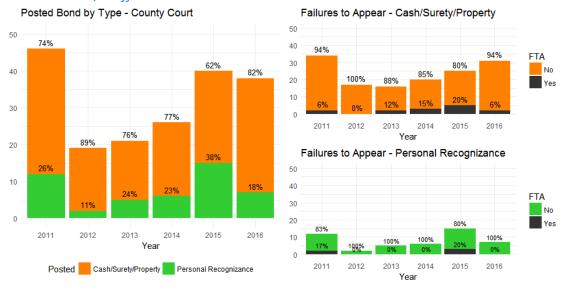


## **Sedgwick County**

#### **Bond Posted by Type**

#### Felony Cases

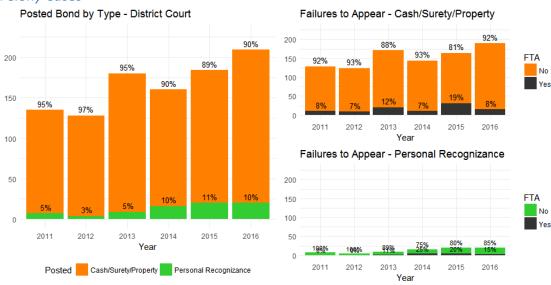


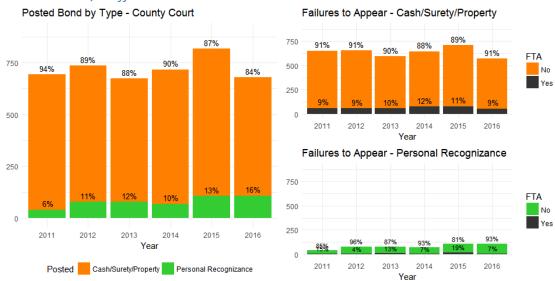


### **Summit County**

#### **Bond Posted by Type**

#### Felony Cases

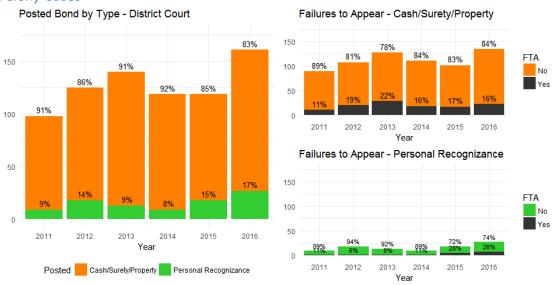


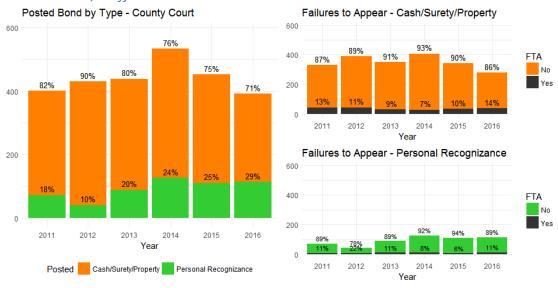


## **Teller County**

### **Bond Posted by Type**

#### Felony Cases

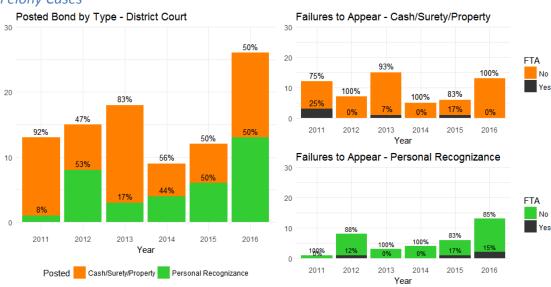


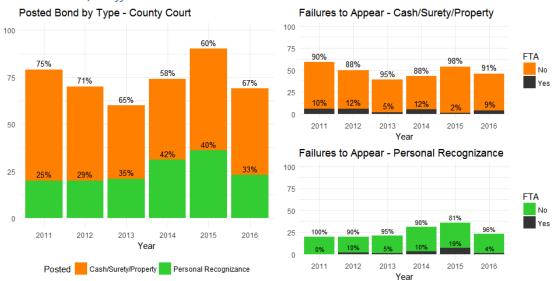


## **Washington County**

#### **Bond Posted by Type**

#### Felony Cases

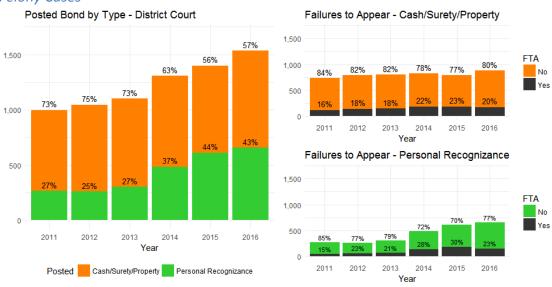


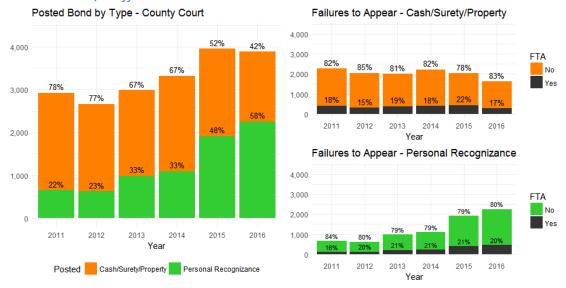


### **Weld County**

### **Bond Posted by Type**

#### Felony Cases





### **Yuma County**

#### **Bond Posted by Type**

#### Felony Cases

